

Briefing for the launch of the report by the Independent Delegation of International Lawyers to Guatemala, 2023

Peace Brigades International UK

October 2023



On October 19, 2023, the Independent Delegation of International Lawyers to Guatemala will launch “*We are not trespassers: this is our land*” *Agrarian conflict and Indigenous peoples’ rights in Alta Verapaz* and:

- Urge democratically-elected incoming President Arévalo to prioritise measures that guarantee respect for Indigenous peoples’ rights.
- Call for structural reform to overcome systematic dispossession and violence continuing since the internal conflict.
- Evidence land appropriation, criminalisation, violence, and evictions, constituting severe human rights violations.
- Highlight the private sector’s significant role, and the need for supply chain due diligence to ensure that extractive, energy and agribusiness companies do not profit from human rights violations.
- Say that violations of Indigenous peoples’ collective rights to communal ownership of ancestral lands are widespread.
- Join the international community in denouncing state authorities’ attempts to undermine the results of recent democratic elections.

The report includes case studies of issues faced by communities in Alta Verapaz, highlighting the key international human rights standards that are being systematically breached in Guatemala.

Background

From 27 to 31 March 2023, an independent fact-finding delegation of international human rights lawyers travelled to Guatemala. The members made the visit due to their collective concern, arising from recent disturbing reports from the United Nations, the Inter-American human rights systems and civil society, regarding the deteriorating human rights situation facing Indigenous communities and human rights defenders in the context of agrarian conflict in the country.

The delegation met in Alta Verapaz and Guatemala City with Indigenous communities; human rights defenders and lawyers; civil society organisations; representatives of the private sector; the diplomatic community; and State authorities responsible for land demarcation and titling, human rights policies, and public security. Their objective was to understand the structural causes of rural violence.

The lawyers will be joined for the launch by Guatemalan Indigenous leaders and human rights defenders Sandra Calel from the ‘Verapaz Union of Campesino Organisations’ (UVOC) and Lesbia Artola from the Campesino Committee of the Highlands (CCDA). Sandra and Lesbia’s work seeks to address two major structural problems in Guatemala: the unfair distribution of land and the patriarchal system that oppresses women and tries to stop their participation as active citizens promoting their rights. In the midst of a patriarchal, sexist and racist state, being an Indigenous woman leader means facing many challenges. Both Sandra and Lesbia have faced criminalisation, stigmatisation, attacks and death threats for the work they carry out defending fundamental rights. They receive protective accompaniment from Peace Brigades International (PBI).

The Delegation

The delegation was made up of seven human rights experts who acted *pro bono*:

- Ben Cooper KC, Barrister at *Doughty Street Chambers* (UK);
- Camila Zapata Besso, Barrister at *Doughty Street Chambers* (UK and Colombia);
- Daniel Cerqueira, Director of the Human Rights and Natural Resources Programme of the *Due Process of Law Foundation* (USA and Brazil);
- Haydee Dijkstal, Barrister at *33 Bedford Row Chambers*, and Executive Committee member of the *Bar Human Rights Committee of England and Wales* (USA and the Netherlands);
- Margherita Cornaglia, Barrister at *Doughty Street Chambers* (UK and Italy);
- Silvana Baldovino Beas, Director of the Biodiversity and Indigenous Peoples Programme of the Peruvian Society for Environmental Law (“SPDA” by its Spanish acronym) (Peru);
- Stephen Cragg KC, Barrister at *Doughty Street Chambers*, and Chair of the *Bar Human Rights Committee of England and Wales* (“BHRC”) (UK).

Principal Findings and Recommendations

The principle findings and recommendations of the delegation echo recommendations voiced by both local and international civil society organisations, including (but not limited to):

Findings	Recommendations
The need for the special ancestral link between Indigenous Peoples and territory to be recognised as the starting point for their land-related rights.	Recognise the special ancestral link between Indigenous Peoples and their ancestral lands, territories and resources, and the need to enshrine their communal rights.
There are no national or regional land surveys of a socio-historical, intercultural nature to allow for the fair resolution of land conflicts arising between Indigenous communities and the private sector.	Conduct a nationwide survey to map out ancestral lands with the full participation of Indigenous communities and experts, from a historical, regional, anthropological, ethnolinguistic and multicultural point of view.
Structural changes have not been made to remedy and protect the communal rights of Indigenous Peoples to their ancestral land, the procedural rights to consultation, and non-penal mechanisms for the resolution of land disputes.	Develop remedial mechanisms for Indigenous Peoples whose ancestral land rights have been violated; who have been forcibly displaced, or whose land has been damaged by development projects, including restitution of their lands, compensation and other forms of comprehensive reparation.
Failure of the State to prevent the use of unlawful force and violence against Indigenous families and rural communities, particularly during evictions.	Cease forced evictions until it can be ensured that all are in line with international human rights standards.
Absence of political will to implement the legal, regulatory and policy reforms required to address agrarian conflicts and give binding effect to Indigenous Peoples' rights.	Take appropriate measures to resolve the root causes underlying the agrarian conflict in Guatemala, and subsequently secure and protect Indigenous Peoples' rights.
Human rights defenders face widespread criminalisation, as well as reporting threats, violence, espionage and stigmatisation.	Strengthen protection mechanisms and assistance programmes for at-risk Indigenous human rights defenders, adapted to their specific needs and ways of life.

Recommendations for the International Community

- Recognise the democratic election of President Elect Bernardo Arévalo and do everything possible to encourage the Guatemalan State to respect the election results and guarantee a peaceful transition of power.
- Raise the issues outlined by the Delegation's report with the incoming administration and use diplomacy and aid to promote and support the implementation of its recommendations in regards to Indigenous rights, the rule of law, and the protection of human rights defenders.
- Sensitise colleagues in the diplomatic community to the findings of the Delegation and work with them to promote the report's recommendations.
- Sustain regular meetings with, and visits to, Indigenous human rights defenders in Guatemala (and in Alta Verapaz in particular) to understand and respond to the threats they face.
- Advocate with the Guatemalan government for effective policies and practises to protect human rights defenders, observe trials of defenders, and speak out when they are threatened.
- Counter smears of local, national and international human rights movements and organisations by publicly legitimising their work and defending the right to defend human rights. In particular, take action to recognise the work of UVOC & CCDA and urge the State to keep them safe.
- Work to enact laws that require businesses to conduct human rights and environmental due diligence across their operations, subsidiaries and value chains globally to identify, address and remedy the actual and potential impacts of their activities.
- Prioritise strategic international action and aid to counter the closure of civil society space.
- Advocate for Indigenous peoples and human rights defenders to be given an adequate platform and voice in international fora on climate change, including at the upcoming COP.

[Peace Brigades International \(PBI\)](#) supports, protects and empowers human rights defenders around the world, contributing to their ability to safely and effectively promote rights and protect the environment. PBI assisted the Independent Delegation of International Lawyers to Guatemala with local logistical support in Guatemala.