

RESEARCH REPORT

By Kelsey Alford-Jones

“This is killing us slowly,” a Maya Poqomam resident of Santa Cruz Chinautla explained with a mix of quiet urgency and sadness.

I sat beside the dusty roadway in Santa Cruz, a city just north of Guatemala’s capital, with a delegation of the Guatemala Human Rights Commission (GHRC). We were there to hear about the Maya Poqomam resident’s resistance to environmental degradation in their community. Las Vacas River, once a beautiful attraction for locals, now carries untreated water and trash flowing from Guatemala City. At the same time, uncontrolled sand and gravel extraction, as well as illegal dumping, increases contamination and erosion. The community is calling on the Ministry of the Environment and Ministry of Energy and Mines not to renew licenses for extraction and for the immediate closure of the extraction operations. The companies in the area continue to operate on expired licenses, while community members have faced threats, retaliation, and criminal complaints for their activism. Views expressed by those we met with highlighted the anguish, frustration, and concern about the impunity with which the companies operated – without consultation, without environmental assessments, and now without formal permission. One resident remembered how the river used to be clean and pristine. “We are doing this for our children and grandchildren, we have to leave them something beautiful. Instead, our homes and our roads have become worthless.” “Our struggle is peaceful,” said another, “if the law is just, it will respect our rights.”

The community’s struggle is one of many across Guatemala that have emerged in the years following Guatemala’s complex post-conflict transition. Peace-building efforts since the mid 1990s have made visible the critical need to address the ruptures in the State-society relationship, to foster institutions that uphold the rule of law, and to prioritize development processes that were rights-respecting, inclusive, participatory, and accountable. International aid initiatives over the last two decades have dedicated significant resources to support rule of law in Guatemala, providing funding and training for everything from Ministry-level capacity building, legal reforms, and anti-corruption efforts to ‘high impact’ court jurisdictions and a unique International Commission against Impunity.

Despite some evidence of progress, however, public institutions continue to be mired in corruption and impunity is widespread. These conditions exacerbate human rights harms in environmental conflicts, where violence, militarized repression, and forced displacement are commonplace. Indigenous communities have engaged in ongoing mobilization to defend land and territory and seek justice for harms. Indigenous communities have engaged in ongoing mobilization to seek justice, and a central pillar of these efforts has focused on legal remedy: lawsuits and formal complaints that have exposed consistent failures of the Guatemalan government to uphold existing legal obligations related to Indigenous land rights and environmental protection.

I traveled to Guatemala in the summer of 2022, with support from CLAS and the Tinker Foundation, to conduct scoping research for the project “Exploring Avenues for Justice and Barriers to Accountability in Land and Environmental Conflicts in Guatemala.” I sought to understand the extent to which diverse aid initiatives have opened avenues for justice for indigenous communities, or reinforced barriers to accountability.

During my trip, I met with a wide range of people and organizations who engage with the justice system in different ways, either to access justice for a harm experienced, or promote and enact rule of law, or to seek to address corruption and impunity. Along with the GHRC delegation visit to Santa Cruz Chinautla, I joined their meeting with the US Embassy. I also met with lawyers working on cases related to human rights and the environment, and representatives of the Human Rights Ombudsman's office working on Socio Environmental Rights and Indigenous Rights. In the justice sector, I met with two judges on the 'high risk' courts who rule on cases related to serious crimes such as genocide and other war crimes, corruption, and parallel power structures.

Guatemala is currently experiencing a period of intense "backsliding" towards a more authoritarian and repressive government that engages in criminalization of people perceived to pose a threat to powerful economic interests. This includes anyone from student activists and community leaders, to judges and prosecutors. While I was there, a prominent journalist, who had published investigations into corruption, was arrested along with a prosecutor in the Anti-Corruption Unit. A number of the people I met with were facing threats. This context made clear the importance of research on structural impunity and corruption; however, it also meant that conversations on general questions of 'access to justice' and 'impunity' were often dwarfed by the immediate concerns of the latest arrest, threat, or people's concerns about their own future.

I emerged from these discussions energized to deepen research around the concept of impunity: the mechanisms through which it operates, how it is perpetuated, the effects of international engagement, and the impacts on vulnerable communities. This initial fieldwork helped me orient my research questions and approach for my dissertation and has laid a foundation for future semi-structured interviews.

Close examination of international initiatives and their impact on justice and impunity is timely, as development aid continues to flow and the US prepares to provide \$4 billion in aid to the region, in part to support rule of law and address corruption. The parallel power structures that permeate Guatemalan public institutions often make it challenging to trace the direct and indirect implications of external aid meant to bolster democratic governance and development. Ultimately, I hope this research can contribute to our understanding of these complex entanglements, and to support initiatives that foster justice for communities like the Poqomam in Santa Cruz Chinautla.

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