

# Guatemala Project

## Fortuitous discovery of the archives of the former National Police

In July 2005, by pure chance, an extraordinary discovery was made. When the Human Rights Ombudsman's commission went to the explosives warehouse of the National Civil Police (PNC) to assure the removal of a toxic substance that was putting at risk the neighbouring community, an historian accompanying the Human Rights Ombudsman (PDH) delegation noticed that inside there were archives belonging to the former National Police (PN). Taking into account the role that this institution played during the period of repression, the PDH negotiated permission via the courts to analyse the thousands of documents that had been discovered.

The discovery was a total surprise to the public, as until then the existence of the archives had been denied. However, social organisations had always believed in the possibility of discovering these documents containing information about the victims of the armed conflict.



Archives of the former National Police discovered in zone 6 of the capital.  
Photo: PDH

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The El Maguey Estate is a *campesino* community. Although they don't have legal titles to the land that they occupy, they have lived there for generations. During the legal process to obtain legal titles they have received threats and intimidation as well as an eviction by the military.

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# Fortuitous discovery of the archives of the former National Police

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Despite the state of deterioration of some of the archives, as a consequence of having been kept in an abandoned building for many years, the find is of an unimaginable magnitude and relevance. *"It is one of the most important discoveries of recent times"*, confirmed Sergio Morales, Human Rights Ombudsman, when he was informed of the discovery.<sup>1</sup> In fact, the documents, dispersed through several parts of a building in zone 6, consist of almost 48 million sheets of paper dated from 1905 until recent years and include all types of crimes, from breaches of traffic regulations to political persecution. Hence the hope of the relatives of the armed conflict's victims and of social organisations of perhaps discovering the truth behind what happened to thousands of missing, tortured, and persecuted individuals. *"We are hopeful that there is valuable information about the whereabouts of arrested and missing persons and of the thousands of extrajudicial executions throughout history"*, said Miguel Ángel Albizures, of the Centre for Human Rights Legal Action (CALDH), in a press conference shortly after the discovery of the archives.<sup>2</sup>

## The transfer of archives from other parts of the country

After the discovery, the Human Rights Ombudsman ordered the assistant departmental branches of the PDH to investigate the possible existence of police archives in their jurisdictions. As a result, a significant number of archives were located in other parts of the country. To facilitate the work of safekeeping and investigation, it was decided to send the archives to zone 6 in order to assemble everything in one place. However, due to lack of space to deal with 6 million sheets of paper so suddenly, this did not happen until December 2005. As stated by Gustavo Meoño, director of the PDH's project for the recovery of the National Police's historical archives, it was at that

point that collaboration began between the Home Office and the PNC.<sup>3</sup> As a result, according to the director, the good will of these entities' officials to facilitate or at least not to hinder nor to slow down the work of the PDH, in the process of the search and relocation of the files can be distinguished.

## The Legal controversy over custody

The discovery of such valuable archives for the investigation (into human rights abuses) opened the debate regarding who was legally responsible for the custody of the PN archives concerning the disappeared. If the responsibility lay primarily with the PDH, it

was not for having discovered them, but because the Human Rights Ombudsman, amongst other responsibilities, has the constitutional mandate of investigating all information related to possible violations of human rights against Guatemalan citizens. Thus, when the discovery in zone 6 was made, the PDH applied to a civil judge for unrestricted access to the police archives for an unlimited period of time due to the risk of deterioration or loss of the documents. The judge granted the access because of the evidence that there was sensitive information involved. Soon after this, however, the possibility that the



Transfer of the archives from zone 6 of the capital, December 2005. Photo: PDH

archives were to be moved arose and again, due to the danger of the damage or loss of the archives, the PDH appealed for a protection order before the same judge, who ordered the archives immovable. For the PDH, this protection order represented the backing of the judge for a second time. Meanwhile, the Executive, particularly the Presidential Human Rights Coordinating Commission (COPREDEH) and the Vice President of the Republic, drew attention to the historical and cultural importance of the archives. Therefore, it was argued that the Ministry of Culture was also constitutionally responsible for the custody of this inheritance of the state, which could result in a transfer of the archives to the General Archive of Central America. According to Estuardo Meneses, political and legal adviser to the president of the COPREDEH, the issue is not about trying to impede the investigation of the PDH and the Home Office, but about putting the archives into the hands of those who are responsible for them in accordance with the constitution and legislation, and as a consequence, into the hands of the Ministry of Culture.<sup>4</sup>

Facing the risk perceived by the PDH of an eventual relocation, the Human Rights Ombudsman took the decision to ask a penal judge to declare the closure of the premises where the archives were located, which was granted. This third decision of the courts also implied that nothing found on the premises could be removed. Because of this, for Gustavo Meoño (PDH), there is now no reason for the juridical controversy (in terms of the custody of the archives) to continue: *"The three juridical decisions that have been taken in favour of the PDH cover all angles, so that from a legal point of view there is no doubt about the constitutional mandate of the PDH; and, no other authority is considered to have the right to intervene with, take, destroy, or alter the archives."*<sup>5</sup> For their part, Guatemalan human rights organisations are worried about the possibility of a transfer to the General Archives of Central America. They favour the idea of leaving the archives in zone 6 under the custody of the PDH, but with the intention of enlarging the facilities and improving conditions for the conservation process.



**Classification of the archives. Photo: PDH**

#### **The value of the archive**

For the families of the victims of the repression, the discovery of the archives has brought much hope, but also provoked much pain. According to M.A. Albizures (CALDH), *"those who have had a family member disappeared, first want to know the truth about what happened to be able to end the pain; and then they think about justice."*<sup>6</sup> The human rights defender goes on to say that, although there is distrust towards the authorities, the recent findings bring some hope in the short term because, until now, the basis or proof to lodge actions against the agents of repression was often lacking. Only a little more patience will be needed in the wait for the completion of cleaning and digitalisation.

On the other hand, amongst the agents of the repression, some undoubtedly feel worried about the investigation of the PDH and the Home Office after the discovery of the archives. According to M.A. Albizures, from what has been made public until now, it is known that the archives contain information concerning the victims of the past; amongst others, for example, Víctor Emmanuel Gutiérrez, a trade union leader during the 1940s and 1950s who later formed part of the Guatemalan Work Party

(PGT). Gutiérrez appeared as a communist in the records. On the back of some of the records the name of the informant can also be found. If there is information of this type from the 1950s, it is supposed that similar information exists from subsequent years, especially from Guatemala's worst period of repression, between 1975 and 1985.

#### **The PDH's prioritisation plan**

Due to the magnitude of the archive and the state of some of the documents, it will take a long time to clean and digitalise them. It is said that the process will take five years, and this is assuming that there will be some 150 or 160 people working on it. However, according to Gustavo Meoño, the PDH already has a plan of prioritisation for two years with a team of 160 people to at least deal with a substantial number of the documents from the crucial period, between 1975 and 1985.<sup>7</sup> When this goal has been achieved, the criteria for the prioritisation will be extended both backwards and forwards in time.

The PDH's prioritisation plan has three fundamental components: the digitalisation of the information to enable them to create a database; the physical conservation of the archive for historians; and, in the case of legal action: systematisation, analysis, and investigation. The third component will permit institutions and interested individuals to look for information. However, the PDH does not have sufficient resources of its own to carry out this important plan for the retrieval of Guatemala's historical memory, and therefore it will look for funds from the international community.

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1. Prensa Libre, 16 July 2005.
  2. El Periódico, 17 July 2005.
  3. Interview with G. Meoño, 9 January 2006.
  4. Interview with E. Meneses, 6 January 2006.
  5. Interview with G. Meoño, 9 January 2006.
  6. f Interview with M. A. Albizures, 5 January 2006.
  7. Interview with G. Meoño, 9 January 2006.

# The agrarian problem: will a final ruling be given?

## Experiences of the El Maguey community

### The agrarian problem in Guatemala

When considering income distribution, Guatemala is one of the four most unequal countries in the world.<sup>1</sup> The report on the Economic, Social and Cultural Rights Situation (DESC),<sup>2</sup> states that “in Guatemala the agrarian issue is one of the generating factors of wide spread social inequity and inequality.” This problem is “a product of the violation of the legislation relating to labour issues, and is evidence that the justice system does not work”.<sup>3</sup> The case of El Maguey illustrates this situation.

The El Maguey estate is a *campesino* community located approximately 19.5 kilometres from the capital in the municipality of Fraijanes. Although there are no titles declaring these people as owners of this land, they have lived there for generations. Since beginning the legal process to obtain legal titles, they have received threats and intimidations and been evicted by the army. Due to this, PBI has accompanied the community since January 2004.

### The history of the El Maguey community

In 1925, 29 families moved to the El Maguey Estate, at that time an expanse of approximately 838 acres (339 hectares), to live and work. They obtained the right to live on the estate in exchange for working the land,<sup>4</sup> remaining there until they were displaced by the army in 1965.<sup>5</sup> During this time, the land was divided into two estates - El Maguey and Las Camelias - in turn displacing the *campesinos* to Fraijanes. After the signing of the Peace Accords, they tried to return and legalise their land.

For many years, the El Maguey community has been working with the objective of legally registering the aforementioned land, claiming it under the historic right that forms part of Article 67 of the Republic of Guatemala's Political Constitution. This article states that the State will commit itself to giving claimants special protection.<sup>6</sup>



The El Maguey community school. Photo: PBI

The *campesino* families began organising themselves during the armed conflict, about 18 years ago. In the 1990s, there were about 105 families looking for the recognition of their right to land. With the signing of the Peace Accords, the judicial body *Empresas Campesinas Asociativas* (ECAs) was formed. The ECAs are registered as part of the Land Fund (FONTIERRA), the institution in charge of dispersing funds. “*The nature of the ECA is characterised by the right of social property, that which is understood as co-property of the land and the goods that form the patrimony of the business, indivisible between its members.*”

The community is organised as the San Antonio ECA, which was created in January 2000,<sup>8</sup> and is currently comprised of 30 families. Apart from the 30 families that are registered, there are another 30 families living on the land that are not registered due to bureaucratic difficulties.

Half a year after the formation of this ECA, and due to the slow advancement in the processing of the titles, the community occupied the estate. In July 2002, they received a document from the then

President Portillo in which the San Antonio ECA was assured it would obtain both estates, El Maguey and Las Camelias (26765 and 98967). Some months later, through the Government Accord 223-2003, the ECA obtained the right to the land. Two days after the publication of this accord the community suffered a violent eviction.<sup>9</sup>

A few weeks after the eviction, a new Government Accord (252-2003) was released, annulling the first and placing the farm in the hands of the Ministry of Defence. The ECA, along with the Human Rights Ombudsman (PDH), appealed this accord and took the case to the Constitutional Court (CC) who temporarily suspended it. In May 2004, a sentence from the CC confirming the provisional suspension was obtained. Although the land mediations have passed and the community has gained protection from possible eviction through Expedient 1-61, the community is still waiting for official documentation. With the passing of the sentence, the community began the construction of new homes and a school.<sup>10</sup>

The last conflict took place on the 22nd of September 2005, with the publication of the Government Accord 517-2005,



which ascribes part of the Las Camelias Estate to the Interior Ministry. Due to this fact, the *campesinos* placed a lawsuit against President Oscar Berger, the Interior Minister Carlos Vielmann, and the Finance Minister María Antonieta de Bonilla. "They allege that, due to Accord 517-2005, the President granted the Las Camelias Estate to the Interior Ministry, when there exists a resolution from the Constitutional Court stating that it belongs to the San Antonio Empresa Campesina Asociada, incorporating 60 families."<sup>11</sup>

On the 15th of November 2005, the offices of the Secretary of Agricultural Issues were occupied by more than 600 people, all members of the *Campesino* Unity Committee (CUC), demanding the hand-over of various farms, among them El Maguey and Las Camelias.<sup>12</sup> In turn, the government created a negotiation table between representatives from the government, the community, and the CUC.

At present, the situation continues to be complex, stemming from the involved parties' different interpretations of the ruling passed by the CC, as well as the fact that there exist public buildings within the boundaries of the Las Camelias Estate. The Secretary of Agricultural Issues states, "the estates have always been property of the nation."<sup>13</sup> On the other hand, Daniel Pascual of the CUC notes, "it's a fact that because of the ruling of the CC, the community has a right to this land, that's to say, the San Antonio ECA. This ruling cannot be passed twice. The disrespect for the CC ruling and in consequence the usurpation of the community land, is a violation of the rule of law, it's a crime."<sup>14</sup>

The public buildings found within the boundaries of the Las Camelias Estate are the Model Farm for Rehabilitation "Pavón", the Preventative Detention and Constitutional Rehabilitation Centre "Pavoncito" and the radio station TGW. The school, another of the existing public buildings, does not receive government support nor does it receive maintenance, as it is unregistered like the other public buildings on the land.<sup>15</sup>

In the negotiations with the government, the community had hoped to reach a legal binding. The land corresponding to the El



**José María y Ramón Peralta, leaders of the El Maguey community. Photo: PBI**

Maguey Estate should have been handed over to the ECA, along with the cancelling of debt equal to the price of the farm. Some of the benefits the community is hoping for, in exchange for handing over the Las Camelias Estate to the government, are the paving of the road, a school and a health centre, a water and electricity project, as well as support for an ecological park.

The leaders of the community, José María and Ramón Peralta, affirm that "the community wants to end the conflict peacefully, but will not accept abuse."<sup>16</sup> They fear that the agreements reached at the negotiating table will not come to fruition, reason for why they state the need to obtain an administrative act as a guarantee of the outcome of the negotiations.

### **The legalisation of the agricultural situation**

The 2005 report on the Economic, Social and Cultural Rights Situation in Guatemala denotes a worsening in the agricultural conflict, suggesting that the use of force against *campesinos* has risen. In the first few months of the present government there were 54 estate evictions, equivalent to an average of three evictions per month.<sup>19</sup> At the same time, it was also reported that there was a decrease in estate evictions in 2005, showing that a third of the evictions in 2005 were executed by the police by order of the tribunals.<sup>20</sup>

The start of the Land Registry is one of the options most demanded by the different parties implicated in this matter, as the media reports that property and land limit conflicts continue to rise. Although it is said that it could take up to ten years, this shows the need to speed up the processes necessary to create the aforementioned registry. Until then it will be necessary to implement the judicial rulings and emphasise the need for alternate solutions.

1. PNUD. Report HDI 2005 (2005: 56) Only Namibia, the Central African Republic and Brazil have higher inequality indexes.
2. Elaborated by the International Human Rights Investigation Centre (CIIDH), the association of la asociación Derechos Humanos Económicos Sociales y Culturales en Guatemala (DESCGUA) y la Coordinadora de ONG y Cooperativas (CONGCOOP)
3. Report, La Situación de los Derechos Sociales Económicos y Culturales en Guatemala 2005, p.93.
4. CUC, Forum "Situación Agraria en Guatemala", Guatemala City, 18 August 2005
5. PBI Guatemala. Boletín May 2004, p. 6.
6. Article 67. Protection of land and Indigenous agricultural cooperatives. "The land of cooperatives, indigenous communities, or any other form of communal land tenure or collective agricultural property, as is the case of family patrimony and shared housing, will enjoy special State protection, in the form of credit assistance and technical knowledge, guaranteeing possession and development of this land and ensuring a better quality of life for all."
7. Empresas Campesinas Asociativas law, Decree-Law Number 67-84 Chapter 1, Article 2.
8. Op cit. CUC
9. Ibidem
10. Interview with José María y Ramón Peralta, 28 December 2005.
11. Prensa Libre, 16 November 2005.
12. Press Release, the CUC, 16 November 2005.
13. Interview with Roberto Morales, Legal Coordinator of Contierra, 17 January 2006.
14. Interview with Daniel Pascual, 24 November 2005 and 17 January 2006.
15. Op cit. Interview.
16. Ibidem
17. Final document achieved in the Presidential House in regards to the case of Las Camelias, between representatives of the Guatemalan Government, 13 December 2005, p. 7.
18. Press Release, the CUC, 17 January 2006.
19. Op.cit, Report DESC p. 93.
20. El Periódico, 9 December 2005.

# A look at the political participation of Indigenous peoples in Guatemala

This article briefly outlines the development of the political participation of the indigenous peoples in Guatemala and its close relation with the history of the country. It uses, amongst other examples, the institution of the Indigenous Municipality of Sololá as a case study of the expression of this participation and also looks at some other case studies as visions for the future.

## Historical Development

The evolution of the political participation of Indigenous peoples is closely related to the political history of the country, a history characterised by the exclusion and oppression of Indigenous peoples.<sup>1</sup> Following independence and under ladino (non-indigenous) rule, the indigenous peoples adopted their own mechanisms of political organisation which in turn they adapted to prevailing state structures and dynamics. Indigenous leaders during this period took on the role of mediator between state and local bodies and the people they represented. The leaders as well as the Indigenous peoples in general were also required to take on servile tasks, such as cleaning in the municipality.<sup>2</sup>

From the 1950s onwards, the situation of literacy and training of indigenous peoples lead to a wider range of clearer political expression in such a way that, according to the researcher Santiago Bastos, they began to “*become involved in political parties, in social organisations including trade unions, churches, or by forming their own organisations*”.<sup>3</sup>

According to Bastos, the state began to see this political expression by Indigenous peoples as a threat and as such it is the “*indigenous political involvement which changes, to a certain extent, a guerrilla war to an outright insurrection. Anyone who said ‘we want to improve our living conditions’ or ‘we want political participation’ was considered a guerrilla during this period*”.<sup>4</sup>

In this way, Bastos maintains that the systematic aggression towards the Maya population during the war in Guatemala<sup>5</sup> was due to the fact that the indigenous peoples represented a threat, not at a military level but as a political force. Successive



**Elections of the new Indigenous Mayor of Sololá for the period 2006-2008. Photo: PBI**

military dictatorships carried out a policy of physically eliminating a whole generation who could have actively participated in national politics.<sup>6</sup>

Following the signing in 1995 of the Agreement on Indigenous Rights and Identity and the 1996 Peace Accords, the pluricultural character of Guatemala was recognised. In this way, the Indigenous peoples recognised the State as the political governing body and it in return recognised the various organisms which represented the indigenous peoples.<sup>7</sup>

According to Bastos and Camus<sup>8</sup>, the spaces within the state apparatus which were opened up for the Maya following these accords were more symbolic than transforming. The Maya were expected to enter these spaces without any preparation and while still suffering the effects of the war. Despite this, what Bastos and Camus have called a Mayan Movement did emerge in which “*political mobilisation of Indigenous organisations, institutions, groups and individuals through their own actions attempted to change the relation between the Indigenous peoples and the Guatemalan Nation State. Within this movement there is a diverse range of expressions and opinions which ultimately are united by their ‘autonomy to act’; In*

*other words the idea that they themselves as Indigenous or Maya are the ones who must decide about their future*”.<sup>9</sup>

## The Indigenous Municipality of Sololá

Part of this Mayan Movement can be seen from 1994 onwards with the continued strengthening of the Indigenous Municipality of Sololá – an institution which according to available data has existed since the 1524 Spanish invasion. It has gone through a number of changes to its structure and operation and today it has become the administrative organism of the Kaqchikel Maya authorities. The Indigenous Municipality also acts as a legal court which promotes peaceful co-living between communities.<sup>10</sup> It is based on the Maya cosmovision, and hence its structure is circular as opposed to vertical and in this way guarantees full participation of all its members.<sup>11</sup>

The Indigenous Municipality of Sololá is an institution which remains outside the partisan politics of the country. According to one of its members, “*we want to be autonomous so that the Indigenous peoples are seen as an authority and not a political party.... Each member may individually support a party, but as an institution we do not want to support or strengthen any particular party*”.<sup>12</sup> Despite this, the Municipality does

want to strengthen itself as an institution and to be recognised by the State “through customary law which recognises the systems of the Indigenous authorities and is not conditional on anybody. In this way we are completely autonomous, yet at the same time we don’t really have autonomy as the State does not recognise us, but we have the right to demand that it does..”<sup>13</sup> Despite this the institution does not view its political participation as a confrontation with the State; it does recognise the legitimacy of State and in this way has established a relationship of coordination with the official municipality of Sololá. “We maintain a relationship...not directly, but of support for the official municipality and on issues related to municipal funds, fiscalisation and of certain needs of the people”.<sup>14</sup>

The political action of the Indigenous Municipality can be seen, for example, in its involvement since 2005 in the National Front of Resistance to Mining of Metals. As part of its opposition to mining activities it has formed ties with other Indigenous representatives in different regions of Guatemala to widen the Front, and has also informed the Indigenous peoples on this issue.

The purely Indigenous political platform of the Guatemala Association of Mayors and Indigenous Authorities (AGAAI) should also be mentioned. This emerged under

the framework of the Peace Accords defining itself as a space for all Indigenous authorities in which they can lobby the State. “AGAAI is purely Indigenous... it is made up of Indigenous mayors and authorities...a councillor, or a Mayan priest who is recognised as an authority, or an Indigenous mayor who is not recognised by the State can all participate. This enables us to lobby the State to recognise the Indigenous authorities as well as its obligation to make funds available for them. This is the challenge we face; that of political awareness”.<sup>15</sup>

#### Vision of future Indigenous political participation

Within the Mayan Movement there are efforts to preserve purely Indigenous political spaces, such as the Indigenous municipalities, but at the same time there are efforts to keep on opening-up spaces within the State as the most realistic alternative for bringing about change: “We want the autonomy of the Indigenous peoples to be recognised...that the State carries out the necessary reforms so that we can use our own forms of authority...The Indigenous populations need to lobby the State structures in order to change Guatemala. If we do not have representation in the Congress, we can not be recognised as nobody can talk on our behalf to the legislative or executive assemblies...At some moment we may have an Indigenous government here...I

think that this country needs a change from an Indigenous perspective in order to become a more humane country...I see it from those two angles: strengthening of the Indigenous authorities, and lobbying work in order to take part in the political and structural spaces of the State.”<sup>16</sup>

With regard to the presence of Indigenous leaders in the State structures, Bastos asks if this does not in fact benefit the State more than the Mayan peoples given that it improves the image of the Government. On the other hand, Mayan leaders who reach government positions are confronted with the rigidity of the state structure which impedes favourable changes.<sup>17</sup>

While recognising these risks, optimism prevails for the Mayan leader interviewed, “We have begun to participate and will continue to participate as far as we can... This is a process of indigenous political participation which will take, I don’t know how many years...but it is those of the new generation who can change this country. But we need to start now, we are the seeds and we need to sow them”.<sup>18</sup>

1. Commission for Historical Verification. Guatemala, *The Memory of Silence*. 1999
2. Indigenous Municipality of Sololá. *Kaqchiquel authority and Government in Sololá*. 1998
3. interview with S. Bastos, 12 January 2006.
4. *Ibid.*
5. Human Rights Office of the Archbishop of Guatemala. Report “Guatemala, Never Again” 1998.
6. *Ibid.* And *II Forum on Racism and Genocide*. CALDH. 2005.
7. Bastos, S. *El Pueblo maya en la normalización post-paz*. 2005
8. *ibid.*
9. *Idem*, p. 11 -12.
10. Presentation by the Indigenous Municipality of Sololá
11. *Op.cit* . Indigenous Municipality of Sololá. 1998
12. Interview with C. Guarquez, 10 January 2006
13. *Ibid.*
14. *Ibid.*
15. *Ibid*
16. *Ibid*
17. *Op.cit* Bastos, S. 2005, and interview with S. Bastos, 12 January 2006.
18. *Op.cit* C. Guarquez, 2006.



Carlos Guarquez (left) talking in front of the Municipalidad de Sololá. Photo: PBI

# Interview with Eloyda Mejía from the Association of Friends of Lake Izabal (ASALI): The situation in El Estor

*Eloyda Mejía is president of the Association of Friends of Lake Izabal (ASALI) and of the National Tourist Self Management Committees Coordinating Office (CONCATUR). In December 2005, the Alliance for Strategic Management of Ecotourism in El Estor, which Eloyda has coordinated since its foundation, was given 1<sup>st</sup> Prize for Management and Social Responsibility. The Award was presented by the The Inter-American Institute for Social Development (INDES), part of the Inter-American Development Bank (IDB), in Washington D.C., United States of America. In 2000, after discovering that a concession to drill for oil in Lake Izabal had been granted and realising the impact this would have on the lake, she headed the opposition against the drilling. The concession was later cancelled by the then president Alfonso Portillo. As a result of her work concerning Lake Izabal and her position against mining and extraction of oil in the area, the threats against her and other members of the Association of Friends of Lake Izabal increased. When the threats against her became more serious during a forum on the impact of the reopening of the mining concession of the company Exploraciones y Explotaciones de Mineras Izabal<sup>a</sup> (EXMIBAL, a subsidiary of INCO of Canada), PBI accepted her petition for accompaniment.*

## **What is the current situation concerning the exploitation of oil and mining in El Estor?**

There are various things happening at the moment. On the one hand, the government reactivates a concession for exploration to the company EXMIBAL, which takes advantage of this impasse in order to change its name; and so the company CGN is born. This is done in a very unclear way, as the company has a concession that is about to expire, and giving it a new one and changing its name gives it time to reactivate itself and, thus, it does not lose its 40 year



**Eloyda Mejía during a demonstration against mining in El Estor, September 2005. Photo: PBI**

concession. The company uses indigenous leaders to legitimise the concession through the Mayan culture and traditions. This makes fun of Mayan traditions and cosmovision, as they use priests that come from other areas and that do not have the general consent of the affected groups.

The company CGN performs the Environmental Impact Study (EIS) at only a very basic level, and afterwards it is presented with restricted access for its analysis. With the support of other organisations, we have analysed the study, and have found that it has many deficiencies which, despite protests, are not taken into account. We have stated our opinion publicly in a document which was presented to the Ministry of Energy and Mines, but we haven't had any reply.

On the other hand, it is worrying that the company Jaguar Níquel (Jaguar Nickel, in English), which had had a medium to low profile, is now found to be selling its shares to BHP Billiton, currently one of the

biggest companies in the world. There are rumours that negotiations are taking place regarding the purchase of the company, but there is very little information available. It is, however, known how the company works in other parts of the world.

The subject of oil is another one that worries us, as, supposedly, we succeeded in having president Alfonso Portillo cancel the concession through a governmental agreement, as a result of our protests. With the government's current policy of the opening up of markets, products, and the use of natural resources, Lake Izabal is once again in danger due to the concessions. Considering the mining and oil concessions and the plantations of sugar cane and other crops, the future of the lake is becoming more and more complicated.

The environmental outlook for the lake is questionable, as at the moment little is being done to stop the current pollution of the lake, and consequently, our work over the next few years will be complicated as well.



### What is the position of the local authorities and population?

In the case of the authorities the mayor definitely plays a large part. He has always tried to show that he is the one who makes all the decisions, all by himself. Other leaders are being manipulated, such as the presidents of the Community Councils for Local Development (COCODES).<sup>2</sup> Some allow it, but the majority don't. The mayor does not take into account the wishes of the people. While the community is protesting to have their rights respected, he pays for communiqués in the national papers, which is very costly, inviting all investors to El Estor, questioning the church and environmental organisations, but without creating the conditions for the people to benefit as they should. We believe that the people have been becoming more conscious, have been investigating of their own accord, and we suppose that at some point this will manifest itself. The Coalition on the Concession of Minerals (MCCM) is a space where we meet with different organisations with a common goal, which is the subject of the mining exploitation in El Estor.

This group is following-up on, and continues observing and accompanying the themes mentioned. This year, the environmental issues will be reinforced through practical knowledge aimed at groups of community leaders in order to take advantage of this space where different organisations can contribute to the different organised groups.

There is a proposal in the pipeline to establish a school for leaders and we are putting the necessary measures in place to make it happen. It is a question of establishing a school where we can educate the leaders of the different areas of Izabal about environmental issues.

### How does your fight against the exploitation of oil and mining affect your personal situation?

My personal situation is affected in different ways as it is a very special job. You achieve a lot of things, are involved locally, nationally, and internationally; you manage to have an effect in many issues, but on a personal level there is a very high price to pay.

Since I started being involved in this issue, it has affected me personally in my basic everyday life, it has been like a silent persecution which, to tell the truth, affects

me a lot.

For the same reason my financial situation has become worse as my work doesn't give any financial remuneration.

Concerning the threats, I think the direct ones have become fewer. The harassment is of a different kind.

### What are the likely future problems in El Estor?

In Izabal there are the national tourist self management committees. These committees work arduously to promote tourism as one of the development alternatives which exists in this wonderful department of Izabal in Guatemala. There is so much natural wealth which opens up opportunities for all the people interested in



Lake Izabal near El Estor. Photo: PBI

developing tourist products and services. As the prospects of oil, mining, sugarcane, and the natural gas they want to extract become more definite, the opportunity to develop tourism in the region becomes seriously impaired.

Fishing would be very affected, and as a consequence the people benefiting from this resource also. The company is talking about using the lake to transport the minerals, which will limit the fishermen's current use of it. Also, this will pollute the lake with all the implications that the use of it for transport bring. The access for the fishermen, who do their work in simple dinghies, will be seriously affected.

The issue of land is another big problem. The concessions cover the territory of communities that haven't managed to legalise their land, which implicates that

when the concessions are reactivated, the communities will have serious problems with their lands. Nobody has a plan for how to deal with this situation, and if they exchange their lands for others, the space will be very much reduced.

Water, for example, has been a serious problem. With the existing network, when there are too many visitors in the village, which is to say during the summer and over Easter, they ration the water because there isn't enough. Therefore, when the area is deforested, when they drill into the water layer, when the population increases in the search for economic opportunities, the issue of water in the town will be very complicated. Consequently, the outlook for the future isn't very encouraging.

### Which are the alternatives for sustainable development in El Estor?

We propose that the town itself can develop with tourism, but with the basis of improving living conditions for the locals. El Estor has the prerequisites to become a town that lives completely off tourism - which is a process and needs a lot of support from governmental authorities if it is to succeed. Equally, with the involvement of the communities which are located in places that have a potential for tourism, they can be offered alternatives that do not endanger their physical, cultural, or natural integrity.

The Association of Friends of Lake Izabal tries to offer the communities solutions, as is the case with the solar power project for remote communities, which consists of bringing power to communities which will otherwise have to wait for 50 years to receive electricity. It is a project which was made possible through a donation of solar panels by the Finnish Embassy and through making connections with organisations that work with photovoltaic energy. ASALI complements this project of which it is hoped that the beneficiary communities become stronger and self-managing in an integral way.

1. Exploration and Exploitation of Mines Izabal
2. The COCODES are made up of community leaders; they manage projects with the auxiliary mayors, and have the right to present projects related to the community. The meetings of the COCODES should be public.

# PBI Guatemala: Team Work

And so starts a new year of work, a moment in which one has to not only look towards the future but also stop to look back on one's past actions. Our mandate not only serves as a guide for us to continue working according to our basic work strategies, but it also motivates us to put into service other useful tools, such as observation and training in security workshops given to social organisations as well as to ourselves.

## Accompaniments

The situation in which most of the organisations that we accompany continued to live during the last year means that they carry on under said accompaniment. Some of these organisations are the Union of *Campesino* Organisations for the Verapaces (UVOC), Association of Friends of Lake Izabal (ASALI), MadreSelva (Mother Rainforest), the Mayan Foundation (Fundamaya), the Indigenous Municipality of Sololá, the National Coordinating Body for Peoples in Marginalised Areas (CONAPAMG), the Coordinating Body of Guatemalan Widows (CONAVIGUA), and the Union of Workers of the "Company of the Coffee Industry" and other related Industries (SITINCA), and the Union of Bocado Workers (SITRA-Bocado).

## Movement of *Campesino* Workers (MTC)

The MTC and PBI Guatemala made contact a few months ago as, due to the situation that the organisation is involved in; they requested our international presence at some of their activities. As a result of this petition, we made an exploratory trip to the San Marcos area and carried out different meetings with local authorities from the region and also with the MTC.

In December 2005, the team decided to accept this new petition for international accompaniment. The organisation, which operates in the department of San Marcos, was founded in 2000 with the aim of

providing support and legal consultancy to peasant communities in the defence of their labour rights. Mining, access to local power, and land are some of their themes of work.

The MTC forms part of the Social Pastoral of the San Marcos Dioceses, which, through its Human Rights Office, handles the tasks of communication and promotion of human rights; and, training and legal consultancy. This last area focuses on violations of human rights and on peasant workers' legal issues. At present, the MTC acts as legal consultant to various peasant communities from the department which are involved in different legal processes. We can cite the cases of the Las Delicias and Clermont estates, amongst others, as examples of their work.

## Indigenous Municipality of Sololá

We have accompanied Dominga Vasquez, the former Indigenous Mayoress, since January 2005, due to threats received on her part. On the 1<sup>st</sup> of January 2006, we accompanied Dominga in her last official act as Indigenous Mayoress to observe



**Feliciano Macario (centre), of CONAVIGUA, during an exhumation en Joyabaj, November 2005. Foto: PBI**

the investiture of the new Indigenous Mayor, Jaime Andrés Morales Morales, from Pujujil. Mr. Morales Morales won the candidacy in November with a total of 878 votes out of 1,500; Dominga Vasquez did not stand for re-election. Another new addition to the Indigenous mayoralty is the new mayor of Tablón, who, with his 22 years, will try to involve the youth, just as the former mayoress did with women.

## Exhumations

In the last two months we have accompanied CONAVIGUA on two exhumations, both in the department of Quiché: the first having been in Paraxtut, Nebaj, and the other in Joyabaj. Exhumations are not only an important part in the recovery of historical memory, but they are also essential for the families of the victims; essential in that they be able to bury the remains of their loved ones according to their customs and be able to have a place (of rest) to come to. These activities have a big impact on the families which is also shared by the members of our team.

## Observations

It is important for us to remember some of the observations carried out by the team in the last few months. We were in attendance in the capital on the 21<sup>st</sup> of November for the International Day for the Elimination of Violence against Women, at the activities organised by the Women's Sector.

In December, we observed the commemoration in tribute to the detained, disappeared, and murdered union leaders from the Union of Coca Cola Employees (STECSA), where the National Victims Compensation Programme (PNR) granted them recognition in honour of all their fallen leaders.

In the same month we also observed the departure of the Caravan of Memory, organised by Sons and Daughters for Identity

### Current PBI Accompaniments

Each accompaniment concerns one or more of the three main topics of concern defined by the project as areas of work: the fight against impunity, access to land, and the effects of globalisation on human rights. During the past months, the team has accompanied the following organisations through international presence, meetings with local authorities and the diplomatic corps, and through flows of information:

- **The National Coordination of Residents of Marginal Areas in Guatemala (CONAPAMG).** We continue to carry out regular visits to the office and maintain regular contact.
- **The Union of *Campesino* Organisations for the Verapaces (UVOC).** Since the 13th of May 2005 we have accompanied Carlos Morales, leader of UVOC, on a 24 hour basis during his activities in the Verapaces as well as in other parts of the country.
- **The Mayan Foundation (FUNDAMAYA).** We have periodically accompanied Carlos Guarquez of FUNDAMAYA since January 2005.
- **The Association of Friends of Lake Izabal (ASALI).** We continue to accompany Eloyda Mejia, legal representative of the association, during her activities in El Estor, in the Department of Izabal.
- **The MadreSelva Collective.** We carried out regular visits to their office and accompanied some of their activities throughout the country.
- **The Union of Workers of the company "Association of the Coffee Industry", and other related Industries (SITINCA), affiliated to the Federation of Trade Unions in the Food and Similar Industries in Guatemala (FESTRAS).** Since June 2005 we have acted as international observers during their various protests.
- **The Union of BocaDeli Workers (SITRA Bocadeli),** which is affiliated to the **Guatemalan Workers Union (UNSITRAGUA).** We have made frequent visits to the factory where the workers have maintained a presence since the closing of the factory.
- **The Movement of Campesino Workers (MTC).** We started accompanying the organisation in November 2005.

At the same time we are monitoring the following cases, maintaining contact through frequent phone calls and visits:

- **The Centre for Human Rights Legal Action (CALDH).**
- **The Community of El Maguey - affiliated with the *Campesino* Unity Committee (CUC).**
- **The Indigenous Municipality of Sololá.** Dominga Vasquez finished her term in office on the 1st of January when she handed over control to her successor Jaime Andrés Morales Morales. We continue to keep an eye on her situation.

and Justice In the Face of Indifference and Silence (HIJOS) and the *Campesino* Development Committee (CODECA). The event was held in order to remember the disappearance of a peasant leader from the Nueva Linda community, to demand justice, and to fight against impunity. We continue to monitor the case at the Nueva Linda estate where, on Saturday the 21<sup>st</sup> of January, we visited to learn about their situation after the tensions of Friday the 20<sup>th</sup> of January.

Continuing in our role as international observers and responding to a petition

from the Mayan Defence Unit, on the 1<sup>st</sup> of January 2006 we attended the inauguration of the new deputy mayors in various villages in Nebaj, Quiché. The organisation was afraid that during the act of handing over the rod (of power) to the new mayors serious tensions would arise, as had been insinuated in various articles in the press.

#### Other Activities

As part of our job in Guatemala, on the 14<sup>th</sup> of January the team organised a get-together to celebrate Christmas and the coming of the New Year. It was a pleasant opportunity to be able to receive the people

with whom we work or are in contact with in our house; and also to be able to chat about their plans and objectives for 2006.

During the last two months, the team has experienced a growth in the number of volunteers (in order to maintain a minimum average number of eight), as the workload increases. Although the faces are always changing, all the members of the team work under the same mandate and aim. The new members always bring with them a wide range of cultures, nationalities, and ideas, which contribute to the building of a more stable base for work in the team.

### Mission

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

### Objectives

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

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

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

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

### Peace Brigades International

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

At the request of threatened social organisations it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence.

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

### PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years it carried out accompaniment work with human rights organisations,

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

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



Member of the PBI Guatemala Team observing the inauguration of local majors in Salquil Grande, Quiche, 1st of January 2006. Photo: PBI.

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