

8 December 2009

Guatemala:

Violence and inequality still blocking solutions for IDPs

Structural inequality, restricted political participation and discriminatory state policies are at the core of Guatemala's challenges today as they were 50 years ago when its war started. 14 years have passed since the signing of the peace accord which marked the end of the country's conflict and promised durable solutions for those people displaced.

No profiling exercise has established the number or specific needs of internally displaced people (IDPs), and the government chose to address their needs within general (and generally ineffective) anti-poverty measures. In 2009, any effort to estimate the number of IDPs based on existing figures would be unreliable. What is clear is that the indigenous Maya population and rural peasants were more affected by displacement, and both are still disproportionately affected by extreme poverty and marginalisation.

Many of the country's IDPs have returned or resettled in areas where they live under similar conditions as before they were displaced. But they face continuing poverty and new struggles to access land to farm; thousands of peasant farmers and smallholders have been forcibly evicted by businesses interested in large-scale export agriculture. Others fled to the capital and other cities, where they have struggled to integrate culturally and where they compete with economic migrants for poorly paid jobs in the informal sector. In cities, widespread violence by criminal gangs has caused new intra-urban displacements.

The current government has enacted policies to address some of these problems, offering dialogue and programmes to organised groups of war survivors, and reviving the National Reparations Programme.

Map of Guatemala



Map No. 3834 Rev. 3 UNITED NATIONS
May 2004

Department of Peacekeeping Operations
Cartographic Section

Source: UN Cartographic Section
More maps are available on <http://www.internal-displacement.org>

Background

The Guatemalan civil war, which lasted from 1960 to 1996, was fuelled by racial discrimination, political exclusion and indigenous hunger for land. A growing insurgency was met by increasing violence from the US-backed army and subsequently by military governments.

Though the insurgency was never capable of defeating the army, many sectors of Guatemalan society called for political power and wealth to be redistributed; the government chose to crush these aspirations through military means. The majority Maya population was extensively attacked through the burning of villages, massacres and assassinations of leaders, in order to ensure that collective action became impossible. During the conflict, a total of 200,000 people were assassinated and 400,000 fled abroad (REMHI, 1998).

The conflict ended with several years of negotiation between the guerrilla coalition and the government, which led to the signing of 11 separate peace accords between January 1994 and December 1996. The ample consultation with civil society organizations, including those representing internally displaced people (IDPs), set a new standard in the involvement of such groups in the transition from war to peace (Fagan, 2009).

Internal displacement figures and patterns

The number of people displaced in the conflict, and the number of IDPs remaining in 2009 are far from clear. The Arch Bishop's Human Rights Office estimated that a million people were displaced,

while the Truth Commission reported that between 350,000 and 1,350,000 people were forced to flee between 1981 and 1983, when 80 per cent of the human rights abuses occurred (REMHI, 1998; CEH, 1999). More recently, the National Reparation Commission has found that many victims of forced displacement were not registered by the Truth Commission and so their real number could be much higher than previously thought (AFP, 2006).

A survey published by UNFPA in 1997 reported that over 320,000 people considered themselves internally displaced due to the armed conflict, of whom 25 per cent were members of collectivities such as the "Communities of Population in Resistance" (*Pueblos de Comunidades en Resistencia* or PCR). 79 per cent were displaced from communities in the provinces of Quiché, Huehuetenango, Alto and Bajo Verapaz, where the government's counter-insurgency campaign was most repressive (UNFPA, 1997; CEH, 1999).

In 1983 the large-scale forced resettlement began of displaced indigenous people to villages near their places of origin, with communities controlled by mechanisms including extensive indoctrination schemes and a sizable paramilitary intelligence network. However, many IDPs, did not immediately return or resettle, as they feared for their security in those areas.

Since the conflict ended, many people have returned to their place of origin. This is particularly true of members of the PCR and other organised displaced communities, who have returned with the support of national institutions and international agencies. Perhaps the majority of other IDPs, however, have resettled in other ar-

areas where they have lived under similar conditions as in their place of origin.

A significant number of IDPs who initially sought refuge in the capital have gradually integrated there in search of a better life than the rural areas permitted. While UNFPA documented fewer than 30,000 IDPs in the capital city and the southern coast, other associations used figures from the Truth Commission to estimate that 600,000 were living there (UNFPA, 1997; DiGeorgio-Lutz and Aaron Hale, 2004).

Many IDPs, particularly among those who fled to urban centres, have chosen not to identify themselves as displaced by violence and so have not been counted or recognised as such. This group includes people who were targeted during the 1960s and 1970s and also many who were displaced later but wanted to keep their identity hidden due to the stigma attached to the status or their fear of retaliation (REHMI, 1998).

Protection issues facing IDPs and others

However, in 2009, more than 25 years have passed since the peak of the war and massive displacements of indigenous communities, and it is pertinent to ask whether the conditions which forced their displacement have changed, if those who were displaced still have particular needs resulting from their displacement, and whether their return or resettlement might represent durable solutions.

Continuing insecurity and intra-urban displacement

Insecurity is widespread in post-war Guatemala. While the international community has directed its attention elsewhere, Guatemalan society is still struggling to transform the state and the repressive elements which influence its policies. New displacements are difficult to document, but urban violence associated with gangs and the state's inability to protect its citizens has generated small-scale, intra-urban population movements.

The government has faced serious challenges for de facto control of Guatemala from illegal trade groups and drug mafias. The national murder rate was higher in 2008 than at any time during the war except the peak years between 1980 and 1984. Assassinations rose by ten per cent a year from under 2,700 in 1999 to over 6,200 in 2008, making Guatemala one of the most violent countries in Latin America (UN GA, 4 May 2009). Whereas most victims are young men, killings of women and children have recently caught the attention of policy makers, prompting the passing of a law against gender-based violence (UN GA, 28 February 2009).

Gang-associated violence is the most eye-catching example. Loosely-knit *mara* networks have fought for control of small-scale drug trafficking and protection rackets in urban slums. In 2008 and the first six months of 2009, hundreds of bus drivers, taxi drivers and shop owners were assassinated in Guatemala City (GAM, 2009), prompting strikes which paralysed the city.

The *maras* have attacked and effectively put a halt to projects to develop the capital's shanty towns. For example, the implementation of a new water system in Colonia Mesquital was brought to an end due to extortion and threats. Ten of the 70 families in the neighbourhood had to flee in October 2009. A similar case was reported in La Colonia Limon. There is limited documentation of this phenomenon and its magnitude is unknown, but community leaders have estimated that five per cent of families living in Villa Nueva, Zonas 7, 6 and 12 have had to resettle in other urban areas over the past years due to the threats which followed their inability to pay the illegal taxes imposed by those groups (IDMC interviews, November 2009).

The number of attacks against human rights defenders has almost doubled in the last five years, and in 2008 there was on average an attack every other day. Fifty human rights defenders were killed between July 2002 and December 2007, including 23 killed between 2005 and 2007 (UN GA, 16 February 2009).

Defenders of economic, social and cultural rights and organisations working on justice and the right to truth are among the most frequent targets. Community leaders expressed deep concern that IDP organisations which have reported corruption within the National Reparation Programme have been threatened and prosecuted (IDMC interviews, November 2009). It is symptomatic that the national report on the situation for human rights defenders last year was entitled *Nobody Should Lose their Life or Freedom for Defending the Right to Land and Food* (UDEFEGUA, 2008).

Land conflicts and forced evictions of small farmers

The expansion of agro-industrial projects has led to the forced evictions of small-scale farmers, and drug trafficking to the forced sales of small landholdings in the north and east of the country. These events and related disputes remain a source of social tension and conflict; they contradict the spirit of the peace accords, and primarily affect food-producing peasant farmers.

Guatemala's economy continues to be largely based on agriculture. Access to fertile land is crucial for IDPs and was an important provision in the peace agreement. However, apart from financial and logistical constraints, the will of successive governments to implement structural changes has been very limited, and rural development policies have prioritised the expansion of an export-oriented production model, favouring agro-industrial projects at the expense of subsistence farming and the well-being of farmers granted land according to the peace accords (GOC, 2009).

The expansion of the production of sugar and African palm for biofuel, and the takeover of extensive areas for cattle grazing have provoked conflict with small farmers: 72 violent evictions of peasant farmers were registered between 2004 and 2007, with 44 registered in 2007 alone (AI, 2008). As happened during the civil war, intermediaries and private security companies operating on behalf of larger companies have continued to approach peasants offering to buy the land at a reduced price, and have resorted to threats and violence if their of-

fer is not accepted (IDMC interviews, November 2009).

The lack of consultation with indigenous peoples on the exploitation of natural resources in their territories has eroded communal autonomy over ancestral territories and led to direct confrontation between communities and external investors. In September 2009, peasants in Estor, Izabal were forcibly evicted while resisting the takeover of land by the *Compañía Guatemalteca de Níquel*. Armed men opened fire on the farmers, injuring several and taking others hostage, including one person who was later found dead (CERIGUA, 2009).

According to the national Committee of Peasant Unity (*Comité de Unidad Campesina*), such confrontations have taken place across large areas of the country (CUC, 2008). While the phenomenon does not qualify as forced internal displacement, thousands of peasants have left their home as a result of these practices since 2004, in what peasant leaders describe as an agrarian counter-revolution (IDMC interviews, November 2009). The calls of indigenous groups for protection against evictions have been echoed by the UN Special Rapporteur on the right to food (5 September 2009) and more recently by the government, which has designed dialogue mechanisms to halt the use of disproportionate force against landless peasants.

Extent of IDP exclusion and patterns of social inequality

The structural inequalities in Guatemala remain at high levels: over 50 per cent of the population live under the poverty line, and 15 per cent are extremely poor

(UNDP, 2008). Two factors reportedly make IDPs more vulnerable than other poor migrants: their loss of land in rural areas, which makes it impossible to go back even in time of extreme hardship, and their inadequate cultural and technical skills to compete for jobs in the urban environment (IDMC interviews, November 2009). However, there are no statistical indicators comparing their situation to that of the rest of the poor population. What is known is that poverty is concentrated in rural areas, and among the indigenous population, which comprises 61 per cent of the population but 76 per cent of the poor (UNDP, 2008)

Levels of under-nutrition were already at 16 per cent before an unprecedented food crisis hit the country in late 2009 (UN Special Rapporteur on the Right to Food, 2009). After scarce rain and the failure of government fertiliser-subsidy schemes, more than 500 people have died of starvation in 2009 and the situation of 54,000 families has been declared critical. The government declared a state of emergency as a means of securing funds from the international community, but civil society organisations have claimed that a durable response requires domestic policy changes. The country now has the highest rate of malnutrition among children under five in Latin America: nearly 50 per cent overall and close to 70 per cent among indigenous children (MRG, 2009).

32 per cent of women and 40 per cent of the indigenous population were still illiterate in 2006 (UNDP, 2008). While ten per cent more women and indigenous people could read and write in 2009 than in 1999, the UN's Special Rapporteur on the right to education noted that the promotion of indigenous culture, as explic-

itly laid out in the peace accords, has been whittled down to teaching Mayan languages in some primary schools (Munoz, 2009). The low self-esteem amongst indigenous people, in his opinion, continued to demonstrate the negative impact of their cultural exclusion.

Language barriers have also limited employment opportunities for Mayan IDPs, particularly those who were displaced to urban areas. According to accessible data, they not only continue to face insecurity and discrimination, but also find it very difficult to find work, in part due to their lack of Spanish (IDMC interviews, November 2009; RI, 2005).

National government response

A specific response to IDPs?

The traumatic impacts of displacement were recognised in the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (the Agreement on Resettlement), which confirmed that resettling the uprooted population was “an important component of a firm and lasting peace” and that IDPs merited “special attention” so that they might enjoy the same rights as other citizens without discrimination (IACHR, 2001).

The Agreement on Resettlement set out to reintegrate IDPs culturally, economically and politically, by creating the necessary conditions for them to engage in the development of the new Guatemalan society. In keeping with that goal, the government committed to combat poverty, to ensure the participation of IDPs in the development of state policies at all levels and to put in place mechanisms which recognised and reconciled differ-

ent interests. Special consideration was given to women-headed households, widows, orphans and the cultural and organisational needs of indigenous communities.

More than 90 per cent of the IDPs were displaced by the state security forces, and so the realisation of IDP policies called for in the Agreement on Resettlement has been a good test of the government’s commitment to change. However, since taking over responsibility for the protection of IDPs and other conflict-affected groups after an interim period in which they were supported by the international community, the government has failed to realise these goals. For example, although an effective response and avoidance of new conflicts among vulnerable groups depend on their accurate profiling, the government ignored the particular situation and needs of IDPs and within two years of the signing of the peace accords announced that it would address their needs along with those of the rest of the war victims, through a national poverty alleviation programme (Fagan, 2009). No further IDP profiling took place.

To combat poverty, the current government has enacted a number of social programmes, most notably the cash transfer programme *Mi Familia Progresada* which currently reaches 136 poor municipalities (UN Special Rapporteur on the Right to Food, 2009). But despite some legal initiatives to address inequality, income from taxes has proven insufficient for the government to fulfill its obligations at 9.9 per cent of the total gross domestic product (GDP) in 2009, below the 12.5 per cent stipulated in the 1996 peace agreements.

The state of the reparations process in 2009

The National Reparations Programme (*Programa Nacional de Resarcimiento* or PNR) for all victims of the armed conflict was set up in 2003. The PNR, largely funded by the international community, is mandated to provide reparation to the victims of the conflict, including IDPs. Unlike survivors of serious human rights abuses and their family members, IDPs are not eligible for individual compensation, and tailored individual responses are not achievable, particularly for those who are not within organised groups. But IDP groups have negotiated collective reparation measures, including memorials and subsidies to buy land and build shelters. The PNR's mandate is due to come to an end in 2013.

According to government sources, significant progress has been made in the implementation of the peace accords in 2009, the most important being of legislative nature. In 2008, the Ministry of Agriculture resolved almost 460 land disputes cases involving over 38,000 families; the Land Fund, with a \$23 million budget and a role derived from the peace agreements, helped almost 2,000 families acquire titles to their land. Another 66,000 families accessed loans to buy or rent land in 2008, 400 received subsidies to buy land and 61,000 families to rent land (SEPAZ, 2009).

Spending through the PNR increased significantly in 2008, with the amount spent almost half that spent since the programme's inception in 2003. Over 10,000 survivors of the armed conflict received compensation as well as an official pardon for the injustices brought against

them (SEPAZ, 2009). While IDPs have not been eligible for monetary compensation, reparation measures in their favour in 2008 included the construction of 900 houses (FONAPAZ, 2009). The PNR now hopes to draw up plans with some of the worst-hit villages for projects which will benefit the whole community.

Given the lack of a reliable register and practical selection criteria, however, it remains to be seen whether the government has the technical capacity to implement its policies (IDMC interviews, November 2009). While the PNR has received recognition for making progress despite a lack of collaboration from other state institutions (GTZ, 2007) it has also been criticised for corrupt and clientelist practices, and for generating competition and even conflict between victims' associations. When the 900 houses were built last year, for example, victims and non-victims alike reportedly had to pay up to \$600 each to access them (IDMC interviews, November 2009).

Such problems are compounded by the fact that NGOs and urban *ladino* groups, who are more adept in communicating with national and international bodies, dominate the victim's agenda at the expense of indigenous groups unable to make their needs and demands known and heard in the capital. The reparation policies have also been criticised for responding more to the logic of the donor than that of the receiver, with one leader reporting: "*There is an assumption that the survivors have psychological problems, and they are therefore offered mental health sessions. But the victims are poor and need land to cultivate and, to that, there is no response.*" (IDMC interview, November 2009).

Government response to violence and insecurity

Post-conflict governments have lacked the political will and the capacity to bring those responsible for human rights abuses and war crimes to justice. This is perhaps not surprising, as government agents were allegedly accountable for 93 per cent of these. The investigative units and the judges have been corrupted and have lacked the resources necessary to prosecute the high number of perpetrators. Moreover, activists' efforts to do so have been criminalised. In 2007, when 98 per cent of crime went unpunished, the International Commission Against Impunity in Guatemala (CICIG) was established to assist national institutions in the investigation and prosecution of crimes allegedly committed by organised criminal groups (CICIG, 2009).

Some analysts believe that today's violence is a continuation of practices developed during past counter-insurgency efforts and results from policy decisions taken since (ICG, 2009; UN GA, 4 May 2009). They report that the inadequate response to unlawful killings has been due to insufficient budget allocations, inadequate witness protection and lack of judicial reform, and that attempts to reform the security forces, such as the dismissal of 1,700 police officers for corruption in 2008, have been insufficient. Other analysts recognise the involvement of influential parties including state institutions in the violence, and recognise the government's lack of will in confronting the problem, but believe that the current crime wave represents a marked change from the past (UNDP, 2008).

The *mara* violence is a clear demonstration of how the state is failing to protect its citizens. The influence of criminal networks in state institutions has moreover become a serious threat to political reform. Drug cartels control municipalities and local authorities across a broad swath of rural Guatemala that extends from the Mexican border to the Caribbean (ICG, 2009). According to a WOLA study, these "parallel forces" render legal mechanisms of social control inefficient and allow political violence to flourish (WOLA, 2007).

Note: This is a summary of IDMC's new internal displacement profile on Guatemala. The full profile is available online [here](#).

Sources:

Agence France-Presse (AFP), 9 August 2006, Muertos de conflicto guatemalteco podrían ser el doble de lo que se creía

Amnesty International (AI), 2009, Amnesty Report International 2009: Guatemala

Arch Bishop of Guatemala's Human Rights Office (REMHI), April 1998, Reconstrucción de la Memoria Histórica de Guatemala

Brookings-Bern Project on Internal Displacement, June 2007, When Displacement Ends: A Framework for Durable Solutions

Comisión Internacional Contra la Impunidad en Guatemala (CICIG), November 2009, Informe de Dos Años de Actividades, 2007 a 2009 a la Comisión Interamericana de Derechos Humanos

Commission for Historical Clarification (CEH), 1999, Commission for Historical Clarification (CEH), Memoria del Silencio, Índice General

Fagen, Patricia Weiss, 2009, Peace Processes and IDP Solutions

Gellert, Gisela, 2003, Dinámicas de la Población, Patrón de Asentamiento y Sostenibilidad: El Caso de Guatemala.

Gobierno de Guatemala, Secretaria de la Paz (SEPAZ), 2009, Informe sobre los avances en el cumplimiento de los Acuerdos de Paz 2008

Government of Guatemala, 4 February 2005, Reglamento del Programa Nacional de Resarcimiento. Acuerdo Gubernativo 43

Grupo de Apoyo Mutuo (GAM), June 2009, Informe sobre la situación de derechos humanos y hechos de violencia primer semestre 2009

Guatemalan Organizations and Communities (GOC), 20 November 2009, Statement to to National and International Public Opinion

Inter-American Commission On Human Rights (IACHR), 6 April 2001, Fifth Report on the Situation of Human Rights in Guatemala, Chapter XIV, The Human Rights of those Uprooted by the Armed Conflict

International Crisis Group (ICG), 9 June 2009, Guatemala at a Crossroads, by Mark Schneider

JoAnn DiGeorgio-Lutz, Aaron Hale, 31 December 2004, Internal Displacement in Guatemala

Minority Rights Group International (MRG), 16 July 2009, State of the World's Minorities and Indigenous Peoples 2009 - Guatemala

Prensa Libre, 4 January 2005, Programa Nacional de Resarcimiento rescata Q28 millones sin inversión

Refugees International (RI), 12 July 2005, Forgotten People: Internally Displaced Persons in Guatemala

Unidad de Protección de Defensoras y Defensores de Derechos Humanos de Guatemala (UDEFEGUA), May 2009, Informe Preliminar de Situación de Defensores y Defensoras de Derechos Humanos enero-abril 2009

United Nations Development Programme (UNDP), 2008, Informe de Desarrollo Humano

United Nations Development Programme (UNDP), 31 December 2007, Informe estadístico de la violencia en Guatemala

United Nations General Assembly (UN GA), 21 February 2009, Report of the United Nations High Commissioner for Human Rights on the activities of her office in Guatemala in 2008

United Nations General Assembly (UN GA), 4 May 2009, Informe del Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, Philip Alston - Adición - Seguimiento de las recomendaciones a los países: Guatemala

United Nations General Assembly (UN GA), 28 April 2009, Informe del Relator Especial sobre el derecho a la educación, Sr. Vernor Muñoz - Misión a Guatemala

United Nations General Assembly (UN GA), 16 February 2009, Informe de la Sra. Hina Jilani, Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, Misión a Guatemala

United Nations Population Fund (UNFPA), May 1997, La población desarraigada en Guatemala: cifras actualizadas y situación socioeconómica, Guatemala

United Nations Special Rapporteur on the Right to Food, 5 September 2009, Conclusiones preliminares, Misión a Guatemala, 3-5 Septiembre de 2009

Washington Office on Latin America (WOLA), 2007, Poderes Ocultos: Grupos ilegales armados en la Guatemala post conflicto y las fuerzas detrás de ellos

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

Contact:

Nina Birkeland

Head of Monitoring and Advocacy

Tel.: +41 (0)22 795 07 34

Email: nina.birkeland@nrc.ch

Sebastián Albuja

Country Analyst

Tel.: +41 (0)22 799 07 08

Email: sebastian.albuja@nrc.ch

IDMC

Norwegian Refugee Council

Chemin de Balexert 7-9

1219 Geneva, Switzerland

www.internal-displacement.org

Tel: +41 22 799 0700

Fax: +41 22 799 0701