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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. RES. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. BUSH submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Affirming the importance of the survival of Garífuna culture and identity, condemning the violent and illegal appropriation of Garífuna territory, urging the Department of State and multilateral development banks to respect the rights of the Garífuna people, and calling on the Government of Honduras to fully comply with the resolutions of multilateral human rights bodies which mandate the return of Garífuna land and territory, 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 Indigenous people of St. Vincent Island and of African castaways destined to be sold into slavery in the Americas, are 1 of 9 Indigenous peoples of Honduras;

Whereas the Afro-Indigenous 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 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 the presence of diverse 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, on September 4, 2020, the coordinator of the Black Fraternal Organization of Honduras (OFRANEH) publicly denounced a third wave of violent dispossession against the Garífuna people and signaled that special de-

velopment zones, the massive production of African palm cultivation, and tourism enclaves are drivers of the destruction of Garífuna life in Honduras;

Whereas Garífuna communities have been heavily impacted by the effects of climate change, manifesting in droughts, coastal erosion, and floods during hurricane season that have caused irreversible damage to communities, disruption of food availability, and forced migration;

Whereas, since 2018, there have been more than 150 Garífuna people killed, 37 criminalized, and 5 forcibly disappeared for defending their ancestral lands and territories from corrupt economic and political interests, which form a part of institutional and systemic racism that manifests in police brutality, illegal detentions, harassment by local authorities, and forced displacement;

Whereas the experience of forced and systematic displacement has emptied communities and put Garífuna identity and survival as a differentiated ethnic unit in Honduras at risk;

Whereas the Garífuna communities along the northern coast of Honduras are located in territories disputed by organized crime that, driven by consumer demand in the United States, has converted much of these territories into drug laboratories and cocaine plantations, and is responsible for multiple threats, disappearances, and murders of Garífuna defenders;

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 the former President of Honduras, Juan Orlando Hernandez, was extradited to the United States on April 21, 2022, and convicted on March 8, 2024, of Federal charges relating to his use of public office, law enforcement, and the military to facilitate major drug-trafficking operations along the north coast from 2004 to 2022;

Whereas testimony given in 2019 during the trial of the former Honduran President's brother, Tony Hernandez, also directly implicated then-Security Minister Julian Pacheco in drug trafficking carried out along the north coast;

Whereas the United States provided Honduras with millions of dollars in security aid throughout the Hernandez Presidency and continues to train 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, on June 21, 2012, the Inter-American Development Bank (IDB) signed a \$60,000,000 loan agreement with Hernandez's Security Minister Julian Pacheco that was used to finance the creation of the new Dirección Policial de Investigaciones (DPI) of the Honduran National Police, among other Honduran security forces activities;

Whereas, in September 2013, the Hernandez-aligned legislature passed the Organic Law of the Employment and Economic Development Zones (ZEDE), which authorized

foreign companies to create quasi-sovereign private governance zones within Honduras and establish their own laws, courts, and police force, among other powers;

Whereas this law declared coastal departments consisting of large swaths of Garífuna and other Indigenous territory as “low-population zones” subject to the imposition of a ZEDE without community consultation and consent;

Whereas, since 2012, Garífuna communities have actively resisted the development of the ZEDE “Prospera” and the associated areas of “Port Royal” and “St. John’s Bay” on the Honduran island of Roatan, which were established without community consent and which threaten the local population with the disbanding of ancestral, collective land titles and the displacement of the Garífuna people;

Whereas, on March 18, 2021, the Port of Satuyé, located in the Garífuna communities of Sambo Creek and Corozal, was incorporated into ZEDE “Prospera”;

Whereas, on April 21, 2022, following months of national protest, the newly elected Honduran Congress voted to unanimously repeal the ZEDE law but has yet to ratify the repeal of a ZEDE-related constitutional provision;

Whereas ZEDEs remain an existential threat to the Garífuna people, as the “Prospera” ZEDE on the island of Roatan continues to expand and as the Delaware-based company Prospera, Inc., pursues an abusive \$11,000,000,000 lawsuit against the state of Honduras challenging the repeal of the ZEDE law under the Dominican Republic-Central America-United States Free Trade Agreement;

Whereas tourist complex projects such as Indura Beach Resort, Shores Plantations, Marbella, Playa Escondida, and

Rosa Negra operate under a modality that resembles the ZEDE and displaces the Garífuna people;

Whereas the United States controls 15.49 percent of the Board of Directors of the World Bank and 30 percent of the Board of Directors of the IDB, and uses its voice to exert a significant degree of influence on the decisions of these institutions;

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 \$30,000,000 loan to the Dinant Corporation, whose supply chain includes palm oil from plantations in areas claimed by Garífuna communities, including Punta Piedra, despite 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, 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 the United States 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, 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 February 1, 2006, the Inter-American Court of Human Rights ruled 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 OFRANEH had been violated by his arbitrary imprisonment for a period of 6 years and 4 months;

Whereas, on October 8, 2015, the Inter-American Court of Human Rights ruled that the Government of Honduras had violated the rights of the communities of Triunfo de la Cruz and Punta Piedra, and had failed to investigate acts of violence against the communities, ordering the restitution of land rights to the communities and the ef-

fective investigation of the violent deaths of 4 community members of Triunfo de la Cruz and 1 community member of Punta Piedra;

Whereas, on November 5, 2019, in a statement to a local Honduran publication, OFRANEH condemned the death of 16 Garífuna people, including 6 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, 4 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 demanded that the Honduran Government implement the 2015 Inter-American Court of Human Rights ruling, were abducted at gunpoint by men wearing uniforms bearing the logo of the DPI National Police unit and have not been located since;

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, on March 3, 2021, sisters Marianela and Jennifer Mejía Solórzano were the first to be arrested as a result of criminal proceedings brought by the Public Prosecu-

tor's Office against over 30 Garífuna rights defenders for alleged land theft, despite the land in question belonging to the Garífuna communities of Cristales and Río Negro;

Whereas, in a communiqué, OFRANEH stated that on August 9, 2022, the organization visited 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;

Whereas, on September 19, 2023, an armed group of men entered the home of Miriam Miranda in Vallecito, Colon, in an ongoing pattern of intimidation that was utilized against Berta Cáceres right before her murder;

Whereas, on February 2, 2024, the Government of Honduras, acting through the Honduran Cabinet, decreed the creation of the High-Level Intersectoral Commission for the Compliance of the Commitments and Recommendations issued by the International Human Rights Protection Systems (Commission), with the objective of ensuring the rights of Garífuna communities to their collective property, judicial protection and guarantees, right to life, and all other human rights protections; and

Whereas, on March 9, 2024, a group of defenders of the Triunfo de la Cruz community who carried out a peaceful

march to demand compliance with the Inter-American Court of Human Rights judgment in favor of their community faced intimidation by third parties who illegally occupy Garífuna territories: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns the violence against Garífuna
3 communities, specifically against Garífuna land
4 rights defenders;

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

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

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

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

1 to investigate the murder of 5 members of both com-
2 munities;

3 (6) strongly disapproves of the decisions of mul-
4 tilateral development banks that finance projects
5 that contribute to the extinction of the legitimate
6 land rights of Garífuna communities and finance se-
7 curity forces involved in serious human rights viola-
8 tions;

9 (7) is concerned that United States bilateral as-
10 sistance to Honduras may jeopardize or otherwise
11 contribute to the violation of the fundamental rights
12 of Garífuna communities;

13 (8) urges the Government of Honduras to—

14 (A) fully and immediately comply with the
15 2015 judgment of the Inter-American Court of
16 Human Rights restoring land rights to the com-
17 munities of Triunfo de la Cruz and Punta
18 Piedra and investigating the murders of 5
19 members of both communities, including by
20 fully implementing the International Human
21 Rights Protection Systems (Commission);

22 (B) grant SUNLA formal status in the in-
23 vestigation of the forced disappearance of
24 Sneider Centeno and 3 other Garífuna men
25 from Triunfo de la Cruz; and

1 (C) establish a Special Prosecutor for En-
2 forced Disappearances within the Prosecutor's
3 Office;

4 (9) requests the institutions of the World Bank
5 Group and the Inter-American Development Bank
6 to—

7 (A) immediately suspend funding for any
8 project that may contribute to violence against
9 Garífuna communities or violations of their
10 human rights and consult with the affected
11 communities on possible corrective measures;

12 (B) identify measures that the institutions
13 could implement to promote compliance with
14 the 2015 judgments of the Inter-American
15 Court of Human Rights, acting on the meas-
16 ures only after full consultation with and con-
17 sent of the legitimate authorities of the
18 Garífuna communities;

19 (C) undertake a comprehensive and inde-
20 pendent review of the projects that any such in-
21 stitution has supported over the past 25 years
22 that have an impact on the land rights of Indig-
23 enous communities or have otherwise contrib-
24 uted to human rights violations in Honduras,
25 and publish a report with their findings;

1 (D) carefully review their loan portfolios,
2 and the structure for on-the-ground implemen-
3 tation of those projects, in order to identify
4 funding that may benefit government agencies
5 implicated in human rights violations, violence,
6 and dispossession directed against Indigenous
7 communities in Honduras; and

8 (E) ensure compliance with the provisions
9 of the International Labour Organization Con-
10 vention 169 regarding prior consultation before
11 the approval of projects that affect the commu-
12 nities, and the completion of the respective envi-
13 ronmental impact studies for each project; and

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

19 (A) engage at the highest level with the
20 Government of Honduras, and maintain close
21 coordination with international allies and multi-
22 lateral organizations with influence in Hon-
23 duras, to promote compliance with the resolu-
24 tions of the Inter-American Court of Human
25 Rights, in particular the 2015 judgments to re-

1 store the rights of the Garífuna communities of
2 Triunfo de la Cruz and Punta Piedra;

3 (B) alert United States-based companies
4 and other investors in Honduras to the risks
5 and potential liabilities associated with invest-
6 ing in lands whose rights may have been illegit-
7 imately severed from Indigenous communities;
8 and

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