

Tom Lantos Human Rights Commission: Hearing on World Bank Lending and Human Rights

April 9, 2014

Oral Testimony of Felix Valentin, Coordinator, Land Defense Program, Fraternal Black Organization of Honduras

The Garifuna People of Honduras, Property Law and Destruction of Community Titles

The Garifuna arrived in Honduras 217 years ago, having suffered genocide and expulsion of the island of San Vicente. Today we confront a series of laws passed by the government of Honduras and promoted by the World Bank, which put us in danger of disappearing as a people.

The Garifuna communities that span Honduras' Caribbean coast hold land titles dating to the Colonial times. These titles are binding under Honduran law and Honduras is obligated by international treaties, including ILO 169, to respect indigenous land rights.

The Honduran government has allowed the invasion of Garifuna land for many decades, but this depredation grew in the 1990's after the World Bank promoted the Agricultural Modernization Law. Together with the Municipalities Act, these laws facilitated large scale illegal land grabbing of Garifuna ancestral territory often through violence and the threat of violence.

This May the Inter American Court will hear a petition about one of these cases, the stealing of the territory of the Punta Piedra. In 1993 General Casto Kabus stole the Rio Miel territory from Punta Piedra, in coordination Miguel Facusse, by sending gunmen acting as campesino farmers into Garifuna land.

Facusse is the biggest beneficiary of the ransacking of Garifuna territory through the Land Modernization Law. In 1997 one of Facusse's many corporations, the Cressida Corporation, received a loan from the World Bank's International Finance Corporation to expand his operations on stolen land. Immediately before and during this loan, most of the territory of Limon was taken from the Garifuna people, with violence and threats, including Punto Farallones and Vallecito.

Also in the 1990's, the Municipalities Act was illegally used by Honduran politicians and businessmen to appropriate extensive lands in the Garifuna community of Triunfo de la Cruz, facilitated by repression. Community land rights defender and leader Alfredo Lopez was sent to jail for nine years with no trial until the Inter American Court ordered the government of Honduras to release him.

The territorial pressures experienced by Triunfo are closely linked to land speculation sparked by the Tela Bay tourism project, supported by the Inter American Development Bank. In recent decades the community members that protested the land grabs have been subject to killings and arbitrary arrests. The case of Triunfo de la Cruz will also be heard by the Inter-American Court of Human Rights this May.

In 2004, backed by the World Bank, the state of Honduras passed another new property law, the legal framework of the Land Administration Project (PATH) funded by the Bank. Although prior consultation by the Garifuna communities occurred in September 2003, the State disregarded the decisions submitted by the community assembly. The law would essentially launder land grabs, granting “legitimate” titles to the illegally obtained land, and fracturing the communally held titles into individual titles. In response, OFRANEH, the federation of the Garifuna people, turned to the Inspection Panel of the World Bank.

The Panel produced its report in 2007, stating that the Bank did not adequately assess whether the State of Honduras had adhered to principles of ILO Convention 169, including the right of indigenous peoples to their traditional lands and protections of those rights. However the Bank’s Management did not resolve the problems with the PATH program, despite the Inspection Panel ruling. Bank management avoided any action to reform chapter III of the Property Act, which effectively allows the dissolution of the community property.

In 2009, shortly after the June 28, 2009 military coup, Facusse received another World Bank loan, through his Dinant Corporation. Prior to and following the loan dispersal Dinant was implicated in violence against campesino movements who demanded return of 28 palm oil plantations in the Bajo Aguan region.

In 2013, the IFC Compliance Advisor Ombudsman audited the project, and found that, among other shortcomings to the project, the IFC had inadequately assessed these risks to local communities. In part, these failures stemmed from the IFC relying on information from Dinant and neglecting to conduct community consultations. Particularly disturbing about this project is that the \$30 million loan to Dinant is only one of several IFC investments with exposure to companies owned by Miguel Facusse.

Much of the Garifuna territory is now slotted to become Charter Cities, a project supported by the Inter-American Development Bank, in which the Honduran government awards a concession of national territory to a corporation or foreign government to govern with its own laws, its own courts and its own police. This is a direct violation of the Universal Declaration of Human Rights, Garifuna communities would in effect be denied their nationality, access to national courts, right to participation in government, and would annihilate entire Garifuna territories and communities.

The territory of the Garifuna people is in imminent danger of disappearing before the enormous pressures induced by the laws financed by the World Bank, other Multilateral Development Banks and the powerful, corrupt businessmen that they fund. With the lack of separation of powers and the prevailing lawlessness in a country that has become the world's most violent, we fear a possible ominous future of our people.

Felix Valentin
Land Rights Coordinator
Fraternal Black Organization of Honduras, OFRANEH
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