



NISGUA
Network in Solidarity with the People of Guatemala

Maya K'iche' and Maya Uspanteko citizens vote in an October 2010 referendum in Uspantán, El Quiché. More than 25,000 residents voted to reject mining and hydroelectric megaprojects in the municipality. Photo: Graham Hunt

Community Consultations: A model of resistance

Across Guatemala, communities are using a powerful tool that puts people-powered democracy into action. **Community consultations** are a type of local referendum based on centuries-old ancestral decision-making practices. While each community has its own customs that dictate how the process is carried out, the core purpose remains the same – provide a space in which an informed collective can make decisions regarding the administration of land, resources, and other important aspects of community life. **Community consultations are central to traditional Indigenous and campesino-led land stewardship that accounts for the wellbeing of the environment and future generations.**

As a democratic process, consultations power resistance to large extractive projects on an enormous scale. In the decades following the 1996 Peace Accords, the Guatemalan government opened its doors to foreign investment, promising a stable business climate and abundant opportunities for resource extraction – promises made without consulting the communities who would bear the environmental and social burden of these investments. To exercise their Indigenous and community sovereignty and protect their rights, people began organizing community consultations to accept or reject projects such as mines, hydroelectric dams, or oil exploration. More importantly, consultation is a mechanism to decide on the future of the land and the people who steward it.

Since the first community-organized consultations on resource extraction took place in 2005, more than a million people have voted against these types of projects in their territories. Year after year, communities reaffirm these consultations in public, community-organized celebrations, and fight to protect their lands from a government that continues to grant licenses for mining and hydroelectric projects without their consent.

The power and success of this organizing tool have provoked renewed attacks. State and corporate actors seek to co-opt this mighty expression of direct democracy by reducing community consultations to a state-controlled administrative process. A bill currently before Guatemalan Congress would grant the government the power to standardize consultations, choose which communities to consult and under what circumstances, and then ultimately ignore the results if they were to be contrary to the interests of the State. Organizations like the Western Peoples Council (CPO) call this proposed bill the latest attack on Indigenous sovereignty and an attempt to undermine powerful resistance to resource extraction projects. The spirit of the proposed bill is clear; strongly backed by the Guatemalan Chamber of Commerce with support from the U.S. Embassy and American Chamber of Commerce in Guatemala, the bill was drafted in the interest of transnational corporations and with no meaningful input from Indigenous communities.

“The oligarchic interests behind this bill are accustomed to treating Indigenous peoples as if they were mere objects to be administered by the State. This bill is an attempt to legalize what the State has done for centuries: control us and deprive us of the dignity for which we have always fought. A new form of genocide is hidden in this bill; as Indigenous peoples, the State will only recognize our existence when a committee decides when, where, and how it wants to consult us.” -- Western Peoples Council (CPO)

“As Indigenous peoples, we studied Guatemala’s Constitution, the International Labour Organization’s Convention 169, our municipal code, and other laws. We informed and prepared ourselves, so that our consultations would be protected by national law and backed by international conventions and agreements ratified by the State of Guatemala. As part of the consultation processes and a show of our good will, we informed the executive, legislative, and judicial state institutions of the results of the people’s participation. We also invited international observers, who were present in every one of our consultations and made statements in our favor. This is how we temporarily stopped the extractive attack of corporations and the irresponsibility of the State.”

-- Rubén Herrera, Departmental Assembly of the Peoples of Huehuetenango (ADH)

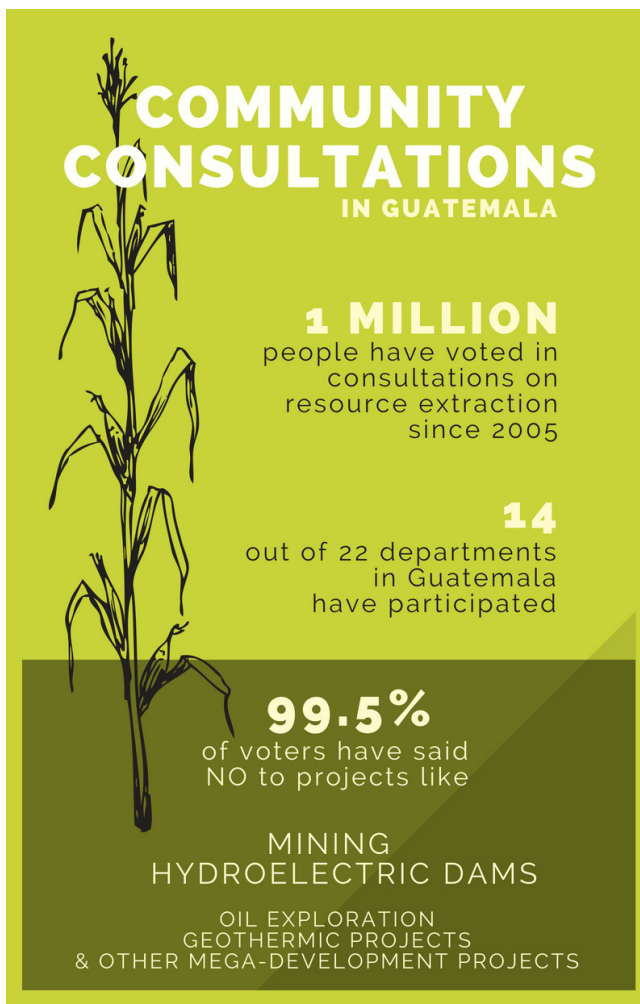
For every community consultation that has taken place since 2005, there are stories of transformative organizing processes. Each consultation is put together by a locally determined coordinating body, unique to the local leadership structures. These leaders are responsible for logistics, mobilization, and building a collective base of legal, cultural, and social knowledge that will inform referenda. Organizers then educate their communities in preparation for the vote on a variety of topics that can range from

the environmental impacts of the proposed project(s) to Indigenous customary law.

An essential component of every popular education strategy in the lead-up to consultations is teaching communities about the International Labour Organization’s Convention 169 (ILO 169), ratified by Guatemala in 1996, which recognizes the rights of Indigenous peoples to be consulted on issues affecting their territories. ILO 169 joins municipal and national laws, including the Constitution and Peace Accords, as well as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in providing a legal backdrop for consultation.

This popular education process fulfills the **free, prior, and informed consent (FPIC)** guidelines outlined in UNDRIP and put into practice around the world. When the life of a community will be drastically affected, as in the case of resource extraction projects, FPIC is required. The components of robust FPIC are extensive, but in its most basic form, a consultation must be free from coercion or repression, held before the planning and implementation of a project, and with free access to transparent information. Indigenous communities have the right to say no to projects that will irreversibly alter their lives, environment, and culture. They have the right to be consulted in accordance with their own traditions, and these traditions vary across Guatemala and the world. A blanket regulation of the consultation process by the State is a clear violation of ILO 169.

Over the last decade, Guatemalan communities have fought in court to have the government respect the results of their consultation. Important legal verdicts have acknowledged the right communities have to hold consultations, but haven’t declared them legally binding on a national level. This powerful expression of direct democracy and self-determination has largely been ignored or dismissed by governments and corporations – until now.



A Resilient Strategy in the Face of State Terror

“In my community we already held a consultation but the hydroelectric company doesn’t respect it. They have invaded our territory, accompanied by the Army and the police. The presence of security forces opens old wounds from what we lived through during the internal armed conflict.” -- Lucas Jorge, Indigenous leader from Ixquisís, Huehuetenango at the Central American Conference on Free, Prior, and Informed Consent

Movements to protect life and territory against extractive industries are successfully stopping the development of destructive projects throughout the country. In some cases, proposed mines and hydroelectric dams have not been built, and in other cases, fully-operational projects have been temporarily suspended by direct action taken by affected communities. Undeniably, the many tools of resistance they are using – including consultations as well as protests, legal actions, sit-ins, and roadblocks, to name a few – are impacting the stable investment climate promised to foreign investors by the Guatemalan government. As a result, the government is desperate to undermine the consultation process, nullify the results of existing community consultations, and relegate it to a state-run administrative process.

Communities standing up to resource extraction have been met with targeted violence by the State and private security forces. Land rights defenders face defamation campaigns in the national papers and on social media, where they are portrayed as terrorists and anti-development. Movement leaders are criminalized and imprisoned on spurious charges, and whole families receive threats for their work to educate their neighbors and promote awareness around environmental protection.

Community consultations are taking place within this broader context of attacks against environmental defenders. Through popular education before, during, and after the referendum and annual celebrations of the vote, consultation organizing forwards consensus-based decision-making and builds community unity against violence and repression. **Broad-based community support undermines the strategy of targeting individual environmental defenders and strengthens the movement for long-term, sustained, and well-coordinated action for decades to come.**

In 2017:
there were...

473 ATTACKS
registered against human rights & environmental defenders

230 more than the year prior

166 acts of CRIMINALIZATION
including defamation, arbitrary detention, & judicial proceedings

7 ASSASSINATIONS
of land & indigenous rights defenders

Between May & June 2018 alone...

land & indigenous rights defenders
7 WERE MURDERED

Statistics from UDEFEGUA



Photo: Communities gather annually to reaffirm consultation results, celebrate their decision, and discuss shifting strategies to protect the Earth and their way of life. Here, communities in Mataquescintla celebrate their 2012 municipally-organized consultation where 96% of participants voted against mining. Organizers have successfully prevented Tahoe Resources' from connecting its Escobal mine to their municipal power grid, majorly impacting Tahoe's operations in the area. Credit: CPR-Urbana



Photo: Save West Berkeley Shellmound

FPIC in the U.S.

An Indigenous-led movement in the Bay Area is fighting to protect the West Berkeley Shellmound, permanently prevent construction on the local village and sacred site, and lift up Indigenous stewardship of land in a region facing one of the worst housing and land crises in the U.S. Chochenyo Ohlone leader Corrina Gould reminds local government, “The city of Berkeley should honor the commitment made to adopt the United Nations Declaration on the Rights of Indigenous People, which means free, prior and informed consent regarding our traditional village sites.”

What are some issues of consent and self-determination in your community?

“We have worked as communities to defend life and our lands, exercising our ancestral and legal right to consultation, which is part of the traditions and teachings of our Maya heritage. As a way to preserve life, it is our responsibility to transmit this knowledge as examples to follow for generations to come.”

-- Monitoring Commission of the Ixcán Community Consultation

Fall Tour: How to Stop a Dam with Indigenous Resistance

In these times of intensifying repression and political upheaval, our movements urgently need to share concrete lessons and strategies for organizing to defend land and life. In our role as an international solidarity organization, we have a powerful contribution to make in strengthening global justice movements by facilitating direct exchange between leaders and communities most impacted by global systems of oppression. Our fall speaking tour aims to do just that.

This November, we’re planning events throughout the Western and Southwestern U.S. to lift up lessons from successful organizing in Guatemala’s Ixcán region, where Indigenous communities have resisted the imposition of the Xalalá Dam for over a decade. The tour will feature Maya Mam organizer José Gómez, a representative of the Association of Communities for Development and the Defense of Land and

Natural Resources (ACODET) who will speak about their long-term work to build community power in the face of corporate-led development. In partnering with NISGUA for the tour, ACODET has requested that events prioritize exchange with Indigenous communities fighting for social and environmental justice. We’re excited by the possibilities offered by this request and are looking for support from our network to meet it.

We’re currently planning events in Washington, Colorado, New Mexico, and Arizona, and are seeking additional partnerships in the U.S. West and Southwest. Can you help grow our international solidarity movement by hosting a tour stop in your area? To learn more about the tour or to make proposals for local organizing, contact David Imhoff (david@nigua.org) or call our U.S. office at 510-763-1403.

The Network in Solidarity with the People of Guatemala (NISGUA) links people in the U.S. and Guatemala in the grassroots global struggle for justice, human dignity, and respect for the Earth. We support movements for Indigenous, community self-determination and the recuperation of ancestral lands towards an emancipatory vision of a just world. We believe that the historic stewards of the land are its best custodians and most equipped to administer its use for the benefit of the collective, while caretaking resources for future generations.

Follow us online for more information: nigua.org

