

EA IN LATIN AMERICA: Bridging Infrastructure and Communities for Sustainable Development



IAIA26
QUÉBEC CITY, CANADA



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Opening Remarks

- ❑ **Infrastructure + Communities + Governance**
- ❑ **Early engagement and trust-building**
- ❑ **Indigenous participation and territorial understanding**
- ❑ **From compliance → prevention and dialogue**
- ❑ **Sustainable development through integration**
- ❑ **LATAM PROJECT CASES**

Beyond Participation: Linking EIA and Indigenous Consultation in Guatemala



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**Beyond Participation: Linking EIA
and Indigenous Consultation in
Guatemala**

DISCUSSION FRAMEWORK

Regional and Governance Context

Guatemala Institutional Framework

Governance Gap and Case Studies

Toward Better Integration



“The future of sustainable development in Latin America depends on governance systems capable of integrating environmental assessment, Indigenous participation, conflict prevention, and the legal certainty needed to build responsible and sustainable development.”

REGIONAL AND GOVERNANCE CONTEXT

Latin America and Indigenous Consultation

Latin America has become the global epicenter of ILO Convention 169 implementation (1989)

□ 14 Latin American and Caribbean countries

□ 8 Countries in other regions



REGIONAL AND GOVERNANCE CONTEXT

Latin America and Indigenous Consultation Challenges

- ❑ Fragmented institutional coordination
- ❑ Unclear consultation procedures
- ❑ Overlapping environmental and Indigenous governance systems
- ❑ Differing interpretations regarding the scope of Indigenous consultation
- ❑ Misinformation
- ❑ Judicialization of projects
- ❑ Investor uncertainty and social conflict
- ❑ Inconsistent criteria for Indigenous identification and territorial scope



“The challenge is not development or consultation itself, but how governance systems manage it.”

REGIONAL CHALLENGE

Context

- Development Projects
- ESIA Frameworks
- ILO 169 uneven

Outcome

- Socio-environmental conflict
- **Judicialization**
- Institutional tensions
- **Investor uncertainty**
- Public polarization
- **Misinformation**

Key Governance Challenge

Aligning EIA PP with Indigenous Consultation:

1. Prevent Conflict
2. Reinforce legal Certainty
3. Build Trust
4. Avoid Misinformation

políticas a favor de los pueblos indígenas.

La apertura al diálogo permite la inclusión

INCREMENTO DE PRESUPUESTO
Codiza: **Q9.5** millones, en 2013; 04.5 millones, en 2012.
Fodigua: **Q42** millones en 2013; 017 millones, en 2012.
Demil: **Q11** millones 305 mil, en 2013; 09 millones 905 mil, en 2012.

Participación extranjera
La Comisión Presidencial contra la Discriminación y el Racismo reporta avances en el tema económico. Actualmente está participando en las ferias Chapiín que se organizarán en el ámbito internacional. Los productos que se exportan son textiles, tejidos y artesanías indígenas. Además, está trabajando en políticas de oportunidades para los nuevos generacionales, ya que la juventud indígena está jugando un papel importante en la actualidad.

Facilitar espacios de diálogo y convergencia es el objetivo prioritario.

Clara López, titular de la Dirección de la Mesa Indígena (DIME) agrega: "El racismo ha predominado, sin embargo, hemos avanzado". Un ejemplo son los logros que van teniendo las mujeres indígenas. La vicepresidenta Rosana Baldiri ha aprobado este año con Q2 millones en un presupuesto que busca la protección económica y dar los resultados que esperan las mujeres de la Adefomex.

En el caso de Fodigua, Zamora señala que trabaja en la creación del Instituto de Desarrollo Indígena Guatemalteco para que responda a intereses de la colectividad y sea a instancias paritarias, además, que tenga autonomía y sea independiente del gobierno que logre a ejercer el poder.

Hay presencia en distintos partidos políticos de compañeros y compañeras indígenas." **Carlos Mejía** Comisión de Pueblos Indígenas

"Hay que facilitar los procesos de discusión en torno al desarrollo de los pueblos indígenas." **Alvaro Pop** Foro Permanente Indígena

que es necesario sea una política transversal desde ya se hacen los hechos culturales y de educación

que para recibir los acciones dentro de la institución indígena del Estado

“Without governance integration: development and consultation become competing processes instead of complementary ones.”

Linking: EIA and Indigenous Consultation in Guatemala (ILO 169)



GUATEMALA INSTITUTIONAL FRAMEWORK

Two legally valid systems operating without procedural integration

ESIA

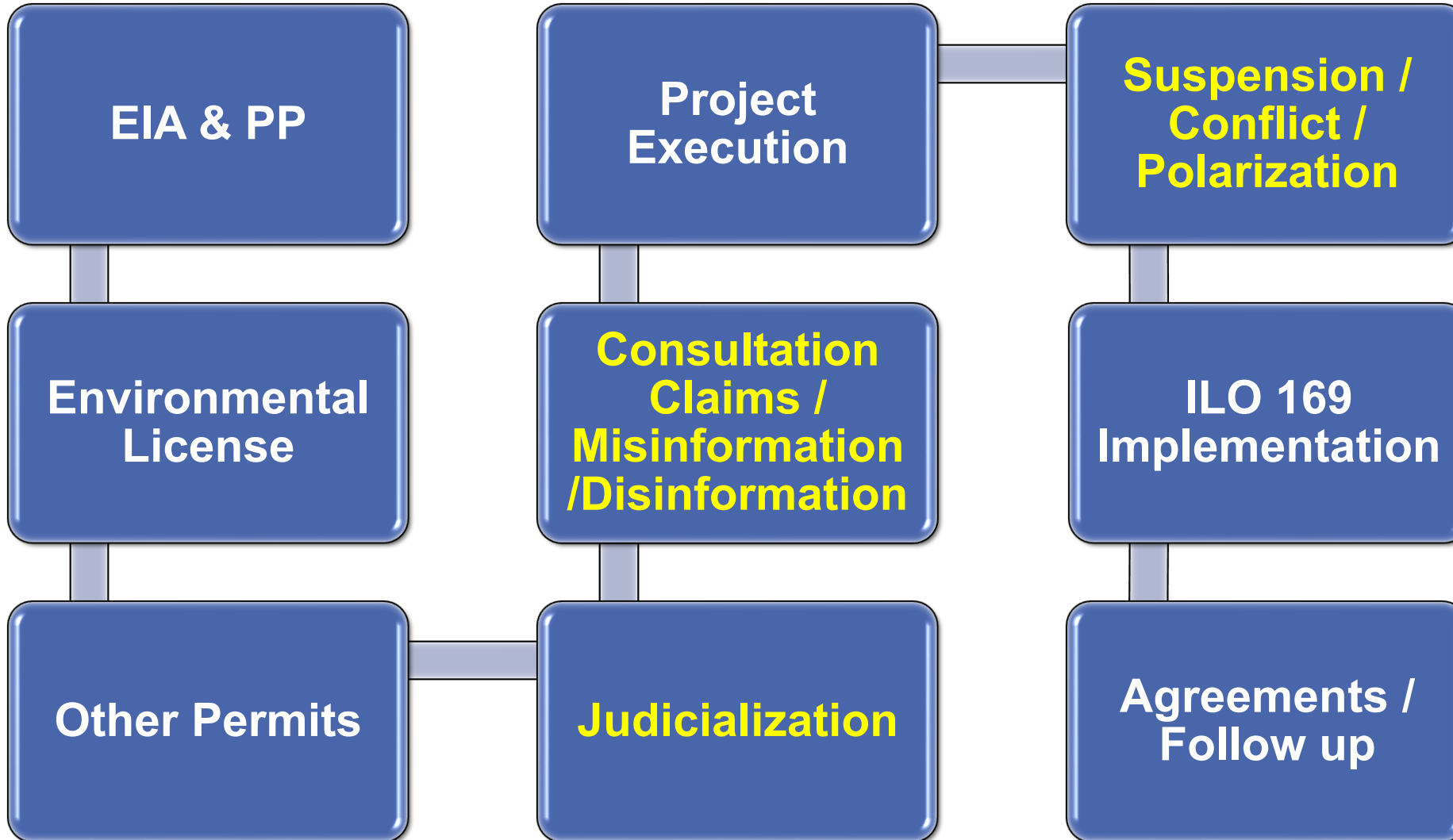
- Regulated
- PPP
- EIA Licensing

ILO 169

- Ratified 1996
- Not regulated
- No designated Institution
- Consultation activated by courts - Institutional

“Institutional fragmentation increases uncertainty for communities, government, and investments alike.”

GOVERNANCE GAP: From Permitting to Conflict



“Fragmented governance transforms participation processes into reactive conflict resolution mechanisms.”

LESSONS FROM GUATEMALA

| Project | Date | Key Governance Event | Approximate Consultation / Suspension Period | Operational Status |
|------------------------|-----------|--|--|--|
| Marlin | 2005–2010 | Consultation and social conflict intensified after licensing | Prolonged conflict during operation and closure phase | Closure phase |
| Fenix / CGN-Mayaníquel | 2015 | Recurrent litigation and participation disputes | Multi-year governance conflict | Operating under continued controversy |
| Oxec | 2017 | Constitutional Court ordered consultation after authorization (2017) | Consultation initiated after licensing; operations later allowed to continue | Operating |
| Escobal | 2017-2018 | Constitutional Court ordered ILO 169 consultation and suspended operations (2018) | Approximately 8 years of suspended operations and consultation process | Not operating |
| Palo Viejo | 2026 | Consultation process promoted years after operation began | Consultation discussions emerging approximately 12 years after operation start | Operating |

GOVERNANCE GAP IMPLICATIONS

INDIGENOUS COMMUNITIES

- Polarization / misinformation / disinformation
- Reduced Trust
- Delayed local development opportunities
- Expectations
- Tensions regarding governance
- Social vulnerability
- Human rights concerns

PROJECTS AND INSTITUTIONS

- Judicialization
- Legal uncertainty
- Investor uncertainty
- Reputational exposure and risks
- Project delays and suspensions
- Uncertainty in social management strategies
- Institutional weakness
- Regulatory weakness

GOVERNANCE GAP IMPLICATIONS

“Fragmented governance systems increase uncertainty not only for investments, but also for communities seeking predictable participation, development benefits, and institutional trust.”



“When governance systems fail to integrate participation early, uncertainty extends beyond permitting processes into social sustainability and human rights dimensions.”

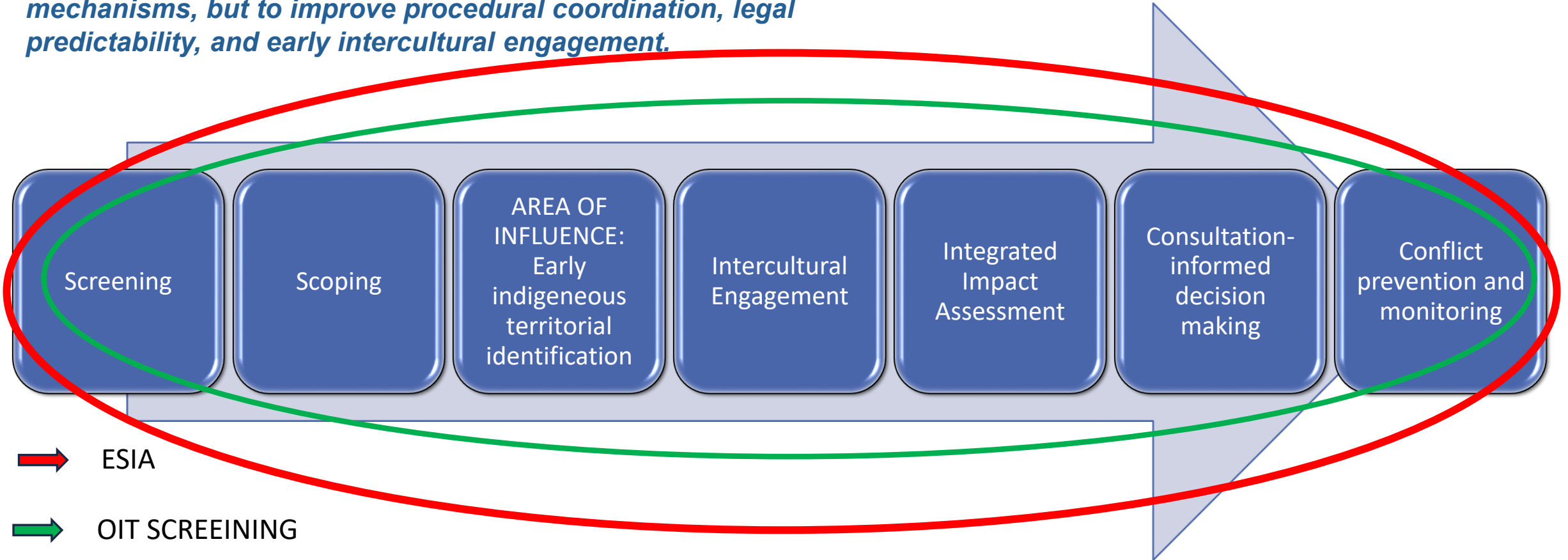


SHARED
UNCERTAINTY!

FROM REACTIVE TO EARLY PREVENTION

Linking ESIA to Indigenous Consultation

The objective is not to duplicate procedures or create veto mechanisms, but to improve procedural coordination, legal predictability, and early intercultural engagement.



Integrating EIA participation and consultation-related processes should be understood as a governance coordination strategy rather than a substitution of legal consultation mechanisms.

EIA AS A PLATFORM FOR EARLY INTERCULTURAL GOVERNANCE

Environmental assessment can evolve beyond permitting into a platform for dialogue, trust-building and conflict prevention.

- Territorial baseline
- Stakeholder mapping
- Impact identification



- ✓ Early indigenous identification
- ✓ Area of influence
- ✓ Pre-consultation dialogue spaces
- ✓ Conflict prevention



“The future of environmental governance in Guatemala will depend on our ability to transform consultation from a reactive process into an early opportunity for trust-building and shared legitimacy.”



“With trust and institutional integration, it becomes possible to build certainty for Indigenous communities, certainty for projects, and ultimately, a stronger path toward sustainable development.”

GRACIAS

An aerial night view of a city, likely Bogotá, Colombia, showing illuminated buildings, streets, and a large mountain range in the background under a dark blue sky. The city lights create a warm glow against the cool tones of the twilight sky.



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Let's continue the conversation!

Message me your questions or comments in the IAIA26 app.



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