

On the Record

Your Electronic Link to Civil Society in Guatemala

RIO NEGRO'S FIGHT FOR REPARATIONS

THE MASSACRE THAT WON'T GO AWAY

Early in 1982, the community of Rio Negro, in the highlands of Guatemala, lost over half its population in a series of massacres. This report looks at the inspiring efforts of those who survived—to rebuild, to recover, and to claim justice.

In 1993, the survivors formed a community organization to investigate the murders and bring the killers to justice. Since then, with support from friends and nongovernmental organizations abroad, they have made remarkable progress. Graves have been uncovered. Killers have been brought to trial.

But the survivors still suffer from extreme poverty. They blame this on the loss of their traditional lands to a large dam that was built on the river Chixoy near the original community in 1983. They have never received adequate compensation for the losses.

Thus, community leaders from Rio Negro call on the World Bank, which partially funded the dam's construction, to accept its share of responsibility for the losses suffered by the community and to provide reparations.

The report is abridged from a series of the online newsletter 'On the Record' that was distributed in April of this year and is available free of charge online to subscribers. To subscribe, send the text "subscribe Guatemala" to the following address: info@advocacynet.org, along with your email address.

The Advocacy Project was established in 1998 to assist community activists to get their message out and take advantage of information technology. 'On the Record' is the Project's principal product. Among other recent series produced are: civil society in Kosovo; the return home of Bosnian refugees; Cambodians speak out on justice for the Khmer Rouge; and trafficking from Nigeria. Email info@advocacynet.org

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THE MASSACRES

The village of Rio Negro was located on the bank of the Chixoy River (also known as the Rio Negro, or Black River), in the Department of Baja Verapaz. The land was a source of livelihood for the villagers, as well as a link to their Mayan past and culture. The Rio Negro community owned 1,440 hectares of land, roughly half of which was privately owned. The whole community used the rest for pasture and firewood.

Five massacres occurred in the community of Rio Negro between 1980 and 1982. In all, 444 of the community's 791 inhabitants were killed. All were indigenous people from the Maya-Achi, one of the 22 Mayan linguistic groups in Guatemala.

By the time of the Rio Negro massacres, the heartland of Guatemala was one of the great killing fields of the Cold War. The violence in Guatemala began in 1960, six years after

the U.S. Central Intelligence Agency (CIA) led a coup that overthrew the reformist government of Jacobo Arbenz.

The Guatemalan government was routinely condemned for gross abuses at the U.N. Human Rights Commission in Geneva. U.N. reports painted a particularly bleak picture of cruelty against the indigenous people, who lived in the central highlands.

THE DAM

In the mid-1970s, Guatemala was in the throes of a severe energy crisis. Over half of the country's export earnings were going to import oil to generate electricity. Blackouts were frequent. In February 1975 the state-owned National Institute of Electrification (INDE) unveiled a plan to dam the Rio Negro and flood 31 miles of the river valley.

Initial funding for the dam came from the Inter-American Development Bank (\$105 million) and Italian aid. The Italian company Cogefar was to be prominent in construction.

The first roads for the Chixoy project were built in 1976, but that same year a massive earthquake delayed the plan and forced a revision when the dam site was found to be straddling a seismic fault. Even so, INDE secured a large loan from the World Bank (\$72 million) in 1978.

Preparations for the dam were then well under way. INDE measured out the land that was to be flooded and decided to award between 2 and 3 hectares of land each to 150 families from Rio Negro.

The precise nature of this compensation plan remains controversial. From the community's perspective, it was developed without consulting those affected. INDE

officials descended on Rio Negro by helicopter, and told the villagers that their land was to be flooded. They would have to leave.

The arrival of the INDE helicopter looms large in the folklore of Rio Negro. Rio Negro survivor and human rights activist Carlos Chen Osorio remembers how some angry villagers wanted to burn it, but calmer heads prevailed. The villagers appointed a committee, which negotiated with the INDE team and came up with a provisional agreement on a site for the resettled families. This was known as Pacux, next to the town of Rabinal. According to the survivors, INDE also agreed in writing to provide a package of eight components, including land and cement-block houses. Building began in Pacux.

THE VIOLENCE

On March 4, 1980, the simmering feud erupted into open violence. Two young men from the community were accused of stealing beans from the Cogefar canteen and arrested by two soldiers who were employed by the project as security guards and a policeman. The two men were bound and taken to the village center. On the way, the trio arrested another villager and tied him up with his lasso.

Their arrival interrupted a heated community discussion in the village church about the dam and eviction. Angry words were exchanged and stones thrown. The three security men opened fire and killed seven villagers. In the melee that followed the security men fled the village and tried to escape. One was hit by a machete and drowned trying to swim cross the river.

Four months later, on July 10, the Rio Negro community suffered another major blow

when it lost its written record of the agreement with INDE and all the titles to its land to another act of violence. In response to a request by INDE, two community leaders took the documentation to the dam site. Their tortured bodies were discovered several days later. The community of Rio Negro had lost all proof of its compensation agreement with INDE and its ownership of the houses. The authorities have never investigated this critically important incident.

THE CIVIL PATROLS

In 1981 the noose further tightened around the community of Rio Negro when a new strategy to combat “subversion” was introduced by the Guatemalan government. Part of this strategy involved wiping out existing villages as part of the army's scorched earth policy and replacing them with “poles of development,” which contained groupings of “model villages.” These model villages were more centrally located and under the strict control and observation of the military. The “resettlement” community of Pacux was one such model village.

The second element of the new strategy was the creation of armed units in the communities. These were known as Civil Defense Patrols (PACs). One PAC was created near Rio Negro in Xococ, with the aggressive name of “Combative Village of Xococ.” The Xococ PAC was to become an instrument of terror to be used against Rio Negro.

On February 13, 1982, villagers from Rio Negro were told to bring their identification cards to Xococ and return a week later to get new cards. Carlos Chen did not think it was worth the effort. Others were afraid. Seventy-four villagers made the journey,

and 73 never returned. One terrified woman came rushing back to Rio Negro to announce that everyone was being killed. Carlos hurriedly consulted with his wife, and they decided that it would be safer if he and the remaining men fled for the hills. They were sure the women and children would not be harmed.

A month later, on March 13, they were proved terribly wrong when the vengeful patrolmen of Xococ arrived in Rio Negro and killed 177 women and children. Two months later, the army attacked and killed another 84 people at a place called “Los Encuentros” in the Rio Negro valley. Fifteen women were taken off by helicopter and never seen again.

On September 14, 92 villagers were burned to death in a nearby community. The victims included 30 youngsters from Rio Negro who had survived the previous massacres.

The community of Rio Negro had been completely destroyed. According to a census taken by INDE, 791 people had lived in the community in 1977; by 1983, 444 were dead. The community had cultivated 1,440 hectares of land; by 1983, it was mostly under water. Also lost were the land titles.

The dam had drowned Rio Negro's links to its rich Mayan past—its burial grounds, ceremonial sites, and artifacts. (One of the 16 sites that were flooded along the valley, at Cahuinal, reemerges like a ghost every year when the water level falls. Each year it bears more signs of deterioration.)

THE CAUSE AND EFFECT

One key question is whether the villagers of Rio Negro were killed because they refused to move to make way for the Chixoy dam. If the link can be made, many feel that it

implicates all those who supported the dam. This extends to the two multilateral development banks (the World Bank and the Inter-American Development Bank), which provided financing for the project.

Carlos Chen has no doubt: “If the Chixoy dam had not been built, then most of our community would be alive today,” he says. The timing is certainly highly suspect. Construction on the dam began in January 1983, almost immediately after the final massacre of 1982.

The World Bank was apparently aware that the Chixoy project had been surrounded by turmoil, but according to an important, comprehensive study produced by Witness for Peace (WFP) in 1996, the Bank's project completion report (issued in 1991) appeared to put the blame on guerrilla activity. The problems associated with resettlement were “due to the insurgency activity in the project area during the years 1980 to 1983.”

Five years later, in 1996, the Bank came to a more nuanced judgment. In response to the WFP report, a Bank mission was sent down to investigate the Chixoy controversy, and it concluded that “neither the Bank nor other observers knew of the extent of the violence occurring in (Rio Negro).” The executive summary of the investigation also noted that “there are still conflicting interpretations of the causes of the violence that occurred.”

The clearest and most authoritative link between the construction of the dam and the massacres was made by the Commission of Historical Verification (Truth Commission), which was set up by the United Nations as part of the Guatemalan peace process. The Commission issued its report in February 1999.

The Commission selected a series of case studies to illustrate different aspects of the violence. One of the case studies looked at

the “massacre and elimination of the Rio Negro community.” It described the context of the massacre as being “the hydroelectric project. . .and the resistance of the Rio Negro community to being removed from their land.” The case study also concluded that Rabinal had been the target of genocide.

THE SURVIVORS ORGANIZE

After fleeing the site of the March 13, 1982, massacre, Carlos Chen Osorio spent five years hiding in the forests and mountains, dodging army patrols and bombing raids. He eventually emerged and went to work on the south coast of Guatemala. It was not until 1992 that he returned to Rabinal to rejoin those of the Rio Negro community who survived and were now living in the settlement of Pacux, near the town of Rabinal.

Jesus Tecu Osorio, one of the 18 survivors of the March 13, 1982, massacre, lived in a state of slavery with his captor for two years before he managed to escape. By 1986 he too had returned to Pacux along with some of the other survivors. They found patrolmen living in the houses that had been promised to the villagers by INDE.

In 1993, Carlos Chen joined with Jesus Tecu and Pedrina Burrero Lopez, a survivor of massacres in another village, to form the Widows and Orphans Committee of Rabinal. Their goal was to work for justice and improve the terrible living standards in the Pacux settlement. The committee evolved into a broader organization known as Adivima (Association for Development for the Victims of Violence in Maya Achi Verapaz), which now covers between 20 and 30 communities that suffered from violence in the 1980s.

The creation of the committee and the start of its public campaign lifted morale among the survivors. By 1994, the committee had about 800 members.

Rights Action (formerly Guatemala Partners), which has supported Adivima since 1995, lists some of the committee's achievements in the last seven years. These include forcing a review of the Chixoy resettlement plan and securing new farm land; building an income-generating carpentry workshop; establishing a scholarship fund for indigenous youth; giving hundreds of popular education courses in human rights; offering training courses to run local enterprises and self-help organizations; establishing a legal aid clinic; carrying out exhumations; erecting monuments to the truth; opening a mobile museum to celebrate the Achi culture; and pursuing legal causes against civil defense patrollers who participated in massacres.

In some respects, this is a model community-based campaign against impunity. It begins with exhumations. Once a community locates a mass grave, it works through a human rights group in the capital Guatemala City to request an exhumation. The actual work is carried out by one of three forensic teams operating in Guatemala.

The victims of the March 13, 1982, massacre at Rio Negro were exhumed in late 1993. There were 140 bodies recovered, but only a few could be positively identified. In June 1994, the remains were given a Mayan burial, and the survivors erected a small monument at the site that carried the names of the perpetrators.

On June 2, 1994, the monument was torn down. Given that it was situated next to a military base, the survivors assumed that those responsible were from the military, and they protested vigorously through the press—a small sign of the changing times in

Guatemala. They then erected a second, larger monument, with support from EPICA, the Washington-based Ecumenical Program on Central America and the Caribbean organization (web site: www.igc.org/epica/index.html).

Exhumations are now a well-established part of the process of peacebuilding, but they never fail to have a shocking impact on those immediately affected. In deference to their mother earth, which has been doubly defiled—first by the crime and now by the exhumation—the Mayan-Achi place simple votive offerings at the lip of the gravesite. This can be a lit candle or even a bottle of soda.

In 1999 Rights Action assisted Adivima in setting up a legal clinic, the "Bufete Juridico Popular." The Bufete staff lawyers who are qualified to help local people in filing requests with the district court, press charges, file complaints about intimidation, or straighten out property disputes. Jesus is a full-time employee of the Bufete and spends his days driving villagers to Salama (the municipal seat of Rabinal), guiding them through the procedures, and translating from Achi, the local indigenous language, to Spanish for them.

Pedrina described one project of the Bufete: "The Bufete is helping people file charges against the criminals and is helping displaced people with property problems. We are advising people how to return to their communities. Right now, for example, there are around 200 people who were displaced from Laguna and Hacienda villages, living in Rabinal, Nimacabaj, and Palimunix. They have no money, work, or homes. They are in a worse position than the people of Rio Negro. We are working to get the government to buy land for these people, but they haven't given us a yes or no answer yet."

The activists of Rabinal show no sign of slowing down their efforts. There is scarcely any alternative. Pedrina told the Advocacy Project, "Almost all of the villages around here are full of people who feel the same way. This is why we are struggling. We must continue our work."

THE FIGHT FOR COMPENSATION

On April 18, 2000, Carlos Chen met with a group of senior officials from the World Bank. For Carlos, the meeting capped a whirlwind week of speaking engagements and rallies in Washington on the occasion of the World Bank's spring meeting.

Carlos received a standing ovation when he spoke to one meeting and called to denounce the Bank's guidelines on dams and resettlement. These guidelines require that anyone displaced by a Bank-supported dam must be restored to a standard of living at least equivalent to that enjoyed before they were moved.

The World Bank maintains that this commitment has been honored. In 1999, it succeeded in pressuring the Guatemalan authorities to purchase a new farm for the Rio Negro villagers at Sahomax, in the Alta Vista highlands. Sixty-three families held land titles at the Sahomax farm when the Advocacy Project visited it earlier this year.

With this, the Bank feels it has met almost all of its outstanding obligations. World Bank officials told the Advocacy Project in Guatemala City that the Bank would continue to search for ways of providing more assistance, but within the framework of the Bank's program for support to the government of Guatemala. Among other things, says the Bank, this provides funding for the Guatemalan peace process and several anti-poverty programs.

The Rio Negro survivors see this as totally inadequate. They point out that the Sahomax farm is far from their current homes at Pacux. Even with the new farm, they have only received a third of the land they cultivated before being displaced. They argue that they have yet to receive adequate compensation for the loss of trees, livestock, crops, fishing rights, and cultural artifacts. Carlos Chen, Jesus Tecu, and the other Rio Negro survivors insisted that the Bank has a responsibility to indemnify them for the losses.

In addition, 44 others had been barred from receiving compensation, even though they were related to victims of the 1982 massacres.

THE POWER OF RIO NEGRO

There is a second, larger area of disagreement between the Bank and the Rio Negro survivors over reparations. This is linked to the massacres leading up to the construction of the Chixoy dam. The survivors feel that the massacres were caused by their refusal to make way for the Chixoy dam. They want the Bank to accept responsibility, because it made two large loans for the dam. They would see such an acknowledgment as a first step toward reparations.

This demand strikes a chord in Guatemala. Over 200,000 people died during the violence, and the demand of reparations has been integrated into the U.N.-supervised peace accords. Rio Negro is far from being the only community to suffer from violence, but it is one of the most prominent, thanks to the advocacy of Adivima, the survivors' organization, and their international nongovernmental allies.

The World Bank has so far refused to express anything other than sympathy. This is because it works through governments, not community organizations. In addition, it sees its mission as being to promote economic development, not protect human rights.

As noted above, the Bank does apply guidelines when supporting a project that touches on sensitive social issues like involuntary resettlement. But it sees these guidelines as internal and insists that it has no formal responsibility—legal, moral or otherwise—for the impact of projects.

Finally, the Bank argues that any commitments last only as long as a project. Ten million people were forcibly displaced by Bank-supported dams in the 1970s and 1980s. If the Bank accepted responsibility for Chixoy, where would it end?

This, however, is precisely why Chixoy became such a potent rallying cry for the thousands who gathered in Washington in April to protest the policies of the Bank and the International Monetary Fund.

The Rio Negro case was again brought up by critics of the Bank at the recent fall meeting of the World Bank in Prague (Czech Republic). Following the Prague meeting, two supporters of the Rio Negro survivors (Rights Action and the Italian-based Campaign to Reform the World Bank) called on Mary Robinson, the U.N. High Commissioner for Human Rights, to initiate a formal and complete investigation into the role of the World Bank and the Chixoy dam project.

Eighteen years later, the Rio Negro massacres have not lost their power to shock or their symbolic importance.

FURTHER READING

• Web Site Links

NISGUA

<http://www.nisgua.org/>

The Network in Solidarity with the People of Guatemala supports the social movement in Guatemala for a democratic, multiethnic, and multicultural society, based on socioeconomic justice and full respect for human rights and freedom of expression. In addition, they work to educate and empower U.S. citizens in their efforts to influence U.S. policy toward Guatemala in support of the above goals, to build links between social justice initiatives in Guatemala and the United States, and to promote grassroots organizing efforts that forge ties of solidarity and understanding between the peoples of both countries.

Rights Action

<http://www.rightsaction.org/>

Rights Action (formerly Guatemala Partners) funds and otherwise supports community-based development, humanitarian relief, and human rights projects in southern Mexico, Guatemala, Honduras, and Haiti. Rights Action is currently conducting an email campaign to win full compensation and just reparations from the World Bank and the Inter-American Development Bank for indigenous (Mayan-Achi) survivors of the Rio Negro community destroyed by construction of the Chixoy Dam in Guatemala. Contact: grussell@rightsaction.org

Peace Brigades International Links List

<http://www.igc.apc.org/pbi/guate.html>

This is a list of Guatemalan organizations, with a brief description of each and links to further information. It is presented by Peace Brigades International (PBI), an organization offering unarmed international protective accompaniment to individuals,

organizations, and communities threatened with violence and human rights abuses.

See also PBI's web site:

<http://www.igc.apc.org/pbi/guatemala.html>

Guatemala Human Rights

Commission/USA

<http://www.eecs.umich.edu/~pavr/harbury/archive/listArchive.cgi?category=14>

Very useful archives of action and human rights-related bulletins and letters, posted by the Guatemalan Human Rights Commission. See also <http://www.ghrc-usa.org/>

Guatemala Links

<http://mars.cropsoil.uga.edu/trop-ag/guatem.htm>

The most extensive directory of web pages on Guatemala.

• Background Sources

“A People Dammed: The Impact of the World Bank Chixoy Hydroelectric project in Guatemala,” an excellent 1996 report from Witness for Peace (WFP), which has provided the starting point for subsequent investigations. WFP's home page (web: www.w4peace.org/apd.html)

“Dams,” the official newsletter of the World Commission on Dams. (web: www.dams.org)

World Rivers Review, the newsletter of the International Rivers Network. (web: www.irn.org)

“The Chixoy Dam in Guatemala and the Maya Achi Genocide,” a March 1999 submission to the World Commission on Dams by the Reform the World Bank campaign (Italy) and 41 other Italian NGOs. (email: Riforma-BM@cambio.it)

“Restitution for Communities Affected by Construction of Chixoy Dam,” a March 2000 background note by Rights Action. (email: info@rightsaction.org)

Report on Guatemala, from the Guatemala News and Information Bureau, in conjunction with the Network in Solidarity with the People of Guatemala (NISGUA). (email: nisgua@igc.org)

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