

## The fight against impunity in face of violations of the right to food

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Campesino loading sacks of corn, Petén.

Photo: PBI 2010



Photo: PBI 2011

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Photo: PBI 2012

Corn in process of being dried in a house in Huehuetenango, Guatemala.

*“Clementino Martín Aguilar is three years old and the size of a one-year-old because of chronic malnutrition. He lives with his family in an adobe house in the village of Cuate, San Juan Atitán, a municipality located in the Sierra de los Cuchumatanes where the level of chronic malnutrition is the highest in the world, and therefore also in Guatemala: 91.4% of children are underweight and under size. (. . .)*

*‘The Aguilars, a family of seven, live on less than 30 Quetzales a day (4 dollars), money used to try to cover their food costs. The mother says that they had eaten plants and tortillas for breakfast that morning: “the only thing they eat when there are some”, she said.’*

This article portrays a general overview of the food situation in Guatemala and focuses on highlighting some recent initiatives in the struggle against impunity in the face of violation of the right to food that the Guatemala civil society denounces.

### Overview

According to the 2009 Alternative Report on the Right to Food in Guatemala, the food crisis situation currently suffered by the poorest populations is not only the result of climatic circumstances in the country, albeit the persistent drought impacting the so-called Arid Corridor in the east. In the presentation of the report, Stefan Hartleben and Ricardo Zepeda suggest that it is down to the situation of food dependence – that affects primarily campesino and indigenous populations. This dependence is to a large extent a product of policies over decades that have put aside the needs of the country’s poorest inhabitants and that have not addressed structural causes of hunger and poverty. It states that, to the contrary, the governmental response has focused on “food aid to the populations that have fallen into situations of hunger and that suffer irreversible effects of lives marked by chronic malnutrition.”<sup>2</sup> Other studies, in addition to this report have criticized the role it has played in creating the situation described. The gamble on agro-export, mining, and

<sup>1</sup> Hernández, M., “Drama en la sierra de los Cuchumatanes por desnutrición”, Prensa Libre, Guatemala 29.01.2012

<sup>2</sup> Colectivo Social por el Derecho a la Alimentación, “Informe Alternativo del Derecho a la Alimentación en Guatemala, Monitoreo de las Directrices Voluntarias para el Derecho a la Alimentación”, Guatemala, 2009. The Social Collective for the Right to Food started in 2007 “with the aim of opening free and democratic space for construction of a holistic policy framework based on the specialized work of diverse sectors, from academics to those working directly in the communities on issues of food rights, though within the context of respect for Human Rights in general and, in particular the “Right to Adequate Food”. At the time of the publication of the article cited, the collective included the International Center for Human Rights Research – CIIDH; the Coordination of NGO and Cooperatives, CONGCOOP; the Interdiocesan Land Pastorate, PTI; the National Network for Defense of Food Sovereignty in Guatemala, REDSAG; the Guatemalan Campaign Against Hunger; the National Food Board, MNA; as well as independent volunteer experts who contributed to specific articles.

food imports, the studies explain, result in Guatemala losing its self-sufficiency in the production of basic grains during the last quarter of a century. This has caused it to resort to imports and provoked, in recent years, a decrease in national production to the lowest levels in decades.<sup>3</sup>

As a result of the current situation, statistics and distressing cases of malnutrition, undernourishment and families affected by food insecurity continue to emerge which in too many cases are chronic. According to Mr. Olivier de Schutter, United Nations Relator for the right to food, in order to overcome the existing inequalities in Guatemala and address the structural causes of the food situation in the country, it is essential to have both increase in social spending in public budgets - to promote rural development and agricultural services as well as to finance the access to land for rural workers who are without it - and at the policy level advance of the guidelines on the policy of Integrated Rural Development agreed to in 2009.<sup>4</sup>

In an assessment published at the beginning of 2010 by the United Nations Organization for Agriculture and Food and the World Food Programme, the food crisis – which was the reason the Guatemalan government declared a state of calamity in the country in August 2009 – was characterised by the following:

- The 2009/10 agricultural season was affected by historically low rainfall amounts in the central and eastern departments (El Progreso, Baja Verapaz, Jalapa, Jutiapa, Chiquimula and Zacapa in the Arid Corridor).
- Localized losses (up to 100% of production) in the Arid Corridor.
- 1.5% reduction in both 2009 and 2010 corn, bean, and rice production in comparison to statistics from previous years.
- The number of families affected by irregular rainfalls that need emergency food assistance estimated to be 145,400.<sup>5</sup>

### Statistics: Focus on households with food insecurity<sup>6</sup>

DEPARTAMENT	Families affected by the Tropical Depression 16	Families affected by irregular rainfall	Families affected by severe food insecurity	Families affected by moderate food insecurity	Total families with food insecurity
Alta Verapaz	7 635		840	2 886	3 726
Baja Verapaz		45 104	5 413	9 021	14 433
Chiquimula		37 972	6 076	15 189	21 264
El Progreso		23 346	2 568	3 502	6 070
Izabal	8 806	66 634	4 465	16 975	21 440
Jalapa		60 351	12 070	12 674	24 744
Jutiapa		44 965	10 792	13 040	23 831
Petén	7 186		417	1 516	1 933
Quiché	2 440	33 489	1 479	5 428	6 906
Santa Rosa		52 360	3 142	7 330	10 472
Zacapa		36 338	3 634	6 904	10 538
<b>Total</b>	<b>26.067</b>	<b>400.559</b>	<b>50.893</b>	<b>94.465</b>	<b>145.358</b>
<b>Total families affected</b>				<b>426.626</b>	
<b>Total families with severe food insecurity</b>				50 893	11,9%
<b>Total families with moderate food insecurity</b>				94 465	22,1%
<b>Total families with food insecurity</b>				145 358	34,1%

3 Gauster, S. y Sigüenza, P., "El impacto de los altos precios de los commodities: Guatemala", Institute of Agrarian and Rural Studies (IDEAR) and the NGO and Cooperatives Coordination (CONGCOOP), 2008

4 United Nations "Conclusiones preliminares del Relator Especial de las Naciones Unidas sobre el derecho a la alimentación, misión a Guatemala 3 - 5 de septiembre de 2009", Geneva y Guatemala, 05.09.

5 The Food and Agricultural Organization of the United Nations, the World Food Program, Programa Mundial de Alimentos, "Misión FAO/PMA de evaluación de cosecha y seguridad alimentaria en Guatemala", Special Report, 23.02.2010. <http://www.fao.org/docrep/012/ak344s/ak344s00.htm#23>

6 Ibidem.

### *The right to adequate food is part of a set of rights recognised in Guatemala*

The situation described is a paradox given the clear recognition in Guatemala of various legal instruments that guarantee the right to food. From an international perspective, the Guatemalan State ratified the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Declaration on Rights and Duties of Man, and the San Salvador Pact. At the constitutional level, there are articles 51, 96 and 99 of the Political Constitution of the Republic and in the framework of ordinary legislation the National Food and Nutrition Security Law, the Law for Holistic Protection of Children and Adolescents, and the Older Adult Law, Health Code, among others.<sup>7</sup>

Article 1 of the National Food and Nutrition Security Law clearly states that “for the purposes of this Law, the National Food and Nutrition Policy considers Food and Nutrition Security the right of all persons to have permanent and opportune physical, economic and social access to food in adequate quantity and quality, with cultural relevance, preferably of national origin, as well as for its intended biological benefit, in order to maintain a healthy and active life.”<sup>8</sup>

In this context, UN Relator De Schutter said in 2009 – following his visit to the country – that “the international community must accept that it has the responsibility not only to support the efforts of Guatemala to improve food security at the present moment, but also to promote a form of development that is more sustainable and inclusive.” As examples, he referred specifically to the following: offer support for agricultural projects that respect the environment and the rights of the workers; do not to impose conditions in commercial agreements that reduce State resources even further and result in unfavourable competition for local producers; do not to encourage or support bio-fuel development, which at this moment is being developed in unsustainable conditions.<sup>9</sup>

### *Experiences of the struggle against impunity regarding food security in Guatemala*

Since the last food crisis that gravely affected the country (2009), several initiatives highlight evidence of the non-compliance of the Guatemalan State’s obligation to guarantee the right to food and bring to light the impacts that the population, human rights organizations and various indigenous and campesino entities have been denouncing for years in the country

and abroad. With regard to this, in 2009, based on demands from the Guatemalan social movement, several European social networks that promote respect and application of human rights developed the International Mission for the Verification of the Right to Food. As a result, they published a report in March 2010<sup>10</sup> that describes several paradigmatic cases of violation of the right to food. On one hand, it highlighted the increasing pressure on rural communities to be evicted from their lands so that natural resource extraction can be pursued with a direct negative impact on the enjoyment of the right to water, the right to land and territory – for indigenous peoples, rural women and campesino communities. On the other hand, it described the harassment, threats, criminalization and intimidating litigation of those who struggle in defense of these rights. The report’s conclusions demonstrate a strict relationship between the violation of the rights to food and the incidence of violence against the affected communities and human rights defenders. The objective of the report focuses on increasing the awareness and attention of appropriate authorities, Guatemalan society and international cooperation about this situation.

At the same time, as a result of the situation described, in 2011 four Guatemalan families and fourteen non-governmental organizations coordinating together in the “Guatemala without Hunger” campaign filed a legal case demanding compliance with its obligation to guarantee the right to food, recognized in the normative national and international framework. The four denunciations against the State for violation of the right to food, presented before the country’s courts of justice, demand effective application of the Law for Holistic Protection of Children and Adolescents, approved in 2003 that should be applied coherently with the International Convention on the Rights of the Child. Until now, no such precedent exists in the country.

Jaime Tecú, legal representative for the claimant families, said that it is possible to demonstrate in these cases that the affected families have not received any attention from the State. The Law for Holistic Protection of Children and Adolescents of 2003 recognizes that, as part of the responsibilities of the State, it must promote and adopt necessary measures to protect the family both judicially as well as socially. It is its obligation to guarantee conditions for fathers, mothers, and guardians that allow them to meet their responsibilities with regards to feeding their families. According to Tecú, “the eradication of hunger of Guatemalan children is a responsibility that the State accepted. This is what we demand: coherence. That the State legally assumes something that currently weighs, wrongly, yet exclusively on the families; families that cannot guarantee their own survival.”

7 FIAN International, Vía Campesina, CIFCA, CIDSE, FIDH, OMCT y OBS, “El Derecho a la Alimentación en Guatemala”, ‘Final Report of the International Verification Mission, Guatemala, March 2010 <http://www.fian.org/recursos/publicaciones/documentos/el-derecho-a-la-alimentacion-en-guatemala/pdf>

8 National System Law of Food Security and Nutrition, Guatemala, 2006.

9 United Nations, Op. Cit.

10 FIAN International and others, Op. Cit.



Photo: PBI 2011

Campesino working in his field, Chiquimula, Guatemala.

Omar Jerónimo, is a member of the Chortí Nuevo Día Central Campesino Coordinator and participant in the Guatemala without Hunger Campaign that brings together – among others – the Agrarian Platform and the National Coordination of Campesino Organizations (CNOO). He explains: “Over four years we started to evolve from a humanitarian focus to one on rights. We think that the litigation in a series of cases is one of the actions that, in our opinion, could provoke a change in focus, unleashing a public debate and obliging the State to position itself.” According to Jerónimo, one of the principal problems facing those who work in the area of malnutrition is that “society continues to understand food as a private fact when it isn’t.”

What Guatemala without Hunger hopes to achieve with this initiative is a resolution that gives families food in the short term and that, in the mid-term, supports them in measures to change their condition. It seeks to transcend the solutions posed by the public “solidarity packets” program focused only on basic assistance through distribution of food.

Dr. Carlos Arriola has been the director of the Bethania Dispensary Hospital of Jocotán for 21 years, been the director of the Bethania Dispensary Hospital of Jocotán. He has conducted medical surveys in the cases presented to the courts and

shares with the activists a certain feeling of lost time, as well as the need for a change in the paradigm with which the State relates itself to hunger: “It is important that we provoke a confrontation with the concept of responsibility. Guatemala is a country of impunity, a country where it is not possible to raise one’s voice and denounce injustice without suffering reprisals. It is time for a precedent that stops the politicians in office from coming to have a photo taken of them handing out bags of food as if that would solve something.”<sup>11</sup>

***“The courts in Guatemala can do more and should, just as the courts in other countries have done, when they are presented with cases of violations of***

<sup>11</sup> Arce, A., “El hambre lleva a Guatemala al banquillo de los acusados”, Plaza Pública, Guatemala, 21.11.2011. <http://www.plazapublica.com.gt/content/el-hambre-lleva-guatemala-al-banquillo-de-los-acusados>

<sup>12</sup> United Nations, Op. Cit.

***the right to food, in particular through use of appeals.”<sup>12</sup>***

### ***Experiences in Mexico: recognition of the right to food and water***

*In May 2011, the Plenary of the Chamber of Deputies of the United Mexican States approved reform bestowing constitutional status on the right to nutritious, sufficient, and quality food.<sup>13</sup>*

*Now, with the reform in place, Article 4 of the Mexican Political Constitution, explicitly recognizes: i) the right of all persons “to nutritious, sufficient and quality food”, and ii) “the right to access, distribution, and purification of water for personal and domestic use that is sufficient, healthy, acceptable and accessible”<sup>14</sup>, along with the State’s obligation to guarantee enjoyment of such rights.<sup>15</sup>*

*In addition, Article 27 relating to the responsibility of the State to promote conditions for integral, rural development establishes: “Integral and sustainable rural development referred to in the previous paragraph will include in its objectives that the State guarantee sufficient and opportune supply on hand of the basic food items that the law establishes”.<sup>16</sup>*

*Javier Hernández Valencia, representative in Mexico for the United Nations High Commission for Human Rights, said that “the reform is another step in the great constitutional transformation that the Mexican State is undergoing in terms of human rights and is particularly opportune in addressing the food crisis that affects thousands of people, guaranteeing the basic right to food”.<sup>17</sup>*

*On April 19, 2012, the Second Collegiate Court (Eighteenth Circuit), located in Cuernavaca, State of Morelos, applied the reformed Article 4 of the federal constitution for the first time, recognizing the violation of one of the rights identified in this article against Mrs. Lidia Velázquez Reynoso, resident of the Ampliación Tres de Mayo neighbourhood in Alpuyecá (Morelos) who for more than ten years suffered lack of water service in her home. It is not an isolated case; it is a situation shared by hundreds of others of little means in the area.*

*The State of Morelos, rich in water resources, was successful in installing a public water system – even though the service is still only limited to a few hours each week – in legal recognition of the right to water for which the affected families with support of civil society had advocated.<sup>18</sup>*

13 Ciudadanía express – Periodismo de Paz, ‘Se eleva a rango constitucional el derecho a la alimentación en México’, Oaxaca (México), 20.05.2011. <http://ciudadania-express.com/2011/05/20/se-eleva-a-rango-constitucional-el-derecho-a-la-alimentacion-en-mexico/>

14 Art. 4, adicionado mediante Decreto publicado en el Diario Oficial de la federación, el 8 de febrero de 2012

15 Art. 4, adicionado mediante Decreto publicado en el Diario Oficial de la federación, el 13 de octubre de 2011

16 Art. 27, adicionado mediante Decreto publicado en el Diario Oficial de la federación, el 13 de octubre de 2011

17 United Nations, ‘La Representación en México de la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO) y la Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ONU-DH) celebran la aprobación del derecho a la alimentación en la Constitución Mexicana’, press release, 29.04.2011. [http://www.fao.org.mx/comunicados/2011/02\\_11\\_derecho\\_alim.pdf](http://www.fao.org.mx/comunicados/2011/02_11_derecho_alim.pdf)

18 Habitat International Coalition, Latin American Office, RADAR Collective and Coalition of Mexican Organisations for the Right to Water, ‘Organizaciones civiles saludan sentencia de amparo sobre el derecho humano al agua y al saneamiento’, México DF, 26.04.2012.

# Northern Transversal Strip: disputed territory



Photo: PBI 2011

Welcome sign at the hamlet Ventana del Cielo that expresses the rejection of megaprojects, El Quiché, Guatemala

The Northern Transversal Strip (FTN) is an area of approximately 21,000 square kilometres. It crosses the north of Guatemala passing through four Departments, in each of which reside a range of communities with different origins, cultures and modes of living. Around 77% of the population of this territory live in rural regions and 75% of these are indigenous<sup>1</sup>. The FTN is known mainly due to the construction of a highway 338 km long<sup>2</sup>, which connects the two northern corners of the country between the borders of Belize and Mexico. This project was first brought up in the 70s and later became part of the Plan Puebla Panamá (PPP). It is currently being implemented.

By examining the recent history of the region – especially of the western section of the strip – and taking into account the variety of economic investments in the area, this article intends to clarify the interests promoting the implementation of this project as well as the social demands based on calls to respect basic human rights. The article will be divided into two parts: the first article is presented in this column, while the second will be published in the subsequent bulletin (number 27). This first part

presents the historical context, while the second part focuses on the investment made in hydroelectric and mining projects, on the road which is being constructed as well as the demands for compliance with their individual and collective rights raised by the population of the region. The aim of the two sections of this article is to contribute information which can identify lessons to be learnt in order to prevent future conflict in the context of mega projects such as the FTN.

According to the Comprehensive Development Plan of the FTN of the Presidential Secretary for Planning and Programming (SEGEPLAN) “ever since the first half of the last century, this territory has demonstrated its attractiveness, either for state colonization or for the mining and oil resources in the area”. The SEGEPLAN classifies the FTN as a zone in conflict: On the one hand there is the indigenous and campesino population, who were already displaced and affected by the armed conflict and who were subsequently either returned to their original communities or relocated, all of whom are in need of land in order to be able to cultivate their subsistence crops. On the other

<sup>1</sup> SEGEPLAN, Development Plan integral to the FTN. Guatemala, 2011.

<sup>2</sup> De Guate.com, ‘Trabajos en Franja Transversal del Norte iniciarán a partir de junio 2009’, 12.12.2008, www.deguate.com.

hand the natural resources of this territory attract investment that is presented as a means of development: “These campesinos look to strengthen their local economies (...); on the other hand the area is one that is coveted by the extractive industries and extensive monoculture production”, explains SEGELPAN<sup>3</sup>.

The wide highway that facilitates the transport of machinery, goods and products of investors, constitutes a fundamental pillar for the economic investment plans in the region. They go hand in hand with further development plans, some of which were designed in the 70s (as in the case of the Xalalá hydroelectric plant) and others which are more recent. These plans include: the construction of hydroelectric dams, open pit mining, oil extraction, large scale projects aimed at the extraction of natural resources, mega tourism projects and agro-industrial projects, such as African palm and sugar cane production for the creation of oil, sugar and biofuel<sup>4</sup>.

The life experience of the population of the FTN has been marked by individual and collective displacement throughout the 20th century up until today. In some cases these experiences were autonomous decisions (for example: the migration of indigenous communities from the North of Quiche and Huehuetenango in search of land to cultivate and live off); while in other cases, especially during the last few decades, this displacement has been linked to state led programs, such as Project 520 that at the beginning of the 80s established a process of land tenure registration, which at present continues to be criticised by social organisations.

### *War and Land - a brief history*

The economic interests that focused on the FTN became evident during the military dictatorships and the armed conflict. A few years prior to this, between 1955 and 1957, the government of Colonel Castillo Armas had already distributed 44 oil extraction permits to 23 American companies, according to information published in the *El Observador* magazine.

Years later, high ranking military officers had become major landowners and investors in the FTN region. Accordingly individual business of military officer was combined with institutional backing of the army through banks, pension funds, airlines, housing projects, among others<sup>5</sup>.

Especially after the 1960s the discovery of oil and minerals in the region sparked the interest of the government, the army and their officers, North American companies and international aid<sup>6</sup>. By the end of that decade, the American company Monsanto began its oil exploration in the north department of Alta Verapaz<sup>7</sup>.

During the Government of General Arana Osorio, in 1970, the **Decree 60-70**<sup>8</sup> was passed into law which continues to be valid today and highlights the continued interest in the region. Article 1 states: “in light of public interest and as a matter of national urgency, the state decrees the establishment of the Agrarian Development Zones in the municipalities of: Santa Ana Huista, San Antonio Huista, Nentón, Jacaltenango, San Mateo Ixtatán y Santa Cruz Barillas, en Huehuetenango; Chajul and San Miguel Uspantán, in El Quiché; Cobán, Chisec, San Pedro Carchá, Lanquín, Senahú, Cahabón and Chahal, in Alta Verapaz, and all of Izabal.” Today the municipalities of Ixcán, in Quiche, are also included, as well as Fray Bartolomé de Las Casas and Raxruhá in Alta Verapaz. Article 3 states that “all of the uncultivated lands that exist within the areas decreed by this law, should be handed over to the state in conformity with this law, so that the National Institute of Agrarian Transformation can use them for their programs”. The law also explicitly prohibits property rights in the zone and in the entire Department of Peten (article 5)<sup>9</sup>.

This law continues to be questioned by civil society, as they indicate that on the one hand the indigenous and campesino population did not have the option of registering their land during the armed conflict, thus disabling them from having their property and land tenure recognized. On the other hand, the land which they have been denied since the 70s in the FTN has been and is dedicated to development projects and economic investment, all of which have been implemented without seeking prior and informed consent of the indigenous population, a right guaranteed by national legislation as well as various international conventions ratified by Guatemala. Apart from the two aforementioned facts, it seems important to take into account the historical continuity of the violence against the survivors of the armed conflict, who continue to need land to live off and who have constantly denounced their displacements. As an example of the consequences the Decree 60-70 has brought to the population, the village of Tzalbal, municipality of Nebaj (El Quiche), had 33 caballerías (equivalent to 1495 hectares) of

3 SEGEPLAN, Op. Cit.

4 Solano, L., *El Observador*, ‘La Franja Transversal del Norte: Neocolonización en marcha’, Guatemala, julio 2007.

5 Solano, L., Op. Cit.

6 Hurtado Paz y Paz, L., *Dinámicas Agrarias y Reproducción Campesina en la Globalización: El caso de Alta Verapaz*. Guatemala, 2008.

7 Kading, T.W., ‘The Guatemalan military and the economics of La Violencia’, *Canadian Journal of Latin American & Caribbean Studies*, marzo 1999.

8 *Diario de Centro América*, Decreto 60-70, 16.09.1970

9 The supplementary titling is a legal instrument for the acquisition of land which enables to acquire a property title over land during a determined period. According to the law on supplementary titling, decree 49-79, a person maintaining a property in public and pacific possession for a period of 10 years can ask for it to be registered in his/her name. Among the exceptions, the procedure of supplementary titling can not be requested by owners of estates in the area of the FTN or the areas of agricultural development the decree 60-70 refers to. The same applies for owners of estates larger than 45.125 hectares.

10 Comunicado de las comunidades de Tzalbal, 06.10.2011. Decoodt, F., ‘Esta tierra es nuestra’, 09.09.2011. <https://fraukedecoodt.wordpress.com/2011/11/29/esta-tierra-es-nuestra>





Photo: PBI 2011

**View of the Chixoy river, close to the village Río Negro where the hidroelectric plant Chixoy was built, Río Negro, Baja Verapaz, Guatemala.**

land nationalized in 1984 due to this Decree as the inhabitants had left it unoccupied during the armed conflict. The population of the village has recently denounced to Congress what they call the “theft” of their land<sup>10</sup>.

Apart from the legislative framework and according to a Canadian report from the end of the 90s, there were signs of the interest that the region generated: It mentions the selective disappearance of people from Quiché, the role of the military in occupying Peten and Ixcán, the concentration of huge sections of land from Alta Verapaz and Northern Quiché in the hands of only a few Generals - during the first stages of the highway construction – as well as the naming of General Lucas García (then Minister of Defense) as Development Director of the FTN<sup>11</sup>. The violence against the population that in this context

had attempted to defend their land has been widely reported by survivors and families of the people murdered in the massacres of Panzós, Alta Verapaz, in 1978<sup>12</sup>, as well as the community of Río Negro, Municipality of Rabinal, Baja Verapaz, in 1980<sup>13</sup>.

According to Solano, in 1983 60% of the Department of Alta Verapaz was owned by the military. Four officers who participated in the governments of Laugerud and Lucas García were owners of 285.000 hectares in the FTN and Petén as their power extended - as in the case of Lucas García and Otto Spiegler - right up to San Mateo Ixtatán, in the Department of Huehuetenango<sup>14</sup>.

The appropriation of vast extensions of land in Alta Verapaz, which has been denounced by local social actors, led to this

11 Kading, T.W., Op. Cit.

12 On 29th of May 1978 campesinos of the communities of Panzós gathered on the municipal square to insist on their demands for land and denounce arbitrary actions of the local estate owners. The army, which had come from the army base, closed the streets and shot at the gathered people: 53 people died and many others were injured. (<http://shr.aaas.org/guatemala/ceh/mds/spanish/anexo1/vol1/no9.html>).

13 On 13th of March 1982 the army and paramilitary forces from a nearby village shot 177 members of the community Río Negro, among them children and women. The community was opposing their forced resettlement due to the construction of the hydroelectric plant Chixoy. (<http://shr.aaas.org/guatemala/ceh/mds/spanish/anexo1/vol1/no10.html>).

14 Solano, L., Op. Cit.



Photo: PBI 2011

**A commemorative activity to mark the first anniversary of the Good Faith community consultation over the defence of natural resources and territory, carried out in Uspantan, El Quiché, Guatemala.**

region being popularly known as “the zone of the Generals” due to high ranking officers participating in this process. According to the Interdiocesan Historical Memory Project Report (REMHI), 160 massacres committed during the armed conflict were carried out in the FTN area (equivalent to 39% of the total). The REMHI report also details the violence of the 80s which forced parts of the population of Quiché and Huehuetenango to escape to Mexico, apart from the internal displacement that took place. Numerous people and communities were evicted from their land and transferred to Development Poles, model villages created and supervised by the Army<sup>15</sup>.

Independent investigations have linked the rapid and indiscriminate use of violence by the army with economic gains: the article published in the Latin American Canadian Journal in

1999 stated that the counterinsurgency was also linked to the individual interests of the Generals involved, who were interested in land or in speculation in the areas of agroindustry and oil<sup>16</sup>.

The consequences of the social impact of these massive displacements continue today: many families have lost their land and have never recovered it, remaining permanently displaced. On other occasions, when families returned after the armed conflict, they found their lands occupied by other communities often from different ethnicities and with different languages. According to the analysis of SEGEPLAN, the war meant that the FTN, particularly in the western part, faces serious problems that affect social cohesion<sup>17</sup>.

<sup>15</sup> Guatemalan Church in Exile, ‘Seguridad, democracia y desarrollo’, México, 1989.

<sup>16</sup> Kading, T.W., Op. Cit.

<sup>17</sup> SEGEPLAN, Territorial diagnosis of the FTN. Guatemala, 2011.



Photo: PBI 2011

**Banner celebrating the first anniversary of the Good Faith community consultation over the defence of natural resources and territory, carried out in Uspantan, El Quiché, Guatemala.**

In addition to the violence, social sectors have identified various factors as key to threatening social and communitarian cohesion in the area. These include the implementation of mega-projects, planned or currently in construction; the conflicts and problems related to land that have been marked by historical factors such as the displacement and eviction of indigenous and campesino communities as well as the presence of drug traffickers and organized crime in the region.

In this context and taking into account the statistics related to the distribution of land across the country, the existence of conflicts that continue even after the signing of the Peace Accords is not surprising. According to data provided by the Secretary for Agrarian Affairs, in the municipalities of the FTN

there are 464 land conflicts (conflicts of tenure, territorial limits, land registering, among others) which involve 200,673 people. 215 of these conflicts are located within the area of the highway construction<sup>18</sup>.

<sup>18</sup> Ibidem.

## An overview of the human rights situation in Petén.

The people of Guatemala's largest department share a history of identity loss and stigmatisation due to a series of factors. These include drug-trafficking, militarisation, land conflicts, evictions, population displacement, land-clearances, migration, starvation, the politics of land-ownership and natural resources, megaprojects without indigenous inhabitant's consultations, and the absence of public services, to name a few. This article offers an updated summary of the special bulletin on Petén, written by PBI, after various visits to the area in 2010 and 2011 and meeting with a wide range of local actors. The special bulletin can be found on our website ([www.pbi-guatemala.org](http://www.pbi-guatemala.org)) which attempts to contextualise the complex reality of the area. In the second half of 2011 several events of great social importance have had a direct negative impact on the human rights of the people of Petén, heightening the already existing tensions and conflicts:

- 15<sup>th</sup> May: The murder of 27 people at Los Cocos farm, La Libertad. A group of drug-traffickers have since been blamed.

- 16<sup>th</sup> May: Martial Law was decreed in the department up to August 13<sup>th</sup>, then giving way to a state of emergency and in which guarantees and human rights were severely limited for several months.

- 27<sup>th</sup> July: Congress extended the exploitation operations contract for the petrol company Perenco Guatemala Ltd. for 15 years. Civil society appealed this decision at the Guatemalan tribunals and the Secretary of Environment of the Free Trade Agreement (signed by the United States, Central America and the Dominican Republic).



Banner of respect for life and territory in the village of Santa Amelia, Petén, Guatemala.

Photo: PBI 2010

- 23<sup>rd</sup> August: the eviction of 300 people from the Nueva Esperanza community in the National Hill Park of Lacandón who were accused of being involved in drug-trafficking, according to public information sources. The International Commission of Jurists (CIJ) circulated a communiqué requesting the Guatemalan institutions to comply with due process procedures, that crimes be attributed to individuals rather than criminalising whole communities, and that international standards be observed in the eviction of a community. Three months later in November 2011, Amnesty International (AI) sent out an urgent appeal for the 300 campesinos evicted from Nueva Esperanza, who are now living in Mexico in a precarious situation without adequate access to food, drinking water, housing or medical services.

On December 7th, during activities organised in remembrance of the massacre of Las Dos Erres in La Libertad, several communities threatened with eviction composed a manifesto denouncing the violence suffered by the population.

They opposed the extension of the state of emergency in the department, as it had no effect in reducing violence. On the contrary, they feel that these measures have been used as a pretext for other ends, such as repressive measures against the campesino population, and therefore they denounce that the murders of 16 people from these communities should not remain unpunished. They also highlighted the fact that the Green Battalion of the Guatemalan army is controlling the inhabitants of the Laguna del Tigre community and they demand that evictions be stopped.<sup>1</sup>

<sup>1</sup> Manifesto of communities from Petén, La Libertad, Petén, December 2011.

Given the situation in Petén, it seems appropriate to note that the state's obligation to protect people from evictions from their homes and land as well as to desist from forced evictions, is well established in numerous international legal documents protecting human rights, specifically in the case of the right to adequate housing.

The United Nations emphasises that: "Forced evictions constitute grave violations of a series of internationally recognised human rights, in particular the right to adequate housing, food, water, health, education, work, personal security, a safe home, freedom from cruel, inhumane and degrading treatment and freedom of movement. Evictions can only be carried out legally in exceptional circumstances and conforming to the pertinent arrangements in accordance with international human rights...".

Forced evictions amplify inequality, social conflict, segregation and the creation of ghettos. These factors invariably affect the socially and economically marginalised members of society, especially women, children, minorities and indigenous peoples.

The state must guarantee that evictions only take place under exceptional circumstances; eviction must be fully justified given the adverse consequences undermining a large number of internationally recognised human rights. Every eviction must be: a) authorised by law; b) in accordance with the relevant international human rights code; c) carried out only to promote general welfare; d) reasonable and proportionate; e) regulated

to guarantee complete and fair indemnity and rehabilitation; and f) conforming to the current directives. The protection offered by these procedural requirements apply to all vulnerable populations, regardless of whether they possess property titles for their homes or goods by virtue of national legislation.<sup>2</sup>

In February 2011, it was announced in the national press that the CIJ is preparing a complaint against the State of Guatemala, to be put before the Inter American Human Rights Court, for authorising the extension of petrol exploitation in the protected area of Laguna del Tigre. The CIJ also plans to include charges of human rights violations against the populations of four communities who have been evicted in the last two years in order

to promote future hydro-electric projects and tourism in the area.<sup>3</sup>



Photo: PBI 2012

Banners demanding the observance of the rights of indigenous people, during a indigenous, campesino and people's march in March 2012.

<sup>2</sup> Naciones Unidas, "Principios básicos y directrices sobre los desalojos y el desplazamiento generados por el desarrollo", Anexo I del Informe del Relator Especial sobre una vivienda adecuada, como parte del derecho a un nivel de vida adecuado, 11.06.2007.

<sup>3</sup> Prensa Libre, "Estado será demandado", Guatemala, 24.02.2012.

## Recent news relating to our work

The work carried out by the Peace Brigades International ('PBI') Guatemala Project focuses on three main areas: the struggle against impunity, difficulties with access to land, and the threat that globalisation presents to the enjoyment of human rights. Since the end of 2011 and to April 2012, PBI has noted with concern an increase in security incidents against three organisations accompanied by PBI.

In the context of *access to land*, there have been an increasing number of threats and acts of violence against the leaders and community members of the **Verapaz Union of Campesino Organisations (the UVOC)** in recent months.

The UVOC, an organisation we have accompanied since 2005, focuses its efforts on defending and promoting access to land for the *campesino* population in the Departments of Alta Verapaz and Baja Verapaz. The UVOC provides advice and legal services to numerous rural communities in relation to their right to land. It also assists *campesinos* through participation in the land negotiation dialogue process, amongst other activities.<sup>1</sup> The UVOC's aim, in providing this assistance, is to resolve the extensively reported difficulties encountered in relation to access to land.<sup>2</sup>

In November 2011, the national PBI group, PBI Catalunya, organised an eight day trip to Barcelona, Spain, for Jorge Luis Morales, a UVOC leader and lawyer. Jorge attended and participated in a number of talks and meetings held by social groups, civil society representatives, and local authorities. On his return to Guatemala, we travelled with him and other UVOC members to the community of San Juan Secumun (Panzós), a designated protected area. We visited an estate named "20th October", occupied by 700 families in Cahabón (Alta Verapaz). We are also continuing to accompany members of UVOC to the monthly 'Agrarian Disputes Roundtable Negotiations' which take place in Cobán.

Since December 2011 and during January and February 2012 we have intensified our protective accompaniment of UVOC and several of its member, due to the increase in death threats against UVOC's coordinator, Carlos Morales, and aga-

inst members of La Primavera y San Miguel Cotoxjá, two communities we visited in January.

Members of the San Miguel Cotoxja community, located on the municipal boundary between El Estor (Izzabal) and Panzós (Alta Verapaz), have witnessed armed individuals in their vicinity at night. They are concerned that these individuals are preparing to execute an eviction order issued in March 2011, when 13 other communities were evicted from the area as a result of a land dispute with the sugar company, Chabil Utzaj. The authorities promised the community at the Alta Verapaz Roundtable Negotiations that they would not be forcibly removed while the negotiations and the corresponding court case were taking place. However, rumours of a forced displacement, coupled with intimidation tactics, have generated a substantial amount of anxiety in the community.

Elsewhere, residents of La Primavera in the municipality of San Cristobal (Alta Verapaz) have reported that private security guards using "Eco Tierra" branded vehicles (reportedly provided by Sociedad Maderas Filitz Días S.A.) have been behaving aggressively towards them, infringing their human rights. Amongst other violent behaviour, the community complained to the authorities in January 2012 of being threatened with eviction and even death by groups of heavily armed private security agents, on multiple occasions. They also reported being threatened with guns and insulted by the private security officers who cut down coffee trees planted by the community on land subject to the roundtable negotiations.<sup>3</sup> Finally, on 26th January, the bodies of two elderly members of the community were found in their homes. They had been bound, gagged, beaten and tortured.<sup>4</sup>

In light of the above, we published an Alert in early February this year, at both the national and international level, to draw the international community's attention to the rise in security incidents and the risks and threats faced by the UVOC and the communities it helps in the region.<sup>5</sup> On the basis of the concerns raised in the Alert, we activated PBI Guatemala's support network with a view to applying protective measures to help

1 Since 2003, UVOC and other community leaders have met with representatives of the government's Department of Agricultural Affairs, the Land Fund ('Fondo de Tierra' or 'FONTIERRA'), and the Land Registry ('Registro de Informacion Castastral', or 'RIC'). These roundtable meetings take place on a monthly basis in Cobán, Alta Verapaz. The purpose of these talks is to encourage discussion between local communities and state authorities with a view to reaching a peaceful solution to the problems regarding access to land in the Verapaces region.

2 Amongst these reports, see: CIDH's (the 'International Centre for Human Rights Research') publication, Informe de seguimiento a las recomendaciones del Relator Especial sobre el derecho a la alimentación para Guatemala, ('Monitoring Report regarding the Recommendations of the Special Rapporteur on the Right to Food in Guatemala'). Guatemala, October 2007; and CNOC's ('National Coordinator of Campesino Organisations') and CONGCOOP's ('Coordinator of NGOs and Cooperatives'), Fontierras report entitled: El modelo de mercado y el acceso a la tierra en Guatemala. Balance y perspectivas, ('Fontierras The Market Model and Access to Land in Guatemala. Balance and perspectives'). Guatemala, September 2002.

3 UVOC, Memorial de la Comunidad La Primavera, municipio de San Cristóbal, Alta Verapaz, 09.01.2012 <http://www.uvocguatemala.org/2012/01/memorial-comunidad-la-primavera.html>

4 UVOC, UVOC condena el asesinato de la Sra. Petrona Morán Suc y el Sr. Sebastián Xona en la finca La Primavera, comunicado 27.01.2012, . <http://www.uvocguatemala.org/2012/01/comunicado-27012012-uvoc-condena-el.html>

5 PBI Guatemala, Alerta por amenazas contra la UVOC y comunidades, Guatemala, Febrero 2012. [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&tx_ttnews[tt_news]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1)

improve the safety of the UVOC's members, and the communities the UVOC supports. In the following weeks, several representatives of the international community including the UN were mobilised by the situation and met with people from the communities of La Primavera and UVOC members.<sup>6</sup>

In relation to the issue of globalisation and its negative effect on the enjoyment of human rights, during the first quarter of the year, and particularly during the past two months, we have noted a significant increase in intimidation tactics and charges brought against members of two relevant organisations.

Since late October 2011, **Q'a molo Q'i San Juan – Unamos Pueblos Sanjuaneros** entered into a dialogue with officials from the National Forest Institute (El Instituto Nacional de Bosques, or 'INAB') and the owner of a mining property in Santa Fe Ocaña, located in the centre of the communities of San Juan Sacatepéquez. These communities are concerned about the excessive felling of trees on the land and the effect this is having on the water sources serving those living there. In December 2011 we observed a visit from INAB representatives to the area and we accompanied delegates from that organisation to a meeting with public authorities and representatives of the company that owns the property.

Following unsuccessful negotiations, the indigenous population established a peaceful and permanent protest at the property's entrance, demanding maintenance of the 18 hectares of forest as a protected area in such a way as to not affect the water sources in the area that are essential to the population's survival. Despite us having reason to believe that the protesters at the entrance to the property were about to be evicted, on four separate occasions, this has not occurred. In January 2012, we saw 7,000 people from 12 communities come together and demand that the mayor respect the results of the community consultation conducted in 2007.

At the beginning of the year, a delegate from the communities together with the communities' legal representative went on a tour of Europe (they visited Switzerland, Germany and the Netherlands) organised by PBI. While in Europe, they participated in meetings with the public, politicians and civil society organisations. The aim of the visit was to spread awareness of the situation in Guatemala and gain access to a support and protection network to which they would not have access to in Guatemala.

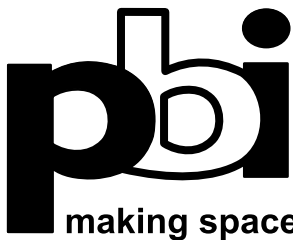
During this period we have also continued to accompany **Coordinada Central Campesina Chorti Nuevo Dia**

(**'CCCND'**), which works in the department of Chiquimula. We are concerned for the safety of seven inhabitants of Las Flores, Jocotán, who were referred to the Public Prosecutor in November 2011 following a complaint filed against them by a company promoting hydroelectric projects in the area. The company behind the complaint (Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Ninas S.A, also the company behind the hydroelectric project, "El Orégano") had in fact agreed not to file any civil or criminal proceedings against those seven people while negotiations were ongoing. This was interpreted as an act of intimidation by the seven persons named and their communities.

In late 2011 and early 2012 we maintained an international presence in the region. We visited the communities of Las Flores and Guareruche, Jocotán and met with their inhabitants. We also observed meetings convened to raise awareness of the hydroelectric projects. Not only did Guatemalan human rights organisations participate in these meetings, but on two occasions, representatives of the hydroelectric company mentioned above were also involved.

As well as the above organisations, we also continue to accompany the **Association of Indigenous Women of Santa María Xalapán ('Asociación de Mujeres Indígenas de Santa María Xalapán'** or **'AMISMAXAJ'**), the **Camoteca Campesina Association ('Asociación Campesina Camoteca'** or **'ACC'**), the **Association for the Protection of the Las Granadillas Mountains ('Asociación para la Protección de la Montaña de las Granadillas'** or **'APMG'**), **Cunén Community Council ('Consejo de Comunidades de Cunén')**, the **Guatemalan Human Rights Defenders Protection Unit ('Unidad de Protección a Defensores y Defensoras de Derechos Humanos en Guatemala'** or **'UDEFEUGUA'**) the human rights lawyer **Edgar Pérez Archila**, the **National Coordinator of Guatemalan Widows ('Coordinadora Nacional de Viudas de Guatemala'** or **'CONAVIGUA'**), and the **Historical Archives of the National Police ('Archivo Historica de la Policía Nacional'** or **'AHPN'**). We are continuing to closely monitor the **Organisation to Support an Integrated Sexuality to Confront AIDS ('Organización de Apoyo a una Sexualidad Integral Frente al Sida'** or **'OASIS'**), following improvements in their security situation due to a reduction in the number of threats against the organisation and its members.

<sup>6</sup> UVOC, Visita de la OACNUDH a la finca La Primavera, Alta Verapaz, 24.02.2012. <http://www.uvocguatemala.org/2012/02/visita-de-la-oacnudh-la-finca-primavera.html>



## PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

**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.

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### 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.

### 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.



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