

Deteriorating situation of human rights defenders

Over the past few months the situation of human rights defenders has been deteriorating rapidly, culminating, amongst other things, in a wave of raids of social organisations in various parts of the country. Over five days from Saturday 7th to Thursday 12th of May a total of eight social organisations were raided and another was raided on the 25-26th June./1

On the night of 7th to 8th of May the head office of the National Coordinating body of Campesino Organisations (CNOC) which is also used as the coordinating centre for the Indigenous, Campesino, Trade Union and Popular Movement (MICSP) was raided and all their computers containing valuable information regarding strategic and operational plans, reports of activities and a database of both organisations were taken.



Frontdoor of the Guatemalan Education Workers Union (STEG) painted with a red cross after a raid. June 2005. Photo PBI

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Interview: Carlos Morales of the Union of Campesino Organisations of the Verapaces (UVOC)4

UVOC was founded in the 1980's, as a space to coordinate the combined efforts of indigenous and campesino communities, cooperatives and artisan organisations. Here founder Carlos Morales talks about the current wave of desalojos that UVOC communities are facing.



Land Registry Law. The solution to land conflict?.....6

The law to create Guatemalas first comprehensive Land Registry (RIC) was approved on the 15th of July 2005, by both chambers of Congress. We asked representatives of various civil society and state institutions for their thoughts on the new law and how it would impact their work.



Serious concerns over the Law of Concessions.....8

Iniciative 3041, the proposed new concessions law is one of the most controversial topics within Guatemala and is the source of significant concern among civil and social organisations. While the Government is looking for the rapid ratification of the new legislation, organisations from various sectors fear it will result in a sever deterioration in the quality of public service provision.



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The last few months have seen important changes in the work of Guatemalan field team, reestablishing contact with old friends of Peace Brigades and with organisations with whom the previous team (1983-1999) worked.



Wave of raids against social sector organisations

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The following night, between the 8th and 9th of May the office of the National Human Rights Movement (MNDH) in the department of Santa Rosa was raided as was the office of the Federation of Lutheran Churches in the department of Petén. This was followed by various attempted raids on the night of 10th and 11th of May in the offices of Central Union of Trade Unions (CUSG), the Institute of Comparative Studies in Penal Sciences (ICCPG) and the General Centre of Guatemala Workers. In the first four cases there was nothing stolen but the intruders left evidence of their presence and in the last case, the intruders did not manage to gain entry as there were still people in the building.

On the morning of the 11th of May the house of Christina Buczko, co-coordinator of the Accompaniment from Austria Project (ADA) and of Byron Garoz, the head of the rural development studies of the co-ordinating

body of NGOs and Cooperatives was raided.

Nothing of value was stolen but the intruders left evidence of their presence – in one of the windows of the house photos of three unknown individuals and a handwritten letter from a supposed prisoner to his mother were found in a bag wrapped inside a Karl Marx T-shirt both belonging to Byron Garoz. A baseball cap from Cuba was left in the sink and the intruders also took a shower and left dirty clothes scattered throughout various rooms of the house.

That same night the new office of Sons and Daughters for Identity and Justice and Against Indifference and Silence (H.I.J.O.S) was raided and a laptop and desktop computer were stolen along with discs of photographs as well as printed photographs.

This is the second time in 5 months that the office of H.I.J.O.S has been raided – the first raid took place on 10 January 2005 when the computers and the sound system of the organization were stolen. Despite

having changed offices, the organization has not managed to avoid being raided.

According to the Human Rights Ombudsman, Dr Sergio Morales, this wave of raids takes place in the context of widespread social protest and mobilisation against the Government and the Congress of the Republic for the ratification of the Free Trade Agreement with the United States (CAFTA) as well as the debate surrounding the Concessions Law. The majority of organisations that were raided are either members of the MICSP which lead the demonstrations against CAFTA, or took part in these same demonstrations.

The Human Rights Ombudsman expressed his concern that “these raids and other attacks against Human Rights Defenders are taking place in a context of intimidation of the Social Movement and the proliferation of authoritarian measures which limit the right to freedom of opinion and association.”²



During the raid of the Union of Guatemala Education Workers of, red crosses were painted in various parts of the office. Photo PBI.

According to the Unit for the Protection of Human Rights Defenders of the National Human Rights Movement the objective of these raids is to obtain information and in this way gain control of the networks of political, financial and operative support of the organizations and, such as in the case of CNOC, to find out the state of their accounts and locate weaknesses.³ The Unit goes on to state that this type of raid – robbery of information – does not represent a new trend for the social movement but what does represent a new trend is the raids in which no information is stolen but evidence of forced entry and a series of messages are left, such as in the case of the house of Byron Garoz y Cristina Buczko, are left. In all cases the social movement has denounced the attacks as a “systematic attempt to generate fear and demobilise

organizations.”⁴

Furthermore, on the night of the 25th of June the office of the Education workers union (STEG) was raided. The hard drives of the computers were stolen, their archives were thoroughly searched and red crosses were painted on chairs, posters, the telephone, computer monitors and the certificate of recognition of the organization.

Following this wave of attacks, various sectors of the social movement met with the Government's Security Cabinet on 24th of May and handed in a letter in which they expressed their concern at the deterioration of the situation of human rights defenders in the country. The letter called on the Vice President of the Republic, Dr Eduardo Stein, in his role as coordinator of the Security Cabinet, to provide an explanation of the events as well as a public declaration from the President honouring the work of human rights defenders in the country. According to members of the social movement, during the meeting the Vice-President offered to provide a written report of the actions under taken and the measures adopted to improve the situation of human rights defenders as well as the a public declaration from the Government in favour of defenders before the 3rd of June 2005.⁵

On 27th of June the social movement sent another letter to Vice President Stein to bring to his attention the fact that by that date no action had been taken to fulfil these promises. The Vice President responded the following day with a letter reiterating the Government's repudiation of the “threats against activists and attacks on some of the offices of human rights organizations” and its availability to continue to “strengthen permanent communication.../in any situation in which they find the human rights work they (sic) carry out threatened”⁶ The letter links some of the attacks mentioned by the social movement to common crime and promises to continue strengthening “special



Often only the hard drive is stolen from the computers during a raid, as above in the STEG office. Photo PBI.

protection measures not only for the benefit of those persons or organizations who work in the field of human rights but for that of the millions of Guatemalans whose lives are threatened daily by organized crime through its various territorial networks as well as through the functioning of gangs.”⁷

According to the MNDH in all the cases mentioned, the organisations immediately reported the incidents to the National Civil Police and the Public Ministry and in all cases the authorities came to the crime scene and began the initial stages of the investigation. According to the National Human Rights Movement however, in the past the trend with this type of investigation has been that they are archived, it having been deemed impossible to continue the investigation.⁸

Apart from the wave of raids against social organisation, from the 1 January this year to the 24 June, a total of 102 cases of attacks have been registered against human rights defenders including attacks against their physical integrity, death threats, acts of intimidation and persecution.⁹

1/ Information on all the raids mentioned in this article can be found in “Attacks against human rights defenders January – June 2005”, Protection Unit of the National Movement for Human Rights, 22 June 2005.

2/ Morales, Sergio. “Declaration by the Human Rights Ombudsman following the raids and threats against human rights defenders Guatemala, May 2005.

3/ Samayoa, Claudia. “A brief analysis of the situation of human rights defenders in Guatemala” Unit for Human Rights Defenders of the National Human Rights Movement, Guatemala, 13 May 2005

4/ Press Conference, 13 May 2005

5/ Letter to the VicePresident of the Republic from 24 Social Organizations, 27 May 2005.

6/ Letter from the Vicepresident, 28 June 2005
7/ *ibid.*

8/ *Op Cit* “Brief analysis of the situaion of human rights defenders”

9/ *Op Cit* “Attacks against Human Rights Defenders January to June 2005”

Interview

Carlos Morales of the Union of Campesino Organisations of the Verapaces (UVOC): Land Evictions in Guatemala

The Union of Campesino Organizations of the Verapaces (UVOC) was founded in the 1980's and defines itself as a space for coordination and unity among communities, cooperatives, indigenous communities, campesinos and non lucrative organizations. It also provides a service to communities in the region, focusing on the issues of land, organization and capacity building, integral development, production with gender as a cross cutting theme. In this way it aims to contribute to the creation of a multicultural, multiethnic, and multilingual nation.

Who are the victims of an eviction?

The victims of an eviction are the campesinos and indigenous people, who have been defending the land since colonial times and continue to do so today.

What does a land eviction mean for you?

For us land evictions are cruel acts where human rights are violated, and those that violate them gain pleasure from doing so and do not care whether due process has

been carried out or not. UVOC has always demanded that those responsible for the evictions exercise justice, that before carrying out an eviction they should follow the correct legal investigations. What we request is an investigation of the physical location of the land in conflict and that international conventions, in particular Convention 169 [of the International Labor Organization], are respected. Unfortunately they choose to ignore these conventions. All an estate owner has to do to authorize an eviction is present a document with the



Carlos Morales (UVOC). Photo:PBI



Police evict the community of Santa Ines, Alta Verapaz, 8th of July 2005. Photo: UVOC.

name of the community on it. The historic rights of the community are not taken into consideration. In some cases the communities that are evicted have been living on the land for hundreds of years and from one day to the next the National Civil Police present notification that give the community a maximum of 1 hour to leave the land with all their belongings. If the community does not comply, their houses, schools, churches and belongings are burnt, their crops destroyed and their animals killed and in many case members of the community are beaten. Following the eviction the community is forced to live in the streets or in temporary shelters.

Who are involved in evictions and what are their interests?

There is no doubt that the entrepreneurial Government of President Berger is involved along with the landowners and businessmen who financed his candidature. Their interests are purely economic, we know about their plans to acquire new land to plant sugarcane and by taking the land which belongs to campesinos or by evicting those that live in protected areas, they will also have access to cheap labor. The Public Ministry is also involved in the evictions as are the Law Courts who are responsible for giving the order for the eviction. Then there is the National Civil Police, who are paid by the estate owners to carry out the evictions. As far as UVOC is concerned, all these evictions have been illegal as no single investigation into land ownership was carried out.

Has there been a change within the last year in the frequency and form in which evictions are carried out?

Yes, we have seen changes, but changes that include an increase in suffering and pain, this is the change. Two years ago there was less repression and in spite of having a repressive military government, the number of evictions was less. UVOC alone has already suffered about 16 evacuations with 38 more still pending, including the 10 pending in protected areas. Under this government repression has increased, without concern for the day or the hour, without concern if there are injured or dead, the evictions are carried out on Sundays as in the case of San Andrés de San Cristóbal Alta Verapaz. When the families were at mass they came and burnt the houses and the people's belongings that they had barely been able to recuperate since the last time they were evicted. These cases already have files in the FONTIERRA [Fund for Land] where possible excesses are mentioned. But in spite of having gone through years of procedures, the courts



PBI has accompanied Carlos Morales since May of 2005. Photo: PBI.

dictate orders for evictions. Entrepreneurs have suddenly decided that they now want to take control of all the land, water, mineral resources, and they are calling the campesinos to come and work for them for "hunger salaries" as they did in colonial times. At the moment the government has a destabilizing plan against popular campesino organisations which also provokes conflict between campesinos.

What laws are needed in order to solve the problem of evictions?

We know that the system is having a negative affect and that structural changes need to be brought about - changes to the Constitution of the Republic, which is a dream for all Guatemalans. But in spite of that we know that it is not possible to work along those lines yet. In the meantime we can work with the first draft of the Law of Integral Rural Development, the Agrarian Reform. Here we are talking about

fundamental subjects but for the medium term. In the short term the Land Registry Law which was put forward by the campesino sector but that was cut into pieces by Congress where discussions centered on autonomy and excesses, and in the end what we are left with is an autonomous entity without the participation of the campesino sector. But anyway, now that the law already exists, what we need to do in the short term is to create instruments to give it viability- if we don't have these instruments, we could be set back years. For now a first draft of the Organic Law of the Land Ombudsmen is a priority. If we can get as fast a start as possible on this, there will be at least a legal instrument to address the agrarian problem.

Carlos Morales is Founder and Director of the Union of Campesino Organisations of the Verapaces (UVOC)

The Land Registry Law. Solution to land Conflict?

This article brings together various points of view over the Land Registry Law, recently approved by the Guatemalan Congress, from representatives of both social organisations and state institutions. Furthermore, a brief timeline shows some of the most relevant moments in the development of this law.

Carlos Morales, Union of Campesino Organisations of the Verapaces (UVOC).

In the opinion of UVOC the Land Registry Law, could have been very positive, had not so many cuts been made to the original draft of the law as presented by the *campesino* sector. One hundred percent of excesses could have been declared territories of the state, creating land banks to benefit the Indigenous and *campesino* sector. Another of the weaknesses of the law for us, is that while the institution is identified as autonomous, it entirely excludes the participation of its principle authors. The *campesino* sector is concerned that the law will provide an opportunity for landowners to sign over further lands in their favour, without any obstacle being put in their way, as the law lends itself to anomalies in favour of landowners. Whereas *campesinos* have little documentation to prove land ownership, basing their claims only on historical rights. There has been a lack of political will by this businessman's government to seek resolutions to the agrarian problem. UVOC makes a call to all the sectors that we are all ready to oversee this law.

Roly Escobar Ochoa, Coordinator of the National Coordinating Body for Peoples in Marginalized Areas, (CONAPAMG)

The political parties that defend the interests of the oligarchy in this country, have taken the Land Registry Law and amended it to such an extent that they have removed the

autonomy of the board of directors and have transferred responsibility for deciding on the policies, programs and projects of the registry to the Ministry of Agriculture, which is to say that this Ministry will control both budgetary resources and the appointment of the National Director; this ridicules the proposal made by wide sections of civil society. Furthermore it excludes urban land problems, such as shantytown communities and the provision of land for development projects.

Our demands:

- That the initial proposal for a land registry agreed by a round table representing a variety of social sectors be reconsidered
- The approval of an Integral Housing law

Coordinating Body of Indigenous and Campesino Organisations (CONIC)

We consider this law to be of national urgency and one already identified and discussed in the Peace Accords as a necessity. Commitments have already been made in the accords on the socioeconomic and agrarian situation, for the reclamation of land and its delivery to those who need it. Lamentably, this law does not live up to these expectations. Will it just be one more institution in an increasingly bureaucratic country? Where will the budget come from? Although conceived of as autonomous it will be dependant on the Ministry of Agriculture. Faced with a situation in which the Executive and the Congress have effectively beheaded the proposed law, we propose a continuation of the fight, since only through united and organised struggle will we succeed in recovering or obtaining land, as recent years have shown us.

Claudia Villegran, Director of the National Commission for the Resolution of Land

Conflict in Guatemala (CONTIERRA)

The impact of this law will be positive in the long term as it will attempt to deal with the country's obvious need for a registry of land and property. A need evident to us as the absence of such a registry is the root cause of many land conflicts. Nevertheless, the RIC should also be accompanied by a law of regularization that would determine who has the final decision in the instance of irregularities identified by the new registry. The immediate effect of land registry, will be to increase the number of conflicts over land ownership. One example of this, is the case of the recent registration of the department of El Petén, which due to its relatively recent colonisation (largely since the 1970s) was predicted to be the most simple registry process. However, despite the fact that it has yet to be finished, we have seen the addition of around 150 new land conflicts in the region.

Yefri Palala Leal, Land Fund (FONTIERRA), The Verapazes.

The development of a land registry is extremely important for the development of the functions of FONTIERRA, that the declarations of the property registry realised as part of the RIC will provide a real basis for adjudication and regulation over land ownership and therefore also for the provision of land to those without land or with insufficient land, by means of the granting of credits.

Another important contribution of the RIC will be provision of technical and legal resources that will allow for the peaceful resolution of land conflicts.

The combined efforts of both institutions will be reflected in the improved well-being of *campesinos*, who can continue in the hope that in the short and medium term they will have the land that they need; and/or have legal certainty over the land already in their possession.



Ilom, Municipality of Chajul, Quiché one of the areas most affected by conflict over land ownership. Photo: PBI

Timeline

1996

Signing of the Peace Accord covering Socioeconomic Aspects and the Agrarian Situation, which outlined institutional and legal reforms to the way land conflicts were handled.

July 1997

The creation of the National Commission for the Resolution of Land Conflicts. (CONTIERRA)

1998/1

The first draft of a proposal to create a land registry outlined.

July 1999/2

From the Land registry (RIC) proposal put forward by the National Commission for Permanent land (CNPT), the Commission of Equal Land Rights and the "Mesa Agraria" worked together to develop a unified proposal.

August 1999/3

Approval for a pilot project to create a land registry in the Peten region. As well as the development of a further 8 suggested pilot

projects in other regions, such as Santa Cruz and Alta Verapaz.

November 2000/4

Final proposal for the creation of a Land Registry Law, was put forward by the Permanent Nacional Coordinator of Land Rights for Indigenous Peoples (CNP-TIERRA) and the National Coordinator of Campesino Organisations (CNOC).

July 2001/5

The Commission for Equal Land Rights for Indigenous Peoples (COPART) which emerged from the Peace Accords, finished their own proposal for the new law.

October 2001/6

Formal signing of the Initiative for a Land Registry, between campesino leaders, President Alfonso Portillo and the functionaries that would preside over the High Level Commission, in agreement with CNOC.

July 2002/7

Representatives of the Executive and Legislative arms of the Government, the International Community, private enterprise, institutions of the Peace Accords and of the

Campesino sector met with the aim of discussing and developing the Land Registry proposal.

August 2002/8

The law was withdrawn and then resubmitted after modifications had been made.

December 2004/9

The various sectors negotiating the Land Registry reached agreement that the institution overseeing the implementation of the new law should be independent of Government and that the Management Committee would be made up of nine individuals representing diverse sectors of society.

May 2005/10

Legislators took the decision to leave Land Registry issues to a new institution that would be administered by the Ministry of Agriculture, Food and Livestock (MAGA). Which many saw as a reversal of the previous decision that the Land Registry would be overseen by an autonomous body.

13th of June 2005/11

Agreement was reached between Legislators and other interested groups on the creation of a Land Registry (RIC) as "an autonomous and decentralised state institution, with legal authority and its own resources."

15th of Junio 2005/12

The Law to create a Land Registry as an autonomous state institution, was approved with over two thirds of Deputies in Congress voting in favour of the Law.

1/ El Periodico, 14.04.04

2/ Inforpress, 16.07.99

3/ Inforpress, 06.08.99

4/ Inforpress, 10.11.00

5/ Inforpress, 26.07.02

6/ Inforpress, 19.10.01

7/ Inforpress, 26.07.02

8/ El Periodico, 14.04.04

9/ Prensa Libre, 03.12.04

10/ Prensa Libre, 05.05.05

11/ Prensa Libre, 13.06.05

12/ Prensa Libre, 16.06.05

Widespread concerns about the benefits of the Concessions Law

One of the most topical political themes currently being debated in Guatemala is Concessions Law 3041, a legal proposal which is causing concern among civil society organisations. While the government hopes to pass the law as quickly as possible, civil society organisation across various sectors fear a decline in public service provision if the law is passed. They believe service provisions is a responsibility that should remain with the state.

The initiative 3041 regarding the Concessions Law was presented by the GANA government and it is currently being debated by the Congress of the Republic. The proposal promotes a continuation of free-trade policies - an increased withdrawal of the State in its role as regulator, strategist and provider in favour of increased private investment.¹

By granting concessions to national or international investors, the State acknowledges that it does not possess the financial, administrative and/or technical capacity to carry out the activities expected of it by civil society.

For this reason, it approaches the private sector for its experience in the elaboration of projects and the lending of services and requests that it supports the development of the country. Hugo Beteta, Secretary of Economic Planning, said in a recent statement that the government is "preoccupied by the lack of public investment available for big projects and for this reason is seeking private investments in this area."² If the law is passed, the areas that will be opened up for investment by the private sector include construction, operation and maintenance of national infrastructure (roads, ports, airports, railroads and oil ducts), the provision of public services (health, education, housing, telecommunications, electricity, public buildings and public transport systems) as well as the exploitation of natural resources (hydroelectric power



Demonstration in Guatemala's Central Square in March 2005, where teachers expressed their concern over the possible privatisation of education. Photo: PBI.

plants, mining and oil-bearing).³ According to the Deputy Minister for Communications, Infrastructure and Housing (CIV) Federico Moreno, among the first projects to be initiated in the area of infrastructure would be the construction of new roads as well as the repair and maintenance of railroads, ports and airports. He has stated that "if a country is to develop, it first needs to have basic infrastructure to then be able to develop further programmes."⁴ The Government has clearly expressed its desire that participation from the private sector in projects of national interest will promote an increase in mobility within as well as outside the country and in this way will improve the quality of services available to Guatemalans. Nonetheless, various organisations and analysts question whether the State, through these concessions, can ensure that essential public services including fundamental human rights, such as the right to health and education, are provided.

According to the journalist Andrés Cabanas the Concessions Law 3041 goes against the guiding role of the

state as defined in the Peace Accords.

Cabanas cites the Peace Accords which state that the State should "strengthen its role as leader of national development, legislator, source of public investment and provider of services, promoter of social cohesion and conflict resolution."⁵ According to Cabanas, the Concessions Law would prevent the state from carrying out these objectives thereby placing them in the "hands of private investment and private initiatives, without a clear structure for development."⁶

The Collective of Social Organisations (COS) is also concerned at the prospect of the privatisation of public services in which citizens would be turned into clients of private companies. In this case, Guatemalans would be unable to benefit, as citizens, from the services usually provided by the State and furthermore, would also be required to pay high taxes in order to be able to use these services. For this reason, COS criticises the state for shedding its responsibilities. It also criticises the lack of protection of consumers and the fact that the state overlooks its

“jurisdiction in price regulation and guarantees of quality and continuity in service provision.”⁷ Another aspect of the Concessions Law that has provoked controversy is the fact that the time period granted is for 50 years. COS fears that the granting of concessions to private companies for such an extended period of time could lead to the management of resources spiralling out of control. According to Orlando Blanco of the COS the concessions should only be granted for shorter periods (25 years) with monitoring by the state every five years so that the authorities can guarantee that each service provider is fulfilling its obligations.⁸

One of the key arguments of the GANA government in favour of the Concessions Law is the opportunity it will provide for development, mainly through the contribution that the privatisation of services can provide in terms of quality and quantity. It argues that economic development will be promoted through the investment generated by the ratification of the Concessions Law and that this will have a knock down effect for Guatemalan citizens. Nonetheless, Dr. Roberto Madriz, an independent consultant, doubts that much profit will be made by

the State through allowing private companies exploit essential resources and services. Dr. Madriz denounces the lack of “procedures to ensure that a satisfactory percentage of the profits generated by the concessions correspond to the State.”⁹

The COS is convinced that the roots of the Concessions Law lie in the demands of “entrepreneurial groups of an oligarchic nature”, whose strategic aim is to “widen their privileges and develop new mechanisms to accumulate wealth and increase their earnings”.¹⁰ It claims that the candidacy of current President Oscar Berger was backed by these same groups as a way of guaranteeing the implementation of a legal framework which would protect their entrepreneurial interests. Similarly, Dr. Madriz questions the impartiality of the State in offering concessions and fears that negotiations may take place underhandedly, in other words the bribery of State Officials responsible for granting concessions.¹¹

The inauguration of the “Public Dialogue on the Concessions Law”, launched by the Government towards the end of May is aimed at reaching national consensus before the ratification of the law. Nonetheless, the Government has

not escaped criticism, in particular for not having invited the main groups opposed to the Law - the Indigenous, Peasant, Union and Popular Movement (MICSP)/¹² - to participate in the Dialogue. The this reason the MICSP in conjunctions with the University of San Carlos have convoked an “Alternative Dialogue”. It is abundantly clear that a law which would be supported by broad sections of the population is still a long way away.

1/ Interview with Orlando Blanco from the Collective of Social Organisations (COS), Guatemala City, 08 July 2005.

2/ From the Memorandum of “Public Dialogue on the General law of Private and Public Participation (Concessions)”, http://www.segeplan.gob.gt/concesiones/docs/AyudaMemoria3y40605_parte1.pdf; translation by PBI.

3/ Collective of Social Organisations (COS) “Instruments for mediation between the public and private sector: Analysis and proposal regarding the legal proposal 3041” May 2005

4/ Interview with Federico Moreno, Deputy Minister for Communications, Infrastructure and Housing (CIV), <http://www.construguate.com/negocios/publicaciones/Web%2090/concesiones.htm>; translation by PBI.

5/ Andrés Cabanas “Guatemala: Time to Recuperate the Agenda for Peace”, 10 of May 2005

<http://www.albedrio.org/htm/articulos/acabanas-008.htm>; translation by PBI.

6/ *ibid.*

7/ Op.Cit COS May 2005, translation by PBI.

8/ La Hora, “Inicia proceso sobre Concesiones”, 24 May 2005,

http://www.lahora.com.gt/05/05/24/paginas/nac_1.htm

9/ Roberto Madriz “Notes on the Concessions Law”, 15 June 2005 , <http://boards1.melodysoft.com/app?ID=filoforo&msg=3857>; translation by PBI.

10/ Op. cit COS, May 2005

11/ Op. cit Madriz 15 June 2005

12/ The MICSP is composed of a wide range of civil society organisations including: : CNOC, CNP-Tierra, CNSP, COS, UASP, UNSITRAGUA, CGTG, UGT, CONGCOOP, STEG, ANM, MGP, MG, HIJOS, M-20 de Octubre, WAQUIB KIEJ, GAM, COJUPEGUA, Students Resistance Block of the USAC



Marlin mine in San Marcos owned by Glamis Gold Inc. of Canada. Photo: Madre Selva.

PBI Guatemala: Entering in New Cycles of Work

During the last months we have noticed important changes in our work as a team in the field. Having remade contact with the organizations and individuals accompanied by Peace Brigades in Guatemala from 1983 to 1999, we are entering more and more into a phase of establishment and recognition as an international organisation for human rights and non-violence among civil society and the Guatemalan authorities. Given the difficult human rights situation in the country the team has lately received a considerable number of petitions for accompaniment from different organisations and individuals. Given the increase in human resources that we foresee in the near future, we believe that we will be able to diversify our work, entering more in detail in the themes identified as the priorities of international accompaniment by PBI Guatemala: the right to land, the struggle against impunity and globalization and human rights.

Popular Consultations regarding mining projects and concessions

In the past few months we have been developing our role as international human rights observers during public events such as the demonstrations against the Central American Free Trade Agreement (CAFTA) and the consultations in the communities of Sipacapa and Río Hondo regarding mining projects and concessions respectively. The consultation in municipality of Sipacapa, Department of San Marcos was the first time that such an event was held in Guatemala and with the vast majority of votes cast against mining projects. The consultation took place in the thirteen villages of the municipality of Sipacapa regarding their acceptance or rejection of mining activities in the region, despite the habeas corpus obtained by the mining company Montana against the consultation. The same day Community Assemblies were formed in accordance with local forms of decision and protected by various national and international legal texts (Convention 169 of the International Labor Organisation,

the Municipal Code, Law of Decentralisation, etc...). On June 21st the authorities of the town presented the results to the Municipal Council in the presence of the local residents, representatives of the Human Rights Ombudsman, national and international observers, and a strong police presence.

On July 3rd a Consultation was held in Río Hondo, Zacapa regarding the construction of a central hydroelectric power plant in the region. The result was also clear and decisive with over 2,000 participating in the consultation and 97 per cent voting against the construction of hydroelectric power plants.

New Accompaniment of Carlos Morales of the Union of Campesino Organisations of the Verapaces (UVOC)

UVOC gives advice to communities who are struggling for the legalization of their land, carries out training workshops and plays an important role in the resolution of land conflicts in the region of the Verapaces,

Ixcán (Quiché) and Izabal. In April 2005 Carlos Morales received serious death threats and as a result was forced to go into hiding for a number of weeks. On his return to the municipality of Santa Cruz Verapaz in May 2005, Peace Brigades International has been providing him with 24-hour accompaniment, virtually seven days a week. In addition to the physical accompaniment, the team has met with numerous Guatemalan authorities at a local and national level. The direct threats, surveillance and acts of intimidation have decreased noticeably during the last few weeks. Nonetheless the situation of UVOC remains difficult.

Labor Union of Workers of the NB Assembly Plant (SITRA NB)

On June 10th the NB assembly plant, situated in zone 5 of Guatemala City, was closed down and 300 workers were dismissed at a time when the Trade Union of the NB Assembly Plant (SITRA NB) was at the point of signing the final clauses of a Collective Pact between the management and the Union. During the closure, the



Observing the consultation process in Río Hondo, July 2005. Photo: PBI.

Accompaniments:

We accompanied the **Madre Selva Collective** through weekly visits to their offices and also during the popular consultation on 18 June in Sipacapa as well as during the presentation of the results to the Mayor of the Municipality.

The **Co-ordination of Widows of Guatemala, CONAVIGUA**. We have been carrying out regular visits to their offices in Guatemala City and accompanied them during exhumations and inhumations in various parts of the country.

Members of the Indigenous **Municipality of Sololá** and of **Fundación Maya, FUNDAMAYA**. We have been accompanying the Indigenous Mayoress of Sololá Dominga Vasquez and Carlos Guarquez of FUNDAMAYA since February 2005.

The **National Coordination of Residents of Marginal Areas in Guatemala, CONAPAMG**. We carry out weekly visits to their offices and accompany them during various activities within Guatemala city and other departments.

Eloyda Mejia, Director of the **Association of Friends of Lake Izabal** in her activities in Guatemala City and in El Estor in the Department of Izabal.

The **Trade Union of workers of the Company, Association of the Coffee Industry, and other related industries (SITINCA)**. We began to accompany them in June 2005 during their activities to protest against the dismissal of one of their members, Jose Armando Palacios, as well as attacks against him in front of the factory in Guatemala city.

Jose Ernesto Menchú, a member of the Committee of United Campesinos (CUC) and of the Movement of Victims of the Armed Conflict of the Northern Region of Quiché.

We continue to follow the case of the **El Maguey** plantation. The community is still waiting for the finalisation of the legal proceedings of their title to the land.

company pressured all employees to sign an irrevocable letter of resignation as well as an agreement to receive a paycheck for an amount of 20% to 30% of the indemnifications that they were entitled to.

The majority of the members of executive committee of the trade union, accompanied by PBI since July 2004, refused to sign the letter and to receive the pay check. According to the inspectors of the Ministry of Work, the actions of the management of the assembly plant are in violation of Convention 81 of the International Labor Organisation and articles 61 and 281 of the Code of Work.

Nonetheless, after reaching an agreement with the management of the assembly plant which included the full payment of the indemnifications to those who did not sign the letter of resignation, to pregnant women and to those that had signed a formal denunciation against the owner of the assembly plant, the members of SITRA NB accepted the closing of NB and abandoned their struggle to seek its reopening.

Activities of PBI Outside of Guatemala

Members of the training team for new volunteers for the PBI projects in Guatemala and Mexico, together with the PBI Guatemala coordination office, carried out a training session for potential volunteers in San Francisco, California, United States. Five potential volunteers for the Guatemala

project participated in the training, four of whom were selected.

During the last few months, as an observing member of CIFCA, a network which lobbies the European Union on Central American issues, we have held various meetings and sent letters to European Parliament Members from various parties in order to express concern at the deteriorating situation for human rights defenders. On the 7th of July the European Parliament passed a resolution regarding the treatment of children in Guatemala which also included mention of the situation of human rights defenders stating:

"We ask the Government of Guatemala to support the actions of the Human Rights Ombudsman, to recognise the legitimacy of the work of human rights defenders, and to assure their protection as well as to carry out an investigation into the raids of social organisations."

From the 17th-23rd of June the PBI General Assembly was held in London in which PBI Guatemala European Representative Kerstin Reemtsma and the Coordinator of the Project, Montse García participated. The General Assembly is the most important event of the organization, held every three years and during which decisions regarding the strategy and politics of the organisation are made.



SITRA NB members taking part in a demonstration. Photo: PBI

Mission

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

Objectives

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

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

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

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

Peace Brigades International

PBI is an international non-governmental organization (NGO) which protects human rights and promotes nonviolent 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, trade unions, indigenous and campesino

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

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



Civil Society activists and the Army during the actividades on National Army Day 30th of June 2005. Photo: PBI

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