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INTERVIEW WITH CARLOS MORALES, UVOC:
On land, agrarian conflict and human rights in the Verapaz region

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Photo: PBI 2011

PBI international accompaniment, observing the first of the evictions in the Polochic valley, community of Miralvalle, March 2011.



Photo: PBI 2011

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Photo: PBI 2011

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INTERVIEW WITH CARLOS MORALES, UVOC:

On land, agrarian conflict and human rights in the Verapaz region

The Verapaz Union of Campesino Organisations (Unión Verapacense de Organizaciones Campesinas, UVOC) is an organisation of indigenous people and campesino focused on defending and promoting the right of rural communities to access land in the departments of Alta and Baja Verapaz.

The UVOC helps these rural communities in their fight to obtain and defend their land rights. A number of reports and analytical studies have pointed to the ongoing disputes related to access to land and agrarian conflict¹. The UVOC participates in various forms of dialogue, trusting that through this process, solutions to the land problem can be identified and the necessary changes implemented.

PBI has been providing accompaniment to UVOC since 2005, after some of the organisation's members were threatened and harassed. UVOC Coordinator Carlos Morales agreed to give us an interview in April 2011 to provide his perspective on these issues. He spoke to us about the roots of the land conflict in Guatemala and the shared proposal put forward by the communities to address these matters.

He also talked about the evictions that took place recently in Verapaz and the fact that some communities in the region continue to be in danger of being evicted. Below is an excerpt from the interview. It is presented here in an effort to provide a local perspective on the history and current reality of the land problem from the point of view of individuals based in Verapaz, who have been fighting for campesino land rights in the region for a very long time.

In your opinion, what are the core issues at the heart of the land conflict in Guatemala?

Land ownership is very concentrated in Guatemala, and this stems back to the expulsion of indigenous peoples from their lands ever since the Spanish invasion in 1524. This displacement can be divided into three main phases:

- a) Spanish colonisation.
- b) The 1871 liberal rule revolution.
- c) The military dictatorships that followed the 1954 coup d'etat.

During the colonial period, the indigenous people were exploited by the Spanish crown via institutions like the Reparto (redistribution) and Encomienda (control over land and indigenous population), and legal instruments such as the Mandamientos (commandments), laws that governed the social relations of production in that period and forced the indigenous population into agricultural production so that they could pay levies to the Spanish crown and its administrators in the Americas.



Carlos Morales, Coordinator of the UVOC

Nevertheless, the current structure of Guatemalan agriculture does not stem from the time when Guatemala gained its so-called independence, but rather from the Liberal Revolution of 1871. Prior to this period, members of indigenous communities communally owned the land where they carried out their own forms of social and economic production.

By doing so, they were always linked to the national systems in some way - either via the payment of taxes or in other cases by being exploited for their farm labour. Nevertheless, under the new laws created during the liberal period, these communities were driven off their lands or ended up working as labourers on large plantations dedicated to the production of coffee, which became the backbone of the government's national production programme.

This period was marked, therefore, by the emergence of a new class of estate owners, exporters of agricultural products, who found in the Verapaz region tracts of land which were suited to large scale cultivation. At the same time, a great number of indigenous people, who had been displaced from their lands, were easily subsumed into positions of near slave labour. The Reglamento de Jornaleros (regulation on day labourers) was the legal instrument which guaranteed coffee producers access to cheap labour. When, subsequently, German colonizers arrived in the country, taking over large tracts of land which had been seized from the indigenous population, they easily established themselves in the region and focused on one of the main economic activities linked to the exploitation of workers: coffee monoculture. What did that mean for the local people? Slavery.

¹ Such information can be found by consulting the CNOC and CONGCOOP studies, "Fontierras. El modelo de mercado y el acceso a la tierra en Guatemala. Balance y perspectivas" ("Fontierras. The free market and access to land in Guatemala" Guatemala, September 2002, or IACHR, "Informe de seguimiento a las recomendaciones del Relator Especial sobre el derecho a la alimentación para Guatemala". ("Report on the follow up on the recommendations of the Special Rapporteur on the Right to Food for Guatemala") Guatemala, October 2007.

From 1954 until 1986 the rural communities or the farming population did not benefit from the state redistribution of land as it instead favored the owners of large properties who benefited from these measures or from the official rural development of that time².

A review of history does not leave any room for doubt: land ownership has developed in such a way that it currently excludes the country's original inhabitants, subsistence farmers and indigenous people, and does not provide them with the opportunity or the right to determine their own future. Access to land, capital and even the fruits of their labour, all these things have been taken away from local people and small farmers.

Now, once again, indigenous people and their lands are capturing the attention of commercial interests and transnational corporations, of the families of the oligarchy, landowners, the military and drug traffickers - all these actors are in some way linked to the land conflict in the country. One of the consequences of these competing interests is the violence to which indigenous communities and subsistence farmers that live and work on the land are subjected.

¿Can you tell us about some of the proposals that rural communities and organisations have put forward?

- The bill 40-84, on the Comprehensive Rural Development law, which was been before Congress since 2009.
- The Comprehensive Land Reform, which tries to address some of the aforementioned structural problems.
- Leasing land with an option to buy.
- A general proposal on how to address agrarian debt and the restructuring of production, the organisational and social structure of indigenous and rural communities who qualify under the terms of FONTIERRAS (Fondo de Tierras)³. The aim of this proposal is to improve conditions of production and social conditions that would lead to an improvement in the quality of life of communities who are in debt and address the repayment of agrarian debt.

What is your opinion on the current government policies in relation to land conflicts?

Threats, persecution, death threats, orphans, widowhood are part of the daily experience the leaders of indigenous communities and those who are fighting for human rights are facing. It is worth mentioning the cases of Ramiro Choc and Mateo Yat, political prisoners who have been sentenced and cannot be released on bail; the death of Luis Tzi from Nuevo Zapotal (Cobán, Alta Verapaz), and the recent developments in the municipality of Panzós⁴. All this is evidence that the State and powerful interests have adopted a policy of violence and repression against the communities and

indigenous people. That is how the government is addressing the land conflicts.

The Guatemalan State is actually playing an important role by protecting the powerful interests which were already mentioned, those who have economic or business interests in the land (be they legal or illegal) and who can freely and with complete impunity decide what land they want to appropriate, develop or give away. They determine which transnational corporations will be given the right to develop natural resources, who should be evicted, when and how, and they seize lands that rural communities have been working on and fighting for during decades of struggle and resistance.

On top of all this, in December 2010 the government declared a State of Siege in the department of Alta Verapaz (which lasted until February 2011), allegedly so that it could fight organised crime and drug trafficking. In fact, those who hold the power in the region are large landowners like the Widman family, and those linked to drug trafficking such as the Zetas cartel, among others.

Local communities have also questioned the actions of the Human Rights Prosecutor (Procuraduría de los Derechos Humanos, PDH) and the Public Prosecutor (Ministerio Público, MP) in Cobán. In the eyes of the locals, these institutions are part of the systemic impunity. This allows human rights violations against the indigenous communities and the thousands of people in the region who are currently in danger of losing their few material possessions to go unchecked, while these institutions stand by and do little to protect them and uphold their rights. Some of the questions we ask ourselves, as social activists in the region, are: why has the Office of the Human Rights Prosecutor not addressed the incompetence of its local department in Cobán? And what is the Public Prosecutor doing to stop the repression in the Polochic valley?

How would you characterise the negotiation processes or dialogues with institutions in order to stem the evictions of local communities in Alta Verapaz?

The UVOC has been speaking about the subject of land ownership and agrarian conflict in various venues. There is the Alta Verapaz negotiating platform - where the Secretary of Agrarian Matters (Secretaría de Asuntos Agrarios, SAA), FONTIERRAS and representatives of the communities come together. A list of priorities was presented to the SAA highlighting certain urgent cases such as those of the communities of San Miguelito (el Estor, Izabal), Seolaya and Lote 8 (Panzós, Alta Verapaz). Before a number of communities in the Polochic valley were evicted in March, we met with a government team led by the SAA Secretary, Dr. Antonio Rodríguez. We stressed the need for the government to address the land matter with the Central American Bank of Economic Integration

2 Earlier, at the International Seminar "Land Reform in Latin America" held in 2008 in Paraguay, Carlos Morales had pointed out that "From 1954 until 1986 people in Guatemala did not stop talking about agrarian reform, although despite all the talk this was never fully implemented; there was some land redistribution which mostly consisted of returning the land to the landowners or granting the same piece of land to the campesinos over and over again. Someone would be elected president and allocate some land, then another president would come along and hand over the same piece of land; all the time they were allocating land but it was always the same plot. The rich people were those who most benefited from this redistribution. They had the technical capabilities to be able to take advantage of the agrarian and rural development government policies of the time, while the local communities continued to go hungry and to be subjected to atrocities". Compiled by Guillermo Ortega and Tomás Pala, "Reformas Agrarias en América Latina: Memoria del seminario internacional, 3 al 5 de noviembre de 2008". Asunción (Paraguay). CLACSO, 2009.

3 "Land Fund" State institution designed to help campesinos in the financing for accessing cultivable land.

4 For more information see article Evictions in Polochic in this issue. (Page 4)

(Banco Centroamericano de Integración Económica, BCEI) and we demanded that the land be handed over to the rural communities. Their response was to forcefully evict 12 communities.

What is your opinion about the evictions carried out since March 2011 in the Polochic region (Alta Verapaz)?

The violence people in Polochic faced this year is part of a long chain of events of forced and violent evictions that indigenous and rural communities are being subjected to throughout the country and which have been marked by a disproportionate and unnecessary use of violence. The authorities used arms and tear gas in a flagrant violation of human rights, an affront on life and personal integrity. In some cases there have even been reports of women being sexually assaulted.

People's right to their livelihood and shelter was jeopardised after their harvest and homes were destroyed. The destruction of hundreds of acres of corn, bean and other agricultural products during the evictions, have put a number of families and communities at greater risk of going hungry, especially given the rise in the prices of basic food products. In the case of Polochic it became clear once again, that certain powerful individuals from the private sector were directly involved in the eviction. For example, we noted the role of Mr Widman - who was there carrying a weapon and protected by private security bodyguards - and Mr. Ricardo Díaz, owner and director, respectively, of the Chabil Utzaj sugar cane processing plant, who claim to own the land that is under dispute. Moreover (and this is not the first time this happened), campesinos were pitted against other campesinos as some local people were hired by the company to take part in the eviction alongside members of the security forces. These campesinos changed into the uniforms of the National Police (Policía Nacional Civil, PNC) and the army and were provided with batons. A number of them were recognised by neighbours of the evicted communities or other local people⁵.

What about the role of other actors? For example, did the BCIE have any impact on this process?

We know that the institutionalised violence in Alta Verapaz is linked to the business interests of one family, the Berger-Widmans, who took control of certain lands in a process that in our view was highly flawed. The Widman family, taking advantage of their family connection to former president Oscar Berger, received public loans from the State which were used to finance private business projects, such as the purchase of the land where the Chabil Utzaj sugar factory has now established itself. People are aware of the fact that without the complicity or acceptance of the BCIE this could not have happened. How can an estate owner carry out private deals and purchase land to construct a private company, with public funds given by the BCIE to the government of Oscar Berger? This matter is now at an impasse while it is still being determined who the rightful owner of this land is⁶.

Evictions in Polochic: Brief Year-end Update

The eviction process of 14 indigenous communities from the Polochic Valley (Panzós) which took place between the 15th - 23rd of March 2011, and the resulting situation in which hundreds of affected families have faced during recent months is a worrying example of agrarian issues in the region. These are marked by profound, historic problems related to land ownership. Since the eviction, the vulnerability of the affected families, their communities and social organisations in the area has increased. At the same time the media has denounced infringements of land rights, housing, protection, food, physical integrity and health. Guatemala is a signatory - among other international instruments - of the International Agreement on Economic, Social and Cultural Rights (DESC); it has, as such, the obligation to respect the rights that the Agreement outlines and must comply with mandates of the international organisms that oversee due application. For example, the DESC Committee of the Office High Commission for Human Rights of the United Nations (OHCHR) established in 1997 that "evictions should not result in persons being left without homes or exposed to violations of other human rights. When those affected by the eviction are without resources, the signatory should accordingly adopt all the necessary measures to the best extent that its resources permit to provide other housing, resettlement or access to productive land."⁷ In November 2010, the Maya Q'eqchi families settled on the land from which they have now been evicted due to the scarcity of available and cultivatable land in the area, and at a time when the land was considered unproductive. The sugar company, Chabil Utzaj (owned by the Widman family) was in arrears with repayment of loans granted by the BCIE (Central American Bank for Economic Integration) and had 37 estates in the Polochic Valley put up for public auction in August 2010 for 32 million dollars.⁸ Though negotiations were opened with participation of the company, the communities, several civil society organisations, the Presidential Human Rights Commission (COPREDEH) and other state institutions such as FONTIERRAS⁹, agreement on a solution to the situation was not reached. With the eviction - the final option chosen by the Guatemalan State to address the conflict between the communities and the company - human rights infringements worsened. The violent death of several people during and following the eviction remain under investigation (among them that of Antonio Bed Ac on March 15th and of Oscar Reyes on March 19th; circumstances surrounding the assassination of Margarita Chub Ché also remain to be clarified). In addition, the analysis published by the Polytechnic University of Catalonia reported that "according to testimonies gathered in the area, the presence of clandestine groups create insecurity, physical and psychosocial violence as part of the criminalization and harassment of persons from the displaced communities."¹⁰ On the 20th of June, the Inter-American Human Rights Commission (CIDH) of the Organisation of American States granted preventive measures to benefit the 14 evicted communities. According to statements in the petition for preventive measures, the judicial order of

5 A statement issued by the Committee of Campesino Unity (CUC) highlights these events by mentioning that "once the population had been evicted, the army proceeded to destroy and set fire to the houses and crops", photographs were put on their web site: "Arrests, intimidation, death-threats in the midst of evictions of the 16th and 17th of March in the Valle de Polochic", 17 March 2011. http://www.cuc.org.gt/es/index.php?option=com_content&view=article&id=303:capturas-intimidaciones-amenazas-de-muerte-en-medio-de-los-desalojos-del-16-y-17-de-marzo-en-el-valle-del-polochic

6 The opinions and point of view of Walter Widman, about the evictions in the Polochic valley and the land problem in Alta Verapaz, were captured in an article in the online magazine Plaza Pública. Naveda, Enrique "La reunión obedeció más a un requerimiento de la primera dama" (The meeting fulfilled the requirements of the First Lady), Plaza Pública, 5 April 2011. <http://plazapublica.com.gt/>

eviction was not communicated in advance to the affected communities and was not executed in compliance with the law. "The CIDH asked the State of Guatemala to adopt the necessary measures to guarantee life and physical integrity of the members of the 14 indigenous Q'eqchi communities; to adopt the necessary measures to provide humanitarian assistance, including food and shelter to the members of the 14 communities that had been evicted; and to arrange the measures with the beneficiaries and their representatives." Additionally, the CIDH asked that it be kept informed of the actions taken to investigate the occurrence which gave rise to adoption of preventive measures. In the same regard, since July, there have been several opportunities for dialogue between the communities benefiting from the measures, their representatives and the Presidential Human Rights Commission (The COPREDEH) - as the institution responsible for coordinating their implementation - to organise the measures requested by the CIDH. As the period for the urgent implementation of these measures passed (set for July 5th), the situation of the displaced families continued to be precarious in the final trimester of the year: "they continue without access to shelter, food, water and medical attention to guarantee their physical integrity."¹¹ In a letter published on October 19th, The COPREDEH outlined some difficulties it had encountered in the process, highlighting "that incongruence exists in the information received by the State about the number of communities, beneficiary families and estates where evictions have taken place" and that the Government "needs to have a list of all of the possible beneficiaries given that any measure adopted will affect State funds."¹² On the 21st of October, The COPREDEH directed a report on the compliance with the preventive measures to the CIDH. According to the report, the State had to organise a census to determine the food and shelter needs as well as to direct the preventive measures. With the results of the census, the State will proceed to attend the population's needs."¹³ On the 27th of October, according to reports by several organisations, "20 families were evicted from the community of Paraná by company security forces, in violation of legal procedure and indicating a lack of State attention and protection for the families."¹⁴ On the 14th of November, in a meeting with those who had requested the preventive measures in La Tinta (Panzós), The COPREDEH presented the census results carried out to determine and identify the exact number of persons affected by the evictions and that - according to this institution - would serve in the first place for designation of food and later to resolve the land and housing situation. According to the presentation, the census registered 752 affected families although the community delegation

said that people had been excluded due to the methodology used. In addition, the meeting focused on measures related to food. The representative from the Ministry of Agriculture and Nutrition (MAGA) presented the monthly food allowance that the State is prepared to provide to the affected population; it is made up of 5 pounds (lb) of corn flour, 10 lbs of beans, 2 lbs of sugar and 2 bottles of oil for each family of five. For its part, the community delegates emphasized the need to address the measures relating to land, housing and protection as a priority, but this was not possible since other representatives of public institutions such as the Secretary of Agrarian Affairs (SAA), the Ministry of Interior and the Public Prosecutor's Office (MP) did not participate in the meeting. They indicated that the provision of food is palliative given their food situation and as a campesino population, land is vital in overcoming the precarious conditions they face as a result of the eviction, in which their harvests and homes were destroyed. At the same time, they consider the food being offered by MAGA totally insufficient, given the parameters for average consumption that are used by the Secretary for Food and Nutrition Security (SESAN), which estimate that a campesino family consumes one hundred-weight of corn and 50 lb of beans per month. Nonetheless, given the situation, the affected communities decided to accept the food offered by MAGA whose first distribution took place the day following the meeting. They also asked for an urgent meeting within 10 days with the appropriate public institutions to reconsider the arrangements with regard to access to land and dignified housing for the displaced communities. Only eight months following the evictions in the Polochic Valley, State actions are beginning to materialise - although still considered totally insufficient for the affected population - to attend the urgent needs of the displaced campesino and indigenous communities from the estates occupied by the Chabil Utzaj refinery and its extensive sugar cane plantations. Additionally, in these last months the refinery has been saved from bankruptcy by the intervention of the Nicaraguan business group Pellas as Luis Solano explains in the bulletin *El Enfoque* (number 16). Since then the BCIE, which organises the financial situation of the refinery, has published the restructuring of credit for more than 20 million dollars to achieve its reactivation. According to Solano "this strategy to announce the restructuring of these credits, which has been dressed up with social aspects, does not match the bloody evictions of hundreds of Q'eqchi families which took place last March and which preceded this announcement by the BCIE."¹⁵

7 OHCHR, The right to adequate housing (Art.11.1): forced evictions, CESCR General comment 7, 20th of May 1997 www.ewash.org/files/.../forced%20eviction.pdf

8 Monzón, Marielos, "Detrás del Polochic", *Prensa Libre*. Guatemala, 6 April 2011 http://www.prensalibre.com/opinion/Detras-Polochic_0_452954725.html

9 State institution designed to help campesinos in the financing for accessing cultivable land

10 GIDHS, "Conclusiones y recomendaciones de la visita del Grupo de Investigación en Derechos Humanos y Sostenibilidad (GIDHS) a Guatemala", Universidad Politécnica de Catalunya, Cátedra Unesco". Barcelona, September 2011 <http://investigacionddhh.files.wordpress.com/2011/09/documento-final-conclusiones-y-recomendaciones-guatemala-2011-gidhs.pdf>

11 Arce, Alberto y Sebastián, Sandra, "Wendy en Guatemala, el País de Nunca Jamás", *Plaza Pública*. Guatemala, 15 September 2011 <http://www.plazapublica.com.gt/>

12 Naveda, Enrique, "Carta de aclaración de COPREDEH a 'Wendy en Guatemala, el País de Nunca Jamás'", *Plaza Pública*, 19 October 2011. <http://www.plazapublica.com.gt/content/carta-de-aclaracion-de-coprekeh-wendy-en-guatemala-el-pais-de-nunca-jamas>

13 COPREDEH, "Informe del Estado de Guatemala a la Ilustre Comisión Interamericana de Derechos Humanos CIDH -, sobre el cumplimiento de la MC-121-11 a favor de 14 Comunidades Indígenas Q'eqchi' del municipio de Panzós, departamento de Alta Verapaz", Guatemala, 21 October 2011 <http://www.coprekeh.gob.gt/media/File/periodo%202011/informe%20polochic%20cidh%20oct%202011.pdf>

14 Comité de Unidad Campesina (CUC), "Paraná: acoso sistemático". Guatemala, 3 November 2011 http://www.cuc.org.gt/es/index.php?option=com_content&view=article&id=380:parana-acoso-sistemático&catid=36:noticias&Itemid=57

15 Solano Luis, "Valle del Polochic: El poder de dos familias", *Enfoque* Number 16, year 2, Guatemala, 9 May 2011.

Protected Areas in Guatemala: state protection of territory

Since the creation of the first protected areas in Guatemala in the 50's, the issue has been disputed and interpreted in different ways, generating diverging opinions regarding its definition and use. In this article, we look at two examples that highlight the problems related to protected areas in the country: Las Granadillas Mountain in Zacapa and the Sierra de las Minas in Alta Verapaz. The first case reflects some of the difficulties that exist in establishing a protected area based on a social and community initiative; the second exposes the problems that communities located inside protected areas face.

The state institution responsible for protected areas in Guatemala is the National Council for Protected Areas (CONAP). Created by the Protected Area Law (LAP), it is the highest office accountable for the direction and coordination of the Guatemalan System of Protected Areas (SIGAP). The SIGAP is made up of all protected areas and the agencies that administer them in order to achieve the objectives of the law in terms of conservation, rehabilitation, improvement and protection of natural resources and of biological diversity of the country¹. In the normative framework, the declaration and administration of protected areas are the official instruments for conservation of biological diversity which is recognised as "of national interest" within the law.

To consider the problems that exist in the two cases cited, it seems important to explain the mechanisms available for the official declaration of a protected area and the different types (or management categories) recognised in Guatemala.

Legal declaration of protected areas

The first step for the official declaration of a protected area – be it as result of a CONAP initiative or based on a proposal it receives – is the approval of a technical study by CONAP which examines the physical, social, economic, cultural and environmental characteristics and conditions prevalent in the proposed zone as well as the impact of designation on all aspects of life of the population. The study must identify, as a minimum standard: the technical qualification of the person or agency responsible for carrying out the study; the objectives they hope to achieve with the declaration of a protected area; the location and limits of the area; its importance (natural resources, predominant cultural features, scenic value, flora and fauna species); human settlements and activities; land tenancy; use of natural resources; management category and justification for it, and the agency that will be in charge of its administration; the limits

and extension of the watershed, current and desired uses once the area is declared. In the case that a request for declaration of a protected area comes from a private agency, it is that agency which should carry out and present a thorough study of the area and a Master Plan that outlines the proposed management of the area.²

Another aspect to consider is who makes the request. If the person making the request is a private property owner it is easy to get approval for protection of the area, but in the long run it means that the owner of the land can withdraw the request at any time. If the protected area is demanded by the State in Congress, the approval has a firmer basis since the protected area is then established by law and private property owners are obliged to accept it. When following the latter procedure, normally the State proposes some economic initiatives to compensate land owners within the area.³

Finally, "if conclusions from the technical study point to the legal creation of the protected area, a law will be put forward to the Legislative Organism for its creation and corresponding legislation. Once decreed, the Executive Secretary of CONAP will be in charge of its immediate application and adequate planning, administration, financing and control."⁴

Management categories for protected areas Six different types exist:

1. National Park/Biological Reserve
2. Protected Biotype/Natural monument/Cultural monument/
Historical park
3. Multiple use area/Forest wetland/Forest refuge/Wildlife refuge
4. Natural recreation area/Regional park/Scenic routes
5. Private Natural Reserve
6. Biosphere Reserve⁵

Every protected area can be zoned for best management and CONAP can set specific parameters for permitted, restricted and prohibited uses in each case.⁶ In general, categories 1, 2 and 4 are areas protected for tourism, areas that are of aesthetic value with historic or cultural importance. Classes 3 and 5 focus more on preservation, responsible production and study of existing flora and fauna in the area. The category most closely linked to the two cases being considered here is the sixth, the Biosphere Reserve, which includes zones in which human settlements are limited or prohibited.

1 Congress of the Republic, Protected Areas Act (LAP), Decree No. 4-89, Guatemala, 10 January 1989. Title I, chapter I, article 2. In chapter 2, article 5, the Act defines its objectives: "a) To assure optimum function of essential ecological processes and vital natural systems for the benefit of all Guatemalans; b) To achieve conservation of biological diversity of the country; c) To advance capacity for sustained use of species and ecosystems in all national territory; d) To defend and preserve the natural patrimony of the Nation; e) To establish necessary protected areas in the national territory for public use and social interests."

2 President of the Republic, Protected Area Act, Decree No. 759-90, Guatemala, 22 August 1990. Title I, chapter II, article 11. Also articles 11 y 12 of the LAP

3 PBI, interview with Gerardo Paiz, independent consultant, 28 January 2010.

4 LAP, article 12.

5 Regulations on the LAP, article 8.

6 Regulations on the LAP, article 7.

Within a Biosphere Reserve there are central or natural areas where “hunting, capturing or any act that disturbs or injures the life or existence of wildlife is prohibited along with cutting, extracting, or destroying any specimen of wild plant except for technical, management purposes that are necessary for conservation. Moreover, human settlements are not permitted except where necessary for research and administration of the area.”⁷

In addition, there are modifiable zones that allow manipulation of the natural environment only for scientific or educational purposes. There also are multiple or sustainable use zones where environmental restoration and stable, sustainable human activities are permitted. Norms dictate that until a Master Plan is approved, there can be no use or extraction of resources except those for limited traditional uses undertaken by the local population for local needs.⁸

Concessions

CONAP can lease or grant concessions for access to protected areas under its administration only when the Master Plan allows for and clearly permits this in accordance with corresponding contracts for the concession.⁹

Concessions for use and management of natural resources within protected areas are possible only if it is demonstrated that it can be done with respect for the environment and provided that it has CONAP approval.

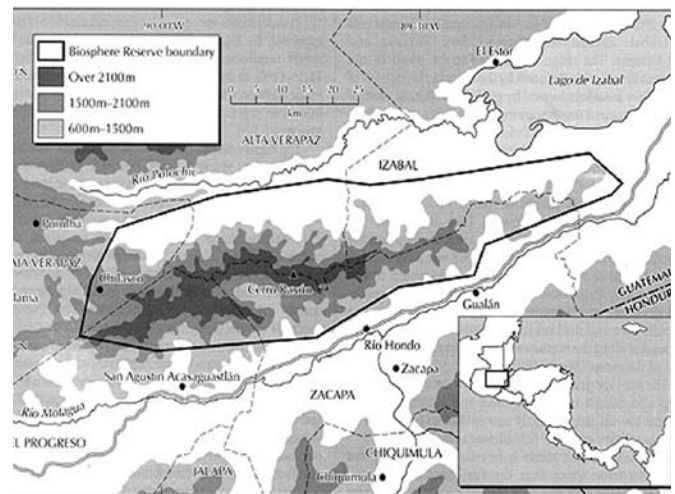
Human settlements

In the case of protected areas under strict conservation (National Parks, Biological Reserves and central areas of a Biosphere Reserve) new human settlements are not permitted except those necessary for administration and research in the area. If settlements exist in the area, mechanisms will be sought to make them compatible with the management of the area. If such conditions are not achieved, relocation will be pursued.

In the remaining categories the existence of settlements is feasible. In all cases the area used and occupied for those settlements cannot be increased for any management category in protected areas. The Master Plan will describe in detail the guidelines that the population must follow in order to make human presence compatible with the objectives of the area.¹⁰

Las Granadillas Mountains

Las Granadillas Mountains are located in the eastern part of the



Map of the Sierra de las Minas Biosphere Reserve

country and occupy 569.63 km² within the departments of Zacapa and Chiquimula.¹¹ It is an important watershed zone that stores water for 219 villages with 69,942 inhabitants.¹²

For seven years, the people of Zacapa and Chiquimula have organised themselves to oppose timber licences issued by the National Forest Institute (INAB) that they consider unfeasible due to the negative impact on this watershed zone. In particular, they have resisted peacefully and legally against the forest management licence on the Tashoró Estate.¹³

During a meeting with president Álvaro Colom held in Zacapa on November the 14th 2009, delegates from the affected communities, members of the Madre Selva Collective (an environmental NGO) and the Association for the Protection of the Granadillas Mountain (APMG), the Act of Compromise, Council No. 19 was approved in which the State promised to declare the mountains a protected area.¹⁴ On May the 11th, 2011, APMG, with support of the Guatemalan National Revolutionary Unity bench (URNG-Maíz), proposed in Congress an Initiative for Legal protection of Las Granadillas Mountain.¹⁵ The initiative proposes the following zoning for the mountain: 78.3% blocked zone, 18.26% zone of natural ecosystem restoration, 3.43% nuclear zone.¹⁶ At the close of 2011 APMG has yet to receive a response.

Gerardo Paiz points out two problems in having the mountains declared a protected area:

7 Regulations on the LAP, article 8.

8 Ibid.

9 LAP, article 19 as well as regulations on the LAP, articles 27, 28 y 37.

10 Regulations on the LAP, article 24.

11 Madre Selva, Nuestra Lucha en Favor de la Vida, Guatemala, 2008.

12 Diversidad biológica de la montaña de Las Granadillas y su importancia para la conservación, Universidad de San Carlos (USAC), Guatemala, 2011.

13 El Mirador, Se esta deforestando la montaña de Las Granadillas Zacapa, Guatemala, 28 May 2011.

14 Madre Selva, statement, Guatemala, Noviembre 2009.

15 URNG, Boletín 29, Guatemala, January 2011.

16 Estudio técnico para la declarativa de la reserva manantiales Chortí-Ladina Montaña de las Granadillas, Guatemala, February 2011.



Photo: PBI 2011

APMG members in Las Granadillas mountains, Zacapa, February 2011

"In the first place one of the major limitations of the Association (APMG) have been financial issues. To complete the technical study required to declare a protected area is very costly. In fact, the process of undertaking the study was started 10 years ago, but it has not found support. Since then it has been carried out in whatever way possible." Secondly, "there has been a lot of disinformation (. . .) There is a group dedicated to disinformation, stating that if the mountain is declared protected the people living there are going to lose their land and this scares people. They are groups with particular interests and including private property owners."¹⁷

José Pilar Álvarez Cabrera of the Lutheran Church in Guatemala (ILUGUA) said, "all of the activities that the communities have undertaken to have the mountain declared a protected area have been carried out in the spirit of non-violence, peacefully and legally. Nonetheless, plantation owners have responded with legal and criminal attacks.

All of the defamation and false accusations are aimed at fragmenting, dividing and disrupting the organisation of the communities who are demanding their right to water, forests, and the environment."¹⁸

Sierra de las Minas

The community of San Juan Secuman is located north of the Sierra de las Minas in the department of Alta Verapaz. The Sierra de las Minas is a mountain range that extends across four departments in the country and was designated by UNESCO (the United Nations Educational, Scientific and Cultural Organization) as the most diverse mountainous area in all of Central America.¹⁹ In addition, Igor de la Roca, coordinator of the Climate Change Unit of CONAP, stated that more than 70% of the biodiversity of Guatemala and Belize is found in the Sierra de las Minas.²⁰

Studies carried out by the Nature Conservancy state that the mountain range is the source of water for 500 communities (400,000 people) and say that irresponsible timber cutting is limiting access to that water.²¹

In 1990, 240,000 hectares of the Sierra de las Minas were declared Biosphere Reserve with 174.27 hectares identified as the nucleus.²² Decree No. 49-90 includes the official declaration of Sierra de las Minas as a protected area. Since then the multinational foundation Nature Defence (whose strategic allies include USAID,

17 PBI, interview with Gerardo Paiz, Cit.

18 PBI, interview with José Pilar Álvarez Cabrera, 27 April 2011.

19 The Nature Conservancy website: <http://www.nature.org/ourinitiatives/regions/centralamerica/guatemala/placesweprotect/motaguapolo-chic-system.xml>

20 Centro de Estudios Ambientales, <http://infoambiental.org/2009/05/una-mirada-a-la-reserva-de-la-biosfera-sierra-de-las-minas/>

21 Watershed Report, Lessons learned from Conservancy Projects, U.S.A., January 2007.

22 Defensores de la Naturaleza, http://www.guatecarbon.org/index.php?option=com_content&view=article&id=50&Itemid=72&lang=es

MARN, DANIDA and Businesses Network) has funded and implemented protection projects and sustainable development for the area. With its support in 2006, the Nature Conservancy facilitated the application of the Tropical Forest Conservation Act (1988) that allows certain countries to apply their debts with other countries to forest conservation. Within the framework of this act, the Guatemalan government received \$1 million from The Nature Conservancy (half donated by American Electric Power) and \$15 million from the United States Government to maintain the Sierra de las Minas as a protected area.²³

The community of San Juan Secuman included 75 families located in the central zone when the Sierra was declared a protected area.²⁴ In April, 2002, Nature Defence requested that the community be evicted.²⁵ Though the request has not yet been considered, the community asked for support of the Verapaz Union of Campesino Organisations (UVOC) to address the matter at round table talks with the Secretary for Agricultural Affairs (SAA).

According to Carlos Morales, coordinator of the UVOC, the San Juan Secuman community do not want to leave its land and have the right to remain as they lived there before the land was declared a protected area.²⁶ The Master Plan states that Nature Defence is obliged to enter into dialogue with the community and to relocate them, with legal action or eviction only to be used as a last resort.²⁷ Gerardo Paiz explains: "What has to happen is that these people should be worked with and supported in order to integrate them into the process. The law requires that at no time should an eviction be ordered for communities that have inhabited the land prior to it being declared a protected area."²⁸

Carlos Morales said that the response from the State in regard to the communities has not been helpful, and that the natural resources in the area have tended to benefit the private sector.²⁹ For example, hydroelectric dams have been built on the Matanza river (Baja Verapaz) by the Italian company ENEL and on the Pasabien river (in Zacapa) by Pasabien, S.A.³⁰, both in the multiple use zone of the protected area.³¹

The coordinator of the UCOV proposes a thorough verification process to determine who the people and companies are, before they are permitted to invest in projects in a protected area. In addition, in the long term he believes that the law must be reviewed and in all cases the indigenous and campesino populations must be included in order to avoid their eviction.³²

Summary

Considering the two cases in this article, the main conclusions that can be drawn are of the need to find a balance between the protection of the natural and cultural wealth of the areas and the protection of the people and communities living in them. Therefore, conservation of biodiversity is needed as well as a respect for the rights and needs of the communities and people who live in these areas.

Julio Gonzalez, of the Madre Selva Collective, identified some proposals that would support the community initiatives to designate the area in which they live as protected, as well as to protect the communities which are found in areas that have been declared protected:

1. Create closer coordination between CONAP and the Conservationist Study Centre (CECON) in future assessments of the impact that the declaration as protected areas has.
2. Create more spaces for the communities to dialogue with CONAP and to share their needs. Create a methodology and a policy so that they can be heard.
3. Collaborate so that the protected area benefits the communities.
4. Establish protected areas taking into account the demographic changes of the country, for example, the increase in population and lack of access to land.
5. INAB should take into account the impact of timber cutting on bodies of water and on the communities that depend on those resources when it approves licenses.
6. The State should elaborate a water law to regulate its use and clarify ownership.
7. Respect traditional ways that communities manage water.
8. Ensure that part of the profit generated by the projects implemented within the protected areas reaches the communities.
9. Ensure that concessions comply with the norms outlined in the Protected Area Law.³³

23 The Nature Conservancy, webpage: <http://www.nature.org/ourinitiatives/regions/centralamerica/guatemala/explore/guatemala-debt-for-nature-swap-is-a-win-for-tropical-forest-conservation.xml>

24 PBI, interview with Carlos Morales, UVOC, 9 February 2011.

25 USAID, Breve Diagnostico de la Situación de la Tenencia de la Tierra en las Areas Protegidas de las Verapaces, U.S.A, Septiembre 2003.

26 PBI, interview with Carlos Morales, Cit.

27 CONAP, Plan Maestro de la Reserva de la Biosfera de la Sierra de las Minas, Guatemala, Noviembre 2003.

28 PBI, interview with Gerardo Paiz, Cit.

29 PBI, interview with Carlos Morales, Cit.

30 Ministerio de Energía y Minas (MEM), www.mem.gob.gt/Portal/Documents/.../2009.../hidros_pagina.pdf

31 CONAP, Plan Maestro de la Reserva de la Biosfera de la Sierra de las Minas, Guatemala, Noviembre 2003.

32 PBI, interview with Carlos Morales, Cit.

33 PBI, interview with Julio González, Colectivo Madre Selva, 11 July 2011.

Activities for PBI's 30th anniversary

To celebrate the 30th anniversary of PBI during July 2011 the Guatemala Project organised three events to promote the protection of human rights defenders in Guatemala:

- The presentation of a special report "Indigenous Guatemalan women in resistance: community leaders in defense of Mother Earth and its natural resources" which took place in Santa Fe Ocaña, San Juan Sacatepéquez, on the 19th of July 2011.
- On the 20th of July we facilitated a meeting of women from different parts of the country defending economic, social, cultural and environmental rights.
- We organised a forum on the protection of human rights defenders in Guatemala -which ended on the 28th of July- with the participation of organisations which we accompany, other Guatemalan social organisations of human rights defenders and representatives from the international community.

Results from the forum on protection between human rights defenders and representatives from the international community.

The forum facilitated the meeting, debate and exchange of experiences of human rights defenders from different parts of the country. It also provided an opportunity for meeting and direct communication with the international community (IC): the defenders voiced their concerns, their needs and requests for protection to international institutions present in the country. For their part representatives from the European Union Delegation (EU) and the universal as well as Inter-American human rights institutions (OHCHR and IACHR) presented the international mechanisms available for the protection of human rights defenders. In smaller groups, the participants shared the experiences of their respective organisation and group and identified the kind of protection needed by the defenders in the current context. Additionally they evaluated some of the mechanisms implemented by the IC which they considered as having been useful and effective in terms of protection. They also highlighted some good practices including:

- Visits to the rural parts of the country by diplomatic missions and international organisations. These were seen as helpful in promoting the human rights defender's security and as having a positive impact on the level of pressure and threats that they face.
- The clearly visible observation of judicial processes, especially cases where human rights defenders are accused of committing offences because of the work they are doing in defending and promoting human rights, be they civil, political, economic, social and/or cultural.

Based on the protection needs identified, they also formulated the following suggestions directed at the international community:

- The activities and spaces for protection offered by the IC should be geographically decentralised. Many organisations and communities do not possess the resources or possibilities to come to activities in the capital.
- The available protection mechanisms in communities, collectives and social organisations that promote and defend human rights should be publicised.
- Meeting opportunities for organisations to promote the exchange of knowledge and experiences between social activists from different parts of the country, who are actively defending human rights should be protected and supported.
- Locations specified for female human rights defenders to meet should be protected.
- Training or support for training of defence lawyers on cases of criminalisation of human rights defenders should be provided. There is a lack of awareness of the protective procedures relevant to these cases.
- Attention should be drawn to processes of criminalisation of human rights defenders and public statements referring to them should be issued.





Women from the communities of San Juan Sacatepéquez during the monographic presentation concerning women and land to mark the 30th anniversary of PBI, 28th July 2011, in Santa Fe Ocaña.

The panel, made up of Pedro Henriques from the EU delegation, Christina Papadopoulou from the OHCHR, Jesús Orozco from the IACHR, the moderator Anabella Sibrián from the Dutch Platform against Impunity, Carlos Morales from the UVOC, Lorena Cabnal from AMISMAXAJ and Mauro Cosojay from Q'a molo Q'i San Juan.



Meeting of human rights defenders to mark the 30th anniversary of PBI, 28th July 2011 in Santa Fe Ocaña.





PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

Mission

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

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

At the request of threatened social organizations, 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 organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, **PBI** continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

The accompaniments realized by **PBI** after receiving a petition by the Guatemalan organizations are focused in three areas: fighting impunity, right for land and negative effects of the economic globalization on human rights.

Objectives

1. To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organizations that are working for an end to impunity, national reconciliation and compensation to the victims of human rights violations and the fulfillment of the commitments achieved through the Peace Accords.
2. To sensitize the international community to 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 sensitize the International Community to the need for creating and applying policies, tools, and mechanisms for the protection of human rights defenders.
4. To share experiences and tools with Guatemalan Organizations that help in achieving the general objectives of **PBI** in Guatemala.

Team in Guatemala

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