

October 9, 2000
Communique #9

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CHIXOY DAM / RIO NEGRO MASSACRES REPARATIONS CAMPAIGN:
to get full compensation and just reparations
from the World Bank & the Inter-American Development Bank
for indigenous (Mayan-Achi) survivors of the Rio Negro community
destroyed by construction of the Chixoy Dam in Guatemala

- Please publish, copy and re-distribute this information.
- If you do not wish to receive these e-mailings, please let us know.
- Contact our office if you would like to financially support this work and/or get involved yourself.

CALL FOR YOUR ACTION.

The WB is not taking this Campaign seriously. In response to an April meeting -- along with Carlos Chen, survivor of Rio Negro massacres, who traveled to Washington -- and a first letter we sent the WB in May, the WB sent us a 'form' letter.

Please write, email, fax, mail or visit the World Bank, and insist that they have a responsibility to respond to and provide for the needs of the surviving members of the Rio Negro community.

Below, you will find a summary of the correspondence we have had with the World Bank.

PLEASE WRITE, EMAIL, FAX or CALL TO:

James Wolfensohn
President of the World Bank
The World Bank
1818 H Street N.W.
Washington, D.C. 20433

Attention to:
Minneh M. Kane
[Asst. to the President]
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and 'cc' your communication to:

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Mario Marroquin
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1st letter:

[In Spanish, we wrote this in follow-up to the April meeting we had with WB officials. Thanking them for meeting with Carlos Chen and ourselves, we made one formal petition: that the WB and the IDB provide funds to allow the surviving members of the Rio Negro community -- all victims of the Chixoy Dam massacres -- to undertake their own complete study of all that was lost and all that was taken / stolen from them, due to the Chixoy Dam.]

30 de mayo del 2000

Sra. Donna Dowsett-Coirolo, Directora
Central America Country Management Unit
Latin America and the Caribbean Regional Office
Banco Mundial
1818 H Street N.W.
Washington DC 20433

Estimada Sra.Dowsett,

Saludos cordiales. Agradecemos su disposición y gentileza al recibimos el pasado 18 de abril para conversar sobre la situación de la comunidad Maya-Achí y sobre la necesidad que existe de ayudar a reparar los daños y pérdidas que le fueron ocasionados a partir de la construcción de la represa hidroeléctrica Chixoy, proyecto financiado parcialmente por el Banco Mundial.

De acuerdo al diálogo iniciado en esa reunión, a través de la presente resumimos a continuación nuestras conclusiones iniciales sobre los temas discutidos y proponemos un segundo paso.

En primera instancia, esta reunión con el BM le da seguimiento a conversaciones para llegar a un acuerdo sobre las negociaciones entre el BM y las comunidades afectadas por Chixoy con el objetivo de reparar los daños y pérdidas ocasionados por la construcción de la represa y la represión asociada con esta.

Ya que antes de y durante la construcción de la represa Chixoy, no hubo proceso de consulta cabal, participación y transparencia con respecto a las comunidades afectadas por el proyecto, y dada la situación de genocidio durante la época del régimen militar en Guatemala, cuando se dieron los préstamos del banco, las comunidades afectadas por la construcción de Chixoy no tuvieron forma de defender sus derechos. La masacre de Río Negro es un ejemplo extremo sobre los impactos del ejecutar un programa de "desarrollo" sin el debido proceso de consulta y participación de las comunidades afectadas, además de haberse dado dentro de un contexto de represión militar en contra de una población civil.

Desafortunadamente estos precedentes no cambian las consecuencias que tuvo la construcción de la represa para las comunidades sobrevivientes, quienes no recibieron una compensación justa ni un reasentamiento digno, y hoy en día se encuentran en extrema pobreza, la mayoría sufriendo de alguna u otra forma traumas psicologicos.

Es así que se hace necesario desarrollar un plan para resarcir a la comunidad por los daños y pérdidas ocasionadas, y mecanismos que permitan que este proceso se haga a cabalidad y en justo tiempo.

Para iniciar este proceso de resarcimiento, la comunidad necesita preparar un Plan de Reparaciones, para lo cual estamos solicitando del BM y del BID apoyo financiero por un monto total de US\$50.000. Estos fondos serán destinados para que la comunidad se organice y trabaje en un Plan de Reparaciones. Este proceso durará alrededor de 6 meses durante el cual se llevarán a cabo labores de reconciliación y recuperación de salud mental de la comunidad; educación y fortalecimiento de la comunidad; y la elaboración del Plan de Reparaciones para la comunidad de Río Negro.

En base a este documento la comunidad estará en posición de plantear sus necesidades concretas a corto, mediano y largo plazo. Los fondos serán administrados por Rights Actions y/o por la entidad apropiada de la comunidad.

Sin más por el momento se despiden de usted,

Sinceramente,

Grahame Russell & Annie Bird
Rights Action

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cc: Gloria Davis
Susanna Agosto
Elena Serrano
Mario Marroquin
James D. Wolfensohn, President, The World Bank
Enrique V. Iglesias, President, Inter-American Development Bank

2nd letter:

[In response to our letter, above, the WB sent us this 'form' letter. It does not even respond to the issues we raised in our May 30th letter, let alone the 2-hour conversation we had with the WB in Washington in April]

June 30, 2000

Chixoy Dam in Guatemala

Dear Mr. Graham Russell:

I am responding to your letter to the World Bank about the human rights issues related to the Chixoy Dam in Guatemala. Please let me start by expressing my enormous respect for the Truth Commission, whose extraordinary work has been recognized worldwide. As a development institution, the World Bank is committed to assisting the Government of Guatemala in the implementation of the Peace Accords, and helping Guatemala recover from the years of violence.

As you know, the Truth Commission found serious human rights violations during the 1970s and 1980s in several departments of Guatemala. Baja Verapaz, where people affected by the construction of the Chixoy Dam were resettled, was one of the many areas affected by violence. In addition, it is clear that many activities promised under the Chixoy Dam Resettlement Plan were not carried out on time.

Both because of our overall commitment to helping Guatemala recover from the years of violence, and the more specific need to ensure that people resettled as a result of World Bank financed projects are treated justly, we have been working intensively over the past few years to help Guatemala address the human issues related to the Chixoy Dam.

In 1996, the World Bank sent a fact finding team to Guatemala, headed by the World Bank's Director of Social Development, Ms. Gloria Davis, to review the human issues related to the Chixoy Dam. As noted above, the team concluded that there was a significant number of tasks of the Resettlement Plan that had not been completed during the 1980s by the Government at that time, in particular by the National Electrification Institute (*INDE*), which had been the project executing agency. Pending work affected five communities: El Naranjo, Chicuxtín, San Antonio Panec, El Rosario and Pacux.

Shortly after this team finished its review, the World Bank and the Government of Guatemala, in consultation with local stakeholders, agreed on a program of activities to fulfill the promises of the Resettlement Plan. The completion of the pending tasks involved not only local efforts by INDE and the Guatemalan social fund, FONAPAZ, but work by *Pastoral Social de las Verapaces*, an esteemed NGO with a well-proven record in dealing with displaced populations, and the beneficiary communities themselves.

I am pleased to advise you that the Resettlement Plan has now been implemented and supports five major programs: Land acquisition, land titling, housing construction, electric power and water supply. In less than three years, an investment of Q4.6 million has benefited about 2000 families and more than 10,000 beneficiaries. Overall, 537 land titles and 542 housing titles have been issued, and 200 water systems, and 300 power systems have been constructed. This is, of course, in addition to activities which were undertaken in the 1980s, during the original project execution period. Recently, the World Bank's Vice President for the Latin America and Caribbean Region, Mr. David De Ferranti, met with a group representing the Chixoy resettled villagers, who expressed support for the results achieved during the last couple of years.

Despite this progress, I want to assure you that our work is not over. As part of our overall support for the Peace Accords, the World Bank is helping to develop new investment programs to support poor communities across Guatemala. Beyond these investment activities, the World Bank is also working in another area in which the Truth Commission has revealed weaknesses, namely the Guatemalan judicial system. As part of a joint effort with other donors, we are supporting a project to help modernize and improve access to the judicial system.

Please let me close by giving my assurance that our primary objective in Guatemala is to support the Peace Accords, and to help Guatemala build a peaceful, just and hopeful future.

Sincerely,

Donna Dowsett-Coirolo
Director
Central America Country Management Unit
Latin America and the Caribbean Region

3rd Letter:

[We sent this letter in response to their 'form' letter. In this letter, we reiterate our main points and petitions, and we respond to the WB's off-hand comments about the United Nations "Truth Commission".]

Donna Dowsett-Coirolo
Director
Central America Country Management Unit
Latin America and the Caribbean Region
The World Bank
1818 H Street N.W.
Washington, D.C. 20433

August 24, 2000

Re: Chixoy Dam in Guatemala

Dear Donna Dowsett:

We write in response to your June 30, 2000 letter, written in response to a letter we sent May 22, 2000. The May letter followed an April 18, 2000 meeting between representatives of the World Bank, our respective organizations, and Carlos Chen, a representative of the survivors of the former community of Rio Negro, Rabinal, Baja Verapaz, that we brought to Washington to meet with the WB and the Inter-American Development Bank.

We are disappointed with your letter. Firstly, what you sent us was basically a generic letter. We are expecting much more professional consideration from the WB. Out of respect for those affected by the Chixoy dam, we are very much hoping to engage in a serious dialogue. Secondly, your letter did not respond to the issues we had raised in our letter to you.

In this letter --which will be made public--, we respond to certain issues you did address in your June 30, 2000 letter, and then reiterate some points that you did not respond to.

Your June 30 letter raises three issues we wish to address: 1- the United Nations Commission for Historical Clarification ("CEH"), 2- concern that the WB underwrote a project in a country governed by a brutal US-backed military regime, to be carried out in an area known to have extremely high levels of State repression; and 3- the completion of the "resettlement plan".

I. CEH

We are pleased to hear of your respect for and commitment to the United Nations Commission for Historical Clarification (CEH) and its recommendations. We hope this leads to a proper commitment, on behalf of the WB, to fully, openly and honestly examine its role in the Chixoy Dam project and the related repression.

We assume that the WB is aware that the CEH featured the March 13, 1982 massacre in Rio Negro as one of its exemplary cases. That case study concluded that the repression suffered by those who resisted displacement due to the Chixoy dam was the primary cause of the subsequent repression they suffered. Rio Negro was the only community that resisted displacement, and 440 of its inhabitants were killed in massacres. We call your attention to some recommendations made by the CEH:

1. It calls for measures to preserve the memory of the victims. This recommendation contemplates public apology to the victims.
2. It calls for reparatory measures. This section discusses the need for material, financial, psycho-social and moral reparations to be made to the surviving victims.
3. It calls for the observance of human rights. The CEH recommends adherence to international mechanisms for the protection of human rights and administrative measures related to public officials responsible for human rights violations.

We call on the WB, due to its role in the design, promotion and implementation of the construction of the Chixoy Hydroelectric Dam, to respond to the recommendations of the CEH.

II. Loans to a Genocidal Government

As you pointed out in the June 30, 2000 letter, the CEH found that there was widespread repression in Baja Verapaz, particularly in Rabinal, at the time that the Guatemalan government was receiving full support from the WB for the Chixoy Dam. The CEH identified 26 massacres that took place in Baja Verapaz; of those 20 occurred in Rabinal. The WB should never have supported this project in the first place, and then should never have continued supporting it as State repression went from bad to worse.

Furthermore, it is clear that the people of Rio Negro suffered much more repression than the rest of Rabinal. As determined by the CEH, close to 23% of the population of Rabinal was killed during the repression (over 5,000 people out of a population of 22,000 in Rabinal). In Rio Negro, over 55% (440 people out of a total of 740 people) of the population were killed. It was the Chixoy Dam Project, as confirmed by the CEH report, that put Rio Negro in conflict with the Guatemalan military regime.

It goes without saying that we are extremely concerned that the World Bank would have made loans for a project to be carried out in the climate of extreme repression that existed in Guatemala, and particularly in the area where the dam was built. We call on the World Bank to examine its policies, or lack thereof, which regard to financial support of governments engaged in human rights violations.

III. Resettlement Plan

In your June 30, 2000 letter you mentioned the existence of program of activities to fulfill the promises of the resettlement plan. This plan was agreed upon by the WB and Guatemalan government, in consultation with the affected parties shortly after the 1996 fact-finding mission led by Ms. Gloria Davis. The above information raises several questions and concerns.

1. Would it be possible for us and/or the affected communities to receive a copy of the said agreement between the WB and Guatemalan Government?
2. To what "resettlement plan" do you refer? This question arises due to the existence of at least two "resettlement plans" of which we have knowledge.

The first "resettlement plan" was a series of conditions, identified in pre-project studies, which were, as we understand, incorporated into the loan agreement. This contained much more just conditions than the second "resettlement plan".

The second "resettlement plan" was a series of promises made by INDE to the community which they were forced to accept, due to the repression and intimidation. This "resettlement plan" was and is in violation of national and international legal standards regarding expropriation of private property.

3. Your letter asserts that the "resettlement plan" has now been implemented. After multiple interviews with affected parties, it is abundantly clear that the conditions of neither of the known "resettlement plans" have been fulfilled.
4. To our knowledge, no "resettlement plan" has ever been elaborated which responds to legal or moral rights of those displaced.
5. Today, 18 years after the construction of the Chixoy dam and the slaughter of over 50% of the population of Rio Negro, the community requires much more than the completion of the faulty "resettlement plan." Full compensation, plus reparations, as recommended by the CEH, are in order.

ISSUES NOT ADDRESSED

Your June 30 letter did not address issues we set out in our May 22 letter: 1- inadequate community consultation throughout the Chixoy Project to date and the related request for WB-IDB financial support; and 2- a petition for the release of World Bank documents which contain information related to the project.

I. Community consultation

Throughout the Chixoy Dam Project there were extremely inadequate measures for those negatively affected by the project to voice their concerns and advocate for their interests. At this point, it is not necessary to list the failures leading up to and during the implementation stage of the project – this has already been well documented.

More recently, there has been inadequate efforts to allow the surviving victims to properly present the totality of what they lost or had stolen from them and, based on that, negotiate proper compensation and just reparations.

For this reason we solicit:

- 1) A response to the request for funds necessary for the community to undertake a truly participatory consultation regarding their losses and their needs.
- 2) We would be very interested in knowing when and with whom WB Vice President David de Ferranti's consulted, as mentioned in your June 30 letter. Sadly, often in such visits not all points of view are heard.

II. Release of Documentation

This brings us to reiterate our request for the release of all WB documentation related to the Chixoy Hydroelectric Project. Of particular interest would be some of the reports and agreements listed in the "Project Completion Report on Guatemala—Chixoy Hydroelectric Power Project (Loan 1605-GU)," namely:

- The Loan Agreement (LA) and Guarantee Agreement (GA) for both the original loan and secondary loans related to the project.
- The Environmental Protection Plan for the project (produced with support from an IDB technical assistance grant of \$1.5 million).

- The January 1977 agreement with the Instituto de Antropologia e Historia to carry out archaeological investigations in the area.
- Agreements between INDE and the Direccion General de Servicios de Salud and the Instituto Guatemalteco de Seguridad Social.
- The programs for resettlement and compensation (submitted January, 1979; approved June 1979) and documents explaining on what basis this program was judged to be flawed in concept (1984).
- The updated resettlement program adopted as one of the conditions for the supplemental loan (approved March, 1985).
- The program for erosion control (December 31, 1979).
- "Back-to-Office" reports of the resettlement expert employed on this project.

We thank you for your prompt attention to this urgent matter. We are confident that we can work together to ensure that those who suffered the consequences of the Chixoy Dam Project may once again live with dignity and that we can learn the lessons of history so that such an experience is never repeated.

Sincerely,

Annie Bird & Grahame Russell
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PLEASE CONTACT THE WORLD BANK NOW [and cc your communication to grussell@rightsaction.org]

Whether they deal with Rights Action, or directly with the affected community, please demand that they take this issue of proper compensation and just reparations seriously.

Thank-you. Don't hesitate to contact us with your questions, criticisms and comments.

Rights Action