



making space for peace

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In search of the lost children

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Interview with Norma Cruz during her hunger strike in July 2009. (Photo: Fundación Sobrevivientes 2009)

Interview with Norma Cruz, Director of the Survivors Foundation

Survivor Foundation

Norma Cruz founded the organisation in 2001 in support of women who had experienced situations of sexual violence and their families. It was originally called New Hope Association for Female Victims of Violence and their Relatives. Two years later it started to work on cases of intrafamilial violence and femicide. It was constituted as the Survivors Foundation in 2006, incorporating into its work the fight against illegal trafficking of children for adoption or sexual exploitation.

Since its beginnings, the task of the organisation has been characterised by the search for justice – in cases of sexual violence, violent deaths of women and the trafficking of minors. In order to call the issue to the attention of the authorities and public institutions, and demand that they live up to their responsibilities, the foundation has initiated actions such as the “empty cradle” campaign, a sit-in in front of state institutions and a hunger strike. Norma Cruz, her colleagues, and the women who are being supported, have received serious threats, which have increased since they started working on the problem of child trafficking.

Could you tell us about the problem of child trafficking in Guatemala?

The problem has its origins in the internal armed conflict, with the scorched earth and counterinsurgency policies, the outcome of which was that many minors were left orphaned. At that time giving a child

up for adoption began to be seen as something lucrative; between 1977 and 1989 you could be paid US\$ 25,000 for the adoption of a minor.

The trafficking of minors increases during the 90s, with the decreasing intensity of the armed conflict and the smaller number of orphaned children. People start to look for other ways of taking children, since at that point Guatemala was one of the principal exporters of minors. At the end of the armed conflict there is a structure in place for the trafficking of children, which facilitates a considerable increase in the number of adoptions. In addition, the very fact that the trafficking of children was seen as a natural act, and not as a crime, meant that it increased more and more. Illegal adoption is a business that is money driven. If we consider that a child in the market today costs US\$30,000, and that until recently between 5-6,000 children were “exported” every year, we see that the numbers run into the millions. Adoption actually became a form of illegal enrichment for many people.



Hunger strike in front of the Supreme Court of Justice, Guatemala City, July 2009. (Photo: Fundación Sobrevivientes 2009).

Who formed part of this structure during the armed conflict?

From the midwives, the doctors who issued birth certificates, the entire network of civil registrars in the municipalities, the network of lawyers and notaries who arranged the paperwork, the connections with migration, with the Secretary for Social Welfare, and the hospitals

themselves – they all participated in obtaining the children. An entire network had been created at a national level, which started to operate with increasing strength come the end of the internal armed conflict. It is then that we see the rise of the “jaladoras”, people who dedicate themselves directly to stealing girls and boys so that they can then pass them to the adoption network. They are in charge of finding or locating children, stealing them, and handing them over.

Could you summarise a concrete case?

At the moment we are bringing to justice the case of Eloyda Rodríguez, the mother of a girl stolen a number of years ago. It is very complicated because of the involvement of the jaladora, who stole the girl, even the Judge of Childhood and Adolescence of Escuintla, who ruled that the girl had been abandoned, and as such permitted the adoption of the girl. It also includes the responsibility of the National Attorney General who, as lawyer for

the state, is mandated to guarantee the protection of the boys, girls, and young people of this country and should guarantee that all adoption processes benefit the minors involved.

The case concerns a two-year-old girl Angiely (Aerlen Escarleth), who was stolen at the end of 2006 from the patio of her house in Zone 21, Villa Hermosa. After the abduction, her parents began the search for their child, including submitting reports to the authorities. But generally, cases such as this were considered to be abduction of minors, where the practice was not to investigate, and therefore the file was archived with the Public Prosecutor's Office. In July 2007, Angiely's mother, Eloyda, approached the Foundation. Although we included her case in the "empty cradle" campaign, and offered a reward (with funds from the Ministry of the Interior) to anyone providing information, we didn't achieve anything. We were left with two options: (1) begin the search among girls that were being victims of sexual exploitation or child pornography, or (2) begin the search among girls who had been murdered. As chance would have it, the National Adoption Council (CNA) one day phoned a woman whose case the Survivors Foundation were also working on, to tell her that they had found a photo of a minor who could be her daughter. She went to the CNA but when she saw the photo she realised that it was not her daughter, but the daughter of Eloyda. When the Foundation gained access to the photo, we could confirm that it was identical to the photo we had of Angiely and that we were even distributing to the media. We sadly learnt that the girl had been taken out of the country to the United States of America on 9 December 2008, a year and a half after we had started the search. It hurt us very much because we had been so close to her... and in spite of all the publicity that we did around the case we were not able to find her.

Where was Angiely kept after her kidnapping and until her departure from the country?

The jaladora is the person who steals the children, and in exchange for money this person hands them over to one of the several adoption agencies that work as private companies and are almost always directed by a notary. In Angiely's case, the jaladora was paid Q30,000 (approximately US \$4,000). Until very recently, after having been received by the agency, the girls and boys were brought to a children's home. There were many, including some with the capacity to accommodate between 100 and 150 children. These houses were beautiful and were in exclusive parts of the city. The minors were well looked after by nannies, paediatricians etc. When we started the search for the minors and began to request searches of these institutions, they started to feel very vulnerable, and to avoid this type of judicial action they tried another strategy. They decided to decentralise the locations in which they kept children so as to avoid losses, and to make the search and localization of them more difficult. The private agencies began to locate and pay families at neighbourhood and community level, so that they would take care of the stolen children.

Angiely had been kept in one of these families and later, before leaving the country, they moved her to a children's home in Zone 10 of Guatemala City, where they changed her identity. There is



Norma Cruz talking to the media. (Photo: Fundación Sobrevivientes 2009).

an entire structure in place at the service of the child trafficking business, including doctors, midwives and clinics providing false birth certificates. At this point the role of the supposed biological mother comes into play: they pay a woman to testify that she is the biological mother and that she is giving up her child for adoption. Angiely stopped being Angiely Rodriguez and became Karen Abigail López García. The false mother received Q10,000 (US\$ 1,250). To create a new identity they had the support of civil registrars. It is after the replacement of identity that a new actor arrives on the scene: the attorney who represents the rights of the adoptive parents. And from here they move to the structures of the National Attorney General and the General Office for Migration ...

The paradox is that Migration depends on the Ministry of the Interior, which was involved in the search for Angiely. That is to say, the structure that put up the funds for the reward is the same one that allowed the girl to leave the country. That hurt us a lot because once the girls have left the country, recovering them is almost impossible. The same US Embassy, the same Consulate, had the photo of the girl, they knew very well that the girl had been stolen and they gave her the visa anyway. Practically all the institutions that had a commitment to not letting the girl go were the ones that finally got her out of the country.

In the case of Eloyda, we are for the first time tapping into the transnational network. The Guatemalan migration service is implicated for providing the passport, since the children leave with a Guatemalan passport, and the US Consulate, which grants visas so that the minors can enter the country, is implicated, since around 95% of international adoptions are destined for the US.

Did adoptive parents in the USA know that they were dealing with an illegal adoption?

Yes, they know it and accepted that option. Later we knew that the adoptive parents had a biological daughter of the same age as Angiely and we asked ourselves why they were so eager for it to be her, specifically. Another element that came to our attention was that the carer, when she dropped off the girl, signed a consent

form, and it is the only case in which we found this, which included authorisation for the girl to undergo any surgical operation. And we know that the girl underwent surgery before leaving Guatemala.

How will the Foundation continue with the case now that the girl is known to be outside the country?

We are finalising the investigative phase. We will present the accusation and if there is sufficient evidence to go to court, we will then be working towards the hearing. We still have three pending arrests, as well as preliminary proceedings against the Childhood and Adolescence Judge of Escuintla, which is a process that will take place later. We have tried through legal avenues to declare the nullity of the adoptions, knowing that it would be a long process because we still had no DNA evidence. Now that we have the DNA evidence, we have this other option of appealing on constitutional grounds, because it has been established that Angiely's constitutional rights were broken, such as the right to identity, to the family etc. Based on this, we are going to request that these rights be re-established, which would constitute a precedent. As a consequence, we are going to ask for one of the immediate actions to be the repatriation of the girl.

We are going to apply as much pressure as is within our means, because we believe that this is an exceptional case, that should be treated by the law in an exceptional way, taking into account that we do not have all the time in the world. The girl is four years old at the moment; we are still at the point where she could return home, without it causing too much psychological damage. We hope that the justice system is willing to act in a spirit of collaboration, sensitivity, and with the understanding that we are not dealing with a mere bureaucratic procedure.

We had asked the International Commission against Impunity in Guatemala (CICIG) to take on this case, for the weight that it carries and because it touches on people in the state and in organised crime, thereby entering into the mandate of the CICIG. Neither the Prosecutor for Human Trafficking and Irregular Adoptions, nor the Foundation have the security structure that is needed to take on these mafias, nor enough weight to force the judges to act transparently. However, we are already at the stage of bringing the charges and regrettably the CICIG never replied. That is to say, we will have to go it alone.

We are going to request the designation of the case to the high impact court, because we believe that if the case is dealt with in a traditional court, justice will not be achieved. We are already facing serious problems, for example: orders of arrest that had very strong grounds have not been carried out. Remember that in this type of crime, apart from the issue of child trafficking, there is also money laundering. There is resistance among people involved in the case to issue these arrest warrants.

Has anyone been prosecuted in other cases?

Yes, in the case of Jonathan Sol four women were prosecuted. In 2008 we achieved, through an appeal, their conviction for the trafficking of minors, and they were sentenced to eight years in jail as well as being fined a civil responsibility payment of

Q100,000 (approximately US\$ 12,600). However, since these are powerful people, a series of legal appeals were lodged, as a result of which they are still free. But it is still a first sentencing that we have.

It is costing us a lot, due to the threats, the intimidations against the same mothers that are leading this fight. We are managing to advance bit by bit, but the fatigue and pressures of all kinds are very strong.

In the last few years, the Adoption Law (2007) and Law against Sexual Violence, Exploitation and Human Trafficking (2008) have been passed. What changes have these brought?

These laws have helped to make the issues more visible, they have contributed by naming things for what they are: crimes in trafficking or trading in people. A step has been taken, in making it possible to try the people responsible for these crimes. But this new legal framework is recent, and the human trafficking networks are very strong. Destroying these networks is not so easy, because they are networks similar to those of drugs and arms trafficking. Since the passing of these laws, certain arrests of have been made possible and some prosecutions have begun, but high levels of corruption within the judicial system still predominate.

What are the challenges in overcoming the problem of child trafficking, and how can the international community contribute?

I think that the biggest challenge is managing to overcome the problem in which the three powers of the state are involved. At present there is a power battle going on over the Supreme Court, and here political goodwill is needed to change this. The international community can support us in two ways: (1) demanding that the Guatemalan State dismantle these networks. Here, at least, the USA plays an important role because its priority is dismantling the drug trafficking networks. The human trafficking networks should also be a priority. (2) I think that there has to be more awareness-raising about the subject, because there is a lot of pressure from adoptive parents at an international level for Guatemala to continue to be a 'paradise' in this matter. In this way, they are contributing to impunity in Guatemala, and to human trafficking continuing to be seen as normal.

There are various countries that have stopped accepting girls and boys from Guatemala, because they have realised the existence of this problem in the country. The ideal would be if the US, which is the country of highest demand, stopped adopting Guatemalan minors until the internal problem has been resolved and they can be certain that the girls and boys who are going to be adopted are not victims of human trafficking.

Chronic Food Insecurity Remains Unaddressed in Guatemala

After his visit to Guatemala in September 2009, the United Nations Special Rapporteur on the right to food, Olivier De Schutter, reported that “neither the Constitutional Court nor ordinary courts have up to this point protected the right to food from being violated.”¹ His report details possible solutions within the reach of the Guatemalan Government, specifically analysing a programme by the Social Cohesion Council of the First Lady’s Secretariat for Social Works (SOSEP), and the approval of the Integral Rural Development (DRI) Law as key tools of the current administration for confronting chronic food insecurity.

The following article focuses on these two initiatives, detailing opinions from social movements promoting the right to food and including perspectives of organisations accompanied by PBI.

The right to food: unfulfilled state obligations

The right to food has been defined as “the right to have regular, permanent and free access, directly or by purchase, to a quantitatively and qualitatively adequate and sufficient diet, which corresponds to the cultural traditions of the population to which the consumer belongs, and which guarantees an individual and collective life that is physically and mentally satisfactory and dignified and free of anxiety.”²

Although the Constitution of the Republic does not explicitly cite the right to food, articles 99, 46 and 44 allow for its recognition as a right for all Guatemalans.³ As one of the economic, social and cultural rights, the right to food implies a series of obligations the Guatemalan state must fulfil through the adoption of necessary actions to guarantee that right. Guatemala is one of 160 countries that have ratified the International Covenant of Economic, Social and Cultural Rights (ICESCR).⁴ Article 11 of the Covenant highlights the right of each person to an adequate quality of life, including “the right to an adequate diet, the right to be free of hunger, the right to water and the right to a progressive improvement in the conditions of life.”⁵ According to its legal framework, the state is obliged to develop strategic actions and appropriate measures to guarantee the effective application of these rights in the short and long term.

As well as being a signatory to the ICESCR, on December 1948 the Guatemalan Government adopted the Universal Declaration of Human Rights (UNDHR), which guarantees to all the right “to a standard of living adequate for the health and well-being of himself and of his family, including food...”⁶. More than 50 years later, in December 2004, the Association for the Promotion and Development of Communities (CEIBA) returned from the World Forum for Agricultural Reform⁷ demanding the urgent application of Article 25 of the UNDHR, as well as comprehensive reforms to solve the conditions of poverty and the lack of access to land affecting rural workers.⁸ Both are issues that have accompanied the history of the country in the last 60 years, and are closely linked to the full enjoyment of the right to food. In 2004, chronic hunger in Guatemala affected half of all children and one quarter of the total adult population. According to figures published that year by the United Nations Food and Agriculture Organisation (FAO), 2.9 million Guatemalans were undernourished (1 million more than the figures published in 1992).⁹ In response to the famine situation in 2004, Congress approved Legislative Decree 32-2005 on 6 April 2005, which established the National Food and Nutritional Security System (SINASAN) as well as the President’s Secretariat for Food and Nutritional Security (SESAN). This law considers food and nutritional security as a state policy in Guatemala, and not only as an action of any particular government. The National Policy for Food Security was approved through this legal framework.

However, despite this legal, political and institutional framework being in place, and despite the fact that CEIBA and other social movements have for years been calling for changes that would lead to food sovereignty, the current situation does not reflect significant differences to that of 2004. Between January and July of 2009 only, the scarcity of food, aggravated by drought, caused the deaths of 450 people, according to a Health Ministry study.¹⁰ In this way continues the long history of the failure on the part of the Guatemalan state to fulfil its obligations to guarantee the right to an adequate diet and to respond to a chronic food crisis through fast, comprehensive action.¹¹

1. Mr. Olivier De Schutter, the United Nations Special Rapporteur on the right to food. Conclusiones de la Misión Internacional de Verificación del Derecho a la Alimentación, Informe Preliminar, 2009.
2. Mr. Jean Ziegler, Special Rapporteur of the United Nations on the right to food. Informe sobre el derecho a la alimentación, de conformidad con la Resolución 2000/10 de la Comisión de Derechos Humanos E/CN.4/2001/53.
3. In addition, the right to an adequate food supply is implicitly recognised in other constitutional rights, such as the right to life, integrity and personal security, to peace and to the comprehensive development of the person (articles 2 and 3), and explicitly in the case of vulnerable groups such as the young and the old (article 51). Political Constitution of the Republic of Guatemala, 1985.
4. United Nations. International Covenant of Economic, Social and Cultural Rights (ICESCR) <http://www2.ohchr.org/english/law/cescr.htm>
5. The ICESCR was adopted by the United Nations in 1966, coming into force on 3 January 1976. On 10 December 2008, the General Assembly of the United Nations adopted the Additional Optional Protocol (San Salvador Protocol) to the ICESCR, which establishes a complaint mechanism at the level of the United Nations, like the one that already exists for civil and political rights. <http://www2.ohchr.org/spanish/law/cescr.htm>
6. United Nations. Universal Declaration of Human Rights, Article 25.
7. World Forum on Agricultural Reform. La Reforma Agraria y los Recursos Naturales, Una Exigencia de los Pueblos, Valencia, Spain, 5 to 8 December 2004. <http://www.fmra.org/>
8. Mario Godínez, CEIBA, La Reforma Agraria y los Recursos Naturales: Una Exigencia de los Pueblos, press release, 8.12.2004.
9. Prensa Libre, Lucha contra el Hambre: El reto para 2005, 05.12.2004.
10. La Hora, Gobierno: Decreto para enfrentar crisis alimentaria: Estado de Calamidad por Hambruna, 09.09.2009.
11. Mr. Olivier De Schutter, the Special Rapporteur of the United Nations on the right to food. Conclusiones de la Misión Internacional de Verificación del Derecho a la Alimentación, Informe Preliminar, 2009.



The Special Rapporteur on the right to food and Guatemalan authorities during an event in the National Palace of Culture (Photo: PBI 2009).

Social cohesion and the “solidarity food packets” of the SOSEP Social Cohesion Council

On 10 August 2009, the Guatemalan government declared a State of Calamity in response to the food crisis affecting the country, concentrated primarily in the departments of Baja Verapaz, Chiquimula, El Progreso, Jalapa, Jutiapa, Santa Rosa and Zacapa. According to figures published by SESAN this affects 54,564 families (around 327,000 people) living in a situation of malnutrition and hunger.¹² The Congressional approval of the State of Calamity mobilised a large scale supply of food aid to the communities at high risk. This aid was implemented through the so-called “solidarity packets”, as part of the SOSEP Social Cohesion Council programme.

One of the objectives of the Social Cohesion programme is to establish mechanisms that create social funds to respond to priorities such as food security. In particular, considered within this context are two programmes: a nutritional education programme and another for the strategic distribution of solidarity packets containing basic grains and food products for immediate consumption.¹³

Among the causes of nutritional and food insecurity, the FAO emphasises characteristics like structural poverty, concentration of land in the hands of a few, lack of access to land and credit, instability of grain prices due to high levels of imports, and deficiencies in market access due to lack of infrastructure.¹⁴

The nutritional education programme and the Social Cohesion solidarity packets are insufficient to tackle these causes and achieve long term solutions in the area of food sovereignty.

Guatemalan civil society has criticised the measures adopted to face the crisis as momentary solutions, based exclusively on handouts, which only reach a minimal percentage of the population at risk. Communities receiving the solidarity packets have also protested about bad management of the programme, expressing that it has become politicised. According to Guatemalan organisations promoting the effective implementation of the right to food, institutional deficiencies and current legal conditions disadvantage vulnerable groups most susceptible to nutritional and food insecurity, and contribute to the worsening of the situation year after year.¹⁵ In September 2009, the Indigenous Women’s Association of Santa María Xalapán (AMISMAXAJ) of Jalapa denounced the biased distribution of solidarity packets to the population by political leaders of the Union of Nationalist Change (UCN)¹⁶. The Catholic and the Evangelical Church, as well as the Human Rights Ombudsman’s Office (PDF), carried out an investigation that revealed the existence of two thousand cases of people affected by malnutrition, contradicting information provided by SESAN, which earlier declared that it had attended to all those affected by the famine.¹⁷ José Pilar Álvarez Cabrera, a member of the Lutheran Church of Guatemala (ILUGUA), said the programme was too focussed on handouts, generating political dependencies within the communities receiving the solidarity packets.¹⁸



(Photo: PBI 2009).

12. EFE, Gobierno anuncia un plan para paliar la crisis alimentaria. 24.8.2009. <http://noticias.com.gt/nacionales/20090824-gobierno-anuncia-plan-para-paliar-crisis-alimentaria.html>

13. http://www.bolsasolidaria.org/site/index.php?option=com_frontpage&Itemid=1

14. Guardiola Jorge, González Cano Vicente and Vivero José Luis, La seguridad Alimentaria: estimación de índices de vulnerabilidad en Guatemala, FAO, Rome, 22.04.2006.

15. AMISMAXAJ, Ante la hambruna en el departamento de Jalapa y otorgamiento de licencias mineras, por las comunidades Xinka de Santa María Xalapán, Jalapa 19.09.2009.

16. Ibid., AMISMAXAJ, 19.09.2009

17. Prensa Libre, Más Desnutrición. 14.11.2009.

18. Ibid. Prensa Libre, 14.11.2009

Integral Rural Development Law

In April 2007, after more than seven years of negotiations with successive governments, the Alliance for Integral Rural Development (ADRI)¹⁹ publicly presented the Proposal for an Integral Rural Development (DRI) Law, intended to manage the fundamental challenges of food sovereignty in Guatemala. Article 6c states: "Our rural development policy diverges from the premise that the right to food is a human right, and that it is therefore the duty of the state to guarantee such things as access to food, the strengthening of national capacity to meet its internal demand and production, availability, nutrition, and safety. This will be sought through the rehabilitation, protection and promotion of indigenous and peasant agriculture, guaranteeing national production so as to achieve and sustain food sovereignty, strengthening the permanence of populations in rural areas and avoiding national dependence on external food resources."²⁰

One year after the presentation of the proposed DRI Law, the National Coordinator of Campesino Organisations (CNOC), the Coordination of NGOs and Cooperatives and the Permanent National Coordination for Rights Related to the Land of the Indigenous Peoples, signed an agreement with the government within the framework of the National Dialogue for the DRI and the Resolution of Agrarian and Environmental Conflicts, with the objective of promoting an "institutional transformation."²¹ On 11 November 2008, the same dialogue resulted in a proposed National DRI System Law. One month later the government had abandoned the dialogue, failing to fulfil the presidential commitment to meet with campesino and indigenous organisations to produce the final version of the DRI Law.²² The proposed law was not approved by Congress during 2009, and at the end of October civil society carried out protests in front of the Congress building in Guatemala City and in Cobán (Alta Verapaz), Huehuetenango and El Petén, demanding the approval of the Law.²³ Among the protests was a sit-in organised by the Union of Campesino Organisations of the Verapaces (UVOC) in front of the governor's office in Cobán. Other actions included the blocking of roads in various municipalities and regions of Alta Verapaz, including Tamajú, San Miguel Tucurú, Panzos and Senahú²⁴.

"The Integral Rural Development Law seeks to generate agro-ecological methods of production, which could help to reduce the dependency of agriculturalists on costly external consumables, and so improve their resilience in the face of inclement weather produced by climate change, as well as conserving the environment. The Law also favours the cultivation of crops that satisfy the needs of the population, as opposed to the current model of rural development which is excessively concentrated on exports. A reorientation of this sort would limit the vulnerability of Guatemala to the drastic changes in global prices."

De Schutter, O., Informe Preliminar 2009.

Obstacles and disagreements hinder approval of the Integral Rural Development Law

The Proposal for the Integral Rural Development Law, under the scrutiny of Congress, has generated different opinions from members of the business sector, which rejects the law proposal, from several congressmen and parts of the civil society movement, which support the initiative. Carlos Zuniga, president of the Agricultural Chamber of Commerce, in an interview with the Siglo Veintiuno newspaper, expressed his disagreement to the law proposal, which he said could be used to expropriate land. He also claimed that agriculture, as defined in the proposal, was not a determining factor in reducing poverty in communities. Carlos Morales of UVOC argues that the Integral Rural Development Law offers institutional conditions that could enable campesino and indigenous communities to choose their own form of development.²⁵ For his part, the congressman Fredy Berganza, president of the Congress Agricultural Committee, defended the initiative, labelling the idea that the law proposal could lead to land expropriation "a sign of ignorance", when Guatemala's constitution defends private property. In contrast to the perceptions of the business sector, the Integral Rural Development Law does not contain a plan for agrarian reform, but reform, democratization and expansion of access to the means of production, with the aim of strengthening the abilities of the peasant and indigenous populations to satisfy their right to an adequate diet and nutrition.²⁶

Both ADRI and the government recognise that there exist obstacles in the way of the approval of the Rural Development Law. Carlos Morales, coordinator of UVOC, highlights the fact that the current text of the law proposal has been the object of

19. The ADRI includes: the National Coordinator of Campesino Organisations (CNOC), the Agrarian Platform, the Guillermo Toriello Foundation, The Coordination of NGOs and Cooperatives (CONG-COOP), the National Association of Non-Governmental Environmental and Natural Resources Organisations (ASOREMA), CNP -Land, and the Guatemalan National Revolutionary Unity (URNG).

20. CNOC, Presentación Pública de la Ley de Desarrollo Rural, 18, April 2007. Guatemala.

21. CNOC, El Gobierno debe cumplir sus compromisos en relación a la Política y la Ley de Desarrollo Rural. Press Release, 19.02.2009.

22. Ibid. CNOC.

23. La Vía Campesina en Guatemala. Organizaciones esperan que diputados aprueben de urgencia Nacional Ley de Desarrollo Rural Integral. 03.11.2009. http://www.movimientos.org/cloc/show_text.php3?key=16191

24. Prensa Libre, Exigen ley de desarrollo rural integral, 29.10.2009. Op. cit. De Schutter.

25. Siglo XXI, Chocan por proyecto de ley, 20.11.2009.

26. Elementos esenciales que no deben faltar en una ley de desarrollo rural integral. Rural Development Law: National Priority. Forum at the Panamerican Hotel, Guatemala. 08.12.2009. http://www.enlaceacademico.org/uploads/media/Ponencia_sobre_Ley_DR.pdf.

many fundamental modifications in Congress, changes which do not reflect the intentions of the original authors. However, these changes have been largely accepted with the aim of promoting the swift approval of the law.²⁷

In a press article, lawyer and political analyst Alfonso Bauer Páiz explains his disagreement with the current law proposal as it stands, based on the following arguments: “a) it promotes the exportation of non-traditional agricultural crops, of tourism and of mining, and does not contain mechanisms to guarantee food sovereignty; b) it is conceived in line with the ideology and praxis of neo-liberalism; and c) it has an insufficient concept

of rural development, focusing only on the ‘improvement of the welfare of the rural population’ and not on the ‘human development’ of this population.”²⁸

Despite the disagreements and the imperfections recognisable in the law proposal as it stands, it is the only initiative currently on the government’s agenda that attempts to comprehensively deal with the fundamental causes of the chronic food insecurity in Guatemala.

At the time of writing, the Integral Rural Development Law continues to await the approval of Congress, while the media are already predicting another food crisis in 2010.

27. Interview with Carlos Morales, 19.09.2009.

28. La Hora, Foro Ley de Desarrollo Integral Prioridad Nacional -II, 28.12.2009

Informal Settlements in Guatemala City

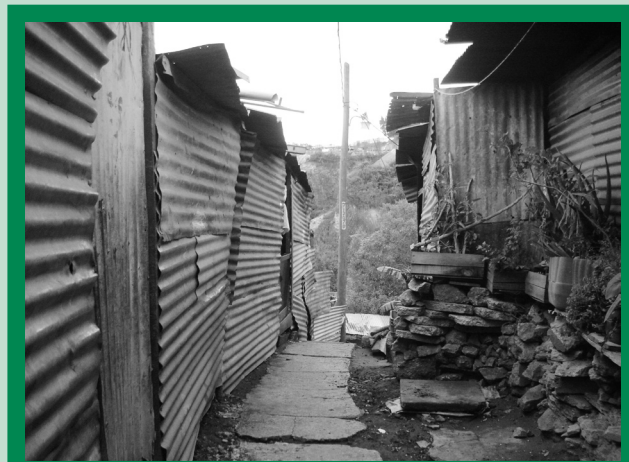
According to the Universal Declaration of Human Rights (Article 25), possession of, or access to, housing is a basic human right. Article 2 of the Housing and Human Settlements Law emphasises that to live in adequate housing is a fundamental human right, and that it is the responsibility of the state to ensure it is put into practice. In Guatemala, however, there is an enormous deficit in adequate housing, and for thousands of Guatemalans it is becoming more and more difficult to count on having a roof over their heads.¹

What is a settlement?

Settlements have been defined as “agglomerations of dwellings - the product of the occupation and invasion of state-owned or private land - whose construction has been financed and realised by the occupants or their predecessors.”² As such, “a settlement is the localization of a sector of the population, without ownership but with a certain level of stability, with the intention of using the land or making it produce.”³

How do settlements form?

There are various reasons why people reside in settlements in Guatemala. The 1976 earthquake affected thousands of people in rural areas; the destruction left many families homeless, and a large number of these moved to the capital seeking ways to move on with their lives. The domestic armed conflict



Backstreet of a settlement in Guadalupe (Photo: PBI 2009).

had a similar effect. The population that had sought refuge in Mexico, fleeing the repression of the armed forces, returned to their towns after the Peace Accords were signed in 1996. On their return, they found their homes had been destroyed and few employment opportunities existed. Thousands of families were forced to relocate to the capital in search of work and a dignified life, installing themselves in settlements. Today, one of the principal reasons Guatemalans are settling in these areas is the difficulty of finding enough money to rent a home.

1 See <http://www.deguate.com/artman/publish/noticias-guatemala/demanda-habitacional-en-constante-incremento.shtml>, Demanda habitacional en constante incremento, 13.01.2010.

2 Gorosito, Ricardo, La regularización de los asentamientos como política social y de Estado, in MVOTMA, Asentamientos Irregulares, Montevideo, 1996. Taken from Lombardi et al, “Infancia y Adolescencia en los Asentamientos Irregulares”. INTEC-UNICEF. Montevideo. 1999.

3 Lombardi and others, Infancia y Adolescencia en los Asentamientos Irregulares, INTEC-UNICEF, Montevideo, 1999.

No official figures

There are no exact figures for the number of settlements in Guatemala City, or the number of inhabitants living in them. While the Guatemalan Housing Fund (FOGUAVI)⁴ estimates that there are 127 settlements in the city, Luis Alberto Lacán, coordinator and legal representative of the social organisation the Guatemalan National Settlements Unit (UNASGUA), calculates that the number reached 225 in 2009. These are located in zones 1, 7, 12, 18, 21, and in Mixco, the capital's neighbouring municipality.⁵

UNASGUA – support and advice for neighbours' associations

UNASGUA offers free legal advice at the request of the settlements' neighbourhood associations. It disseminates information on the subject of housing, as well as the rights and obligations of their management boards, the settler communities themselves and the state. The main goal for settlers is to have the land they occupy declared legally theirs. Regrettably, UNASGUA has had to turn down several requests this month, due to lack of funding, while the difficulties of those who live in the settlements have been exacerbated by the current economic crisis. However, with a great deal of effort on the part of UNASGUA and those affected, they have managed to achieve legal recognition for several settlements (for example, Santiago de los Caballeros, Patricia de Arzú or El Limón).

Luis Alberto Lacán learned of UNASGUA in 1997, when he himself was living in a settlement out of necessity. He began working as a part-time volunteer supporting the organisation where required. He soon became part of the team that educated and trained the settlers. At that time, the organisation employed several lawyers and specialised workers for those areas of work. Today, due to its limited resources, the organisation has only three employees. Through his work in the settlements, Lacán has been witness to the harsh reality the inhabitants face there. According to him, the precarious situation faced by many families has changed little in the last 20 years. He identifies the absolute lack of opportunities for children and young people as one of the most serious problems, which carries with it a high risk of them being co-opted into criminal groups. UNASGUA's coordinator believes that structural changes, such as the creation of a Department for Housing, are required at state level. This would then allow the state to respond to the basic needs of its population.

4 Interview with Sergio Morales Monzón, 06.10.2009.

5 Interview with Luis Lacán, 22.09.2009

6 Interview with Iván Díaz, 08.10.2009.

7 Interview with Sergio Morales Monzón, 06.10.2009.

The role of the state

The Low-Income Housing Development Unit (UDEVIPO), the Guatemalan Housing Fund (FOGUAVI) and the National Committee for Disaster Reduction (CONRED) are the three state bodies that deal with settlement-related issues.

The UDEVIPO programme for the legalisation of state-owned land came into being after the 1976 earthquake, and now serves 302 settlements in the metropolitan area (the municipalities of Guatemala City, Chinautla and Villa Nueva). It has a budget of 22 million quetzals (\$2.6 million) for investment. A further 18 million quetzals (\$2.1 million) are allocated to finance infrastructure projects, and to the payment of title deeds, studies and social work. According to Iván Díaz, technical consultant for the programme, these resources are not sufficient to meet the demands of the settlers.⁶ The legalisation process starts with an application to legalise the land; this is submitted by a particular settlement's management board. UDEVIPO conducts a geological study, a topographic survey and a socioeconomic study, which is conducted by social workers who speak directly with those affected. If the studies confirm the possibility of legalising the land, the process of registering ownership begins. UDEVIPO does not charge a fee, but the people must pay the value of the land, which currently ranges between 5 and 30 quetzals (\$0.6-\$3.6) per square metre.

For its part, FOGUAVI offers housing subsidies to people who already own land, rating each case according to its socioeconomic needs. There are also programmes which aim at improving and expanding homes once they have been built.

CONRED is the department in charge of preventing and mitigating disasters, and assisting and participating in rehabilitation and reconstruction following damage caused by disasters. It is also identifies areas of risk. If the risk-level is moderate, it is necessary to construct perimeter walls or storm drainage systems to improve safety. Areas in which these measures are insufficient to protect the lives of the population are called high-risk zones, and in such cases, the population has to be relocated to a different area. This causes conflict, because settlers do not generally want to start from scratch in an unfamiliar environment, where they do not have a job or a social network.

When reallocating settlers to accommodation in emergency situations, FOGUAVI and FONAPAZ have a bank of land at their disposal. According to Sergio Morales Monzón, FOGUAVI's deputy executive director, resources available to the institution to meet social demand are very scarce and the present situation is critical.⁷

PBI visit to Guadalupano, a settlement in zone 18

Guadalupano is situated in a ravine in zone 18 of Guatemala City and, together with Puertas del Jardín and La Libertad, forms one of the capital's settlements.

María Argueta de García, Gladis Ester Lima Pirir, Esteban Antonio García and Sabino Marroquín, inhabitants of Guadalupano, and Rosa Chávez Arana, from the Dios y Colina settlement, told us about their experience of settlement life. In 1998, a community of 15 families occupied the land, at that time a land fill, because they could not afford to pay rent on a property. They began to settle in, and together cleaned the area and excavated the ground, in order to construct their homes. Since then, they have maintained the policy that when there is work to be done that serves the community, all the neighbours get together and share out the necessary tasks (organising material, carrying out construction work etc.). Over the years, the settlers constructed their own dwellings (cobachas) or small houses, some walls and paved streets. They also developed systems for water and lighting. Some 22 families currently live in Guadalupano, but do so in precarious conditions, which, despite the efforts of the residents, have not improved much in recent years. The settlers face many difficulties on a daily basis, such as unemployment, extreme poverty and stigmatisation for living in a settlement in zone 18, for which some people consider them to be gang members and thieves. Although violence and drugs are not a problem within the confines of Guadalupano – it is one of the peaceful areas in zone 18 – alcoholism is. With regard to education levels, the fact that the majority of people in Guadalupano pass their tercer básico⁸ is note-

worthy, considering the low rate of academic achievement in Guatemala. This shows that living in a settlement is not necessarily related to a lack of access to education.

The people interviewed said they would like to plant grain or vegetables, but do not have the space to do so. Landslides and flooding are a serious problem, particularly in the rainy season, because the settlement is located in a ravine. Guadalupano's residents say they do not feel supported by state institutions. They have spent several years trying to legalise the land, but are still awaiting results. The collaboration between this settlement and UNASGUA began five months after their arrival on the land, more than ten years ago. Esteban, Sabino and Rosa are very grateful for the training, consultancy and support they received and continue to receive. Their expectations are centred on UDEVIPO finally legalising the land, so that in the future they may improve their homes by taking advantage of programmes such as that offered by FOGUAVI. Their ultimate aim is to ensure that "our children have access to a better life than ours".⁹

Lacán explains that the process is slow; policies are very specific and geared towards electoral processes. There is neither a legal framework to regulate the settlements, nor a government department in charge of the issue, and the programmes routinely change from one administration to the next.¹⁰ According to the interviewees, there is also a lack of information available to settlers about existing state programmes, and how they might access them.¹¹

In Summary:

- ✧ Economic situation: many families live in poverty (51% of the population in 2006¹²), and can neither satisfy their basic nutritional requirements, nor access adequate housing.
- ✧ The housing deficit is estimated to be 1.5 million homes and rising.¹³
- ✧ The state budget to improve the settlement situation is insufficient, with many projects paralysed due to lack of funding.
- ✧ Areas of high risk: during winter, the situation faced by the settlements worsens; rains markedly increase the risk of landslides, which result in the deterioration of the dwellings constructed on or around the ravine bank.
- ✧ Location: it is difficult for inhabitants of the settlements to relocate, because in doing so they lose their jobs and their social network. Even if they are aware of the risks they run by remaining in their homes, they prefer not to move.
- ✧ Information: settlers demand information on how to improve their situation. However, representatives of state programmes do not travel to the settlements to provide its inhabitants with the information they



People who live or work in the settlement.

From left to right: Gladis Ester Lima Pirir, Rosa Chavez Arana, María Argueta de García, Savino Marroquín, Luis Lacán. In front: Esteban Antonio García. (Photo: PBI 2009)

8 A level of education achieved at the end of secondary/high school.
 9 Interview with María Argueta de García, Gladis Ester Lima Pirir, Esteban Antonio García and Savino Marroquín and Rosa Chavez Arana, 30.10.2009.
 10 Interview with Luis Lacán, 22.09.2009.
 11 Interview with María Argueta de García, Gladis Ester Lima Pirir, Esteban Antonio García and Savino Marroquín and Rosa Chavez Arana, 30.10.2009.
 12 National Survey of Living Conditions (ENCOVI) 2006.
 13 National Association of Housing Constructors (ANACOV), Déficit habitacional, 2007

need. In most cases, the settlers do not have internet access.

- ✧ Bureaucracy: it is difficult for the settlers to get hold of and complete all of the necessary documentation to initiate and follow up the legalisation process, or to request state support.
- ✧ Politicisation: some communities participate in activities promoted by different political parties. These can be taken advantage of, as an opportunity to make promises intended to improve electoral results.¹⁴
- ✧ Conflicts of interest within settlements: there have been cases where members of a settlement's management board have exploited their neighbours. For example, a

fee has been charged for FOGUAVI forms, when they are supposed to be free. There has also been a case in which people have been living in a settlement, while retaining a house in another location, intending to exploit their neighbours' needs in order to fulfil their own interests.¹⁵

- ✧ There are no statistics about the settlements that would allow a full diagnosis of the situation.
- ✧ Although state institutions maintain that the legalisation processes have an average duration of four to six months, some processes such as that of the Guadalupano settlement have already been running for several years without the land being legalised.

14 Interview with Maria Argueta de García, Gladis Ester Lima Pirir, Esteban Antonio García and Savino Marroquín and Rosa Chavez Arana, 30.10.2009

15 Interview with Luis Lacán, 22.09.2009

Xalalá: The Right to Community Participation

The construction of the Xalalá Hydroelectric Plant is promoted by international interests and the Guatemalan Government as a response to the energy needs of the region. This project and its history are emblematic of the way in which development in Guatemala is implemented through the state, without taking into account the opinion of the directly affected communities, and without awareness of indigenous conceptions of development. This article collates information on the possible effects of the Xalalá project on the natural environment of the people and communities of the region, and tells the history of their resistance.



Photo: CIFCA 2008

The municipality of Xalalá is located between the municipality of Ixcán, in the Department of Quiché, and the municipality of Cobán, in Alta Verapaz, in the zone called the Northern Transversal Strip. In this region the Chixoy and Copón rivers unite, and the Xalalá Hydroelectric Plant (XHP) would feed from the flow of their waters. Since the 1970s, successive military governments have tried to implement a large scale development project in the area,¹ due to its abundance of natural resources. It was also the scene of the 'scorched earth' policy and of numerous massacres carried out by the army against the mainly indigenous population, which resisted development imposed by the Guatemalan state.²

Should this hydroelectric project succeed in being constructed, it would be the second largest in Guatemala, with a stored reservoir of around 7.5 km and an electricity generating potential of 181 Mega Watts (MW).³ For three decades this project has been part of the National Plan for Electrification, but it wasn't until September 2007 that the National Institute for Electrification (INDE) opened it up for international public bidding, with a projected cost of between 350 and 400 million US dollars.⁴ One year later INDE found itself without a single expression of interest from the nine international companies that took part in the bidding. According to journalist Luis Solano, the causes of this lack of interest stem from "the international financial crisis, which limited liquidity and credit, and the strong community opposition to the XHP".⁵ According to Solano, investors linked to the bidding highlighted two key problems: "1) in the social management and in the acquisition of buildings the investor received no help from the state, and 2) a feasibility study did not exist, since this obligation was made the responsibility of the investor".⁶

The reactions of the people who would be directly affected by the project have been practically unanimous in their opposition. Marcos Ramírez, the Mayor of the Playa Grande Municipality in Ixcán, claims that 178 communities of the region are opposed to the project. Thirty of these communities, a total of 5000 people, would have to be removed should the XHP be constructed.⁷ Ramírez says that projects "only benefit transnational companies, to the detriment of the communities". He also says that the people oppose the project "because they have not been told where they, along with their

animals and crops, would be moved to, or what would happen to their lands"⁸. In April 2007, a community consultation was organised, with the participation of 21,155 people from 144 communities in Ixcán. The result showed that 18,982 were against the XHP with 1,829 in favour. This comprehensive rejection is understandable given the predictable effects that the project would have on the communities. A study done by the Copenhagen Institute for Central America and Mexico emphasises, among the likely effects: "The flooding of habitats, of crops, of tillable land and of pastures, as well as a change in the biodiversity of the surrounding area, the reduction in fishing possibilities, the destruction of the means of communication and of the profound relation that the communities have with their land and resources."⁹

Despite the strong social opposition to the XHP and in response to the uncertainties of the investors, INDE decided that the state should take charge of the feasibility study, in which three types of analysis would be included: a social diagnosis, a study of the social and institutional actors involved and their relations of power, and a study of an intervention strategy for the hydroelectric project.¹⁰ These studies, according to the Guatemalan press, would create the need to "carry out a census of the population, of education and health services, of economic activities, of housing and food security. The cultural characteristics of the population should also be emphasised, while development projects are considered, and knowledge and perceptions of the population regarding electricity and energy should be taken into account. Another important point would be the need to assess any existing land conflicts, existing infrastructure and the use of natural resources, among other things".¹¹ The aim would be to create "a strategy of intervention which would allow INDE to implement measures that would engender the "trust of the population". This strategy should take into account the characteristics of the population and the ways in which they relate one to another. The strategy should also include the prevention of conflicts." "If we do not enter into a state of harmony with the communities, we will not go ahead with the project,"¹² says Edwin Barrios, manager of INDE. However Barrios makes no reference to the community consultation already realised in 2007.

The community consultations are not only a right recognised under the International Labour Organisation's Conven-

1 Reemtsma, Kerstin; Briones, Soledad; Ibero, Marta, Proyecto Xalalá, ¿Desarrollo para todos?, Copenhagen Initiative for Central America and Mexico (CIFCA), Nov. 2008, p. 10.

2 Ibid., p. 11

3 Solano, Luis, "El negocio de la electricidad: transformación de la matriz energética y sus impactos", El Observador No 16, 12.2008 / 01.2009, p. 17.

4 Solano, Luis, "Hidroeléctrica Xalalá a licitación", Inforpress Centroamericana N° 1723, 28.09.2007.

5 Solano, Luis, "Fracasa licitación de Xalalá; INDE insistirá", Inforpress Centroamericana N°1746, 14.11.2008.

6 Op. cit., Solano, El Observador No. 16, p. 30

7 Siglo Veintiuno, "Conflictos sociales frenan la inversión", 23.22.2006.

8 Ibid., Siglo Veintiuno.

9 Op. cit., CIFCA, p. 19.

10 Prensa Libre, "INDE retomará el proyecto de Xalalá", 10.11.2009.

11 Ibid.

12 Ibid.

tion 169 on Indigenous Tribal Peoples, ratified by the Guatemalan Government, but also a right justified by article 66 of Guatemala's Political Constitution and by articles 63, 65 and 66 of the Municipal Code. However, none of the 32 community consultations thus far realised in different departments of the country have been recognised by the state¹³.

Xalalá has thus become an emblematic case of citizen participation, especially in the rural areas, with regard to issues that critically affect the people's land and survival. It is also characteristic of the methods of intervention that the Guatemalan state uses to promote development. There are many other cases: In the Huehuetenango Department, 27 community consultations have already been organised in reaction to development projects that the Guatemala Copper mining company wants to implement there. This company is a subsidiary of the Canadian company Creso Resources Inc.¹⁴ In December 2009, a popular tribunal

of conscience condemned the "lack of attention paid to the community consultation of San Miguel Ixtaguacán, San Marcos, which rejected the construction of the Marlin Mine of 2005 on its lands."¹⁵ In May 2007, the communities of San Juan Sacatepéquez rejected the construction of a cement factory, which is 80 per cent owned by Cementos Progreso Ltd, and 20 per cent by Swiss company Holcim, the world's biggest cement company. The factory is still in operation. Other examples where communities have demanded their right to a community consultation can be seen in the municipalities of: Lanquín, Cahabón and Panzos (Alta Verapaz); Uspantán, San Juan Cotzal, Nebaj and Cunén (El Quiché); Camotán (Chiquimula); la Montaña Santa María Xalalá (Jalapa). Peace Brigades International has maintained international presence in all of these municipalities, accompanying some human rights organisations that work in the areas.¹⁶



The proposed site of the construction of the hydroelectric plant of Xalalá (Photo: CIFCA 2008)

13 CIDSE, *Impactos de la Industria Extractiva en América Latina: Análisis y pistas de acción*, 01.2009. http://www.cidse.org/uploadedFiles/Regions/Latin_America/EPLA%20analysis%20final%20SPA.pdf.

14 La Hora, "Rechazan Minería", 27.10.2008 y Solano, Luis. "Otra consulta popular rechaza la minería", 06.07.2002. www.albedrio.org.

15 Centro de Estudios Guatemaltecos. "Tribunal de Conciencia responsabiliza al Estado por infringir derechos de pueblos indígenas", 30.12.2009. http://www.ceg.org.gt/noticiacompleta.php?id_noticia=1322.

16 The National Coordinator of Guatemalan Widows (CONAVIGUA), Association of Indigenous Women of Santa María Xalalá, AMISMAXAJ. (AMISMAXAJ), 'New Day' Chortí

News of our Work

During this period we have continued to accompany the Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS). On 28 September 2009, we observed the judicial hearing at which appeared Jorge Luis López Sologaitoa, director of OASIS. He was charged with the offence of “accessory after the fact” in the attempted murder of sexworker Laila (Axel Leonel Donis González). The day after the hearing, the judge Nery Oswaldo Medina Méndez, of the Ninth Court of the First Criminal Instance, dismissed the case against Jorge López, and ruled inadmissible the accusation brought against him by the Public Prosecutor’s Office.

After more than eight months of house arrest and with the obligation to present periodically at the courthouse, the hearing result was good news for Jorge López and for OASIS.

However, his connection with the case has brought unfortunate consequences for both. It affected Jorge López’s health, liberty and personal life, cast doubt on his reputation and credibility, and diminished his ability and availability to carry out his work of promoting and defending the rights of sexually diverse (LGBT) communities as director of OASIS. Jorge López has expressed gratitude for the support he received during the legal process from national and international organisations, Guatemalan authorities (Human Rights Ombudsman’s Office and the Presidential Human Rights Commission) and the diplomatic corps present in Guatemala.

Since July 2009, we have been accompanying the Indigenous Women’s Association of Santa María Xalapán (AMISMAXAJ). The work of the Association is centred on promoting the human rights of women in Jalapa, revitalising their Xinka ethnic identity, and defending natural resources and territory. On 14 July, we observed their first march, a march of the Xinka people of the Xalapán mountains against mining and petroleum exploration and exploitation in Jalapa department and the whole of the country. On 17 August, we observed another march against mining activity in the region, at which they handed a letter to the governor, Elmer Guerra, demanding that mining licences be revoked, and an investigation into the embezzlement of funds by the mayor. They also demanded that the demands be heard of the people in the department who are experiencing famine. AMISMAXAJ also travelled to the capital to march, and to hand an open letter signed by 20,000 people to the President of the Republic and Congress, rejecting the validity of 15 mining exploration and exploitation licences granted in the department and others related to the extraction of petroleum. We also received the authorisation of the Xinka Government to enter the Santa María Xalapán Mountain, where the headquarters of the organisation is located, enabling us to begin the physical accompaniment of its members.

In September, we received a request for accompaniment from the

‘New Day’ Chortí Campesino Central Coordinator, a member organisation of the Agrarian Platform from Chiquimula Department. Its work is focussed on the defence of land and natural resources,



A Brigades International volunteer talking to Carlos Hernandez of the Campesino Association of Camotán (Photo: PBI 2009)

informing rural communities about mining and hydroelectric activity in the region, and about the construction of the ‘dry canal’ of the Mesoamerican Integration and Development Project, as well as educating the population of the area about their rights. Due to this work, some of the organisation’s members have received threats. As well as raising our concerns about these threats through dialogue with local and national authorities, we regularly visit communities of the Jocotán and Camotán municipalities of Chiquimula.

Also in Chiquimula, we have accompanied the Centre for Human Rights Legal Action (CALDH), in several of its activities in the region. The coordinator of the Indigenous Peoples’ Rights Programme, José Roberto Morales, has carried out workshops with communities in the municipalities of Jocotán, Camotán, Olopa and San Juan Ermita, providing training to their members on issues related to hydro-electric activities, water contamination and forest deterioration. We also accompanied CALDH to Cunén, in El Quiché Department, during an activity in which CALDH gave a presentation to the region’s Communities’ Council about the legal instruments supporting community consultations. Later, on 26 October, we observed a municipal consultation in Cunén, in which around 19,000 people (11,000 adults and 8,000 minors), from 71 communities, widely rejected the exploitation of their natural resources by transnational companies (metal mining, water, forests, petroleum and others subject to large scale exploitation).

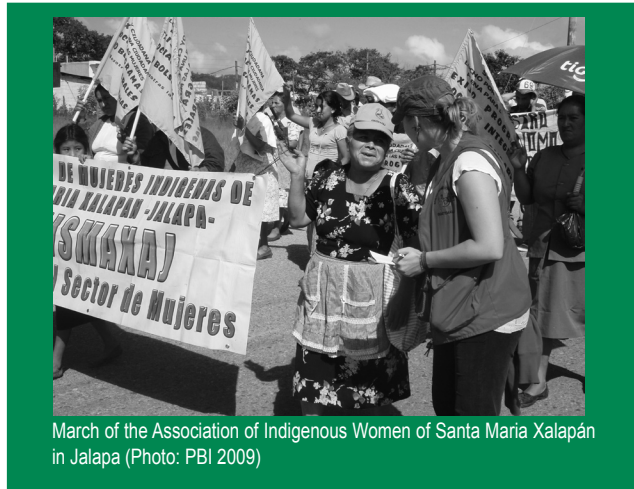
On 11 November we were observers when the results of another popular consultation held in Lanquín and Cahabón, Alta Verapaz, on the Chiacté hydroelectric project, were submitted to Congress in Guatemala City. Beforehand, we visited the participating communities with CONAVIGUA and the environmental organisation Madre Selva. Another municipality where the right to consultation has been exercised was Churranchó, in Guatemala Department. Madre Selva invited us to observe a ‘good faith’ community consultation on the El Sisimite hydroelectric project, which the Generadora Nacional (GENASA) company intends to build over the Motagua River. Of the 3,319 people that participated in the consultation, 2,748 voted against the project. These results were submitted to the Municipal Council and to the Energy and Mining Ministry (MEM) and the Environment and Natural Resources Ministry (MARN).

An important part of our work is accompaniment and observation during roundtable dialogues between civil society organisations, public and governmental institutions, and private actors. We con-

tinue accompanying the Association for the Protection of Las Granadillas Mountain (APMG) during roundtable meetings in Zacapa. Participating in this dialogue are representatives of Zacapa Municipality, APMG, the communities of Las Granadillas Mountain, and private owners of large extensions of land on the mountain, as well as different state bodies. It is facilitated by the Environment and Natural Resources Ministry (MARN), and the aim is to resolve conflicts over the use and enjoyment of the natural resources of Las Granadilla Mountain. In addition to these meetings, we have provided accompaniment to APMG during other of its activities.

We also accompany the Union of Campesino Organisations of the Verapaces (UVOC), during meetings of the roundtable dialogue in Cobán, which was created to seek solutions to more than 20 land conflicts. UVOC advises campesinos of the La Mocca Estate, following their violent eviction in July 2006 from the estate in Santa Catalina Municipality, Alta Verapaz.¹ With the collaboration of the Cobán office of the Human Rights Ombudsman (PDH), the land fund FONTIERRA and the Secretary for Agrarian Issues (SAA), this dialogue has resulted in SAA seeking land on which the evicted families could resettle. We have also accompanied members of the UVOC to legal hearings on different land conflicts, and we continue our presence in the region and regular contact with authorities.

We continue to accompany the National Coordinator of Guatemalan Widows, (CONAVIGUA). In November, its Advocacy, Relations and Communication Programme invited us to participate as observers in roundtable dialogue sessions with the Interior Ministry and in the presidential roundtable dialogues² dealing with 1) the violent eviction of the Las Nubes community, in El Estor Municipality, department of Izabal; 2) the conflict between the communities of San Miguel Ixtahuacán and the Marlin Mine; and 3) the installation of a station of the National Civil Police (PNC) in the Santa Fe Ocaña community in the municipality of San Juan Sacatepéquez, Guatemala Department, next to the place where Cementos Progresos has begun construction work on the cement factory that has generated multiple conflicts in the municipality. An early result of the dialogue has been that the Interior Ministry committed to the withdrawal of the PNC from the area. Aside from this, we have also accompanied CONAVIGUA in the initial processes of an exhumation in the Xebaj Municipality, which it was unable to carry



March of the Association of Indigenous Women of Santa María Xalapan in Jalapa (Photo: PBI 2009)

out due to strong opposition on the part of some members of the community.

In December we began the accompaniment of Qamoló Kí Aj Sanjuani – People of San Juan Unite, which works actively in the defence of land and natural resources in the municipality of San Juan Sacatepéquez, in Guatemala Department. We already knew the case of the cement factory mentioned above, from our accompaniment to the Association of Mayan Lawyers and Notaries in 2008 and part of 2009, and from our observation of the march of the people of San Juan Sacatepéquez on 13 and 14 July,

in which more than 10,000 people rejected the construction of the factory. We also accompanied several members of the Association to legal hearings initiated in the context of active resistance against the factory.

In July we observed the hunger strike of Norma Cruz, director of Survivors' Foundation, and several mothers looking for their children, stolen in the context of illegal adoption. The hunger strike was maintained for 10 days in front of the Supreme Court of Justice. Finally, the Eighth and Tenth Courts of the First Civil Instance began procedures to nullify three anomalous adoptions. The Foundation reported frequent surveillance at the site of the strike, at its offices and at the private homes of some of its members.

The National Communities' Council for the Integral Development of Guatemala (CONCODIG) invited PBI to observe an exhumation process in a former military installation in Chejul, Ustpantán Municipality, in the department of El Quiché. The exhumation was carried out in coordination with the Forensic Anthropology Foundation of Guatemala (FAFG) between July and December, and resulted in the discovery of the remains of 26 victims of the armed conflict.

During the period we have concluded the accompaniment of the Guatemalan Association of Indigenous Mayors and Authorities (AGAAI), the Association of Friends of Lake Izabal (ASALI), the Association of Mayan Lawyers and Notaries, the Campesino Workers' Movement (MTC), and the Liberated Lesbians Collective, Lesbiradas, after having analysed the significant reduction in threats, intimidation and security incidents. These organisations have said that they are now able to carry out their work in a safer political space. We maintain our close contact with them and their members, and it remains always possible for them to request the reopening of the accompaniment in the future according to new needs relating to the protection of the spaces in which they work in the defence and promotion of human rights.

¹ See PBI Guatemala Bulletins No. 10 and 17.

² Presidencial Table of the National Dialogue Commission and the Interior Ministry National Dialogue Roundtable. Participants in both are the PDH, CONAVIGUA, CUC, Waqib Kej, Mojomayas, ADISMI and Qamoló Kí Aj Sanjuani -Unamos Pueblos Sanjuaneros.

Peace Brigades International

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 organisations, it provides international accompaniment and observation.

The presence of international volunteers backed by a support network helps to deter violence.

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

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organisations, unions, indigenous and campesino organisations, 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 organisations. 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 revealed a change in the direction of the peace process, and a reduction in the political space available to 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 organisations are focussed in three areas: fighting impunity, land rights and negative effects of economic globalization on human rights.

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 protect the political space for human rights defenders, lawyers, union members, campesino and indigenous organisations, and civil society groups that are suffering repression due to their work supporting human rights.

Objectives

1. To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organisations that are working for an end to im-

punity, 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 of the human rights situation in Guatemala through the regular communication of information as well as frequent contact with international authorities and the diplomatic community both within and outside the country.
3. To sensitize the International Community of 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 Organisations that help in achieving the general objectives of PBI in Guatemala.

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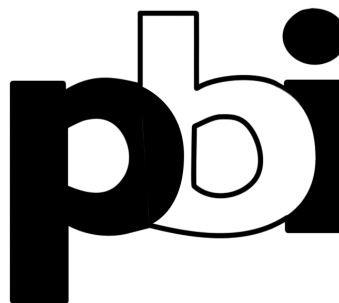
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