



# Guatemala Human Rights Commission/ USA

## Fact Sheet: Land Rights in Guatemala

*Land rights in Guatemala are defined by a long history of injustice, oppression, and stalled attempts at reform. Conflicts between national and international companies and rural, indigenous Guatemalans have been a central issue facing indigenous Guatemalans, and continue to present themselves as a basic human rights issue in the country today.*

**Indigenous land rights are protected through various international conventions which Guatemala has signed and ratified as well as Guatemalan law. Nonetheless, conflict and violence over land rights continue throughout the country as these rights are routinely violated by the government in private companies**

### Legal basis

#### Universal Declaration of Human Rights:

Article 17.

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

#### Guatemalan Constitution:

Article 67.

- The lands of...indigenous communities...enjoy special protection of the state...to guarantee their possession and development, so as to assure all of the inhabitants a better quality of life.

#### International Labor Organization Convention 169 *Indigenous and Tribal People's Convention:*

Article 6.

- The Government shall: (b) Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;
- (c) Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and
- (d) Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment. Restitution of communal lands and compensation for rights.

Article 7.

- The government shall: (a) Suspend the awarding of supplementary titles in respect of property to which the indigenous communities have claimed a right



### Land Rights throughout History

The current land conflicts in Guatemala are closely tied to issues of racism and oppression dating back to the time of the Spanish conquest in the 1500s. During the Spanish conquest and after Guatemala independence, indigenous peoples were forced off the best agricultural lands and either left landless or with small holdings in poorer soils.

By the time that Jacobo Arbenz Guzman was elected President of Guatemala in 1951, two percent of the population of the country owned 70 percent of the land. Guatemala embarked at that time on a project of land reform. US based companies were the major landowners that contributed to these massive inequalities, leading the US to support the overthrow of President Arbenz Guzman in 1954.

The nearly 40 years of civil war that followed were in large part characterized by genocide against the Maya people. Indigenous lands were distributed among national and international companies, and Maya communities were left with few resources, and little access to their native and historical lands.

In the last few decades, minerals such as gold, silver and nickel have been discovered in the mountains where indigenous people were forced to settle, leading once again to massive eviction accompanied by violence and other human rights abuses. Hydroelectric dams and monoculture agriculture have also caused massive displacement.

### Chabil Utzaj: Polochic Valley



In March of 2011, over 700 Maya Q'eqchi' villagers from 14 different communities were forcibly evicted from their land in the Polochic Valley by Chabil Utzaj a sugar cane producing and processing company. Private security forces, along with the Guatemalan Civil Police, the Army, and Anti-Riot squads were involved in the eviction.

Additionally, the company hired peasants from other local communities to aid in the attacks, and the forces burned the fields and homes of the villagers. As a result of these forced evictions from their land, the affected families have been both without land and food and have been living on the side of the road for more than three months.

The Inter American Commission on Human Rights granted preventive measures to safeguard the communities, and in 2012, thousands of people marched all the way to Guatemala City to demand that the government comply with the decision. In response, the Guatemalan government promised to purchase land for the displaced families, but as of yet they have not done so.

### El Tambor mine: San José del Golfo



Residents of San José del Golfo and San Pedro Ayampuc, which lie about an hour north of Guatemala City, have been steadfast in their rejection of a gold mine in their region since March of 2012. They are concerned about the mine's health, social, and environmental impacts which would last for generations to come.

The mining project, currently owned by a subsidiary of US Engineering firm Kappes, Cassidy & Associates, has received a dozen mining licenses for exploration and extraction covering an area of 20 square kilometers.

Men, women and children, in shifts, have spent 24 hours a day, 7 days a week, for over a year, blocking the entrance to the proposed mine. The Communities in Resistance maintain that the government has not complied with legal obligations to consult with communities about projects that would affect them. Residents weren't given the opportunity to read and submit comments on the mining company's environmental impact assessment. A series of attacks against community leaders – some with deadly intent – have not been fully investigated.

### Cementos Progreso: San Juan Sacatepéquez



12 Kaqchikel communities in the municipality of San Juan Sacatepéquez have been resisting the installation of a cement factory and quarry since 2006. Cementos Progreso, a subsidiary of the Guatemalan Company Productos Mineros S.A., has an 80% share in the project, which the communities fear would contaminate the environment and threaten their livelihoods with pollution.

Community referendums were held in May of 2007 in which an overwhelming majority of the local population voted against the project. Since 2006, the communities have faced violence at the hands of company employees and the police, as well as criminalization as several community leaders have been charged with terrorism for their opposition.

Tensions escalated recently in San Antonio Las Trojes 1, one of the 12 communities in resistance, as the company tried to install a well without the community's permission. An army base is also scheduled to open in the region, raising fears of further repression by the military.

### Hidro Santa Cruz: Santa Cruz Barillas Huehuetenango



In 2011, Spanish company Hidralia Energia and its Guatemalan Subsidiary Hidro Santa Cruz were granted a construction license for a dam that would adversely affect the communities around Santa Cruz Barillas. The decision was made disregarding a community consult in 2010 where more than 85% of the population rejected any project that would harm the environment and their lifestyle.

On May 1, 2012, three community leaders were attacked by armed gunmen. Andrés Francisco Miguel was killed on the spot. The other two victims, despite severe wounds, were able to escape. They quickly spread the word about the shooting, identifying their assailants as employees of Hidro Santa Cruz.

On May 3 a state of siege was declared by President Otto Pérez Molina, suspending constitutional guarantees and the army moved into the area, ransacking homes and arresting leaders. Several people were held in prison for up to 8 months before being released due to a lack of evidence against them.