

Resistance against Enel

The ENEL company violated our rights: it did not consult, it deceived us, it mocks our interests.

—BANNER HANGING FROM THE CENTER OF THE 2011 BLOCKADE IN SAN FELIPE CHENLÁ IN PROTEST OF THE PALO VIEJO HYDROELECTRIC PLANT

October 17, 2015: Tixh came to pick me up on his motorcycle to travel from San Felipe Chenlá to Xeputul II, a community that had been hard hit by the war and that Enel hails as one of its many success stories within its corporate social responsibility programs. Twenty-four kilometers away from the town center, to arrive there from San Felipe Chenlá we had to travel down the main dirt road, which was heavily damaged, full of potholes and rocks, dusty when it didn't rain, and muddy and slippery when it did. Large trucks and buses defied the road's limitations as they raced down as if their lives depended on it, ironically risking the lives of all those on it.

On the way to Xeputul II, you pass through the Finca San Francisco, where you are received at the entrance by heavily armed men who stop you and begin to aggressively question you: "Who are you? Where are you going? Why did you come?" You get the impression that they are looking for any excuse to become trigger happy and end their boredom from standing around all day. On previous occasions when I had arrived there, these armed men had circled the vehicle and asked for my name, personal information, and the reason for my visit, all which were registered in a large book. They once asked for my identification and passport before I could enter. Before driving off, they told us not to take photographs. The first time I had entered the finca in 2011, I had my camera out when an armed guard came out of nowhere and began yelling with his rifle half-raised, "*¡No toman fotos, no toman fotos!*" ("Do not take pictures! Do not take pictures!"). On this occasion, Tixh told them we would be traveling to Xeputul II, and they let us through.

The road that leads to Xeputul II was slippery and muddy that day from the rains, and we had to walk down with the motorcycle over half the road. After our hour-long trip, we were received by community leaders from Xeputul II at their

community center. They talked about how Enel, the finca, and the municipality had gained their initial support for Palo Viejo by promising projects such as fixing the roads and providing electricity to the communities, promises that went unfulfilled.

On our return, we had to push the motorcycle up the muddy, wet, and damaged road for about forty-five minutes and then head back home. Once we reached Santa Avelina, the sun was setting in the blood-red sky, and homes were already being brightened by the light of candles. As it turned out, the electricity had gone out at approximately 2 p.m. that day, and it would be another thirty-six hours before it returned. Despite the Palo Viejo hydroelectric plant operating nearby, the energy produced is sent out of Cotzal without benefit to local communities. The history of invasions places into context the conflict that erupted in Cotzal with the arrival of Enel. While hydroelectric plants are associated with the production of clean and environmentally friendly renewable energy, the case in Cotzal demonstrates the tensions, conflicts, and inequalities that exist between Indigenous communities, the state, and multinational corporations.

These memories of resistance, invasion, displacement, war, and violent development contextualize the structural violence and the current political and social situation of Cotzal. Community leaders fighting against the abuses of the municipality and Enel have been criminalized and labeled as “guerrillas” and “terrorists”; similar terms were used by the military to dehumanize and justify the massacres against the Maya during the war. The role of plantation owners during the war and their collaboration with companies building dams have exacerbated these concerns and fears. At the same time, some residents wanted Palo Viejo to be constructed since they believed it would provide employment as well as bring about other benefits. These divisions have contributed to conflict in Cotzal and the Ixil Region as well as in other parts of Guatemala.

This chapter traces the arrival of Enel in Cotzal and the impact it had on the communities before, during, and after the construction of Palo Viejo (table 4). It delves into the multitude of issues that have emerged from this new invasion that are representative of other conflicts involving megaprojects in Guatemala and elsewhere. These include human rights abuses, involvement of the military, and the persecution, defamation, and criminalization of Indigenous communities and authorities. In addition, the chapter examines the road blockade by the communities of Cotzal after Enel and the municipality refused to respect their rights to consultation (table 5). This delayed the construction of Palo Viejo and eventually led to the creation of dialogue.

THE ARRIVAL OF ENEL IN COTZAL

Enel is an Italian company based in Rome that operates globally in Europe and the Americas. It promotes itself as a producer of “green” energy through the use of sustainable and renewable energy such as wind, geothermal, and hydroelectric energy. Enel reports that its operations avoid the production of sixteen million tons of CO₂ each year, thus contributing to combating climate change and global

TABLE 4 Timeline of construction of Palo Viejo

Date	Action
June 19, 2006	Environmental Impact Assessment (EIA) approved by the Ministry of Environment and Natural Resources (MARN)
March 12, 2007	Authorization contract signed by Agrícola Cafetalera Palo Viejo, S.A. (ACPV) and Ministry of Energy and Mines (MEM)
January 18, 2008	Letter of no objection received from MARN
August 14, 2008	Cooperation Agreement with the Municipal Council of Cotzal signed with Renovables de Guatemala, S.A. (subsidiary of Enel Green Power)
August 26, 2008	Contract signed between ACPV and Renovables de Guatemala, S.A.
December 2, 2008	Complementary EIA approved by MARN
January 15, 2009	Project start date
January–May 2011	Construction delayed by blockade
May 2011–March 2012	Construction restarted and completed
March 2012	Beginning of operations

SOURCE: CDM (2010), except the last three entries, on which information was obtained during fieldwork.

TABLE 5 Timeline of 2011 blockade in Cotzal

January 2	Communities blocked the road in San Felipe Chenlá. They prevented only the passage of vehicles from Enel and the Finca San Francisco.
January 7	Representatives of Enel and the government were scheduled to meet communities on this date but did not show up. Instead, the commander of the Fifth Brigade in Huehuetenango arrived.
January 10	Representatives of Enel, the government, and San Francisco arrived with soldiers in San Felipe Chenlá and announced that there was an existing agreement with the municipality, which many leaders and communities were unaware of.
January 17	An open letter listed the demands from the communities of Cotzal. A representative of Enel arrived in San Felipe Chenlá, stating that he would provide a response to the demands on January 31.
January 31	The Enel representative stated that the company would not concede to the communities' demands. The blockade continued.
February 3	President Colom gave a speech regarding the blockade.
February 14	One thousand police officers and soldiers came to Cotzal to arrest municipal mayor Pérez Chen, municipal transit officers, and others for the 2009 lynching of a police officer. Seven municipal transit officers were arrested.
February 23	During the Maya New Year, one thousand soldiers arrived in Nebaj to capture those responsible for the attacks on electrical towers in Chajul. Soldiers and police officers passed by San Felipe Chenlá in trucks and there were no arrests.
March 18	Between five hundred and seven hundred police officers and soldiers, with helicopters, entered San Felipe Chenlá to end the blockade and arrest community leaders, which they were unable to do.
April 5	The communities and Enel agreed to begin discussing the creation of a <i>mesa de dialogo</i> .
May 2	The first dialogue meeting was held, in which Enel agreed to drop arrest warrants against community leaders, and the communities of Cotzal ended the blockade; members of the armed forces were in Nebaj during the meeting, and the implied threat put pressure on the communities to enter a <i>dialogo forzado</i> .

warming. According to Enel (2014, 59), in 2013 the “shareholding structure [saw] 31.2% held by the Ministry of Economy and Finance [of Italy], 41.9% by institutional investors and 26.9% by retail investors.”

In Latin America, thirty-three Enel plants operate in Mexico, Costa Rica, Nicaragua, Panama, El Salvador, Chile, Brazil, and Guatemala, producing 669 megawatts (MW) of renewable energy in 2010 alone (Enel 2011a, 17). Enel began operating in Guatemala through its subsidiary Enel Green Power in 1999 (UNCTD 2011, 83). Enel has five hydroelectric plants in operation in Guatemala, which generate a total of 164 MW (Enel Green Power 2021). These are Palo Viejo in Cotzal; Canada and Montecristo in Zunil, Quetzaltenango; and Matanzas and San Isidro in San Jerónimo, Baja Verapaz (Enel Green Power 2021).

The Palo Viejo hydroelectric plant has the capacity to generate 84 MW and produce 370 million kilowatt hours (kWh) of energy per year, thus avoiding 280,000 tons of CO₂ emissions each year (Enel Green Power 2012). According to Enel, the energy produced by Palo Viejo is “equivalent to the energy required by 133,920 homes in Guatemala” (Enel Américas 2022, 157). The investment to build Palo Viejo was approximately \$250 to \$260 million (CDM 2012; Enel Green Power 2010, 13; UNCTD 2011, 70). The World Bank invested \$144 million in the project (World Bank n.d.).

The fourth invasion has harmed the communities of Cotzal, causing social divisions and conflict and environmental damage, its promises of development have been unfulfilled. As seen in this chapter, the communities of Cotzal fought to be heard and consulted before and during the construction of Palo Viejo. In response, Enel’s allies, including the municipality, the Finca San Francisco, and the Guatemalan government, used intimidation, military force, and legal persecution against the communities of Cotzal.

Social Divisions and Conflict

In 2005, the municipality of Cotzal, under the administration of municipal mayor Baltazar Toma Sambrano (2000–2008), informed the *alcaldes auxiliares* (auxiliary mayors) and members of the Community Development Councils (COCODEs) about the pending construction of a hydroelectric plant by Enel on the Finca San Francisco. The community leaders present at the meeting then went to their respective communities to inform them about the proposed project, which the communities rejected. Community leaders say it was at this moment that the communities of Cotzal stopped receiving information about Palo Viejo.

Brol and Enel Guatemala, S.A. (part of Enel Green Power) signed a “Development Agreement—Palo Viejo” on December 3, 2007, “with the objective of promoting the development and eventual construction and operation of” the Palo Viejo hydroelectric plant (SRP, #24,977, Fol. 215, Lib. 103). The “rights acquired” by Enel Guatemala, S.A. were later transferred to another subsidiary of Enel Green Power, Renovables de Guatemala, S.A. through its legal representative Juan Carlos

Méndez Ordoñez (SRP, #24,977, Fol. 215, Lib. 103). According to Enel Green Power in its 2009 annual report, Renovables de Guatemala, S.A. was “fully controlled by the Enel Group through Enel Latin America B.V. (99.999%) and ENEL Guatemala S.A. (0.001%)” (Enel Green Power 2010, 13).

In May 2008, the communities learned from the newly elected municipal mayor José Pérez Chen (2008–11) that the planned construction of the hydroelectric plant was to begin that same year. Yet the communities of Cotzal had not been adequately consulted about Palo Viejo. As a result of the construction, the communities of Cotzal began to organize and requested a meeting with Enel. Between 2008 and 2011, these efforts led to intimidation and threats against the opponents of the hydroelectric project. Speaking of government authorities and the Guatemalan state, an ancestral authority told me: “There is a state that does not recognize the rights of Indigenous Peoples, a state that is always a violator of the peoples. I told my people that the deputies, ministers, mayors, and governors are the greatest violators of Indigenous rights, even if they are Indigenous; they violate the rights of Indigenous Peoples. It is a concern that we have as Indigenous Peoples.” As in previous invasions, municipal mayors and state authorities often sided with outsiders over the Ixil.

On June 16, 2008, opponents of the hydroelectric plant gathered in Santa Avelina, where they wrote an open letter to the municipality outlining their demands for consultation with the company before construction. The municipal mayor disregarded the communities’ demands and instead began to intimidate community leaders. For example, in August 2008, opponents of Palo Viejo held a march and protest in the community of Pulay to demand consultation, and in response the municipal mayor sent armed men to break up the protest. A participant of this protest says armed men started shooting in the air to scare them. The municipal mayor played an active role in this repression. As described in the previous chapter, Pérez Chen had already begun using violent, strong-armed tactics to combat delinquency, which led to human rights abuses. In one case, the municipal mayor threatened one of the community leaders directly and persecuted another indirectly. The threats were so serious that these two community leaders, Baltazar de la Cruz Rodríguez and Pedro Sambrano Rodríguez, received personal security from the state at the suggestion of the Inter-American Court of Human Rights, which protected them for two years, twenty-four hours a day, seven days a week.

One of the turning points that led to further mobilization involved two young adults who were struck and killed in Santa Avelina by a construction truck headed for the finca on March 15, 2009. Don Antonio Pérez Martínez told me that on that night he heard the truck crash and went out to see the two young men lying on the ground. One of the young men had been cut in half. The people were able to take photographs to document the incident. Soon after, people gathered, and in protest against Enel and these deaths, they cut down an avocado tree to block off the road for a week. According to don Antonio, the reaction of the municipality

was to end the blockade by encouraging one of the communities near the finca to file a complaint against Santa Avelina. Subsequently, the municipal government sent security forces to end the blockade. Don Antonio added that after a week of blocking the road, municipal mayor Pérez Chen sent the municipal police to cut the tree with axes and a chainsaw to clear the road. The National Civil Police (PNC) was also present to support ending the blockade. In addition, don Antonio claimed that one of Enel's strategies was to convince store owners in Santa Avelina to increase the prices of their products as a form of punishment for the protest, with the aim of creating enmity among residents and surrounding communities. The threat of arrest warrants being issued and the way in which the municipal mayor Pérez Chen ended the blockade were enough for some people to abandon the protests. According to community leaders, Enel allegedly paid the victims' families Q500,000 to keep them quiet and prevent them from pressing charges. Though the threat of arrest warrants scared some people, others saw the negative effects of Palo Viejo and continued to organize.

After attending a class session in the community building of Santa Avelina in April 2009, Baltazar de la Cruz Rodríguez was stopped by the vice-alcalde of Cotzal, who told him, "Don't move, don't go. We need to talk to you." The vice-alcalde then interrogated him about his activities in the movement against Palo Viejo. A group of armed men with the vice-alcalde disarmed Baltazar's bodyguard that he had been assigned by the Ministry of the Interior on account of the death threats he had received. Both men were kidnapped and prevented from leaving the room. According to Baltazar,

They locked us up in the community mayor's office, [where] there was another little dungeon-like room. . . . Then the head of security at that time locked me up. Then he says to me, "Who are you? . . . You are the one who has been motivating people to oppose the projects, you are the ones who are opposed." . . . Barely a month had passed since the two young men were run over on March 15, 2009. . . . They were questioning me a lot. The vice mayor arrived . . . and showed us a lot of weapons they had there above the table of the community mayor's office. "You are not getting anything out of this. If you continue with your cleverness, there you will be. Look," he told me while showing me the dungeon they have there.

Baltazar explained to his captors that he was in Santa Avelina to attend the class. After being interrogated further, he decided to call the police in the town center of Cotzal and inform them that he had been detained, along with an agent who was part of PNC personalized security. Baltazar told me that he told the police officer on the phone to register a complaint but that the officer refused to do so, and that this was because of orders from municipal mayor Pérez Chen. Later the PNC would arrive in Santa Avelina and escort them out. Baltazar told me that the same security chief who detained him would participate in the lynching of the PNC officer later that year in November, which was why Pérez Chen would be arrested along with several others, as detailed in the previous chapter. He added that his situation showed that the justice system does not work for the poor or

those defending human and Indigenous rights, only for the rich and for companies using the justice system to repress communities. Baltazar has been a target of multiple persecutions, including being followed by the police one night, receiving death threats, and being subjected to attempts on his life on account of his role in the movement. His commitment, his work, and his selflessness would lead him to become a member of the Alcaldía Indígena and eventually one of the *voceros* for the communities of Cotzal during the dialogue with Enel.

False Promises

Enel, the Brol family, and the administrators of San Francisco began a campaign in surrounding communities of the finca to gain support for the construction of the hydroelectric plant by promising development projects and other benefits. This was particularly the case for communities such as San Marcos Cumlá and Xeputul II, which were situated close to the finca and were what Enel would later call the communities within the “area of influence” of Palo Viejo. According to community leaders, Pedro Brol Cortinas personally visited various communities and during meetings with community leaders promised projects that he would be able to carry out because he was a partner of Enel and the hydroelectric plant would be on his finca.

Don Antonio remembers that when he was the head of the land committee in Santa Avelina, the Finca San Francisco called a meeting where they promised to bring electricity. He told me that Brol’s workers would invite leaders from surrounding communities to meetings where they would promise electricity to power phones, computers, and refrigerators. At the meeting he brought up that electricity created an unequitable dependency: at first, he had paid Q10, then Q20, and now he was paying Q50 per month for the service and he did not even own any appliances. Afterwards, according to don Antonio, Pedro Brol began to send his employees, who invited him to his house to try to convince him to support the construction of Palo Viejo. “When he saw that they couldn’t convince me, he sent one of his employees. . . . ‘Pedro Brol sent me to you, he says that if you would support us on the project, then the old man says that they will give you a prize, but a prize that is worth your while,’ he told me.” Don Antonio claims that besides offering him a “prize” Brol offered Santa Avelina a *proyecto* (project). He responded by saying that it was not up to him alone but to the community through an assembly: “I cannot do anything. If you want, we can hold an assembly, the assembly is in charge.’ Twice they came to me, I could not be convinced.” Such attempts at persuasion, taken by Enel’s business associate Pedro Brol Cortinas, took place throughout Cotzal.

Participants of community meetings almost always write down and sign *actas* (acts) of meetings to ensure transparency and to hold people responsible for what is said or to ensure that a resolution is carried out. *Actas* are the minutes of the meeting and provide a summary of what is discussed and decided, and they are written down by the *secretario* of the community. *Actas* are read out loud before

being signed and sealed (if applicable) by participants, and they can be signed within a limited amount of time by others not present. Given past abuses in which people were forced to sign documents or signed without knowing the contents because they were illiterate, reading the *actas* out loud and having them in a written format helps prevent fraud and deceit, although they are written in Spanish. At the same time, these documents are summaries of meetings, and sometimes details, such as specific commitments, may or may not be documented accurately. These are legal documents written in a book of *actas* where each single page on both sides needs to be sealed by the municipality to have validity. Thus community *actas* are important documents that enjoy the legitimacy of the municipality. The *alcalde auxiliar* (the local official who represents the municipal mayor in each community) and the COCODEs each manage their own book of *actas* that are validated by the municipality. The *alcalde auxiliar* and members of the COCODEs are elected through a community assembly every year and begin their one-year term on January 1.

On Monday, July 7, 2008, at 8 a.m. in the community of San Marcos Cumlá, various community authorities that included the *alcalde auxiliar*, members of the COCODE, and the committees on education, women, and land, met with Pedro Brol to discuss Enel and the benefits that Palo Viejo would bring. According to Acta No. 08-2008: “We ask the hydroelectric company Palo Viejo to faithfully comply with the construction of the projects already signed and to be signed today. The projects are construction of the road and its [ballast], and delivery of hydroelectric energy to San Marcos Cumlá at the rural rate, with any increases requiring consultation with the supporting community” (San Marcos Cumlá 2008). The community also requested that vehicles have twenty-four-hour emergency access to the road that runs through San Francisco with no fee. While not specified, this request was made during the time that the Finca San Francisco was charging vehicles to enter and pass through the finca on the only main road, as well as shutting down the road at night at their gate. In addition, the community stated that they did not want “the exploitation or exploration of the natural resources of our lands” and would not approve any petroleum companies to operate in their communities or municipality (San Marcos Cumlá 2008). They claimed that only through these agreements could they avoid conflicts and concluded by requesting that the company voluntarily sign and seal the *acta*, which would then form a mutual agreement between the community and the company (San Marcos Cumlá 2008). The meeting lasted an hour and a half, and the *acta* was signed by the authorities of San Marcos Cumlá and Pedro Brol, who included his seal that reads, “EMPRESA AGRICOLA, SAN FRANCISCO, COTZAL, S.A., ADMINISTRACION” (San Marcos Cumlá 2008). Enel never signed or sealed the *acta*, but community members took Brol’s signature as an act of good faith from the company. As of 2021, San Marcos Cumlá still has no electricity or accessible road, and it has received no direct benefits from Enel.

In Xeputul II, community leaders told me about similar experiences with Brol. One leader claimed that Brol came to their community offering things in return for their support of Palo Viejo:

It is reflected in the minutes we had. . . . He said, “[Let’s] work with the Palo Viejo hydroelectric plant. . . . Look, we are going to make a *compromiso* [commitment], I know that the communities have needs,” said Mr. Pedro Brol. “Write an *acta*, let’s make a *compromiso*, make it say in the *acta* that I am going to give you electricity, and at a good rate, I am not going to charge you much,” . . . he said. In the end he did not fulfill . . . but at the time, [among] the communities there were people who supported the hydroelectric project since he gave promises.

Community leaders, like those in Xeputul II and San Marcos Cumlá, viewed Brol as being disingenuous during the meeting and misrepresenting himself as speaking on behalf of Enel, making promises that he was not able or willing to fulfill. The purpose of these promises was to try to convince people to support the construction of the hydroelectric plant.

The strategy of garnering support from the communities of Cotzal for the Palo Viejo project is said to have been based on a colonial logic of “divide and conquer,” where the company approached each community separately as opposed to dealing with a collective of communities. In addition, some said when there was opposition within a community, Brol and Enel’s agents excluded certain people from the process, waited until they were away from the community, or tried to bribe them. One leader, don José, told me that when Pedro Brol requested that the community of Villa Hortensia Antigua support the project in 2008, he initially opposed the idea as the then-president of the COCODE in consensus with the rest of the community. At the time, he acknowledged that a few people in the community were in favor of the project. So José said that when he was away from the community for a few days, Pedro Brol approached the community again and got their approval. Similarly, in the case of don Antonio from Santa Avelina, representatives for Brol visited his house on various occasions to make offers in order to gain support for the project.

Enel also promised to build a school in San Felipe Chenlá, two stories high with eight classrooms, and with construction to begin in 2010. In late 2010, the Chajul-based construction company contracted to build the school informed the community leaders of San Felipe Chenlá that they had not received full payment for their work and would be unable to pay their workers. Thereafter, community leaders went to inspect the school, only to find that the quality of the construction was poor. According to a community leader from San Felipe Chenlá the materials that were being used were not adequate and were not what Enel had promised to the community. Enel, for its part, stated that it had made payments to the municipality, but the situation was never clear and demonstrates the lack of consultation, transparency, and information provided to the communities of Cotzal, which contributed to the confusion and the unfinished project. According to

this same community leader: “The Enel company said that it had already made the transfer to the municipality’s account . . . and that the municipality was responsible for making the transfer to the construction company. . . . But we do not know what happened, these were issues that we could never obtain information on.” It was then rumored that the municipal mayor, José Pérez Chen, had stolen the funds. During this time, children of San Felipe Chenlá had to receive classes outside since the school was incomplete.

Despite these delays in the construction of the school in 2010, and though the school was not built as promised and initially planned, in Enel’s 2010 Sustainability Report the company falsely claimed that it had completed building a school in the community in San Felipe Chenlá. They also stated that they were renovating schools in Vi’chivalá and other communities elsewhere in Guatemala: “In addition to extending the electricity service, Enel also can contribute to the quality of life and social development of the communities in which it operates through initiatives regarding education and social inclusion. In Guatemala, for example, Enel built a high school, the ‘Instituto San Felipe Chenlá,’ for the local indigenous people who live in the vicinity of the future Palo Viejo hydro power plant, as well as contributing to the renovation of schools in Vichibala, Santa Barbara, Santa Cruz, San Rafael Chilasco, and Matanzas” (Enel 2011b, 221). It is not clear why Enel included the communities of Santa Barbara, Santa Cruz, San Rafael Chilasco, and Matanzas in its report, since these are not in the vicinity of Palo Viejo, or in Cotzal. By late 2010, the construction bore no resemblance to the description in Enel’s reports. Residents viewed this as another example of the false promises made by Enel. The school was eventually completed, but not in the way originally promised, and only after the communities of Cotzal launched a blockade in 2011 as a form of protest regarding Enel’s broken commitments, among many reasons.

Construction of Palo Viejo, Damages, and Environmental Degradation

The arrival of Enel saw an influx of hundreds of trucks coming in and out of Cotzal using the main road that begins in Nebaj and goes through the communities of Pulay, Cotzal, San Felipe Chenlá, Vichivalá, and Santa Avelina before arriving at the finca. At the time of construction this caused serious problems, since the road runs along the curvy mountainsides where trucks scarcely fit, as well as presenting a public hazard. On market days in Santa Avelina, there is the risk of hitting pedestrians since many vendors sell on this road. The dangers of these trucks were made evident with the deaths of the two young men.

In 2010, hills were blown up with dynamite as part of construction of Palo Viejo. Many residents from surrounding communities reported that the sounds and shaking of the explosions frightened many children as well as bringing back bad memories of the war for survivors. In one incident, the company blew up a hill where bats were living. Consequently, the bats flew throughout Cotzal and began biting cattle, pigs, and other animals from various communities, including Villa Hortensia Antigua, Santa Avelina, San Felipe Chenlá, and Cajixay. Subsequently,

all the bitten animals were killed and burned, since their owners feared that they could have rabies and that consuming their meat could cause health problems (Escalón 2012b). The loss of these animals meant economic losses to their owners. According to community leaders, Enel denied responsibility.

Although an environmental impact assessment (EIA) was carried out for the Palo Viejo hydroelectric plant, the residents of Cotzal were unaware of the environmental impacts of the project because they lacked access to the study. The EIA for Palo Viejo was done by Asesoría Manuel Basterrechea Asociados, S.A in 2005 (Chernaik and Lu 2012). EIA studies normally consist of hundreds of pages, written in very technical language, and are available on request only in the capital; thus they remain inaccessible to local communities. An analysis of Palo Viejo's EIA by researchers from the Environmental Law Alliance Worldwide claimed that there were deficiencies in several areas, such as the study's "methodological flaws" and insufficient data regarding the project's potential impacts on the quality of water sources, the ecosystem, and local communities (Chernaik and Lu 2012). Another study, sponsored by the National Coordinator of Widows of Guatemala (CONAVIGUA), found that much of the information presented in Palo Viejo's EIA was poorly organized and that from the maps and data provided it was difficult to determine the plant's boundaries (Grajeda Godínez 2010). In addition, the EIA study lacked sufficient data on the area's flora and fauna that might be affected by the project, particularly endangered species (Grajeda Godínez 2010). Even if communities had been provided access to the EIA study, it would have been difficult for communities to obtain reliable information from it that would allow them to make an informed decision as to whether to give or withhold consent on the project.

The eventual impacts of the construction of Palo Viejo would become evident on a trip that I took in November 2013, along with an Ixil ancestral authority and another researcher, when I visited the community of San Pedro Cotijá, Uspantán, a community that borders the Copón River. The purpose of the trip was to verify the impacts of the river once it passes Palo Viejo after I heard from members of the Alcaldía Indígena of Cotzal, Fundamaya (a Maya organization), and international observers about the plant's negative environmental effects. The community of San Pedro Cotijá forms part of the Zona Reina, where over forty communities, including those in Alta Verapaz and Ixcán, are resisting the proposed construction of Hidro Xalalá. Many of the communities are Q'eqchi'; other Maya groups include the K'iche' and Ixil who sought refuge in the Zona Reina during the war and formed part of the CPRs and guerrillas.

When we reached San Pedro Cotijá, the community was celebrating since they had inaugurated their first *terraceria* (paved dirt road). We met with community leaders from communities from Uspantán: San Pedro Cotijá, Playitas Copón, and Caseria los Encuentros. Community leaders stated that before the construction of Palo Viejo, the Copón River had been clean and a vital source for daily life, as people used it to bathe, wash their clothes, swim, and fish. During and after the construction of the Palo Viejo hydroelectric plant, they noticed that the fish and other marine



FIGURE 11. During a visit to the Copón River, Uspantán, the water turned muddy for hours. Residents attributed the change to the Palo Viejo hydroelectric plant. November 2013. Photo by author.

life that lived alongside the river were beginning to die. The river would turn brown and greasy for days. The communities did not know what was causing this, and they were not warned by Enel or the Finca San Francisco that something like this would happen; indeed they did not hear anything. A study conducted by Fundamaya in January 2012 found that 529 out of 738 families from twelve communities that lived besides the Copón River in the municipality of Uspantán and Ixcán depended on fishing for family consumption as well as for income (Roberts 2012a, 1).

During my visit, one of the leaders shared his memories regarding the health and environmental impacts that the construction of Palo Viejo had on children and marine life: "Some children came out of [the polluted river] with some blisters on their skin. . . . We found some fish on the riverbank—fish, crabs, shrimp began to die." Community leaders also expressed concern for their children and future generations since there were no more fish in the river. One leader stated: "The river is our blood, it is our life, and we are never going to sell it. . . . We are fighting now, and our children, grandchildren, and great-grandchildren will remain in the fight along with us." The water continues to become dirty and muddy on an irregular basis and can stay that way anywhere from two or three hours up to three days. Community leaders claimed that the river is dirty and contaminated for approximately half the month. During the visit, I witnessed the river unexpectedly become muddy and visibly contaminated for about three hours (figure 11). Community leaders view

this as a clear violation of their rights to life, but their concerns have been ignored by Enel and the state. Even after the end of construction of Palo Viejo, the economic and community life of the people continues to be harmed by the contamination of the river. The lack of accessible information on the environmental impacts of Palo Viejo is concerning for the community of Cotzal and Uspantán.

THE BLOCKADE

After years of trying to start a dialogue with Enel, the communities and the Alcaldía Indígena of Cotzal decided to launch a blockade on January 2, 2011, as a form of peaceful resistance to demand that their natural resources, ancestral territories, and rights to consultation be respected. The blockade was also a response to the violence that they had suffered at the hands of Enel and the municipality. It took place in San Felipe Chenlá, where participants blocked the only road to the Finca San Francisco with a large metal pole known as the *talanquera* (figure 12). Groups of men took turns patrolling the road twenty-four hours a day and kept any vehicles that belonged to Enel and the finca from passing through; all others were allowed to go through.

The communities of Cotzal extended an invitation to meet with Enel and government representatives in San Felipe Chenlá, and the latter agreed to a meeting scheduled for January 7 to find a peaceful resolution to the conflict surrounding Palo Viejo. Instead, the colonel of the Military Zone of Huehuetenango came to San Felipe Chenlá on that date, stating that he was there as part of his military duties. The communities in opposition to Palo Viejo viewed his visit as an intimidation tactic. On January 10, representatives of Enel, the lawyer for the Finca San Francisco, and government officials, who included the secretary to the president, arrived in San Felipe Chenlá (Curruchich Cúmez and Vecchi 2011, 45). They were accompanied by armed soldiers and met with community leaders and members next to the *talanquera*. Each visitor had an opportunity to speak. During this meeting it was revealed by one of the company's speakers that Enel was paying the municipality of Cotzal Q800,000 every year and had consulted with the municipality about the project (Curruchich Cúmez and Vecchi 2011, 45). Many had been unaware of Enel's dealings with and payments to the municipality.

The lawyer representing the Finca San Francisco, Jorge Sactic Estrada, wanted an end to the blockade on the basis that the business deal between Enel and the finca was legitimate. He stated at the meeting that the Finca San Francisco was also open to dialogue: "Those towers there, gentlemen, that is an investment, that tower that we see over there costs money and brings development, just like the hydroelectric plant. . . . Please accept the invitation that the president's secretary extends to us, let's respect the municipal authority in the way that I respect the ancestral authority. As the lawyer that I am, I give you my word that the Empresa Agrícola San Francisco Cotzal, Finca San Francisco, is going to sit down at the table, to talk as long as necessary." The lawyer also reminded those gathered of



FIGURE 12. *Talanquera* in San Felipe Chenlá, Cotzal, 2011. Courtesy of B'ò'q'ol Q'esal Tenam K'usal / Alcaldía Indígena de Cotzal.

the power dynamics that existed in Cotzal: “We have the land, the finca has the land where they are being built, and the gentlemen who are going to talk now have the money, they come to invest.” While the finca may hold state-issued land titles, many Ixil see these as illegitimate since their lands were stolen by *finqueros*, and they claim that they hold ancestral rights to the land.

Another subject Sactic Estrada brought up was the finca’s *talanquera* located at the entrance of San Francisco. He claimed that the communities had requested to have it installed, and he produced documents to that effect. One was a letter from the community of San Marcos Cumlá saying that they were concerned about unknown people they had seen in masks and that they wanted security provided by the finca. After the lawyer read this letter aloud to those assembled, one of the members in the crowd asked, “Who signed it?” The lawyer responded that there were only seals and no names, to which the assembly started saying that the document was “false” and “not real.” Another letter from Xeputul in the possession of the lawyer did have seals and signed names, but this did not dispel people’s distrust concerning the validity of these letters. Historically, municipal mayors, finca owners, and companies have often drafted letters and gotten community leaders to sign them through deceit, bribes, and other unethical means.

Don Israel Francisco Gómez Rodríguez, the COCODE secretary of Santa Ave-lina at the time, was at the meeting. He told me that the letters produced by the

lawyer for Finca San Francisco had been obtained by unethical means and claimed that “the company with its lawyers . . . already have *actas* drafted” and that the *actas* that the lawyer read did not match the language used by *secretarios* at community meetings since the language of the lawyer’s *actas* was legalistic and very technical. Don Israel said they had asked the COCODEs and auxiliary mayors of the communities mentioned by the Finca San Francisco and present at the assembly if the document read by the finca lawyer was true. He said community leaders from various communities present had denied knowledge of these *actas*, declared that the documents were false, and insisted that they had never asked the finca to put in a *talanquera* at the entrance of San Francisco. Don Israel added that the leaders had said, “You [from the finca] are liars, you invented the texts that you are reading to us, those *actas* are made by yourselves.” In addition, he said Brol nevertheless maintained that it was the communities that had requested the *talanquera* at the finca’s entrance.

At this meeting, René Oswaldo Smith González, the general manager of Enel in Guatemala (*mandatario general con representación Enel-Guatemala*), formally and publicly introduced himself to the communities of Cotzal and pledged the company’s support to dialogue. Smith González seemed open at first to engage in discussion with the people of Cotzal. The communities of Cotzal also wanted to create dialogue based on good faith with Enel. On January 17, 2011, the communities of Cotzal issued an open letter listing the demands of the communities.¹ It reads:

We the Maya Ixil communities of San Juan Cotzal, after a process of consultation and dialogue with our residents, have decided to declare ourselves in peaceful resistance against the constant violations of our individual and collective rights as Indigenous Peoples. The Enel company and the Palo Viejo hydroelectric company have violated our individual and collective rights and have installed themselves in our territory and operate without our consent. Given the constant breach of the commitments of the Enel company to our communities and on the basis of our rights enshrined in the political constitution of the republic and in the exercise of our self-determination as Indigenous Peoples, we have decided to present the following demands before the Enel company. (Comunidades de San Juan Cotzal 2011)

The letter’s seventeen demands included Q4 million annually for the thirty-six communities; the asphaltting and maintenance of the road from Cotzal to Pinal; 20 percent of the energy produced by Palo Viejo, which would be administered by the communities; and the finca’s removal of its *talanquera*.

Representatives from Enel, the government, and the Finca San Francisco met with the communities of Cotzal and received a copy of their demands. They returned on January 31, where they formally rejected the communities’ proposals and refused to enter into discussions with them. In a declaration and open letter on January 31, the communities of Cotzal stated that they would continue to engage in peaceful resistance because Enel and the state were proceeding without

consulting them or obtaining their consent on Palo Viejo. They also asked the government not to send soldiers, create military garrisons in the area, or declare a state of siege, all which were all real possibilities, as they were occurring elsewhere in Guatemala.

During the first month of the blockade, Pedro Brol Cortinas came to San Felipe Chenlá to plead with the protesters to allow Enel's trucks and machinery to pass. In response, the protesters declared that one of their conditions was for Brol to remove the *talanquera* he had in place at the entrance of the Finca San Francisco. Many complained that in order to reach other *aldeas* or their plots, they were forced to use the main road that passed through the finca. Every time, they were stopped at the entrance by heavily armed men who charged them a fee if they entered with vehicles. For instance, trucks were forced to pay Q20 and motor-cycles Q10, with some saying they had to pay up to Q25 and Q30. Moreover, vehicles were not allowed to use the road after 5 p.m., and people were subjected to interrogation by the heavily armed guards, who would often require identification.

According to don Antonio Pérez Martínez, Brol had promised two years earlier in Santa Avelina to remove his finca's *talanquera*, but he had never fulfilled his commitment, which was written in an *acta*. On December 5, 2008, community leaders and residents of Santa Avelina, the municipal mayor Pérez Chen, a councilman, the municipal secretary, Pedro Brol, and the field chief of the Palo Viejo hydroelectric plant met in a public meeting. During this meeting, residents of Santa Avelina expressed their complaints about the finca's checkpoint and the fees being charged there. According to Act No. 1-2008 of the municipality of San Juan Cotzal:

The primary objective of this meeting is to respond to the disagreement that exists in the population about the inconveniences in which the residents of the communities surrounding the Finca San Francisco have found themselves because the owners . . . have restricted the right of passage through the aforementioned finca and charged fees to the owners of vehicles when they pass through the place, thus violating the right of free locomotion established by the Political Constitution of the Republic of Guatemala. (Municipalidad de San Juan Cotzal 2008)

The *acta* then states that the "authorities and neighbors" have requested that Brol stop these practices. The *acta* goes on to state:

Mr. Pedro Brol takes the floor expressing his goodwill to cooperate based on the disagreement and request of the communities. For this reason he commits to all attendees to grant the right of way twenty-four hours a day, 365 days a year, and to annul the fees that were being charged to the owners of vehicles that cross the territory of the agricultural company. It is shown that the right of way is granted definitively.

The municipal *acta* concludes: "By signing for legal purposes . . . it is shown that the right of way will continue through the usual place, so as not to affect the

residents who have their land in the different communities” next to the finca. The *acta* was signed by community leaders and residents, as well as by the municipal mayor Pérez Chen, municipal officials, and Pedro Brol with the stamp that reads “Empresa Agrícola San Francisco Cotzal, S.A.,” as well as the field chief, whose signature was accompanied by a stamp that read “Field Chief, Palo Viejo Hydroelectric Plant, Finca San Francisco Cotzal.” It is clear from this municipal *acta* of San Juan Cotzal (1) that Pedro Brol and the Finca San Francisco publicly gave their word and commitment to the population, the community, and municipal authorities without fulfilling them, even when they signed to it in a municipal *acta*; (2) that the residents of Cotzal were detained and forced to pay to use the road crossing the Finca San Francisco, violating their rights of passage; and (c) that an employee associated with the Palo Viejo hydroelectric plant was present during this meeting.

At the above-mentioned meeting during the 2011 blockade, Brol eventually agreed to remove his finca’s *talanquera*. According to participants of the meeting, the finca removed the pole blocking their entrance that same day. This was viewed by residents as one of the communities’ first victories of the blockade.

The Guatemalan state responded directly to the blockade and other events in the Ixil Region. During this period, eight electrical towers attached to Hidro Xacbal, in neighboring Chajul, were knocked down by unknown assailants, with the first being knocked down in November 2010 and three more on January 29, 2011. In response, on February 3, President Álvaro Colom (2008–12) addressed the situation in the Ixil Region involving the hydroelectric plants and said: “I have sent delegates to solve the problem of the illegal obstruction of the road in San Felipe Chenlá. . . . There are illegalities being committed. . . . The only people who can detain or interrupt traffic of people or vehicles are the national police or authorities. Respecting law and order is a guarantee to peace in the area” (Gobierno de Guatemala 2011). Colom went on to claim that he would capture those responsible for the destruction of the towers: “To the honest working people of the area, I guarantee that the region will not have the reputation of savages, but [the reputation] for what they are, a noble people that respects the Law, the goods of their neighbor, and the nation” (Gobierno de Guatemala 2011). He urged the people of the Ixil Region to denounce the attackers of the towers, whom he associated with “organized crime” and labeled as “terrorists.” Speaking in the third person, he added, “This will help your President Colom *to prevent the return of terrorists of any kind to the Ixil area* that paid so much blood for peace and tranquility” (emphasis mine, Gobierno de Guatemala 2011). The media in their coverage usually coupled the blockade with the toppling of the towers, as Colom had done in his speech. Thus protesters in San Felipe Chenlá were portrayed as performing “illegal” activities and were characterized as “savages” and “terrorists” responsible for knocking down electrical towers. People in Cotzal continue to remember being criminalized by Colom.

Similarly, the media presented the protesters of Cotzal as radicals or as those who were endangering the jobs of the approximately one thousand people working on Palo Viejo (Figueroa 2011; Kaltschmitt 2011). In a 2011 opinion piece featured in the *Prensa Libre* entitled “Cosecha Insana” (Insane Harvest), Alfred Kaltschmitt, a conservative and founder of the NGO Agros, criticized the protesters in Cotzal. Kaltschmitt, who had attended a meeting between the communities and Enel in February in San Felipe Chenlá, writes: “This columnist witnessed an intransigent, radical, and rebellious attitude that bordered on the unusual. It is the result, in my opinion, of the irresponsible antimining and antihydroelectric propaganda that extremist groups protected by the environmental cause have been promoting for years, in many cases even with financing from some European countries that now regret the open Pandora’s box” (Kaltschmitt 2011). Kaltschmitt argued that the blockade threatened future investments in Guatemala in hydroelectric facilities and other megaprojects: “Delays for these types of projects have an immense cost. It is not only the company that invests in the project, but also the other foreign companies subcontracted for the construction of infrastructure and technology. Who will dare to come to Guatemala to invest in this type of project? By the way, the ‘only’ type of project that has a high long-term economic impact” (Kaltschmitt 2011). Kaltschmitt defended and promoted foreign investment in extractivist industries over Indigenous Peoples, whom he instead criticized.

The government’s presence in Cotzal was felt when the military came to the Ixil Region on three separate occasions during the blockade. The first occurred on February 14, 2011, when one thousand police officers and soldiers came into Cotzal to search and arrest municipal mayor Pérez Chen for his involvement in the lynching of the police officer (Curruchich Cúmez and Vecchi 2011, 51). On this occasion seven municipal transit police (PMT) were arrested. The second occurrence was on February 23, the Maya New Year, when a thousand soldiers entered Nebaj to capture those responsible for the attacks on the electric towers (52). This was the same day that the US ambassador, Stephen G. McFarlan, visited San Felipe Chenlá to celebrate the Maya New Year and observe the blockade. According to community leaders, the purpose of the military’s visit was to make the presence of the state known in the municipality—in other words, to showcase that the state was not afraid to send the military into Cotzal again, as they had done during the war.

The military directly confronted the protesters on March 18, 2011: between five hundred and seven hundred police and soldiers along with helicopters invaded San Felipe Chenlá (as described in the Introduction) to arrest nine community leaders and end the blockade. By January 2011, nine leaders were being legally persecuted by Enel through Enel’s workers, who pressed charges against Concepción Santay Gómez (San Felipe Chenlá), Antonio Pérez Martínez (Santa Avelina), Francisco Castro Ixcoy (Santa Avelina), Nicolas Pérez Toma (San Felipe Chenlá), Gabriel Torres Cavinal (Vichivalá), Pedro Sambrano Rodríguez (Cotzal), Baltazar

de la Cruz Rodríguez (San Felipe Chenlá), Maximiliano Poma Sambrano (Cotzal), and José Mario Pacheco (Vichivalá).

The presence of the armed forces in Cotzal had a psychological effect on the people who had experienced the violence in the 1980s; many claimed that it felt like the war. There were near-nervous breakdowns, and two women fainted, as mentioned in the Introduction. In a video testimony describing the impact of the soldiers who arrived in San Felipe Chenlá on March 18, a young woman stated, while crying:

[The women] were sick and they fainted . . . because the government sent the soldiers, and the soldiers wore ski masks. Many people were scared, and now they were sick . . . because they had experienced the armed conflict. Although [I didn't live through the war] my mother was telling me . . . that my grandfather had been kidnapped, and my mother told me her whole story, and now *me da pena* [I feel sorrow] . . . because now I don't have a grandfather, we are poor, my grandfather had land, but . . . the soldiers and all the people who were envious of my family stole the land from my grandfather. That's why my mother is now in my house, but she is very sad for her father, because my mother was eight years old when the soldiers came.

The young woman's testimony provides a clear link between the violence of the 1980s and the fear that these soldiers caused. While she had not experienced the war firsthand or known her grandfather, the stories that her mother shared with her also caused her discomfort, pain, grief, and *pena* (sorrow). The young woman made it known that many of the survivors continued to have war trauma that was triggered by the mere presence of the soldiers. Likewise, Baltazar de la Cruz Rodríguez recalled the arrival of the armed forces on March 18 in the documentary *Tenam K'usal: La resistencia ante una nueva invasión* (Tenam K'usal: Resistance against a New Invasion): "It was like remembering a war scene, like watching a movie. I did not experience the war, but that moment was the perfect scene to be able to recreate, that was the panic that my parents experienced during the war" (Alcaldía Indígena, Cotzal 2018). Both the young woman and Baltazar expressed how the military had affected them emotionally and the seriousness of the harm caused by the police and military.

A week after the arrival of the military, in a community meeting attended by the ancestral authorities of Chajul, Cotzal, and Nebaj, the media and other observers, community leaders, and community members recounted the terror they had experienced on March 18. Baltazar, one of the nine leaders with a warrant out for his arrest, said that despite the efforts of the government to end the blockade, the people would continue to struggle:

The struggle in San Felipe Chenlá has not stopped. The struggle here in San Felipe Chenlá has not been violent, nor has it been terrorist, nor has it been savage, as the Colom government mentioned in their speech. We want to make you see why when

there is repression [it can also] be seen [as] a sign of the strength of the struggle in San Felipe Chenlá. The more repression, the more strength the struggle has.

Don Concepción added that under the threat of arrest there cannot be dialogue. A group of women testified publicly at this meeting and to the media, further linking the military's arrival to the massacres and genocide of the war, and their ties to multinational corporations. One of them stated in an emotional plea:

I want to claim our rights, because we are poor, we are campesinos, even our children are crying, the community is surrounded by soldiers. Why? We have no crimes, we are poor, we are campesinos, we are workers . . . without land, they have taken our land. Because of the previous violence, I for example, I no longer have a father, I no longer have my uncles, my cousins, the soldiers kidnapped him. . . . And again it scared me, I went to hide in the mountains, and because of the soldiers, they had come to harm us again, I was scared. . . . These businessmen had come to harm us. . . . They would kill us all, bring their bombs, [their weapons] and their bulletproof vests, and that scared me a lot, one of my neighbors was about to die, and my house was surrounded by the army. . . . I was screaming and the soldiers were walking behind me. . . . I have been through so much violence, and my children grew up during the war. . . . [After the armed forces' arrival in the community] I could hardly sleep at home at night, how my head hurt, it gave me a headache, I was thinking, I was thinking a lot.

She continued relating her experiences of running from her home to the center of the community since that was where the people gathered. To her surprise, police and soldiers were also there, and it was there that she started shouting at the armed forces, telling them to stop scaring her: "I was already made nervous by the military because when I was nine years old . . . they kidnapped my father . . . and my uncle too. Who knows where my father's bones are, so far I have not found his bones, or even bits of his clothes. . . . The leaders are supported by the people." She then asked the company why they were seeking to arrest the leaders and said the community was peacefully protesting through the use of a blockade. The woman then criticized the central government for creating an environment of fear that was reminiscent of the war: "Thank you to the leaders who are supporting their people, you are supporting your population, and now they have an arrest warrant. . . . Another general has come like Lucas García before, he killed us, burned our grandparents, our uncles, Lucas García [was responsible]. We don't know about Colom, the people voted for him, but right now . . . he can kill us, he can bomb us." This testimony provides a clear and local understanding of the ways that Enel has used a violent social and political environment and history to pursue its business interests. Another woman reaffirmed support for the community leaders and said the company needed to stop persecuting leaders: "If they come again, here we are women *luchando* [struggling]." An elderly woman then requested that

the president no longer support Italians and others who had come to take away the communities' resources.

The presence of the soldiers also served as a deterrent for people to become involved in movements against Palo Viejo. Gaspar, a resident of Santa Avelina who was not involved in the blockade, was in Nebaj when the soldiers arrived in March. He said: "Since I did not support [those protesting in San Felipe Chenlá], I was calm. . . . If I had supported them and the military came, what would I do, right? . . . Maybe they would take me. . . . Maybe it is against the leaders. . . . It was not too long ago that the war happened, and again, they've come back . . . problems." Gaspar was expressing a fear some felt about becoming involved in any way with the movement against Enel because of bad memories of the war. He added that if he had not been interested in joining the movement before, the arrival of the military now provided a greater incentive not to. He said the finca and the company were worth millions and had guns and it would be difficult to win against them. It was the arrival of the soldiers in March that continued creating an atmosphere of violence and intimidation, reminiscent of the terror of the war and thus further deterring people from becoming involved in the movement against Palo Viejo.

Throughout the blockade, Enel approached various communities to convince them to leave and renounce the movement. According to various community leaders, they were able to get official support from the *alcaldes auxiliares* of the communities of Vichivalá and Quisis to denounce the movement in San Felipe Chenlá. Many say this support was obtained only through intimidation, which was reinforced by the presence of the soldiers in March. Some community leaders claim that during this period many were living under the threat of violence and possible incarceration because of their involvement in the movement.

For instance, two community leaders from outside San Felipe Chenlá stated how on one occasion, when they were on their way home from participating in the blockade and protest, they were approached by Brol's employees when they reached the entrance of the finca since it was en route to their home community. One of them said:

When I was going to the protests in San Felipe, I was struggling against Enel. . . . I was going there with my brother, and others were going with us, there were about four or five of us. When we were coming [back home], they were already waiting for us at the security [checkpoint] of the finca. . . . 'Well, folks,' they said, . . . 'Come to don Pedro's office.' . . . When we arrived . . . we went in, and there was his administrator [another finca representative] and Brol."

According to these community leaders, Brol asked them why they were supporting the blockade in San Felipe Chenlá, and they stated that they were against his finca's *talanquera*, which caused them problems and prevented them from passing with

their *cargas* like *leña*. According to one leader, Pedro Brol allegedly responded: “Any thief can get through, that’s why I’m putting up a *talanchera* . . . The guerrillas came out of San Felipe when the war started, they were guerrillas, you know why I’m putting up that *talanchera*. Before, when the war started here, the guerrillas entered with trucks, they arrived with cars and killed people . . . and the same thing can happen now.” The leaders understood this as a paternalistic way to scare them into not participating in the blockade and the movement against Palo Viejo. One of them reflected, “We are not afraid, we are not doing wrong with them either . . . but that’s how it is, always to scare . . . accusing the neighbors of being guerrillas, they were not guerrillas.”

Using counterinsurgency language and accusing people of being “guerrillas” is an attempt to try to discriminate and promote an ideology of the internal enemy (used in the war) against activists and community leaders; these accusations can serve to justify violence and even death. People from Cotzal who worked on the construction of Palo Viejo stated that they had been discriminated against for being from Cotzal. One Ixil worker from San Felipe Chenlá told me that he and others from Cotzal had to say they were K’iche’ from Santa Cruz since those from Cotzal were labeled “guerrillas” by those at the work site on the finca. He and other workers feared they could lose their jobs if the finca owners or Enel learned he and others were from San Felipe Chenlá, which was the center of the blockade.

On April 5, 2011, after four months of the blockade, the communities of Cotzal and Enel reached an agreement to begin discussing the creation of a *mesa de dialogo* (dialogue table). The ancestral authorities outlined the conditions for beginning dialogue, which included dropping all charges against the nine leaders against whom there were arrest warrants and having open and public dialogues. In an open letter, they stated that the struggle in Cotzal was a shared one with the Ixil in Nebaj and Chajul. Part of the dialogue would include *testigos de honor* (witnesses) who would accompany the process.

The first official dialogue took place between the communities of Cotzal and Enel on May 2, 2011, in order to discuss the terms of dialogue. Present at this meeting was the *dirigente* (director) of Enel Green Power. While they met in San Felipe Chenlá, hundreds of members of the armed forces equipped with tear gas and automatic rifles were again called upon from throughout the country and came to Nebaj. Ambulances were also convened in Nebaj. There were rumors and fears that the armed forces were going to come into San Felipe Chenlá to arrest the movement’s leaders. The terms for dialogue were tense and rushed, but at the end there was an agreement to end the blockade and meet again for a dialogue a week later. This would be considered by some in Cotzal as a *dialogo forzado* since community members felt pressured to end the blockade by the presence of the military. According to don Concepción:

They already had plans for if the dialogue broke down on May 2: the state would act against us on the May 3. They moved, I don't know, about eight hundred or one thousand police officers and one thousand soldiers to displace the community, they brought an ambulance, they brought firefighters, and they almost brought morticians in case there were dead people. . . . [They] don't care about human life, people's lives, so we are seeing that, when people claim their rights, they treat them as terrorists, criminals, savages.

As a result, the ancestral authorities and communities felt pressured and forced to enter in dialogue to avoid another attack by the armed forces against their communities.

During discussion, the leaders of Cotzal reiterated their position that before they could engage in dialogue with Enel, the arrest warrants needed to be dropped so that discussions could take place without coercion. Enel requested that the blockade be removed. Both sides agreed to these terms, with the justice of the peace (*jueza de paz*) of Cotzal serving as witness. Each party also selected *testigos de honor* (witnesses of honor) to ensure good faith during the meetings. Their selection by the communities of Cotzal involved holding community assemblies at the municipal level, with the participation of COCODEs and community mayors. The Cotzal communities chose Monseñor Álvaro Ramazzini and Rev. Dr. Vitalino Similox because they were both part of the Ecumenical Council of Guatemala, and according to one leader, "The Catholic Church as well as the Evangelical Church were considered to be important figures to be able to guarantee a dialogue with the Italian company Enel." The company selected ex-guerrilla member and sociologist Gustavo Porras and finca owner Pedro Brol. A *vocero* expressed his disappointment with the former guerrilla: "He forgot his principles of defending the people and the poor. He defended Enel and the Finca San Francisco." Although Brol was a *testigo de honor*, he did not participate much in the dialogue and instead was represented by his lawyer, Sactic Estrada. According to the aforementioned *vocero*, it was clear that in contrast to Cotzal, where *testigos de honor* were chosen by the communities, "Enel stood as a company, not as a community."

Enel's arrival to Cotzal has been marked by persecution of community leaders, a lack of recognition of Indigenous rights such as FPIC, and the militarization and use of the armed forces as a means to intimidate the communities of Cotzal. That the communities of Cotzal had attempted to engage in dialogue with Enel since 2008, after initially rejecting the project, only to be persecuted by the municipal mayor, speaks to the way that the government serves the interests of foreign corporations. That the Brols and the company made false promises of bringing electricity and other development projects to Cotzal as a way to garner support

is in accordance with the historical strategies that outsiders have used to divide Indigenous communities.

The communities of Cotzal had no interest in making business deals regarding the extraction of natural resources or the extraction of power from the river. They sought dialogue to be informed of the impacts of Palo Viejo, something that would have been provided had FPIC been respected and implemented. The dialogue meetings served Enel in imposing their vision of development, and as we will see in the next chapter, they marginalized and discriminated against Ixil perspectives and worldviews.

The use of the armed forces to try to end the blockade and arrest leaders was viewed by the communities of Cotzal as a continuation of invasion and of state-sponsored violence. Enel's apparent goodwill to sit down and dialogue would turn out to be a strategy to buy time to finish construction of Palo Viejo. The next chapter provides a summary of what transpired during dialogue meetings, which Enel would subsequently abandon.