

Where the River Hides: Social conflict around land, protected areas and sacred sites in highland Guatemala

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Background

The national park Semuc Champey, which is translated to “where the river hides”, from the Q’eqchi Mayan communities that have inhabited the surrounding area for centuries, is emblematic of the contradictions and conflicts that arise when protected areas are declared in territories historically occupied and managed by Indigenous Peoples. Because of its natural beauty, Semuc Champey has become an increasingly popular international and national tourist destination. Despite Semuc Champey’s popularity, the park’s protected designation and management has come under scrutiny due to conflicts between the local indigenous people who live there and protected areas managers from the central government.

This case study looks at current conflicts between indigenous peoples and protected area authorities over the benefits flowing from a sacred site that is being utilized by the government for national and international tourism. Adequate consultation, dialogue and processes of free prior informed consent are requirements under both Guatemalan law and its international obligations, but are not always well executed on the ground, exacerbating underlying conflicts around land and natural resource that have long historical roots. Conflicts over land and natural resources are in fact widespread, with the the Secretariat of Agrarian Affairs reporting more than 1,336 open conflicts over 477,992 hectares of land in 2012; and “the conflicts, involving 1,100,085 people, were the result of lack of consensus between the different users of natural resources”.¹

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The recent clashes at Semuc Champey come at a time that Guatemala is defining its national strategy to reduce emissions from deforestation and forest degradation (REDD+) to access performance based carbon payments from the World Bank and the Green Climate Fund.²

Background

Semuc Champey is part of the ancestral lands and territory of the Q'eqchi Mayan communities: Santa Maria Semuc, Semil, Chisub'in, and Chiq'anus (see map above). These communities have lived in the vicinity of Semuc Champey for centuries and, up until the mid 16th century, they collectively managed the land. During the period of Spanish colonization, the Catholic Church systematically attempted to convert the native population, in doing so they also took possession of the land. Nevertheless, the native Q'eqchi still worked and managed the area surrounding Semuc Champey collectively. Around 1840 Guatemalan president Justo Rufino Barrios granted large land concessions in Alta Verapaz to a growing number of German immigrants who became wealthy landowners. The German farmers privatized the land and used the native populace for labor. Following the departure of the German ranchers in the 1940's, an outside cooperative gained legal ownership of the land.^{3y4}

Although the Q'eqchi communities remained without legal control of the land, they continued caring for the natural resources of the area, planting trees and protecting the wildlife through customary systems of forest and land management. Traditional Q'eqchi land management systems involve the use of the *milpa* and *guamil* planting systems- a variety of the shifting cultivation schemes used by many indigenous peoples around the world. The milpa system can be environmentally sustainable when communities have enough land, and security of tenure, to maintain adequate rotation periods, and *guamil* systems actively assist natural regeneration through harvesting of seeds in the forest.⁵ In the 1990's at least some of the communities were able to obtain title to individual parcels of land under the government of Vinicio Cerezo, but full control of community lands has remained an unmet aspiration.⁶

In 2000, the municipality of Lanquin, under the leadership of the incumbent mayor Francisco Pop, bought the land from the cooperative and registered it under the name Chicanus and Santa Maria. Lanquin is the closest town to the majestically tiered pools of Semuc Champey. From 2000 to 2005 the municipality managed the land and the tourist attraction, setting entrance fees to cover overhead cost and employing local residents to oversee the operations of the park. In early 2005 mayor Pop was accused of mishandling public funds and embezzling park entrance fees. The corruption allegations against Pop were crippling, forcing the municipality to yield control of the land over to the national government. That same year the Guatemalan national congress passed the decree 25- 2005, designating Semuc Champey as a protected area.⁷ The Guatemalan Commission on Natural Preservation (CONAP) became the governmental agency responsible for managing Semuc Champey. During this historic transition of land ownership and titles, from privately owned to cooperatively held, from municipal land to national park, the Q'eqchi people were never consulted as stipulated in Covenant ILO 169, ratified by Guatemala in 1996. Accordingly, the Q'eqchi's ancestral land of Semuc Champey was designated a protected natural monument, without any process for ensuring the prior and informed consent of the Q'eqchi Mayan people.⁸

Recent Conflict

In crafting the legal designation of protected land under decree 25-2005, lawmakers added a clause that explicitly required CONAP to allocate 30% of funds obtained from Semuc Champey

to the communities that inhabit the area. Nevertheless, by 2015, ten years after the designation of the park as protected area, Q1.9 million (equivalent to more than a quarter of a million US dollars) were owed to the local Q'eqchi communities. In September of the same year, over 200 members of the surrounding Q'eqchi communities peacefully occupied Semuc Champey, demanding that the funds be paid.⁹ Governmental agencies have sought to prosecute those involved, and currently community elders and indigenous authorities, are under threat of arrest.

For months, representatives of the Q'eqchi communities and the national government failed to reach an agreement. In February 2016, the Guatemalan Tourism Institute (Inguat) issued a warning to citizens and foreign embassies to not visit Semuc Champey. The government, and reported by the established media, declared that the park was closed. However, throughout this period when the government declared the park closed, the local Q'eqchi people successfully managed and maintained Semuc Champey operations.¹⁰

On July 4, 2016, 700 heavily armed Guatemalan National Police officers and military personnel invaded Semuc Champey and physically dislocated the Q'eqchi people.¹¹ Military and police forces used tear gas and other violent means to forcefully remove unarmed men, women, and children that were occupying the site. At least two young Q'eqchi men were injured during the displacement.¹² Furthermore, Q'eqchi members denounced harassment and threats made by military and police forces against community leaders leading up to and following the forced displacement.¹³ At 75-years-old, Nicolás Pop Tec, an elder member of the community of Santa María Semuq Champey, lost his life due to injuries he suffered while fleeing from his home. The occupation of their communities and the State's use of violence is reminiscent of the brutality the Q'eqchi' people suffered at the hands of the Army and other state officials during the decade's long civil war, including the massacres of numerous communities in Alta Verapaz.

In an interview with Crisanto Asig Pop, a Q'eqchi traditional authority, clarified the community's views: *"This is the land of our ancestors; we are the true owners and caretakers of this land. Now if we want to use the area, we have to pay thirty quetzales entrance fee. This is why we started to organize and demand our rights to the land"*.¹⁴

Following the immediate aftermath of the forced displacement of hundreds of Q'eqchi people, CONAP named a citizen's committee to help with decision-making processes in regards to park management. This committee consisted of members from the surrounding communities, but excludes those involved in the occupation, further solidifying existing divisions within the communities over how the protected area should be managed.¹⁵ It is unclear whether CONAP's intends to expand touristic development by working in conjunction with private developers to extend the area of the Semuc Champey park over an additional 919 hectares. If this development were to take place, it would encompass more lands currently inhabited by the Q'eqchi people, likely generating further conflict.

Conclusions

Over the past few years' research has accumulated which conclusively demonstrates that community based conservation is more efficient and equally effective as protected areas at stopping deforestation and preserving biodiversity. Research has also demonstrated that indigenous community land tenure security is a prerequisite for effective community based conservation- and that communities with tenure security are best able to protect their lands.¹⁶

Research in Guatemala has also demonstrated a trend of CONAP increasingly asserting management rights over indigenous customary forests, a phenomenon that has been most pronounced in the western highlands. Among the important insights from this work, is the conclusion that “The creation of protected areas has meant restricting traditional rights over these spaces; this has led to fundamental changes in local governance and livelihood strategies that have displaced or restricted community participation in natural resource management”.¹⁷ These conservation strategies based on the creation of state managed protected areas, and the shift in local control and access that implies, are however being re-thought around the world, with greater recognition of the important role that indigenous peoples have, and can, play in sustainably managing forests.

In countries like Guatemala, which has ratified the ILO Convention 169, there is a legal obligation to consult with indigenous communities before establishing protected areas on their lands and territories, a step that was poorly executed in the Semuc Champey conflict. Guatemala is also developing its climate change mitigation strategy, including a National REDD+ strategy, which requires the full and effective participation of indigenous peoples. The Semuc Champey case is also illustrative of the trade-offs in who benefits from protected areas, especially when those benefits involve a fairly lucrative revenue stream from an international tourist destination, or in the case of REDD+, payments for the maintenance of ecosystem services. Both Guatemala’s international obligations under the Convention on Biological Diversity,¹⁸ and their international funding for their REDD+ program, also require the equitable sharing of benefits, an issue that remains to be resolved in Semuc Champey.

End notes

¹ IDB Technical Cooperation Document for the REDD+ readiness grant, p.3

² Government of Guatemala, Presentation to the GBBYCC, 15 March, 2015, “Avances en el Proceso de Consulta y Participación” <http://www.marn.gob.gt/Multimedios/1226.pdf> and “Avances en la Preparación y el Diseño de la Estrategia Nacional REDD Guatemala”

³ Grandia, L. Enclosed: Conservation, Cattle and Commerce among the Q’eqchi’ Maya Lowlanders, University of Washington, 2012, p.38

⁴ <https://www.plazapublica.com.gt/content/semuc-champey-peleas-por-el-paraiso>

⁵ Maas, Petra, The Cultural Context of Biodiversity Conservation: *Seen and Unseen* Dimensions of Indigenous Knowledge among Q’eqchi’ Communities in Guatemala, p. 145

⁶ <https://www.plazapublica.com.gt/content/semuc-champey-peleas-por-el-paraiso>

⁷ <https://nomada.gt/estos-son-los-responsables-de-la-crisis-de-semuc-champey/>

⁸ <https://www.plazapublica.com.gt/content/semuc-champey-peleas-por-el-paraiso>

⁹ *Ibid.*, p. 4

¹⁰ <http://www.utzchecomunitaria.org/index.php/es/noticias/188-comunicado-urgente>

¹¹ For video of the police action to displace the villagers: https://www.youtube.com/watch?v=Afo_N35aHfK

¹² <http://elperiodico.com.gt/2016/07/05/pais/policia-y-ejercito-permaneceran-en-semuc-champey-tras-desalojo-ejecutado-hoy-con-saldo-de-tres-agentes-heridos/>

¹³ <http://www.utzchecomunitaria.org/index.php/es/noticias/189-accion-urgente>

¹⁴ <https://comunariapress.wordpress.com/2016/03/06/comunidades-indigenas-de-guatemala-lucha-contra-la-privatizacion-de-los-sitios-sagrados/>

¹⁵ <https://nomada.gt/estos-son-los-responsables-de-la-crisis-de-semuc-champey/>

¹⁶ Stevens, C., R. Winterbottom, J. Springer, and K. Reynter. 2014. “Securing Rights, Combating Climate Change: How Strengthening Community Forest Rights Mitigates Climate Change.” Washington, DC: World Resources Institute.

¹⁷ Elias, S. From Communal Forests to Protected Areas: The Implications of Tenure Changes in Natural Resource Management in Guatemala. *Conservation and Society* 10(2) 151-160, 2012

¹⁸ Article 10 (c) of the CBD requires Parties to “Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements”, while article 8(j) states: “Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”