

**Observations on the State of Indigenous Human Rights in Light of the UN Declaration on
the Rights of Indigenous Peoples**

HONDURAS

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CULTURAL SURVIVAL

Cultural Survival is an international indigenous rights organization with a global indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) nonprofit organization in the United States. Cultural Survival monitors the protection of indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly* and on its website: www.cs.org. In preparing this report, Cultural Survival collaborated with student researchers from Harvard University and consulted with a broad range of indigenous and human rights organizations, advocates, and other sources of verifiable information on Guatemala.

Executive Summary

The government of Honduras has recognized the rights of indigenous peoples by ratifying International Labor Convention No. 169 (1995) and voted to approve the Declaration of the Rights of Indigenous Peoples (2007). However, the indigenous and afro-indigenous peoples of Honduras currently face opposition in realizing their collective rights to land and natural resources. That opposition has now expanded to threats against their basic right to physical security. Without formal recognition and titling of their lands and territories, Honduras's indigenous people risk loss of their ancestral homelands and their natural resource base. Both are being currently eroded by illegal logging, hydroelectric projects, and a growing tourism industry. Each of these developments has also been associated with violence and intimidation when indigenous people protest. The Honduran government's recent move toward land titles, through the Honduras Land Administration Project (PATH), threatens the indigenous peoples' communal way of life by forcing on them the privatization of lands that are held in communal tenure. In addition, the government has not yet developed, in collaboration with indigenous organizations and communities, the rights to consultation, participation, and prior informed consent mandated by international law. Finally, related violations of the right to physical security for indigenous leaders and respect for their organizations, particularly the Garifuna organization OFRAMEH (Fraternal Black Organization of Honduras), have increased since the broad political turmoil of 2009.

Background

Indigenous people account for 8 percent of Honduras' population, or approximately 621,000 people. These groups include the Miskito, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas. Although Article 346 of the 1982 Constitution guarantees state protection of the rights and interests of indigenous communities, the roughly 362 indigenous communities of Honduras have virtually no political power regarding decisions made about their lands, cultures, traditions, and natural resources.ⁱ

Physical Security

The 2009 removal of President Manuel Zelaya met with considerable protests from indigenous groups, who denounced the oppression and brutal repression of the coup.ⁱⁱ Since then there have been reports of increased violence against indigenous populations, including the new

government's attempts to shut down the only Garífuna hospital in the country, which was the victim of a military raid in October 2009.ⁱⁱⁱ Likewise, on January 21, 2010, the Garífuna community radio station, Faluma Bimetu, which had been outspoken in its protests over the failure of land titling and the growth of tourism, was destroyed by unidentified arsonists^{iv}.

Logging

About 80 to 100 *rastras*, or timber containers pulled by trucks, work in Honduras each day.^v Some of the most active logging occurs in the Río Plátano Biosphere Reserve, a UNESCO World Heritage Site located in the La Mosquitia region of Honduras, home to approximately 20,000 indigenous people. Though the reserve is divided into three formal zones—the “cultural zone,” where indigenous communities live; the “buffer zone,” where limited logging is allowed; and the “core zone,” which is prohibited to loggers—illegal mahogany logging takes place throughout the reserve. Fraudulent use of local permits, bribery of police, and corruption within the forestry services and judicial bodies are common. Enforcement of logging regulations is weak and does little to stop illegal loggers or protect indigenous rights.^{vi}

The Environmental Movement of Olancho, a community-based movement, has shown that illegal pine logging in the west Olancho region has led to the loss of 24 of 46 water sources, eroded topsoil, created a drier climate, led to the contamination of water resources, and caused landslides. Furthermore, the dry conditions of the forests have led to the increased probability of forest fires throughout the region. Illegal logging also poses a major threat to wildlife.^{vii} There is virtually no financial benefit for indigenous peoples in this logging; rather, their livelihood assets are depleted.^{viii} Many communities are forced to shift to ranching or agriculture to survive.^{ix} Indigenous populations are no longer able to legally log as a short-term means of income because of competition with larger-scale illegal loggers.^x Indigenous peoples are often blamed for illegal logging and used as scapegoats because of the difficulty of charging and prosecuting powerful actors.^{xi}

The government of Honduras recently disbanded the notoriously corrupt forestry monitoring agency, AFE-COHDEFOR, which allowed much of the illicit logging, and replaced it with the new Institute of Forest Conservation and Development. Honduras also passed a new Forestry Law that established mechanisms for public participation through consultation committees for monitoring compliance with the new law, and also removed many of the incentives for illegal timber trade. Despite these positive changes, illegal logging remains a major problem for the

indigenous populations of Honduras.^{xii} Indigenous populations continue to fight against the illegal timber trade despite fearing for their lives after multiple death threats from timber traders.^{xiii}

Tourism and Land Titling

The 2009 Declaración de Purutukwa, a joint declaration of the Pech, Lenca, Tawahka, and Garífuna peoples, cites the expropriation of indigenous lands for tourism as its first complaint, specifically citing the Bahía de Tela project in the department of Atlántida on Honduras's northern coast.^{xiv} That project is anticipated to draw some 60,000 tourists yearly and involves the construction of 4 hotels and 250 condominiums.^{xv} While tourism is the second largest source of foreign exchange in Honduras, the negative side effects on the indigenous peoples are considerable and largely unnoticed.^{xvi} One of the most affected groups is the Garífuna people who inhabit areas the northern Caribbean coast.

Tourism projects being promoted in the area also include ecotourism, which is often seen as a sustainable income source. Even here there has been loss of land, diminution of traditional food sources, and decrease in species used for traditional medicinal reasons.^{xvii} Furthermore, the development of tourist areas by wealthy landowners, for example the Cayos Cochinos in the Marine Protected Area, has forced many Garífuna to migrate off of their traditional homelands. Military presence on the Cayos Cochinos includes 24-hour naval patrols that enforce regulations on fishing, thus severely limiting Garífunas' traditional subsistence patterns.^{xviii}

The original version of Article 107 of the Honduran Constitution prevented the acquisition of coastal lands by non-Hondurans; however, in 1998, that article was modified to permit foreign acquisition of coastal lands if they were to be used for tourism.^{xix} Since then, the Garífuna have fought to gain legal recognition of their land rights, filing a case (2003) with the Inter-American Court of Human Rights.^{xx} In 2006, the Honduran Supreme Court ruled in favor of the Garífuna and upheld its title to its ancestral territory.^{xxi}

Despite the favorable ruling, the current tourism development projects have sparked invasions, intimidation, bribery, and violence against the Garífuna people. There have been documented cases of armed violence by paramilitaries, arson, harassment, physical abuse, and abduction against local residents who have expressed their disapproval of the tourism projects.^{xxii} Some Garífuna have sold their land, rather than face the prospect of losing it without any financial compensation. Some Garífuna leaders have illegally sold tribal lands, leading to confusion over multiple land titles.^{xxiii}

The Garífuna recognize that tourism could be financially beneficial if they had administrative control over the operation. However, with no local control over or voice in the tourism projects being imposed on their lands, they are unable to ensure the sustainability of practices being used.^{xxiv} The lack of proper land titling also makes the Garífuna susceptible to further threats and encroachments on their lands by wealthy Hondurans and private companies.^{xxv}

Hydroelectric Projects

The Declaración de Purutukwa cites hydroelectric megaprojects as its second major complaint against the Honduran government.^{xxvi} The Patuca Hydroelectric Dam, planned to supply energy throughout the region, is predicted to flood a 72-square-mile area that is inhabited by Miskitos and Tawacas. The indigenous residents, arguing that the government has failed to recognize the environmental impacts through the *Plataforma para la Defensa del Río Patuca*, declared their permanent opposition to the project as a threat to the physical environment.^{xxvii} In 2009, it was announced that the foreign company that was set to finance Patuca III had suspended its investments in the project, halting all further construction. The suspension was not a change in state policy, but rather simply a financial obstacle to be overcome.^{xxviii} The eventual construction of the dam would prevent the Patuca River from flooding and fertilizing the adjacent banks, thus decreasing arable subsistence lands. The river's water level would also drop, making transportation along the river more difficult.^{xxix} The construction of Patuca III thus endangers the long-term sustainability of the region and the lives of the indigenous populations who inhabit it.^{xxx}

Land Privatization

Traditionally, indigenous lands in Honduras are held communally, with individual families enjoying usufructuary rights to the communal holdings. However, this tradition is endangered by new policies aimed at the privatization of indigenous lands.^{xxxii} The Honduras Land Administration Project (PATH) was created to secure land titles throughout the country, including the land of indigenous populations. While it has been recognized that the lack of formal land titling and demarcation has led to violent usurpation of indigenous land by nonindigenous Hondurans,^{xxxii} indigenous groups fear the PATH Project's focus on individual land holdings and privatization will undermine local traditions of communal landholdings.^{xxxiii} Furthermore, The Fraternal Black Order of Honduras argues the PATH Project has been established without proper

consent of the local indigenous populations. The newly created *Mesa Regional*, a consultation board, was created without the support or recognition of the indigenous community, and the World Bank has found that proper measures have not been taken to ensure indigenous community input and participation for the PATH Project.^{xxxiv}

Garífuna women are among the most negatively affected. Communal Garífuna land holdings are passed down through matrilineal lines. However, with privatized land holdings, Garífuna women, who often lack education, market system experience, and capital, are disenfranchised and losing their traditional land holdings to both Mestizo and Garífuna men, who are buying the recently privatized land. Additionally, indigenous women who have fought against this privatization have been harassed and even murdered.^{xxxv}

Conclusion

Honduras must take a stronger stand against the illegal logging industry that is threatening the lives of thousands of indigenous peoples. It also must ameliorate the negative effects of hydroelectric projects and tourism on indigenous groups, and ensure that a voice is given to the indigenous populations affected by these projects. The Honduran government must also re-evaluate the PATH Project and respond to indigenous concerns with the privatization of communal lands. Finally, Honduras must strengthen the rule of law to provide a safe environment for indigenous groups to enjoy their rights to freedom of speech and expression without fear of hostility.

ⁱ <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119164.htm>

ⁱⁱ <http://www.copinh.org/leer.php/7515441>

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http://www.globalhealthmagazine.com/guest_blog/doctor_to_honduras_indigenous_garifuna_persecuted_for_work/

^{iv} <https://hondurassolidarity/worldpress.com> .see also, <http://www.latribuna.hn/web2.0/?p=121425>

^v <http://ipsnews.net/news.asp?idnews=50366>

^{vi} <http://www.eia-global.org/PDF/report-HondurasEng-forests-Nov05.pdf>

^{vii} <http://www.eia-global.org/PDF/report-HondurasEng-forests-Nov05.pdf>

^{viii} <http://www.talailegal->

centroamerica.org/downloads/english/IFR_Adrian_%20Michael_2003_condensed.pdf

^{ix} Illegal Logging in the Rio Platano Biosphere, A Farce in Three Acts

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^{xi} [http://www.talailegal-](http://www.talailegal-centroamerica.org/downloads/english/IFR_Adrian_%20Michael_2003_condensed.pdf)

[centroamerica.org/downloads/english/IFR_Adrian_%20Michael_2003_condensed.pdf](http://www.talailegal-centroamerica.org/downloads/english/IFR_Adrian_%20Michael_2003_condensed.pdf)

^{xii} Illegal logging in the Rio Platano Biosphere, A Farce in Three Acts

^{xiii} <http://www.laprensa.hn/Pa%C3%ADs/Ediciones/2009/03/31/Noticias/Indigenas-piden-frenar-la-tala-ilegal-de-madera>

^{xiv} <http://www.copinh.org/leer.php/9734021>

^{xv} <http://www.laprensa.hn/Pa%C3%ADs/Ediciones/2009/01/20/Noticias/Invertiran-7-millones-en-el-acceso-a-Bahia-de-Tela>

^{xvi} <https://eea.anthro.uga.edu/index.php/eea/article/viewFile/25/27>

^{xvii} <http://www.ifg.org/analysis/globalization/Honduras2.htm>

^{xviii} <https://eea.anthro.uga.edu/index.php/eea/article/viewFile/25/27>

^{xix} <http://www.glin.gov/view.action?glinID=87393>

^{xx} <http://www.cidh.org/annualrep/2007eng/Honduras1118.03eng.htm>

^{xxi} <https://eea.anthro.uga.edu/index.php/eea/article/viewFile/25/27>

^{xxii} <http://www.unhcr.org/refworld/topic,463af2212,49709c672,49749d1537,0.html>

^{xxiii} <http://www.sonoma.edu/users/s/shawth/Garifuna.pdf>

^{xxiv} <https://eea.anthro.uga.edu/index.php/eea/article/viewFile/25/27>

^{xxv} <http://www.unhcr.org/refworld/country,,MARP,,HND,4562d94e2,469f3a8d2b,0.html>

^{xxvi} <http://www.copinh.org/leer.php/9734021>

^{xxvii} <http://www.radiolaprimerisima.com/noticias/resumen/26528>

^{xxviii} <http://www.laprensa.hn/Pa%C3%ADs/Ediciones/2009/05/07/Noticias/Cancelado-el-mega-proyecto-Patuca-III>

^{xxix} <http://tilz.tearfund.org/webdocs/Tilz/Topics/Advocacy%20case%20study%20-%20Mopawi%20Honduras.pdf>

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http://intranet.iucn.org/webfiles/doc/IUCNPolicy/Resolutions/2008_WCC_4/English/RES/res_4_051_indigenous_rights_and_protected_areas_of_la_mosquitia_in_mesoamerica.pdf

^{xxxi} <http://www.bridgew.edu/SoAS/jiws/May08/Brondo.pdf>

^{xxxii} [http://www-](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/01/05/000160016_20040105121309/Rendered/PDF/E83601PAPER.pdf)

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<http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/HONDURASEligibilityreportFINAL.pdf>

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<http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/HondurasFINALINVESTIGATIONREPORTrevised.pdf>

^{xxxv} <http://www.bridgew.edu/Soas//Jiws/Nov07/Garifuna1.pdf>