

117TH CONGRESS
2D SESSION

H. RES. 1521

Affirming the importance of the survival of Garífuna culture and identity, condemning the violent and illegal appropriation of Garífuna territory and calling on the Government of Honduras, the Department of State and multilateral development banks to fully comply with the resolutions of multilateral human rights bodies which mandate the return of Garífuna land rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

Ms. BUSH (for herself, Ms. OMAR, Ms. SCHAKOWSKY, Mr. GARCÍA of Illinois, and Mr. BOWMAN) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Affirming the importance of the survival of Garífuna culture and identity, condemning the violent and illegal appropriation of Garífuna territory and calling on the Government of Honduras, the Department of State and multilateral development banks to fully comply with the resolutions of multilateral human rights bodies which mandate the return of Garífuna land rights, and for other purposes.

Whereas the United States and the Republic of Honduras share an important relationship, which includes deep and long-standing economic, social, and cultural ties;

Whereas the Afro-Indigenous Garífuna people, descendants of the Arawak Indians of St. Vincent Island and of African castaways destined to be sold into slavery in the Americas, are one of nine Indigenous peoples of Honduras;

Whereas the Garífuna territory that has stretched along the Caribbean coast of Honduras since before the nation was declared independent from Spain on September 15, 1821, is the ancestral home of the majority of the world's Garífuna, and as such is essential to the cultural survival and well-being of the Garífuna people;

Whereas the presence of vibrant Garífuna immigrant communities in the United States has been recorded by oral history and scholarly research since the early 20th century and has long contributed to the cultural diversity that we, as a Nation, so deeply cherish;

Whereas the Government of Honduras ratified the Inter-American Convention on Human Rights on September 5, 1977, and the Constitution of Honduras establishes that the human rights treaties to which Honduras is a party are considered to hold the same legal effect as the Constitution, and therefore the judgments of the Inter-American Court of Human Rights are binding on the Government of Honduras;

Whereas, on May 18, 2001, the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued a proclamation declaring the Garífuna language and culture a “Masterpiece of the Oral and Intangible Heritage of Humanity,” the first proclamation of its kind in fur-

therance of the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage and the Universal Declaration of Human Rights, and on October 17, 2003, the General Conference of UNESCO adopted the Convention for the Safeguarding of the Intangible Cultural Heritage;

Whereas, on March 7, 2003, the Inter-American Commission on Human Rights determined in its Merit Report that the rights to personal liberty, to a fair trial and to judicial protections, to freedom of thought and expression and to personal integrity of the then-president of the Land Defense Committee of the Garífuna community of Triunfo de la Cruz and vice president of the Black Fraternal Organization of Honduras (OFRANEH) had been violated by his arbitrary imprisonment for a period of six years and four months, a conclusion confirmed by the judgment of the Inter-American Court of Human Rights on February 1, 2006;

Whereas, on June 12, 2007, in response to a complaint from OFRANEH describing the potential and already consummated illegal disenfranchisement of Garífuna land rights facilitated by World Bank-supported projects, the World Bank Inspection Panel found that the safeguards provided for the project were not adequate to protect Garífuna rights to their ethnic lands, while observing that the Garífuna communities did not have a meaningful option to opt out of the project;

Whereas, on December 8, 2008, the Board of Directors of the International Finance Corporation (IFC) approved a \$30 million loan to the Dinant Corporation, whose supply chain includes palm oil from plantations in areas claimed by Garífuna communities, including Punta Piedra, de-

spite publicly available information implicating the company in violent land disputes, illegal appropriation of Garífuna land, and reports of drug trafficking on land controlled by the Dinant Corporation;

Whereas, on June 28, 2009, President Barack Obama characterized Roberto Micheletti's assumption of the presidency of Honduras as illegal, the Department of State subsequently determined that the events constituted a coup d'état, and the Organization of American States (OAS) suspended Honduras' right to participate in the multinational treaty body on July 5, 2009, the first time Article 21 of the Inter-American Democratic Charter was invoked, and did not reinstate Honduras's status in the OAS until June 1, 2011;

Whereas Inter-American Development Bank (IDB) staff conducted a mission from October 18 to 22, 2010, to advance planning for a \$60 million loan to the Honduran Ministry of Security and oversee the implementation of ongoing security-related loans, signed a \$60 million loan agreement on June 21, 2012, with Security Minister Julian Pacheco, and signed a second loan agreement on March 25, 2020;

Whereas the loans financed, among other Honduran security forces activities, the creation of the new Dirección Policial de Investigaciones (DPI) of the Honduran National Police;

Whereas in January 2011, the then-president of the Legislative Assembly of Honduras, Juan Orlando Hernandez, visited Puerto Castilla to announce that the coastal areas of Colon would be designated as special development zones (ZEDE), describing these areas, which largely con-

sist of Garífuna communities and territory, as unpopulated;

Whereas in May 2011, the IFC's Board of Directors approved an equity and subordinated debt investment in Banco Ficohsa, which acted as a financial intermediary of the IFC to provide further financing to the Dinant Corporation following international outcry over the involvement of that company's security forces in violence stemming from land rights disputes, and whose supply chain includes palm oil from plantations in areas claimed by Garífuna communities, including Punta Piedra and Triunfo de la Cruz;

Whereas, on October 18, 2012, the Constitutional Court of Honduras annulled a February 12, 2011, constitutional amendment adopted by the Honduran legislature that would allow the nation to cede governance of areas of the national territory to foreign governments or private corporations as ZEDES;

Whereas, on December 13, 2012, the International Commission of Jurists condemned the dismissal of four of the five judges of the Constitutional Court of Honduras by the nation's legislature, under the leadership of then-President of Congress Juan Orlando Hernandez, explaining that the legislature had no authority to carry out this action, which seriously affected judicial independence;

Whereas the Inter-American Commission on Human Rights (IACHR) on November 7, 2012, issued Merits Report 76/12 regarding the Garífuna community of Triunfo de la Cruz, and on May 21, 2013, issued Merits Report 30/13 regarding the Garífuna community of Punta Piedra, reports in which the IACHR found that the rights of both communities and their members had been violated,

including the rights to property and judicial protection, and that the government had failed to investigate and prosecute the violence against the communities and their members;

Whereas the U.S. Overseas Private Investment Corporation, whose holdings have been transferred to the United States International Development Finance Corporation, approved on March 17, 2014, the financing of the Jaremar palm oil corporation, whose supply chain includes palm oil from plantations in areas claimed by Garífuna communities, including Triunfo de la Cruz;

Whereas, on October 8, 2015, the Inter-American Court of Human Rights ruled on the complaints filed by the communities of Triunfo de la Cruz and Punta Piedra that, despite the titles granted by the Government of Honduras to the Garífuna communities of Triunfo de la Cruz and Punta Piedra, the Government of Honduras had violated the rights of these communities, including the right to consultation, the right to property, the obligation of non-discrimination and the right to a fair trial and judicial protection, and had failed to investigate acts of violence against the community, including four violent deaths in the case of Triunfo de la Cruz and one death in the case of Punta Piedra, ordering the restitution of land rights to Triunfo de la Cruz and Punta Piedra and the effective investigation of the murder of community members of Triunfo de la Cruz and Punta Piedra;

Whereas Garífuna territory along the northern coast of Honduras is located within one of the principal transit corridors for illegal narcotics traveling through Honduras to meet consumer demand in the United States, as described by the Department of State's Bureau of Inter-

national Narcotics and Law Enforcement Affairs in its 2015 International Narcotics Control Strategy Report, which stated, “Eighty to ninety percent of cocaine that transits through Honduras arrives via maritime shipment. In 2014, the U.S. government estimated that sixty percent of cocaine smuggling flights that departed from South America first landed in Honduras – a decline from 75 percent of such flights in 2013. The Caribbean coastal region of Honduras remained the primary landing zone for drug-carrying flights and illicit maritime traffic. The region is vulnerable to narcotics trafficking due to its remoteness, limited infrastructure, lack of government presence, and weak law enforcement institutions.”;

Whereas the Government of Honduras and its judiciary have engaged in a pattern of falsely accusing the Indigenous people of the North Coast of engaging in drug trans-shipment as justification for violating their fundamental rights, including the right to life and liberty, and the Honduran military forces have engaged in a pattern of deadly use of force against Garífuna and other Indigenous peoples of the Caribbean Coast with similar justifications;

Whereas, on March 30, 2016, the brother of then-President of Honduras Juan Orlando Hernandez and on May 16, 2016, the son of his predecessor Porfirio Lobo Sosa, were convicted by Federal courts in the Southern District of New York of drug trafficking-related charges stemming from actions they carried out on the North Coast of Honduras, and in the course of these and other trials, testimony was given implicating then-Security Minister Julian Pacheco and then-President Hernandez in direct involvement in drug trafficking;

Whereas in October 2016, in response to a complaint from OFRANEH, the Compliance Advisor Ombudsman of the IFC initiated a compliance review of a tourism complex developed with land and resources from the territory of the Garífuna communities of Barra Vieja, Tornabe, San Juan Tela and Triunfo de la Cruz, a project that attracted, and continued to seek, investment from corporations in the United States;

Whereas, on November 5, 2019, in a statement to a local Honduran publication, OFRANEH condemned the death of 16 Garífuna, including six women, highlighting the murder of Mirna Suazo Martinez, president of the board of the Garífuna Community of Masca, who was leading the defense of Masca's rivers and territory in opposition to the construction of a hydroelectric plant, and who had made public statements describing several threats against her a few days before her murder;

Whereas, on July 18, 2020, four Garífuna men from Triunfo de la Cruz, including the President of the Community Development Committee who had led the community's recent efforts to stop the illegal appropriation of Garífuna land and demand that the Honduran Government implement the 2015 Inter-American Court ruling, were abducted at gunpoint by men wearing uniforms bearing the logo of the DPI National Police unit and have not been located since, an action that the Working Group on Enforced Disappearances of the Office of the United Nations High Commissioner for Human Rights qualified on July 20, 2020, as an enforced disappearance;

Whereas, on November 11, 2020, the families of the disappeared and the Garífuna communities, outraged by the lack of investigation into the whereabouts of the victims

of the July 18, 2020, forced disappearances, created the Comité Garífuna de Investigación y Búsqueda de los Desaparecidos de Triunfo de la Cruz (SUNLA), an independent commission to investigate and bring about the prosecution of the crime;

Whereas the United States military conducts training of Honduran military units on the northern coast of Honduras, including at bases such as the 15th Battalion and 4th Naval Base that have been implicated in serious human rights abuses and corruption associated with organized criminal activity;

Whereas the United States controls 15.72 percent of the Board of Directors of the World Bank and 30 percent of the Board of Directors of the Inter-American Development Bank (IDB), and uses its voice to exert a significant degree of influence on the decisions of these institutions;

Whereas, on March 3, 2021, sisters Marianela and Jennifer Mejía Solórzano were arrested along with 30 other Garífuna rights defenders who are facing criminal proceedings arising from two sets of charges filed by the Public Prosecutor's Office for allegedly committing the crimes of damages, threats, theft and usurpation in their lands owned by the Garífuna communities of Cristales and Río Negro;

Whereas, on July 27, 2021, the Office of the United Nations High Commissioner for Human Rights in Honduras and the IACHR called on the Government of Honduras “to adopt measures to prevent the criminalization of Garífuna human rights defenders, particularly those who defend land, territory, and natural resources” and to “guarantee a hostility-free environment for those defend-

ing human rights and to increase measures to respect and protect the rights of the Garífuna people over their lands, territories, and natural resources,” citing the need to protect the communities from potential violations alleged in petitions pending rulings from the Inter-American Court of Human Rights;

Whereas, on November 28, 2021, Xiomara Castro was elected President of Honduras in a historic election and sworn in as the first woman President of Honduras on January 27, 2022, and as part of her platform she proposed respect for the land rights, language and culture of Indigenous peoples, including the promotion and restoration of land titles of Indigenous communities and the promotion of public policies to stop invasions of Indigenous lands; and

Whereas in a recent communiqué, OFRANEH stated that on August 9, 2022, the organization was visited by the Public Prosecutor’s Office and demanded progress in the investigation of the July 18, 2020, forced disappearances from Triunfo de la Cruz, but instead of reporting on the investigation and prosecution of those responsible for the forced disappearances, the Attorney General’s office, in another episode of persecution, harassment, and criminalization, instructed the Prosecutor’s Office Against Common Crimes and the Technical Agency for Criminal Investigation (ATIC) to initiate criminal proceedings against OFRANEH’s General Coordinator Miriam Miranda, OFRANEH member Luther Castillo, and OFRANEH lawyer Edy Tabora: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) condemns the violence against Garífuna
2 communities that is directed especially against land
3 rights defenders and Indigenous authorities;

4 (2) calls for the Comité Garífuna de
5 Investigación y Búsqueda de los Desaparecidos de
6 Triunfo de la Cruz's (SUNLA) full participation in
7 the investigation into the whereabouts of Sneider
8 Centeno, Milton Joel Martinez, Suami Aparicio, and
9 Gerardo Trochez, and the prosecution of those re-
10 sponsible for their disappearance;

11 (3) calls for the creation of an effective and
12 independent office for a Special Prosecutor for En-
13 forced Disappearances in Honduras;

14 (4) condemns the illegal separation of Garífuna
15 communities from their legitimate land rights;

16 (5) calls for the swift and full implementation
17 of the October 8, 2015, ruling of the Inter-American
18 Court of Human Rights that obliges the Government
19 of Honduras to restore land rights to the commu-
20 nities of Triunfo de la Cruz and Punta Piedra, and
21 to investigate the murder of five members of both
22 communities;

23 (6) strongly disapproves of the decisions of mul-
24 tilateral development banks that finance projects
25 that contribute to the extinction of the legitimate

1 land rights of Garífuna communities and finance se-
2 curity forces involved in serious human rights viola-
3 tions;

4 (7) is concerned that United States bilateral as-
5 sistance to Honduras may jeopardize or otherwise
6 contribute to the violation of the fundamental rights
7 of Garífuna communities;

8 (8) urges the Government of Honduras to—

9 (A) fully and immediately comply with the
10 2015 judgment of the Inter-American Court of
11 Human Rights restoring land rights to the com-
12 munities of Triunfo de la Cruz and Punta
13 Piedra and investigating the murders of five
14 members of both communities;

15 (B) grant SUNLA formal status in the in-
16 vestigation of the forced disappearance of
17 Sneider Centeno and three other Garífuna men
18 from Triunfo de la Cruz; and

19 (C) establish a Special Prosecutor for En-
20 forced Disappearances within the Prosecutor's
21 Office;

22 (9) requests the institutions of the World Bank
23 Group to—

24 (A) immediately suspend funding for any
25 project that may contribute to violence against

1 Garífuna communities or violations of their
2 human rights and consult with the affected
3 communities on possible corrective measures;

4 (B) identify measures that the institutions
5 could implement to promote compliance with
6 the 2015 judgments of the Inter-American
7 Court of Human Rights ordering Honduras to
8 restore land rights to the communities of
9 Triunfo de la Cruz and Punta Piedra and to in-
10 vestigate violence against those communities,
11 acting on the measures only after full consulta-
12 tion with and consent of the legitimate authori-
13 ties of the Garífuna communities;

14 (C) undertake a comprehensive and inde-
15 pendent review of the projects that any such in-
16 stitution has supported over the past 25 years
17 that have an impact on the land rights of Indig-
18 enous communities in Honduras, and publish a
19 report with their findings;

20 (D) carefully review their loan portfolios,
21 and the structure for on-the-ground implemen-
22 tation of those projects, in order to identify
23 funding that may benefit agencies implicated in
24 human rights violations and violence directed

1 against Indigenous communities in Honduras;
2 and

3 (E) demand that the executors of the
4 projects financed from any loan made by any
5 such institution comply with the process of free,
6 prior, and informed consultation with the com-
7 munities, as established in International Labour
8 Organization (ILO) Convention 169;

9 (10) calls on the Inter-American Development
10 Bank to—

11 (A) undertake a thorough, independent,
12 and public review of the projects it has sup-
13 ported over the past 15 years that directly or
14 indirectly benefit security agencies in Honduras
15 and other projects that may potentially be im-
16 plicated in human rights violations;

17 (B) carefully review its loan portfolio, and
18 the structure for on-the-ground implementation
19 of those projects, in order to identify funding
20 that may benefit government agencies or other
21 actors that contribute to or benefit from the
22 dispossession of Indigenous communities in
23 Honduras;

24 (C) increase the review of projects prior to
25 financing to identify projects that could result

1 in the violation of human rights agreements to
2 which Honduras is a signatory and refrain from
3 financing the projects; and

4 (D) ensure compliance with the provisions
5 of ILO Convention 169 regarding prior con-
6 sultation before the approval of projects that af-
7 fect the communities, and the completion of the
8 respective environmental impact studies for
9 each project; and

10 (11) urges the Secretary of State, the Secretary
11 of the Treasury, and the Administrator of the
12 United States Agency for International Develop-
13 ment, in coordination with the heads of other rel-
14 evant Federal departments and agencies, to—

15 (A) engage at the highest level with the
16 Government of Honduras, and maintain close
17 coordination with international allies and multi-
18 lateral organizations with influence in Hon-
19 duras, to promote compliance with the resolu-
20 tions of the Inter-American Court of Human
21 Rights, in particular the 2015 judgments to re-
22 store the rights of the Garífuna communities of
23 Triunfo de la Cruz and Punta Piedra;

24 (B) alert United States-based companies
25 and other investors in Honduras to the risks

1 and potential liabilities associated with invest-
2 ing in lands whose rights may have been illegit-
3 imately severed from Indigenous communities;
4 and

5 (C) use its vote and voice within multilat-
6 eral development banks to oppose any loans or
7 technical assistance projects that may threaten
8 the rights of Garífuna communities, and to ad-
9 vocate for reparations for communities affected
10 by multilateral development bank financing that
11 have contributed to human rights violations, in
12 accordance with international standards for rep-
13 arations.

○