



Battle for natural resources endangers Guatemala's CSOs



Carmen Aída Ibarra (pictured) is the Executive Director of the Pro Justicia Movement Coalition, a grouping of citizen participants that brings together three civil society organisations fighting impunity in Guatemala. She speaks to CIVICUS about the operating environment for civil society in the country.

1. What are the obstacles faced by civil society in the country?

While rights and freedoms are guaranteed by the Guatemalan Constitution and laws, the reality is however that many civil society organisations are made vulnerable and exposed to human rights violations resulting from actions both by the State and state entities acting on their own volition, and by organised crime groups that control territories. Even business persons also violate human rights as they do not hesitate to send their guards to open fire on demonstrators, as happened in 2014 when a security guard working for a Spanish mining company fired at farmers protesting against the mine and killed one of them.

Guatemalan civil society organisations face very different challenges depending on whether they work in rural or urban areas. In rural areas there is a lot of violence from sectors that are threatened by the work of social and community organisations. Local leadership of these sectors and other people with power, who have armed groups at their disposal or have influence over state and municipal security forces, are able to intimidate or threaten those who organise and mobilise for their rights. Violence against those who oppose hydroelectric or extractive mega-projects is pervasive, as it is against those who reject the use of land for non-food crops (such as the African palm trees) and for industry raw materials that do not directly contribute to the sustenance of local families.

Under certain administrations, the security forces and judicial institutions were used against organised people. The declaration of a "state of exception" limiting constitutional safeguards in several of the country's regions is an example of that. In that context persecutions, arrests and criminal proceedings were resorted to in order to dismantle indigenous and peasant organisations opposing industrialisation and reacting against the pollution in their communities. Killings also took place such as the case of seven indigenous peasants who were shot dead in Totonicapán in 2012 when a military patrol fired at protestors at a roadblock set up to reject educational reforms and the rise of electricity prices.

Water issues are also explosive. Several confrontations are presently taking place between communities and agricultural exporters who are diverting river water to supply their

industries and irrigate their crops leaving whole communities without access to water. So far there has been no violence in these cases, except for clashes among villages over water sources.

In short, in rural areas civil society is attacked, on the one hand, by organised crime seeking to prevent community activity in the territories they control; on the other, by state authorities following business instructions to dissolve social protests through the courts and to deter roadblocks through the use of force. In fact, legislative reforms were passed that surreptitiously categorised these groups and their activities as “enemies” and therefore allowed for the use of criminal law against them.

The situation is different in urban areas, and particularly in the metropolitan region. There is no violence specifically affecting civil society members in those areas, but confrontation, polarisation, ideological attacks and smear campaigns abound because civil society organisations are seen as hotbeds of communists and guerrillas ready to take up arms. Organisations and activists advocating for LGBT rights are also discriminated against.

2. What was the situation leading to the founding of Pro Justicia? Has the situation in Guatemala changed since then?

The Pro Justicia Movement Coalition was founded in 1999. It emerged with the aim of unifying the efforts of three organisations: Family and Friends against Crime and Kidnapping, Anguished Mothers and the Myrna Mack Foundation. Efforts were joined around issues requiring collective advocacy, as was the case with the election of judges to the Supreme Court, the Court of Appeals, and the Supreme Electoral Court, in addition to the Attorney General and other judicial authorities. We sought to eliminate arbitrariness, discretion and spurious negotiations by promoting an open, public and transparent application and selection processes. Starting in 1999, we succeeded in making practices somewhat less secret. Ten years later, in 2009, the Nominating Commissions Act was passed and publicity and transparency requirements were legally imposed. Although spurious negotiations were not eliminated, it is now possible to detect, denounce and fight them. The problems remain enormous, but this is partly because we can now see them better: before, it was impossible to even know them in order to denounce them and fight against them.

3. Barely six months have passed since massive anti-corruption protests succeeded in forcing the resignation and prosecution of former President Otto Pérez Molina. What is the current situation?

The state of mobilisation has subsided. People continue to support the work of the Public Ministry and the International Commission against Impunity in Guatemala (CICIG)*, but they no longer demonstrate massively in public squares. In 2015, rejection of the president and vice-president was key as a stimulus of mobilisation. And while the mobilised citizens' demands were not really met and no substantial change has taken place, the Public Ministry and the CICIG have indeed made progress in uncovering criminal structures and subjecting those to criminal proceedings. The situation of the former government's leaders is complicated as accusations against them keep increasing and it is highly likely that they will be convicted. In addition, new high-impact cases keep surfacing. For the moment the waters

* The International Commission against Impunity in Guatemala (CICIG) is an independent international body that was established in 2007 as a result of an agreement between the United Nations and the government of Guatemala. Its purpose is to support the Public Ministry, the Civil National Police and other state institutions in their investigations of the crimes committed by members of illegal security forces and the clandestine security apparatus, and to contribute to their dismantling.

seem to have calmed. But citizen action remains key in all the possible scenarios in 2016 and the foreseeable future. The judicial system and the party system are on probation, so to speak.

4. What specific steps should the Guatemalan government take in the short term in order to safeguard civic space and ensure the rights of citizen participation?

The present government has so far respected citizen mobilisation and the activities of civil society organisations. There has been no harassment. What is important in the immediate future is that the government should ensure that they will not treat those who mobilise for their rights and freedoms like criminals. That is, that they will not resort to some sort of “criminal law for the enemy” and arbitrarily apply it for ideological reasons or in defence of vested interests.

5. Do you think the response of the international community has been adequate in the case of Guatemala? How can external actors support Guatemalan civil society activists and organisations?

I think the response has been adequate. What we would require now is a visit by the UN Special Rapporteur on the Independence of Judges and Lawyers. Because although the Office of the United Nations High Commissioner for Human Rights (OHCHR) is already in Guatemala, there is still need to bring the issue of justice back to the Human Rights Council. It would also be good if the Inter-American system were more present to make sure that the rulings of the Inter-American Court of Human Rights are complied with.

Additionally, the work of indigenous, peasant and community organisations should be further supported by demanding greater institutional state presence in the management of development and infrastructure projects in remote territories.

Visit the [website](#) of Pro Justicia Movement Coalition or their [Facebook page](#) or follow them on [@ProJusticiaGuat](#) and [@CAidalbarra](#)