

# Guatemala Project

## CICIG: A new opportunity to end impunity?

### The existence of clandestine apparatus and illegal security bodies

The Comprehensive Agreement on Human Rights, signed between the Government of Guatemala and the guerrilla forces in 1994, elicited the commitment that illegal security bodies and clandestine apparatus would not exist, in order to avoid human rights abuses. With the signing of the Agreement, the government of Guatemala recognised that it was obliged to combat any sign of these groups. Nevertheless, the Myrna Mack Foundation (FMM) reports that with time and the absence of any purge of the security and intelligence services, their members maintained their organic and structural relation with State apparatus and continued to develop, increasing in power and extending their fields of action<sup>1</sup>.

(...continued on page 2)



Congress of the Republic of Guatemala. Photo: PBI

### Agrarian conflict

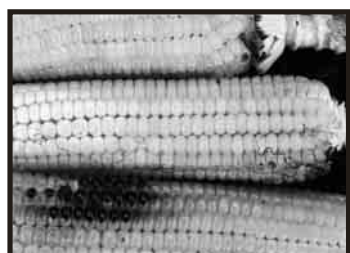
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A complicated legal structure and numerous cultural, historical and social factors combine to make agrarian disputes a complex problem in Guatemala.

### Tortilla: Food or fuel?

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The Guatemalan population is increasingly worried about the rise in the price of maize. The argument that biofuels are the primary cause of escalating prices is controversial.

### Interview with José Roberto Morales, CALDH

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José Roberto Morales Sic, Coordinator of the Indigenous Peoples' Rights Programme at the Centre for Legal Action on Human Rights (CALDH), shares with us his work, his projects and his vision.



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The violence and intimidation against human rights organisations continues, and consequentially so do the requests for accompaniment received by PBI Guatemala Project.



# CICIG: A new opportunity to end impunity?

These groups, according to FMM, are illegal forces that have existed for decades, and which exercise a parallel power. The Washington Office for Latin America (WOLA), in its report *Hidden powers in post-conflict Guatemala* (2006), mentions that since 2002 there has been a significant increase in abuses and attacks that undermine the Peace Accords signed in 1996. Hundreds of cases of crimes against organized civil society and its leaders (from assassination to intimidation) have been reported. This crisis, according to WOLA, calls for close vigilance, and decisive action at an international level. The International Commission of Jurists (CIJ), in a press release in December 2006, stated that: "in view of the absolute impunity with which these groups operate, it is evident that the action of the Guatemalan authorities has been insufficient to confront this scourge; therefore the cooperation of the international community is necessary."

**The failed attempt to create the Commission to Investigate Illegal Bodies and Clandestine Security Apparatus (CICIACS)**  
The proposed implementation of an international commission against impunity is nothing new. On 13 March 2003, after joint work between Guatemalan civil society organizations and the Human Rights Ombudsman (PDH), the Ministry of External Relations of Guatemala and the PDH signed the political agreement (and *addendum*) on the establishment of a Commission to Investigate Illegal Bodies and Clandestine Security Apparatus in Guatemala.

Following prior coordinated work an agreement was signed in December 2003 between the Guatemalan government and the United

Nations for the establishment of a Commission to Investigate Illegal Bodies and Clandestine Security Apparatus (CICIACS). However, the Commission was rejected by the Guatemalan Congress because it violated Guatemalan sovereignty. The Constitutional Court (CC) declared it unconstitutional<sup>2</sup>. Confronted by this serious setback, the Guatemalan organizations of the *Coalition for CICIACS* said that the decision "rejected the possibility of combating the clandestine apparatus and citizen insecurity". It was a lost opportunity, as the Agreement itself proposed to help the Guatemalan State to investigate the structure and activities of the illegal bodies and clandestine security apparatus and their links with the State, and with organized crime, as well as to prosecute the people responsible for the form and operation of these entities<sup>3</sup>.

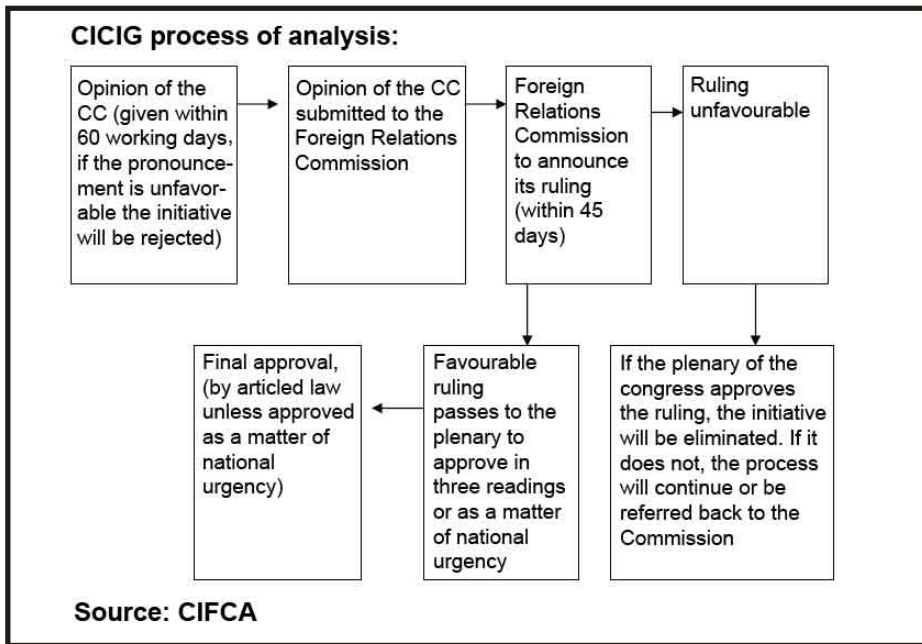


**Constitutional Court of the Republic of Guatemala. Photo: PBI**

**A new opportunity: The International Commission Against Impunity in Guatemala (CICIG)**  
12 December 2006 saw the signing of the Agreement between the UN and the Government of Guatemala concerning the Establishment of an International Commission against Impunity in Guatemala (CICIG). The objective of CICIG is to combat death squads, ordinary criminals and public officials, in order that their crimes do not remain unpunished.

To this end, CICIG will be able to obtain information, bring criminal charges before the relevant authorities, set itself up as a binding complainant, provide technical advice to competent State institutions in the investigation and prosecution of crimes committed by illegal bodies and clandestine security apparatus, report officials and public servants to the relevant administrative authorities, and publish general and thematic reports about its activities.

The CICIG will have unrestricted freedom of movement throughout national territory, unrestricted freedom of access to all sites, establishments and facilities of the State, both civil and military, and to all penal establishments, without prior warning, freedom to interview any person, including State officials, military and police personnel, and freedom of access to information and documentary material related to the investigation. The Agreement states that the government will guarantee the security of victims, witnesses and any person that collaborates with CICIG. The places, documents and materials of CICIG will be inviolable. Commission personnel will enjoy inviolability, including immunity from arrest or detention. In the media it is clear that everyone



agrees that the elimination of these parallel bodies is necessary, as is the fight against impunity, and giving Guatemalan judges and magistrates the materials, human resources and genuine independence to combat it<sup>4</sup>. Meanwhile, Efraín Ríos Montt and Lucrecia de Palomo of the FRG claim that CICIG violates the sovereignty of the nation as did CICIACS<sup>5</sup>.

At the request of the Legislative Commission of Exterior Relations and with the support of the majority of Members of Parliament, the initiative was referred, on 6 March, to the Constitutional Court (CC). The CC announced, on 16 May 2007, that the creation of CICIG is constitutional, that the MP will retain its autonomy, that the CICIG is applicable in the country, and that the Agreement must be approved by the Congress with an absolute majority.

The CICIG proposal was then referred to the Congress Foreign Relations Commission. The process of ratification of the Agreement is now taking place in the midst of a full election campaign. Parliamentary members of the Party for National Advance (PAN), of the National Unity for Hope (UNE) and the Patriotic Party (PP) have expressed their support for the project<sup>6</sup>, but some of them

have not attended either of the two extraordinary sessions held to approve it<sup>7</sup>. It is also not clear whether the legislators could reach any consensus<sup>8</sup>. This could be because they have not had time due to their electoral obligations or, as Helen Mack argues, it could be because they have an interest in CICIG not being approved, because of their links with organized crime<sup>9</sup>.

If CICIG is approved, says Mario Polanco, it is feared that only limited collaboration of certain legal entities such as the MP (that also could be infiltrated by parallel groups) will be given<sup>10</sup>, or that Article 30 of the Constitution, which regulates State secrets and which, in the past, was used to obstruct investigations of human rights violations will be used<sup>11</sup>.

The European Parliament and the International Community in general have expressed their wish to see CICIG approved<sup>12</sup>. In the event of it being approved, the United States Ambassador, James Derham, stated that the US would extend more aid to the Guatemalan Home Office and Ministry of National Defence. The governments of Sweden, Norway, Spain, Holland and the United States have offered

to finance CICIG's installation<sup>13</sup>. Despite this mobilization of the International Community and Guatemalan social organizations<sup>14</sup> and the support of Presidential candidates backing its creation<sup>15</sup>, the initiative that will legally bring CICIG to life still remains to be approved by Congress.

1 FMM. Legal brief "Amicus Curiae", presented by the FMM to the Constitutional Court of the Republic of Guatemala about the Agreement of Creation of the International Comisión Against Impunity". Guatemala, 17 April 2007.

2 Luís Figueroa, Prensa Libre, 14 February 2007.

3 Agreement between the United Nations and the Government of Guatemala related to the establishment of a Commission of Investigation of Illegal Bodies and Clandestine Security Apparatus in Guatemala. ("CICIACS"). New York, 7 January 2004.

4 Cit .Luís Figueroa and Eduardo Mayora Alvarado, Siglo Veintiuno.

5 Efraín Ríos Montt and Lucrecia de Palomo, Member of Parliament for the FRG, Siglo XXI, Monday, 28 May 2007.

6 Prensa Libre, 11 May 2007.

7 Siglo XXI, 29 May 2007.

8 Prensa Libre, 7 May 2007.

9 Helen Mack, El Periódico, 18 May 2007

10 Mario Polanco of GAM (Mutual Support Group) Prensa Libre, 14 December 2006

11 International Commission of Jurists, Press Release, 22 May 2007.

12 European Parliament (EP) Delegation for Central America, Guatemala, 11 April 2007 Resolution of the EP, Brussels, 13 March 2007.

13 La Hora 1 February 2007.

14 Center for Legal Action in Human Rights, Press Release, 10 May 2007 G

15 Siglo XXI, 7 June 2007.

# Ten more years of agrarian conflict

According to figures collated by Amnesty International (AI), 66% of the population of Guatemala is indigenous; yet this sector is disproportionately represented amongst the poorest people in society: 87% of indigenous people live below the poverty line in contrast with 54% of ladinos.<sup>1</sup>

For the majority of indigenous peoples "Mother Earth" is a profound concept rooted in their sense of self, their society and their world view. It is an integral part of their cultural foundations, shaped by their predecessors' use of the earth as a primary material and spiritual resource. The plundering of indigenous people's lands in Guatemala occurred principally during three different periods in the country's history: the Spanish conquest and colonisation, the liberal revolution which began in 1871 and during the military dictatorships post-1954.

## Agrarian conflict

The Guatemalan Land and Territory Conflicts Investigation Guide<sup>2</sup> defines the concept of "land", as a means of production, and "territory" as a set of historical, cultural and ideological values that prevail over solely economic claims. Convention 169 of the International Labour Organisation (ILO), ratified by the Guatemalan Congress in 1996, provides a basis for the resolution of territorial conflicts. In the adjudication of land conflicts the Civil Code, the Property Registry and the Expropriation Law Registry of Property also play a role. In the cases of "regularisation" (conflicts derived from the occupation of land that is not registered or is national property and its subsequent "regularisation" by landowners upon application to the relevant governmental institutions) the Land Fund Law and the Socioeconomic and Agrarian Situation Accord are also applied.

The Union of Campesino Organisations of the Verapaces (UVOC) states that the source of a large number of conflicts in Guatemala is, for the most part, the incongruity of two opposing claims or rights to land. One is



**A rural worker speaks with members of the Union of Campesino Organisations of the Verapaces (UVOC). Photo: PBI**

based in the dominant assumptions of a westernised body of law, while the other draws upon the collective traditions accumulated over more than a millennia of occupation of territory by the peoples conquered at the dawn of the 16th century.<sup>3</sup>

## Land access policies of the Peace Accords

The Socioeconomic and Agrarian Situation Accord (1996) points out that a firm and lasting peace should be the foundation of a socioeconomic development that responds to the needs of the population, with the aim of overcoming the conditions of poverty, extreme poverty, discrimination and social marginalisation. The Accords contain a set of guidelines which address both agrarian and rural development and which speak of the transformation of the structure of land possession and use.

Resolving the agrarian situation in Guatemala requires the modernisation of the means of production and harvest, environmental protection, certainty of property, and a more adequate, equitable and efficient distribution and use of the land. The Accord requires the government to promulgate a strategy that includes

all elements of this agrarian structure, including the possession and use of natural resources, agrarian legislation and providing for judicial certainty, labour relations, technical assistance and training. This strategy would include the participation of all actors in the decision making process and the strengthening of the cooperation and association of campesino organisations. It would also include a land access and productive resources policy, in particular through the existing Land Fund (FONTIERRA) and other financial mechanisms that facilitate land access. The Land Fund was created to respond to requests for credit for the purchase of productive lands, in particular those of demobilised combatants and persons returning from exile. Furthermore the Land Fund aimed to provide a basic infrastructure of training and technical assistance, conflict resolution, a land and real estate registry and the application of land taxes to unused lands.

The relevant governmental institutions are FONTIERRA and the Presidential Office for Legal Assistance and Resolution of Conflicts Regarding Land (CONTIERRA). The latter is charged with facilitating the resolution of conflicts regarding the right of possession or ownership of land; and the mediation and negotiation between the interested parties. CONTIERRA is also responsible for suggesting compensation or restitution of campesinos, communities, the state or the municipalities where land has been taken away from them for questionable reasons. The number of cases which CONTIERRA receives is growing: in October 2004 they had documented 911 cases, in December 2005, 1052 and in April 2006, 1192 conflicts.

According to a study by the Coordinating Body of NGOs and Cooperatives (CONGCOOP) and the National Coordinator of Campesino Organisations (CNOC), the Peace Accords mandated a market assisted agrarian reform using a "land market" as the driving mechanism for the transformation of the possession and

use of the land. This is the same neo-liberal concept proposed by various international organisations. The only modification is the demand that certain land handed over fraudulently to military personnel and politicians in the 'Northern Border Strip' and Peten is handed back.<sup>5</sup> According to members of the Guatemalan National Revolutionary Union (URNG) the contents of this accord are the product of a bargaining position tempered by realism. They felt that their own 'revolutionary' points of view would not meet with approval and accordingly accepted the neo-liberal proposals of the Party for National Advancement (PAN), which was in government at the time.<sup>6</sup>

Amnesty International (AI) considers this content of the Peace Accords as "a new way to resolve issues pertaining to land. It provides a political framework for the resolution of agrarian conflicts and addresses the underlying causes of rural poverty, the inequalities in the distribution of land and the exclusion of the Mayan peoples in the political process."<sup>7</sup>

#### The current situation in Guatemala

According to AI, land redistribution becomes necessary in countries like Guatemala where in the year 2000, 94% of landowners possessed 18% of the land, while 1.5% of the population owned 62.5% of the land.<sup>8</sup> For this international human rights organisation, the enormous inequality in the distribution of land was the major factor in land conflicts, and will continue as such. The Social Spending Observatory concludes that the present administration's social investment did not reach the country's poorest and accuses the government of not fulfilling its campaign promises and a failure to implement the Peace Accords. The capacities of FONTIERRA have been shown to have weakened, crippling land purchase possibilities. CONTIERRA has not demonstrated efficiency in conflict resolution. The increasingly violent forced evictions will apparently continue as the principal mechanism to "resolve" conflicts that derive from the inability to access land.<sup>9</sup>

#### Principal Causes of Agrarian Conflicts

- Reclamation of historical rights to the land of indigenous communities.
- Additional titles to communal indigenous lands (whether registered or not), municipal common lands and private estates.
- Occupation of estates by settlements of labourers, demanding land for unpaid salaries.
- The declaration and subsequent expropriation of land for "protected area" status, in private estates and settlements.
- Intrusion into protected areas by campesinos or estate owners.
- Property Registry registration problems, including fraudulent titles, and discrepancies between the size of the registered plots and their actual size.
- Undefined boundaries between properties, communities and municipalities.
- Occupation of nationally owned land by large estate owners and campesinos.
- Occupation of unused state land that is ascribed to the Ministry of National Defence.
- Denial of women's rights to ownership and management of land.
- Granting of concessions to lands which are already occupied by communities.

According to the Agrarian Platform<sup>10</sup> the unrest caused by land issues is one of the problems that disproportionately affect the indigenous people of Guatemala, problems that find their roots in the economic situation of indigenous people, in the internal armed conflict (the "scorched earth" operations in particular), in the 'coffee crisis' of recent years, in the lack of acknowledgement to indigenous land claims, and in the lack of a land registration system that recognises ancestral rights and permits the protection of lands owned by indigenous communities.

In January 2004 the government of President Berger, impresario and large

estate owner, came to power. With an already desperate situation in many rural areas and after a period of few forced evictions, an unofficial policy of resolution of agrarian conflicts through the enforcement of outstanding forced eviction warrants apparently came into effect in all cases of lands occupied by rural workers. As the AI report asserts, it seems that forced evictions are now employed as a first resort and not as a last resort in any land occupation "problem."<sup>11</sup>

1 "Guatemala: Land of Injustice?" Amnesty International Report, March 2006, p2.

2 Volume 7 of Agrarian Dynamics, Carlos Camacho Nassar. FLACSO, MINUGUA, CONTIERRA, 2003.

3 "Agrarian conflict in the Verapaces. A Campesino view". UVOC, Jan 2007, p16.

4 Op.cit, AI, page 4, and The Observatory for Social Spending, Second Monitoring Report of Social Spending, year II, July 2006, draft document. International Centre of Human Rights Research (CIIDH) and the Coordinating Body of NGOs and Cooperatives (CONGCOOP), p31.

5 FONTIERRAS: The Market Model and Access to the Land in Guatemala. Results and Perspectives, CONGCOOP and the National Coordinator of Campesino Organisations (CNOC) Study/Proposal April 2002, p34.

6 Cited in Op.cit, CONGCOOP/CNOC Study, p34.

7 Op.cit, AI Report, p4.

8 Ibidem.

9 Op cit, Observatory of Social Spending, p34.

10 The Agrarian Platform (PA) is a multi sector alliance that was created to foster the campesino movement in Guatemala. It includes campesinos, academics, activists and the Social and Land Pastoral Divisions of the Catholic Church. According to the PA their unifying goal is the strengthening of the campesino and rural movements, the achievement of structural change and the achievement of the necessities of the Guatemalan agrarian sector in order to improve the quality of life of people that have been excluded for centuries from the riches thereby generated.

11 Op cit, AI Report, p18.

## Interview with José Roberto Morales Sic, coordinator of the Indigenous Peoples' Rights Programme at the Centre for Legal Action on Human Rights (CALDH)

What kind of work does CALDH do?

At the Centre for Legal Action on Human Rights there are 4 programmes: the Legal (Justice) Programme, the Youth Programme, Women's Programme and the Indigenous Peoples' Rights Programme, which I coordinate. Ever since the birth of CALDH there has been an "Indigenous Programme". However the name was later updated, in light of the rights asserted in Convention 169 of the International Labour Organisation which includes the demands of indigenous peoples of Abya Yala (the shared indigenous term for the 'americas'), and the Accord relating to the Identity and Rights of Indigenous Peoples signed in 1995. The programme is therefore now called the Indigenous Peoples' Rights Programme.

How do you view the current situation of Mayan people in Guatemala?

You have to look back on the 11 years since the signing of the Peace Accords in order to understand the current situation. Ultimately, the situation of the Mayan people hasn't changed significantly in Guatemala, for various reasons. It is clear that 11 years ago the peace process brought an end to the war and in the signing of the accords there was an opportunity to achieve a social pact between all Guatemalans and a multicultural, multilingual and multiethnic nation that would significantly change the state. Nevertheless the current situation reflects a monolingual, monocultural and monoethnic state. These elements of 'monism' perpetuate structural racism, manifested in a homogeneous state. This situation is undeniable, however there are some indigenous institutions within



**José Roberto Morales in the third continental summit of indigenous peoples in Iximché, Guatemala, March 2007. Photo: PBI**

state structures, forming 'niches' or 'breathing spaces', but they aren't resolving the crucial problems of indigenous peoples. For example, the period after the Accord for the Identity of Indigenous Peoples saw the creation of state bodies such as the Indigenous Women Defenders, the Presidential Commission Against Racism and Discrimination, and other entities forming part of the state. One must understand this complexity inside the state in order to initiate societal change and construct a political climate which favours the Mayan people.

What are the principle problems that the Mayan people are facing?

Apart from the evident racism and discrimination that the Mayan people have suffered for centuries, the extreme poverty, specifically in the rural areas where the majority of the Mayan population are concentrated. The poverty and extreme poverty are one of the principle evils that afflict the Mayan people. Another element of the current situation that afflicts various Mayan communities

is the level of agrarian conflict. For example, during the tenure of the current government we have seen evictions of entire communities, using violence against Mayan brothers and sisters that have demanded access to land. These problems are becoming more acute. One of the focuses of the agrarian conflict is in Alta Verapaz and Baja Verapaz, but there are others such as the problems in the San Jose Las Lagrimas estate in the Chorti area, where various leaders died recently in confrontations with the police. What is needed is a process of transformation of the agrarian conflict, before the government resorts to violence. The problem of the agrarian conflict has been building for many years, the principle cause being the pattern of land ownership based on large estates and smaller landholdings. The Mayan people live only on the level of small landholdings. In this context you can easily understand the impact of the 'mega-projects' such as the hydro-electric projects and the "Puebla to Panama" Plan

Highway which are not viewed as benefiting and developing the Mayan people, or the 'common good', only individual and private interests.

How do you value the political participation of the indigenous people in the coming elections?

Although the participation of Nobel Peace Prize winner, Rigoberta Menchu, is certain, and that other political parties have 'taken into account' the participation of the indigenous peoples with respect to certain leaders, this does not guarantee the significant changes that are clearly needed in Guatemala. Indigenous political participation is growing at the level of local politics where some level of participation exists, but at the national level we only see a scattered few, the participation of some leaders that occupy these 'niches' which I spoke of earlier, for example in the Academy of Mayan Languages.

A serious problem is the use of leaders by political parties that have nothing to do with benefits for the Mayan people, simply to serve the party's own ends. We have to realise how to strengthen citizens' participation and how to bring into being a process of 'real' democracy in Guatemala, and to realise that citizen participation is not only exercised in elections every four years, but that it has a vital role to play in these needed transformations for the Mayan population.

What difficulties have you faced in carrying out your projects?

Many of the projects that we are implementing aim to strengthen organisations, to provide training and enhance their political impact, in order that the leaders of the Mayan people can construct new scenarios and possibilities, transforming this excluding state into an inclusive one.

Our projects aim to enhance the value of the rights of the

indigenous peoples, as a point of advantage, and later to find scenarios that enable their inclusion, the full participation of these 'original inhabitants' in the transformation of the state.

The nations are there, there is evidence of this diversity. The problem is that not all of our aspirations are recognised by the state. Some say that 'there is a state without a nation, and a nation without a state'. This state governs for some 20% of the population and not for the other 80%, and this is where we need above all a process of promotion and a strategy, more than an ideology. Above all, a comprehension of the Mayan cosmovision (or worldview) in its full generality, and also in its particularity.

One has to understand this 'raison d'être'. These are the values and principles that we have to recover in a political process, in a process of coming together. We have to include the Mayan cosmovision in the change of attitudes at the economic level and of course at the socio-political level. The cosmovision can help us to understand our relation with our environment, elements of our surroundings as human beings, and within ourselves. These three levels, the cosmic, the physical and the spiritual are all manifested in the Mayan cosmovision that can bring into being a political basis



José Roberto Morales Sic. Photo: PBI

for transformation and a change in attitudes.

And I believe that this cosmovision is scarcely represented in the politics of the state.

How do you view the situation of human rights in Guatemala? What difficulties do you encounter in their defence?

The violence that prevails in Guatemala is a grave problem. Moreover, the various complaints of human rights violations that exist, towards women, youths, the indigenous people... and when one considers the weakness of the justice system, the result is a system which does not guarantee measures to counter impunity. There are various problems in this area, one being the insecurity and the violence. Insecurity and violence that the state (and the government) have not been able to eliminate nor counter within the justice system.

Accordingly, CALDH works strongly in the search for justice for the cases of genocide, in the struggle against impunity, the violence against women, the racism and the discrimination against the Mayan people.

In order to be able to counter these problems, you cannot simply rely on social organisations, there has to be a network of pressure regarding these human rights violations, and the violation and intimidation of human rights defenders, on both national and international levels.

This is why many human rights defenders suffer all kinds of intimidation and threat and why citizens, indigenous and non indigenous, should use their rights to usher in a culture of justified official complaint which is probably our biggest obstacle.

\* José Roberto Morales Sic suffered a kidnapping on the 2<sup>nd</sup> of February 2007 and since then has been accompanied by PBI.

# Tortilla: food or fuel?

*The issue of biofuel has generated much controversy in recent weeks. Opinions on the subject are disparate: some view biofuel as a cleaner alternative to petrol and a positive change for the Central American economy; while others are warning that the high international demand for the production of biofuel is causing an increase in the price of maize, endangering food security in the region.*

## The move towards biofuel production

Due to the decrease in natural reserves of non-renewable fossil fuels, their resulting high prices, and the search for cleaner energy sources, biofuel is seen as an alternative and is currently attracting great interest internationally. The most developed and most widely used biofuels are bioethanol and biodiesel. The principle producers of bioethanol are Brazil, which produces sugarcane and African palm for 45% of world bioethanol production, and the United States (US), which produces 44% of the world's bioethanol, mainly through yellow maize<sup>1</sup>.

According to the Food and Agriculture Organization of the United Nations (FAO), the production of maize-based ethanol in the US has quadrupled since the year 2000. The growing demand, primarily on the part of the US and China, is affecting the maize market, which has seen a sharp rise in prices at an international level. As reported by Inforpress Centroamericana, Guatemala has experienced an increase in prices of up to 78% in the first months of this year, which has affected both consumption and distribution<sup>2</sup>. Within the commercial panorama of Central America, biofuel is seen as an opportunity to participate in the world market, and increase both employment and profit. The World Development Bank wants to support projects initiated by the



Women making tortillas, Santa Cruz, Alta Verapaz. Foto: PBI

private sector, public companies and governments, to support the biofuel market in Central America<sup>3</sup>.

## Guatemala, biofuel producer

The Economic Commission for Latin America and the Caribbean (CEPAL), reports in "Perspectives on a Central American biofuel programme", that among Central American countries, Guatemala has the greatest potential for sugarcane and African palm, and therefore biofuel, production. This would generate alternative energy sources, reactivate the economy, reduce currency leakage and favour clean technologies<sup>4</sup>. Today in Guatemala four plants produce ethanol for export and another is planned, with a future production capacity of 150,000 litres a day. Ixcán, the south coast, diverse parts of Peten and Izabal are in the sights of transnational companies which seek to exploit these areas, substituting forests or traditional crops with large areas of African palm or sugarcane.

## And the consequences

These megaplantations present grave risks for the communities in social, economic and ecological terms. Guatemala is a country with high levels of conflictivity related to land. Campesino organizations fear that with the favouring of megaplantations, many campesinos are or will be evicted from the land on which they live<sup>5</sup>. Members of different social organizations report that in the eastern departments of Jalapa and Santa Rosa, foreign companies have rented land from campesinos for the next 10 years with the aim of planting sugarcane to produce ethanol. Out of necessity, many campesinos find themselves obliged to make a deal to rent or sell their land, to obtain more economic resources for survival. However, it is a difficult problem as they are left without land for self-sufficiency<sup>6</sup>. Maize is a vital part of Guatemalan culture. According to Mayan belief, men were created from maize, and



Central American communities have been cultivating it since their origin. Maize is the principle grain, together with the black bean, in the preparation of typical Guatemalan dishes. A meal without tortillas is unimaginable in the eyes of the Guatemalan population. A recent poll in the highlands region showed that 100% of the population consumes maize in the form of tortillas, with an average of 318 grams per day. The consumption of maize per person is 110kg/year (FAO Report)<sup>7</sup>. According to the National Coordinator of Campesino Organizations (CNOO), scarcity of maize and the rise in the prices are having the most effect on the section of the population already living in poverty. As maize is such an important food source which also offers rural populations the possibility of self-sufficiency there is great concern for food security<sup>8</sup>.

The terms food and nutritional security refer to the state in which all of the people in any period enjoy access to the foods that they need – in quality and quantity – and to other goods and services (health, sanitary systems, education) that guarantee nutritional wellbeing and allow for development without damage to the ecosystem<sup>9</sup>.

### Rise in the price of maize

The prices of maize are not only influenced by biofuel production. According to Inforpress, the Free Trade Agreement between the United States, Central America and the Dominican Republic (DR-CAFTA) also has a negative effect. DR-CAFTA contains no safeguards to prevent the differences between the economies of Guatemala and the US having damaging consequences in the region. The Coordination of Non-Governmental Organizations and Cooperatives (CONGCOOP) has denounced the fact that maize imports have been increasing since DR-CAFTA came into effect. To date, more than a third of national consumption is of imported maize, in a country that in 1985 was self-sufficient. Further, according

to CONGCOOP, prices have not dropped as the promoters of the Free Trade Agreement promised they would. Other factors to take into account when considering the prices of maize, says the FAO, are the high costs of transport due to the high petrol prices, the damage caused by Hurricane Stan in 2005, and climate change, which is causing more dry periods, affecting maize production. Also contributing to the price rises, according to the Vice Minister of Food Security, César Fión, is the smuggling to Mexico of hundreds of thousands of kilos of maize. Finally, there is the expectation that the animal feed production sector will make huge purchases in the expectation of further increases in price, which will diminish the availability of maize for human consumption<sup>10</sup>.



Photo: PBI

### Increasing poverty and malnutrition?

During the forum "Biofuel, a policy for the people? The maize crisis in Guatemala", Carlos R. Estrada of the College of Economists, Public Accountants and Business Auditors and Administrators, said that it would be necessary to launch a planning system for agricultural production, to produce as a priority goods to satisfy the nutritional necessities of the population, before assigning the remaining production to export or ethanol production. Also speaking

at the forum, Juan Cuzanero of the Institute of Community Development and Centre of Mayan Research offered data that reflected the contradiction of ethanol production in a country such as Guatemala, where 67% of indigenous children suffer from malnutrition: that the maize required to produce a tank of ethanol for one car was equivalent to enough maize to feed one person for a year. In Cuzanero's view, Guatemala is losing its food sovereignty and losing its land to feed northern countries with biofuel<sup>11</sup>. According to the Ministry of Agriculture, Livestock and Food, industrial demand has not yet affected the local market, but it states that an effort needs to be made to be able to guarantee food for the most vulnerable sections of the population<sup>12</sup>. The issue will continue with many contradictions, but it is hoped that a way can be found to produce biofuel in a manner that is fair for all...

- 1 [www.wikipedia.org/wiki/biocombustible](http://www.wikipedia.org/wiki/biocombustible).
- 2 Inforpress Centroamericana, No. 1688, "Price of maize increases 37%".
- 3 Press release from the World Development Bank, 9 February 2007.
- 4 Report: "Perspectives on a biofuel programme in Central America", Economic Commission for Latin America and the Caribbean (CEPAL), 22 March 2004.
- 5 El Informador Rural, Weekly Bulletin of the Agrarian Platform, No. 14, Week of 24-30 April 2007, "Opinion-African palm and biofuels are a threat."
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# News from the PBI Guatemala Project

## Team Work

The first half of this election year has continued with an alarming increase in general insecurity and attacks against human rights defenders. According to the Mutual Support Group (GAM), there were 1584 murders in the first 5 months of this year. There were also 89 specific attacks against human rights defenders in the first 4 months of the year, according to the National Movement for Human Rights (MNDH). More recently we have seen an alarming increase in burglaries, threats and attacks against international NGOs such as Trocaire, Acur-Las Segovias, Care International, ActionAid and Interpeace. In May we began intensively accompanying a Guatemalan worker of the international NGO Project Counselling Services (PCS) after he was robbed and sexually assaulted. Nevertheless, one day after commencing the accompaniment he received an anonymous telephone call threatening him and other members of the organisation. The increase in requests for accompaniment has continued and, as always, it is very difficult for us to reject them for reasons of a lack of capacity, but we are working intensively and trying to use our resources in the most effective manner possible. With only 3 months to go before the first round of elections it appears that the worsening situation will continue in this fashion.

## Accompaniments

In the capital, in addition to the new accompaniment of PCS, we have continued accompanying the Women's Sector, CONAVIGUA, OASIS, the Madre Selva Group, José Roberto Morales of CALDH and CONAPAMG. We have increased our presence with AGAAI after a burglary of their office, accompanying Carlos Guarquez in his work in relation to regional community referendums. Outside the capital we have continued accompanying ASALI in Izabal and MTC in San Marcos, in particular Julio Cesar Archila of MTC who is currently involved in a court



Workers' Day march, 1st May 2007. Photo: PBI

prosecution. We have also increased our accompaniment of the UVOC in Alta Verapaz in the light of a series of threats and an assault against a member of the organisation.

## Observation

In these past three months we have been present as international observers at various demonstrations in the capital. Accompanying CONAPAMG we have observed the demonstrations for the legalization of the illegal settlements in the marginal areas of the capital. A law authorising the marginal settlements on state and municipal lands was passed on the 16<sup>th</sup> of May. Moreover, we have attended various community referendums, in Playa Grande, Ixcán, Quiché on the 20<sup>th</sup> of April on the theme of mining, oil exploitation and hydro-electricity projects; and San Antonio Huista, Huehuetenango on the theme of mining exploitation. The result of each of these referendums were a resounding rejection of the proposed 'mega-projects'.

## Committee Work from the Perspective of Kerstin Reemtsma

Kerstin came across the work of PBI during her fourteen years working with refugees and internally

displaced persons in Guatemala and Mexico. When she returned home in 2002 she became involved with PBI Germany, joining the Guatemala Project Committee as European Representative towards the end of 2003. In May 2007, Kerstin attended the conference "10 years of the Peace Accords in Guatemala: Balance and Perspectives of the International Community" that took place in the European Parliament in Brussels. The agenda included the Human Rights Accords and the strengthening of civil society. The participants stressed the importance of respect for human rights as a fundamental condition of all official relations between Europe and Guatemala. The participants also demanded that the international community support Guatemalan social organisations in order to strengthen civil society. They specifically emphasized support of human rights defenders and the need to implement the EU Guidelines on Human Rights Defenders on the part of the diplomatic representatives of the member states and the EU delegation. All the participants shared the conclusion that compliance with the Peace Accords has to be a priority in all the agendas of the Guatemalan Government.

### PBI accompaniments

*PBI accompaniments are undertaken after studying petitions from organisations that are concerned with one or more of the following areas: the fight against impunity, land rights and the effects of globalisation on human rights. Over the past months we have accompanied the following organisations:*

- **The Coordinator of Widows of Guatemala, CONAVIGUA.** We carry out regular visits to their office and also accompany during exhumations in hidden cemeteries, and inhumations thereafter.
- **The Union of Campesino Organisations of the Verapaces, UVOC.** We accompany various leaders of the UVOC, in particular **Carlos Morales**, since the 13th of May 2005, during activities in the Verapaces and other parts of the country.
- **Guatemalan Association of Mayors and Indigenous Authorities, AGAAI.** We make regular visits to their office and accompany **Carlos Guarquez** of the association in his movements during his work on community referendums.
- **The MadreSelva Collective.** We carry out regular visits to their office and accompany them during their activities throughout the country where members are seen to be at greater risk.
- **The Movement of Campesino Workers, MTC.** We started accompanying the organisation in November 2005. We carry out regular visits to their headquarters in San Marcos and accompany some of the movement's
- **The Association of Friends of Lake Izabal, ASALI.** We continue to accompany the association's legal representative, **Eloyda Mejía**, as well as other members of the organisation, during their activities in El Estor, Izabal.
- **leaders who have received threats because of their work.**
- **Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS.** Since March 2006 we accompany the organisation with regular visits to their office. In particular we accompany **Zulma**, witness to the murder of a transgender person, a crime allegedly committed by members of the National Civil Police.
- **Women's Sector.** In June 2006 we began to accompany members of the organisation working in the capital after they were victims of two unlawful entries into their office. Since then we have regularly visited their workplace and also accompanied them during activities outside of their office.
- **The National Coordination of Residents of Marginal Areas in Guatemala, CONAPAMG.** We have intensified the accompaniment of the coordinator **Roly Escobar** after the threats he received on the 10th of September, and for intimidations and constant vigilance suffered by him and the organisation.
- **Centre for Legal Action on Human Rights, CALDH.** We began accompanying **José Roberto Morales** after he received death threats in February 2007.
- **Project Counselling Services, PCS.** We accompany a worker of the organisation in their daily movements and with presence in their home, after an assault and robbery on the 7th of May 2007 followed by a threatening telephone call on the 17th of May 2007.

*For me it was, and is, a great pleasure to be able to carry out this work with the project, because it allows me to maintain contact with, and to contribute meaningfully to, the improvement of the situation in Guatemala*

#### Other activities

In addition to our accompaniments, observations, meetings with authorities and publications, we have written and published a special bulletin on the Peten region as well as a study on the strengthening of civil society 10 years after the Peace Accords that will be published shortly. In the process of writing these publications we have had many meetings with important figures, compiling and analyzing a large amount of research. The process has been a useful and stimulating one.

#### Internal Workshop on the Current Political Situation and Team Retreat

From the 23rd to the 25th of April we carried out an internal workshop to update and deepen our analysis of the current political situation in Guatemala and our accompaniments, with the invaluable help of Fermin Rodrigo of Spain, who shared his experience and knowledge with us. It was a great opportunity to review our work in the context of recent events and developments. Our lodgings were a real oasis, with a garden full of flowers and resounding with birdsong, and we used the time and space well to reflect together on our work. Moreover, we had the opportunity to recharge our batteries in Lake Atitlan during the last weekend in May. With games

and a mini-meeting, we dealt with the dynamic and functioning of the team, strengthening the bonds within the group and focusing on how we can improve it further. It wasn't all work: we also visited the beautiful towns around the lake, bathed in thermal waters, perused the markets and ate well. We returned to the capital with renewed energy for the work.

#### Life in the team

We feel lucky to have such a cohesive team. At the end of March two new volunteers from England arrived and are already part of the unique life here in the PBI team. Sadly, we have said goodbye to Mary Scott, having completed her year with the Guatemala project.

### Mission

To improve the human rights situation in Guatemala and contribute to the democratising process of the country through an international presence that works to maintain the political space for human rights defenders, lawyers, union members, campesino and Indigenous organisations and civil society groups that are suffering repression due to their work in defence of human rights.

### Objectives

1. To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organisations that are working to end impunity for human rights abuses; and to bring about national reconciliation and compensation to the victims of human rights violations as well as the fulfillment of the commitments of the Peace Accords.

2. To keep the international community informed of the human rights situation in Guatemala through the regular communication of information, as well as frequent contact with international authorities and the diplomatic community both within and outside the country.

3. To ensure that the Guatemalan Government is informed of the attention and concern of the international community to the human rights situation in the country through the regular communication of information and frequent contact with national authorities.

4. To share with Guatemalan organisations the experience and pedagogical tools that help reach the general objective of PBI's project.

### Peace Brigades International

PBI is an international non-governmental organisation (NGO) which protects human rights and promotes nonviolent transformation of conflicts.

At the request of threatened social organisations it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence.

In this way, PBI creates space for local activists to work for social justice and human rights.

### PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years it carried out accompaniment work with human rights organisations, trade unions, indigenous, and campesino

organisations, refugees, and religious organisations. In 1999, after an evaluation process it was decided that, as the country had greatly advanced in the opening of space for the work of human rights organisations, the project could close. Nevertheless, PBI remained attentive to the situation in Guatemala through a follow-up committee.

In mid-2000, PBI began receiving a number of requests for international accompaniment. As a result, an investigation was carried out in the field which revealed a deterioration and in some cases a closing of the space for human rights defenders. In April of 2002 PBI decided to reopen the Guatemala Project to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. The new PBI office was opened in April 2003.



Community referendum on mining in Ixcán, April 2007. Photo: PBI.

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