

## Land in El Petén: An old problem with new challenges

Up until the 1950s, El Petén was almost completely covered by dense tropical forest. The only communities that existed were Mayan, including Itza and Mopan, and some communities, such as Carmelita and Uaxactun, which were established in the late nineteenth century for workers extracting chicle, xate (understorey palm leaves used in floral arrangements), pepper and wood. It is estimated that 21,000 people lived in El Petén in 1960.<sup>i</sup> In 1954, the policy of rural settlement began, and El Petén became the “relief valve” for Guatemala’s land problems.<sup>ii</sup> The rural settlement policy was an attempt to control the conflicts generated by the demand for land in socially vulnerable areas such as Alta and Baja Verapaz, the Highlands and the South Coast.<sup>iii</sup>

### State Intervention

In 1959, the Enterprise for Economic Stimulation and Development in El Petén (FYDEP) was created with the financial backing of the United States Agency for International Development (USAID). Its purpose, among others, was to integrate El Petén with the rest of the country and promote the settlement and development of the region. The FYDEP sold a total of 1,980,000 hectares to 39,000 beneficiaries.<sup>iv</sup>

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Map of El Petén displayed in the department’s government offices in Flores, El Petén. Photo: PBI

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We take a closer look at the general characteristics of El Petén and then focus on the human rights situation there as well as the state’s role in the department.

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## Land in El Petén: An old problem with new challenges

However, the policy was used as a tool to give away lands to certain members of the political, military and business elite.<sup>v</sup> The process sparked radical change in land use, since one of the requirements for access to land was to clear forest in order to plant. However, the soil in this zone is not suitable for long-term agricultural use, for which many peasants sold the land for cattle raising, since they could no longer use it for farming. Another strategy of the FYDEP was to set up cooperatives along the Pasión and Usumacinta rivers to prevent Mexico from building hydroelectric plants.<sup>vi</sup>

In 1990, the National Land Transformation Institute (INTA) took over the functions of the FYDEP, and in 1999, as a result of the 1996 Peace Accords, the Land Fund (FONTIERRAS) was established to oversee the legalization of lands. However, because so many institutions had been created, many legalization procedures were never initiated or remained incomplete. Therefore, the main task of another organization created by the Peace Accords, the Presidential Office for Legal Assistance and the Resolution of Land Conflicts (CONTIERRA), was to ensure that pending legalization procedures were completed. Meanwhile, the elites who received land titles under the FYDEP policy ignored these properties for years while they were being settled by peasants who had been displaced from other areas. The state decided to issue deeds to the peasants who had been working the land for so many years. This created a problem of duplicate land deeds. Now, the Secretariat of Agrarian Affairs (SAA), which had absorbed CONTIERRA, is handling various cases in which previous owners are reclaiming the land. The state also initiated adjudication processes for issuing land deeds, but these processes were never completed.<sup>vii</sup>

In 1998, a pilot plan was implemented for a cadastral survey in El Petén financed by the World Bank and under the supervision of the Legal Unit of the National Commission for Development and Strengthening Land Ownership (PROTIERRA). In 2005, a law to create a Cadastral Information Registry (RIC)

was approved. The function of this registry, among others, is to *establish, maintain and update the national land registry*.<sup>viii</sup> Néstor Palacios, coordinator of the RIC North Region, said one of the main effects of the RIC has been that people have been able to identify the boundaries of their property and those of adjacent lands, and this has led to the resolution of many conflicts.<sup>ix</sup> At first, CONTIERRA reported an increase in conflicts after the initial surveys carried out by the National Cadastral Registry,<sup>x</sup> but this was attributed to previous problems that were revealed by the survey, rather than problems caused by the survey itself.<sup>xi</sup>

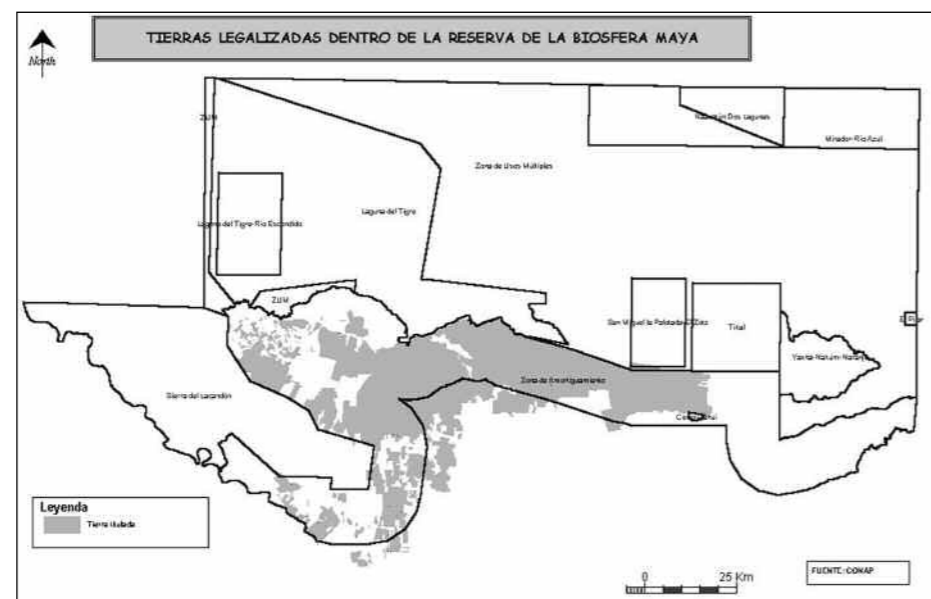
### Settlement of Protected Areas

Many refugees returning to the country after the signing of the Peace Accords began settling in protected areas such as national parks and biotopes in the Maya Biosphere Reserve, where such settlements are prohibited. This problem has increased in recent years. The majority of returning refugees were able to be relocated in other areas, and with the help of FONTIERRAS were able to legalize their new lands. However, there was more resettlement of protected areas later for different reasons, mainly by peasants who were displaced from neighboring departments such as Alta Verapaz and Izabal and who believed

there were new lands to be settled in El Petén. However, all of the state lands had been handed over and the only lands left were in protected areas. Therefore, the peasants who settled these lands were evicted by the state. Moreover, in mid-2006 it was discovered that 10 estates within national parks had been illegally registered in the General Land Registry, as well as five in the Parque Nacional Laguna del Tigre (PNLT), although settlement on these lands is prohibited, as is farming and cattle raising. The lands totaled 16,371 hectares and authorities have said drug traffickers may be operating some of these estates.<sup>xii</sup> Moreover, several clandestine landing strips have<sup>3</sup> discovered during flyovers in the area. In the PNLT alone, 67 of these landing strips were discovered.<sup>xiii</sup> The 10 estates in the national parks were recovered after four months of litigation initiated by the State's Attorney General.<sup>xiv</sup>

However, peasants continue to settle these protected areas. Vinicio Montero, regional director of CONAP-Region VII (Petén), said the lands are being sold and resold.

"There are really few cases of disadvantaged peasants seeking to make a living and survive. There are big landowners buying property from peasants and using them mainly for extensive cattle ranching characterized by intense capital investment for extensive deforestation



Legalized lands within the Mayan Biosphere Reserve. Source: CONAP



Extensive tracts of land in El Petén are being used for mass cattle raising. Photo: PBI

and adapting the land suitable for raising cattle, and cultivating African palms and other mass crops," Montero said "These peasants receive a lot of money, but they only know how to work the land, so that if they sell a plot of land, they invade another plot."

The strategy of the big landowners is to use groups of peasants through their corrupt leaders to get them to invade protected state lands, and then they (the big landowners) can then buy them easily and cheaply for their own use.<sup>xv</sup>

Moreover, some peasants have been tricked into invading national parks, as in the case of the Tesoro Escondido community. According to reports in the daily newspapers Prensa Libre and El Periódico, the community was evicted from the PNSL in October 2006. Three years earlier, a man from Zacapa had "sold" them plots of land that did not belong to him. The peasants paid the man for the land, and as late as six months before they were evicted, he had assured them that they were the legal owners of the plots.<sup>xvi</sup> There have been 22 evictions in the last three years.<sup>xvii</sup>

However, it has proved difficult to persuade peasants to leave the protected areas while oil companies are permitted to operate legally in the main areas. Moreover, legal action against the big landowners within the national parks, especially in the PNLT and in the PNSL, is very slow, while peasants are swiftly evicted. "There are no proposals for relocation and they are accused of being drug

traffickers, and all the while they are used as servants on the estates," said José Xoj, leader of COCIP, an umbrella group for El Petén peasant and indigenous organizations.<sup>xviii</sup> This is why peasants do not take the government seriously regarding protected areas, Xoj said.<sup>xix</sup>

Another problem that forces the peasants to sell their lands and then settle others, especially in the southern part of the department, is the pressure put on them by big landowners who want the lands for large African palm plantations. They are offered large sums to sell, or the large landowners squeeze them by closing off access to the plots under they feel obliged to sell.

### Proposal to Dam the Usumacinta River

The FYDEP has promoted cooperatives along the Usumacinta river to prevent hydroelectric plants from being built along the Mexican side. The issue had surfaced as long ago as the 1980s and 1990s, and then again in 2000, with proposals for several projects. According to the El Petén Front Against Dam Construction (FPCR), there is evidence that plans in both Mexico and Guatemala to build dams continue to go forward. However, authorities have denied requests for information on such projects.<sup>xx</sup> According to the FPCR, these plans would involve the flooding of some 72,500 hectares of land occupied by indigenous peoples, including forest on both the Mexican and Guatemalan

side,<sup>xxi</sup> which could potentially affect some 15,000 people.<sup>xxii</sup> According to Javier Márquez, Director of the PNSL under the Nature Defense Foundation, there are plans for a hydroelectric plant with a 26m retaining wall, which would have a lesser impact on the river than the 130m wall proposed in the past.<sup>xxiii</sup> However, the issue continues to be controversial and the communities on the banks of the Usumacinta are concerned about the ir future.

<sup>i</sup> ProPetén Foundation, *Perfil institucional*, 28 December 2006, p.5.

<sup>ii</sup> Elías, S., Gellert G., Pape, E. y Reyes, E. *Evaluación de la sostenibilidad en Guatemala*, FLACSO Guatemala, 1997. Cited in Gómez, I. y Méndez, Ernesto V., *Asociación de Comunidades Forestales de Petén, Guatemala: Contexto, logros y desafíos*. Fundación Prisma, El Salvador, p.7.

<sup>iii</sup> Op. cit. Gómez I. y Méndez, Ernesto V. p.7.

<sup>iv</sup> Op. cit. Elías et al., 1997, cited in Ibid.

<sup>v</sup> El Periódico, 25 February 2007.

<sup>vi</sup> Ibid. p.8.

<sup>vii</sup> Interview with David Guzmán, Secretary of Land Affairs, Santa Elena, 26 February 2007.

<sup>viii</sup> Law on the Cadastral Information Registry, Decree 41-2005, Article 3, section a).

<sup>ix</sup> Interview with Néstor Palacios, Coordinator RIC North Region, 28 February 2007.

<sup>x</sup> Cit. Interview with David Guzmán.

<sup>xi</sup> Cit. Interview with Néstor Palacios.

<sup>xii</sup> Prensa Libre, 11 September 2006.

<sup>xiii</sup> Ibidem.

<sup>xiv</sup> Prensa Libre, 29 March 2007.

<sup>xv</sup> Interview with Vinicio Montero, Regional Director CONAP-Region VIII, 26 February 2007.

<sup>xvi</sup> Prensa Libre, 5 October 2006, and El Periódico, 5 October 2006.

<sup>xvii</sup> Cit. Interview with Vinicio Montero.

<sup>xviii</sup> Interview with José Xoj, Coordinator of COCIP, 6 March 2007.

<sup>xix</sup> Ibidem.

<sup>xx</sup> Interview with members of El Petén Front Against Dam Construction (FPCR), 28 February 2007.

<sup>xxi</sup> Interview with Humercindo Martínez of FPCR, El Periódico, 25 February 2007.

<sup>xxii</sup> Cit. Interview with FPCR.

<sup>xxiii</sup> Interview with Javier Márquez, Director of the PNSL under the Nature Defense Foundation, 2 March 2007.

## General Characteristics and the Human Rights Situation

### A closer look at El Petén

With an area of 35,854km<sup>2</sup>, the Department of Petén makes up a third of the Republic of Guatemala. More than 60% of the department, or about 2.1 million hectares, are protected areas within which there are several archeological sites such as Tikal, Yaxhá, Ceibal and El Zotz. The department has one of the highest rates of population growth in all of Latin America.<sup>i</sup> The population has grown from about 20,000 in 1960 to about 600,000 in 2006.<sup>ii</sup> The department has 12 municipalities. The capital is Flores. About 70% of the population lives in rural areas, and 30.1% in urban areas.<sup>iii</sup> Among the economically active population, 67.3% work in agriculture, hunting, silviculture and fishing<sup>iv</sup>.

Covering more than half of the department, the Maya Biosphere Reserve is home to threatened species included on the Red List of the IUCN (International Union for the Conservation of Nature) such as the tapir, the white turtle and the howler monkey. It is one of the last refuges for the red macaw in Guatemala, and the biodiversity of the Reserve is threatened by human activities, particularly settlements, the plundering of natural resources, drug trafficking and forest fires. For this reason, environmental conservation has become one of the most important issues in the department.

### Ethnic Makeup and Socio-Cultural Aspects

The population of El Petén is 26.2% indigenous, while the vast majority is mestizo.<sup>v</sup> The mestizo population consists of those who are direct descendants of the first immigrants to the department in the mid-twentieth century who came to work on the exploitation of natural resources, and those who immigrated to the region in the last 50 years.<sup>vi</sup>

There are also two Mayan groups pertaining to El Petén: the Itzas, living primarily in the town of San José with a population in 2002 of 1,983, and the Mopan, living in San Luis, with a population of 2,891.<sup>vii</sup> Both make up only a small part of the indigenous population in the department. Among indige-



Mural of the organization Ixmucané. Photo: PBI

nous immigrants, the Qeqchi make up the majority. The rest is made up of the k'iché, kaqchikel, pocomchi, mam and achi.

According to Benjamín Roderico Ic, president of the Elías Manuel Civil Association of the Mayan People, one of the main problems faced by the Mayan Qeqchi in El Petén is the lack of access to the justice system because of discrimination against them in state institutions and the lack of translators for qeqchi. "Translators have been assigned in some cases, but they are exclusionary, since they are obliged to say what the authorities say without regard for Mayan principles."<sup>viii</sup> José Antonio Cac of the Lutheran World Federation said there is a lack of indigenous people in government institutions and a lack of sensitivity toward the multicultural nature of the country.<sup>ix</sup> However, the opening of the CODISRA office (Presidential Commission Against Discrimination and Racism Toward Guatemala's Indigenous Peoples) in El Petén in May 2006 is considered a positive step.

### The Role of the State and Human Rights

Between January and November 2006, the Human Rights Ombudsman's Office (PDH) for the Department of El Petén

opened 40 investigations, 39 for violations of individual rights, 16 of which involved abuse of authority<sup>x</sup>, and one for violation of economic, social and cultural rights<sup>xi</sup>. The PDH has reported that during 2006, the government worked on the resolution of land conflicts, cases of domestic violence, evictions, labor abuse, and due process.<sup>xii</sup>

Due to the size of the department and the lack of resources, among other factors, the state's presence in El Petén is weak. Although there are 12 magistrate's courts, one in each municipality, two courts of first instance and one trial court, the Public Prosecutor's Office has only three locations in the entire department and has stated that it is unable to fulfill its investigative and prosecutorial functions due to a lack of human, financial and material resources.<sup>xiii</sup> The Criminal Defense Office has two locations in the department.

The National Civil Police (PNC) have 530 agents for the department, which is insufficient to attend to the entire population and the expansive territory of the department, which has a high level of violence. Another 175 officers are being requested for the PNC. Meanwhile it is receiving support from the army's public security troops. The PDH office in Santa Elena reported that 50-60% of the complaints it receives are against abuse of police authority.<sup>xiv</sup> A group that is particularly vulnerable to corrupt police are immigrants from various countries crossing the border into Mexico. "It has become routine for PNC officers to demand bribes from them by threatening to arrest them or return them to their country of origin.<sup>xv</sup> To counter these violations, the PDH has carried out special training sessions for the PNC and a rotation of commands has been implemented.

The PDH has three offices in the department. However, they lack resources. For example, each office is given just 1000 quetzales (approx. USD125) a month for gasoline, which prevents the office from attending calls when its presence is required.<sup>xvi</sup>

Moreover, because of its lack of confidence in state institutions, the population is reluctant to file complaints about human rights violations and other crimes for fear of reprisals and because there is a general perception that it will not produce results.

An important step was the creation of various meetings between government authorities and civil society representatives in the department. These meetings have taken place in Santa Elena, Sayaxché and Poptún. One of the meetings was about the justice system and public safety in Santa Elena. These meetings were attended by representatives of the courts, the Public Prosecutor's Office, the Ministry of the Interior, the Criminal Defense Office, the PNC, the PDH, the Presidential Commission to Coordinate Executive Human Rights Policy (COPREDEH), the Attorney General, the Office to Defend Indigenous Women, the Secretary of Planning and Scheduling for the Presidency (SEGEPLAN), The Peace Secretariat (SEPAZ) and CODISRA. Civil society organizations participating were the Parish Services Office (*Pastoral Social*) of the Apostolic Vicariate in Petén, the Lutheran World Federation, the Executive Committee for Justice, the Conference of Protestant Churches of Guatemala (CIEDEG) and the Association of Ixquik Women.<sup>xvii</sup> The purpose of these meetings is to improve communication and coordination between authorities of the justice and public safety sector and representatives of civil society to discuss specific cases. In addition, these meetings are used to arrange specific areas of training and are intended to have a political impact.<sup>xviii</sup> Similar discussions on land conflicts in Poptún have also achieved greater coordination between civil society and state institutions.

### The status of women

Women, particularly in rural areas of the department, are still in a very vulnerable situation. Many live in poverty and are uneducated, which makes it difficult for them to participate in civil society. Domestic violence is one of the main problems they face and they are afraid

to file complaints.<sup>xix</sup> Another serious problem faced by women is the lack of access to the health system, since most live too far from health centers. Regarding childbirth, 64% of deliveries take place in the home.<sup>xx</sup> Clandestine abortions, child prostitution and HIV infection of women are also serious problems in El Petén.<sup>xxi</sup>

### Human Rights Defenders in El Petén

In 2006, El Petén was the department with the third largest number of attacks on human rights defenders with 22, behind Quetzaltenango with 23 and Guatemala with 117.<sup>xxii</sup> Defenders of peasant rights were the most frequently attacked with 13, 12 of which were perpetrated against the Coordinating Body of Peasant and Indigenous Organizations of El Petén (COCIP).<sup>xxiii</sup> In addition, the Association of Ixquik Women, which investigates cases of violence against women, suffered acts of intimidation and threats last year.<sup>xxiv</sup> In addition, members of the environmental organization Trópico Verde, which primarily focuses on the conservation of the Maya Biosphere Reserve, suffered several acts of intimidation in 2006, culminating in an assassination attempt against Carlos Albacete and Piedad Espinoza on 10 January 2007.<sup>xxv</sup>

### General Overview of the Human Rights Situation

Although the human rights situation in El Petén differs very little from the rest of the country, the great distances make access to health, education and the courts more difficult. Violations of the rights of immigrants<sup>xxvi</sup> are an additional factor in El Petén because of the extensive border zones and the large number of people moving north each day. However, the creation of the meetings for dialogue is considered a big step forward toward the protection of human rights in El Petén.

<sup>i</sup> Fort, M. and Grandia, L. 1999, cited in Balas McNab, Roan -WCS Guatemala, and Ramos, Víctor Hugo - Monitoring and Evaluation Centre of CONAP/WCS, *The Maya Biosphere Reserve and Human Displacement: social patterns and management paradigms under pressure*, August 2006, p.6.

<sup>ii</sup> Ibidem. p.1.

<sup>iii</sup> Guatemala, National Statistics Institute (INE), Census 2002: XI of Population and VI of Habitation.

<sup>iv</sup> Calculations using INE data, Census 2002.

<sup>v</sup> Prensa Libre, 26 September 2004.

<sup>vi</sup> Peace Brigades International. *El Petén: El Gran Abandono*, Peace Brigades International, Guatemala 1995, p. 9 and 11.

<sup>vii</sup> Op.cit., Guatemala, INE, 2002.

<sup>viii</sup> Interview with Benjamín Roderico Ic, president of the Elías Manuel Civil Association of the Mayan People, 5 March 2007.

<sup>ix</sup> Interview with José Antonio Cac, Coordinator of El Petén for the Lutheran World Federation, 28 February 2007.

<sup>x</sup> Human Rights Ombudsman's Office (PDH), *Informe Anual Circunstanciado 2006*, p.384.

<sup>xi</sup> Ibidem. p.381.

<sup>xii</sup> Ibidem. p.379.

<sup>xiii</sup> El Petén Apostolic Vicariate, *Reflexiones sobre la situación de los derechos humanos en el departamento de Petén desde el Vicariato Apostólico de Petén (VAP)*, 2005, p.15.

<sup>xiv</sup> Interview with Kendel Castellanos, PDH Santa Elena, 26 February 2007.

<sup>xv</sup> Op.cit., PDH, p.379.

<sup>xvi</sup> Op. cit. El Petén Apostolic Vicariate, 2005, p.21.

<sup>xvii</sup> [http://centroamerica.ded.de/cipp/ded/custom/pub/content\\_lang\\_4/oid\\_5509/ticket\\_g\\_u\\_e\\_s\\_t/~Pastoral\\_Social\\_del\\_Vicariato\\_Apost\\_lico\\_de\\_Pet\\_n.html](http://centroamerica.ded.de/cipp/ded/custom/pub/content_lang_4/oid_5509/ticket_g_u_e_s_t/~Pastoral_Social_del_Vicariato_Apost_lico_de_Pet_n.html).

<sup>xviii</sup> Interview with Romy Stanzel, member of DED cooperative (German Technical Social Cooperation Service) in the Parish Services Office (*Pastoral Social*) of the El Petén Apostolic Vicariate, 2 March 2007.

<sup>xix</sup> Interview with the Association of Ixquik Women, 3 March 2007.

<sup>xx</sup> Interview with María de los Ángeles Chinchilla, COPREDEH Petén, 28 February 2007.

<sup>xxi</sup> Ibidem.

<sup>xxii</sup> Unit for the Protection of Human Rights Defenders of the National Movement for Human Rights, *Impunidad ¿Quiénes son los responsables? Ataques contra Defensores y Defensoras de Derechos Humanos 2006*, p.7.

<sup>xxiii</sup> Ibidem. p.8.

<sup>xxiv</sup> Ibidem. p.44.

<sup>xxv</sup> Ibidem. p.81 and for the Protection of Human Rights Defenders of the National Movement for Human Rights, *Situación de Defensores y Defensoras de Derechos Humanos: Informe Preliminar Enero-Febrero 2007*

## The Mayan Biosphere Reserve

In 1989, Guatemala established the National Council on Protected Areas (CONAP). In 1990, CONAP designated 2.11 million hectares of land as the Mayan Biosphere Reserve, making it one of the largest conservation areas in the region. These measures came in reaction to the alarming level of deforestation that followed a wave of human encroachment in El Petén, that became worse after 1959. There was interest on both the national and international level in conserving Guatemala's precious natural resources. The Reserve is composed of three general areas: (1) the central areas in which the national parks and biotopes are located. The jungles and archeological sites of these areas are strictly protected by law from human encroachment;<sup>i</sup> (2) the multi-use areas, which make up about half of the Reserve. These are used for various activities and sustainable exploitation of resources.<sup>ii</sup> The communities living in these areas receive concessions to exploit the forests; and (3) the buffer zone, set aside primarily to relieve pressure on the Reserve by conserving the land adjacent to it.<sup>iii</sup> Lands in this area have been legalized for settlement. The appropriate use of these lands is controlled by law.

The boundaries of the Biosphere and the zoning rules applying to it have been criticized by some members of civil society and some public institutions. They argue that the communities existing within the area before the Biosphere was created should have been consulted about its specifications<sup>iv</sup>, especially in the central areas, from which about 1005 people were forced to leave after 1990.<sup>v</sup> "Neither the existence of human settlements nor the complex social, political and economic dynamics of El Petén were taken into account," complained the Association of Forestry Communities of El Petén.<sup>vi</sup>

### Forestry Concessions

In 1995, further steps were taken to confront the serious problem of deforestation and the pillaging of the nation's cultural heritage in the Reserve. To counter this alarming trend, CONAP granted concessions to communities located within the Reserve. Many concessions had already been granted prior to the creation of the



Panoramic view of the Mayan Biosphere Reserve. Photo: PBI

Reserve in order to share the management of these areas and maintain the forests intact.<sup>vii</sup> Moreover, these concessions were intended to resolve conflicts within the Reserves. In 2006, 12 concessions had been granted for the exploitation of timber. Two industrial concessions had been granted in the multi-use areas. "Agreements of Intent" were also concluded with 16 communities, the majority of them in the Laguna del Tigre National Park (PNLT) within the central zones, with the possibility of relocating these communities outside of these zones in the future. However, the agreement does not entitle the communities to land titles.<sup>viii</sup> The concessions allow the exploitation of timber and non-timber products within a management plan approved by CONAP.

### Threats to the Biosphere

According to the Master Plan of the Mayan Biosphere Reserve for 2001-2005, the main problems affecting the Reserve are (a) forest fires, (b) oil exploration and extraction, (c) incompatible agricultural practices, (d) incompatible cattle ranching, (e) incompatible infrastructure, and (f) unplanned human settlements.<sup>ix</sup> Moreover, each of the problems are more complex than they seem. For example, incompatible farming involves the slashing and burning of forests. This additional deforestation leads to soil erosion. The burning of forests for agricultural purposes is uncontrolled. This causes forest fires and the loss of more forest, along with the animals and other plants living in them. When the production of basic grains

declines, the land is used for incompatible cattle ranching, causing soil compaction and pollution from pesticides.<sup>x</sup>

Moreover, construction of access roads to areas of oil exploration and extraction alters the ecological systems, promotes further human settlement along these roads and increases inappropriate agricultural activity. "More than 90% of deforestation of the Reserve has taken place within two kilometers of these roads," according to CONAP.<sup>xi</sup>

Another threat to the Reserve is the problem of poor government, said Yuri Melini of the Center for Legal and Environmental Action (CALAS).<sup>xii</sup> In El Petén, CONAP is the body responsible for managing the Reserve. However, it lacks the necessary resources and has only 20% of the staff necessary for the job.<sup>xiii</sup> Therefore, it is unable to stop the progress of deforestation, illegal settlements and organized crime in the region.<sup>xiv</sup> In addition, forest rangers protecting the Reserve have received threats, and some checkpoints within the Reserve have been set afire. This situation is so alarming that the forest rangers are now being supported by the National Civil Police (PNC) with its Environmental Protection Division (DIPRONA), and by army troops. However, this has also proved inadequate to control the entire area, and drug trafficking, illegal settlement and the plundering of natural resources continue to threaten the biodiversity of the Reserve.

### Deforestation and forest fires

According to a study conducted by Víctor Hugo Ramos, Coordinator of the

Monitoring and Evaluation Center of the CONAP/Wildlife Conservation Society (WCS), deforestation within the Reserve has increased in the last 10 years. Between 1986 and 2004, deforestation occurred at an average of 0.572% per year. However the rate of deforestation began increasing even more in 2001, and was at its highest ever between 2003 and 2004 when 22,913.6 hectares of forest were lost, an average of 1.18% per year, nearly double the average rate for the entire period of study.<sup>xv</sup>

Although there has been no increase in the number of forest fires, they continue to be of great concern. The available statistics show that in 1998, 2003 and 2005, some 400,000 hectares were burned. This is approximately the area of the departments of Guatemala and Quetzaltenango combined.<sup>xvi</sup> Therefore, these fires are a major threat to the biodiversity of the Reserve.

The aforementioned study by Víctor Hugo Ramos demonstrates a clear relationship between deforestation and the presence of settlements in the different areas of the Reserve and the environmental management strategies. The highest rate of deforestation occurs in the multi-use zone (36% deforestation between 1986-2004), as would be expected, since it is the least-controlled area and permits human settlements and agriculture and livestock activities. The central zone is the second most affected area, particularly in the PNLT and the Selva Lacandón National Park (PNSL), even though it is the heart of the Reserve and therefore strictly protected.<sup>xvii</sup> The area has been hit particularly hard by forest fires. In 2005, about 65% of the central zone with a resident population was burned.<sup>xviii</sup>

### Conservation Projects and Tourism

One of the most controversial proposals in recent years was a conservation project proposed by archeologist Richard Hansen to protect the Reserve. The "Cuenca Mirador" Project (PCM) was approved in an attempt to counter the damage to the biodiversity of the area and to Mayan ruins caused by hunting, deforestation and plundering of archeological sites.<sup>xix</sup> The problem is that six concessions had already been granted to communities in the 2,170 square km to be protected. The

project would stop forest management activities that allow the communities to make a living under the concessions.<sup>xx</sup> Critics also feared that other areas that have already been settled would also be declared conservation zones. After several appeals related to the constitutionality of the measure, the decree establishing the Cuenca Mirador Archeological Zone was repealed in 2004.

Since then, the El Petén Sustainable Development Program, financed by the Inter-American Development Bank has been approved. The purpose of this project is to make the Cuenca Mirador project more viable by taking into account the communities with concessions and opponents of the conservation measure. However, opponents say that the Presidential Executive Coordination Office (SCEP), which is leading a referendum effort, is taking a very authoritarian approach.<sup>xxi</sup>

Another controversial project affecting the reserve is the Mexican government's proposal to build the Tikal-Arroyo Negro highway between Guatemala and Mexico to link the Caobas-Arroyo Negro highway now under construction in Mexico. Construction of the new highway would be part of the regional development initiative called the Plan Puebla Panamá (PPP).<sup>xxii</sup>

According to the environmental organization Trópico Verde, the government's tourism policy makes conservation a secondary objective. Laws are adapted to development needs, and businesses and other special interest groups have too much influence on decisions, the environmental group says. As a result economic interests take precedence over ecological interests.<sup>xxiii</sup>

According to CONAP, the Mayan Biosphere Reserve faces many challenges and a great effort will be required to stop the continuous destruction of an area with an "enormous ecological and environmental value."

iii Ibidem.

iv Ibidem.

v Interview with Rosa María Chan, Directora Ejecutiva de la Fundación ProPetén, 28 de febrero de 2007.

vi Balas McNab, Roan -WCS Guatemala and Ramos, Víctor Hugo - Monitoring Center of CONAP/WCS, *The Maya Biosphere Reserve and Human Displacement: social pattern and management paradigms under pressure*, agosto 2006, p.9.

vii Op.cit. Gómez, I. and Méndez, V. Ernesto, p.11.

viii Trópico Verde, *El proyecto turístico Cuenca del Mirador y las concesiones forestales en la zona de uso múltiple de la Reserva de la Biosfera Maya*.

ix Op.cit. Balas McNab, R. and Ramos, V.H., August 2006, p. 2.

x CONAP, *Plan Maestro de la Reserva de la Biosfera Maya 2001-2005*, p. 33.

xi Ibidem.

xii CONAP, *El Estado de la Reserva de la Biosfera Maya, 1996*, CONAP, USAID, Fondo Peregrino, Petén. Quoted in Ibidem. p.33

xiii Yuri Melini, Center for Legal and Environmental Action (CALAS), quoted in Prensa Libre, 19 March 2007.

xiv Interview with Vinicio Montero, regional director of CONAP-Región VIII, 26 February 2007.

xv Op.cit., Prensa Libre, 19 March 2007.

xvi Ramos, Víctor Hugo, *Monitoreo de deforestación e incendios forestales en la zona de uso múltiple de la Reserva de Biosfera Maya, Petén, Guatemala*.

xvii Ibidem.

xviii Op.cit. CONAP, 1996, quoted in Gómez, I. and Méndez, V. Ernesto., p.10.

xix Op.cit. Ramos, Víctor Hugo. Table 2.

xx FARES (Foundation for Anthropological Research and Environmental Studies) and GHF (Global Heritage Fund), *Maya biosphere conservation trust: an innovative private-sector trust for establishing sustainable wilderness, wildlife and archaeological parks to save the heart of the Maya biosphere*, Proposal developed by FARES and GHF, March 2004. Quoted in op.cit. Gómez, I. and Méndez, V. Ernesto, p.39.

xxi Ibidem. Gómez, I. and Méndez, V. Ernesto, p.38.

xxii Laura Hurtado, *¿Hacia dónde va la Reserva de Biosfera Maya?*, Environmental Impact Institute, July 2005, p.14.

xxiii PowerPoint presentation, Trópico Verde, *La RBM en la agenda de la competitividad*.

## Interview with Eduardo García Franco, President of the Nuevo Horizonte Cooperative

### How did Nuevo Horizonte begin?

This cooperative was not created from nothing. It is the result of a 36-year process, the revolutionary uprising that began here in 1960/61. In the 1960s, all avenues of legal protest and organization were closed in Guatemala, and there was no other choice for people except to organize and defend their rights. The guerrilla forces in El Petén began to gather strength after 1980. After that, we began to form part of the revolutionary movement, all of us who live here in Nuevo Horizonte.

Our initial task was to fight a war and an armed uprising in Guatemala in defense of our country's heritage, in defense of all of the exploited people, in defense of our natural resources in Guatemala. In the 1980s, the majority of us who lived here in Nuevo Horizonte had to leave for the mountains because General Efraín Ríos Montt was arriving and they began massive and selective massacres in all communities, towns and departments.

It culminated in 1996 with the signing of the Peace Accords. When we were in the demobilization camp, we were thinking about how we were going to reintegrate into a productive and legal life in the country. Because at that time we did not know where we were going because, from 1980 to 1996, all of us who were in Nuevo Horizonte, did not know whether the army had killed our families or what had happened to them. In February 1998, we came here to this estate.

Before deciding to operate as a cooperative, we visited all of the cooperatives existing in Guatemala, and none of them satisfied us, and so we designed our cooperative the way we wanted it. We said that we wanted a model cooperative where, first, we show the government that you can accomplish things with the political will, and we are going to do the things that the government promised to do but didn't do. First, we decided what we wanted to be, because the cooperative was going to be created with these characteristics. Second, we



The school at the Nuevo Horizonte cooperative. Photo: PBI

designed our economic proposal as production projects. Afterwards, we designed the main areas of development, which would be the political economic and social support of the cooperative. We designed our educational system as the basic area of development. The next basic area of development for us was healthcare, the third was the organization of women, the fourth the organization of young people as the future, and now we have the fifth area which is alternative education. And finally, we designed the production projects.

### What does the alternative education consist of?

The reason for the alternative education is that we do not agree with the formal education of the government. We invite our young people to learn about the country's history, in the midst of the system in which these young people grow up – in which areas the state provides them with an opportunity, and in which areas it denies them an opportunity. We think that the Guatemala system only teaches stu-

dents to learn a professional occupation, but without any social sense. So, with alternative education we intend to provide young people with something that makes social sense and, secondly, they learn their own history, that of their grandparents, their parents, why they fought, and the history of Nuevo Horizonte, and they learn about Guatemala's social composition.

In addition, the cooperative designed an integral development policy, first with the cooperatives partners, and then it designed an external policy for the cooperative, a two-tier policy. We designed it with the idea that if we remain inside the circle of Nuevo Horizonte, it would not be very lively. So, what we did was to expand to a second tier. We began making contact with other communities, with associations, with social organizations. We began to develop an organizational Web around Nuevo Horizonte. One day, Nuevo Horizonte may have opportunities for broad development and we are going to resolve the problems of our community, but there are people in other communities who

need an organizational system. We can organize ourselves and then start working with the same communities setting up their own organization and teaching them how to assess projects and how to manage them. Now, Nuevo Horizonte has a network at the level of El Petén, Cobán, and Izabal. We are working this second tier with four organizations: Nuevo Horizonte, Santa Rita, who are from the CPR-Petén, the Alliance for Life and Peace, and a women's cooperative called Luz de Horizonte. Around each organization are the communities with which it works. Nuevo Horizonte is currently working with 12 communities on healthcare issues. There have been training sessions for 12 healthcare workers. Twelve midwives have also been trained, because we have been learning that there are many illnesses that can be cured and can be prevented, but children die for lack of someone who can provide primary care.

### How would you describe your relationship with nearby communities?

We have designed a policy to break the ice with all communities through soccer. When we came here, the communities looked askance at us, some saying that this place was going to go to pot now because the guerrillas are coming. At that time we had a group of young people and a good team to play (soccer). So, the Executive Board established a policy so we could get to know each other and make friends. The policy consisted of setting up a championship here in Nuevo Horizonte, so that people would see that we were not so bad as they thought.

### Have there been security problems?

Not directly. We know that insecurity continues under the surface. Because of the vision of the Nuevo Horizonte project, they know that Nuevo Horizonte wants change. And we think that they are watching us because this Nuevo Horizonte project is going to declare changes. We could not bring them about with weapons, so we are going to do it legally. Because, if we are convinced of anything, it is that the war is over, but the struggle is not. And today more than

ever, the tools that Nuevo Horizonte and the organizations must use are the Peace Accords. It is the only legal tool we have and we have to start from there with the organizations, with the communities, so that the government begins to comply with the Agreements. Because they have not fulfilled the substantial Agreements. They reduced the size of the army in their own way and at their own pleasure. When it came time to demobilize the army, those who were dismissed from the army became part of the National Civil Police, the same corrupt ones there. And the National Civil Police were not formed with a different idea, with an alternative vision, with another way to look at the situation.

### How many families live in the cooperative?

We are about 106 families, almost 400 people. There are 107 of us who are the cooperative's partners, the owners of everything the cooperative has. Of the cooperative's four projects, one is reforestation, and other is cattle raising and a political tourism project, which is in its initial phase. We call the tourism political tourism because what we sell is our own history, the history of the formation and emergence of the community. And the other project is food safety. We are trying to conduct fair trade in which this project attempts to eliminate intermediaries. And we are working with the communities to consume what we ourselves produce. Another aspect is to carry out a commercial exchange with other organizations. Another project under development is one of fish breeding.



Hen production project at the cooperative. Photo: PBI

### What do you see as the main challenges of the future?

Regarding the vision of the cooperative, I think we are all right, but with the changes to the projects that the Free Trade Agreement will produce, there we have a big challenge. We are conducting market and production studies, because we are not going to produce anything here in the cooperative that does not have a market. We have been conducting an analysis at the international level with regard to the problems that the Free-Trade Agreement causes us, and are working on our projects here in the cooperative accordingly. We have already conducted a study of cattle raising, and we realized that for meat-producing cattle we only have three years left to work on it. When the Free-Trade Agreement takes full effect, the United States is going to flood the market here with meat. This has allowed us to adjust our strategy and move toward the Free-Trade Agreement, just as it (the U.S.) will adjust its strategy, and we will continue adjusting ours on that basis. The Free-Trade Agreement will not cause problems for reforestation and tourism. On the contrary, there will be demand.

We are working to preserve the few native seeds that we can store in the communities. We do not depend on the genetically modified seeds of the Free-Trade Agreement. The advantage of the native seed is that you plant it and from there you get the seed for next year. You cannot do that with genetically modified seeds. Here in Nuevo Horizonte, there will be a seed bank, for forestry and agriculture, and another one in Santa Rita. Many laugh about his idea. They say it is a project against the Free-Trade Agreement. Yes, it is. And why not? We used to stage strikes and protests so that the Congress and the government would not sign the Free-Trade Agreement, but we were not able to stop them, but we are not going to stand by idly. We have to find a new way to confront it.

## Las Dos Erres: in search of justice

### The day the army came

The village of Las Dos Erres, which is part of the municipality of La Libertad in El Petén, was established in 1978 by Federico Aquino Ruano and Marcos Reyes. The village gets its name from the fact that the last names of the two men begin with the letter "R." The name "Las Dos Erres," literally means "The Two Rs." The land was provided by the National Enterprise for the Economic Stimulation and Development of El Petén. In 1982, there were about 300 people living in the community. The residents were known for their solidarity with one another.<sup>i</sup>

The armed conflict began to affect the community in 1981 when some people disappeared or were murdered in Las Cruces, a village about 12km away. Later, the guerilla group known as the Rebel Armed Forces (FAR) entered Las Cruces for a meeting in 1982. This led the military to establish an outpost in Las Cruces.<sup>ii</sup> In September 1982, FAR attacked the military quarters at Las Cruces. In reaction to this attack, the military commissioner organized the first Civil Defense Patrols (PAC) in Las Cruces and Las Dos Erres with the intention of merging the two armed groups. Las Dos Erres opposed this merger, accepting only the patrol of its own community. This opposition led the military commissioner of Las Cruces to spread rumors that the people of Las Dos Erres were guerrillas.<sup>iii</sup>

In the early hours of 6 December 1982, 58 soldiers of the elite "Kaibiles" entered Las Dos Erres. Over the next two days, the soldiers carried out a massacre in the village. They began by killing the children while the adults were locked in the village's two churches and a school. Later, they interrogated and killed the adults.

"They (the adults) were taken one by one from the school and the churches, blindfolded and led to the edge of a pit and forced to kneel. They asked them if they belonged to the insurgency and who was the village's guerrilla leader. If they did not answer or claimed not to know, a Kaibil instructor struck them with a sledgehammer, just as they did with the children. They struck them on the head

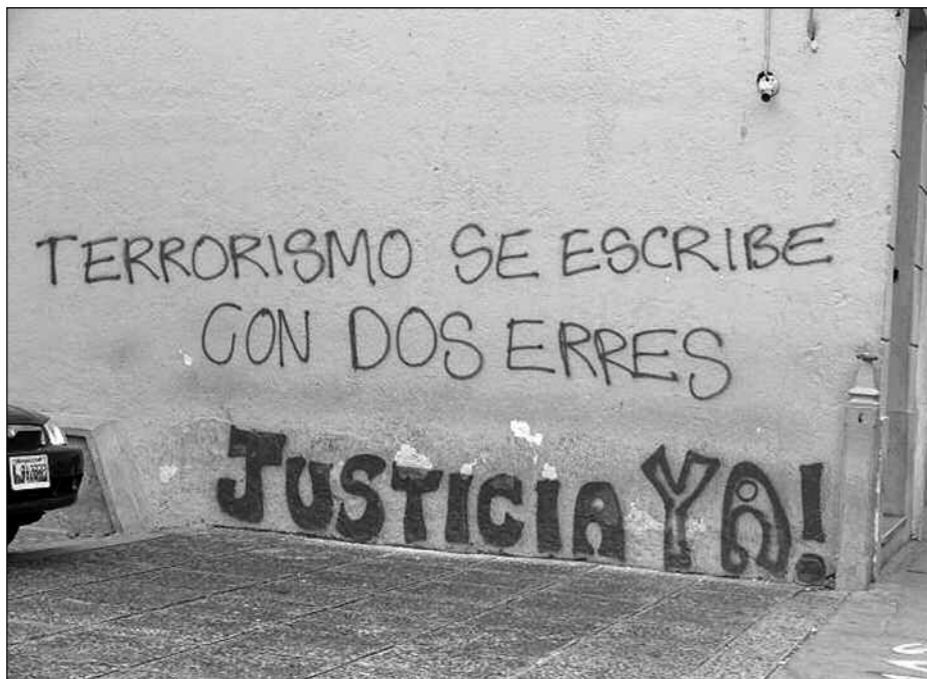


Photo: PBI

and then threw their bodies into the well.<sup>iv</sup> Many women and young girls were raped. On the night of 7 and 8 December, they took the last group of men into the jungle and a group of women into Los Salazares, near Las Dos Erres, and murdered them. The only survivors of the village were a boy who hid among the brush and another group of children that the Kaibiles took with them.<sup>v</sup>

### Unearthing the past

In 1994, the Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA) obtained a court order to begin exhumations in June of that year with the support of the Argentine Forensic Anthropologist Team. Because of rain, the exhumation was postponed to May 1995. At that time, the forensic team exhumed the remains of more than 162 people, 67 of which were children under 12, with an average age of 6<sup>vi</sup>. During the exhumations, the forensic team and families of the victims were subject to acts of intimidation and death threats.<sup>vii</sup>

The Public Prosecutor's Office was making little progress in its investigation. Despite having received testimony from FAMDEGUA, the prosecutor

failed to call any witnesses or survivors.<sup>viii</sup>

Pressure continued on the Public Prosecutor's Office, and it finally named a special prosecutor in 1996. After investigations by FAMDEGUA and relatives of the victims, two survivors were located, both of whom were children at the time of the massacre. Two former Kaibiles who participated in the massacre were willing to testify. In 1999, the Public Prosecutor's Office conducted a preliminary evidentiary hearing with one of the survivors who, as a child, was taken away by the Kaibiles on the day of the massacre and later raised by one of them. As a result, the capture of the former Kaibiles involved was sought. In March 2000, the two former Kaibiles who agreed to testify gave preliminary evidence, providing the names of the others participating in the massacre. With this information, the arrest of the other former Kaibiles was sought on 4 April.<sup>ix</sup> However, between May 2000 and March 2003, the former Kaibiles filed more than 35 appeals, basing the initial ones on the National Reconciliation Law. Nine of them were granted a provisional injunction<sup>x</sup> and one of the appeals is still pending before the Supreme Court of Justice.<sup>xi</sup>

In February 2005, the Constitutional Court accepted an appeal filed by several of the soldiers. According to the Center for Justice and International Law, by accepting this appeal, the court rendered invalid the statements of some soldiers – as preliminary evidence – who acknowledged their participation in the crimes and indicated the existence of higher orders, and the invalidated the arrest warrants against the accused soldiers, who did not appear after more than 30 appeals were filed by their defense lawyers as a delaying tactic.<sup>xii</sup> The Constitutional Court's ruling sparked outrage from civil society organizations, which requested clarification and elaboration on the ruling. As a result, the court reversed its ruling.<sup>xiii</sup> According to Aura Elena Farfán of FAMDEGUA, despite being a landmark case, justice was not served, "although the violation of the right to life was demonstrated."<sup>xiv</sup>

### The case before the Inter-American Human Rights Commission

In 1996, FAMDEGUA submitted the case to the Inter-American Human Rights Commission (IHR). In 2000, an agreement for an amicable solution was reached, which included (1) an exhaustive investigation to identify the material and intellectual authors of the crime; (2) the enforcement of justice; (3) psychological support for the victims; (4)

moral and economic compensation; (5) the construction of a memorial; and (6) the preparation of a documentary to be broadcast on television during peak viewing hours.<sup>xv</sup> Regarding psychological support, there was an effort to gain the collaboration of the psychology faculty of the University of San Carlos (USAC), but this failed.<sup>xvi</sup> In December 2001, the government paid 14 million quetzals (about USD 2 million) to the relatives of the victims. In 2000, then President Alfonso Portillo publicly assumed responsibility for the state for some crimes, such as the massacre at Las Dos Erres. The documentary was produced, although there were many problems and it was not broadcast in the way that was agreed. "Regarding justice, which must be a priority, the state has not even minimally fulfilled its commitments, and it is evident that there has been a calculated delay on the part of the justice system."<sup>xvii</sup> Consequently, in March 2007, the relatives of the victims withdrew from the amicable agreement since, according to Prensa Libre, it had been breached by the government.<sup>xviii</sup> Lawyer Edgar Perez said the government's failure to fulfill its part of the agreement was a continuation of the system of impunity in Guatemala.<sup>xix</sup> A ruling by the IHR on whether to send the case to the Inter-American Human Rights Court is pending. Meanwhile, the relatives continue to hope that justice

will be service in a massacre that occurred almost 25 years ago

<sup>i</sup>Interview with Aura Elena Farfán, 20 March 2007.

<sup>ii</sup>Report of the Historical Clarification Commission, *Guatemala: Memoria del Silencio*, Tomo VI, p. 397.

<sup>iii</sup>Ibid. p.398.

<sup>iv</sup>Ibid. p.401.

<sup>v</sup>Ibid. p.402.

<sup>vi</sup>Report of the Argentine Forensic Anthropologist Team, Ibid. p.405-6.

<sup>vii</sup>Ibid. p.406-7.

<sup>viii</sup>Amnesty International, *Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations*, Editorial Amnistía Internacional (EDAI), Madrid, 2002, p.46.

<sup>ix</sup>Interview with Edgar Pérez, lawyer, 22 March 2006.

<sup>x</sup>[www.cejil.org/comunicados.cfm?id=34](http://www.cejil.org/comunicados.cfm?id=34)

<sup>xi</sup>Cit. Interview with Edgar Pérez.

<sup>xii</sup>Center for Justice and International Law - CEJIL, press release, 7 February 2005.

<sup>xiii</sup>Cit. Interview Edgar Pérez.

<sup>xiv</sup>Cit. Interview Aura Elena Farfán.

<sup>xv</sup>Cit. Interview with Aura Elena Farfán and Edgar Pérez.

<sup>xvi</sup>Cit. Interview Aura Elena Farfán.

<sup>xvii</sup>Cit. Interview Edgar Pérez.

<sup>xviii</sup>Prensa Libre, 8



Excavation of Mass Grave, Dos Erres, El Petén, June 1995. Photo: Piet van Lier.

**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 reli-

gious 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.



*Silke Gatermann and Maripaz Gallardo of PBI during an exploratory trip to El Petén in March 2007. Photo: PBI.*

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