

# States of prevention: a solution or a cause of violence?

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Foto: PBI 2010

“Residents of San Juan Sacatepéquez demand respect for their rights in Santa Fe Ocaña during the visit of James Anaya, United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.



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# Women, land and territory: fighting violence and defending rights

This article attempts to uncover the experience of Guatemalan women who have organised themselves in defence of their land. We will look at the strong bond between these women and Mother Earth and her natural resources, and at the impact that the extraction of these resources has on their lives. We will also look at the data relating to violence against women in Guatemala, gathered by national institutions and international organisations, which show women in a situation of greater vulnerability on account of their gender. Finally, we will speak about some of the achievements that have come of their struggle.



Kaqchiquel women from San Juan Sacatepéquez protest against the exploitation of natural resources during the Earth Day march in Guatemala City, 22 April 2010.

to chaos, destruction, famine and death. That is why we are struggling to defend our land and Mother Nature,"<sup>3</sup> says Cabnal. For the members of the Association, mining is a form of violence and oppression against the earth, and their activism begins with the defence of their territory. The same principles apply to the female body: "If we struggle against mining and not against violence against women, we are not being consistent. Let us decolonise our bodies and

reclaim our primary territory,"<sup>4</sup> says Lorena.

Candelaria Hernández, member of the Association of Mam Women for Development (OSOMAM), in Huehuetenango, points out that the earth provides food when people sow corn and beans. By defending the land, the women aim to protect such natural resources, rescue their seeds and ensure the survival of future generations. "We are struggling against the concessions made in the laws on water and mining, and against consumerism. We are fighting so that our livelihood, our seeds, are not taken away. Otherwise, what future is there for our children and grandchildren?"<sup>5</sup>

Hernández explains that a lot of water is used for mining: "We can't wash clothes; there is a lot of sickness," she says. "Women have little time to study because they have to go further to collect water or look after children when they get sick. Neither the mining companies, nor the government consult women about the effects mining can have on them."<sup>6</sup>

The 2004 World Rainforest Movement Report<sup>7</sup> notes that, generally, mining companies only negotiate with men, while women tend to be excluded. On the other hand, it warns that large-scale mining could lead to the substitution of subsistence economies with

## Women, land and territory

The community leader Irma Lucia Gutiérrez, who works for the Association for the Integral Development of the Women of Totonicapán advocating for the protection of water resources, says that in Mayan cosmogony, women's identities as mothers, daughters and protectors of life are harmoniously tied to the land. The defence of one implies the defence of the other. "Water is life," says Gutiérrez. "One must not touch it, abuse it or kill it."<sup>1</sup>

For Lorena Cabnal, member of the Association of Indigenous Xinka Women of Santa María Xalapan, women and land share a bond of femininity. "When we are conceived and born, we begin a cosmogenic relationship. Lunar energy, energy from the earth and energy from the air create a unifying cycle of energy. All of these elements give energy and life to women."<sup>2</sup> In this sense, if one damages the earth, one harms our own bodies. "If one of those energies is broken, the entire cosmogenic balance is broken, leading

1. PBI interview with Irma Lucia Gutiérrez, Guatemala City, 4.05.2010.

2. PBI interview with Lorena Cabnal, Guatemala City, 4.05.2010.

3. Ibid.

4. Ibid.

5. PBI interview with Candelaria Hernández, Guatemala City, 4.05.2010.

6. Ibid.

7. Carrere, Ricardo. *Minería: impactos sociales y ambientales, Movimiento mundial por los bosques tropicales Uruguay*. 2004.



market economies, which marginalise women. According to the report, “in this model, economic visibility depends on working in the public sphere, while unpaid work in the home or community is seen as unproductive, outside employment and economically inactive”.<sup>8</sup>

It is worth mentioning that the International Labour Organisation (ILO) says it “takes note of the objection by the Ministry of Energy and Mining that it is unable to conduct consultations in accordance with ILO Convention 169, due to the lack of specific regulation in this area”.<sup>9</sup> However, the ILO Commission is clear in affirming that “it follows directly from the Convention that indigenous peoples are to be consulted each time activities are undertaken that may affect them directly, whether or not this is reflected in specific national legislation.”<sup>10</sup>

Nevertheless, in 2007, “the Guatemalan Constitutional Court (CC) ruled that the community consultation held in Sipakapa (San Marcos) was non-binding, and in 2009, it reaffirmed the non-binding nature of the results, in case an agreement were not reached following the consultation and talks on the projects”.<sup>11</sup>

Even though neither the companies nor the government consider the participation or opinion of women on these matters, there are spaces for participation within their communities. “There is a general recognition of their participation and activism at the community level, in particular within indigenous structures. At this level, women are able to participate in spaces that are acknowledged and sanctioned by indigenous peoples and in their communities (such as midwifery councils, community development councils etc).”<sup>12</sup>

### **Women and violence**

The context in which women carry out their work is reflected in some of the conclusions from the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala in its last report. It indicates that the security situation continues to be critical in the country, with weak state institutions not fulfilling their responsibility to prevent violence and prosecute perpetrators. The continuity of these social conflicts is evidence of the “urgent need for the state to adopt an integrated policy that fully guarantees individual and collective rights, particularly those of indigenous peoples, and especially in relation to the exploitation of natural resources”.<sup>13</sup>

With regard to the violence against women, the European

Parliament has stated that ‘femicides’ “cannot be explained solely by a ‘climate of generalised violence’: discrimination and the local socio-economic context that is unfavourable to women (and in particular indigenous women) must be taken into account, as well as the high levels of poverty, the economic dependency of women, the activity of criminal groups and the failure to dismantle illegal security corps and clandestine security agencies”.<sup>14</sup> In the case of Jalapa, for example, Lorena Cabnal says that racism affects them on a daily basis, although it has not stopped them carrying out their work in defence of their land and territory.

According to Amnesty International, this violence originates in “historic and cultural values that have kept women subordinate”.<sup>15</sup> It affirms that traditional systems of power and patriarchy are mostly intact in Guatemala and that the murders of women in the country amount to a public security problem.

As well as the violence, according to the Special Rapporteur on the Rights of Women sent by the Inter-American Commission on Human Rights (IACHR), an increasing perception of insecurity for women brings with it the implicit message that “women should abandon the public space that they have won through so much personal and social effort, and confine themselves again to the private sphere, abandoning their indispensable role in national development”.<sup>16</sup>

Among the obstacles women face in their work, says Lorena Cabnal, is a lack of understanding or confidence in their struggle. Women who get involved are often accused of being ambitious, and their capacity to participate in the political sphere and outside the home is questioned. Irma Gutiérrez has heard comments like: “we have to get rid of this one”, which can cause difficulties for her organisational work. Similarly, Cabnal finds herself in complicated situations: “When women need to travel for a few days, people sometimes think we are committing adultery, or that we are going to carry out actions different to those planned by the organisation. People also think we are neglecting our domestic duties.”<sup>17</sup> She says that members of the association have been threatened by people involved in the granting and extension of mining licences in the department of Jalapa. “16 licences have already been granted in the department, and 14 more are being processed, and the fact that we have publicly denounced the processes and exerted pressure

8. Ibid.

9. International Labour Organisation (ILO) Conference, 99th Session, 2010. Informe de la Comisión de Expertos en aplicación de convenios y recomendaciones Pueblos indígenas y tribales.

10. Ibid.

11. Peace Brigades International, 2010. Guatemala’s Indigenous Women in Resistance: On the Frontline of the Community’s Struggle to Defend Mother Earth and Her Natural Assets.

12. Ibid.

13. OHCHR, 2009. Report of the United Nations High Commissioner for Human Rights on the Activities of her Office in Guatemala.

14. Resolution of the European Parliament on the assassination of Women (Femicides) in Mexico and Central America and the Role of the European Union in the Fight Against This Phenomenon (2007/2025(INI))

15. Amnesty International, 2005. Guatemala ni protección, ni justicia: homicidios de mujeres en Guatemala. AMR340172005.

16. Evaluation of the visit of the Special Rapporteur on Women Rights (CIDH) to Guatemala. Press release, September 2004, cited in Amnesty AMR340172005.

17. PBI interview with Lorena Cabnal, Guatemala City, 4.05.2010..

to obtain relevant information has been complicated, because we have received open threats.”<sup>18</sup>

### *In numbers...*

The context in which violence against women takes place is demonstrated in the statistics of national and international organisations paying attention to the issue. For example, the OHCHR reported that in 2009 the National Civil Police (PNC) registered 720 violent deaths of women. Furthermore, their bodies were mutilated, showed evidence of sexual abuse and other forms of mistreatment. The OHCHR says this indicates that the attacks originated in the fact that the victims were women. The report confirms that “of the 30,873 formal complaints of violence towards women made in 2009, just 0.7% of cases went to trial, and only 0.2% (70 cases) resulted in a sentence being passed”.<sup>19</sup>

It also reports that despite an increase in women reporting violence and making applications for protection measures after the Law Against Femicide and Other Forms of Violence Against Women<sup>20</sup> came into effect, the state response has been ineffective. “Of the 166 reported cases of femicide, only 11 cases have been prosecuted and 10 sentences passed under the new law.”<sup>21</sup> According to the OHCHR, this vulnerability is related to the precarious situation of human rights defenders who fight to protect land and natural resources. Specifically, it states that during 2009 it received “reports of intimidation, excessive use of force and arbitrary use of the penal system against defenders of collective, environmental, economic, social, and cultural rights in the context of social conflict relating to ‘mega-projects’ and companies involved in the extraction of natural resources in Alta Verapaz, Huehuetenango, Izabal, Quiché, San Marcos and Zacapa.”<sup>22</sup>

Despite this grim outlook for women and their participation in the defence of the land, they have kept struggling and their various achievements have motivated them to continue.

### *Women’s achievements*

Perhaps one of the most significant achievements has been the change in the consciousness of women themselves. Irma Lucia Gutiérrez says even though they face discrimination for being women, poor and illiterate – and have even been told that because they are women they lack knowledge, do not know their rights

and are not capable of organising themselves – women value themselves and are more aware of what they want. They know they are capable and independent. “It is very important that we become stronger ourselves, as individuals. Many women believe that they are worthless, and there are men who abuse their wives and daughters, but men and women are equal. Women are not only made for the kitchen; we have to leave it and say that we have had enough violence.”<sup>23</sup>

According to Gutiérrez, one expression of this change of mentality is in the attendance of the women of Totonicapán at the Women’s Sector (Sector de Mujeres) political training school. They want to show men the nature of the oppression they have suffered and how they have felt in that situation.

For Lorena, it is also important that they have strengthened their political position and achieved recognition as political actors. This has given them increased influence in the Xinca government and enabled them to take the defence of their land to the regional and national level.

Amnesty International insists that it is important not to lose sight of violence against women as a violation of human rights and fundamental liberties that violates civil, political, economic, social and cultural rights.<sup>24</sup>

Peace Brigades International has produced a report called “Guatemala’s Indigenous Women in Resistance: On the Frontline of the Community’s Struggle to Defend Mother Earth and Her Natural Assets”, which will be published during the second half of 2010. It is a more profound and extensive analysis of the situation of Guatemalan women and the organisational work they do in defence of Mother Nature and the exploitation of her resources.

The report is available to download from <http://www.peacebrigades.org/publicaciones/guatemala/informes-especiales/?&L=0>

18. Ibid.

19. OHCHR, Op Cit.

20. The law was passed 7 May 2008 by way of Decree 22-2008.

21. OHCHR, Op Cit.

22. OHCHR, Op Cit.

23. PBI interview with Irma Lucia Gutiérrez, Guatemala City, 4.05.2010. .

24. Amnesty International, Op Cit.

## Major development projects in Chiquimula

*Inb'u'tz ch'uyujk'in tunorox (Good afternoon to you all)* Chiquimula is located in the south east of Guatemala close to the Honduran border. In August 2009 it was identified as the country's second most violent department, with 99 murders registered between January and June.<sup>1</sup> In the executive summary of the Human Rights Ombudsman's Verified Annual Report for 2009, Chiquimula is named as a centre for drug trafficking, with emphasis on the activities of the Mexican 'Zetas' cartel in the area.<sup>2</sup>

Chiquimula is also one of departments that has suffered most from the drought that is affecting numerous communities in the departments comprising the so called 'dry corridor', including Baja Verapaz, Zacapa, Chiquimula and Jutiapa.<sup>3</sup> The drought has caused a huge loss of crops, resulting in high levels of malnutrition, particularly among children.

The situation worsened last year, and on 8 September 2009, President Colom declared a state of calamity. 13 countries donated food in an effort to help the most vulnerable. "According to the government, this crisis affected an estimated 2.5 million people, especially those located in the dry corridor, and an undetermined number of children died of causes related to chronic malnutrition."<sup>4</sup>

An estimated 34.1 million dollars of aid arrived in Guatemala (equivalent to 270 million quetzals).<sup>5</sup> However, the United Nations Children's Fund (UNICEF) said that US\$600 million was needed to confront the malnutrition affecting children in the re-

gion.<sup>6</sup> At the time, the National Coordinator for Disaster Reduction (CONRED) calculated that 2,628 families in Chiquimula had lost 762,729 quetzals worth of white maize (around US\$95,000),<sup>7</sup> representing a 50% reduction in normal production.<sup>8</sup> This loss of essential crops resulted in 43% of children under the age of five affected by malnutrition.<sup>9</sup> "The food crisis was caused by climactic and economic phenomena, which led to losses of crops and a rise in the prices of basic grains, affecting the availability of food," said the United Nations Office of the High Commissioner for Human Rights (UNHCHR), in its 2009 report on Guatemala. "If the right to food is to be fulfilled, historic and structural challenges must be overcome."<sup>10</sup>

A high percentage of the population of this region is indigenous Chortí. According to people interviewed by PBI, the Chortí Mayan people have a history of involvement in indigenous and campesino resistance to repression. Members of the 'New Day' Chortí Campesino Central Coordinator in Chiquimula, for example, say that during the 1960s, the area was an important centre in the struggle against the socio-economic injustices afflicting the country's population. The region's social movement began to emerge, evolving during the internal armed conflict and after the signing of the Peace Accords.<sup>11</sup> According to "Guatemala: Never Again", the report of the Human Rights Office of the Archdiocese of Guatemala (ODHAG), the military base in Rio Hondo (department of Zacapa) played a key role in forced disappearances and other human rights violations that took place in the early 1980s in villages like El Jute.<sup>12</sup>



Santos Vásquez of the Camoteca Campesino Organisation meeting with members of Camotán communities, Chiquimula.

Foto: PBI 2010

1 Mutual Support Group (GAM), Situación de Derechos Humanos, June 2009, Guatemala, 20.08.2009.

2 Human Rights Ombudsman (PDH), 2009 Report, Guatemala, January 2010.

3 According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), Baja Verapaz, Chiquimula, Izabal, Jalapa, Jutiapa, El Progreso, south of El Quiché and Zacapa make up the dry corridor, Report of the OHCHR in Guatemala, 2009.

4 OHCHR, Ibid.

5 Pan American Health Organisation (PAHO), Press Release, 04.03.2010. <http://redhum.org/emergencias2.php?emergencia=321>

6 The United Nations Children's Fund (UNICEF), Crisis Alimentaria y nutricional en Guatemala, 01.10.2009.

7 National Coordinator for the Reduction of Disasters (CONRED), Comunidades del corredor seco, Guatemala, 2009.

8 El Periódico, Inseguridad Alimentaria, Guatemala, 01.09.2009.

9 Syria Draught Response, "Response, Food Security & Acute Malnutrition Appeal", March 2010. <http://redhum.org/emergencias2.php?emergencia=321>

10 OHCHR, Op. Cit.

11 PBI interview with Omar Jerónimo, member of 'New Day' Chortí Campesino Central Coordinator, 27.04.2010.

12 Human Rights Office of the Archbishop of Guatemala (ODHAG), "Guatemala: Never Again", Volume I, The Historical Context, Guatemala, 1998.

During the last three years, two major development projects have been proposed for the Chortí region. These include, among other aspects, the construction of three hydroelectric plants and a highway.

### **The three hydroelectric plants**

Since March 2007, personnel of the company Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas S.A. and the company Generación Limpia de Guatemala S.A. have travelled to the communities of Jocotán and Camotán (two municipalities in Chiquimula) with the aim of buying communal land and promoting social acceptance of the plants' construction on the Río Grande river.<sup>13</sup> The three plants are:

- **El Orégano, in Jocotán.**
- **El Puente, in Jocotán**
- **Caparja, in Camotán**

These three hydroelectric projects form part of the most ambitious objectives of the Plan Pueblo Panama (PPP), now known as the Mesoamerica Integration and Development Project, which aims to connect electricity transmitted via electricity towers between Mexico and Panama.<sup>14</sup>

In May 2009, the two companies presented their environmental impact assessment (EIA) reports for the three projects. The following September, the Ministry for the Environment and Natural Resources (MARN) rejected the assessments, taking into account an alternative report presented by the Guatemalan NGO's Chortí New Day, Coordination for Maya Chortí Integral Development, Madre Selva and the Camoteca Campesino Association about the potential negative impact on the environment.

In April 2010, it was revealed that the company Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas S.A. had presented another EIA report on the El Orégano project. This time it did not announce its existence or give the communities time to produce an opposition.<sup>15</sup> As a result, MARN approved the project on 5 May, without taking into account the views of the communities involved. The construction of electricity towers in the area has also continued.

### **The Dry Canal**

There is another project, known as the 'Dry Canal' or 'Technological Canal', which includes two different proposals for the

construction of a highway between the Atlantic and the Pacific coasts. On 8 March 2008, the Mesoamerica Project announced the start of construction of a 420 kilometre dual lane highway, named the Interoceanic Corridor of Guatemala (CGI). The highway would extend from the port Puerto Barrios (in Izabal) all the way to the port of Acajutla (in Salvador). This project, now part of the Mesoamerica Project, has been supported by the Port of Barcelona (Spain), the William Clinton Foundation (USA) and 44 Guatemalan local authorities, organised into nine mancomunidades.<sup>16</sup> The project is due to be completed by 2015.<sup>17</sup> According to Inforpress Centroamericana, 50% of the financing will be through the provision of loans to the central governments, mainly by the Inter-American Development Bank (IDB) and the Central American Bank for Economic Integration (BCIE) as well as the Millennium Development Goals Achievement Fund.<sup>18</sup> Already US\$7 million have been invested in feasibility studies for the project, while total investment is predicted to be US\$12 million.<sup>19</sup> Though none of the proposals have yet materialised, they have been the subject of much debate in the area's communities.

### **The advantages of the projects according to public and private stakeholders: local development**

According to the companies' environmental impact assessments, the construction of the three hydroelectric plants could create new jobs, although it is recognised that the installations would not require much manual labour for maintenance. Various development projects have however been proposed that could benefit the communities in the long-term, such as the construction of schools, sewage works, roads and a 13.8 kilowatt electricity network.<sup>20</sup>

In the case of the 'dry canal', the Chortí mancomunidad of Jocotán would be in charge of implementing the local development projects with the money the state would receive from the canal's implementation. The mancomunidad is the entity that proposes development projects for the municipalities of Jocotán, San Juan Hermita, Olopa and Camotán, and which has already considered projects including introducing genetically modified maize grains and beans that can survive changes in climate; implementing strategies for capturing water from the short rain season for later use; generating alternative methods of the economy, such as through the production of coffee and honey and the sale of arts and crafts goods. The mancomunidad has carried out three

13 Centre for Informative Reports on Guatemala (CERIGUA), Guatemalan Front of People Affected and Threatened by Dams and for the Defence of Water (FGARDA)/ Coordinator of Associations and Communities for Integral Development of the Chortí Region (COMUNDICH), Comunicado a la opinión pública, nacional y internacional, 22.10.2007

14 National Competitiveness Programme Competitividad (PRONACOM), [http://www.pronacom.org/web/index.php?option=com\\_content&task=view&id=34&Itemid=36](http://www.pronacom.org/web/index.php?option=com_content&task=view&id=34&Itemid=36)

15 Interview with Omar Jerónimo, Op Cit., 'New Day' Chortí Campesino Central Coordinator, 27.04.2010

16 A legally constituted group of municipalities.

17 Prensa Libre, Firman Pacto para corredor tecnológico, 04.12.2009.

18 Ochoa, Luis, En competencia dos proyectos de canal seco, Inforpress Centroamericana No.1844, 30.04.2010.

19 Ochoa, Luis, Op. Cit.

20 Basterrechea, Manuel; Estudio de Impacto Ambiental, El Orégano, May 2009.



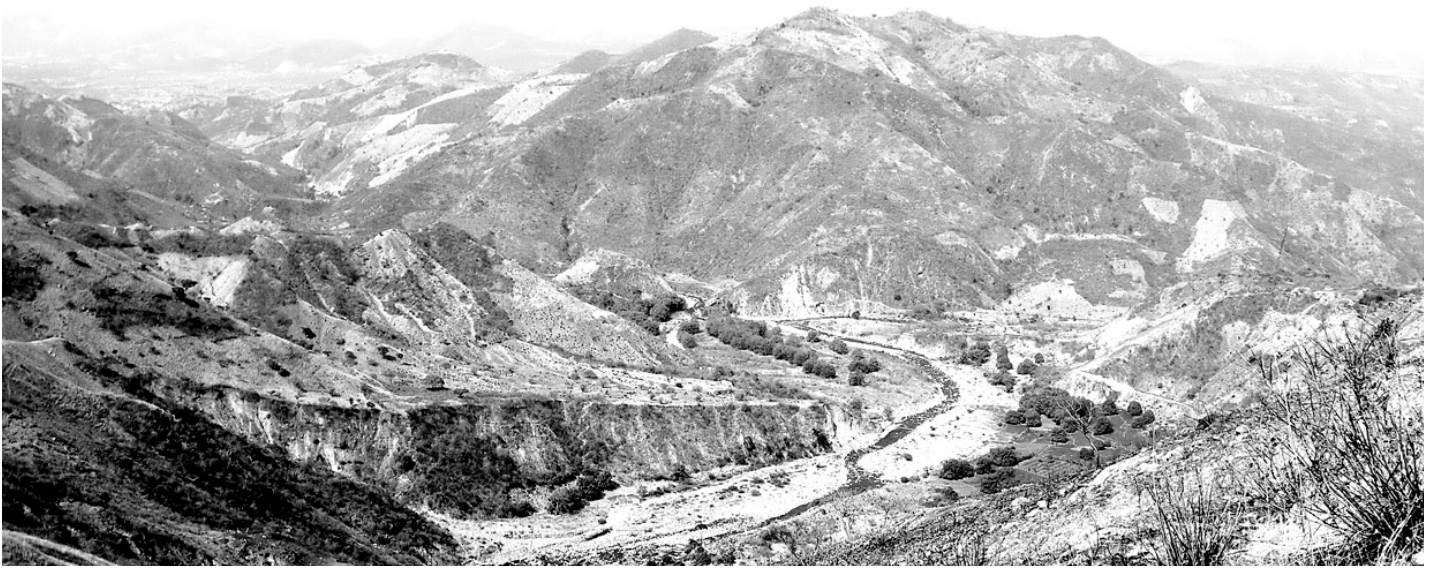


Foto: PBI 2010

The Rio Grande river, where the El Orégano hydroelectric plant will be built.

years of studies in collaboration with civil society, the municipality, the economic sector and small producers, and has studied 600 sources of water to identify projects that could benefit the region. Although the mancomunidad does not promote the dry canal project, part of the implementation of its projects relies on funds derived from such projects.<sup>21</sup>

### **The negative effects of development according to civil society**

The hydroelectric projects have been strongly criticised for the potentially negative effects they could have on the environment. The Guatemalan environmental NGO Madre Selva, in a June 2009 report, identified a few of these effects, emphasising in particular:

- loss of fauna and flora on the banks of the river
- stagnation and sedimentation of organic matter caused by the construction of the reservoir
- destruction of river ecosystems as the river dries up due to the hydroelectric plant's 'curtain'

Among the consequences would be the loss of potable water, fish and recreation spaces, as well as an elevated risk of flooding brought about by the construction of a reservoir in an area of known geological fault lines.<sup>22</sup>

In the case of the dry canal, community representatives say that if the Technological Corridor of Guatemala proposal were to be approved, 70% of the investment would remain in private

hands, and 100% of investment in the case of the Interoceanic Logistical Corridor. In either case, the majority of the benefits would go to private investors while, according to residents, social benefits would be reduced once they are distributed between the nine mancomunidades and the 44 local authorities affected by the highway's construction.<sup>23</sup>

### **Communities and conflict**

In Chiquimula no there has been no community consultation or meeting to inform the population of the proposals and take their opinion into account. Numerous members of the communities have also publicly complained that they are not listened to by the Community Development Councils (COCODES – members of communities charged with representing the interests of those communities at the state level with regard to municipal development projects) or by the mayors of their municipalities. A variety of social organisations in the area have issued public statements and reports claiming that some COCODES have received money from the companies in return for their support, and that the municipalities are misusing food packets from the state Social Cohesion Programme to persuade people to accept the projects.<sup>24</sup>

Local organisations have already carried out two blockades of the Julpilingo bridge (Camotán) in protest: the first was on 28 July 2009, when the protesters demanded that the authorities initiate dialogue about the hydroelectric plants and respect the communities' right to prior consultation in accordance with the International Labour Organisation (ILO) Convention 169 on Indigenous and Tribal Peoples.<sup>25</sup> The second blockade was on 26 March

21 PBI interview with Jorge Nolasco, Engineer of the Chortí Mancomunidad, 28.04.2010.

22 Madre Selva, Hidroeléctricas: Como funcionan y cuales son sus impactos ambientales y sociales; Proyecto Hidroeléctrica El Orégano, Guatemala 25.06.2010.

23 PBI interview with Carlos Hernández, member of the Campesino Camoteca Association, and neighbours of the municipality of Camotán, 27.04.2010.

24 COMUNDICH, Press Release, 27.10.2007; Lutheran Church of Guatemala (ILUGUA), Press Release, 03.05.2010; CERIGUA, Opinion Piece 23.07.2009; Chortí Region, Press Release, 02.07.2009.

25 CERIGUA, Press article; Comunidades Chortí's protestan contra hidroeléctricas en Camotán en Chiquimula, 28.07.2009. [http://cerigua.info/portal/index.php?option=com\\_content&task=view&id=12395&Itemid=27](http://cerigua.info/portal/index.php?option=com_content&task=view&id=12395&Itemid=27)

2010. On this occasion, community members managed to prevent the installation of some electricity towers until talks with Congress had taken place. The talks were held on 6 April 2010. However, at the time of writing, there had been no follow up to the talks (June 2010).

### Judicial obstacles

According to social organisations, the communities opposed to the projects are also facing barriers at a national level.<sup>26</sup> On 13 April 2010, the government passed the Law on Public-Private Partnership in Infrastructure. This allows national or foreign companies entering into an alliance with the government on proposed development infrastructure projects to expropriate the lands they require. The law does contain any regulations relating to the populations affected by such expropriations. For example, to date no firm proposal has been heard from the mancomunidad, the municipalities or the companies relating to the relocation of the affected communities. In relation to the construction of the electricity towers, there already exists an alliance between the government and the Mesoamerica Project's promoters, and the communities of Camotán fear that the municipalities could ask for military presence.<sup>27</sup>

### Current situation

On 10 May 2010, Mauricio Valdés, resident coordinator of the United Nations in Guatemala, said the government had not provided adequate supplies to the people affected by the drought in the dry corridor. Of the US\$34 million that the international community has donated, US\$7 million have been received and invested. Now they are attempting to raise an additional US\$29 million to attend to the humanitarian crisis.<sup>28</sup>

Article 11 of the International Covenant on Economic Social and Cultural Rights (ICESCR)<sup>29</sup> recognises "the right to adequate food, the right to be free from hunger, the right to water and the right to the continuous improvement of living conditions."<sup>30</sup> The



Omar Jerónimo (New Day), Edgar Hernández (New Day), Rigoberto Ramirez Lopez (COMUNDICH) and Carlos Hernández (Camoteca Campesino Organisation), who work on defending Chiquimula's natural resources.

Foto: PBI 2010

comments of the United Nations indicate that the state of Guatemala is not fulfilling its responsibility to improve the living conditions of the population of the dry corridor. In Chiquimula there has been no community consultation on the mega-projects and development projects proposed as measures to combat poverty in the region.

Daniel Pascual, member of the Committee for Campesino Unity (CUC), explains the importance of the consultations enshrined in the ILO's

Convention 169: "The consultations are evidence of the use of reason, of the growing awareness on the part of the people who use their voice to reject the mega-projects. The consultations cannot be called non-binding if 98% of the inhabitants of the communities say no to the mega-projects."<sup>31</sup>

As long as there are no community consultations carried out in Chiquimula, the opinion of the Chortí people will be difficult to measure.



Graffiti against the hydroelectric plant painted on Jupilingo Bridge, Chiquimula

Foto: PBI 2010

26 Interview with Carlos Hernández, Op Cit.

27 National Resistance Front press release, 13.04.2010

28 Interview with Omar Jerónimo, Op Cit.

29 Prensa Libre, La ONU alerta sobre crisis alimentaria en el corredor seco, 07.05.2010

30 The Covenant on Economic Social and Cultural Rights (ICESCR) was adopted by the United Nations (UN) in 1966, coming into force on 3 January 1976. On 10 December 2008 the General Assembly adopted the Additional Protocol of the ICESCR (San Salvador Protocol) which provides a complaint mechanism through the UN, like the one in existence for the civil and political rights. <http://www.amnestyusa.org/demand-dignity/report-human-rights-for-human-dignity/1-reclaiming-economic-social-and-cultural-rights/page.do?id=1102187>

31 PBI interview with Daniel Pascual, coordinator of Campesino Unity Committee (CUC) 13.03.2010.



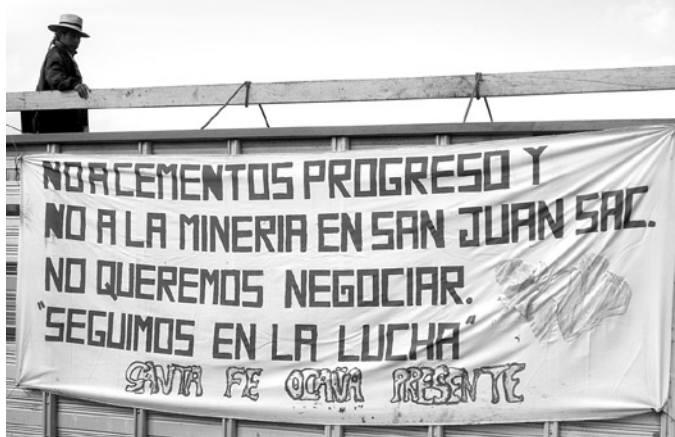
# States of prevention: a solution or a cause of violence?

## *Bi-national chambers of commerce call for the declaration of a state of prevention*

On 4 March 2010, the national and international media reported that members of the Association of Bi-national Chambers of Commerce (ASCABI) had asked President Alvaro Colom to consider declaring a national 'state of prevention' in an effort to control the insecurity and violence plaguing Guatemala. They argued that the rising tide of violence was discouraging foreign investment.

"The climate of insecurity in Guatemala is dramatic. Murder and crime are a daily occurrence. Drastic measures are necessary to overcome the climate of insecurity, such as a state of prevention," said Rafael Briz, president of the Official Spanish Chamber of Commerce in Guatemala.<sup>1</sup>

Arturo Soto, president of both the Guatemala-Mexico Chamber of Commerce and Industry and ASCABI, said a state of prevention would limit certain constitutional rights, such as the right to demonstrate, to carry arms and the free movement of vehicles in certain areas. "It is an option available to the state to control crime," he said. "The violence has created a lack of legal certainty, which has resulted in the loss of investment," added Silvia de Ardon, leader of the Official Spanish Chamber of Commerce.<sup>3</sup>



**Banners of San Juan Sacatepéquez communities during protests in the capital.**

Spain, Germany, Brazil, Colombia, the USA, India, Mexico, Israel and Canada are members of ASCABI. It was founded in 2002 as a non-profit organisation to promote commerce and attract investment in Guatemala.<sup>4</sup> It groups together more than 1,000 companies and generates 70% of national commerce.<sup>5</sup> According to the United Nations Development Programme (UNDP), these companies contribute 10% of the state's annual expenditure on security (totalling US\$2.6 billion).<sup>6</sup> "We feel we have the right to ask the government to take action," said Briz.<sup>7</sup>

## *Violence and development*

The link between violence in Guatemala and the country's development potential has been analysed from an economic perspective among others. "Violence is a brake and a burden for development, discouraging foreign investment and inhibiting economic growth," said Stephen Zimmerman, director of the Office of Institutional Responsibility of the Inter-American Development Bank in 2007.<sup>8</sup>

Guatemalan civil society organisations have repeatedly denounced the alarming levels of violence, and their warnings are reflected in the concern expressed by international institutions. According to the latest United Nations (UN) Human Development Report for Central America, Guatemala is considered one of the most dangerous countries in the world.<sup>9</sup> There are between 15 to 18 violent deaths a day,<sup>10</sup> with 6,498 registered in 2009 by the National Civil Police (PNC). The rate of homicides per 100,000 of the population is currently 48, and 83% of these are caused by firearms. In its report, the UN said the Guatemalan state had not fulfilled its proper role in the prevention and prosecution of violence.<sup>11</sup>

## *Reasonable solutions?*

Faced with this situation, members of ASCABI called, for the second time (the first was in April 2009), for the declaration of a state of prevention.<sup>12</sup> In response, the Presidential Secretary of Social Communication, Ronaldo Robles, said the government also considered this measure to be a viable means of controlling the violence.<sup>13</sup>

1 Prensa Libre, Cámaras de ocho países claman contra violencia, 4.03.2010.

2 Noticias de Guatemala, Cámaras de Comercio piden considerar Estado de Prevención ante la situación de violencia, 4.03.2010.

3 Prensa Libre, Op. Cit.

4 Guatemala-Germany Chamber of Commerce and Industry, <http://guatemala.ahk.de/index.php?id=ascabi&L=43>

5 Spanish.CHINA.ORG.CN, Piden empresarios en Guatemala considerar estado de prevención, 5.03.2010

6 Noticias de Guatemala, Op. Cit.

7 EFE, Cámaras de Comercio piden alto a la violencia y un estado de Prevención, 4.03.2010.

8 Stephen Zimmerman, "Palabras de apertura", in Síntesis del Seminario de IADB/UNDP/OAS: Crimen y Violencia en el istmo Centroamericano, 24.05.2007, p.5.

9 United Nations Development Programme (UNDP), 'Abrir espacios a la seguridad ciudadana y el desarrollo humano', Informe sobre el desarrollo humano para América Central, IDHAC 2009-2010, p.8

10 EFE, Op. Cit.

11 Office of the United Nations High Commissioner for Human Rights (OHCHR), Press Release: Alta Comisionada de las Naciones Unidas para los Derechos Humanos presenta informe sobre Guatemala, 24.03.2010.

12 On this occasion, according to El Economista, "The measure and fears about insecurity were raised by the presidents of the chambers of commerce of Germany, Brazil, Colombia, Spain, the USA, Mexico, India and Italy (the latter as an observer)." El Economista, 'Ocho camaras de comercio binacional exigen seguridad en Guatemala', 4.03.2010.

13 El Economista, Ibid.

These statements, and current events, confirm that the government considers the state of prevention to be an effective or viable mechanism for tackling violence. In its first two years of power, it has used the resource on five occasions in different parts of the country.<sup>14</sup> The first state of prevention was declared in Guatemala City on 7 May 2008 to control striking truck drivers who had blocked the main routes into the capital. The second was in Coatepeque on 6 June 2008, following disturbances connected with the forcible removal of street vendors. Later, in San Juan Sacatepéquez, a state of prevention was declared between June and July 2008 in response to a conflict between local communities and the company Cementos Progreso. On 24 April 2009, conflicts about waste disposal resulted in the declaration of a state of prevention in Huehuetenango. Finally, a state of prevention was declared in 2009 in the department of San Marcos due to conflict in the context of social demands for the nationalisation of electric energy and tensions between communities and the company DEOCSA, the Guatemalan subsidiary of the transnational company Union FENOSA. On at least four of these five occasions,

ralling violence, through an analysis of testimonies and opinions on the states of prevention in San Juan Sacatepéquez and San Marcos. The question is whether or not such a response controls the violence, as the government and ASCABI believe, or whether states of prevention are in reality another cause of violence, as many social sector actors believe.

### *What is a state of prevention?*

According to the Law of Public Order, during a state of prevention the government can bring public services under military control, limit or prohibit the rights to strike and protest, limit or prohibit freedom of assembly, disperse gatherings by force, prohibit and control the movement of vehicles, and censor publications. A declaration of a state of prevention is made by decree without the need for congressional approval, and remains in force for up to 15 days.<sup>15</sup>

### *The state of prevention in San Juan Sacatepéquez*

On 22 June 2008, President Alvaro Colom announced the state of prevention (decreed the previous day) in the municipality of San Juan Sacatepéquez, home to a majority Maya Kaqchikel population. Around 2,000 security force personnel (from the army and the PNC) were deployed in western communities. During the state of prevention 43 people were detained.<sup>16</sup>

During the 15 days that the state of prevention was in place, the Human Rights Ombudsman (PDH) received 21 formal complaints, mainly about abuses by the security forces, such as demanding lodging or food from families of the municipality.<sup>17</sup> In the community of Santa Fe Ocaña, members of the PNC were accused of raping two women, according to complaints submitted to the UN by community representatives.<sup>18</sup> In a press release, the National Resistance Front (FNL) said: "There were many more violations that were not officially reported."<sup>19</sup>

One community member said: "It was a nightmare in the life of our community. For four days we ate only tortillas with salt, we hid ourselves, the police came and went as they liked. We couldn't work, we feared for our lives and we couldn't tend our crops."<sup>20</sup>

"The limitations on the local population imposed by the state of prevention is having an effect on the productivity and the reliability of food sources,"<sup>21</sup> reported the media. "There was great



Foto: PBI 2010

PNC officers near the Las Trojes I community during 2010.

economic interests have played a role in the conflicts. This article attempts to contribute to an analysis of the effectiveness of the state of prevention mechanism in overcoming the problem of spi-

14 El Economista, Op. Cit.

15 Constituent Assembly of Guatemala, Law of Public Order, Chapter II, State of Prevention, Article 8, 14.12.1965.

16 CONAVIGUA, MOJOMAYAS, CUC, WAQIB KEJ, Representatives of 12 communities of San Juan Sacatepéquez affected by the cement factory, Comunicación Urgente presentada al señor James Alaya, Relator Especial sobre la situación de los Derechos Humanos y libertades fundamentales de los indígenas de Organización de las Naciones Unidas. Caso violación al derecho al territorio del pueblo maya cakchiquel San Juan Sacatepéquez, Guatemala, 14.07.2009, p.17.

17 Solano, Luis: Termina Estado de Prevención; tensión continúa, Inforpress, Edición 1760, 11.07.2008.

18 CONAVIGUA & ors, Op. Cit. p.19.

19 National Resistance Front (FNL), Gobierno finalizó Estado de Prevención pero le exigen respuestas para el pueblo de San Juan Sacatepéquez, 2.7.2008.

20 CONAVIGUA & ors, Op. Cit. p.18.

21 La Hora, Estado de Prevención afecta seguridad alimentaria, 2.07.2008.

suffering, more for us women, because they were saying that they were going to search our homes, and if they failed to find our spouses they would take us or our children,”<sup>22</sup> said another resident.

According to the affected communities and social organisations, “When the security forces have to maintain ‘order’ in indigenous communities or in poor ladino or mestizo communities, what they exercise in reality is violence and the abuse of power.”<sup>23</sup> This opinion is corroborated by Maria Eugenia Morales de Sierra of the Human Rights Ombudsman’s office, who said: “Grave violations of fundamental rights by security forces in the communities of San Juan Sacatepéquez” had occurred.<sup>24</sup>

### **Why a state of prevention in San Juan Sacatepéquez?**

When the government declared a state of prevention in the municipality of San Juan Sacatepéquez, it argued that: “a series of acts disturbing the peace and the security of the state and ultimately the life and property of citizens” called for the measure “to prevent the situation deteriorating”.<sup>25</sup>

The investigative journalist Luis Solano said the official decision was taken in the context of growing community opposition to mining licences and, in particular, against the construction of a cement factory, property of the company Cementos Progreso.<sup>26</sup> The company is the principal producer of cement in Guatemala and is owned by the Novella family, “one of the few oligarchic families that still hold state power in the country”.<sup>27</sup>

In 2008, among the potential impacts of the cement production, the communities of San Juan Sacatepéquez feared forced evictions, dust pollution, water shortages and widespread deforestation.<sup>28</sup> Opposition to the project had been formally expressed in April 2007 in a community consultation in which 8,936 people voted against the project and four voted in favour. The vote was not recognised by the municipality. Since 2006 the communities of San Juan Sacatepéquez have participated in various protest marches, mobilising up to 5,000 people. On 21 June 2008, inhabitants of the village of San Antonio Las Trojes blocked the passage of Cementos Progreso machinery and employees in protest. That night, Francisco Tepeu Pirir, identified by the communities as an employee of Cementos Progreso, was

killed in circumstances that remain unclear. These events were deciding factors in the subsequent state of prevention decree.<sup>29</sup>

Gustavo Solano, then head of the Secretariat of Strategic Analysis (SAE), a public institution that “provides information, consultancy and recommendations to the President of the Republic with the aim of preventing and resolving situations of risk or threat to the democratic state and its inhabitants”,<sup>30</sup> said the implementation of the state of prevention on 23 June 2008 “was a process to create fear (through military presence), to re-establish order and to end the manipulation of the population by leaders with defined interests”.<sup>31</sup>

“The government should not use elements of the army in a conflict involving economic interests,” argued the columnist Miguel Ángel Albizures,<sup>32</sup> while Luis Solano concluded that the decision to impose a state of prevention in San Juan Sacatepéquez appeared to be an attempt to break up the leadership of the extensive community movement opposed to the interests of the cement producer.<sup>33</sup> UN experts have also suggested that “a state of prevention was enforced in order to establish the cement works without recourse to community consultation”.<sup>34</sup>



Foto: PBI 2010

**Women of San Juan Sacatepéquez, submitting complaints about rights violations during the 2008 state of prevention in the municipality to James Anaya, the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in 2010. Photo: PBI**

22 CONAVIGUA & ors, Op. Cit. p.18.

23 CONAVIGUA & ors, Op. Cit. p.18.

24 Solano, Inforpress, Op. Cit.

25 Decree 3 – 2008, article 1, definition of “Justificación”.

26 Solano, Luis, Estado de Prevención: ¿diálogo condicionado?, 28.06.2008

27 Adital, Flores marchando contra el cemento, 10.07.2008

28 Adital, Op. Cit.

29 Solano, Op. Cit.

30 <http://mi-guatemala.tripod.com/Gobierno.html>

31 El Periódico, Gobernación recomendó estado de Prevención desde febrero, 25.06.2008

32 Albizures, M. A., Dificil gobernar con las armas, El Periódico, 26.06.2008

33 Solano, Op. Cit.

34 Internacional Labor Organisation (ILO), International Labour Conference, 99th Meeting, Report of the Meeting of Experts: Application and Recommendations: Indigenous and Tribal Peoples. 2010. p.20.





Bart Van Bael © 2010.

**Burnt out vehicles in the village of Las Brisas, San Marcos, during violence following the disconnection of the electricity supply in March 2010.**

### **Why a state of prevention in San Marcos?**

Economic interests were also a factor in the state of prevention in force since 2009 in five municipalities (Catarina, Nuevo Progreso, Ocos, San Pablo and Malacatan) of San Marcos, a department on the Mexican border. The privatisation of the electricity sector in 1999 triggered conflict in various parts of the country (San Marcos, Quetzaltenango, Totonicapán, Izabal, etc.) between members of communities and the Spanish company Union FENOSA,<sup>35</sup> whose local affiliate in San Marcos is the company Distribuidora de Electricidad del Occidente (DEOCSA). Frequent and prolonged cuts in the electricity supply of the region, together with excessive charges, led to rising social discontent.<sup>36</sup> Members of the Resistance Front for the Defence of Natural Resources and People's Rights (FRENA) said that between 2002 and 2007 there were 254 meetings relating to the situation. "We got tired of it," they said.<sup>37</sup>

In 2004 the Guatemalan Constitutional Court (CC) ruled that Unión FENOSA should return nearly 200 million euros to its customers, which to date it has not done. In the first five months of 2009 alone, the National Energy Commission (CNE) received 90,358 complaints about the company. On 29 November 2009, a community consultation took place in the municipality of Malacatan, in which 23,127 people voted against the presence and activities of the company. Over the years, and especially following the community consultation, numerous communities in the de-

partment of San Marcos, up to 60,000 people, refused to pay their bills. At the same time, illegal electricity connections have proliferated.<sup>38</sup>

On 15 December 2009, Union FENOSA cut the electricity supply. After three days without power, hundreds of the municipality's residents took action, blocking roads (the routes to Mexico),

holding sit-ins, marches and hundreds of meetings to disseminate information.<sup>39</sup> On 22 December the Guatemalan president decreed a state of prevention in San Marcos. The decree referred to the "sabotage of the electricity supply".<sup>40</sup> "The decision to restrict constitutional guarantees is to guarantee security and to start to work towards re-establishing the electricity supply in San Marcos," government sources said.<sup>41</sup> The state of prevention in San Marcos was still in force in June 2010, having been renewed multiple times.

### **The state of prevention and violence in San Marcos**

For the Guatemalan Human Rights Defenders Protection Unit (UDEFEUGUA), the state of prevention should be seen as "a state mechanism to resolve the 'problem' of the electricity service in the department and to allow the activities DEOCSA-Union FENOSA to continue in the region".<sup>42</sup>

Union FENOSA comes to a similar conclusion: in a press release, the company requested "the expansion of the state of prevention...and an acceleration of arrest warrants for those implicated in illicit activities". It argued that the actions were "fundamental for the normalisation of the electricity supply in the areas targeted by sabotages, alterations and thefts of electricity committed by the group calling itself FRENA".<sup>43</sup> According to FRENA, the state of prevention does not only serve DEOCSA-Union FE-

35 Peoples Tribunal on European Transnationals and their activities in Latin America and the Caribbean, Report of the Case of Union FENOSA in Latin America, 13-16.05.2008.

36 Copenhagen Initiative for Central America and Mexico (CIFCA), and the Human Rights Defender Protection Observatory (OBS), Letter to the EU regarding the continuation of attacks on economic, social and cultural rights defenders in Guatemala, 31.03.2010.

37 Inforpress, No venimos a negociar sino a exigir un derecho, Edition 1832, 29.01.2010.

38 Cúneo, Martín, "Ocho activistas opuestos a Union FENOSA asesinados en seis meses en Guatemala", Periódico Diagonal, número 124. 15.04.2010

39 Cúneo, Op. Cit.

40 Government Decree 8-2010, 22.12.2010.

41 Noticias de Guatemala, Decretan Estado de Prevención en San Marcos por protestas contra empresa de energía, 22.12.2009.

42 Cúneo, Op. Cit.

43 Union FENOSA Deocsa-Deorsa, Piden ampliar Estado de Prevención en San Marcos, 13.01.2010.

NOSA; the company also provoked its imposition, to facilitate the entry of the army into the communities and enable the re-installation of electricity meters in private homes. The state of prevention permitted the detention and incarceration of community leaders, says FRENA, and the net result was an intensification of the re-

Foto: PBI 2010



Banners of San Juan Sacatepéquez communities during protests in Santa Fe Ocaña.

pression of the population, in the form of threats, coercion and killings.<sup>44</sup> “Of the eight community leaders that have been killed, seven were murdered during the state of prevention,” said Roberto Madriz, member of the FNL’s Political Commission.<sup>45</sup>

These fears were repeated in a letter, sent by a wide sector of Guatemalan civil society to European Union (EU) institutions and representatives and to the Spanish presidency of the EU, in which they lament the killings and the violence perpetrated against community leaders and activists who denounce the methods and activities of Union FENOSA in the region. The letter asked European authorities to remind the Guatemalan state of the “limited time period [15 days] that is a condition of the declaration of a state of prevention”, and ask it to “consider effective steps to allow the suspension of the measure”. The letter explicitly states that the suspension of constitutional guarantees and rights, “instead of resolving the conflict [...], has led to a situation that is more tense and violent than before”.<sup>46</sup>

### ***Solutions based on dialogue and human rights***

In both cases, the conclusion of these Guatemalan and international organisations is that a state of prevention is not a solution to violence but a cause or an aggravating factor, and a mechanism that serves economic interests.<sup>47</sup> That the state of prevention serves economic interests is in fact a point of agreement between private and social sectors. ASCABI confirms that it called for a state of prevention because the violence had begun to affect its members’ economic interests.<sup>48</sup> This article has focussed on the opinions of the different actors involved in the

use of a state of prevention as a state response to the violence in Guatemala. PBI Guatemala’s next bulletin (number 21) will consider alternative solutions proposed by social organisations and the international community to confront this problem.

**“The solution to conflict is not in the use of force, it is in dialogue...., in not putting ourselves at the disposal of corporate interests, ignoring the results of community consultations carried out by the population, nor believing that it is all the fruit of ‘rebels’ or ‘terrorists’ who don’t understand the limits of their rights.”**

Miguel Ángel Albizures.<sup>49</sup>

44 Inforpress, Edición 1832, Op. Cit.

45 Cúneo, Op. Cit.

46 CIFCA y OBS, Op. Cit.

47 CIFCA y OBS, Op. Cit. ; Cúneo, Op. Cit. ;ILO, Op. Cit. ; Albizures, Op. Cit. ; Inforpress, Edición 1832, Op. Cit.

48 Prensa Libre, Op. Cit.

49 Albizures, Op. Cit.

## News of our work

2009 was the most violent year of the decade, in large part due to political violence against human rights defenders, according to the **Human Rights Defenders Protection Unit (UDEFEGUA)** annual report. A further increase in violence was predicted for 2010.<sup>1</sup> As expected, the deteriorating security situation for human right defenders meant an increase in petitions for international accompaniment from Guatemalan civil society organisations, of which two were accepted.

As of March 2010 the Guatemalan project team consists of 10 volunteers. We intensified our accompaniment of UDEFEGUA following threats made in March against coordinator Claudia Samayo and investigator Erenia Vanegas, which were related to their work supporting threatened human right defenders. We held regular meetings with different members of the organisation and accompanied them during journeys around the country. We also intensified our political accompaniment of the organisation through dialogue with Guatemalan and international authorities, and released an 'Alert' to express our concern about the security situation of its members. This was distributed to the Guatemala project's Support Network both inside and outside the country (including various embassies, Ministries for Foreign Affairs and Guatemalan public authorities).

In January we began accompanying the **Camoteca Campesino Association** in the department of Chiquimula. The Association's primary objective is the defence of life and natural resources, and its ultimate goal is the well-being of human beings and their natural environment. It works to build awareness and inform communities about the effects of 'mega-projects' on the environment, their health and their economic situation. The Association's concerns have centred on the vulnerable situation of campesino communities in areas that stand to be affected by the Technological Corridor<sup>2</sup> (also known as the Technological Canal). As a result of this work, several of its members have received threats.

In the same department, we accompanied members of the **New Day Chortí Campesino Central Coordinator** on a tour of the area to inform communities of a technical ruling from the Environment and Natural Resources Ministry (MARN) on the environmental impact assessment (EIA) for the El Orégano hydroelectric plant.



Foto: PBI 2010

PBI volunteer interviewing Silverio Perez from the Camoteca Campesino Association, Puente Jupilingo

We observed meetings between community leaders, members of accompanied organisations, the bishop of Zacapa, Rossolini Bianchetti, and other members of churches from the north east of the country. We also accompanied the Camoteca Campesino Association and the New Day Chortí Campesino Central Coordinator to two meetings in Guatemala City with MARN. The organisations spoke about their opposition to the El Orégano hydroelectric project, which will

effect the communities of Las Flores and El Orégano, in the municipality of Jocotán, Chiquimula, and submitted a document explaining their discontent with the construction of the plant and the development of the Technological Canal.

Since February we have been accompanying the **Cunén Communities Council** in El Quiché. The Council is comprised of 22 members from eight micro-regions of the Cunén municipality, nominated by their communities. One of their main areas of work is the defence of land, territory and natural resources. In October 2009, they organised a community consultation on mining exploitation, hydroelectric projects and more generally the implementation of 'mega-projects', to which around 19,000 people across 71 communities expressed their opposition. PBI observed part of the preparation process as well as the consultation itself. Among its other activities, the Council is currently following up on this consultation, the results of which have yet to be taken into account by the Guatemalan authorities and institutions.

On 5 May we accompanied the Cunén Communities Council to Congress, where it submitted to the Guatemalan authorities a memorial of community manifestos from the residents and local authorities of municipalities in the north of El Quiché. The document contained a record of the profound disagreements, concerns and discontent of the population, whose region's natural resources stand to be exploited by national and international businesses.

We continue accompanying the **National Coordinator of Guatemalan Widows (CONAVIGUA)**. On 21 April we observed the burial of the remains of seven people murdered in Santa Apolonia (Chimaltenango) during the internal armed conflict. We intensified our accompaniment of the organisation, regularly accompanying its

<sup>1</sup> UDEFEGUA, Informe sobre situación de defensoras y defensores de derechos humanos, Guatemala, January to December 2009.

<sup>2</sup> At a cost of 12,000 million dollars, the infrastructure project known as the 'Technical Corridor' aims to unite the Atlantic and the Pacific coasts in Guatemala in 2015. The project involves the construction of a four-lane highway between the border of Pedro Alvarado City, Moyuta (Jutiapa) and the port of Santo Tomás de Castilla (Izabal). It will span Chiquimula, Zacapa, Izabal and Jutiapa. There are also plans for the construction of a railway track for freight trains and a gas pipeline. Source: Nocete Marta, En competencia dos proyectos de canal seco, Inforpress, no. 1844, April/May 2010.



members during journeys made in the course of their work related to the defence of land and natural resources, and observed several meetings with communities in the municipality of Uspantán (El Quiché), as they prepared a community 'good faith' consultation on the implementation of hydroelectric projects and mines in the area. In Guatemala City we observed a demonstration outside the Constitutional Court (CC), during which a number of social organisations, including CONAVIGUA and Q'amolo Kí Aj Sanjuán demanded that the company Cementos Progreso cease operation in the municipality of San Juan Sacatepéquez (department of Guatemala). They also expressed their opposition to the Himber hydroelectric Project in Playita Copón, Ixcán (El Quiché).

In recent months we have increased our accompaniment of **Q'amoló Kí Aj Sanjuán – People of San Juan Unite**, after its members lodged formal complaints about a number of human rights abuses in the communities in San Juan Sacatepéquez and about a campaign of criminalisation directed against the organisation. A member of the National Mayan Coordination Waqib' Kej, the organisation is made up of representatives of 12 communities affected by the construction of a cement factory in San Juan Sacatepéquez. They are demanding that public institutions consider the results of the community consultation carried out in 2008, in which more than 8,000 people from the municipality voted against the factory's installation. We have maintained a regular presence in the communities and have accompanied members of Q'amolo Kí Aj Sanjuán to their weekly meetings. We remain concerned about the situation in San Juan Sacatepéquez due to violent incidents in the communities and the presence of armed groups intimidating the population.

On 22 May we observed a march in the Guatemalan capital in aid of **Earth Day**, in which 5,000 people participated, including representatives from organisations of the campesino and indigenous movement. The marchers visited the embassies of countries which host the head offices of transnational companies involved in mining exploitation in Guatemala, peacefully asking the companies to suspend their mining activities.

We continue to accompany the **Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)**. After having obtained the authorisation of the Xinka Government to enter the Santa María Xalapán Mountain (Jalapa), we were able to be physically present and carry out meetings in the area. On 15 March we observed a demonstration by AMISMAXAJ and the Young People's Collective of Santa María Xalapán Mountain. The theme of the activity was the defence of the body, land and territory.

In Guatemala City on 8 March, we observed the **International Women's Day** march. Students, feminists, artists, indigenous and campesino collectives and organisations participated, including AMISMAXAJ.

In February, we accompanied members of **Association for the Protection of Las Granadillas Mountain (APMG)** on a visit to the Tashoro estate in Zacapa to observe the terrain and the pine

reforestation program. In March and April we observed the subsequent round table meetings between APMG, local and national authorities, environmental and human rights bodies and the private sector. We have maintained our accompaniment of this negotiation process aimed at obtaining protected area status for Las Granadillas Mountain.

In February, we accompanied the **Verapaz Union of Campesino Organisations (UVOC)** to an official ceremony to present land to the campesino families from the La Mocca estate. There were 150 families present as well as representatives from civil society organisations and state authorities.

Despite having been awarded the land some three years ago, the families are still living on the roadside waiting for the resolution of issues including the recognition of their labour rights during the years they worked on the estate, the construction of houses, an electricity network and access to water in their new territory. PBI has followed the families' situation since 2008. We also accompany members of UVOC as they provide legal advice in certain cases relating to the possession or legal security of land.

In the context of tension and violence in the department of San Marcos we have monitored the situation of members of the **Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)** and remained in touch with the Campesino Workers Movement (MTC)

On 13 January, following a petition from the National Coordinator of Settlers and Marginal Areas of Guatemala (CONAPAMG), we observed a protest in the capital city's Central Park by communities of the Nuevo Progreso municipality, San Marcos, denouncing problems with electrical supplies in their area. Afterwards, we observed a meeting between the people of Nuevo Progreso and representatives of the National Electrical Energy Commission (CNEE).

Accompaniment of processes relating to the defence of land and territory in the departments of El Quiché and Alta Verapaz.

PBI Guatemala has begun to intensify its accompaniment of processes developing out of community activities and concerns at the local and regional level, relating to the defence of their land and territory, and natural resources. We will dedicate specific articles to this theme in future bulletins.

Since the beginning of the year in particular, we have observed the situation in El Quiché and to some extent Alta Verapaz. Our increased presence in the area has enabled us to gather information about the context of the movement, the communities driving it, and their security situation, sharing information about the situation of human rights defenders, and meeting with local actors. We have maintained a regular presence in El Quiché since January 2010 and have also begun to accompany the Cunén Communities Council.



## PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

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

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

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

### Mission

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

### Objectives

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

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