

U.S. Government Holding World Bank and IADB Accountable to Ensure Reparations for Chixoy Dam Victims in Guatemala

By Grahame Russell, Rights Action, January 20, 2014

"First they ignore you, Then they laugh at you, Then they fight you, Then you win."
(Mohandas Gandhi)

Thirty-two years after the Chixoy Dam/Rio Negro ['Chee-Shoy'] massacres in Guatemala, the U.S. government is calling on the World Bank (WB) and Inter-American Development Bank (IADB) to ensure implementation of a \$154,000,000 reparations plan for the Chixoy Dam surviving victims.

(Spoiler Alert: Though this is an important breakthrough, more political and legal pressure is needed so that WB and IADB comply with U.S. law and ensure implementation of the Reparations Plan.)

From 1975-1985, the WB and IADB partnered with repressive and genocidal Guatemalan regimes of General Lucas Garcia, 1978-1982, and General Rios Montt, 1982-1983, investing close to \$1 billion in the Chixoy dam "development" project. Thousands of Mayan campesinos were illegally and forcibly evicted from some 32 communities; over 440 Mayan Achi villagers were massacred in the Rio Negro community. The survivors have been suffering in poverty, abandonment and trauma ever since.



(The original community of Rio Negro lies under this part of the Chixoy Dam flood basin. Photo@Nate Einbinder, <http://rionegroproject.blogspot.com/>)

At the time, the Guatemalan regimes were supported by the United States and the West, as they carried out "cold war" repression against their own population in general,

and genocides in certain indigenous regions of the country, including the Mayan Achi region where the Chixoy Dam project was forcibly imposed.

2014 U.S. Consolidated Appropriations Bill

Now, the U.S. Congress passed the 2014 US Consolidated Appropriations Bill which orders (p.1240, section F):

“The Secretary of the Treasury shall direct the United States executive directors of the World Bank and the Inter-American Development Bank to report to the Committees on Appropriations, not later than 30 days after enactment of this Act and every 90 days thereafter until September 30, 2014, on the steps being taken by such institutions to support implementation of the April 18, 2010 Reparations Plan for Damages Suffered by the Communities Affected by the Construction of the Chixoy Hydroelectric Dam in Guatemala.”

http://docs.house.gov/billsthisweek/20140113/CPRT-113-HPRT-RU00-h3547-hamdt2samdt_xml.pdf

The passing of this law does not itself ensure implementation of the Reparations Plan, but represents a significant change in terms of the obligations of the Banks to do so.

32 Years of Dignity, Persistence and Struggle

It is hard to overstate the courage and dignity of the Chixoy Dam surviving victims who, for decades, have been fighting for truth, memory and justice for all they suffered and lost due to the WB/IADB project. Surviving victims formed their own organizations (ADIVIMA, Bufete Juridico Popular, ASCRA, COCAHICH) to demand justice for the genocide against the Maya Achi people, and for particular atrocities including the Chixoy Dam/Rio Negro massacres and evictions. They built long-term north-south activist and outreach partnerships with Rights Action, International Rivers and others.

Beginning in 1995, multiple advocacy and activist strategies – legal and political - were used in Guatemala and internationally to demand justice: media and film reporting; sending surviving victims on international speaking tours; receiving visiting delegations; carrying out protests in Guatemala and WB and IADB headquarters in Washington DC; participating in conferences (including the 2000 World Commission on Dams); etc. Over the years, other groups - Witness For Peace, Advocacy Project, COHRE - wrote vital reports and engaged in more advocacy and activism.

Over the years, the leaders of this struggle – most of them survivors of the Chixoy Dam/Rio Negro massacres – were targeted for repression, including illegal detentions and threats. Throughout, thousands of families harmed by the project have continued to live in chronic conditions of poverty, landlessness, joblessness, violence and impunity. Widows and other surviving family members of the massacre victims have received no official compensation or support.

Denial, Impunity And Immunity

Ever since the first advocacy meetings with the Banks in Washington DC in 1995, the IADB and WB have deflected all calls for accountability and justice, claiming: -1- they

complied with all aspects of the project; -2- they had no knowledge of, or any link to harms and violations caused by the project.

The ability of the Banks to avoid accountability is intentional. They have immunity from legal accountability in the United States, where they are headquartered, and around the world where they invest in and profit from "development" projects. This immunity is provided to them by the donor-investor nations.

April 18, 2010 ~ Chixoy Dam Reparations Plan

Even as the IADB and WB have easily avoided accountability, victims groups in Guatemala, spear-headed by COCAHICH (Coordinator of Chixoy Dam Harmed Communities), pushed ahead courageously and relentlessly.

This struggle led to the establishment in 2005 of a formal negotiation process with the government of Guatemala, mediated by the Organization of American States, officially observed by the Banks. Five years later, on April 18, 2010, the government of Guatemala formally accepted responsibility for the harms and violations caused by the project and agreed upon the \$154,000,000 "Reparations plan for damages suffered by the communities affected by the construction of the Chixoy hydroelectric dam in Guatemala" (http://www.internationalrivers.org/files/attached-files/plan_de_reparacion1.final_.pdf).

Today, four years later, the government of President (former army general) Otto Perez Molina refuses to pass legislation to release the Reparations Plan funds. The Banks continue to deny and deflect. In response to an Open Letter to the Banks, Rights Action received a one-paragraph letter (November 2, 2011) from Pamela Cox, World Bank vice-president of Latin American and the Caribbean Regional Office: "we share your desire for a swift resolution of this process and a satisfactory outcome for the affected Chixoy communities."

Swift? Satisfactory? An insulting response to the victims suffering on-going poverty, trauma and abandonment decades later.

Guilty Verdict: From Impunity And Immunity To A Measure Of Legal Accountability

Now, one further advocacy effort by COCAHICH, International Rivers and Rights Action, has been successful. Included in the 2014 Appropriations Bill is the legally binding requirement that the WB and IADB report on what steps the Banks are taking to ensure implementation of the Reparations Plan. (See International Rivers article: http://org.salsalabs.com/o/2486/p/dia/action3/common/public/?action_KEY=14873)

Inclusion of this legal requirement in the 2014 Appropriations Bill affirms the contents of the Reparations Plan: the massacres, illegal forced evictions and other harms and violations did occur; reparations are owed.

It is also a finding of guilt. Inclusion of this legal requirement implies that the U.S. government finds the WB and IADB co-responsible, with the government of Guatemala, for the harms and violations, and therefore must ensure implementation of the

Reparations Plan. Given the impunity and immunity that the Banks have operated with since their creation, this is a huge/small change.

Repercussions For Foreign Investors And Companies

The 2014 Appropriations Bill will also have broader repercussions in Guatemala. A U.S.-based expert on the Chixoy Dam said: "Commercial and other interest rates for investments in Guatemala will become more expensive if this issue is not resolved, affecting the business community negatively or positively depending on the result. Foreign investors in wind power, hydropower, electric grids, ports and other sectors in Guatemala will think twice if this case is not resolved." (The Guardian, Jan.17, 2014, <http://www.theguardian.com/global-development/2014/jan/17/guatemala-chixoy-dam-reparations-bill>)

More Pressure Needed

Pressure needs to be brought on all Congress members and Senators to add their voices to calls on the Banks to obey the law and report on efforts to ensure implementation of the Reparations Plan. Canadians and Europeans, Aussies and New Zealanders can help by urging their elected politicians and governments to make the same calls for the Banks to ensure implementation of the Reparations Plan.

The Banks are not independent institutions. Their funds come from the donor/investor countries that created them and profit off their investments. The Banks' "development" policies and projects are all, ultimately, set and approved by the donor/investor countries. The Banks' immunity has been provided by the donor-investor countries. The donor/investor countries (led in this case by the United States) are ultimately responsible for the actions of the Banks and, therefore, the ones to hold them to account.

"A great and important precedent has been set. Large dams have been forcibly displacing millions of people and affecting biodiversity for more than a hundred years. It seemed like people and nature could be disposed of. But, with this new precedent I feel hopeful that together we can begin to steer a new course for our rivers and the people who depend on them." (said Monti Aguirre, of International Rivers (www.internationalrivers.org)). The Guardian, Jan.17, 2014, <http://www.theguardian.com/global-development/2014/jan/17/guatemala-chixoy-dam-reparations-bill>)

More Information

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Film: Chixoy Dam Massacres and Evictions: No Reparations, No Justice, No Peace

16 minute film by Lazar Konforti, August 2012

<http://www.youtube.com/watch?v=xF3YI7XMNEE&feature=youtu.be>

The Rio Negro Project: <http://rionegroproject.blogspot.com/>

Tax-Deductible Donations (Canada & U.S.)

To support the Chixoy Dam Reparations Campaign, make check payable to "Rights Action" and mail to:

- United States: Box 50887, Washington DC, 20091-0887
- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

Credit-Card Donations (Canada & U.S.): <http://www.rightsaction.org/tax-deductible-donations>

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Letter Writing

Please send copies of this information, and your own letters, to your own elected politicians (MPs, Congresspersons, Senators) and other government officials, urging your government to demand that the WB and IADB ensure implementation of the Chixoy Dam Reparations Plan.

- Member Of Parliament:
<http://www2.parl.gc.ca/Parlinfo/Compilations/HouseOfCommons/MemberByPostalCode.aspx?Menu=HOC>
- Congress: <http://www.house.gov/> to get info for your member of Congress, and call: 202-224-3121
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