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## Volume Two: Chixoy Dam Legacy Issues Study

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### CHIXOY DAM LEGACY ISSUES DOCUMENT REVIEW: CHRONOLOGY OF RELEVANT EVENTS AND ACTIONS

Barbara Rose Johnston  
Center for Political Ecology  
March 17, 2005

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**Q:** Who is entitled to compensation and other forms of assistance?

**A:** All persons losing assets or use of resources as a direct result of a Bank-supported project are considered "Project Affected People" entitled to compensation and/or other forms of assistance. This includes people losing land they have held under customary or traditional rights, people utilizing common property resources, squatters residing on public lands, and encroachers deprived of established access to resources, as well as those with formally recognized property rights. It also includes tenants, artisans, and wage earners whose livelihoods or living standards would be adversely affected as a direct result of the project. It does not include persons opportunistically invading a site after disclosure of project plans for the purpose of obtaining assistance.

World Bank Involuntary Resettlement: Frequently Asked Questions  
<<http://lnweb18.worldbank.org/ESSD/sdvext.nsf/65ByDocName/FAQs>>



## Chixoy Dam Legacy Issues Study

An independent scientific assessment by the Center for Political Ecology commissioned by *Asociacion Campesina Río Negro 13 de Marzo Maya Achi* (ASCRA), International Rivers Network, Reform the World Bank-Italy, and Rights Action-Guatemala.

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## INTRODUCTION

For more than two decades, members of the Chixoy dam-affected communities have struggled to secure fair and just compensation for the taking of lands, lives, and property that took place while building and operating the Chixoy Dam. Presenting their case of involuntary displacement in national and international forums, they have argued that inadequate resettlement planning and implementation failures contributed to an array of actions and conditions producing serious damage and harm to life, community, culture, and livelihood.

Staff of the World Bank, while acknowledging that project planning and implementation was hindered by significant failures in the resettlement program, conducted a social program evaluation in 1996 and concluded that the World Bank's obligations had been met. Yet they continued to periodically assist the dam-affected community in the years since determining that formal obligations had been met. The project developer, Instituto Nacional de Electrificación (INDE), has taken the similar position that obligations have been met, and further points out that since privatization in 1998, they no longer have the institutional mechanism, financial ability, or legal responsibility to respond to dam-affected community complaints.

Dam-affected communities have pointed out that they do not have any of the resettlement and compensation documents that establish their rights and entitlements, nor have they been able to access the documentation used by project financiers and developers to support contentions that resettlement obligations have been met. They have not received the compensation and assistance that they are entitled to as defined by the World Bank policy on Involuntary Resettlement, nor even the full array of promises extended by INDE so many years ago. They also point out that in many cases resettlement and compensation negotiations were aborted or halted and agreements never reached, and even in those cases where agreements were tentatively reached, they were achieved under great duress – with the very real threat of violence and massacre hanging over them. Lacking the documentation to prove their rights to even basic entitlements verbally promised so many years ago, dam-affected communities have been unable to maintain those entitlements (e.g., the provision of free electricity by INDE, Instituto Nacional de Electrificación).

Given these complex conditions and varied perspectives, an independent assessment of the project record was deemed a critical component in the overall effort to secure meaningful remedy for Chixoy Dam-affected peoples.<sup>1</sup>

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<sup>1</sup> It is important to define what is meant by “independent assessment.” Typically, post-development project assessment of the performance of social programs occurs in one of three ways: via in-house staff review, by consultants contracted by financiers to conduct an external review, or by staff of the nongovernmental organizations that make up the activist community. In each of these situations findings can be muted by controversy over the independent status of the review, as one party or the other claims an interest or agenda, which contaminates the independent findings. In this case conscious effort has been taken to ensure that the review is transparent, thorough, and independent of the various parties. While many people contributed their time and energy to locate, reproduce, translate and interpret information, the selection and articulation of relevant events and the summary findings discussed elsewhere in this Chixoy Dam Legacy Issues Study, unless otherwise noted by citation, formal declaration, or endorsement, are the sole responsibility of the author.

Volume II of the Chixoy Dam Legacy Issues Study summarizes the documents and other evidentiary material that make up the accessible record. It is an annotated chronology of events, plans, decisions, and actions associated with the planning, construction and eventual operation of the Pueblo Viejo-Quixal Hydroelectric Facility on the Chixoy River in Guatemala. This chronology is derived from an independent research and analysis process that began in Pacux, Rabinal in July 2003, when I was asked by Asociacion Campesina Río Negro 13 de Marzo Maya Achi (ASCRA) representatives and their advocates (Rights Action Guatemala, International Rivers Network, and Reform the World Bank Italy) to help secure community access to the documentary record, to review said documents, and to produce a report that has a dual focus on the historical chain of events and the consequential damages associated with these events. To do this I examined all accessible documents related to the planning and development of the project, as well as documents demonstrating the broader context in which development activities took place—including the broader legal framework existing at the time in which the project was conceived and developed, the political context in this region of Guatemala, and key community experiences perceived to be related to the construction of the Chixoy Dam.

To structure this independent assessment of the project record a series of key questions were developed to guide archival research and develop the relevant chain of events:

- Over the course of hydroelectric development planning in Guatemala, and assessment, planning, construction and management of the Pueblo Viejo-Quixal hydroelectric project, what were the obligations of the Guatemalan Government, INDE, project financiers and project contractors with regard to dam-affected communities?
- What is the record of resettlement and compensation promises or agreements, and how is this record reflected in community testimony, project plans, contracts, and related documents?
- What assumptions, methods and indicators were used to determine the affected population, their rights and resources, and the value of goods, lands and livelihoods that would be adversely affected by the development?
- In what ways and at what times were resettlement, compensation and related social problems reported?
- When problems were reported, what were the responses?
- In those cases where specific promises and plans were made to remediate reported problems, what actions were implemented, and did this effort achieve its socioeconomic goals?
- Were institutional actors, in particular the financial institutions and lender countries, aware of the violence occurring in the region, and specifically of the violence being perpetrated upon project-affected communities?
- What evidence can be found in published and public record documents, forensic reports, news reports, witness testimony, project consultant files, and other records that contextualizes, confirms or clarifies the testimony of members of dam-affected communities, or conversely, the views and conclusions of project financiers?

Formal requests to access and review relevant documents on behalf of the dam-affected communities were made to major project financiers. An initial request had been submitted by

the Guatemala nonprofit CONGCOOP (Coordinación de ONG Guatemlatecas) in February 2003 to the World Bank Archives, producing a list of records, but no access. A subsequent request for access to project documents was submitted on behalf of the community in July 2003, with a letter from the American Anthropological Association (AAA) to World Bank and Banco Interamericano de Desarrollo (BID) staff in Guatemala City introducing me as the community's representative and AAA delegate in this independent review. BID staff Michael Collins provided advice and access to two BID reports. World Bank staff Mario Marroquin denied access to documents, but encouraged further requests to the Washington, DC office. In September 2003, BID archivist Roland Lamberton provided access to several project documents housed in the Felipe Herrera library in Washington, DC. Bertha Wilson, archivist for the World Bank, who had previously helped develop an inventory of Chixoy documents in the Bank archives, denied access pending disclosure review of the documents (an estimated 39,000 pages are in the archive). After many months, Archive staff eventually scanned and provided digital access to some 13,000 pages in May 2004 -- one-third of the Chixoy Project inventory held by the Archive (documents largely submitted in support of the 1978 loan). Access to the remaining archive was promised by World Bank officials and staff in several meetings with dam-affected community representatives and Guatemala human rights advocates, yet repeated subsequent requests to the archive for permission to access the remaining 26,000 pages in the World Bank archive have gone unanswered.

Because institutional actors were unable or unwilling to provide full access to their records, efforts were taken to reconstruct the record by reviewing public sources (libraries and archives of governmental agencies, international institutions, universities and museums), the files and archives of various project consultants, and the files and archives of human rights and environmental advocacy groups. Some of this research was accomplished via internet access to online archives. Significant sources include the "truth and reconciliation" documents and reports on the American Association for the Advancement of Science website; the record and performance of international financial institutional loans to Guatemala summarized in annual reports, country summaries, and case studies published on international financial institution websites; and the record and performance of Guatemala as signatory to international conventions and treaties summarized in the annual reports and country reports posted on the Organization of American States Inter-American Commission on Human Rights and United Nations Commission on Human Rights websites. The majority of documents summarized in this review were obtained by visiting and copying documents in University libraries; the Carnegie Institute Museum; offices of the Bank Information Center, International Rivers Network, Rights Action – Guatemala; Guatemalan research facilities including AK'KUTAN Documentation Center in Coban, CIRMA (Centro de Investigaciones Regionales de Mesoamérica, Antigua), CEMCA (Centre Français d'Etudes Mexicaines et Centraméricaines), Museo Nacional de Arqueología y Etnología (Guatemala City), and the Museo de Rabinal; and, the personal files of archaeologists, anthropologists and other project consultants. These efforts produced materials that help place local events associated with dam construction in the larger context of civil war in Guatemala. They also produced a large, yet still incomplete record of the social impact assessment, resettlement and compensation planning, and program implementation record.

For the most part, this chronology consists of brief summaries of project milestones and related events. In some cases, greater detail is provided, especially when summarizing and

quoting from resettlement plans and agreements. And in some cases additional case-specific facts and interpretative remarks are included to highlight the relevance of the entry or event. In these instances, the interpretative paragraph is placed as a footnote at the end of the page. All summaries and quotes are in English, and in a number of instances represent English translations from the Spanish or French original. Sources are briefly cited and full references appear at the end of this report. When citing documents and reports prepared for INDE, other Guatemalan Government agencies, World Bank, BID and other development project entities, the citation reflects the Spanish language name and includes report author or title (if author unknown), contracting agency, and year of completion.

In addition to documentary sources, significant effort was taken to verify historical accounts and clarify the current interpretation of past events. Telephone, email and in-person interviews were conducted with members of the dam-affected communities; project consultants; former World Bank staff; archaeologists working in the area during the construction phase; and, lawyers, historians and anthropologists who assisted with the documentation of massacres, the reconstruction of events from the 1970s and 1980s, and the history and experiences of various Mayan highland communities. “Personal communication” citations are used in this report to indicate when information was obtained from these varied expert witness sources.

**Table 1: Abbreviations and Measurements****Abbreviations**

AAA	American Anthropological Association
AAAS	American Association for the Advancement of Science
ADIVIMA	Asociación del Desarrollo Integregral de las Víctimas, Maya Achí
ASCRA	Asociación Campesina Río Negro 13 de Marzo Maya Achí
BID	Banco Interamericano de Desarrollo
BIRF	Banco Internacional de Reconstrucción y Fomento
BCIE	Banco Centroamericano de Integración Económica
CEH	Comisión para el Esclarecimiento Histórico
COHRE	Centre on Housing Rights and Evictions
CONGCOOP	Coordinación de ONG Guatemaltecas
CUC	Comité de Unidad Campesina
DICABI	Dirección de Catastro y Avalúo de Bienes Inmuebles
EGP	Ejército Guerrillero de los Pobres
EAFG	Equipo de Antropología Forense de Guatemala
FAFG	Fundación de Antropología Forense de Guatemala (EAFG is now FAFG)
FIV	Fondo de Inversiones de Venezuela
FONAPAZ	Fondo Nacional para la Paz
IACHR	Inter-American Commission on Human Rights
IDAEH	Instituto de Antropología e Historia
INDE	Instituto Nacional de Electrificación
INTA	Instituto Nacional de Transformación Agraria
LA COORDINADORA	La Coordinadora de Comunidades Afectadas por la Represa de Chixoy
LAMI	Lahmeyer International (Frankfurt au Main), Motor Columbus, SA (Baden, Switzerland), and International Engineering Co., of San Francisco (Consortium of firms).
LAVALIN	Lamarre Valois International Limitee of Canada
MIGA	Multilateral Investment Guarantee Agency
ORPA	Organización del Pueblo en Armas
PAC	Patrullas de Autodefensa Civil
PDH	Procuraduría de Derechos Humanos
PER	Programa de Electrificación Rural
PMA	Policía Militar Ambulante
URNG	Unidad Revolucionaria Nacional Guatemalteca

**Measurements and Conversions**

*Manzana, Hectares, Caballería:* Measurements of land.

1 manzana = 1.7 acres = 10 cuerdas = 6987 sq. m

1 hectare = 2.25 acres = 1.43 manzanas

1 caballería = 45.12 hectares = 64.5 manzanas = 101.4 acres

*Quetzales:* Dollars

up through 1985 Q.1 = US\$1

1991 Q. 5.18 = US\$1

2005 Q. 7.69 = US\$1

**Table 2: International Financial Institution and Bilateral Involvement in Planning and Building the Pueblo Viejo-Quixal (Chixoy) Dam**

Source	Date	Details	Source
World Bank	<b>1951</b>	Economic development plan for Guatemala prioritizes construction of highways and hydroelectric energy to allow mining, timber harvest and development of export agriculture as the means to transform and develop the rural areas. Plan recommends creation of INDE. Subsequent loans reflect this development template.	WB 2004b.
World Bank	<b>7/29/55</b> \$2.73 million	First World Bank loan to Guatemala: # 0124 Highway Project	WB 2004b.
United Nations Special Fund and World Bank	<b>1961</b>	The United Nations Special Fund, Guatemalan Government, and World Bank sign an agreement for a comprehensive study of electric power and irrigation in Guatemala. World Bank is executing agency for the studies, having general responsibility for execution of the project including disbursement of the money made available by the Special Fund.	WB 2004b.
Inter-American Development Bank (IDB)	<b>12/19/63</b> loan #81 (OC) for \$3.15 million.	Loan provided to INDE, signed on 6/18/64. Financing the development of INDE and the initiation of national energy development plans.	Loan detail in BID 2004.
World Bank	“Power Project” agreement in <b>1963</b> authorizes <b>1/19/67</b> loan #0487 for \$15 million; and <b>6/18/68</b> loan #0545-0 for \$7 million.	“Power Project” loans finance the development of a national energy plan for Guatemala. Loan allowed formation of energy development policy and surveys that examined energy production, estimates future demand, identified key strategies for developing new energy source, and produced a national energy plan emphasizing the production of energy from renewable resources. A series of hydroelectric dam sites are identified, including sites on the Chixoy River.	“Plan de Desarrollo 75/85” INDE 1974; INDE 1991. Loan detail in WB 2004a.
World Bank	<b>6/12/72</b> Distribution of # 545-GU-IBRD used by INDE to conduct pre-feasibility studies.	INDE contracts with Consorcio LAMI (lead company is Frankfurt-based Lahmeyer Int.) to study the hydrological potential of the middle Chixoy River and draft plans for thermal plants. Work begins June 18, 1972. First phase identifies some 32 possible locations, second phase narrows it down to four: primary recommendation for the Pueblo Viejo-Quixal site. Reports note extensive agricultural cultivation and sparse residential population. Engineering estimates include land acquisition and resettlement.	Consorcio LAMI/INDE 1973, 1974. Funding discussed in INDE 1991.
Government of West Germany	<b>11/13/72</b>	Government of West Germany formalizes a technical assistance grant to Guatemala to elaborate a plan for hydroelectric development.	Discussed in INDE 1991.
Central American Bank of Economic Integration	<b>1974-75</b> BCIE loans #74, #75, #75-1. \$13.27 million.	Financing to support the construction of the Pueblo Viejo-Quixal (Chixoy) Dam.	Loan detail in INDE 1991:254.
Investment Fund of Venezuela	FIV loan #01-29 and loan #03-70. \$74.8 million.	Financing to support the construction of the Pueblo Viejo-Quixal (Chixoy) Dam.	Loan detail in INDE 1991:254.
Government of West Germany	<b>1975</b>	West Germany and Guatemala sign an agreement to develop a master plan for development of a dam and hydroelectric generation facility at Chixoy River. West Germany contracts with LAMI Consortium. Guatemalan Government creates a governmental agency to work in partnership with LAMI.	Discussed in INDE 1991.

World Bank	<b>2/24/75</b> Distribution of # 545-GU-IBRD.	INDE and Consortio LAMI sign contract. LAMI prepares bidding documents for construction and equipment; evaluates offers; carries out financial and engineering studies; develops design and technical specifications.	Contract details discussed in INDE 1991.
Inter-American Development Bank (IDB)  "BID 1"	<b>1/15/76</b> \$105 million to INDE for Chixoy Loan contracts under this authorization: #301, 302, 454 and 6/VF.	BID loan to the Guatemalan Government (INDE) to refine engineering plans and build the Chixoy Dam. Contract includes no mentions of a resettlement program, or source or amount of financing for compensatory programs. Chapter V, Clausula 2 (d) (ii), stipulates that INDE is required to satisfy the Inter-American Development Bank that it has possession of lands where project works are to be constructed "de conformidad con las disposiciones legales en vigencia." Construction is set to begin at the end of 1976.	Loan details discussed in Partridge 1983. Loan contract cited by INDE 1991:254. See also BID 2004.
World Bank	<b>7/16/76</b> Loan #1314-0 \$4.2 million and Loan #1315-0 \$20 million.	Loan to Guatemalan Government. National survey of housing conditions and reconstruction following the 2/4/76 earthquake assesses housing and rebuilds some schools and homes in urban areas; rural surveys include the psychological, socioeconomic, ethnic, and political characteristics of communities. In the Chixoy River Basin survey also involves a census of the population, housing, and property, and initial proposals for compensation and resettlement.	WB 1976. Gaitán 1979. Loan details in WB 2004a.
BID	<b>1/25/77</b> \$1.51 million. Grant of Canadian \$539,000 and US\$231,000. Donated by Canada, BID administered.	Technical assistance grant to INDE to prepare a program to protect the environment in the project zone of influence, and finance the preparation of a program for the economic and social development of the project zone. BID is responsible for planning, and INDE for implementation. BID requires INDE to submit resettlement program reports three times each year. LAVALIN, a Canadian consulting firm, is contracted to prepare the Chixoy River Basin Sustainable Development plan, including plans for resettlement.	Discussed in WB 1978, and Partridge 1983. See also LAVALIN 1978, 1981. La Nacion Guatemala April 26, 1978.
World Bank	<b>6/19/78</b> Chixoy Loan BIRF #1605-0 providing \$72 million to INDE at a 7.5% rate.	Contract includes a clause obligating INDE to provide houses and services for the relocatees of better quality than those they enjoyed previously. "In addition to the normal commitment to carry out the project with due regard to ecological matters, the Bank obtained assurances from Government and INDE that a program will be implemented to compensate adequately and, if necessary, resettle, those residents (about 1,500) of the area to be flooded by the reservoir whose living and working conditions have been adversely affected by such flooding. INDE will prepare such a program and present it for Bank review by December 31, 1979."	WB Staff Appraisal Report, June 15, 1978. Contract discussed in Partridge 1983. Loan detail and rate WB 2004a.
BID  "BID 2"	<b>11/11/81</b> Loan #301A and 302A to INDE for \$45 million Repaid with 9.25% interest.	Contracts are signed December 17, 1981 by the Republic of Guatemala and BID. No specific clause makes reference to requirements for resettlement planning or implementation, but a budget line exists under the direct costs of construction for "Purchase of Lands and Resettlement" in the amount of US \$3.8 million. Note, Witness for Peace, citing BID 1985, reports this as a \$70 million loan to cover the "cost incurred by additional works."	Discussed in Partridge 1983. Detail in BID 2004.
BID	<b>12/21/83</b> Loan #456 (OC) \$34,1130,000 award to INDE. (\$10,466,060.94 was cancelled).	Severe water losses from the headrace tunnel prompts shut-down of the power plant. Inspection reveals considerable damage to tunnel areas. Disbursement under funding provided by BID 1 used for emergency repairs. Additional loans and another two years of repairs are required before the plant can begin commercial operation.	Detail in BID 2004. INDE (1991:254) cites this loan as BID 454.

BID "BID 3"	1985 Loan #GU-0026 (cited by INDE 1991:254) totaling \$44.51 million. Loan #169 (IC) (cited by BID 2004) dispensing \$44.5 million.	Loans to finance repairs. Total BID financing approved is \$57 million. BID also facilitated a cofinancing agreement with FIV (Venezuela) for an additional \$22.3 million.	Loan detail in BID 2004; INDE 1991.
World Bank	<b>3/19/85</b> BIRF #1605-1 providing \$44.46 million to INDE at a 2.98% rate.	Loan to repair the conduction tunnel that had collapsed during the first phase construction. Accompanying the loan is an Aide Memoire outlining World Bank Actions and INDE obligations, and signed by all parties, that notes: "INDE has not complied with Section 3.06(a), (b) and (c) of the Loan Agreement signed with the World Bank dated July 21, 1978 (1605 GU). Therefore the supplementary loan now being considered by the World Bank for the Chixoy Project should not be approved until INDE can successfully demonstrate during appraisal that the major problems with the human resettlement and community reconstruction components of the project have been corrected."	Loan terms discussed in Partridge 1984. Loan detail and rate in WB 2004a.
BID	11/12/91 Loan 871/SF-GU \$14.4 million. <sup>1</sup>	Chixoy River Watershed Management and Conservation Program. Reforestation, installation of automated sensor flood gates. With \$14,272,000 dispersed, this project was evaluated by BID in 2001 as "Unsatisfactory" noting: "implementation progress was extremely complex and the executing unit invested a great deal of time on startup and coordination."	BID 2001:15.
<p><b>Note 1:</b> Loans above represent only a portion of total construction costs ascribed to the Chixoy Dam. According to some estimates, financing specifically earmarked for the Chixoy Project, including repairs in the 1980s, total \$955 million and by the mid-1990s represented some 45% of Guatemala's foreign debt. In 1991, 51% of INDE's revenues were used to service this debt (Goldman et al 2000:15). The privatization of INDE allowed the World Bank and most of the BID loans to be paid in full. World Bank loans have been repaid at interest rates noted above, and while their portfolio statement includes interest rates, maturation dates and payment status it does not report total income earned on this debt. On July 21, 2004, BID reports collecting income from loans 301(OC), 301A(OC), #456(OC), #169(OC) of revalued US\$139,628,376.29. (BID 2004:1-2; World Bank 2004a).</p>			

<b>Company</b>	<b>Location</b>	<b>Years</b>	<b>Workers</b>	<b>Additional info</b>
INDE	Guatemala		1 supervisor onsite, many in INDE's administrative offices, 20 - 25 people present on site.	INDE contracted PMA as well as private security firms, 60+ PMA worked as INDE security. INDE helped provide construction labor: about 10,000 Guatemalans worked on the dam with 4,000 living in worker camps, the rest were local.
ICOGUA	Guatemala	1976-77	15 people.	Built administrative headquarters.
Escher Weis	Switzerland	1980-83	8 (?) Swiss	Installed turbines, lived in Quixal, worked in Quixal. INDE used BID funds to pay the \$11,804,000 award. <sup>1</sup>
ICA	Guatemala and Mexico	1977 1982-83	20 (?) Mexican Workers lived and worked in Quixal.	In 1977 INDE used BID funds to pay ICA (Guatemala) \$1,900,000 for "heavy construction: Ex. Building" and another \$1,952,000 to ICA (Mexico) for "Services NEC." In 1982 INDE paid ICA \$14,612,000 to build the turbine house (\$9,465,000 financed by BID).
NELLOLTER	United States	1970-75	80 (?) US workers.	Built access roads. Lived in Santa Cruz, work camps in Agua Blanca and Pueblo Viejo.
QUASIM	Italy	1996		COFEGAR subcontractor. Built a relief tunnel, installed automatic basin doors with sensor units.
LAMI Consortium Lahmeyer Int., International Engineering, Motor Columbus	Germany, United States, Switzerland	1974-87	Developed technical plans for the project. 4 or 5 representatives present on site. Onsite workers did technical oversight.	First contract of \$252,000 on 1/1/1974 for "heavy construction, ex. Building." Second series of contracts on 1/1/77 total \$1,574,000 for engineering and related technical assistance. First and second series of contracts financed by BID awarded to Germany-based Consortium. Third set of contracts awarded 5/31/82 to Guatemala-based Consorcio LAMI total \$10,180,000 with \$5,810,000 financed by BID.
MITSUBISHI	Japan	1979-83	15 (?) Japanese Provided and installed diesel plants, lived in San Cristobal, worked in Quixal.	Awarded \$23,866,000 in a series of three contracts issued 8/17/78 with BID funds \$11,272,000 and (presumably) World Bank funds \$12,594,000.
SHOKE WALTMAN	India		3 (?) Indians	COFEGAR subcontractor. Built release tunnel 2, lived in Santa Cruz, work base in Pueblo Viejo.
HOLCHTIEF	Germany	1977-83	60 (?) Germans Designed and built tunnel. Hired 47 security guards.	Lived in San Cristobal, workshops and warehouses in Quixal. Awarded contracts for \$3,359,000 in 1/1/77 financed by BID, and \$70,754,000 in 5/31/82 of which \$54,275,000 was financed by BID.

SWISS BORING	Honduras		10 (?)	COFEGAR subcontractor. Tunnel work, lived/worked in Pueblo Viejo.
SOREFOMER	Portugal	1979-83	40 (?) Portuguese Installed bocatoma equipment, lived in San Cristobal, half worked in Quixal, half in Pueblo Viejo.	Funded in a series of three contracts 8/1/78 with \$6,992,000 financed by BID and \$7,812,000 financed (presumably) by the World Bank.
COFEGAR - Impregilo	Italy	1977-83 1990s	40-50 (?) Italians Built the dam, lived in Santa Cruz, worked in Pueblo Viejo.	Contractor for the \$12.7 million El Jute gallery, which adjusts the water level at the Chixoy dam, funded in part with Italian bilateral aid. Contracts awarded by INDE on 8/10/78 total \$70,576,000 with \$15,606,000 paid with BID funds, and \$54,980,000 presumably paid with World Bank funds. In 1996, QUASIM, a COFEGAR subcontractor, built a relief tunnel and installed automatic basin doors with sensor units.
LAVALIN: Lamarre Valois Int. Limitee of Canada	Canada	1978-81		Developed plans for the development and restoration of the Chixoy River Basin, including dam-affected villages, and the integrated rural development project in the municipalities of San Juan Cotzal and Chajul. Work funded through a \$1.51 million technical assistance grant provided, in part, by Canada and administered by BID.
<p><b>Note 1:</b> Contract award detail reflects only that portion reported on BID procurement records, and total some \$224,694,000 – about 25% of the close to one billion reportedly spent.</p> <p><b>Sources:</b> Annie Bird, interview notes with INDE workers, October 31, 2000; Goldman, et al 2000:14; Inter-American Development Bank, “Project Procurement Information: Goods and World by Borrowing Country” Web-based summary for contracts facilitated or financed by BID in Guatemala, March 14, 2005.</p>				

## CHRONOLOGY OF RELEVANT EVENTS AND ACTIONS

**1949 –1950** Convention on the Prevention and Punishment of the Crime of Genocide is adopted by the United Nations General Assembly on 9 December 1948 and ratified by the Guatemalan State by Decree 704 on 30 November 1949, and by Guatemalan Congress on 22 June 1949 and 13 January 1950. Guatemala is the sixth nation to ratify the Convention on Genocide. On May 14, 1950. Guatemala ratifies the Geneva Conventions of 12 August 1949. Article 8 of The Universal Declaration of Human Rights states: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

**June 14 – August 1950** First World Bank mission to Guatemala. Mission report, *Guatemala – El Desarrollo Economico*, published in June 1951 (World Bank 2004b:39).

**July 3, 1951** Recommendations for the economic development of Guatemala published by the World Bank. In its analysis, the World Bank argues that the primary barrier to economic development is an economy that relies on primitive agriculture, inequitable distribution of land, and in the rural areas “underemployment exists because of the seasonal nature of subsistence agriculture or the relatively unproductive cultivation of marginal lands.” To transform the economy, the Mission recommends development of roads in the rural regions to allow movement of goods, access and exploitation of timber reserves, and access and exploitation to known mineral reserves (lead, silver, copper, zinc, chromium, bismuth, iron, antimony, quartz, coal, and the possibility of petroleum in the northeastern part of the country: the Peten, Alta Verapaz and Izabal). Road construction and hydroelectric energy development are identified as the primary means to support the mining and industrial development of the rural countryside. The plan is to promote “a better division of labor... the present highland population would be brought to depend less on the growing of corn, which can be grown elsewhere.” Initially, this would be accomplished by encouraging production of commercial agricultural products, and “at a later stage, with ample labor and cheap supply of hydroelectric power which might be generated, it is possible to visualize small manufacturing plants located in this area.” Recognizing that economic development also requires the development of public policy, the Mission urges the creation of “an autonomus National Power Authority: (1) to plan and supervise an integrated program of power development; (2) to construct and operate publicly owned facilities” (World Bank 1951:82, 121, 233).

**1954** United States-backed coup topples government of democratically elected President Jacobo Arbenz, whose nationalist, reformist policies included expropriation of land belonging to United Fruit Company. Three decades of military-led governments follow (World Bank 2004b. See, also, Immerman 1983).

**1955** A. Ledyard Smith publishes an “Archaeological Reconnaissance in Central Guatemala” reporting on survey, excavations and findings that include a complex of Mayan settlement sites in the Chixoy River Basin, along a major trade route that linked highland Mayan communities to coastal settlements (Smith 1955).

**July 29, 1955** First World Bank loan to Guatemala (Loan 0124) to finance a highway project.

**May 27, 1959** Decree No. 1287 of the Congress of the Republic: calls for watershed protection, protection of rivers and water currents and determination of hydroelectric capacity of the nation (Alliance for Progress, INDE 1973).

**April 27, 1961** International Development Association (IDA) Articles of Agreement are signed by Guatemala, becoming the 42nd member of IDA.

**August 2, 1961** The United Nations Special Fund, Government of Guatemala, and World Bank sign an agreement for a comprehensive study of electric power and irrigation in Guatemala. World Bank is executing agency for the studies, having general responsibility for execution of the project including disbursement of the money made available by the Special Fund (World Bank 2004b:106).

**September 1962** A study of electrification and irrigation system capacity and needs in Guatemala is completed by Lit. Rarza-Berger, Compañía Acres International (cited in INDE 1991:71).

**October 19, 1962** Decree No. 1551 of the Congress of the Republic: calls for the utilization of river water and prioritizes in order of preference: flood control, development zones and agrarian parcels, irrigation, energy generation, human and industrial uses, navigation and others (cited in Alliance for Progress, INDE 1973).

**December 14, 1962** The United Nations General Assembly Resolution on Permanent Sovereignty Over Natural Resources declares that: “The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and the well-being of the people of the State concerned.” (A/RES/1803.1). “Nationalization, expropriation or requisitioning shall be based on grounds or reasons of public utility, security, or national interest which are recognized as overriding individual or private interests, both domestic and foreign. In such cases the owner shall be paid appropriate compensation, in accordance with the rules in force in the State taking such measures in the exercise of its sovereignty and in accordance with international law. In any case where the question of compensation gives rise to a controversy, the national jurisdiction of the State taking such measures shall be exhausted. However, upon agreement by sovereign States and other parties concerned, settlement of the dispute shall be made through arbitration or international adjudication.” (A/RES/1803.4). “Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith; States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in the present resolution.” (A/RES/1803.8).

**1963** World Bank “Power Project” loans to Guatemala approved (funds distributed 1969-71) to finance the survey of electric power and other energy development projects. These surveys examine energy production, estimate future demand (demand exceeding supply to be reached by 2003), identify key strategies for developing new energy source, and allow the development of a national energy plan that emphasizes the production of energy from renewable resources. (See Table 2 for a summary of energy development financing that resulted in the construction of the Chixoy Dam).

**1965 - 1982** A new constitution for Guatemala is adopted. Article 43 establishes “The state guarantees as rights inherent in the human person: life, corporal integrity, dignity, personal security...” Article 129 defines navigable and floatable rivers and their banks, rivers banks and arroyos on national boundaries, waterfalls and headwaters used for hydroelectric purposes as goods of the nation. Article 130 establishes as reserves within the Nation’s domain a 200 meter zone around lakeshores, 100 meters on each side of navigable rivers, 50 meters around sources and springs that give rise to waters that supply water to cities or populations – except those lands where pre-existing title is held. Article 136 recognizes and guarantees to private persons the use and enjoyment of volumes of water destined for domestic use, power generation, irrigation or the development of agricultural and industrial activities. The property of waters of the nation cannot be acquired. (Cited in Alliance for Progress, INDE 1973; discussed in relation to expropriation claims by INDE in DeLeon 2005).

**1965** The Policia Militar Ambulante (PMA) is created in 1965 as an entity separate from the military police, but under direct military control. The PMA’s responsibilities included police functions and protection of elite interests. “The National Security Archive Database indicates that the PMA ‘was intended as an extension of military control over law enforcement operations in the Guatemalan countryside...In addition to performing general police functions, the PMA protected the landowning elite and controlled the rural population.’ Thus, the PMA patrolled both urban and rural areas. Protection duties included security for both state and private enterprise. The segment of the PMA devoted to the protection of state businesses, such as electric generating plants. By the 1970s the PMA was a critical counterinsurgency force and an integral part of the state intelligence apparatus. *Latin American Newsletters* described the PMA as ‘a particularly vicious arm of the security forces’ (1976, 354). The *Los Angeles Times* noted that the PMA ‘had a reputation for extreme abuse of authority’ (1997). A 1981 Amnesty International report stated that the PMA was “named in many reports of abuses on and around large plantations in rural areas, and of seizure and ‘disappearance’ of trade union leaders at factories where the PMA provided security services” (Fried, et al, 1983, 144). In a 1984 study, analyst George Black wrote, ‘In the countryside, the security forces of the Mobile Military Police and the Hacienda (Treasury) Police, private landowners and freelance thugs connected to the fascist MLN used terror in ways that made one group indistinguishable from the others’” (Black, et al, 1984, 6). (This quote and its references from USCIS 2001).<sup>2</sup>

**1966** West German Government and Government of Guatemala sign a five-year technical cooperation agreement. (Described in INDE 1991:71).

**April 19, 1966** World Bank sends an economic mission to Central America to make a comprehensive study of the development plans of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. (World Bank 2004b).

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<sup>2</sup>The PMA provided site security for construction companies, equipment and facilities at the Pueblo-Viejo dam. According to Annie Bird, who interviewed INDE administrative staff and construction workers on October 31, 2000, INDE used project funds to pay some 60 PMA to work as security on the project. INDE also contracted private firms to provide security. Holchtief, a German subcontractor building the tunnel in Quixal, also employed some 47 guards. (Annie Bird, personal communication, March 4, 2005).

**December 16, 1966** The General Assembly of the United Nations reconfirms the Right to Remedy as established in The International Covenant on Civil and Political Rights (A/RES/2200 A (XXI), and articulated in the Universal Declaration of Human Rights, stating “Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by an other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedies; (c) To ensure that the competent authorities shall enforce such remedies when granted” (Part II, Article 2.3).

**November 22, 1969** The American Convention on Human Rights (Pact of San Jose) is signed at San Jose, Costa Rica. The Pact of San Jose established an Inter-American Commission on Human Rights, elected from the membership of the Organization of American States, with the capacity and obligation to consider petitions lodged by any person or group of persons, or any nongovernmental entity legally recognized in one or more member States of the Organization, containing denunciations or complaints of violation of this Convention by a State party. The Commission has the power to investigate reports of human rights abuse and to facilitate efforts to achieve a friendly settlement. If a settlement is not reached, the Commission shall develop a report of the facts, state its conclusions, and transmit the report with recommendations to the parties concerned. When adequate measures have not been adopted, the Commission may publish the report, and submit it to the Inter-American Court of Human Rights. Only State’s Parties and the Commission have the right to submit a case to the Court.<sup>3</sup>

**July 1970** Military-backed Colonel Carlos Manuel Arana Osorio is elected president, and initiates a second wave of "pacification" during his four years as president. An estimated 15,000 are killed or “disappeared” in first 3 years of his term. During his tenure the Guerrilla Army of the Poor (EGP) emerges on the national scene. And, practitioners of liberation theology begin to support organization and resistance on the part of poor, rural indigenous peoples. Ríos Montt is appointed as army chief-of-staff, remaining in this position until 1974 (McClintock 2002).

**1972** World Bank releases the policy paper *Environmental, Health, and Human Ecological Considerations in Economic Development Projects*, which outlines criteria and guidelines for evaluating the environmental impacts of development, including guidelines for assessing the environmental impacts of hydroelectric power plants. By 1974 this paper is adopted as formal operating guidelines, and later revisions are contained in the 1977 *Manual on General Environmental Protection for the Industrial Sector*. Key questions in 1974 guidelines include: “What site criteria will be used? Will they include environmental considerations, such as effects on air and water quality, and the resulting impact on residents of the area, fish, wildlife, and vegetation?... What impact will the impoundment for a hydroelectric plant have in terms of the destruction of agricultural and forest lands, and habitats for fish and wildlife? How will the reservoir and downstream flow affect water quality parameters, such as temperature, dissolved oxygen, nutrients, nitrogen concentration, hydrogen sulfide, and

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<sup>3</sup> Guatemala ratifies this convention on May 25, 1978.

color? Will construction or operation of the plant adversely affect agricultural, economic or commercial practices in the area, such as farming or access ways in a reservoir impoundment area? Will plant construction cause displacement of peoples because of flooding, required rights-of-way or because new opportunities? What new public health problems may arise from the project? Will changes in water velocities, temperatures and depth result in a more favorable environment for disease-bearing organisms?" By 1974 these are published as operating guidelines that require major adverse effects be avoided or mitigated. (Munn 1975, Appendix 2.8; World Bank 1974:38-40; World Bank 1977a).

**June 12, 1972** INDE signs contract No 73-72, appointing Consorcio LAMI Lahmeyer International to carry out a river basin study covering some 150 kilometers. The consortium of international firms includes Lahmeyer International (Frankfurt am Main), Motor Columbus, SA (Baden, Switzerland), and International Engineering Co., of San Francisco. The contract requires a study of the hydrological potential of the middle course of the Chixoy River and thermal plants needed to satisfy future power demand. Work begins June 18, 1972. Studies are conducted in two phases, and are financed by a World Bank loan (Loan no. 545-GU-IBRD) made in June 1968. (Described in INDE 1991:71-72).

**November 13, 1972** The Government of Guatemala Ministry of Foreign Relations submits a technical assistance grant to the West German Government requesting assistance in elaborating a plan for hydroelectric development in Guatemala. (Cited in INDE 1991:72).

**April 30, 1973** World Bank approves first loan for Geothermal Power in Latin America (Loan 0889 – Power Project (06) El Salvador. The Inter-American Development Bank is a co-lender in this project. Prior to issuing the loan, safeguards were agreed upon to protect public health and ocean life, and a resettlement program was designed, financed, and an implementing agency identified (Comision Ejecutiva Hidroelectica del Rio Lempa) to “insure the welfare of about 10,000 people to be affected by the construction of the dam at the Cerron Grande site.” (World Bank Press Release, April 30, 1973, cited in World Bank 2004b:170).

**May 1, 1973** Helicopter inspection of the valley above the dam site notes “considerable land under cultivation even on steep valley walls. It was estimated that 30 to 40 percent of the valley above dam site no.1 under cultivation” (Consorcio LAMI, INDE 1973: Annex A:p1).

**1973** Alliance for Progress submits their report to INDE summarizing the legal framework in Guatemala at the time with reference to water, energy, and land rights.<sup>4</sup> See description of relevant articles in the 1965 constitution.

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<sup>4</sup> This report was located at the Inter-American Development Bank library in Washington, DC, apparently submitted to BID in support of INDE’s contention that land title in and around the hydroelectric development site did not need to be acquired, as these lands are by definition of article 129 and 130 of the 1965 constitution, “goods of the nation.” The report does not include full detail on exceptions, which include, “1. Buildings located in urban zones. 2. Assets over which there are inscribed rights in the Land Registry before February 9, 1894. 3. Assets over which there are rights inscribed in the same registry before March 1, 1956 whenever the State does not have the rights to them.” In the case of the banks of the Chixoy River affected by the reservoir and the flooding caused by the construction of the dam the banks were the property of the communities and not the States, therefore the applicable norm is article 2 of Article 130 (English translation of Spanish original, cited in De Leon 2005). Evidently BID found the Alliance for Progress report insufficient evidence of legal title, and

**June 1973** Consorcio LAMI Lahmeyer prefeasibility study is completed. Some 32 possible project locations are defined in the first phase of the study. For the Pueblo Viejo-Quixal site, the affected population is reported to be 11 persons (cited in Varisco 1991:11). Volume V: Engineering Evaluation includes an estimate of costs associated with the preliminary works, including building an access road, a construction camp, and operators village and land acquisition (Q25 to 200 per hectare for 800 hectares) and reservoir clearing (Q15 per hectare in the reservoir and construction site for a total of 900 hectares). A total of 1, 647 Quetzals (x 10<sup>3</sup>) is estimated. In Volume VI, Evaluation, Table 21.1 “Construction Costs” land acquisition and resettlement are estimated to be 0.23 million Quetzals. The prefeasibility study contains no other detail on dam-affected communities, social impacts, or plans for compensation and resettlement (Consorcio LAMI, INDE 1973).

**1973 - 1976** The community of Pajales Quiché is forced from communal land (shared by Los Pajales, Río Negro, and Xococ) by order of a judge who ruled that their land is not a separate communally owned *finca* (plantation), but part of the adjacent Chimiagua *finca*. Unable to prove their claim as they lacked the original land title document, they move to Querada del Jute for three and a half years, leaving crops, food, and homes behind. In 1975 the Río Negro community help Pajales hire and pay for a lawyer to find a copy of the original document, locate heirs, and present the paperwork to the court demonstrating clear title. In 1976 the court rules in favour of Pajales Quiché and they are able to return to their homes as legal heirs.<sup>5</sup>

**May 1974** Consorcio LAMI Lahmeyer completes the second phase of the prefeasibility study. Work focused on four sites, with the Pueblo-Viejo Quixal site (now called Chixoy) recommended as the first project to be developed. Study presents results of the geological, geotechnical, and environmental field studies, an economic and financial analysis, and a construction plan and timeline. The construction of access roads and work camps are scheduled for 1974 and 1975 (financed with loans from Venezuela Investment Fund and the Central American Bank of Economic Integration), and a construction start date is set for

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additional due process was demanded, as evidenced by the January 15, 1976 loan contract, where BID requires INDE in Chapter V, Clausula 2 (d) (ii), to satisfy the Inter-American Development Bank that it has possession of lands where project works are to be constructed “de conformidad con las disposiciones legales en vigencia.” See entry for January 15, 1976. See also, Land Tenure study prepared as part of this Chixoy Dam Legacy Issues Study (Volume V) demonstrating that in 2004, of the 26 properties that make up the dam construction works and reservoir area, INDE obtained and can demonstrate possession of only one property. Titles to other properties, including land that supports a portion of the construction works, are still held by communities and individuals.

<sup>5</sup> The Pajales communal land struggle offers insight into the complex impacts of Chixoy Dam construction. Just prior to INDE’s announcement that a dam will be built forcing the relocation of river basin communities and the loss of ancestral lands, Río Negro had been engaged in and won a costly struggle to assist Pajales and retain rights to communal land. Once construction began, INDE mined sand and gravel from a portion of this communal land, paying a small fee to Río Negro as compensation. In 1983 a portion of this land was submerged beneath the reservoir. In 1996, in response to government requests that land titles be updated, Pajales community presented their documents, received an updated registration for the land in the name of members of the Pajales community, the land which had been previously collectively titled to Pajales, Río Negro, and Xococ. Since the flooding of the basin, the Pajales community has been paying “tres por millar” land taxes on the land (meaning the community pays to the government Q 127.60 every three months) (Janssens 2004). This tax includes taxation on land submerged beneath the reservoir, land that at the time of the basin flooding had been under cultivation and was recognized within the collective title as belonging to Río Negro (Annie Bird, personal communication March 10, 2005).

November 1975, with commercial power generation to begin in 1981. (Consortio LAMI, INDE 1974. See also description in INDE 1991:72-76).

**1974** Robert Goodland and Richard Pollard's report *Chixoy Development Project: Environmental Impact Reconnaissance* is published. Prepared for Consortio LAMI feasibility studies, this report is based on three weeks of field survey during the dry season in 1973. This assessment finds a scant population of fish, predicts that hydroelectric development will pose no adverse impacts to the environment, and suggests that the reservoir may enhance social conditions by improving local and commercial fisheries. The report also notes a number of archaeological sites in the area, and encourages additional research and the development of an archaeological tourism industry, similar to Tikal. Recommendations include further research to document the human ecology and cultural resources of the Chixoy River Basin. (Goodland and Pollard 1974).

**December 1974** INDE produces *Plan de Desarrollo 75/85*. This national energy plan summarizes the project costs for Pueblo Viejo-Quixal, also known as Proyecto Chixoy. Cost estimates address construction of tunnels, roads, the dam, hydroelectric generation facility, transmission lines and substation facilities. There is no discussion of potential environmental or social impact. Cost calculations include "total cost of construction, contingencies, engineering and administration, interest during construction, and purchase of land." The purchase of land is to be supported by local rather than external financing. (INDE 1974).

**1975** German Embassy and Government of Guatemala sign an agreement to develop a master plan for the development of a dam and hydroelectric generation facility on the Chixoy River. The German Government contracts Lahmeyer International, Salzgitter Consult and Fichter Beeratende Ingenieure, and Motor Columbus to advise the Guatemalan Government in developing the master plan. The Guatemalan Government creates, under executive authority, a special government agency (Plan Maestro de Electrificación Nacional) allowing Guatemalan planners to work side by side with contractors in developing the plan. (INDE 1991),

**1975** The socio-economic situation of communities in the dam area is later determined through interviews: "In 1975, we were 160 families of the ethnic group Maya-Achí [approximately 740 people] living in the village of Río Negro, Rabinal; in total we possessed 22.25 caballerias of land: 12 caballerias in private property and 10.25 caballerias in communal property. Our community economy was one of subsistence. The production of basic grains we complimented with the production and commercialization of woven mats, fruit and woven mattresses in the neighboring municipalities. In the same way, our people were dedicated to fishing, which was one of the principal food sources for the community. Given the fertility of the riverbanks and surrounding lands, the whole population was dedicated to planting corn, beans, tomatoes, chilies, oranges, peanuts, and ayote. Also, there were a lot of fruit trees bearing mangos, jocotes, chicos and anonas. Moreover, every one of the 160 families had in their possession between five and twenty-five cows and a great number of domesticated fowl, also, some families had horses or mules [that they used for]

transporting products to and from the markets.” (“Collective Interview, 5 men and women, Pacux, 1999” Dill 2004: 113).<sup>6</sup>

**February 1975** First Application for loans from Inter-American Development Bank (IDB) by Guatemala. (Loan documents reviewed in Partridge 1983).

**February 24, 1975** INDE and Consorcio LAMI sign contract (No 44-75) for LAMI to prepare bidding documents, programs for construction and equipment, evaluation of offers, carrying out financial and engineering studies, detailed designs and technical specification. The contract is financed by the 1968 World Bank Loan (no. 545-GU-IBRD). Construction contracts are put out to bid before LAMI’s engineering study is complete. According to INDE, “this was done in order to create pressure for rapid completion by using time during the construction phase for studies, research, trials, and direct observation of hydrological conditions...” (INDE 1991:76, 90-91).

**March 1975** Special mission of the Inter-American Development Bank examines financial aspects of the Pueblo Viejo-Quixal project. (Document reviewed in Partridge 1983).

**March, August 1975** INDE contracts management of the Institute of Anthropology and History of Guatemala (IDAEH) to carry out evaluation and salvage program of archeological sites, officially believed to be two in number and of little importance. (Documents reviewed in Partridge 1983).

**September 1975** Special mission of the Inter-American Development Bank examines engineering and geological aspects of project. (Document reviewed in Partridge 1983).

**December 1975** LAMI Consortium completes an evaluation of the Arenal and Chixoy Projects in Guatemala. Report submitted by INDE to the Inter-American Development Bank. For the Chixoy Project, report describes negative social impacts as “limited” and the area to be flooded as “sparsely populated and the social change arising from the necessary resettling will be small.” Report estimates 200 families will be affected. The compensation principle for resettlement is established as being “an improvement of the living conditions of the population in the service area of the project” rather than mere compensatory payment for damages. The report recommends that the technical cooperation agreement then being prepared for the coordinated development of the Chixoy River Basin “shall include the preparation of a plan for resettling the families” affected by the reservoir. Project estimated costs and financial arrangements contain no mention of resettlement costs or financing plans. (Summary of document by Partridge 1983, also summarized in INDE 1991).

**January 15, 1976** Inter-American Development Bank loan contract Nos. 301/OC—GTJ, 302/OC—GU, 454/SF—GU, and 6/VP—CU are signed providing \$105 million financing for the Chixoy Dam. There is no mention in the contract of a resettlement program, or source or amount of financing for compensatory programs. The only clause addressing the dam-affected population concerns land acquisition: Chapter V, Clausula 2 (d) (ii), in which INDE is required to satisfy the Inter-American Development Bank that it has possession of lands where project works are to be constructed “de conformidad con las disposiciones

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<sup>6</sup> Rabinal is the municipality which includes the large village of Rabinal plus an additional 74 outlying villages and small settlements. Rio Negro is one of these outlying villages, and is located some 8 hours walk from the village of Rabinal. Pacux, where Rio Negro survivors now live, was built on the outskirts of the village of Rabinal.

legales en vigencia.” Construction is set to begin at the end of 1976. (Assessment of documents by Partridge 1983).

**1975** Earnings from international tourism in Guatemala in 1975 generate nearly US\$80 million, much of which comes from interest in the archaeological ruins at Tikal (World Bank 1977b:91-92).

**February 4, 1976** A 7.5 earthquake occurs in Guatemala, the epicenter is 80 miles northeast of Guatemala City. Some 2.5 million people are affected. More than 23,000 people die, and 77,000 are injured. Some 250,000 housing units are wholly or partially destroyed and 1 million people, (one-sixth of the population of Guatemala) are left homeless or without adequate shelter. (World Bank 1976).

**1976** The Development Committee, the first formal organization of the Chicruz community, is created in response to the 1976 earthquake. Chicruz Development Committee members helped organize the committees in Chitomax, Chirramos and other places. (Chicruz Community Study 2004).

**July 15, 1976** Chicruz community reports receiving a telegram from General Guillermo Echeverría Vielman informing them of his impending arrival and that the people are going to be displaced from the banks of the river. In this first meeting the General informs them that they will be displaced and promised them that INDE will feed the families for 3 years while they settle in a new place, and will provide transportation to the site of the resettlement.<sup>7</sup> In October 1976, “when the teams of INDE first came to the community they told people that they were going to be benefited by a railroad that was going to come through. People would ask why they were there, but they were never told the truth” (Chicruz Community Study 2004).<sup>8</sup>

**July 16, 1976** World Bank Earthquake Reconstruction Loan is signed with the Government of Guatemala, financing among other things a national survey of households and housing conditions. The project as defined in the feasibility study consists of: (i) sites and services and materials credits for about 10,000 housing units to be developed in three locations in the Guatemala City metropolitan area; (ii) material credit program for ten departmental capitals severely affected by the earthquake that would help about 8,000 families rebuild homes; (iii) small business development program that would provide credit to producers of building materials for housing construction, and also provide commercial and industrial outlets to be leased to entrepreneurs in the three sites that will be developed in Guatemala City metropolitan area; (iv) technical assistance equivalent to 108 man-months of specialists

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<sup>7</sup> Note, these terms were dictated, not negotiated. Palma (2000:55) reports the following: “Beginning in 1975 many helicopters began to arrive, at a time when we were already demanding public services for our communities. In one of the helicopters was General Guillermo Echeverría Vielman who came to meet with us and announce that the houses and lands on which we live now will be flooded, but that the INDE was going to compensate us, and was going to move us to other houses and will give us other lands for our farming” (translated from Spanish).

<sup>8</sup> General José Guillermo Echeverría Vielman was trained at the School of the Americas in 1958, was an instructor in the Escuela Militar de Aplicaciones under General Manuel Arzú in 1961, was "Estudiante Comenzó" in 1964, and by 1977 was Vice Minister in the Ministerio de la Defensa Nacional. He was formally named Director of the Comité de Reconstrucción Nacional in May 1977. In December 1978 he was named General de Brigada of the Ejército de Guatemala (Osorio 2000, National Security Archive Electronic Briefing Book No. 32).

services; equipment and vehicles would also be provided; (v) construction of about 13 primary schools to replace destroyed primary schools, of 14 primary schools to be included in the sites and services component of the project, and of 5 lower secondary schools to replace destroyed schools; (vi) limited rehabilitation of Puerto Barrios by converting the existing 350 m long access bridge into a two-berth pier, dredging alongside the pier, and provision of cargo handling equipment; and (vii) a port organization study to help improve the port institutions and planning the Guatemala, and a feasibility study. (World Bank 1976).<sup>9</sup>

**1976-77** Tender design is completed, including recommendations for more field investigations. Before recommended investigations are conducted, international tendering is carried out for seven lots of work: the dam with spillway and diversion tunnels; the head race tunnel; the civil part of the powerhouse; the turbines and valves; the generators and transformers; the penstock and steel structures (intake and bottom outlet); and the switchyard, transmission line and substation at the perimeter of Guatemala City. From 1977-79 contracts for the works are awarded to international contractors from Italy, Japan, Mexico, Portugal, Spain, Switzerland, West Germany, and USA. (Gysel and Lommatzsch 1986. See Table 3 for list and detail on construction companies).<sup>10</sup>

**1976-78** In 1976, Army and INDE representatives arrive by helicopter in Río Negro and inform the residents that their homes and lands will be flooded with the construction of a dam on the Chixoy River. The community establishes a committee to negotiate the terms of resettlement with INDE (Chicruz Community Report 2004; Chen 2000). Negotiations are initiated during four field research trips (October 1977 - March 1978) under the technical direction Dr. Gaitán and the Comité de Reconstrucción Nacional with the Army providing logistical support. Coronel Ernesto Ochoa Cuesta, Secretario Militar, is acknowledged for his help in planning logistics and providing the equipment that allowed the team to travel and do their work (Gaitán 1979:III). Survey research includes detail on population size and distribution, socioeconomic characteristics of households, but also ethnicity, religion, attitudes towards the development project, and other sociocultural characteristics of each community.<sup>11</sup> (For survey findings, see entry for February 1979).

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<sup>9</sup> Funds from this program are used to hire specialists to assess conditions in various regions, including Dr. Gaitán Sanchez who conducts housing studies, land surveys and a census of people, production, livestock, sociocultural characteristics of the communities in the Chixoy River Valley. Loan details are summarized World Bank, June 24, 1976. For an example of loan-sponsored work in the Chixoy area, see Gaitán 1979.

<sup>10</sup> In addition to some 300 foreign workers (not including the French archaeological teams), some 10,000 Guatemalans worked on the dam, including some 6,000 people who lived in the area, and another 4,000 who lived in workers' camps. (Annie Bird, personal communication, March 4, 2005, from October 31, 2000 interview notes with INDE staff).

<sup>11</sup> According to McClintock 2002, a mimeographed Spanish translation of a School of the Americas counterinsurgency training manual was included in a 1968 collection of documents published by the Guatemalan Army, and included the observation that the social sciences hold the key to counterorganization and stresses the deep religious, ethnic, and other divisions ("cleavages") to be found in most developing countries: "[A]n attempt must be made to isolate the actual or potential 'units of cleavage' which are to be found in the country under survey. Generally, the vulnerabilities which develop from population cleavages arise from suspicion, rivalry, and antagonism on an intergroup level." That done, the counterinsurgent must then guard against the insurgent's own exploitation of existing divisions while himself adapting social tensions to counterinsurgent purpose. Assessments on the ground were to cover: "political considerations... the motivations, ambitions, and influence of the existing leadership. A complete understanding of the theoretical and actual power structure of the operational area... since actual control may rest with non-governmental religious, tribal,

**1977 – 1992** G-2 army intelligence “death squad” specialists are given identity cards and paid with checks on one of two accounts -- INDE or GUATEL. (Interview with former G-2 specialist by Jennifer Schrimmer, 1999: 156, 292).

**1977** The United States Congress establishes the International Financial Institutions Act of 1977. Section 701 of the Act mandates U.S. opposition to such bank loans to governments that consistently engage in gross violations of human rights, except when a loan expressly meets basic human needs. This Act directs the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

**1977** Guatemala rejects U.S. aid because of human rights stipulations.

**1977** Work on the river diversion, cofferdam and headrace tunnel begins (see Gysel and Lommatzsch 1986).

**January 25, 1977** Inter-American Development Bank grant to the Government of Guatemala, with US\$ 1.51 million provided for technical assistance in preparing a program to protect the environment in the zone of influences of the Pueblo Viejo Hydroelectric facility. (Cited in World Bank 1978:25).

**March 1977** The Institute of Anthropology and History of Guatemala subcontracts with Mision Cientifica Franco Guatemalteca to conduct an evaluation and salvage of archeological sites. (Contracts reviewed by Partridge 1983). Subsequent surveys locate some 50 sites along the length of the valley and on lower terraces and slopes bordering the river, suggesting the presence of a large population at the end of the post-classic period. (See Ichon et al, 1979, 1980, 1981, 1988; Arnold et al, 2003). During the salvage work, INDE provides transportation, lodging, workers and topographers (INDE 1991:222).<sup>12</sup>

**March 18 - July 14, 1977** Officials of INDE and the Instituto Nacional de Transformacion Agraria (INTA) exchange a series of letters, memos, and hold meetings in which INDE attempts to enlist the help of INTA in managing the resettlement problem. (Documents reviewed by Partridge 1983).<sup>13</sup>

**May 25, 1977** Thayer Scudder gives a presentation to World Bank staff on impacts of Bank-funded projects on involuntarily resettled people, titled "Some Policy Implications of

or other groups. Important sociological considerations are population size and distribution, basic racial stock, minority groups, social structure, religion and culture, all of which may be either a source of trouble or assistance." (See, U.S. Department of the Army, Counter guerrilla Operations, FM 31-16 (24 March 1967), pp. 6, 6; cited in McClintock 2002).

<sup>12</sup> The rescue of archaeological sites was conducted as a salvage research operation, not a material preservation of archaeological structures by moving them away or protecting them with dikes, as occurred with the Aswan Dam, on the Nile River. This salvage approach was rationalized on the lack of adequate relocation sites as well as the expense of removal and re-assembly. After research was underway, archaeologists propose design modifications to insure protection of the most significant complexes of sites, at a modest \$200,000 cost, with the goal of protecting irreplaceable cultural resources in ways that stimulate the creation of an archaeotourism destination. See discussion of these proposals and INDE's rejections below in entries for April 1980, August 1980, and June 25, 1982.

<sup>13</sup> Partridge gives no indication in his 1983 report that he found contractual obligations, memos, or agreements that reflect a formal role for the Comité de Nacional Reconstrucción in conducting a census of the Chixoy River Basin, measuring land, or negotiating compensation and resettlement terms.

Compulsory Relocation in Connection with River Basin Development and Other Projects Impacting Upon Low Income Populations" followed by comments on additional projects on May 31. His recommendations include requiring the appraisal of resettlement needs by social science experts to occur during the feasibility studies, a requirement included in the Bank's first resettlement guidelines drafted by Michael Cernea and adopted in 1980. (Scudder, personal communication, January 2005).

**July 1977** The "Masterplan for Electricity Supply Pre-investment Study, Hydroelectric Projects" is completed by LAMI for INDE under the West German-Guatemala Technical Agreement. Volume IIa: Technical Report, Section XIII-6.6: "Socioeconomics and resettlement... socio-economic and resettlement aspects have been investigated up to now in only a general way. Therefore, these aspects should be studied comprehensively and with sufficient accuracy. Emphasis should be given to the following... Collection and compilation of relevant socio-economic data of the department and the region and comparison with data of the country. Those data comprise of demography, employment, income, education, health, nutrition, income distribution and migration. Direct participation of the population in benefits of the projects through (a) primary and secondary employment effects, (b) increase of income, (c) agricultural benefits. Possibilities of redistribution of income, through the project, if necessary. Resettlement: determination of the responsibilities of the various authorities involved in the resettlement. Collection and compilation of the relevant socio-economic data in the area to be flooded as: owners, tenants, size of farms and dwellings, value of the land, infrastructural facilities. Elaboration of proposals for resettlement programs and their requirements" (Lahmeyer 1977, INDE:XIII-18).

**August 4, 1977** Chixoy Project Director sends a memo to INDE General Manager, declaring the severity of the resettlement problem, the inability of current staff to handle it, and calling for a new special unit to carry out the resettlement. (Reviewed by Partridge 1983).

**August 22, 1977** The Sector Specialist for the Inter-American Development Bank sends a letter to the General Manager of INDE declaring INDE responsible for the resettlement problems of the Chixoy Project, and asking INDE to develop a "political philosophy" that will determine the policy to be adopted. This letter mentions three options. (Reviewed by Partridge 1983).

**August 24, 1977** The General Manager of INDE sends a letter to request the assistance of the Instituto Nacional de Transformacion Agraria (INTA) in locating resettlement community sites, surveying lands, soil studies, and acquiring such sites. INDE estimates that 300 families would be involved in the resettlement. (Reviewed Partridge 1983).

**September 23, 1977** Letter from INDE General Manager to INTA President complains that the Inter-American Development Bank wants a resettlement plan and policy submitted, and notes that INTA has not cooperated thus far and has caused the delay. (Reviewed by Partridge 1983).

**September 30, 1977** Inter-American Development Bank Representative for Guatemala sends a letter to the Minister of Agriculture requesting he take an active role in developing a resettlement plan and acquiring land for relocatees, but noting that INDE is primarily responsible for planning and implementing the program. (Reviewed by Partridge 1983).

**October 25, 1977** Inter-American Development Bank Representative for Guatemala, in a letter to the General Manager of INDE, calls attention to the 21-month delay in acquiring lands affected by project works and in resettling the population to be flooded out. He asks that resettlement program reports be sent to the Inter-American Development Bank three times a year from this point on. (Reviewed by Partridge 1983).

**November 7, 1977** INDE advertises in a national newspaper for land to purchase for purposes of Chixoy River Basin resettlement, indicating acceptable locations include, municipios of Cubulco, Salama, San Cristobal Verapaz, Santa Cruz Verapaz, Tactic, Coban, Uspantla, or Sacapulas. (Noted in Partridge 1983).<sup>14</sup>

**November 8, 1977** General Plan for Resettlement submitted by INDE to Inter-American Development Bank and to INTA (7 pages). The plan calls for all displaced families to be sent to Finca La Primavera, in Alta Verapaz. Some 1,486 people are defined as “affected” by the flooding of 1,765 hectares below the 745-meter level. Affected people are defined as “subsistence” farmers on small plots of poor soil. The plan is to be implemented immediately and completed by July 1978. (Summarized by Partridge 1983).<sup>15</sup>

**November 18, 1977** The Inter-American Development Bank Representative for Guatemala again sends letter to Minister of Agriculture asking for assistance with resettlement. (Reviewed by Partridge 1983).

**November 23, 1977** INDE and INTA sign a contract for cooperation in resettlement planning and implementation, in which Finca La Primavera is identified as resettlement site of displaced families. (Reviewed by Partridge 1983).

**December 8, 1977** World Bank Report No. 1678a-GU, Guatemala Current Economic and Social Position and Prospects. In discussing land tenure, the report notes that, with present farming techniques, nine out of ten people in rural Guatemala live on plots too small to provide the income to cover the basic needs of one family without outside employment. Some 90% of these families “have farms of 7 hectares or less. The income that can be generated by a given plot of land depends, of course, on the land quality, the crops grown, the prices paid for them, and the cultivation techniques used. However, on average, farms under 7 ha are less than an “agricultural family unit” as defined by the Inter-American Commission for Agricultural Development (CIDA)... farms of 4 to 7 ha, which accommodate about 7% of the Guatemalan agricultural population, could cover the needs of one family with moderate investments and improved services. Smaller holdings, which accommodate about 83% of the farm population in Guatemala, are generally insufficient to sustain a family even with improvements.” (World Bank 1977b:72-73).<sup>16</sup>

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<sup>14</sup> This advertisement prompts landowners to offer their land for sale, as noted and described in Gaitán 1979:110-112.

<sup>15</sup> Partridge (1983) also observes that Finca La Primavera was selected as the resettlement site before any research had been conducted on the suitability of the selection, and, no criteria for selection are mentioned. The selection timing allows no serious consideration of alternatives that emerge as a result of the national advertising for land, and no serious consideration of community proposals that are, at this time, being solicited by Dr. Gaitán and his research team, with the logistical and material support from INDE (See February 1979 entry describing the timing and sponsorship of Gaitán’s work).

<sup>16</sup> Note, this data on land tenure and minimum size of land needed to sustain household production was also published in 1976, in a report titled “General Report on Agricultural and Rural Development in Guatemala” co-

**December 1977** US\$22 million bilateral development project is announced by the Guatemalan Government and the United States with Central American Bank for Economic Integration financing of \$12 million. The project will support improvements to the airport at Flores, upgrade the road to Tikal, restore archaeological monuments in the national park of Tikal. (World Bank 1977b:91-92).

**January 2, 1978** Minister of Agriculture refuses to cooperate on the resettlement program in a letter to the Inter-American Development Bank, expressing opinion that such activity is the responsibility of INTA. (Reviewed by Partridge 1983).

**February 1978** INTA sends an Engineer to the Finca La Primavera to inspect site. Site surveyed, soils are evaluated. INTA sends letter to INDE approving site choice. (Summarized in Partridge 1983).

**February 22, 1978** General Manager of INDE sends a letter to the Inter-American Development Bank Sector Specialist informing him that the INTA Engineer has selected national farm Finca La Primavera for the resettlement of the affected people on the basis of surveys, soils studies, etc. The area said to be 43 caballerías, considered sufficient for 300 families, with flat land for urban zone, potable water available on site, access adequate, “reasonably good” soils, and the possibility of exploitation of a gypsum mine as a source of employment for relocatees. (Summarized by Partridge 1983).

**February 28, 1978** Inter-American Development Bank Representative, Subrepresentative, and Sector Specialist send a letter to INDE acknowledging their receipt of the General Plan for Resettlement while noting the inadequacies of the plan which only addresses the need for land surveys and acquisition and does not address the requirements for resettlement. The requirements for resettlement are then listed as (1) designs for urban area and areas for cultivation, lot sizes, roads, etc.; (2) services including potable water, lights, septic tanks, health clinic, schools, cemetery, public buildings, churches, sports facilities, etc.; (3) costs of resettlement and how they will be financed; (4) plan for moving families, their goods, and their livestock; (5) organization of cooperatives, assistance with appropriate crops, assistance with social problems. (Summarized by Partridge 1983).

**April 26, 1978** INDE announces a contract with Lamarre Valois International Limitee of Canada (LAVALIN) for the development of a plan for the Chixoy River Basin, including “hydrological, reforestation, agriculture, industry, tourism, fish farming, navigation and establishments of the population.” The contract is part of the existing technical agreement between the Government of Guatemala and the Inter-American Development Bank: the Bank provides assistance in developing plans and the Government of Guatemala is responsible for implementing plans. The April 28, 1978 contract authorizes the first phase of work and includes the preparation of resettlement program for farmers, especially those located in the zone that will be flooded by the dam of Pueblo Viejo; and the excavation and salvage of

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published by the Inter-American Development Bank, World Bank, and Agency for International Development. Cited in World Bank Country Study “Guatemala: Economic and Social Positions and Prospects” PUB-1678, August 1978. At this time in Rabinal, 50% of the population had plots smaller than 1.6 manzanas and the average plot of 2 manzanas produced corn yields that fed the household for only three months (EAFG 1997: 27, 291). Río Negro and adjacent communities, by contrast, had household plots conservatively reported as averaging 6 manzanas of fertile land supporting two harvests per year and communal use rights to 1000 hectares (as reported by Gaitán 1979).

valuable archeological resources located in areas that will be flooded. The Government of Guatemala designates INDE as the central responsible body charged with executing the contract in collaboration with the collaboration of other institutions. Financing for the development of plans includes \$539,000 Canadian dollars and US\$ 231,000 in non-reimbursable funds (a donation of the government of Canada by interval of the Inter-American Development bank), and a contribution of the government of Guatemala of Q.190,000 (La Nacion Guatemala 26 Abr. 1978).<sup>17</sup>

**November 1978 – July 1982** Guatemalan Congress elects as president Gen. Romeo Lucas Garcia, whose government systematically assassinates union leaders. United States bans arms sales to Guatemala. During Romeo Lucas Garcia's term the Revolutionary Organization of People in Arms (ORPA) guerrilla movement is formed; non-violent, popular organizing increases; and, the Committee of Peasant Unity (CUC) forms and begins its struggle for higher wages and better working conditions on the large *fincas* (plantations) in the highlands and on the Pacific Coast.

**May 17, 1978** In a letter to INDE General Manager, the President of Republic of Guatemala names Engineer Ruben Estrada as head of unit within INDE charged with the resettlement. (Partridge 1983).

**May 24 1978** As the deadline date set by BID for INDE's completion of the General Plan of Resettlement draws near (June 1978), the Board of the National Institute of Electricity declares a national emergency (law) for the resettlement of communities affected by the Chixoy Dam (Acta 2054).

**May 25, 1978** Government of Guatemala deposits its instrument of ratification of the American Convention on Human Rights assuming, inter alia, the obligations set forth in that convention. Article 21. Right to Property. 1. Everyone has the right to use and enjoyment of his property. The law may subordinate such use and enjoyment in the interest of society. 2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in cases and according to the forms established by law.

**June 10, 1978** Letter from the Inter-American Development Bank Representative in Guatemala City to INDE noting that a Resettlement Plan was required 21 month earlier, and demanding action. (Summarized in Partridge 1983).

**June 15, 1978** Staff Appraisal Report for the Guatemala Chixoy Project Report No. 1709h-GU is submitted to the World Bank Executive Board. "Studies performed by INDE's consultant ecologists and covering human ecology, flora, fauna, hydrology, and archaeology indicate that the project's environmental effect would not be significant. Although the area to be flooded by the reservoir is sparsely populated, about 1,500 people would need to be relocated; measures would have to be taken to ensure adequate public health conditions in the construction camps; and measures should be taken to safeguard archaeological treasures that

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<sup>17</sup> When completed in 1979 this study is submitted to INDE and BID, not released to the public, and never implemented to any significant degree (Partridge 1983). However, development plans are reflected to some degree in BID's 1991 financing of a US\$14.2 million watershed restoration and sustainable development project in the Chixoy River Basin. And, INDE apparently used the integrated rural development plans as templates for "model communities" built to contain and control Mayan civilians. (See note 40).

could be found. In order to prepare a program to protect the environment in the project zone of influence, Government obtained on January 25, 1977 from the IDB a grant of US\$1.51 million for technical assistance. This grant would also finance the preparation of a program for the economic and social development of the project zone. In order to safeguard the project area's archaeological treasures, INDE signed an agreement in January 1977 with the Instituto de Antropología e Historia to carry out all required investigations in this area and take appropriate action. With respect to public health, INDE has made official arrangements with the Dirección General de Servicios de Salud and the Instituto Guatemalteco de Seguridad Social. In addition, for the Aguacapa (Loan 1426-GU) and Chixoy project's principal construction campsites, specific areas for squatter settlement have been defined and basic services will be provided in these areas for water, waste disposal, and security. The Bank has received for review the respective plans for the orderly development of the campsites and squatters settlements. The environmental protection program to be undertaken is comprehensive. Nevertheless (in addition to the normal commitment to carry out the project with due regard to ecological matters), the Bank obtained assurances from Government and INDE that a program will be implemented to compensate adequately and, if necessary, resettle, those residents (about 1,500) of the area to be flooded by the reservoir whose living and working conditions have been adversely affected by such flooding. INDE will prepare such a program and present it for Bank review by December 31, 1979. In order to effectively control erosion in the watershed contributing to the proposed Chixoy reservoir, INDE will prepare a suitable program and present it to the Bank for review also by December 31, 1979, and Government will start to implement it by June 30, 1980" (World Bank 1978:25-26).

**June 19, 1978** World Bank Loan #1605-0 is approved, providing \$72 million to INDE at a fixed interest rate of 7.5%. Loan is reported paid in full with interest by 1983. This contract includes the requirement that the borrower provides evidence or demonstrates legal possession of the land required to build the project (Partridge, personal communication April 15, 2004).<sup>18</sup>

**June 22, 1978** A new "General Program of Resettlement in the National Farm Primavera" (Alta Verapaz) is transmitted from INDE to the President of the Republic, Inter-American Development Bank, Ministry of Communications and Public Works, INTA, and others. According to Partridge (1983) this report is prepared in response to the June 10, 1978 letter from the Inter-American Development Bank Representative demanding a plan. The hastily assembled "plan" is developed entirely ad hoc, without benefit of community consultations or a single empirical study of the nature of the problem or the affected population.

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<sup>18</sup> Failure to obtain legal title is noted in INDE Resettlement Office Reports (cited in Douzant Rosenfeld 2003). Partridge observes: "as of January 1983 when the dam was sealed and the reservoir began filling, some of the properties flooded had not been paid for and were in litigation. The communal lands flooded are a more complicated legal problem than it appears on the surface, for it is the community as a whole that owns such lands. To the author's knowledge, INDE at no time even contacted the leaders of the community, much less discussed with them compensatory actions could be undertaken in exchange for legal ownership of those lands, by INDE" (Partridge 1983). The Land Title Study conducted in 2004 (Volume V, Chixoy Dam Legacy Issues Study), demonstrates that legal title for much of the land supporting the construction works and reservoir is held in individual or communal hands.

**June 23, 1978** The President of the Republic of Guatemala confirms INDE's declaration that the resettlement of affected communities in the Chixoy River Basin constitutes a "national emergency." With this declaration, INDE has the authority to proceed in rapid fashion to solve the situation of declared emergency and is vested with the power to negotiate, purchase and hire as needed without publication or competitive bid process. This authority includes the power to acquire land, buildings and facilities for habitation, social use and agriculture, for the exclusive use of the inhabitants affected by the dam of the Project, in the departments of Alta Verapaz, Baja Verapaz and El Quiche, as compensation for the loss of land and property in the area where they currently reside. The declaration requires a plan of activities to be developed, and the financing of socioeconomic studies "contemplating the construction of housing, public buildings, basic services, local and vehicular roads, acquisition and granting of lands for cultivation, indemnification for damage caused; donations of means of transport; technical assistance-economic and social (discussed in INDE 1991:173; published in *Diario de Centro America* 19 de Julio 1978:Numero 22).

**November - December 1978** In late 1978, twenty Río Negro families negotiate a multipoint agreement with INDE to resettle on land near the town of Rabinal, a farm called Pacux. Part of the agreement states that INDE would build cinder block houses for the community (Chen 2000; Pacux Community Report, page 3).

**1979** The IDB approves an Environmental Management Policy.

**January - April 1979** The phase 1 archaeological survey of the Chixoy River Basin finds, in addition to the three known major ceremonial complexes of Pueblo-Viejo Quixal, Los Encuentros, and Cauinal, another 40 complexes each with 5 to 20 dwelling platforms and other sites scattered along to Chixoy, Río Negro, Carchela, Salama, Chicruz and Cala Rivers. This and later research documents the current use of the major and some minor sites by the indigenous population for religious ceremonies (Ichon et al 1979).

**February 1979** The Comité de Reconstrucción Nacional releases the report produced by Dr. Gaitán Sanchez who conducted a census for INDE in the Chixoy area (survey conducted October 1977 – March 1978, report completed and dated March 1978, formally released in February 1979). Gaitán used two types of questionnaires to assess the population, land, economic productivity, sociocultural characteristics, housing, and community infrastructure so that "Comité de Reconstrucción Nacional can propose solutions in the possible transfer of the inhabitants to new establishments." The first phase of work examined Chicruz, Patzulup, Pueblo Viejo, Chisajcap, San Juan Las Vegas, San Jeronimo, Pacani, Chixacon and Xuaxan in October 1977. The second phase of work occurred during the month of January 1978 in Río Negro, Los Encuentros del Río Salama, Finca Pueblo Viejo, Finca Santa Ana, Los Chicos, El Zapote, and Camalmapa. The third phase of work surveyed Chirramos, Chitac, and Los Encuentros in February 1978. The fourth and final phase of work examined conditions in Chitomax and Guaynep. During this time the team also examined (flew over) a number of areas to determine possible places to relocate the population, including Cerro del Jocote, El Plan del Coyolar, Las Montanas de Chimiagua and Chisantiago.

According to project director Dr. Gaitán Sanchez, some 471 households who cultivate approximately 3,870.31 manzanas of fertile land are threatened by the construction of the dam and its reservoir. Gaitán estimates that the average area cultivated by each family is 6

manzanas, but he also notes there are exceptions where people have much larger areas under cultivation.<sup>19</sup>

In Río Negro, Gaitán reports a population of 791 (150 families) people living in the village at the time of his visit and community cultivation of 1,438.06 manzanas of fertile land that will be inundated (Gaitán 1979:21). Gaitán's estimate is equivalent to 1000 hectares.<sup>20</sup>

Gaitán described household production, noting that people cook with firewood and that 60% of the trees, bushes and wood used for cooking are brought to the communities by the river (Gaitán 1979:110). Gaitán estimates some 18 pieces of wood are used in each household with an annual consumption of 2658 trees per year for the Chixoy River Basin population, requiring some 8.3 caballeros of wooded lands to support the household cooking needs. He also describes agricultural production, noting that much of the land in the river valleys support two harvest per year (Gaitán 1979:107). He reports economic values for land derived from survey questions reporting an average of Q.270 per manzana for land in the river basin (but also noting that this value may be inflated when people think the State is going to purchase their land, or maybe over valued by survey respondents who are expressing their opposition to leaving their ancestral homes). The value of a small house (ranchos) is estimated at Q.250 and larger houses made of adobe and straw is valued at Q.500. Per capita income is calculated by annual production of crops, fruit trees and livestock (the 471 households had 4799 domesticated animals). Households have an average of 8 people, who generate a family income of Q. 557.30.

Gaitán notes that construction not only threatens archaeological sites, but will generate spiritual impacts: “the destruction of ancestral sites of historical, social and cultural significance; the destruction of archaeological sites where they [indigenous communities] have reconstructed the custom of the centuries which have given them a collective identity (Gaitán 1979:113).

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<sup>19</sup> Gaitán's population estimate of 150 families reflects heads of households present and surveyed during his limited research visit. His conclusions on socioeconomic status and ability to support household needs reflects replies to his two questionnaire, and does not take into consideration the February 1976 earthquake and its subsequent effect on household conditions and resources. Interviews with Chixoy River Basin residents conducted by Douzant Rosenfeld in July 1979 found migration as means for generating income was a dominant strategy for many households in the months following the earthquake, but over a longer time scale, was a strategy used only in times of stress (Douzant Rosenfeld 1979). Dill documents a 1975 population of 170 families in Río Negro (2004:113).

<sup>20</sup> Gaitán's 1977-1978 survey of household and community access to land reflects his focus on cultivated land that would be inundated by the reservoir, and did not reflect the total area of land that households and communities used for cultivation, pasture, firewood, and harvesting palms. In July 1979, Douzant Rosenfeld viewed documents demonstrating Río Negro community title to 142 caballerías of arable lands and communal grounds, more than 6,000 hectares of land (Douzant Rosenfeld 1979, 2003; also Dill 2004:113). In 2004, Janssens interviewed residents of Los Pajales (Pajales Quiché, Maya A'chi who had moved from Rabinal to Pajales 98 years earlier) and viewed the communal land title originally given to Manuel Cuxum and shared for much of this century between the communities of Los Pajales, Río Negro and Xococ. This title is inscribed Inscrito en el Segundo Registro de Proiedad: n. 4474, folio 242, libro 25 del Departamento de Quiché and is “around 100 caballerías of communal land” (Janssens, unpublished “Report on Pajales Quiché” prepared in support of this Chixoy Dam Legacy Issues study, July 2004).

In addition to collecting census information, Gaitán also reports on the varied response of the communities to the impending construction, noting that people did not take the news of the evacuation easily, but they were very conscientious of the necessity to collaborate in the construction of the new settlements” (1979:94). Of the 471 heads of households surveyed, 36 are identified as “casos especiales” who are not interested in being relocated, instead they requested cash compensation (fourteen heads of household from Chicruz and two from Cubulco, apparently Ladino land owners) and another twenty landowners from Pachec, Patzulup, and Pueblo Viejo who wanted to move to the Ixcan (also apparently Ladino). Gaitán also reports the proposals of the affected communities. The people of Chicruz are divided into three preferences, with one group proposing that property be bought for them, asking for the farms Miranda and Mijangos, located in the region of Chilasco and San Jeronimo; another group requesting cash compensation (people with resources and land), and the third group wanting cash compensation and assistance in moving to an area of land in the Ixcan or the Franja Transversal del Norte. The people of Río Negro asked for the construction of a bridge across the reservoir (from east to west where they can pasture their animals in the hills), a boat, and help to construct a new town for them at the “plan del Coyolar” -- land owned by several people offered for sale to the Comité de Reconstrucción Nacional. This land has an extension of nine manzanas, is supported by two springs, and is located four kilometers from their current village in the mountains to the east. The inhabitants of Chirramos propose that land is bought for them in Chisantiago, Cubulco and a new village in the same place is built for them. If this is not possible, they ask that a village be built for them in the mountains of Chimiagua, Uspantan, in El Quiche, where they have communal land (Gaitán 1979:110-112). In his recommendations, Gaitán favorably discusses the feasibility of these requests and notes these lands are available for sale (Gaitán 1979:114-116).<sup>21</sup>

**March 1, 1979** INDE creates the Office of Human Resettlements, headed by Engineer Estrada. A contract is signed with Dr. G. A. Gaitán Sanchez to conduct socioeconomic research for the resettlement program. The inhabitants of Chicruz reject the plan to resettle them to the National Farm Primavera in Alta Verapaz because such a move would place them far from the kinship, economic, political, religious, and social resources on which they depend to make a living and would place them under the control of elders of a different subgroup of Maya with whom they are not friendly. Inhabitants of Río Negro reject the plan to resettle them to National Farm Primavera, and they petition INDE to remain in their municipio of Rabinal and ask for construction of a town near the present site of their village and a bridge by which to cross the future reservoir. (Partridge 1983).<sup>22</sup>

**1979** INDE takes the Chicruz community to view possible resettlement sites near Santa Elena and Santa Bárbara, these areas are rejected as they are too cold, and INDE is only offering to purchase 3 caballerías. The community expressed interest in another finca with 15

<sup>21</sup> According to Janssens “plan del Coyolar” was offered to IDNE by Pablo Uscap, its owner. INDE built a few houses on this land, but these were burnt down by the EGP (Bert Janssens, personal communication, June 1, 2004).

<sup>22</sup> In April 1979, when French ethnologist Alain Breton visited Río Negro, he found a community willing to give up their valley and settle on higher ground. Given these documented sentiments, the subsequent violence, massacres, and forced displacement were seen by the archaeological team as inexplicable and clearly preventable events (Alain Breton, personal communication February 2, 2005; see also Douzant Rosenfeld 2003).

caballerías and 20 springs, but the cost of Q. 200,000 is more than INDE is willing to pay. Later, INDE takes the community to Finca Primavera, an area that had already been viewed and rejected by the people from Río Negro. Chicruz also rejects this site because it is in a rocky area with very poor quality agricultural lands. INDE continues to pressure the community to accept Finca Primavera as a resettlement site, and the community continues to refuse. (Chicruz Community Report 2004).

**May 2, 1979** “Report no. 3 on General Program of Resettlement of Affected by the reservoir of the Hydroelectric Project Pueblo Viejo-Quixal” by Ing. Ruben A. Estrada Giron, Delgado residente, 2 May 1979: 2.3.1: “On the basis of requests from the inhabitants of Río Negro village, I have bought the Pacux Property in Rabinal, Verapaz Loss, with the extension of 54 manzanas (38 hectares)...” This report notes that fourteen houses have been built in Pacux, and although the Pacux property was specifically requested by the inhabitants of Río Negro village in November and December of 1978, opposition to the move to Pacux has emerged after affected people viewed the housing and rejected the living quarters that were built. The author suggests that the opposition is emanating from outside people who have intervened in this zone and are “interested in creating political problems for the present government” (excerpts of this report quoted in Douzant-Rosenfeld 2003).

**May 1979** Archeologists begin excavation of Cauinal (Cawinal), deemed the most important archaeological complex (Partridge 1983). Cawinal is a pyramid complex and sacred site for area residents.

**June 1979** From a special report by INDE Ing. Ruben A. Estrada Giron: “...the visit of June 5 was scheduled for the payment of damages to cultures of the whole village Río Negro. I was to remove 95% of the records, with a total of Q. 25, 000. 00; report that we already had 15 houses finished in the Farm Pacux and 25 more are in process of construction, to house those who are at greater risk from flood [rising water in the reservoir created by the dam]; to hear new requests of needs [from the people of Río Negro], which were known in indirect form, such as construction of a village next to the reservoir, construction of a bridge, etc. Considering the socio-political importance of this problem we informed the following authorities [and they attended this meeting]: Governor Department of Baja Verapaz, Representative of the Municipal Alcaldia of Rabinal, Comandante of the Military Zone of Coban, who came with troops for protection of the money for the payments; Chief of Military Commissioners, Personnel of the INDE, Personnel of the Committee of National Reconstruction. Result of the visit: [The leaders of Río Negro presented their petition arguing that] since it was in the interest of the Government to know them and to resolve its problems.

... Basically they said:

1. they did not agree to leave their lands.
2. they do not accept the compensation payment because they do not agree to leave their lands.
3. they do not accept the houses in Pacux nor the buildings and public services because they are not leaving.
4. that the agreements they made with INDE for the farm Pacux [were recorded differently than what was verbally promised] – and INDE deceived them and stole their signature.

5 that INDE wanted their land rights to give them to the construction *gringos* [*foreign sub-contractors building the dam*].

6. their personal dignity should be respected and it is their right to remain in their lands.

7. that they do not believe that the river will grow, that they will be able to cross it, if God permit it.

8. that they do not accept the presence of the army, because they are peaceful people, Catholics and poor and the army is supposed to defend the nation from foreign invasions.

9. that they originally agreed to several agreements, such as the construction of a bridge, but these are not valid agreements because INDE never met or intended to meet their promises...

11. that likewise the National Reconstruction Committee deceived them, because they had promised to build houses of cement block painted with colors, but what houses were built were made of wood...

Again I explain and I clarify the following thing to them:

1. how the project will affect them...

2. how the dam will cause a flood to their lands and houses with risks of their lives...

4. that the payments reflect to the injury to their culture and not to their lands and houses...

7. that those lands that are not flooded and are the property of the community, that INDE has no interest to them and that is not a problem to continue using them as they have in the past...

8. It was clarified to them that the military administrations took part [*in this meeting*] for protection of the money used to pay the damages to them to their culture. (As numbered in original excerpt, translation of quote in Douzant-Rosenfeld 2003).

**June 28, 1979** Guatemala Government submits a note to the Inter-American Commission on Human Rights (No 536-1-OEA-12) asserting no need for the Government of the Republic to send explanation for alleged human rights abuses or evidence of corrective action “since all of its laws and the constitution of the Republic are in total conformity with the Declaration of the Rights and Norms of Man and the Universal Declaration of Human Rights, and the Constitution of the Republic gives even broader protection to some human rights accorded in these declarations.”

**2nd semester[??] 1979** INDE’s Office of Human Resettlement report to the Inter-American Bank: plans for resettlement of Chicruz people to National Farm Primavera are continuing, and design of the urban segment of the settlement has begun. Pacux, Rabinal, Baja Verapaz have been designated by INDE as resettlement site for Río Negro people. A contract was signed with Ingenieros Constructores de Guatemala, S.A. to build 150 houses, a Catholic church, a Protestant church, a six-room school, and a community center in Pacux. In meetings with inhabitants of Río Negro and Chicruz, INDE rejects notion of a bridge over reservoir and promises boats and ferries so that normal communications and commerce can be resumed (Partridge 1983).<sup>23</sup>

**1979** Dr. Gaitán and other construction engineers arrive at El Zapote to measure the land and cut down trees. The community was ordered to abandon the area, promised various

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<sup>23</sup> Partridge observes that affected communities had universally rejected resettlement to Finca La Primavera, yet for two years INDE persisted in planning this site and by the time the site was discarded in late 1979, it was too late to find and acquire new lands.

forms of assistance and threatened with kidnapping and death unless they accepted resettlement terms. In 1979 the community was moved to an emergency settlement upriver into the hills (as were other communities in the area similarly forced to move to emergency housing). They moved again in 1987 to the resettlement community of Rosario Italia (El Zapote Community Report 2004).

**June 13, 1979** *Prensa Libre* publishes a press release from INDE that includes photographs and descriptions of the new settlement at Pacux being built for the peasant of Río Negro who will be displaced by the dam. This article praises the merits of the new homes and the quality of the new arable lands, and suggests that an earlier protest by the peasants, who had gone before the Presidency and presented their claims publicly, was an example of ingratitude. With this article the community of Río Negro gains national attention, but in an unfortunate light (discussed in Douzant Rosenfeld 2003:184).

**1979** Chicruz community signs a notarized document accepting Finca Primavera as their resettlement site after visiting a farm in Ch'epenal, San Cristobal, Alta Verapaz with INDE personnel and verifying that the land is sufficient size and fertility. In October 1980 the community signs a petition to INDE rejecting the earlier agreement, noting that the plans presented did not correspond to the farm that they had previously visited. (Colonia El Naranjo Report 2004).

**14 July 1979** Denise Douzant Rosenfeld, a member of the French cultural resources team, arrives in Río Negro to conduct research into the geography and human ecology of the region. In her field journal she records “They put forward to me their title of grounds of 142 caballerías (more than 6,000 hectares), records from the XIX century, and that of a 1907 title shared with the community of Los Pajales, on Río Cala (that I found then in the files of the capital), insistent on the fact that they paid the collective tax on land said *tres por millar* and that their rights to the arable lands and the communal grounds were to be respected (English translation of French original, Douzant Rosenfeld 2003:184).<sup>24</sup>

**July 1979** Alain Ichon, Mision Cientifica Franco-Guatemalateca, submits his report on the findings from the first and second field seasons (1977-78 and 1978-79) including preliminary reconnaissance of the region, general study and excavation of the Los Encuentros site, and site survey of the Río Chixoy basin between Los Encuentros and Río Negro, and the lower course of the Río Salama. Ethnographic research conducted as part of the project reinforced Ichon’s view that the indigenous residents of the Chixoy River Basin were direct descendents of 2500 years of history whose civilization was marred by two cataclysmic events: the Spanish conquest and resulting changes in land use that led to the desertification of the Chixoy Valley, and the construction of the dam (Ichon 1979). Douzant Rosenfeld documented the human geography of the Chixoy River basin in July 1979, with comparative research in Río Negro and Chicruz, noting marked difference between the two communities with Río Negro an isolated exclusively Maya Achi community, and Chicruz a largely Ladino community. In Chicruz attitudes towards the dam and the impending displacement are described as “resigned” while in Río Negro the community “refused to accept the initial

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<sup>24</sup> Gaitán’s earlier census reports that the Río Negro community held rights to 1,438 manzanas, or 1000 hectares. The differing figures may reflect Gaitán’s focus on identifying precisely those lands that would be underwater when the dam is completed, rather than all the lands to which the community has rights, including lands that would be inaccessible as a result of the barrier created by the dam.

terms and tried to negotiate just compensation (Douzant Rosenfeld 2003). In her work with the communities, she found eight persons per family in the primary settlements affected by the Pueblo Viejo Dam, and a higher population than noted by Gaitán. She concludes that Gaitán's survey undercounted in its' failure to count those families who were temporarily working on distant plantations or in Guatemala City, and undervalued in its' failure to recognize and value all that people had rights to and deserved compensation for (Douzant Rosenfeld 1979:189; 2003).

**July 1979** Final report for the first stage of the integrated regional development plan for the Chixoy Basin is completed by LAVALIN, funded by the Inter-American Development Bank, and submitted to INDE to implement. This is a plan for the development of the geographic region, as well as a specific plan for the resettlement communities. The compensation principle is to "resettle them in lands that offer them the possibility of establishing themselves in such conditions as would guarantee a minimum of improvement with respect to their current situation and compensate them for the social, psychological, and economic costs that their relocation would bring." Resettlement objectives are (as articulated in the original):

- 1) To identify the families and number of residents affected as well as their interfamilial and inter group relations.
- 2) Determine the characteristics of household composition, ethnic origin, income, occupation, educational level, etc. of each one of the families affected and the social organization of affected groups.
- 3) Devaluate the patrimony of each family: home, cultivated lands (aggregate value), non-cultivated land, permanent cultivars [e.g. tree crops and perennials], infrastructure and diverse constructions.
- 4) Determine the amount of financial assistance necessary to compensate for the temporary reduction in production and the cost of replacing permanent cultivars as well as that of preparation [improvement] of new lands.
- 5) Identify needs for technical assistance and proceed to provide for agricultural, livestock and artisan development. Effective organization for marketing of their products and acquisition of inputs and to achieve a coherent social organization.
- 6) Provide housing and essential public services to the nucleus of resettled residents (drinking water, drainage (sanitary and storm drainage), electric energy, telecommunications and mail service, access roads and transport, primary school, health center or health post, market, abattoir, community building for meetings and installations for administration of the settlement.
- 7) Orient the program in a manner that respects the values and cultural traditions of the affected at the same time that it provides them the means to achieve an effective participation in the national economy and civic life.
- 8) Stimulate, promote, and achieve participation of all residents who must be relocated in all the stages of the process from the study of alternatives up to selection of the site or sites for the new settlement along with determination of the location, extension, and form of occupation of the selected sites and the organization of agricultural production, its distribution and marketing...

The report notes that displacement involves coercion and results in tensions. To minimize they suggest:

... In constant contact with the population, a team of scientists and technicians will take charge of conducting the necessary studies and of keeping the population informed of proceedings that could interest them, as well as formulating with them the details of the new establishment. This team will have to submit to the Supervision Committee the detailed resettlement plan as well as all the results of their studies and research. Also permanent, the Committee will be formed by representatives of INDE, of the scientific-technical group and of the populations. Apart from being the organism responsible for realization of the resettlement, it will coordinate the 'efectivos' the diverse institutions that have to play a role in it and, at the demand of the population, organize meetings for the people in the diverse localities to inform them on progress of the program. Based on the data and recommendations of the experts, it will take charge of assessing losses and property, as well as proposing to the government possible resettlement sites...

... In the communities, at an early stage, specific committees will be formed (for example, housing, lands, value assessment, etc.) and with the specialists they will propose their own solutions. It is suggested that these committees have a degree of permanence in order to be those who will orient themselves to the development of the community once it has passed through the period of cultural involution...

... The greater the distance of the new establishment from the place of origin, the more profound, usually, the psychological repercussions; for this reason it is suggested that the new lands be chosen as close as possible. For the same reason, one must carefully study each alternative that allows a community or part of it to locate in the area surrounding its old habitat...

... Taking into account the illiteracy of the great majority of the affected; it would be very advisable that the experts draw up with the committees models of the houses and the settlement long before the displacement and construction. Thus once again the population would be conscious of its effective participation and it would be done in a form that is easy to understand...

... Location of families within the new settlement must be decided by the inhabitants and no one else...

... Finally, it is necessary to project demographic growth of the population and reserve lands for its later expansion and the possibility of migrants, once the resettlement is stabilized. (Excerpts from LAVALIN 1979:315-317).

Emphasized throughout the report is the need to be sensitive, respect cultural differences, and provide real meaningful improvements to the land, housing, sanitation, food and other economic production capabilities. With regard to housing: "Apart from the availability of adequate areas for cultivation and the productive and social organization of the resettlement, the most important factor for the group and at the household level – more important even, is the formal, technical, and functional solution of the housing problem for each family. It is at this level that the confrontation between solutions for the improvement of housing quality as conceived by planners and the real necessities of habitation in function of household composition and customs, becomes most acute and the consequences most serious." To address these needs, it is recommended that a series of housing typologies reflecting cultural norms, locally available building materials, and household land use needs are developed with the community (LAVALIN 1979:322).

Overall recommendations include the absolute requirement that the affected people not only be involved with the planning, design, and implementation of the program from the beginning of the process, but have decision making authority with regard to location of the settlement, organization of land use, organization of administration of the community and minimal services they desire to have installed immediately and subsequent improvements. “Without question, from the beginning one must be able to count on all the financial resources needed to take the resettlement to its optimal level. This must naturally include technical assistance for agricultural production, forest management (marketing, social organization, cooperative, etc), and this must be provided continually and directly with the affected population in the original residence site and in the new site” (LAVALIN 1979:322-323). The estimation of land area needed for each resettlement and the total taking as a general base is 20 hectares per family (LAVALIN 1979:324).

With reference to fisheries, the study concluded that the physical characteristics of the reservoir precludes introduction of exotic species, and noting that exotics would pose a threat to the endemic species (cited in INDE 1991:244).<sup>25</sup>

**September 12, 1979** Amnesty International begins a campaign to draw worldwide attention to political murder and repression in Guatemala that it says has claimed the lives of 2,000 people in 16 months (New York Times, September 13, 1979:A11).

**Fall of 1979** Pajales Quiché community reports that Dr. Gaitán visited their community three times in 1979, arriving in a helicopter to talk with them for a few hours about the dam. He came without the military accompanying him. He did not ask to see any land papers or other documents. He promised them that a road would be built from the Pueblo Viejo dam along the reservoir to their community, making the dam a tourist attraction. As compensation for damages they experience from the reservoir, he told them the Government provide the community drinkable water and he visited a possible source via helicopter with two members of the community. He promised the community a boat so they could easily cross the dam basin and access the Rabinal market. He told them there would be irrigation for the land and work for the community. And he offered them free electricity as compensation for the land that the dam is going to flood. “INDE didn’t keep to its promises. We received nothing from them. Not even a day of work in the tunnel was offered to us” (Janssens 2004; Janssens personal communication June 4, 2004).

**November 1979** Military Intelligence Summary (MIS), Volume VIII: Latin America [extract] Defense Intelligence Agency, secret summary: This intelligence report describes the efforts of President Fernando Romeo Lucas García to deal with the growing insurgency at a time when military relations with the United States have cooled due to Guatemala’s poor human rights record. The document notes the resurgence of death-squad activities and the increasing level of violence against political opposition and labor groups in Guatemala City. The army has also conducted counterinsurgency operations in the Quiché, “but has been unable to exert any real pressure or achieve a decisive action.” U.S. insistence on linking

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<sup>25</sup> In 1984 a cage fishing program is coordinated and financed by GOGAAT (Guatemalan-German Food for Work Cooperation) with the participation of DIGISEPE (San Geronimo Fishery Station) and the Peace Corps. Tilapia, carp and other exotic species are introduced into cages, and tended by people from Los Encuentros, Chitomax, and Guaynep. By 1991, INDE reports that the most abundant species in the reservoir are tilapia and carp (INDE 1991:246-247).

security assistance to human rights, the report suggests, has convinced the Guatemalans to seek other sources of aid and equipment – including aircraft from Switzerland, training from Israel, and new weapons from Belgium, South Korea and France. (National Security Archive 2000: Document 16).

**January 1980** When 20 families from Río Negro arrive in Pacux in early January 1980, some 13 months after first viewing the land and agreeing to move, they found that the settlement being built was markedly different from what was promised, including poor quality wood houses on small lots in a dense urban grid, rather than promised cinder block housing with larger lots and out buildings. These families went back to Río Negro frustrated, and rejected their earlier agreement to move. (Chen 2000; Pacux Community Report 2004, page 3; see also plans described in Gaitán 1979, and the May 2, 1979 and June 1979 reports of community resistance to Pacux housing by Ing. Ruben Estrada Giron in Douzant-Rosenfeld 2003).

**January 28, 1980** Alan Riding, writing for the *New York Times*, reports that Guatemalan guerillas are “drawing Indians into their ranks for the first time” (New York Times, January 28, 1980: A4).

**January 31, 1980** Massacre at the Spanish Embassy. Government security forces raid the Spanish Embassy in Guatemala City which had been peacefully occupied by a group from the Campesino Unity Committee (CUC) to denounce growing abuses, repression and massacres in the Ixil and other areas, including Rabinal. As a result of the police action, 39 people died, including peasants, students, and Embassy staff and visitors (CIIDH and GAM, 1996: Chapter 4). The protestors distribute to the media a petition explaining their actions and intent before entering the embassy. The group formally requested the Ambassador, in his diplomatic capacity, to act as their mediator with the Guatemalan state by denouncing the military repression they had experienced to the international community and by demanding the creation of commissions to investigate their allegations of repression (petition published in the national newspapers *Prensa Libre* and *La Hora* in the following days, cited in CEH 1999, and Fuentes, 2001). The Historical Verification Commission (CEH) concluded in their February 26, 1999 report that in the case of the Spanish Embassy “agents of the [Guatemalan] State, ... were materially responsible for the arbitrary execution of those who were inside the Spanish Embassy, and that the highest [Guatemalan] authorities were the intellectual authors of this extremely grave violation of human rights.” In its investigation, CEH concludes that the fire was started by the use of a flame or gas thrower on the part of the police, and holds Guatemalan government forces responsible for the arbitrary execution of those who died in the attack (CEH 1999:163-182; see also Cajal 2000:36).

One of the victims of the Spanish Embassy fire was Francisco Chen, a Maya Achi from Pachica (a village near Rabinal). Francisco Chen was a leader of La Huella de Varon, a local peasant organization that had strong links with CUC the national peasant committee. La Huella del Varon helped Río Negro form its economic cooperative (Museo Comunitario Rabinal Achi 2003:47, and Janssens, personal communication: details of interview with the widow of Francisco Chen, January 31, 2005).

For the next 18 months, violence in Rabinal was applied systematically and selectively, mainly targeting community leaders, especially those with connections to CUC. The government created a complex intelligence network to identify targets and military

commissioners, G-2 agents, secret agents, and civil patrollers, sometimes individually and in other cases working together used this information to carry out threats, kidnapping, torture, and assassinations of community leaders (CIIDH and GAM 1996: Chapter 4).

**February 1980** CUC organizes a one-month strike for better wages, paralyzing the national harvest of coffee, cotton and sugar, and resulting in an increase in the daily wage from 1.2 Quetzales to 3.2 Quetzales.

**1980** The IDB, along with nine other multilateral institutions, formed the Committee of International Development Institutions on the Environment (CIDIE). The Bank presented a report to CIDIE on the environmental aspects of selected operations, including impoundment projects (BID 1991).

**1980** World Bank adopts Operational Manual Statement 2.33 on Social Issues Associated with Involuntary Resettlement in Bank-Financed Projects, becoming the first major development agency to issue a policy on forced evictions. The policy requires: displacement by Bank projects are minimized and everyone who is evicted is compensated to that they regain, or improve, their previous standard of living; baseline surveys of affected people have to be conducted; a resettlement plan aiming to restore lost incomes must be in place; a budget for resettlement has to be included in the project; and, timetables for resettlement have to be coordinated with civil works construction. (World Bank 1980).

**March 4, 1980** The Inter-American Human Rights Commission notes in its October 1981 “Final Report on the situation of Human Rights in the Republic of Guatemala” the Army shooting of civilians in Río Negro noting that: “Río Negro is a village in the municipality of Pueblo Viejo in the Department of Alta Verapáz. Construction of the Chixoy Hydroelectric Complex is under way in that municipality. This will serve as an energy source for the entire region, principally for exploitation of the northern transversal strip, which contains the most important copper and nickel deposits exploited, as well as the oil deposits thus far unexploited” (IACHR 1981: section D1e6).

In an account published by Jesus Tecu Osorio, this incident began with two men from Río Negro who worked at the construction site and were arrested for stealing beans from the Chixoy dam workers’ supplies. They were tortured for several hours and under pain, falsely accused two other men from Río Negro. They were then locked up in the Military post at Pueblo Viejo and two soldiers and a Mobile Military Policeman (PMA) traveled to Río Negro to arrest the accused. While they searched the village the community gathered, surrounded the soldiers and held them in the church. After several hours, and with the advice of men from nearby villages, they decided to free the soldiers and PMA held in the church, as soon as the two men being held at Pueblo Viejo were released. That evening the PMA handed over his keys to the prison to a delegation of men chosen by the community. This delegation went to the Military Base at Pueblo Viejo, and freed the original accused men. Time passed, and in Río Negro with the delegation not yet returned, tensions mounted. When a man from Canchun arrived angry words were exchanged, this man hit the PMA and in response, he fired his gun indiscriminately wounding many, killing seven. People reacted with rocks, stakes and machetes and the PMA fled from the church and threw himself into the river. He was followed, caught, and after an intense fight in the river, he died from his wounds. His gun was retrieved, and his body was placed in a sack and submerged in the river, appearing several days later at the dam site. While all this occurred, the two soldiers

threw down their guns and fled. One was captured and beaten by the community, fracturing his skull. The other escaped. The next day the injured soldier was released. (Tecu Osorio 2002:17-18).

Similar accounts are provided by Carlos Chen Osorio (2000); Alain Breton, a member of the French archaeological team based on interviews with the community in later years (Breton, personal communication February 1, 2005); and by Bert Janssens, ethnographer for the UNDP-sponsored research on the Rabinal massacres which produced the book *Oj K'aslik, Estamos Vivos: Recuperacion de la memoria historica de Rabinal* (this incident is described in *Museo Comunitario Rabinal Achi* 2003:196-198). Janssens reports that the day after the March 4 massacre a helicopter carrying INDE's Human Resettlement Officer, Dr. Gaitán Sanchez, and INDE security from the dam landed in Río Negro to investigate. A wounded member of the community was taken back by helicopter to the hospital, where he was expected to recover. According to Carlos Chen (2000) soldiers entered the hospital and killed him in revenge, an act taken after the body of the PMA had been found downstream at the dam site. According to Janssens (personal communication, January 31, 2005) the body of the murdered man from Río Negro was transported from the hospital back to Río Negro for burial with the help of La Huella de Varon. By several different accounts, the weapons carried by the soldiers into Río Negro on March 34, 1980 eventually found their way to the EGP. In later contacts with the army, the Río Negro people were always interrogated and asked where they had hidden these weapons. (See also similar accounts in testimony provided to EAFG during their 1997 exhumations and investigations into the massacres of Plan de Sanchez, Chichupac, and Río Negro).<sup>26</sup>

**April 1980** Archaeologists present results of their cultural resources research and submit a proposal to restore the ruins at Cawinal and develop the city as a Tikal-like tourist destination. The proposal is presented to the Executive Director of the project, who in turn routes the proposal to the attention of the supervisor of complementary studies. The archaeologists estimate \$200,000 as cost of protection of the site for tourism purposes. (Partridge 1983).

**1st semester 1980** The socioeconomic survey by Dr. Gaitán and a team of bilingual fieldworkers produce a revised census of the affected population. There are now said to be 437 families threatened with resettlement, some 3,445 people.<sup>27</sup> INDE reports that payments

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<sup>26</sup> The Human Resettlement Office kept detailed notes on each household in the dam affected communities, documenting complaints and conflicts that emerged between communities and INDE (Partridge 1983). If this violence was reported to project financiers, it was likely included in the resettlement program reports submitted three times a year by INDE to the Inter-American Development Bank. See details of the January 25, 1977 loan. In 1996 the World Bank conducted its own audit of their resettlement files and interviewed their staff to determine whether they had information on or believed that Río Negro, or any other community in the Chixoy catchment area, had been attacked to clear the way for the reservoir (Wolfensohn 1996:2). The 1996 audit was limited to the conditions and circumstances involving World Bank and INDE contractual agreements, and did not include a review of reports or data in BID files, nor did it include interviews with the affected communities, or project consultants who were in the field at the time or immediately following the massacres. See entry for August 31, 1996.

<sup>27</sup> The March 1978 survey conducted by Gaitán found 479 families, this report says 437 families. The downward adjustment in population size (a reduction of 42 families) may reflect the removal of heads of households who asked for or agreed to receive cash compensation in lieu of new lands and evacuation to a resettlement community.

for crop losses and damages have been received by 80% of the affected population. Surveys and soils studies of National Farm Primavera now completed. The design of resettlement center at National Farm Primavera now reportedly complete. INDE plans to move 130 families from Chicruz to be resettled here. Contracts for construction of houses, access road, public buildings, and water system projected to be completed in June 1980. Construction of the urban center for Pacux, Rabinal for resettlement of Río Negro families has begun. Agricultural lands have not yet been located. Resettlement sites for remaining communities have not yet been located, and it is noted that all of these communities have likewise rejected the plan to resettle them to the National Farm Primavera. (Partridge 1983).

**1980** INDE representatives demand that the Chicruz community turn over the community *Acta* book and accounting books that documented INDE meetings and promises. These books were kept by D. Pablo Xitumul, who is threatened and captured, and eventually released when the community intervened. The Chicruz *Acta* and accounts were never returned, though other papers were saved as they were hidden and buried. (Chicruz Community Report 2004).

**Spring 1980** INDE representatives demand that the Río Negro community submit their documents proving land title, promising to return them promptly. Months later, when the community requested that the titles be returned, INDE officials claimed they never received them (Witness for Peace 1996; Pacux Community Report 2004).

**July 10, 1980** INDE orders two members of the Committee of Río Negro to a meeting at their office at the construction site at Pueblo Viejo, demanding they bring the Libro de Actas -- the book of community legislation containing a record of compensation and resettlement promises made by INDE representatives. Evaristo Osorio and Valeriano Osorio Chen complied, were kidnapped en route, tortured, and killed. The Libro de Actas disappeared. (Pacux Community Report, 2004).

**July 11, 1980** Guatemala Government note to the Inter-American Committee on Human Rights "all Guatemalan legislation is perfectly adapted to the American Declaration of the Rights and Duties of Man, to the Universal Declaration of Human Rights and to the American Convention on Human Rights, and hence there is no need in our country to amend domestic legislation to bring in line with those international institutions." (IACHR 1981).

**August 1980** Supervisor of Complementary Studies of Chixoy Project informs Project Director and Archeologists that the plan to protect Cauinal and develop it as an archaeological tourism destination is not feasible because (1) the rock in the area may not be suitable for the proposed modifications, (2) not enough time remains to complete the engineering work for protecting the archeological city from flooding, since the date for filling the reservoir is January 1981 (Partridge 1983). However, Partridge notes that these conclusions were made in the absence of any geological study of the site.

**October 1980** Chicruz community submits petition rejecting resettlement terms because the farmland provided is different from the land promised. (Chicruz Community Report, 2004).

**2nd semester 1980** Report from the Office of Human Resettlement: In response to continued resistance of the inhabitants of Chicruz, their resettlement site is changed to some (unspecified) location in their own municipio of Cubulco. The plan for resettlement

communities at National Farm Primavera is now dropped and the search for site begun. The construction of an urban center at Pacux is now 30% done. Agricultural lands are still not located. The farm El Naranjo is selected as the resettlement site for the settlements of Guaynep, Chitomax, and Chirramos, located in Cubulco, Baja Verapaz and the process of acquisition begins. As the date for filling the reservoir (according to the original project design) is January 1981, the inhabitants of Chicruz, Guaynep, Chitomax, Chirramos, and those of River Carchela petition INDE to provide emergency housing at the margin of reservoir until the permanent resettlement sites are identified and ready for occupancy. (Partridge 1983).

**January 1981** Original date for filling the reservoir passes. Archeologist appeals to the assistant project director for approval of salvage plan, noting the potential of Cauinal as a tourist attraction and the fact that the date for closing the dam will be delayed anyway in all likelihood. No response to this appeal is documented. (Partridge 1983).

**February 17, 1981** Amnesty International alleges that Guatemalan President Romeo Lucas Garcia directly supervises an intelligence agency that carries out political assassination (reported in New York Times, February 17, 1981:A3).

**March 3, 1981** For the 12 months following the March 4, 1980 killings in Río Negro the National Army repeatedly terrorizes Río Negro and surrounding settlements, frequently searching houses for weapons belonging to the soldiers and policeman, and torturing residents in an effort to reveal weapons used by guerillas. In the evening of March 3, 1981, the National Army arrives in Río Negro and surrounds it. At dawn on March 4, 1981 shots are fired and eighteen men captured. The rest escape. G2 forces arrive by helicopter later that morning and residents are interrogated and beaten. Seven men are eventually taken, transported to Coban and then Salama and held for six months until a trial is held for the March 4, 1980 killing of a policeman. Two men are found guilty of homicide in the death of the PMA following the March 4, 1980 massacre of Río Negro villagers. The other five pardoned and released (Tecu Osorio 2003:19).

**April 1981** The Inter-American Bank sends a mission to reevaluate Chixoy Project's progress, to determine a realistic schedule for completion, evaluate new economic needs of the project, determine reasons for delay, determine the ability of INDE to complete project under conditions of higher costs, and determine a new scheme for financing the project. Resettlement problems are not a major focus of this mission. Coincident with this mission, INDE publishes "Los Asentamientos Humanos en la Cuenca del Río Negro o Chixoy" from the Office of Human Resettlement and authored by Dr. G. A. Gaitán Sanchez, containing census materials on the 23 settlements to be flooded, social statistics, history of region, archeological site locations and importance, information on housing types, and economic resources. Resettlement plans and progress are summarized, problems are identified, solutions and recommendations are made (Partridge 1983).

**April 1981** [Guatemalan Soldiers Kill Civilians in Cocob], CIA, secret cable: The CIA provides an account of a massacre that occurred in the village of Cocob on April 17, 1981. In an effort to track down a unit of the Guerrillero de los Pobres (EGP), believed to have ambushed an army patrol two days before, a reinforced company of airborne troops entered the village and encountered "a large and unruly crowd of villagers" that "appeared to fully support the guerrillas." Many non-combatants were killed in the ensuing firefight. "The

soldiers,” one source explains, “were forced to fire at anything that moved.” (National Security Archive 2000: Document 17).<sup>28</sup>

**January - June 1981** According to the Resettlement Annex, by the first semester of 1981, some 95% of payments for lost crops and damages have been made. Delays in the acquisition of land for displaced families are attributed to “change in mind of relocatees’ regarding sites selected. Further delays stem from protests of owners of expropriated lands over prices offered.<sup>29</sup> Acquisition of agricultural lands is “going well” but the problem is the lack of any large land holdings in Cubulco suitable for resettlement, so that several smaller holdings must be identified, evaluated, and litigated, further slowing process of acquisition. Pacux resettlement community is completed and ready to receive families from Río Negro. Documents registering ownership of houses are being prepared. The delivery of boats and ferries has been suspended temporarily, as all energies are being devoted to constructing emergency housing at the reservoir margin in anticipation of flood. (Partridge 1983. See also Douzant-Rosenfeld’s excerpt of this report, 2003).

**June 1981** LAVALIN submits to INDE a report fulfilling phase two of the Agreement for Technical Cooperation (ATCN/CD(PP)/SF-1521-GU). This report includes a feasibility study for integrated agroforestry and crafts development in the municipality of Momostenango, a feasibility study for the integrated rural development project in the municipalities of San Juan Cotzal and Chajul, proposals to conduct feasibility studies for irrigation projects identified in the first stage of the development of the Río Chixoy Basin, and, methodology for “ex-post” evaluation of the economic and social impact of the Pueblo-Viejo hydroelectric plant.<sup>30</sup> Attention to social, ecological and cultural impacts of the project is largely absent. Negative impacts are limited to the loss of agricultural production in flood zones, a loss “of little importance owing to the small extent of the cultivated areas and the scant value of products in the zone.” In outlining the strategy for post-project evaluation, the report summarizes the existing rationale for indemnification. For example, with reference to valuation of forested lands, LAVALIN advises INDE “losses taking place during the period of construction (one or two harvest seasons at the most) will be separated from the losses produced during the operation phase. Owing to the fact that the woods have neither been exploited nor are exploitable (impossible access) before the project, their economic value is considered to be nil, so there is no cost of substitution” (LAVALIN 1981:9).

**September 15, 1981** Rabinal (center of the Maya-Achi world in Guatemala) celebrates its biggest annual town fair. As villagers auction their cattle and children climb into a Ferris wheel, the Guatemalan national army blocks all the exits from the town square and conducts an indiscriminate slaughter. Some estimate between 200-800 people were killed that day

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<sup>28</sup> Note, this incident is not in the dam construction area, but is included to illustrate that the United States was aware of widespread human rights abuses occurring in Guatemala.

<sup>29</sup> Expropriated lands referred to here are lands obtained by INDE to house resettled communities. This study did not examine whether these lands were legally obtained.

<sup>30</sup> LAVALIN work was conducted with Inter-American Development Bank funds under a technical cooperative agreement where BID took responsibility for planning, and INDE took responsibility for implementation (see entry for April 26, 1978). The “integrated rural development project” in the municipalities of San Juan Cotzal and Chajul, were, when built, militarized “model villages or “development poles” used as a counter-insurgency strategy. Construction plans reflected the Pacux template (houses in a tight grid, settlement controlled by a single access road and guarded base at the entry).

(Museo Comunitario Rabinal Achi 2003:199-204). - In 2002, FAFG exhumed some 79 bodies, most were reburied in July 2003 with the assistance of ADIVIMA.

**October 1981** Inter-American Commission on Human Rights adopts its report on the situation of human rights in Guatemala, including description of the Río Negro massacre previously reported in its preliminary report of 1980. Events that led to the massacre are attributed as being a result of dam construction in the area (see above detail for March 4, 1980).

**October 6, 1981** “Informe de Proyecto, Financiamiento Adicional Para el Auimento de Obras del Proyecto Hidroelectrico Pueblo Viejo-Quixal en el Río Chixoy” is released. This report describes the zone of “affected directly or indirectly ” by the reservoir as inhabited by 443 families and 3,445 people.<sup>31</sup> The economic base is described as “precarious” and “subsistence” only. The importance of land tenancy to the people is high lighted. Some 50 archeological sites affected by the project are mentioned, including sites referred to in the Popol Vuh (described as the Maya Bible). It is noted that the urban center of Pacux is ready for 150 families. The remainder of displaced families are reportedly being prepared to relocate to National Farm Primavera (Alta Verapaz) where INDE is at that point constructing houses. The displaced people are said to be collaborating with the authorities in the selection of adequate sites and the types of houses being constructed, which has resulted in a change in original plans to include temporary housing in the agricultural lands in addition to permanent housing in the urban centers under construction. INDE is in the process of acquiring new agricultural lands. INDE reports its decision to construct a road of 6 kilometers that will unite the new urban sites with the reservoir zone, from which the families may take boats being supplied by INDE to cross the reservoir. Finally, a footnote indicates that the World Bank contract with INDE (BIRF—1605/GU) includes a clause obligating INDE to provide houses and services for the relocatees of better quality than those they enjoyed previously. For this reason, the new loan contract between The Inter-American Development Bank and INDE does not include a clause of this nature. The report further states that a program exists to rescue important archeological sites that will be flooded by the reservoir, not only because of their cultural importance but also in order to develop tourism in the region, with reference to report of A. Ichon in 1979. (Partridge 1983).<sup>32</sup>

**October 20, 1981** The National Army arrives at Xococ and Buena Vista with some 300 soldiers. All men are captured, and those on a list are massacred. Those not on the list were forced, with the threat of death, to form civil defense patrols (PACs). (Tecu Osorio 2003:20).

**October 31, 1981** Ing. Arturo Classon Toko, head of INDE’s resettlement program reports the completion of construction at the Pacux resettlement site, with 150 houses and corresponding kitchens, a health center, a school, a community hall, a catholic church, a water system, and street curbs with roadside ditches. This center was built for 150 families of Río Negro (Report reproduced in Douzant Rosenfeld 2003).

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<sup>31</sup> This number probably reflects Gaitán’s original March 1978 count of 479 minus the original 36 households he reported as interested in receiving cash compensation.

<sup>32</sup> Documents written in the 16<sup>th</sup> century mentions Rax Ch’ich (the pre-Columbian name of Los Encuentros) as one of the places where deer dances were danced. Until the construction of the dam, Río Negro people went to Los Encuentros to celebrate the day of the Holy Cross at the ruins of their grandfathers and perform the deer dance. (Janssens, personal communication June 4, 2004).

**November 1981** Over 100 men from Río Negro travel to Xococ to seek peace. Upon arrival they are met by the Army accused of being guerilla fighters and threatened with death. They are held in Xococ for several days, and then taken to the Rabinal military base. Before their release they are forced to form PACs. “Those who opposed forming PACs were branded as guerillas and threatened with death” (Tecu Osorio 2003:21).

**November 1981 – April 1983** General Benedicto Lucas García, brother of military dictator Romeo Lucas Garcia, initiates the organization of the first Civilian Defense Patrols (Patrullas de Autodefensa Civil) or PAC. The army initiates massive, scorched-earth counterinsurgency campaigns against real and potential guerrilla supporters, wiping dozens of villages off the map.<sup>33</sup> During this 18-month period, commonly known as “La Violencia,” more than 600 villages suffer massacres throughout the country, and in five areas of the country associated ethnic groups are the victims of genocide. In Rabinal municipality violence is applied with massive force, targeting community leaders and people with connections to CUC, Catholic Action and other development and human rights initiatives. By the end of this period an estimated 4000 to 5000 people in Rabinal, almost 1/5 of the population, dies through military action (EAFG 1997:179, 314).

During “La Violencia” armed guerrillas would periodically attack army troops and then slip back into the mountains. The army responded by attacking entire villages, burning houses and crops and killing farm animals in a ‘scorched earth’ policy designed to depopulate the zones of guerrilla operations (Americas Watch 1982). “What had been a selective campaign against guerrilla sympathizers turned into a mass slaughter designed to eliminate any support or potential support for the rebels, and included widespread killing of children, women and the elderly. It was a strategy that Ríos Montt called ‘draining the sea that the fish swim in’” (Excerpt from Ball et al, 1996: Chapter 4). In Rabinal and the Chixoy River Basin, violence during this period was characterized by “a wave of *selective* massacres, where black listed people were rounded up and killed simultaneously, prompting entire villages to flee to the mountains while soldiers looted and burned homes and fields” (Dill 2004:127). In late 1981 and early 1982 survivors fleeing massacres and extrajudicial killings in the Rabinal town center and villages near Rabinal flee to remote areas, and some take refuge in Rio Negro (Tecu Osorio: 2003 19).

**December 17, 1981** Second loan contracts are signed by the Republic of Guatemala and the Inter-American Development Bank (Nos. 301-Abc-CU and 302-AbC-CU). No specific clause makes reference to requirements for resettlement planning or implementation, but a budget line exists under the direct costs of construction for “Purchase of Lands and Resettlement” in the amount of US \$3.8 million. The source of funds are not clearly identified, but assumed to be local (Partridge 1983).

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<sup>33</sup> The Guatemalan Truth Commission Report reported that 18% of all documented human rights violations committed during the course of the 36 year internal conflict were perpetrated by PAC—and that 95% of those crimes were committed in less than a three year period (1981-1983). Almost half of their crimes were extra judicial executions, followed by torture, forced disappearance and rape (CEH 1999).

**December 1981 – March 1983** The Army of Guatemala takes over the newly completed and as yet unoccupied Pacux resettlement for use as a military garrison (reported in Partridge 1993).<sup>34</sup>

**1982** World Bank establishes Operational Manual Statement 2.34 on Tribal People in Bank-Financed Projects (1982).

**February 4, 1982** The Xococ market is burned by guerillas. Five patrollers from Xococ are killed. According to Tecu Osorio (2003:21) before leaving Xococ, the guerillas drink all the beer. One guerilla is found at dawn, lying in the grass. He is taken to the church in Xococ and tortured to give up the names of his companions. He names companions from Buena Vista, Canchun, Chiac, Chitucan, Patixlan, Río Negro, Vega Santo Domingo, and Xococ. The Army blames the incident on guerillas and some peasants from Río Negro. The population of Xococ severs their historical trading relationship with Río Negro, declares them enemies, and armed, trained and guided by the Army launches confrontations against Río Negro (Tecu Osorio 2003:21).<sup>35</sup>

**February 5, 1982** DCI Watch Committee Report, CIA, top secret report: A special CIA committee report predicts that Guatemalan military operations planned for the Ixil region of El Quiché are likely to produce “major clashes” with guerrillas and “serious human rights abuses by the armed forces.” General Benedicto Lucas García, the army chief of staff, has indicated that “it probably will be necessary to destroy a number of villages.” Report notes “*This sort of activity almost certainly would receive prominent coverage in foreign newspapers.*” (National Security Archive 2000: Document 19).

**February 6-7, 1982** Over eighty people from Río Negro are summoned to Xococ, in response to orders supposedly from the Rabinal Military Base. Met by the Commander of the Xococ PAC, they are accused of collaborating with the guerillas and burning down the Xococ market. The captured guerilla is brought out and asked to identify his accomplices. He

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<sup>34</sup> In addition to housing the military, beginning in early 1982 the Pacux homes were used to house families from Joyabaj, Quiché. While the formal policy of containing Mayan communities in military-controlled “model villages” was introduced by Gen. Oscar Mejia in 1983 and some model villages were built with support from a US AID grant in 1984, Pacux was apparently operating as a model village as early as 1982.

<sup>35</sup> While the history of armed resistance in Rabinal is popularly linked to resettlement resistance in Río Negro, armed resistance in the region emerged from the experiences and actions of people living closer to Rabinal. Similarly, participation in the local and national peasants organizations had its origins in these other villages near Rabinal. These leaders supported the Río Negro people in their resistance against the dam, but it was people from Pichec and La Ceiba (survivors or descendants from the first era of guerrilla activities in the 1960s) that contacted the Río Negro people and told them about the possibility of organized resistance to INDE’s resettlement plans and not - as is often thought - vice versa. For example, Janssens notes that CUC got involved in Río Negro not only through la Huella del Varon, the organization that Francisco Chen was involved in, but also through members of the archaeological French team, one of whom married a CUC leader who visited with the Río Negro people. (Bert Janssens, personal communication, January 31, 2005; February 5, 2005; and Museo Comunitario Rabinal Achi 2003). Also, see Kathleen Dill, who in her discussion of the links between the dam and area violence concludes “The members of the community of Río Negro resisted displacement and paid with their lives for not following the orders of the Luquista regime. But the case of Río Negro is more complicated than that. A convergence of factors put them in grave danger: their resistance to being displaced; their ethnic identity as Achí of Rabinal; their geographic location near the natural corridor that the guerrillas used to pass between the hot spot provinces of Quiche and Alta Verapaz, and more generally, their location in the municipality of Rabinal where there still remains the colonial-era road that unlike the modern eastern route, drops directly south to the capital.” (2004:113-114).

is unable to identify anyone, and is then tortured in front of the community (his ear, jaw and tongue are cut off). The Río Negro people note that the Xococ market is important to them too, and offer to rebuild it. The Xococ patrollers keep the villager outside for two days without food or water, and demand money to pay for the military's food. At dusk on February 7 people are allowed to leave after having their identification cards confiscated, and are told to return on February 13 to retrieve their documents. (Tecu Osorio 2003:21).<sup>36</sup>

**February 13, 1982** Xococ Village – people from Río Negro travel to Xococ civil patrol outpost to retrieve their identification cards. Río Negro villagers are accused as “guerillas” and fifty-four men, eight women and nine children are killed. Two people survive, a woman who escaped while the soldiers and patrollers were raping women and young girls; and a man who is saved by the PAC to be used as a guide to the community and to identify other supposed guerillas. (Tecu Osorio 2003:21).

**February 14, 1982** The surviving woman from the Xococ massacre returns to Río Negro early in the morning, informs the community what had occurred, and warns them that soldiers were coming to massacre the village. Soon after her arrival, the Army and Xococ patrollers arrive in Río Negro and begin firing indiscriminately. Residents flee to the mountains, and some take refuge with relatives living in other villages. (Tecu Osorio 2003:20-22). In the weeks and months to come Agua Fría residents provide food to refugees when they encounter them in the hills. (Agua Fría Community Report, 2004).

**Mid-February 1982** [Counterinsurgency Operations in El Quiché] CIA, secret cable: Army massacres continue in the final days before Lucas is ousted in a military coup. This cable from the CIA Station describes a Guatemalan army “sweep” operation through the Ixil Triangle in El Quiché. The aim of the operation is to destroy all towns and villages suspected of supporting the Guerrilla Army of the Poor (EGP). According to the cable's author, the army has yet to encounter a major guerrilla force in the area, and its successes have been limited to the destruction of entire villages and the killing of Indians suspected of collaborating or sympathizing with the rebels. The army's belief that the entire indigenous

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<sup>36</sup> In 2000 Kathleen Dill interviewed an informant from Chitucán who produced a slightly different account: “One Saturday, [February 1982] we went to Xococ; we went as always to sell palm fronds, woven mats; and we arrived but everything was burnt; the Xococ market was in ashes and there were soldiers everywhere, a ton of soldiers. A captain [Salamá] told us that we had to return the next day and that they would be waiting for us at 9:00 in the morning. He told us that they were going to give us training and arms to protect our communities.... We returned on Sunday and when we arrived they put us in groups; there were people from Chitucán, Río Negro, Mangales, another group from Cancún. Then they started to grab everyone. The [PAC] commander from Xococ told those from Xococ—the civil patrollers—“Kill them, don't leave them injured, but dead, kill them.” And those from Cancún, they killed around seventeen, and our people from Chitucán, they killed twelve or maybe fourteen. And we were kept under the sun, all day under the sun, without food or water, and in the afternoon at 6:00 they put us in the jail [clandestine jail in Xococ]. The Captain said we would be trained by it but it was just a lie. ... There, the Captain interrogated us and we were interrogated but we don't know anything and the others [the tortured ones] had blamed us. Now at 9:00 at night the commander of the Xococ PAC showed up with a coil of rope and said that “we are going to tie you up because this building is old and can't hold up” and so we spent the night tied up. And the others, well, they killed them, they tortured them all night long, and then they tossed them below—all night long the tortured ones cried out” (Quoted in Dill 2004:155-156). Janssens notes that in the aftermath of the EGP killing in Xococ, several massacres took place: one was a massacre directed against people from Mangales, Cancun and Chitucan immediately after the Xococ killing, and a second event was the killing of Río Negro people in Xococ on February 13<sup>th</sup> (Bert Janssens, personal communication, March 24, 2005; and, Museo Comunita Río Rabinal Achi, 2003).

population of Ixil supports the guerrillas “has created a situation in which the army can be expected to give no quarter to combatants and non-combatants alike.” National Security Archive, Document 20: 1 June 2000).

**March 13, 1982** Army officers and Xococ PAC travel to Río Negro, assemble the residents and take them to the “Portezuelo”, a place called K’oxom where they massacre 107 children and 70 women. Eighty-four survivors flee, some taking refuge in the community of Los Encuentros near Pueblo Viejo. Others take refuge in the community of Agua Fría. Eighteen children are kept as slaves for the civil patrollers. (Chen 2000; Tecu Osorio 2003:25-28; Dill 2004:1567-157).<sup>37</sup>

**1982 (?)** “When the massacres of Río Negro took place, the people from Chicruz saw how the cattle from the people of Río Negro passed through the valley. Not only the massacres took place, but they would also steal the cattle and other belongings from the people of Río Negro” (Chicruz Community Report 2004).

**March 1982 (?)**<sup>38</sup> Unknown people pursue INDE worker Filiberto Pocasangre from the El Rosario farm to the dam crossing and kidnap him. At this moment the official documents signed by INDE and the community outlining the terms of resettlement disappear. Neither Mr. Pocasangre nor the documents are seen again. (San Antonio Panec Community Report 2004).

**March 23, 1982** General Efraín Ríos Montt seizes power in a coup and escalates counterinsurgency campaigns. He abolishes the 1965 constitution, and revamps insurgency policy from the former Lucas-era emphasis of strategic murders and burning of fields and homes, to a policy of indiscriminate massacre of all village inhabitants: “During the campaign *Victoria 82*, soldiers and their accomplices entered villages, sealed exit routes and killed everyone that they encountered (without distinguishing between men, women, children and the elderly), burned down houses, stole livestock and destroyed the surrounding corn fields to ensure that any survivors would not have access to sustenance.” (Dill 2004:127-128).

**April 10, 1982** General Efraín Ríos Montt signs *Plan de Seguridad y Desarrollo* (taking effect on April 20, 1981). With this plan, the State implements a military policy that makes no distinction between combatant and noncombatant. When civilians are killed, they are no longer “accidental “abuses” or “excesses”; rather, they represent a scientifically precise,

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<sup>37</sup> This clandestine cemetery was excavated by Equipo de Antropología Forense de Guatemala (EAFG) in October-December 1993. Subsequent lab analysis demonstrated that all the victims were women and children, with some 143 unique individuals. Testimony of informants suggest as many as 180 were killed in this massacre. The most frequent cause of death were blows to the neck, blows to the cranium, gunshot wounds and stab wounds from knives and machetes. The skeletal remains were returned to the community of Río Negro and reburied in Rabinal on April 24, 1993. A commemorative monument was built, and shortly after destroyed by vandals. A bigger monument was later built. See FAFG excavation report <http://garnet.acns.fsu.edu/~sss4407/RioNeg.htm>. The February 13, 1982 Río Negro massacre in Xococ and the September 14, 1982 massacre of the Río Negro community in Agua Fría have also been exhumed (see <http://www.fafg.org>). The only Río Negro massacre that has not been exhumed is the May 14, 1982 massacre at Los Encuentros, the site of which lies buried under the waters of the reservoir.

<sup>38</sup> Río Negro and Chicruz communities reported similar events in the spring and summer of 1980. While it is unclear if the San Antonio Panec 1982 date is accurate, details of the kidnapping, presumed murder and loss of documents are confirmed by Don Félix Alonso Raymundo, vice-president of the Pueblo Viejo community, who witnessed the kidnapping (San Antonio Panec Community Report, 2004).

sustained orchestration of a systematic, intentional massive campaign of extermination” (Schrimmer 1998:45).

**April 20, 1982** Ing. Arturo Classon Tojo, head of the INDE’s Resettlement Program, reports "the problems prevent us to the date to obtain the title to the Finca Pacux, which we postpone for the time being... ” and warns that with the imminent completion of the dam and rising waters of the reservoir, delays in fulfilling the promises to the affected will result in serious economic hardship and political problems. (Report quoted in Douzant Rosenfeld 2003).

**14 May 1982** Army officers travel to the settlement of Los Encuentros by means of the construction company truck (COFEGAR-Impregilo, Italy’s largest construction company and builder of some 450 hydroelectric dams around the world). Río Negro refugees found hiding there are tortured and 92 people are killed. An additional fifteen women are taken, forced into a helicopter and never seen again. (Chen 2000; Tecu Osorio 2003:29; Dill 2004:161).<sup>39</sup>

**January – August 1982** Reports from the Resettlement Annex, 1st Semester 1982: Initiated compensation payments to Ladinos owning private farms (145 in total) whose land will be flooded but not replaced. After two years, the urban center El Naranjo in Cubulco is about to be purchased by INDE, and this will house the displaced residents of Guaynep, Chitomax, and Chirramax. The plans to build a resettlement community at El Naranjo have been completed. The evaluation to acquire the urban center Chicuxtín in Cubulco is still pending after one year, this area is planned to house displaced residents from Chicruz. Plans to build a resettlement community are still being completed. The urban center Italia, to house residents from villages on the Río Carchela, has been surveyed and awaiting evaluation, and plans to build homes have not yet been initiated. Agricultural lands in Cubulco (four different farms) have been identified and owners advised of INDE evaluation. Emergency housing for residents to live until the resettlement communities are ready are 98% completed. Emergency housing has been built with affected communities providing the labor, cutting trees in reservoir area to build houses, and INDE providing some milled lumber and training programs for carpentry and woodworking. Some cement and some block are provided by INDE for a school building. A series of courses are held to “improve” lives of displaced families. Insurgency and counterinsurgency armies occupy areas of Cubulco, Rabinal, and San Cristobal Verapaz. Army of Guatemala occupies Pacux resettlement community beginning December 1981 until present (reported in Partridge 1983).

**Periodic report no. 12** (January-August of 1982) reports, with regard to the transfer of affected populations, that as a result of events outside of our control the work plan has been altered, and changes in the quality and rate of production have occurred. Problems occurring “all this year – 1982 - has been to a large extent of serious conditions by insurgency and counterinsurgency in the zones Cubulco, Rabinal and San Cristobal Verapaz... this has prevented, paralyzed and even slowed work on the development” (translation of quote in Douzant-Rosenfeld 2003).

**June 1, 1982** General Efraín Ríos Montt issues an Amnesty Law for massacre survivors living in the mountains. In early July the Army arrives in Río Negro by helicopter and distributes bulletins that promise peace and encourage people to turn themselves in to the

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<sup>39</sup> Kathleen Dill reports a death toll of 84 Río Negro people who had fled to Los Encuentros (2004:158).

Army to avoid dying of hunger in the mountains. Six Río Negro families respond to national amnesty offers, return from the hills, are tortured for seven days. The majority of the refugees remain hiding in the mountains until 1984. While living in the mountains some 105 refugees from the Río Negro and surrounding communities are killed by aerial bombardment from A37b airplanes and Huey Hog helicopters. (Pacux Community Report 2004; Tecu Osorio 2003).

**June 25, 1982** Junta Directiva de la Comunidad Indígena of Los Pajales, Directors of Local Committees of Reconstruction in Los Encuentros, El Cebollal, Chirramos, Chitomax, Guaynep, Patsulup, Chicruz, Cauinal, some 20 professionals and merchants of Cubulco (including mayor) all sign a petition addressed to President of the Republic of Guatemala. It asks that the archeological city Cauinal be rescued from the floodwaters both because of its religious significance to the Maya-Quiche and because of its potential for generating a tourism industry. The petition points out that INDE plans to build a monument of steel and cement to honor an engineer that will cost three times what rescue of the sacred site would cost and suggests that this money be allocated to save Cauinal. (Partridge 1983).

**July 6, 1982** People from Joyabaj, Quiché who have been living in the Pacux settlement with the Army leave (all but three women who still reside in Pacux) and the first few families from Río Negro move into homes in Pacux. A military post guards the entrance to Pacux, and a larger military base is located at *El Calvarío* (near the cemetery) (Biesemans and Janssens 2004).<sup>40</sup> Residents are not allowed to harvest fields planted in and around Río Negro, and are forced to build a military outpost at the entrance to Pacux to allow continuous surveillance of the population (Dill 2004:169-170).

**July 18, 1982** The Armed forces of Guatemala massacre 268 inhabitants of Plan de Sánchez, Baja Verapaz in an effort to "defeat the insurgent movement through the strategic eradication of its civilian support base." (See IACHR Plan de Sanchez Massacre v. Guatemala, 1998).

**14 September 1982** The Agua Fría community is accused by the Army of supporting guerillas, including refugees from Río Negro. In this massacre, some 92 people are killed, including 35 refugee children from Río Negro. "On September 14, 1982, at about 7am, Civilian Defense Patrollers from the village of Xococ, Rabinal, Baja Verapaz accompanied by the national army and Military Commissioners, arrived at the hamlet of Agua Fría, Municipality of Chicamán, Department of El Quiché, where they rounded up all the men women and children from Agua Fría and Xococ for a meeting. The meeting took place in a house in the hamlet of Agua Fría which was being used as a school. Once all the people are together, the soldiers riddled them with bullets using variety of firearms, as well using grenades. They killed a total of approximately 92 people. Afterwards, they doused the bodies with petrol and burned them as well as they houses where they people had been living. They

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<sup>40</sup> Pacux may have served as a prototype for the "development poles" of San Juan Cotzal and Chajul (see entry for June 1981). Pacux is the only "model village" built to house displaced residents from the Chixoy River Basin. Other resettlement villages for the dam-displaced population are built without a military guard base, with greater land allocated to each house, and with greater variation in home size and characteristics. In Guatemala, most militarized villages are disbanded in the late 1980s-mid 1990s. Pacux is demilitarized in December 2003, when the Army finally decommissioned the guard base at Pacux's entrance and turned over title to the municipality of Rabinal. (Janssens, personal communication June 8, 2004. For additional detail on "model villages" see Manz 1988, 2004).

robbed livestock, poultry, swine and anything else of value... (From the 4 June 2001 AJR complaint filed against General Jose Efraín Ríos Montt, former head of the Guatemalan military junta from March 1982 to August 1983, quoted in Henry 2003:9; see also Dill 2004:160).<sup>41</sup>

**October 10, 1982** The New York Times notes that because of that country's human rights record, the United States has not provided military aid to Guatemala since 1977. However, the Times reports, that the United States is now backing Guatemalan loans because "of what it sees as improvements in the human rights situation in Guatemala... The Administration's action is part of a broader policy effort to aid Guatemala, which is locked in a battle with leftist guerillas. It has already received Congressional authorization for \$10 million under the Caribbean aid program. For next year, the Administration is asking for \$15 million in economic and development assistance, \$3.4 million for helicopters and spare parts, and \$250,000 for military training. ... The Administration's policy will affect six loans, totaling \$170 million, requested by Guatemala from the Inter-American Development Bank and the World Bank" (Bonner 1982:A17).

**September - December 1982** Reports from the Resettlement Annex, 2nd semester 1982: Almost all inhabitants along the river system reported as having been transferred to emergency housing, except those living in settlement of Río Negro. The population of Río Negro has been implicated by the Guatemalan army in insurgency activity, and their emergency housing has been burned. Most residents have scattered into mountains, but a few (17 out of 150 families) have moved to the Pacux urban center and reside there with the army garrison. Direccion de Catastro y Avaluo de Bienes Inmuebles (DICABI) continues to be slow in making the final evaluation of lands to be acquired. Until this is done, all resettlement program work is stopped except for continuing courses to "improve" life for the displaced families. It is predicted that once land is acquired, construction of new settlements will not be completed until the end of 1983 or beginning of 1984. Work has begun on foot and mule paths between the emergency settlements and Cubulco, since the old ones paths will be inundated. The site of new hammock bridge located near the Chicruz emergency settlement has been identified and designs developed for its construction. A school, clinic, and community center are under construction in Chicruz to serve all displaced people of that area. A health center has been built in Chirramos with help of USAID, and a potable water system put in with the help of UNICEF. Boat purchases have been delayed because prices have been inflated over two years since estimates were obtained. All work has been made dangerous and slowed by continuation of warfare in the countryside. Worry is expressed that the budget in future will be insufficient because all funds not expended for land acquisition, boat purchases, construction, etc. is absorbed by central fund of INDE. The resettlement unit must then argue for them again in the future (slowing even further any possible actions). The social, economic, and political consequences of further delays are predicted to be grave (report summarized by Partridge 1983).

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<sup>41</sup> Survivors from the Agua Fria massacre fled to Pacux, Buena Vista, Xococ, Los Pajales, Patixlan and Guatemala City. When violence in the area lessened, the community was unable to return to the village and lands, as the reservoir cut off important trade routes and blocks the entrance to their land. In 1998 a number of families tried to return to their homes. They contracted a boat to take them across the dam basin. High winds caused the boat to overturn and two people drowned. Currently, the Agua Fria village and farmlands are unoccupied. The community still hopes to find a way to reclaim their village and work their lands. (Agua Fria Community Report, 2004).

**January 1983** Closure of the diversion tunnels. INDE tells Chicruz community that flood gates will close later that month and they must move to level twenty. INDE provides no help to make the move, and no water for emergency housing. Construction company security (off-duty military) evict the community from their farmlands. (Chicruz Community Report, 2004). By this date ten communities in the Chixoy River Basin have been destroyed by massacre: Río Negro, Los Encuentros, La Laguna, Agua Fría, Comalmapa, Jocotales, Chitucan, Los Mangales, Pacaal, and Hacienda Chitucan (CEH 1999).

**1983** Rising levels of the reservoir again force emergency evacuations of many communities.

**January 27, 1983** The dam gates are closed and reservoir begins filling. Response of people seeing water rising while promised assistance not yet available described assistance not yet available described as “animico.” (Partridge 1983). The Maya ruins of the Pueblo Viejo Cahuinal are left some 15 meters under water. Some families that lived there are forced to move uphill, to ten meters above the water level. (Chicruz Community Report 2004). Other families are evicted and eventually placed in El Naranjo. (El Naranjo Community Report 2004).

**1983** World Bank establishes Operational Manual Statement 2.35 on Projects in Disputed Areas.

**May 1983** First test runs are carried out for turbines and generators.

**May 19, 1983** At the palace of the President of the Republic, 34 leaders of settlements by the Chixoy reservoir assemble. They threaten not to eat until the promised road to link Cubulco with the emergency-housing settlements along the reservoir margin is completed. Extensive press coverage is given their protest. (Partridge 1983).

**May 22, 1983** Bulldozer begins cutting road from Cubulco to the edge of reservoir and emergency settlements. (Partridge 1983).

**May 27, 1983** The President of the Republic sends a telegram to settlement leaders promising that INDE will complete the road and all other promises will be honored. (Partridge 1983).

**January – June 1983** Resettlement Annex. 1st semester 1983: DICABI still has not completed the fiscal evaluation of needed lands. The 145 private-property holders who are to receive cash compensation only are still awaiting payment, pending review of their appeals. The urban center of El Naranjo is now in possession of INDE. Chicuxtín urban center is awaiting approval of acquisition papers by Contraloría de Cuentas. La Libertad is now in the possession of INDE. Negotiations have been opened with Banco Nacional de la Vivienda to build houses for the settlement of Canialniapa whose petitions for such help are received at the “last hour.” INDE has in possession agricultural lands of 27 hectares in Cubulco and 47 hectares in San Cristóbal Verapaz. The remaining land acquisition is still in process. Construction plans for urban centers are now at the stage of approval and negotiation of terms of bidding and construction contracts. There are still only 17 families living at Pacux,

two years after its construction.<sup>42</sup> Two boats have been delivered to people in emergency housing in Chicruz, but these must serve to unite all settlements. (Partridge 1983).<sup>43</sup>

**June 29, 1983** Anthropologist Shelton Davis testifies to the U.S. House of Representatives, Subcommittee on International Development Institutions and Finance, Committee on Banking, Finance and Urban Affairs, on the Environmental Impact of a Multilateral Development Bank-Funded Project. Suggesting that from 1977-1981 Chixoy Dam funding was one means by which the Government of the United States could circumvent Section 701 of the International Financial Institutions Act of 1977 (which mandates U.S. opposition to loans to governments that consistently engage in gross violations of human rights except when a loan expressly meets basic human needs), Davis comments: "...it appears as if hydroelectric development in Guatemala was related to the modernization of the Guatemala Army and its concern to turn the northern lowlands into a vast cattle ranching, petroleum, mining, and timber frontier. By carrying out this frontier-development program, with international assistance, the Guatemalan Army hopes to consolidate its own political and economic power." (Davis 1983).

**August 1983** Francisco Chen Osorio and his family arrive with three other families at Pacux. When they first arrive they are not allowed to leave the settlement and are fenced in. The men and women in these families are taken away to the military base and interrogated, the women released, but the men are held in a latrine for eight days without food or water, and beaten. Soldiers return them to Pacux, and they are warned that they cannot go into the woods, to their lands to farm, or to the coast to earn money by working on plantations. The prohibition on travel lasted until 1986. The only work the men could do was forced labor at the military base (gather firewood, build latrines). (Biesemans and Janssens 2004).

**August 1983 – 1986** General Mejía Vítores is named President following an August 8 coup. "One month after the August 8, 1983 coup [...] 10 percent of Rabinal's population of 30-35 thousand have died by political violence" (Brown 1985:187).

**August 27, 1983** A petition is presented to the President of the Republic by the members of the Junta Directiva de la Comunidad Indígena at Los Pajales and the Directors of the Local Committees for Reconstruction of numerous towns and villages of the indigenous highlands of the municipios of Cubulco and Rabinal (claiming to represent over 6,000 families). This petition is signed by 490 leaders of indigenous towns and villages. It notes that for years the government has ignored them, and now because of the Chixoy dam they are unable to go to their Haya—Quiche market in Cubulco (the road linking Cimientos Cala/Pajales/Cubulco has been cut by reservoir) and are forced to go to a foreign market, the Uspanteca-Quiche in Uspantan where the language is different and they are not welcome. The petition refers to

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<sup>42</sup> In 1983 INDE conducts a second census of the dam-affected community, concluding that instead of the 150 families identified by name in earlier surveys by Gaitán, only 106 heads of households can be found as representing families from Río Negro and only these 106 families are entitled to compensation, housing, land and other assistance. From this point on, minors who were orphaned because of the massacres, other family members, and people displaced from Río Negro but living in other regions of the country are not recognized by INDE as part of the affected population. Currently, in 2005, in Pacux, there are 44 families who lost "affected" status in this way (Pacux Community Report, 2004).

<sup>43</sup> The Chicruz community reports INDE acquisition of a barge to assist the transportation of people, livestock and goods on the reservoir. The barge was promised to the people but never turned over, and remains at the INDE facility at Pueblo Viejo (Chicruz Community Report, 2004).

previous petitions for boats to cross the reservoir, the rescue of the sacred site of Cauinal (the pyramid complex that is now partially submerged by the reservoir), and others that have gone unanswered. They ask for (1) a road from Cimeintos Cala to Cubulco with a bridge to cross reservoir; (2) two boats to transport cargo across the reservoir (the small passenger boats now in use don't serve this purpose); (3) access to electricity generated by the dam so they can have lights; (4) health centers, schools, churches, community centers; (5) reversal of INDE's historic position that they are "not affected" by the Chixoy Project, because they cannot cross the river as their fathers have for centuries; (6) opportunity to work on these projects rather than everything being done by outsiders (summarized in Partridge 1983).

**September 1983** Division of Planning and Projects of INDE submits "Alertivo sobre el estado de ejecucion de los trabajos correspondientes a la Unidad de Reasentamientos del Proyecto Pueblo Viejo-Quixal," an assessment of the resettlement program (land acquisition, construction of housing, agricultural lands, access roads, bridges, and compensation for losses) addressed to the General Manager of INDE. The memo notes that INDE has acquired only 43% of the urban and agricultural lands needed. Another 14% are pending evaluation by DICABI, 18% are in the process of expropriation, and 25% still await study, survey work, and initiation of the process of evaluation. Housing in the urban centers El Naranjo and Chicuxtín (Cubulco) is expected to be completed between August - November 1984. No dates are projected for the completion of the other urban centers. Pacux (Rabinal) is confronted with major problems in housing, potable water, health conditions, and so on, and while the government of Baja Verapaz is assisting the people to begin small businesses and small livestock enterprises, the displaced people have exhausted the income from payments for crops lost, have depleted their savings (those who had savings), and have sold their livestock in order to buy food over the last 21 months. The majority of displaced people have no land to plant and are facing starvation. The National Committee for Reconstruction and the government of Baja Verapaz have donated food, but this is sufficient for only two months. Even if all farmers had land to plant tomorrow, it would be another 14 months until they saw their first crops. The memo correctly notes that the responsibility for the social and political consequences that this disastrous situation is generating will rebound directly to INDE. (From Partridge 1983).

**September – December 1983** After months of experiencing small earthquakes in the mountain, a high pressure fountain of water burst out of Campana mountain and floods the houses of Benedicto Rodríguez, Martín Hermógenes Hernández and Petronilo Ivañez Hernández). Two houses in Agua Blanca are completely destroyed and six or seven more threatened by it. In total, ten families had to move to other places. INDE shuts the water entrance in Pueblo Viejo and the water stopped shooting out of the mountain. INDE does not provide assistance for the families who are forced to move, or compensation for these damages (Biesemans and Janssens 2004). BID disperses funds allocated under BID 1 to address emergency repairs (INDE 1991)<sup>44</sup>

**December 1983** Independent consultant William Partridge submits his assessment of the resettlement planning and experience in two BID projects: the Arenal Dam in Costa Rica and

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<sup>44</sup> Severe water losses from the headrace tunnel prompts shut down of the power plant in December 1983. Inspection reveals considerable damage to tunnel areas. Additional loans and another two years of repairs are required before the plant can begin commercial operation.

the Chixoy Dam in Guatemala. Reports are presented to BID, and later to World Bank staff. The intent behind this evaluation is to generate information and recommendations that guide the Inter-American Development Bank in their efforts to develop resettlement policy and technical capability, and not to correct what was going wrong at Chixoy. His assessment is based on a review of studies, reports, communications, letters, loan contracts, and other documents in the project record, as well as site visits in October 1983. In Guatemala, site visits to the dam-affected communities occurred with the assistance of Dr. Gaitán Sanchez and other men and women of the affected communities.

In his summary of plans and analysis of actions, Partridge concludes that the resettlement program of the Chixoy Project has been a disaster and he is skeptical that the relocated population will be able to recover its former level of living under current conditions. Some of the many failings noted by Partridge include:

(1) The failure to initially plan for resettlement, the three year delay in creating an Office of Resettlement once the oversight was identified in 1976 contract negotiations between Government of Guatemala and the Inter-American Development Bank, and once the Office was created, the grossly inadequate nature of initial plans, and the lack of will within INDE to prioritize its energy in this area, as indicated by the many efforts by INDE to pass along its responsibilities to other governmental agencies. This lack of will meant that when problems were identified, they were put on the back burner and left to simmer, creating a climate of “haste, fear and anxiety” and contributing to the chaos and need for a state of emergency at the final hour when the dam gates were closed.

(2) The failure of INDE to legally acquire lands, and the failure of the Bank to meet its fiduciary responsibility in assuring that lands have been legally acquired. Partridge notes that the Inter-American Development Bank Loan contract includes the requirement that “INDE present evidence that it has possession of lands necessary to execute the Chixoy Project in conformity with the laws of Guatemala in force at the time. In fact, as of January 1983 when the dam was sealed and the reservoir began filling, some of the properties flooded had not been paid for and were in litigation. The communal lands flooded are a more complicated legal problem than it appears on the surface, for it is the community as a whole that owns such lands. To the author’s knowledge, INDE at no time even contacted the leaders of the community, much less discussed with them compensatory actions could be undertaken in exchange for legal ownership of those lands, by INDE.”

(3) The failure by INDE to communicate directly with any appointed, elected, or customary leaders or representatives of the human communities affected by the Chixoy Project during the first three years of the Planning and Recruitment Phase. Consequently the affected communities had no opportunity to provide information about themselves or suggestions about the resettlement problem nor to join planners in a search for mutually satisfactory resolutions of the problem. When the Office of Human Resettlements was eventually created, Partridge notes it was fortunate that Dr. Gaitán Sanchez was retained as a consultant, since he had been working with indigenous and Ladino people of the region for some years and had some realistic knowledge of the social situation. Yet even at that point, the planning and recruitment process set in motion precluded participation of the affected people.

(4) Inadequacies and flaws in the planning studies, including: (a) defining the “affected population” as those individual families with documentation of property rights living below

the maximum flood level of the reservoir; rather than considering more broadly the rights of communal land owners and the social and economic impacts of large body of water that severs ties to land, family, and communities, halts transportation and inhibits access to traditional markets. Furthermore, the household unit of analysis failed to acknowledge and address the damages experienced by the broader socioeconomic system. Family and socioeconomic ties between communities were maintained in diverse ways, and the reservoir had effects that ripples “outward, affecting not just those being resettled but also their dependents and partners elsewhere from Los Pajales to Cubulco.” And, (b), defining a census on the basis of single visits to a community and the socioeconomic data collected in one place, at one time, with the assumption that the relevant unit of analysis is the nuclear family living in the same household. This approach ignores the broader social networks and the great differences among the households in land use patterns, material resources, income, and political influence beyond the settlements. The end result is data that suggests that all households have 5.5 people, that all production results in the same average annual income, that all residents have rights to an average plot of land, and that all people in the affected communities were poor, unskilled, and unsuccessful “subsistence” farmers. Thus, poor land of small size is adequate compensation for poor “subsistence” farmers.

(5). No serious thought or effort on the part of INDE or The Inter-American Development Bank was given to meeting the stated project objective of improvement of the living conditions of the population in the service area of the project. INDE failed to consider the wishes of the threatened people or their leaders until it was too late. Despite good descriptions of the housing traditionally used by the Maya Achi, appropriate housing designs were not used. And, the people who had to live in the houses were never consulted regarding their housing needs, expectations, or aspirations. Thus, in his visit to Pacux in 1983, Partridge notes resettlement housing lacks separate kitchen facilities, are constructed entirely of milled lumber prone to rot, and have no latrines. Improvements were made after protests the Office of Human Resettlements of INDE complained to contractors, and contractors added kitchens, latrines, and several rows of concrete blocks at the base of the houses to protect the wood against the elements. However, the kitchens, made of concrete block, have no doors and cannot be used to store food. The latrines were installed without foundations, and about one-quarter of them are undermined by erosion and have fallen over. No storm drains were provided, and erosion is evident in the streets. Roofs are asbestos, flat and low, so that temperatures during the day inside the houses are uncomfortably high. Houses lack washstands or water. The public buildings, except the school, lacked windows, leaked, and are humid and uncomfortable. Lot sizes are 15 x 30 feet, and houses are 18 feet apart on the front of lots, with a garden/latrine area on the back of the lot. No plans were made for additional housing for the second generation.

In addition to the problems of resettlement construction, Partridge notes that resettlement plans failed to address the need for new employment opportunities for the displaced people. While a few people were hired by the Office of Human Resettlements to build new footpaths and roads, fill bags of dirt for an experimental garden in Pacux, assist at the archaeological excavations, and other odd jobs these opportunities exist for very few, pay poorly, and are temporary in nature. Of more serious concern has been the impact of the loss of agricultural lands. In 1983, Partridge found that in Pacux about half of the households had small plots; the others has nothing. And, the remaining settlements have no land to plant.

Partridge also observed that social problems are monitored by INDE's Office of Human Resettlements, whose staff kept detailed records on each household and its problems.

Partridge reports that conflicts with the resettlement office are numerous, resentment runs high and INDE and its personnel are feared and disliked. There exists no mechanism to resolve these conflicts at present, and none was planned to exist. Conflict cannot be controlled at present for two reasons. INDE has failed to keep promises made over many years and has consequently earned the animosity of the people. And INDE has ignored the local authority structure, earning its resentment as well, and thus bypassed the only mechanism for controlling conflict that the people respect.

Comparison of the Arenal and Chixoy cases allowed Partridge to develop project-specific criticisms with reference to the norms of the time. Thus the Inter-American Development Bank's failure to include resettlement planning, financing, and implementation as contractual obligations are sharply contrasted with the Arenal experience, where such inclusions occur. Partridge notes that the Bank took some initial effort to force decent and humane treatment of the displaced people, especially in the context of developing new loan agreements, yet ignored the opportunity to use loan disbursements to create and insure a systematic compliance procedure. Even when presented with overwhelming evidence that a disaster was emerging, disbursements continued. In short, the Bank failed to put into place mechanisms that forced progress in the resettlement program. Of equal concern, was the lack of professional capacity within INDE to plan, implement, or monitor a resettlement program. Not until the completion date for resettlement passes is a qualified professional retained. By contrast, in the Arenal project, the professional personnel demonstrated their qualifications and professional integrity even before the loan contract was signed. But the most glaring contrast is with respect to rule of law. The Arenal resettlement program was designed to include both leaders and all members of the affected communities as participants. In the Chixoy case there was no systematic effort to contact the affected communities and secure legal possession of lands flooded nor to involve authorities of these communities in mobilizing and resettling the occupants. The resettlement program was imposed from the "top down" and required nonnegotiable compliance. The resultant design was thus guaranteed to be culturally unacceptable, and the outcome has INDE destroying the regional economic system on which the resettled people and others depended, without providing a viable replacement system. (Abstracted from Partridge 1983).

**1983-1984** Chicruz community is given no assistance with food, and relied on contaminated reservoir water as their only source of water. Petitions submitted to INDE requesting food, water, and other assistance are never answered. Since people did not want to abandon their lands, armed construction company guards (PMA) entered and forced eviction. Community struggles to get help are received by INDE workers and communicated to the Army, as evidence that the community are guerillas. In 1984, arriving from Pak'ani, the Guatemalan Army arrived en masse in Chicruz. Soldiers are deployed to both sides of the reservoir. They gathered the community in the school and separated the population. They pointed shotguns at the four community representatives' chests. The soldiers issued death threats against the representatives and mocked them, saying the representatives would wind up in the cemetery (El Naranjo Community Report 2004).

**1983** Gen. Oscar Mejia seizes power in coup.

**1984** Chicruz: Guatemalan Army arrives en masse, and deployed to both sides of the reservoir (El Naranjo Community Report 2004).

**1984** World Bank adopts Operational Manual Statement 2.36 on Environmental Aspects of Bank Work.

**January 1984** The Guatemalan Government establishes a new phase in the military campaign (Reencuentro Institucional 84) and initiates the "model villages" program, a forced relocation, re-education, and military control of peasants (described in Manz 2004:156-182; see also Manz 1988). In the Rabinal Chixoy River Basin areas, the army concentrated captured civilians in "military colonies" built by soldiers and the PAC in the previously burned villages of Xesiguan and of Chichupac. Survivors lived in these camps for six months (January - August 1984) until the army permit a local NGO to help rebuild their homes. Survivors of massacres whose villages could not be rebuilt are concentrated in the "development poles" of San Pablo (1983 - 1996) and Pacux (1983 - 2003), built in and on the outskirts of Rabinal. Residents of these militarized villages are considered "potentially salvageable subversives" and kept under constant surveillance by the army. (Dill 2004:128).

**June 1984** Partridge submits recommendations to the World Bank that are widely discussed in the department and the region, and are accepted as part of the basis for negotiation of a new loan of US\$ 44 million to INDE to repair the conduction tunnel that had collapsed during the first phase construction (Partridge 1984, Partridge, personal communication July 11, 2003). Recommendations are based on a May 1984 visit to Guatemala where Partridge (1) reviewed the resettlement of the population displaced by reservoir flooding, (2) assessed progress of the resettlement plan carried out by INDE, and (3) recommended actions that World Bank management and INDE should take to overcome difficulties in the Chixoy Project. The resulting Aide Memoire outlined World Bank Actions and INDE obligations, and is signed by all parties. This memo noted: "INDE has not complied with Section 3.06(a), (b) and (c) of the Loan Agreement signed with the World Bank dated July 21, 1978 (1605 GU). Therefore the supplementary loan now being considered by the World Bank for the Chixoy Project should not be approved until INDE can successfully demonstrate during appraisal that the major problems with the human resettlement and community reconstruction components of the project have been corrected. Given the record of failure to comply, the World Bank should not accept further promises. After all, these promises have been forthcoming for seven years, and by any measure the human resettlement program in the Chixoy Project is a complete disaster" (Partridge 1984:10).

Specific recommendations include "during appraisal INDE should be able to demonstrate to the World Bank that all agricultural lands necessary to reconstruct economic production and distribution system of the displaced farmers are owned by INDE and can be transferred to the displaced farmers according to a definite schedule as a condition of negotiation." This recommendation is followed with the observation that "after seven years INDE has managed to obtain only 40% of the agricultural lands necessary for the resettlement program to be fully implemented. The major obstacle is the operational strategy of seeking to pay low prices for land acquisition, which leads to protests from current owners that entails years of litigation. This has the effect of raising to unacceptable levels the costs of food and other kinds of relief payments. Were INDE to pay double the market value of needed lands it could

not only save one and one half million Quetzals but also mitigate the risk of creating a dependent population over the three years it is expected to take to acquire lands under current INDE operational strategy” (Partridge 1984:10).

Other recommendations structuring the Aide Memoire included demonstrating to the World Bank during loan appraisal that a ferry system is in place and operating as a condition of negotiation; houses in the remaining three “urban centers” planned for the displaced farmers will be constructed by the displaced people themselves with appropriate local materials provided by INDE, not contracted construction companies, and that salaries or “food for work” rations will be paid the displaced people and not contracted construction companies; house plots in the three remaining “urban centers” will be sufficiently large to permit livestock, gardens and the addition of houses for newly married offspring; a plot 50 X 50 meters; outside contractors will be hired to construct only access and settlement roads, potable water systems, drainage systems, and public buildings in the three remaining “urban centers” and that such contracts should include specific clauses giving displaced people preferential employment opportunities and training opportunities at all skill levels; legal mechanisms are revised to allow INDE to turn over to the control of the displaced families all property, structures and tools (boats, *nixtamal* mill, chain saws, houses, tools, experimental garden plots, land or other properties acquired by INDE for the resettlement program), including sufficient control over already constructed housing to permit the razing of abandoned houses so as to consolidate these plots with occupied ones in order to create viably sized units; establishment of reconstruction programs for the displaced population, including development of new fisheries in the reservoir, fruit tree nurseries, high-value crop cultivation in the drawdown area, and agricultural innovations, World Bank review of each human resettlement and community reconstruction program element promised by INDE or by other institutions including a thorough review of planning documents, chronograms of activity projected, and budgets available; and, incorporation of all costs associated with implementation of the above recommendations into the supplementary loan now under consideration (excepting land acquisition) so that compliance can be monitored, the World Bank protected from the negative consequences of further failures in the Chixoy Project human resettlement, and development and reconstruction needs of the affected population can be facilitated (Partridge 1984:10-13).

Recommendations are concluded with the caveat, “No further loan monies should be granted INDE until it can demonstrate specific changes in its operations to resolve the major difficulties encountered. Further loan monies must be linked to the operational changes or innovations suggested above in order to assist INDE by drawing attention to the severity of the problems and the explicit concern of the World Bank that they be resolved. (Abstracted from Partridge 1984:13).

**1984** INDE sponsors program to introduce new species and farm fish in cages. Some 78 families participate and raise fish in the reservoir and its headwaters. Program ceases in 1988, exotics spread throughout the region, and local fisheries continue to deteriorate. (INDE: 1991).

**March 19, 1985** World Bank Loan #1605-1 0 is approved, with Partridge 1984 recommendations contained in a signed side agreement (aide de memoir). Between 1985 and 1990 US\$ 44, 460,000 are dispersed.

**May 31, 1985** A new constitution of Guatemala is adopted effective January 14, 1986. Procuraduría de Derechos Humanos (Office of the Human Rights Ombudsman) is established. Popular resistance to the violation of human rights is declared legitimate. Unpaid, forced military service in civil defense patrols is declared illegal. Article 46 states where human rights are concerned, international treaties ratified by Guatemala take precedent over domestic law. Article 265 establishes the remedy of amparo to protect persons against violations of their rights or to restore those rights if they were violated. In section 3... the lands of the indigenous cooperatives, community or any other form of communal or collective tenure of farmland, as well as family property and low cost housing, shall be accorded special protection by the State, preferential credit and technical assistance to guarantee their ownership and development so that all inhabitants may be assured a better quality of life.”<sup>45</sup>

**November 1985.** Repairs to the tunnel are completed and plant operation tests resumed. Funds provided by World Bank Loan 1605-10 to finance the resettlement program are used in large part to cover construction repair costs of the tunnel. (Described in INDE 1991).

**December 16, 1985.** World Bank Office Memo to: Ms. Jane Hallow, EDS; through Huayun Mirza, Chief LCICA; from Elio Gonella, Senior Loan Officer, LCICA. Subject: Chixoy Power Project: Environmental Aspects. Questions from the US State Department:

Q: “Concerning resettlement, to what extent are the 3,500 people who were forced to move from the flooded area now actually resettled in permanent new dwellings? If this is not yet the case, when is it expected to be?”

A: “As of the end of November 1985, INDE has completed construction of about 350 houses in three permanent villages. About 2,200 persons can be resettled in these houses. So far, about 750 have moved in from their provisional dwellings to the three villages. Another 1,450 persons are expected to move in March 1986 after connections for piped water and electricity are completed. INDE has assured the Bank that the houses for the remaining people to be permanently resettled in these villages will be built by June 1986. The Bank intends to send a resettlement specialist in July-August, 1986 to verify that the resettlement has been completed satisfactorily.”

Q: “What has been done to be sure that the resettled individuals have the means to provide for themselves?”

A: “Each family in the three permanent villages has been assigned about 2.4 hectares of agricultural land. This amount is considered sufficient to provide for the needs of one family. Additional land has been purchased and will be assigned at about the same rate to the houses yet to be built.”<sup>46</sup>

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<sup>45</sup> This Constitution was suspended May 25, 1993 by former President Serrano; reinstated June 5, 1993 following the ouster of President Serrano; and amended in November 1993.

<sup>46</sup> Note, while this 1985 statement from the World Bank asserts that 2.4 hectares per family is adequate compensation that sustains household production, in 1977 the World Bank concluded that the amount of agricultural land needed to support household production in rural Guatemala was a minimum of 7 hectares, with smaller lots of 4-7 hectares only viable with additional improvements (irrigation, fertilizer, etc.) (World Bank 1977b). LAVALIN’s 1979 river basin development plan asserts that the “land area needed for each resettlement and the total taking as a general base is 20 hectares per family.” (LAVALIN 1979:324).

**1986** According to informant interviews, Janssens reports that in 1984 a representative from Pajales travels to the INDE offices in Chinasul, and then Z4 to file claims for damages experienced by the community. He is shown files indicating that Río Negro had received Q. 5,000 for the land of Vegas San Pablo and Q. 4,000 for sand used in the construction of the dam, that all compensation had been paid. Los Pajales, he was told, had no right to file a claim. (Janssens, personal communication, June 8, 2004).<sup>47</sup>

**April 1986** Trial operation of all five generating units at the Pueblo-Viejo facility are completed. Commercial operation of the facility begins.

**November 1986** Marco Vinicio Cerezo Arévalo is elected as the first civilian President since Montenegro. Violence continues, as illustrated by the assassination of anthropologist Myrna Mack Change. (See Manz 2004).

**1987-1988** Citing that the service did not lie within its competency, INDE suspends its program providing supplies, medicine, and health care employees in the resettlement communities. (INDE 1991:177).

**February 25, 1987** National Wildlife Federation trip report on a visit to the Chixoy Dam in Guatemala: “Though it was the beginning of the dry season, I was still impressed by the lack of any vegetation on the slopes surrounding the watershed. While one of the INDE representatives claimed that this was due to the topography of the region, the Guatemalan environmentalists pointed out a dozen pine trees that were growing on the top of a nearby ridge. While one could not argue that construction of the dam caused deforestation in the region, those pine trees point to the obvious question of why the dam was located in a deforested valley and why, given this choice, reforestation did not proceed after dam construction... Contrary to Bank claims that “30,000 trees have been planted in the vicinity of the dam,” I can only say that I did not see any trees planted in or about the watershed area that I visited” (National Wildlife Federation, 1987).

**1987** Four samples of reservoir water are analyzed by the University of San Carlos demonstrating severe bacteriological contamination and concluding that the quality of the water is not safe for human use, and its consumption can cause acute disease (reported in INDE 1991:241).<sup>48</sup>

**May 1, 1987** Christian Science Monitor reports that the Chixoy hydroelectric dam has turned into a “repayment nightmare” noting that when it opened in April 1986, it met 75% of the nation’s electricity needs. “But corruption in past military governments, engineering failures, and inflation left the dam two years behind schedule, and skyrocketed the original price from \$340 million to \$1 billion.” Some \$600 million of this debt is due in the next two

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<sup>47</sup> Sand mining took place on that portion of the communal land held by Río Negro when title was shared by the three communities of Pajales, Río Negro and Xococ. Significant tensions between the three communities continue to this day over the issue of title and compensation, and issues are complicated by the inability of relocated households to access communal lands now cut off by the reservoir or pay property taxes. Land conflicts like this are common in the area and a likely legacy of INDE’s failure to legally secure rights and provide adequate compensation to all affected parties for damages and loss of land and resources. See note 5 and 20, and entry for Fall 1972, July 14, 1979).

<sup>48</sup> In addition to reporting the severe biological contamination of reservoir water, INDE also reports that communities on the banks of the reservoir do not have drinking water services and rely on reservoir water for domestic consumption (1991:171).

years. Much of the construction loans are obtained during General Romero Lucas Garcia's military dictatorship, and according to Rafael Baolanos, dean of the School of Engineering at Guatemala's San Carlos University, the Generals may have stolen \$500 million from Chixoy: "it was their biggest goldmine." Other estimates of corruption vary, but while the project required \$1 billion in financing, insurance companies estimate its value as \$650 million (Bryson, 1987).

**June 1987** INDE files lawsuits against the US and European companies who built the Chixoy Dam, charging Hochtief A.G. as responsible for damages in an unlined tunnel it built through sedimentary rock with karstic areas as part for the Chixoy project. Cracks in the diversion tunnel developed five months into operation, in 1983, and took two years and US\$57 million to repair. INDE's suit charges Hochtief the cost of the repairs and the fossil fuel it burned in place of hydropower during the repair period. (Matt Davidson translation of articles appearing in *Prensa Libre*, *El Grafico*, document in International Rivers Network Chixoy files).

**1987** Late in 1987 the World Bank sends an anthropologist to Guatemala to evaluate the status of Chixoy resettlement efforts (reported in *Witness for Peace* 1996).

**1988** According to INDE (1991:174-175) "By 1988, the resettlement program had constructed and turned over to those directly affected from Chirramos, Chicruz and Chitomax 189 living units in the resettlement called El Naranjo" as well as a school, community hall, health post and two churches – one Catholic and one Evangelic. Some 70 indirectly affected families received two manzanas each from Finca Chicuxtín to be used for house construction, agriculture or extracting building materials. In Aldea Camalmapa "15 living units were constructed and transferred to the directly affected" and those considered "indirectly affected" were given material for improving their homes or building another, as were the "indirectly affected" families in communities on the shores of the Río Carchela, Aldea El Zapote. There, directly affected families received 64 living units of *bajareque* [building made from sticks and adobe mud] built in two settlements, San Antonio and in Italia. "For directly affected persons coming from the community of Río Negro, a resettlement called Pacux was constructed" with 150 living units, a school, health post, church and community hall which are turned over in 1988. Remaining refugees from Río Negro considered as indirectly affected are given 166 manzanas of land, reportedly "apt for cultivation, located in the municipal of Rabinal. These lands are transferred in communal form and are being cultivated individually."<sup>49</sup>

**1988** INDE ceases to provide teachers for resettlement schools, noting that the transfer of resettlement areas to affected residents implied the relocation of teachers and equipment, but budget restrictions prompted INDE to discontinue paying teachers (reported in INDE 1991). INDE ceases to provide staff and supplies for the health clinic at Pacux. Since then it has remained closed and unused (Pacux Community Report).

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<sup>49</sup> Chicruz community reports the loss of 32 caballerías and 32 manzanas of largely fertile land with the construction of the dam, and with their move to El Naranjo receiving 14 caballerías and 30 manzanas of rocky, largely unproductive land spread out over ten farms some 8 to 12 kilometers distant from their new homes. (El Naranjo Community Report, 2004).

**1988-1990** INDE attempts at reforestation are halted with INDE explaining that “the Unit for Watershed Protection no longer does reforestation because it is more costly than protection by means of infrastructure” (INDE 1991:238).

**1989** INDE provides Q150,000 to Mayor Mateo Ismalej of Rabinal for Pacux water supply and promises the Pacux community title to half a *paja* of water and inclusion in Rabinal’s potable water system. Pacux community never receives title to water supply and is not hooked up to the Rabinal system until 2002. Water supply is irregular, and during the dry season nonexistent, since one of the main wells providing Rabinal with its municipal water has been sold to another community. Since May 2003 Pacux has been cut off from the Rabinal system as they were unable to provide the monthly demand of Q5 per family to receive this service. (Pacux Community Report, 2005:4-5).

**1990-1991** Social environmental, and cultural resources surveys completed by Daniel Varisco assessing the adverse impacts of a second dam on the Chixoy River at four potential sites on the Middle Chixoy (Serchil, Palzajel, Jocotales and Los Tapezcós). Reports prepared under contract to TAMS Consultants, who are under contract from BID in partnership with the Guatemalan firm ICCA directed by Jorge Erdmenger (Varisco 1990,1991; Daniel Varisco, personal communication 5/28-29/2003).

Reports are based on a review of current and previous studies in the region and initial visits to the proposed sites. The probable presence of endangered *perro de agua* (river otter) and *magnolia* is noted. Population in the basin is officially estimated at 479,000, 72% of which are indigenous (Quiche, Mam, Aguacatecos, Uspantecos, Ixiles and Poqomchies), but helicopter overflight and subsequent interviews found more settlements than appear on official topographic maps. In determining total affected population, the calculation for number of people per family is based on a figure of 5.5 (citing the BID project *Management and Conservation of the natural resources of the upper Río Chixoy Basin* by Figuereroa 1989). However, these are considered conservative calculations given that 8 persons per family resided in the primary settlements affected by the Pueblo Viejo Dam (Douzant Rosenfeld 1979:189).

Reports note that a large part of the land in the project zone is owned by the community, the population is largely engaged in subsistence production that is self-sufficient, with the majority of residents rely on the river for drinking water. Very little malaria occurs in the project zone, but given the experiences at Pueblo Viejo, it is predicted to be a problem once a second dam is built.<sup>50</sup> Preliminary review of archaeological sites encountered reveal “considerable richness.” For example, Palzajel is close to an important Maya ceremonial site of Xolchun, with 10 structures and a ball court.

The author notes that “in order to be able to correctly evaluate the impact of resettlement, it is essential to evaluate the results of resettlement programs, especially others pertaining to the same region”... and “no formal evaluation of the resettlement plan for Pueblo Viejo Dam has been made, but preliminary research by Basterrechea indicates that an important fraction of the 426 families subject to transplantation, have not been relocated. For example the inhabitants of the inundated villages of Chirramos, Chitomax and Chicruz were relocated to

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<sup>50</sup> A 1938 Carnegie Institute health survey of Guatemala found very little malaria in the dry regions around the Chixoy River Basin (Shattuck et al, 1938).

El Naranjo and Cubulco. Nonetheless, 190 families were not moved permanently to the new houses that were assigned to them, but continue to live mainly in their old places above level 820m. And, of the 150 families affected in the site of Río Negro, only 80 families received homes in the new village of Pacux (Varisco 1991:22).

Additional “phase 2 EIA” research is called for, including a census and documentation of the present conditions of the affected population, an archaeological field study, biological field studies, evaluation of the impact of deforestation and development of a river basin management plan, and a special studies on traditional housing, culturally-appropriate economic development, and problems of social adjustment for Maya women” (Varisco 1991:1). If the project does move forward, a detailed resettlement plan is considered essential, especially one that is developed with the cooperation and participation of the people affected, and one that does “more than compensate for the destruction it caused” (Varisco 1991:29, 34).<sup>51</sup>

**1991** INDE evaluation of the first five years of Chixoy Dam operation, as required by BID 1 (loan contract 301-A/OC-GU, \$145 million and loan contract 302-A/OC-GU, \$25 million). This report notes that as of December 31, 1990 external investment in the project included: \$105 million from BID 1 (BID loan # 301, 302, 454 and 6/VF), \$70 million from BID 2 (loan # 301A, 302A); \$44.51 million from BID 3 (loan # 169/IC-GU); \$65.89 million from World Bank (BIRF loan # 1065-GU); \$40.78 million from World Bank (BIRF loan # 1065-1 GU); \$13.27 million from the Central American Bank of Economic Integration (BCIE loan # 74, 75 75-1); and \$74.80 million from the Investment Fund of Venezuela (FIV loan # 01-29 and 03-70) (INDE 1991:254). (See Table 2).

The evaluation consists of an economist (coordinator), civil engineer, geologist, and public accountant-auditor. Research methods involved interviews with project workers, INDE project directors, people and commercial establishments in the region. A series of 7 surveys are conducted, including a population (census), survey for personnel, infrastructure and essential services for the population, fishing survey, survey of commercial establishments, and survey of the sanitary conditions of residents in the reservoir area. INDE employees administered the surveys to a universe of 17, 000 families producing a 20% sample (3500 interviews). The census defines the number of families directly affected solely on the presence of a male head of household who had lost housing and or lands, disenfranchising widows and young orphans and families who were not present at the time of survey (INDE 1991:173).

Social problems are briefly noted, with the need for an “integrated homogenous solution” to the relocation of populations affected by the reservoir resulting in a situation where the “socioanthropological qualities of each were not considered” provoking “truly lamentable situations” during the construction and operation phases. (INDE 1991:10). In its Executive Summary, the report asserts that the project was an economic success, generating 75% of the nation’s electricity and producing an internal return rate of 25%. The project reportedly generated a market for skilled and unskilled labor, contributed to agriculture in the region

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<sup>51</sup> The Chulac Hydroelectric Project on the Cahabón River, and the Serchil and Xalalá Hydroelectric Projects on the Chixoy River were announced by INDE in December 2004. Bidding timelines for US\$1 billion are being prepared, with the first round of tenders projected for January 2005 to update the prefeasibility and feasibility studies. Operations are reportedly planned for 2008 (Businessnews Americas, December 21, 2004).

and the economy in general, and “produced no negative environmental impacts that have had any effect on quality of life” (INDE 1991: 8-19).

Despite this finding, following the Executive Summary, the report notes deterioration in fisheries and health problems resulting from use and consumption of reservoir water (INDE 1991: 195); a “predominance of vector borne diseases like malaria and dengue, larvae under the skin, in the area of the dam” (INDE 1991:12); “toxic and corrosive gases emanating from lower galleries and foundations of the dam” (INDE 1991: 22); reports findings from bacteriological studies indicating “reservoir water is not fit for human consumption, therefore it is necessary that public health institutions become interested in the high risk posed to settlement around the dam by direct and indirect exposure to toxic substances, and establish ample systems for epidemiological surveillance and eventually control” (INDE 1991:12); acknowledges that rivers, streams and springs that feed the reservoir were not reforested and landslides are accelerating sedimentation, a situation aggravated by commercial logging and clear cutting in the area of the project (INDE 1991:21).

With reference to social concerns: “population movement caused by the hydroelectric plant gave rise to establishment of school buildings and health centers. However, visits made when time permitted revealed that almost no schools and health centers were working due to lack of teachers, health care workers, equipment” and the “inhabitants of the resettlements can’t satisfy their basic subsistence needs” (INDE 1991:18-19). Visits to several hamlets in the project area found school buildings but no teachers, especially in El Quiche and part of Alta Verapaz “where the presence of security forces (army, Guardia de Hacienda, and paramilitary groups) as well as subversive cells, provoke instability in the communities, who see the necessity to move and at times leave the regions and seek refuge on the Mexican border” (INDE 1991:183).

In contrasting the changes before and after the project, the report notes that residents relies on the riverbanks and floodplains to cultivate a variety of vegetables, basic grains, and fruit trees; to raise domestic animals and support fish hatcheries for local consumption and for sale in neighboring settlements. “Now this activity cannot take place because the floodplains have disappeared along the 58km flooded by the reservoir area” (INDE 1991:55). And in describing conditions in the resettlement communities “families do not all live in the houses transferred to them, arguing that they have no stable place to work and that they lack security because they have received no documentation that would legitimize their property rights to their homes, so at the time of the research they had not even received a certification of the act of transfer, due to the multiple requirements imposed by different government institutions after exhausting the steps they have taken with INDE. Due to this they organized a walk to the capital to solicit intervention on the part of the Procuraduria General for Human Rights” (INDE 1991:175).

The report recommends that Guatemalan Government entities and INDE carry out “a profound analysis and define solutions for the difficult problems identified by the residents and not remain simple spectators watching what is taking place, but on the contrary, assume their assigned responsibilities and opt for participation without delay in order to reach an optimal and satisfactory solution to these problems” (INDE 1991:31).

**1991-1993** Jorge Serrano wins the Presidential election. Peace talks begin between government and Unidad Revolucionaria Nacional Guatemalteca (URNG) with an accord

signed between URNG and the government committing them to internationally verified negotiations. They stall late in year and remain so for years. In 1993, President Serrano tries to take on dictatorial powers in so-called "Self-Coup," but is ousted and replaced by interim President Ramiro de Leon Carpio, former human rights ombudsman for Guatemala.

**August 1991** “In preparation for privatization, President Serrano wanted to reduce government subsidies for electricity, and raised electricity prices by 47 percent. In July 1992, President Serrano’s blue-ribbon commission drafted a bill to reform and restructure INDE. The bill restructured INDE’s Board of Directors and gave the Board, instead of President Serrano, the authority to name the President of INDE. The legislature passed the bill, but President Serrano vetoed it. Instead, Serrano instituted his own privatization plan by executive decree.” (US Senate Finance Committee Report 2003:29).

**January 1993** Transformation of the power sector begin in January 1993 when Empresa Eléctrica de Guatemala S.A. (EEGSA, the Guatemala Electricity Company), signs a 15-year power purchase agreement (PPA) with Enron to build the 110 MW Puerto Quetzal thermal plant that began operations in 1993. Consisting of two barges loaded with 10 diesel-fired generators, the \$92 million project was partly financed by the IFC, which approved a \$20 million direct loan as well as a \$51 million syndicated loan toward this, the first privately financed power project in Central America. Power from the project is sold to EEGSA.<sup>52</sup> When the Puerto Quetzal Power Co., created by Enron, who is a 50% owner, goes on line in 1993, Guatemalan President Jorge Serrano proposes power rate increases of as much as 100%. Demonstrators take to the streets. President declares martial law, threatens to dissolve Congress. When he fails, Serrano flees the country for Panama. (Vallette and Wysham 2002:16).

**1993** United Nations Commission on Human Rights Independent Expert, Mrs. Monica Pinto, describes the discovery of a secret graveyard in the village of Río Negro, in the

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<sup>52</sup> Authors of an Institute for Policy Studies 2002 report noted, “The privatization process continued, with Guatemala’s 1996 electricity law (Decree 93-96) effectively liberalizing the power sector. The law placed no limits on foreign ownership of companies interested in providing service in the electricity sector. EEGSA was fully privatized in July 1998, when 80 percent of its assets were bought by a consortium formed by Teco Power Corporation of the U.S., Iberdrola Energia, S.A. of Spain and Electricidad do Portugal, S.A of Portugal” (Vallette and Wysham 2002:16). In March 2003, the United States Finance Committee report released its report on Enron hearings, concluding "Enron benefited from taxpayer support and multilateral organization support to extend its international reach, including the Guatemalan power project with its questionable payments." The report further notes that the World Bank and other U.S. agencies knew Enron was paying tax-free “commissions” to a Panamanian company called Sun King Trading, owned by Guatemalan businessmen Oswaldo Mendez Herbruger, Roberto Lopez, Henrik Preuss, Marco Antonio Lara, and Raul E. Arrondo. (US Senate 2003:11, note 18). One Enron memorandum notes that Sun King "talked him [President Serrano] into signing the [privatization] contract. It is the typical 'finder fee' arrangement. As wealthy individuals that they are, they have the capacity to establish contacts, make pressure, and represent your interest. One of the guys seems to be closer to the army than others, [and] this can be of some benefit if in a given situation if we need to approach the army. [W]e definitely don't want them against our interests if something goes wrong." (US Senate 2003:17). Enron claimed tax deductions attributable to these payments, and the IRS found that payments were not associated with any legitimate service or product associated with the Guatemala Project, and to cancel income from Guatemalan tax authorities, the payments were disguised by Enron as add-on fuel charges, and the monies paid to Sun King were routed to a specified bank account in Miami. The action violated the US Foreign Corrupt Practices Act. (United States Senate Finance Committee 2003: 6).

municipality of Rabinal, department of Baja Verapaz, in which were found the skeletal remains of 177 women and children. (Cited in UNHCR E/CN.4/1995/15).

**April 8, 1994** World Bank issues *Resettlement and Development: the Bankwide review of projects involving involuntary resettlement 1986-1993*. Initiated in 1992, the review mandate focuses on all projects with resettlement in the Bank's portfolio between 1986 and 1993 with a goal of assessing consistency between policy and operations. The review examines the scale of involuntary resettlement in the Bank's portfolio, analyzes ongoing resettlement programs for their quality, consistency with stated policy, and actual outcomes; and identifies recurrent problems affecting resettlement performance, initiates midstream remedial actions to enhance quality, and prepares a follow-up strategy for addressing resettlement more effectively. The review found that baseline surveys of the affected population were conducted in 44% of projects involving resettlement from 1986-1993; that close to half the projects were submitted to the Board for financing without a resettlement plan in place; resettlement programs are typically hindered by inadequate financing; and construction timetables were developed in more than half the ongoing projects without an explicit, coordinated timetable for resettlement (World Bank 1994).<sup>53</sup>

**1994** During this year's mission to Guatemala, the Expert visited Rabinal and had an opportunity in Pacux to interview survivors and relatives of the victims of Río Negro village, who told her that army personnel and members of the PACs of the nearby village of Xococ had taken part in the massacre of September 1981. While the discovery of the Río Negro graveyard and the start of the exhumations enabled the survivors to speak out for the first time about events on which they had remained silent for years, this also marked the beginning of a period of harassment. For example, on 20 July 1994, a number of army officers arrived in Pacux to find out who was behind the exhumations and, three days later, the villagers are summoned to the military post in Rabinal by the second-in-command of Salamá, who harangued them, saying that those behind the exhumations are guerrillas. At about the same time, the Military Commissioner of Las Vegas de Santo Domingo was murdered, after making public his intention to tell everything he knew about the massacres of the 1980. On 3 August, the Human Rights Procurator reported that the peasants of Baja Verapaz had been threatened by the Commander of the military zone of Salamá for supporting the exhumation of bodies. “ (Excerpt from UNHCR E/CN.4/1995/15).

**1994** Peace talks resume and government and URNG sign human rights agreement.

**1995** INDE removes fruit trees (mango, coffee, sapote, and other fruit trees), mines gravel and builds a tunnel through Agua Blanca village to Quixal, underneath the hill where the community is located.<sup>54</sup>

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<sup>53</sup> Chixoy financing and performance was not included in this or later reviews, and analysts were not provided with a copy of Partridge's 1983 assessments of the Arenal and Chixoy Projects, or his 1984 evaluation of the Chixoy resettlement and recommendations for remedial actions linked to the financing of a second World Bank loan (1985). (Cernea 1997; Cernea and McDowell 2000a,b; and Michael Cernea, personal communication September 10, 2004).

<sup>54</sup> Interviews with Agua Blanca residents indicate that the tunnel construction transformed the area hydrology, resulting in a drying up of water sources that community relies upon for household and agricultural uses. Some 26 families have lost their water sources as a result of the changes created by the tunnel, and six wells that served the community have dried up. In addition to loss of well water, an adjacent lagoon has dried up and sink

**1996** President Alvaro Arzú Irigoyen takes power in January and peace talks accelerate culminate in late 1996 with the signing of the final peace accords. Arzú purges the upper ranks of the Military of some of its more corrupt members.

**April 1996** URNG declares unilateral ceasefire. Government suspends army counterinsurgency campaigns.

**June 1996** Witness for Peace issues a report on the Chixoy development process, asserting direct links between the internationally-financed Chixoy dam, coerced resettlement, and the Río Negro massacres.

**December 1996** Government and URNG sign last three of 10 agreements leading up to peace treaty, including truce.

**1995** Guatemala ratifies the United Nations International Covenant on Civil and Political Rights (ICCPR, 1966) and thereby accepts the competence of the Human Rights Commission in matters relating to its implementation.

**1996** Guatemala ratified ILO convention 169 on the rights of indigenous and tribal peoples, which includes the right to prior consultation where resource development is to take place on indigenous lands. First established in 1989 from a revised and expanded version of ILO 107, ILO 169's preamble states that developments in international law since 1957 and the aspirations of indigenous peoples to control their own institutions made it "appropriate to adopt new international standards on the subject [of indigenous rights] with a view to removing the assimilationist orientation of the earlier standards." Article 2 guarantees government protection of indigenous rights in general: "Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity." Article 4.1 states "Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned." Article 7.1 provides that "The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly." Article 7.4 states "Governments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories they inhabit." Article 13 provides that "governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands...which they occupy or otherwise use." Article 15.1 states "The rights of the peoples concerned to the

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holes have emerged. When the tunnel is built the community is told that they would receive compensation for lost lands and other property damages. As of 2005, no compensation has been paid, and INDE has not repaired damages. (Biesemans and Janssens 2004). Quixal, where INDE installed the turbine house and where the tunnel comes out and the water returns to the riverbed, is located on the Finca Primavera, and is communal land that belongs to the Qeqchi community of Quixal. INDE has yet to compensate this community for any of its use of their land. (Annie Bird, personal communication February 28, 2005).

natural resources pertaining to their lands shall be specifically safeguarded.” Article 16 offers protections and safeguards for indigenous peoples against their removal from their lands. Article 32 calls on governments to take appropriate measures to facilitate contacts between indigenous and tribal peoples across state borders and to facilitate their cooperation in economic, social, cultural, spiritual and environmental fields.

**1996** Pacux community prepares a petition that is presented to the World Bank mission, outlining the urgent needs and demands. Of the 150 heads of households identified as living in Río Negro in 1980, 42 had died in the violence. Only 106 families are given land, and this land is not good. Petition requests additional, fertile land, assistance in securing housing for the families of the disappeared, assistance in improving deteriorating homes, transfer to the community a water pump that had been bought by INDE but given to the municipality, transfer to the community ownership of community buildings, repair the school roof and sanitary services, and “exonerate the community from payment for electricity in a definitive form” (World Bank 1996c, Annex 2).

**August 31, 1996** World Bank Mission to Guatemala reviews status of the resettlement programs as reported by INDE and with a site visit to the resettlement communities, develops memorandums of agreement with INDE to address remaining compensation and resettlement commitments. According to the World Bank staff, the program for resettlement of those affected by the reservoir of the Chixoy Hydroelectric Project, as of August 31, 1996, has complied with 80% of the commitments assumed by INDE.

Remaining commitments: "First priority must be payment of all indemnizations still pending and the transfer of titles to houses to all beneficiaries. This last must include 150 houses constructed in Pacux, leaving the community to decide how to distribute the houses that are not assigned to direct beneficiaries... it is particularly certain that there must be no delay in awarding titles in Pacux. Despite the praiseworthy efforts undertaken recently, INDE has not been able to resolve this problem for more than 15 years, for which reason, unless it takes special measures, it is not reasonable to suppose that will resolve this in the next few months. Thus, it is indispensable that the Government, through the Ministry of Finances intervene with the Public court clerk and the property registry to complete inscription of titles to all the houses in the next 3 months. Equally, all pending indemnizations must be cancelled in the same time frame.... The second priority involves various activities that must proceed in parallel, including (a) transfer of property titles to cultivated lands to all beneficiaries. . . . In the case of Pacux, where suitable lands have yet to be identified in order to complete the complement to be transferred, the community must (with whatever assistance they may require) first identify land that they consider adequate, so that it can then be acquired and transferred. If it is true that the case Pacux requires more time, the following must be completed within a maximum of six months: (b) provision of electric energy to all communities. This activity is totally under INDE's control, for which reason it is impossible to justify additional delays, especially when in many cases the lines run right up to the houses of the beneficiaries and only installation of meters is lacking. Thus, it is perfectly possible to suppose that this activity would be completed in a maximum of three months, and (c) installation of a drinking water system in Chicuxtín, and provision of materials for construction of houses still pending. The first must be completed in a time frame of 6 months maximum, the second in 3 months."

In addition, the World Bank Mission defined as an immediate priority the repair of public buildings and the donation materials to the community so they can repair houses. A list of actions are outlined for each of the resettlement communities. And, the memorandum promised follow up on the part of the Bank: "Even when INDE will have completed all its promises regarding resettlement, some of the communities will have difficulties recovering the living standard that they had if they do not receive additional temporary assistance. This can be achieved better by an NGO, but of course would require additional funds. One option would be to take resources from an existing operation. On its return to Washington the mission will explore this and other possibilities in conversations with Bank authorities and will present them to government authorities for final decisions." Immediate next steps included to (i) "confirm the contracting of the institution or individual who will facilitate and follow up the process, and (ii) identify and agree with the government on the source of funds to finance temporary assistance required so that communities can recover their standard of living." (See World Bank 1996 a,b).<sup>55</sup>

**1996** Sixteen families from Pacux return to communal lands adjacent to the reservoir above Río Negro. Not having documents that demonstrate land title, these families have been excluded from agricultural development programs. (Pacux Community Report 2004).

**1996** Jesus Tecu Osorio, member of the Río Negro community, receives the Reebok Human Rights award and its US\$25,000 prize. The funds are used to support the Widows and Orphans Committee of Rio Negro (later becoming ADIVIMA), establish a scholarship fund to educate the youth of Pacux, and pursue economic development projects.<sup>56</sup>

**October 26, 1996** The Inter-American Human Rights Commission receive a petition from surviving member of the Rabinal community arguing that in this act, the State had committed crimes against humanity and genocide, noting that the State is responsible for the acts of its agents in killing civilian men, women and children, in violation of Articles 4, 5, 7, 12, 13, 19, 21 and 24 of the American Convention, the failure to respond with measures of judicial

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<sup>55</sup> The 1996 World Bank Mission conducted an audit of INDE's actions and compliance to obligations specified in contractual agreements with the World Bank, not agreements with the Inter-American Development Bank, or the affected communities. With this focus on the contractually-defined commitments to the community stipulated in World Bank-INDE agreements, the Mission did not examine or question whether these commitments (a) adequately reflected the entire population of dam-affected residents, (b) adequately reflected a full accounting of lost or damaged lands and resources, and (c) adequately met the resettlement program obligations to provide a living standard equal to or better than what was previously enjoyed as initially defined in the earliest descriptions of a resettlement plan in 1975, and consistently included in revised and expanded plans since this date. The Guatemalan Government agreed to do what it had already agreed to do in earlier legally binding contracts with the Bank. The World Bank expanded their presence in Guatemala, and hired a Guatemalan social scientist to the Resident Mission whose work entailed community outreach and assistance in facilitating Guatemalan Government compliance with the 1996 agreement. No mechanism was established by the World Bank to insure compliance with the 1996 aide memoirs, as has occurred in other countries where, for example, quarterly reporting, aggressive monitoring and the threat of calling in all loans in other sectors unless compliance is adequately demonstrated.

<sup>56</sup> As of late 2004, ADIVIMA has completed eight monuments to honor communities destroyed by war, facilitated several exhumations, and supported efforts to build legal cases resulting in the capture of 9 civil patrollers responsible for local violence, and contributing to the Crimes Against Humanity cases filed against Rios Montt and Lucas Garcia. Jesus Tecu Osorio, working with ADIVIMA and Nueva Esperanza (New Hope) has raised funds to provide scholarships for 40 middle and high school students from Pacux, and supports a bilingual Achí/Spanish institute for 30 students.

protection and guarantees, in violation of Articles 8 and 25, and the failure to respect and ensure the foregoing rights of the victims in violation of Article 1(1). In particular, the petitioners complain that the State has failed to: undertake a serious investigation designed to officially establish the facts and responsibility for the crimes; prosecute and punish the material and intellectual authors; or repair the consequences. (Spanish version received February 4, 1997. See IAHRC, *Plan de Sánchez v. Guatemala*).

**1996** Automatic basin doors with sensor units are installed as part of a BID-financed watershed management project. Previously, when the water in the reservoir reached its maximum levels spill-over would occur and downstream the level in the river would rise gradually. Automatic doors with sensor units produce a sudden expulsion of water at high pressure and an instant current that flows rapidly through downstream communities. Doors are installed and function without any warning system for downstream communities when flash floods are to occur. Flashfloods result in a river levels that are constantly changing, are unpredictable, and arrive in great force. (Biesemans and Janssens 2004).

**April 1997** The World Bank and the International Union for the Conservation of Nature convene The Large Dams Conference in Gland, Switzerland. One outcome of this meeting was the February 1998 launching of the World Commission on Dams.

**September 14, 1997** Baudilio, a man from Palencia Tactic, attempts to cross the Chixoy River downstream from the dam with his cow. While crossing the Automatic Basin doors open and a flash flood occurs, carrying away the man and his cow, who both died (Biesemans and Janssens 2004).

**September 25, 1997** The Human Rights Information Act (S.1220) is introduced in the U.S. Senate by Senator Christopher Dodd to require the Administration to declassify U.S. documents on human rights in Honduras and Guatemala. This legislation requires government agencies to review for declassification within 120 days all documents regarding human rights abuses in response to these governments' requests.

**1996 – 1998** Beginning in November 1996 with the adoption of a new General Electricity Law (*Ley General de Electricidad*) legal reforms are instituted at the advice of the World Bank. The key features of the new law include (a) unbundling the activities of the sector in generation, transmission, distribution and commercialization of energy; (b) competition in the generation and commercialization activities; (c) unrestricted and open access to the transmission system, which currently is owned by a Government utility; (d) unregulated generation prices, and transmission and distribution prices regulated to established and transparent norms; (e) freedom of energy users to choose their supplier; and (f) definition of the rights of energy users.

In 1997 the World Bank approved US\$15 million dollar loan to the Government of Guatemala to assist with privatization (Private Participation in Technical Assistance Project SCL-41490) of which \$4,900,000 supported work in the electricity sector (World Bank 2003b:9). The project included World Bank technical assistance in a number of sectors including electricity, where the Bank agreed to: Assist the establishment of the electricity wholesale market, restructure the INDE, privatize the Guatemala Electricity Company, procure equipment, train staff of the National Electric Energy Commission and the Ministry of Energy and Mining, develop all required regulations, conduct environmental audits and establish environmental regulations.

In 1998 INDE is split, with the new INDE focused on hydroelectric generation, and energy distribution assets privatized and conceded principally to Distribuidora Eléctrica de Oriente S.A. (DEOCSA) and Distribuidora Eléctrica de Occidente S.A (DEORSA) with a 50 year concession to operate distribution assets. DEOCSA and DEORSA are owned by Union Fenosa Internacional, S.A of Spain (80% stake), who acquired them for US\$101 million with the help of the Multilateral Investment Guarantee Agency. MIGA provided a US\$96.6 million guarantee in 2001 to Unión Fenosa Internacional S.A., of Spain for its equity investment in and loan to DEOCSA and DEORSA. The guarantee is protecting the project against the risks of transfer restriction, expropriation, and war and civil disturbance.

All distribution and most of the generation facilities are in private hands. The State still owns hydroelectric generation and transmission. Although the Government owns a part of the generation capacity (about 40%), it does not invest in new generation projects. The state-owned generation represents about 40% of the installed capacity and its share is declining as private investment is increasing. In addition, 11 small electricity distribution networks are owned by municipalities but they serve only about 7% of the users. (World Bank 2003b:14).

To spur rural electrification, on the advice of the World Bank, the Government of Guatemala created in 1998 Programa de Electrificación Rural (PER)-- setting aside \$333 million to fund investments in transmission lines, substations, and distribution to some 2,600 rural communities with the goal of 90% electrical connection for rural communities by 2004. Privatization receipts (US\$107 million), government bond (US\$51 million) formed the initial fund, and the balance was sought from various sources including BID. The Rural Electrification Trust Fund was established for the PER scheme to insure funds are not diverted to other uses. Banco Agrícola Mercantil de Guatemala administers the fund, and the Bank of New York holds the funds. In this scheme, DEOCSA and DEORSA are paid US\$650 for each eligible residential connection. The connection must be for a residential dwelling more than 200 meters from an existing network. Sector law requires distribution companies to connect any customer within 200 meters of an existing network, though the company may require a refundable deposit to connect customers to the grid. Users connected under the PER pay a deposit of only US\$10. The sector regulator, Comisión Nacional de Energía Eléctrica, regulates the prices DEOCSA and DEORSA can charge, and residential consumers using less than 300kw a month are subsidized through a social tariff. Companies do not bear the price of the reduced tariff, because they are buying their power from the Government (INDE) and they reduce the wholesale price for social tariff customers. The subsidy, according to World Bank analysts, has allowed Union Fenosa an apparent average profit of 7% on each connection. (See Cockburn and Yapp 2004; World Bank 2002b; US AID 2002). By May 2002 US\$120.8 million had been withdrawn from the Rural Electrification Trust Fund to subsidize DEORSA and DEOSCA who reportedly provided new electrical hookups to 240,000 households in 100 villages and built 420 km of transmission lines and 480 km of sub-transmission lines. (World Bank 2003b:15).<sup>57</sup>

**1998** In 1998 Pacux families are finally presented with land title to their replacement land. Some 106 families received title to three farms located some distance from the settlement,

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<sup>57</sup> With privatization INDE ceased interactions with the affected communities on resettlement and compensation issues. The new private utility refused to honor any pre-existing entitlements, including free electricity for the resettlement communities. Profits from privatization are vested on the advice of the World Bank in the PER trust fund without investigating claims or fulfilling remaining obligations to the dam-affected communities.

with minimal water and poor soil. Each family also had the right to small plots of land outside of Pacux, though many community members did not receive title to this land. (Pacux Community Report 2004).

**May 1998** World Commission on Dams begins its work to review the development effectiveness of large dams and assess alternatives for water resources and energy; and to develop internationally acceptable criteria, guidelines and standards for planning, design, appraisal, construction, operation, monitoring, and decommissioning of dams. This review is conducted by 12 commissioners who represent governments, nongovernmental organizations, dam operators, dam-affected peoples movements, corporations, academics, and industry associations and consultants. (WCD 2000).

**June 2, 1998** The World Bank Operations Evaluation Department releases the report *“Recent Experience with Involuntary Resettlement, a study of eight dam projects approved between 1984 and 1991”* examining performance in eight dam projects in China, India, Thailand, Togo, and Brazil. This report echoes findings from the earlier 1993 review noting a growing disconnect between improved planning and sluggish implementation, and echoes recommendations calling for greater scrutiny and the use of accountability mechanisms to ensure resettlement program implementation: “By the time the engineering plans are appraised, the initial plans for resettlement should already be on the table. The orchard seedlings should be ready for planting about the time the project is negotiated. The agencies responsible for implementation of resettlement should have been tested in the field and government's commitment to follow through confirmed. The Bank must accept responsibility for ensuring that these preliminary conditions are met before the construction program begins. Later, when the dam is finished, the project is nearing completion, and the Bank prepares to exit, the most important phase of resettlement is about to begin. A different mix of lending and non-lending instruments is needed to extend Bank involvement in both directions. In particular, the adaptable lending instruments should be used now that they are available, especially in testing institutional capacity and technical viability. Further, implementation of loan and credit covenants should be maintained until the loan or credit has been repaid” (World Bank 1998:78).

**October 29, 1998** Juan Ventura Morán is fishing in the evening on the Chixoy River downstream from the dam. Recent heavy rains had filled the reservoir and the doors opened suddenly. The resulting flashflood swept away the fisherman. His family searched for eight days, eventually finding his fishing net caught in a tree downstream. (Biesemans and Janssens 2004).

**February 1999** After two years and visits to 65 farms, Pacux leaders, World Bank staff and FONAPAZ agree on a site and help Pacux acquire five caballerías of land at the Sahomax farm in Coban, Alta Verapaz (a former cardamom plantation located 5 to 6 hours by bus from Rabinal). INDE, who had budgeted Q250,000 to purchase land for Pacux was by this time in the midst of privatizing, and claimed lack of funds to provide the total purchase price of Q 2 million. INDE provided free electricity for a FONAPAZ project and FONAPAZ, with financing from the World Bank, provided the money to acquire Finca Sahomax. The farm has four fertile caballerías, but lacks any infrastructure: houses, electricity, or potable water supply. The World Bank helped support construction of a cardamom processing plant and provided an agronomist to advise the community and

provide training workshops on cardamom production. For a number of reasons, including the advice from the agronomist to plant at the wrong time of year and his resistance to hold training workshops, the venture has been difficult. While the community was able to produce a successful harvest in 2001, the market then dropped. (See Stewart 2004).<sup>58</sup>

**February 25, 1999** The Guatemalan Comision de Esclarecimiento Historico (CEH -- or "Truth Commission") releases its final report documenting the human rights abuses committed during the country's 36-year civil war. Established through the Accord of Oslo on 23 June 1994, the Truth Commission was formed with the mandate to clarify with objectivity, equity and impartiality, the human rights violations and acts of violence connected with the armed confrontation that caused suffering among the Guatemalan people. The report attributes the vast majority of violations, including genocide, torture, and forced disappearances, to Guatemalan government officials. The report also documents United States involvement in Guatemala's internal politics, including training and funding some of the worst human rights violators. And, it determines that the Guatemalan Government enacted a scorched earth campaign involving the massacre of more than 600 villages across the nation, with five areas and their associated ethnic groups identified as having been victim to genocide. Exemplary cases are presented to illustrate and substantiate these findings. With reference to the exemplary case of Río Negro, where over a six-year period some 444 people from original population of 791 were killed, the Truth Commission found the massacres in Río Negro illustrate how "many resistant attitudes to administrative decisions, even though they were peaceful, as occurred in the relation to the construction of the hydroelectric dam, were *a priori* conceived to be instigated by the guerilla and were resolved through violent repression." (CEH 1999:Volume 1, Annex 1, Chapter VI: Exemplary Case No. 10).

**March 10, 1999** President Bill Clinton, attending a roundtable discussion on the Guatemalan Peace Process at the National Palace of Culture in Guatemala City, apologizes for the past United States support of right-wing regimes in Guatemala: "For the United States, it is important that I state clearly that support for military forces and intelligence units which engaged in violence and widespread repression was wrong, and the United States must not repeat that mistake. We must and we will instead continue to support the peace and reconciliation process in Guatemala." (CNN.COM, March 10, 1999).

**August 1999** Carlos Chen Osorio, a Río Negro massacre survivor, presents the details of his community's experience with dam construction, involuntary displacement, massacre and struggles to secure remedy to the World Commission on Dams at their regional hearings in Brazil. (See Colajacomo and Chen 1999).

**April 2000** Carlos Chen Osorio visits Washington DC and meets with James Wolfensohn and other officials at the World Bank. According to Chen, at this time, the Río Negro community has received a total of seven caballerías of land (458 hectares) including Finca Sahomax purchased by FONAPAZ. With the construction of the dam twenty-two caballerías were flooded (1,400 hectares) and access was lost to much larger areas of communal land shared with Los Pajales and Xococ, as well as communal lands shared with Finca Cancun

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<sup>58</sup> Stewart, in her assessment of the Sahomax farm acquisition and development efforts (2004:16) argues that the institutional energy focused on the acquisition of land, and relatively little attention was paid to the social and economic development necessary to support and sustain a residential community.

and Camalmapa (reported in *On the Record Guatemala*, April 17, 2000; also, Annie Bird, Wolfensohn meeting notes, personal communication, February 23, 2005).<sup>59</sup>

**August 2000** Following a series of 36 community reconciliation workshops involving 152 displaced Río Negro families organized by Comité Pro Tierra de Pacux (Pacux Land Committee) and facilitated by Center for Investigations and Popular Education (CEPAHER) and Rights Action, the survivors of Río Negro decided to form ASCRA – Asociación Campesina Río Negro 13 de Marzo Maya Achí. This association was formed to promote the development of the survivors of Río Negro and seek reparations for the damages caused by the Chixoy Dam.

**November 2000** World Bank staff Eduardo Somesato and Mario Marroquin visit Pacux to discuss community needs. ASCRA leaders explain that before they provide a list of specific needs, it is necessary to conduct a comprehensive assessment of all the dam-affected community needs, problems and priorities. (Reported in Rights Action 2003).

**November 16, 2000** World Commission on Dams releases its final report, and in its recommendations includes a call for the development of mechanisms to provide reparations, or retroactive compensation, for those who are suffering from existing dams, and to restore damaged ecosystems. The final report reflects the findings of four public consultations, commissioned reviews reflecting 12 themes, and thousands of background papers and submissions, including a presentation from Río Negro massacre survivor Carlos Chen, a case study authored by Jaroslava Colajacomo and Carlos Chen (2000). The Chixoy case is one of three cases used to illustrate the legacy issues of inept development, and to argue that dam-affected communities lack access or rights-protective forums to seek meaningful remedy for the consequential damages in those cases involving gross violations of human rights (Johnston 2000). The WCD final report recommends that mechanisms should be developed to compensate retroactively dam affected people and restore damaged ecosystems. In a press release on November 16, 2000, World Bank President James Wolfensohn announces his support for the findings of the report of the World Commission on Dams, stating: "Dams offer huge benefits but sometimes at a large cost. The Bank is currently funding less than 1 percent of dam projects worldwide within strict environmental and social guidelines. Our involvement in large dams has been decreasing and is focusing more on financing dam rehabilitation and safety and much less on financing new dams. This report will help guide our work in the future and I will immediately pass it to the Bank's shareholders. The critical test for us will be whether our borrowing countries and project financiers accept the recommendations of the Commission and want to build on them." (Quoted in World Bank 2004b:333).

**December 15, 2000** The Agua Fría community sends a letter to the World Bank office in Guatemala outlining their grievances and problems associated with their exclusion from resettlement and compensation programs. No response is ever received. (Rights Action 2003).

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<sup>59</sup> While in Washington DC, Carlos Chen Osorio visits the Holocaust Museum and returns to Rabinal inspired to build a similar memorial depicting the ancient and recent history of the area. The resulting Rabinal Museum, built with funds from national and international sources, includes a room with life-sized portraits of those killed in the Río Negro massacres.

**2001** Residents of El Naranjo, Chirramos, Chitomax and Chicruz meet and decide to form the Asociación para el Desarrollo Integral Nueva Unión Maya Achi (ADINUMA) to pursue development for the people of Cubulco who were affected by the construction of the Chixoy Dam. The organization received legal status in 2002 with the assistance of the Comité de Unidad Campesina (CUC).

**2002** Mr. Barando, a fisherman from the downstream village of Chixoy, is swept away and dies in a flash flood when the Automatic Basin doors open without warning (Biesemans and Janssens 2004).

**April 2002** Following an initial census of dam affected communities and a gathering of community representatives in Río Negro in early 2002, in April an assembly of communities met in El Naranjo and La Coordinadora de Comunidades Afectadas por la Represa Chixoy (La Coordinadora) was formed and a representative body elected. This coordinating body of the dam-affected communities was formed to pursue reparations for the damages caused by the construction of the Chixoy Dam. La Coordinadora represents the communities of San Antonio Panec, Colonia Italia, Agua Blanca, and El Zapote in Alta Verapaz; Pacux and Río Negro in Rabinal, Baja Verapaz; and El Naranjo, Chitomax, Chirramos and Chicruz in Cubulco, Baja Verapaz. In 2003-2004, a series of meetings, workshop and community research that formed this Chixoy Dam Legacy Issues Study has further expanded the number of communities involved in La Coordinadora.

**December 10, 2003** Thirty-four families from the La Campana community receive definitive title to their land from FONTIERRA (the land fund). To obtain these documents provisional titles had to be released, and the provisional titles demonstrated ownership to land flooded or damaged by INDE, including lands that were once fertile plains. New titles do not include these lands, and the community has not received compensation for these lost lands. Nor have they received compensation for lands damaged when the floodgates are opened in the rainy season to release water. Eroded and degraded flood plains have been created as a result of dam operations that extend from Pueblo Viejo to San Jose Chitzul (La Campana Community Study 2005).

**May 2003** The Compliance Advisor Ombudsman releases “Assessment by the Office of the Compliance Advisor/Ombudsman in relation to a complaint filed against IFC’s investment in ENDESA Pangué S.A.” a report generated in response to complaints filed with the International Finance Corporation that their financing a project in Chile resulted in gross violations of human rights experienced by the indigenous Pehuenche. The IFC is a member of the World Bank group. The complaint involved the Pangué Hydroelectric Project, a 450MW hydroelectric dam (completed in September 1996) on the Bio Bio River in Chile. With this assessment the CAO found, despite the lack of any remaining fiscal involvement in the project, there still exists some World Bank responsibility and remaining obligations with reference to social problems, and recommended that “the IFC review projects within the portfolio, in particular equity investments, where the investment agreements are out of step with the present norm in terms of their environment and social covenants or stipulations and assess whether there are risks to the projects, to project stakeholders or IFC resulting from the absence of contractual enforcement of safeguards”... “IFC review its current policy, procedural guidance and practice to ensure that there is a clear framework for cumulative and

strategic environmental and social impact assessment”... “IFC strengthen its sponsor due diligence to include the environment and social performance and commitment to corporate social responsibility of all potential clients, including the records of parents and subsidiaries... (World Bank Group, IFC Compliance Ombudsman 2003).

**December 21, 2003** The Army decommissions their military base in Rabinal thirty-four years after it is first established. The base guarded the single entrance road to the resettlement community of Pacux. Throughout their tenure, armed guards harassed residents accusing them of being guerillas, and harassed visitors to the community (Pacux Community Report 2004). When the base is dismantled, title is turned over to the Municipality of Rabinal, not the community.

**April 2004** FAFG begins exhumations of a clandestine mass grave located in a well on the decommissioned military base. By June 2004, 15 meters had been excavated and 45 bodies were found. In total, 73 bodies were excavated (Janssens, personal communication, June 4, 2004; March 24, 2005).

**July 2004** The Inter-American Court finds in the Plan de Sanchez vs. Guatemala case, that the Guatemalan government is responsible for the actions of the Guatemalan Army on July 18, 1982 when they massacred 188 Achi-Maya in the village of Plan de Sanchez in the mountains above Rabinal, Baja Verapaz. With this finding, the Inter-American Court rules that a genocide had taken place. (IACHR 2004. See also Sanford 2004).

**August 2004** Centre on Housing Rights and Evictions (COHRE) releases the report *Continuing the Struggle for Justice and Accountability Two Decades After the Massacres: Making Reparations a Reality in the Chixoy Dam Case*. This document provides background for the August 31, 2004 petition to the Inter-American Human Rights Commission on behalf of the Rio Negro community and other dam-affected communities, requesting that the Inter-American Commission on Human Rights hold the Guatemalan Government, the World Bank, the Inter-American Development Bank and the Government of the United States jointly and severally liable for the human rights violations suffered by the Rio Negro community and similarly situated communities from the Chixoy Dam reservoir basin.

**September 2004** Tikal, according to the Global Heritage Fund, reportedly generates some \$200 million in visitor revenues for local communities in the Peten region and the Guatemalan economy as a whole each year. (Reported in Shah 2004)

**September 7-8, 2004** On September 7, 2004, some 800 Mayan Indians occupy the Chixoy Dam in a 29-hour peaceful protest meant to draw attention to their history and their plight. Protestors threaten to shut down the power generation facility unless immediate action is taken to address the many resettlement and compensation obligations documented in current and previous studies; a negotiations process is created to provide redress for the consequential damages of project failures and related massacres; and, legally-binding actions are taken by the Guatemalan Government to insure that future projects protect the fundamental human rights of indigenous peoples. After 29 hours of occupation, with negotiations between community leadership and INDE representatives monitored and facilitated by representatives from the Guatemalan Government’s Procuraduria de los Derechos Humanos, the protest is ended with the signing of the September 8, 2004 agreement. In this signing this agreement, INDE obligates itself to review and revise all the promises made with regards to compensation and resettlement; open up their archives to

make public the documentation that INDE has on the case; and, create a negotiations platform with representatives from the World Bank, InterAmerican Development Bank, the Guatemalan Executive Branch and Congress, and the private energy company DEORSA to meet with the community representatives. At issue are fulfillment of resettlement and compensation promises and compensation for loss of life to surviving members of massacre victims. This agreement is signed by the elected representatives of the dam-affected communities (Coordinadora de Comunidades Afectadas por la Represa Chixoy), the General Manager (Gerente General) of INDE, the Legal Representative of INDE, a representative of the Ministry of Energy and Mines, and representatives from the Human Rights Procurators Offices from Alta and Baja Verapaz. In the ensuing weeks and months, meetings are held with community representatives and individual parties (INDE, World Bank officials, Government representatives). Immediately following the signing of the agreement, INDE prepares arrest warrants against all seven indigenous leaders who signed the negotiations agreement, and an eighth member of the dam-affected community (an INDE worker who was fired after the protest and charged with assisting the protest).

**December 9, 2004** The Inter-American Human Rights Court rules there is sufficient evidence to hold the Guatemalan government responsible for the massacre of 268 people—mostly civilians—in the community of Plan de Sánchez, Rabinal municipality, Baja Verapaz department, on July 18, 1982. Some 60 soldiers were involved in the Plan de Sánchez massacre, which occurred under the 1982-1983 dictatorship of Gen. Efraín Ríos Montt during an intensification of the 1960-1996 counterinsurgency that killed some 200,000 Guatemalans. With this finding the Court ordered the Government of Guatemala to pay US\$7.9 million to the relatives of the victims (US\$25,000 to each of the 317 survivors). (Guatemala Human Rights Commission 2004).

**January – February, 2005** Seven members of the *Coordinadora de Comunidades Afectadas por la Represa Chixoy* and one INDE worker (also a member of the Chixoy dam-affected community) are charged with 5 violations of law by INDE, and warrants issued for actions associated with the September 2004 Chixoy Dam protest. Charges include illegal detention; threats and coercion of two Chixoy dam operators; false entry into INDE offices; actions against public services; and, actions against the internal security of the nation. Carlos Chen and, two weeks later, Antonio Xitumul are arrested in January 2005, charged, and released on their own recognizance with the provision that they return to the court with all parties charged. All eight of the people with arrest warrants voluntarily present themselves to the judge in February 2005, who issues substitutive measures to the penal charges, temporarily suspending the arrest with the order that the defendants travel to the court and present themselves every two weeks until the matter is decided. INDE, upon learning of this modification, submits an additional sixth charge to the arrest warrant that defendants were trespassing (*allanamiento*) and charged with breaking and entering. As of this writing, INDE is in the process of producing evidence to the court that substantiates their charges.

**March – April 2005** Following three rounds of consultative meetings and 15 years of work on the text, the 61<sup>st</sup> meeting of the United Nations Commission on Human Rights adopts the “*Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law*” <<http://www.ohchr.org/english/bodies/chr/sessions/61/lisdocs.htm>>.

## **ADDENDUM: ACKNOWLEDGEMENTS**

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Monti Aguirre and other staff at International Rivers Network allowed access to their document library and communication files pertaining to the Chixoy case, as did Leslie Greene at the Bank Information Center, and Todd Kolze at the Guatemala News and Information Bureau. Annie Bird and other staff and interns at Rights Action Guatemala, in addition to facilitating the development of community narratives and land tenure studies contained elsewhere in this Chixoy Dam Legacy Issues Study, provided access to their library, arranged translations, and located, scanned and reproduced key documents. Monti Aguirre traveled to Guatemalan archives to search for and obtain key documents. Monti Aguirre and Benjamin Edwards helped translate articles, community petitions, letters, and some of the narrative reports. Smithsonian intern Emiliana Donadi helped locate and develop summary reviews of early medical surveys and some of the French archaeological survey reports. Stephania Molinari helped locate and summarize key articles and reports, especially from the French archaeological team. And, Bertha Wilson and her staff at the World Bank Archives spent considerable time scanning and providing copies of the first one-third of their Chixoy archive.

A significant portion of this annotated timeline relies on the resettlement assessment conducted by William Partridge for BID in 1983, and his subsequent investigation and recommendations conducted for the World Bank in 1984. Partridge was able to access and summarize the record of BID-INDE loan contracts, memorandums, trip reports, feasibility studies, project plans, and social impact assessment and compensatory program plans and agreements up to 1983, documents that remain, to this day, largely inaccessible to the affected communities. This review was also enhanced by the contributions of Cornell University Sociologist Barbara Lynch, who spent a four month sabbatical in the fall of 2003 translating and developing assessment notes for the complete library of Spanish-language project documents on hand in Berkeley. The assessment of social program performance was greatly assisted by the AAAS Science and Human Rights Program and their sponsorship of a peer review workshop at the School for American Research in Santa Fe in November 2004. Linda Whiteford, Stephen Hansen, Thayer Scudder, William Partridge, Anthony Oliver-Smith, Ruth Krulfeld, Nick Hildyard, Carmen Garcia-Downing, Ted Downing, Michael Cernea, and Monti Aguirre all participated in the peer review of draft summary findings.

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While these and many other people contributed their time and energy to locate, reproduce, translate and interpret information, the selection and articulation of relevant events and the summary findings discussed elsewhere in this Chixoy Dam Legacy Issues Study, unless otherwise noted by citation, formal declaration, or endorsement, are the sole responsibility of the author.

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Sources cited in this chronology are listed below in alphabetical order according to author, or where there is no author, sponsoring entity. Several references from the same author or source are organized in chronological fashion, with the earliest date appearing first. This list of documents includes published sources, material published on the internet, and unpublished materials: reports developed under contract for INDE, World Bank, and other entities; and, communications between the affected communities and institutional actors including statements, petitions, and letters. Personal communications memorialized via email are noted in text. A number of entries include information published in other volumes of this Chixoy Dam Legacy Issues Study. See Volume 4 for community reports and Volume 5 for the Land Title Study.

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