

9 June 2006

Guatemala: ten years after peace accords, key provisions benefiting the displaced remain unimplemented

The signing of a peace accord in 1996 marked the end of the 36-year-old civil war in Guatemala but not the end of the structural injustices that triggered it. Key commitments, such as the resettlement of the displaced, redistribution of land and compensation for the uprooted people and other victims of the conflict have as of June 2006 only to a very limited degree been implemented. Ten years after the formal end of the conflict, there are no official figures on the remaining internally displaced people. However, estimates range from 250,000 to one million, according to a local IDP organisation. Indigenous people, who made up the overwhelming majority of the IDPs, have increasingly resorted to occupying large land holdings; these occupations have been violently repressed by successive governments since 1996, particularly after the installation of President Oscar Berger's government in 2004.

The war began in the early 1960s with an insurgency by guerrilla forces fighting for economic and political reforms, following a century and a half of authoritarian regimes and the exclusion of the indigenous majority from wealth and power, particularly land. Guatemala has one of the most unequal distributions of land in the world. The regime responded to the uprising with a massive military counter-offensive. An estimated 200,000 people were killed during the conflict, mostly at the hands of the armed forces and their paramilitary allies. Forced displacements culminated in the early 1980s when indigenous populations in the regions of Quiché, Huehuetenango, Chimaltenango and Alta Verapaz, viewed by the regime as supporters of the insurgency, became the targets of scorched-earth operations by the military.

The current government has shown signs of good intentions; in May 2006, the government convened a National Dialogue to revive the commitments of the peace accord on poverty reduction, redistribution of land, health and indigenous issues. The government has also recognised the state's responsibility for atrocities committed during the conflict and publicly apologised to the victims. But impunity prevails, undermining faith in the justice system. There is also lack of faith in the government's political will to honour the commitments of the peace accords, particularly with regard to land reform and compensation to internally displaced people. The human rights situation has deteriorated steadily in the last few years in a context of worsening economic, political and social conditions, prompting the UN High Commissioner of Human Rights to set up an office in the country in 2005. No government or international organisations work specifically with or for internally displaced people in Guatemala as of June 2006.

Map of Guatemala



Source: United Nations Cartographic Section, 2004

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

Background and causes of displacement

The exclusion from power and property of the indigenous majority by the Spanish colonisers did not end with independence from Spain in 1821. An elite of European descent, “criollos”, has up to the present perpetuated the structural inequalities that were put in place during the colonial period. They have used the state institutions, particularly the army, as tools in their efforts to stay in power. The indigenous people, believed to represent around 60 per cent of the 12 million Guatemalans, have been the main victims, followed, to a lesser degree, by the “Ladinos” or people of mixed European/indigenous descent, who make up around 30-40 per cent of the population.

The colonial concentration of wealth and power has left Guatemala today with one of the most inequitable distributions of land and resources in the world; an estimated 1,5 per cent of the non-indigenous elite control more than 60 per cent of the land (AI, 29 March 2006). The majority of the indigenous people and hundreds of thousands of poor “Ladinos” work as subsistence farmers on 20 per cent of the land (IDRC, 20 September 2002). More than 50 per cent of the population live in extreme poverty and infant mortality, illiteracy and chronic malnutrition rates are among the worst in the Western hemisphere, particularly affecting indigenous people in rural areas (USDOS, January 2006; CDH, 18 May 2006).

Attempts to address the inequalities received a serious blow in 1954 when a military coup, backed by the United States, ousted a democratically-elected government which had started imple-

menting land reforms by distributing unused portions of the vast holdings of the US-based company United Fruit to landless peasants. The military suspended the Constitution and ruled the country ruthlessly until 1986 (ILO, May 2000). A bloody civil war began in the early 1960s when guerrilla groups emerged, mainly from the Ladino population. Parts of the indigenous population joined in when their communities were faced with increasing state-sponsored brutality (WPP, 1999, p.6). The regime responded with a massive military counter-offensive which reached the peak of brutality between 1981 and 1983 when a scorched-earth offensive targeted anyone perceived to be supporting the guerrillas. Over 200,000 people were killed or disappeared, and between half a million and 1.5 million people were internally displaced or fled the country (CEH, 1999, Vol.3, Ch.II). More than 80 per cent of the victims of war were indigenous Mayan people. The Commission for Historical Clarification (CEH), set up in 1994 by the United Nations, the government and the rebels to investigate human rights violations during the conflict, described the campaign against the indigenous population as “genocide”. The Commission also concluded that the Guatemalan armed forces together with paramilitary groups bore responsibility for 90 per cent of the abuses committed during the war (CEH, 1999). The four regions most affected by forced displacement and violence were Quiché, Huehuetenango, Chimaltenango and Alta Verapaz. The massive displacement of populations was instrumental to regaining control over territories. Those who stayed behind were forced into militarised villages where they were organised in Civil Defence Patrols to fight the insurgency. Thus the army

forced indigenous people to kill and commit atrocities against other indigenous people, contributing effectively to the destruction of social cohesion and undermining collective action against the regime (WPP, 1999, p.8; CEH, 1999).

Fugitives scattered throughout the country, but the vast majority found refuge in the capital and on the southern coast. Some 50,000 indigenous people, calling themselves the Communities of People in Resistance (CPRs), fled to remote areas outside the control of the army, in the mountains and jungles of Ixil, Ixcán and Petén. Their refusal to collaborate with the army turned them into targets for massacres and persecution as they were viewed by the military as supporters of the guerrillas rather than as civilians with a right not to take part in the hostilities. At the end of the 1990s CPRs had only about 15,000 members.

By the mid-1980s, the warring parties had begun to lose hope of a military victory and initiated peace talks which culminated in the signing in December 1996 of the final peace accord.

Broken promises

The peace accord consisted of 13 agreements, including commitments to guarantee land rights, the restitution of property and the distribution of land to poor farmers, in addition to socio-economic and political integration and the provision of education and documentation. Particular emphasis was given to land, which had been one of the main causes of the conflict, and the return or resettlement of people uprooted during the conflict. But the peace accord has been poorly implemented as the elite, benefiting from the

extreme inequalities, are holding on to what they have. There were also inherent weaknesses in the peace accord, such as a market-assisted land reform which has not lived up to expectations. Many of the wealthy land-owners have few incentives to sell land, deliberately over-pricing it. This has been a major obstacle for the autonomous government agency, Fontierras, which was set up to give credit to land-seeking peasants. As a result, the agency has not had the means to put into practice the intentions of the peace accord. In 2005, little more than 4,000 hectares of land had been redistributed to 600 families within the scope of its land acquisition programme, whereas an estimated 500,000 families are landless or do not have enough land to meet their basic needs (Fontierras, 31 October 2005; LRAN, 13 January 2003, p.2). At this pace, it would take more than 800 years to ensure access to land for the landless and land-seeking families in Guatemala. A government institution set up to resolve land conflicts, Contierra, lacks the resources to enforce decisions and remains woefully dysfunctional, according to a group of social organisations (COS, March 2006, p. 46). Almost ten years after the signing of the final peace accord, IDPs and peasant organisations have become utterly sceptical about the government's intention to honour the commitments in it (CONDEG, 16 May 2006).

The failure of successive governments to implement the peace accords and the deteriorating economic situation, particularly affecting poor rural areas, have contributed to serious social conflict and land disputes in the countryside. Increasing discontent, including with the efforts of the current government, to enforce the

commitments of the peace accord has triggered numerous occupations of large land holdings by indigenous and landless people (CDH, 18 May 2006; CONDEG, 3 December 2004). The government has generally responded with violent evictions, thereby fuelling social unrest and animosity against the ruling elite (AI, 29 March 2006). Moreover, much of the land the uprooted people abandoned was grabbed by military officers or wealthy landowners who continue to occupy it and threaten the people trying to return or reclaim their property (Bailliet in NRC, 2002, p.93).

Another obstacle to the return of IDPs has been resistance from people who never fled, or local communities. The reluctance to receive returning IDPs is largely a result of the elite's efforts to stigmatise those who fled as guerrilla supporters or instigators of the civil war (IACHR, 6 April 2001, Ch.XIV, para.18-22).

How many internally displaced people?

There are no exact estimates of the number of internally displaced people in Guatemala. While the majority of IDPs returned to their homes shortly after they fled, a large number of people remained displaced throughout the country. These unorganised and dispersed IDPs mainly fled to the shantytowns of the capital, working in the informal sectors as street sellers, domestic workers or in factories. Others fled to the southern coast where some work as seasonal labourers on large land holdings or have ended up as economic immigrants in the US (CONDEG, 16 May 2006). The dispersed IDPs have been largely unrecognised as such and

are very difficult to identify. In addition, most IDPs – particularly those who fled to urban areas – preferred to remain anonymous to escape massacres and persecutions, and never registered to obtain identity documents or to receive government assistance.

In the early 1990s, displaced people organised in Communities of People in Resistance (CPR) demanded to be recognised as still displaced and in need of assistance. They obtained land and negotiated their resettlement (IACHR 6 April 2001, Chapt.XIV, para.23-26). While the government facilitated the resettlement of returning refugees and the CPRs, it did not recognise restitution rights for dispersed IDPs and stated that people who had returned, integrated elsewhere or settled in urban areas such as Guatemala City could no longer be considered displaced, but would fall into the category of “poor” (Bailliet in NRC, 2002, p.93).

One figure frequently cited for the total number of IDPs is 250,000, which stems from a survey carried out in 1997 by the UN and two commissions with members from the affected refugee and IDP communities (UNHCR, 1 January 2003).

While UN agencies in Guatemala do not officially count IDPs for the purpose of their work, some experts argue that the 1997 survey remains valid since the IDPs are still unable to regain their lands and have not successfully reintegrated elsewhere. The 250,000 figure may therefore be the most reliable, even so long after. A national organisation for the displaced people uses an estimate of one million, but the figure is not backed up by a survey (CONDEG, 16 May 2006;

RI, 12 July 2005; La Hora, 12 July 2003; Bailliet, e-mail, 27 November 2003).

Deteriorating human rights situation

Human rights organisations have reported a significant deterioration of the human rights situation in Guatemala in recent years, despite notable improvements in the aftermath of the war. Homicide rates are among the highest in the world, the murder of women has increased, and human rights campaigners are faced with intimidation and threats (AI, 16 May 2006; CDH, 18 May 2006). Human rights defenders, land activists defending the rights of indigenous people, and those working on behalf of displaced populations have been victims of extrajudicial executions, attacks and threats; 122 attacks against human rights defenders were reported in 2004, 224 in 2005 and 65 in the first four months of 2006 (AI, 16 May 2006).

This deterioration is partly a reaction to the control exercised by the land-owning elite exemplified by one of the opponents in the presidential elections in 2003, General Efraín Ríos Montt. The general was head of state when the armed forces committed the most serious abuses in the 1980s (AI, 2004). Impunity, corruption, organised crime, social exclusion of indigenous people and political violence are still rampant, despite promises and some seemingly good intentions to make changes by the government. The 2003 presidential elections were marred by widespread human rights abuses committed mostly by clandestine groups associated with conservative political factions. The presidential campaign of General

Ríos Montt led to protests and triggered further violence.

Civil Defence Patrols, which had been responsible for serious human rights abuses during the war, have also remobilised and held violent demonstrations demanding compensation for their services to the army during the conflict. While the victims of human rights abuses have still not been compensated as laid down in the peace accords, the parliament agreed in August 2004 to pay the former civil defence patrol members (AI, 1 January 2005, CERIGUA, 12 July 2004). Although the patrols were officially dissolved in 1996, they have continued to operate in many indigenous regions and hold positions of power (IACHR, 1 January 2004, para.154). In regions where violence and land conflicts were rife – such as Quiché where most IDPs came from – the government resorted to former civil defence patrols and the army to restore order (UN GA, 11 August 2003). Former members of civil patrols have reportedly been the instigators of lynchings, which have caused the deaths of hundreds of people since 1996 (AI, 2004; UN CHR, 24 February 2003).

Living conditions

Many of those who fled the state-sponsored violence in rural areas are permanently squatting in urban centres where they lack access to basic services, including adequate housing, medical services and education and food. Although advances were made in the area of housing, with the construction of 5,700 homes for uprooted people between 2001 and 2003, the great majority have not been compensated and continue to live in shelters made out of plastic sheeting and sticks

and without basic services and titles to the property. Most of them work in the informal sector – as does the rest of the poor resident population – under precarious conditions as day labour on large plantations, as domestic workers, street sellers or in factories (CONDEG, 16 May 2006; UN GA, 11 August 2003).

Another problem affecting the displaced is the loss or destruction of personal identification documents during the conflict. The lack of documents has limited their access to assistance, credit, basic services and the exercise of their civil and political rights such as the right to vote. Between 1997 and 2002, a temporary law easing documentation procedures for IDPs and other groups affected by war was enacted, but many people, mainly displaced people and indigenous women, were not reached by the programme (CERIGUA, 3 April 2004; UN GA, 10 July 2002). In addition, many IDPs did not register to obtain documents for fear of persecution, thus they were never accounted for and their needs were not addressed.

National and international response

The government has taken some positive steps to implement the recommendations of the Commission for Historical Clarification, but none of them specifically target IDPs. The government has publicly recognised the state's responsibility for atrocities committed during the conflict and apologised to the victims. In 2004, it set up a National Reparations Programme to compensate the victims of human rights violations committed during the conflict. In May 2006, the government convened a National Dialogue to address

some of the outstanding issues from the Peace Accord in which a national IDP organisation participates.

But none of this has been sufficient to mitigate scepticism and animosity against the state. Since its establishment in 2004, the National Reparations Programme has spent most of its limited resources on administration, according to the President of the National Peace Commission set up by the Congress to supervise implementation of the Peace Accord (CoG, 25 May 2006). Moreover, none of the IDPs have received compensation from the programme according to a national IDP organisation, despite the fact that forced displacement is included among the criteria to receive compensation (CONDEG, 16 May 2006).

The inclusion of forced displacement among the criteria to receive compensation does not amount to a comprehensive IDP policy or response by the government. IDPs have been gradually excluded from the limited attempts to implement the Peace Accord and, ten years after the signing, remain largely disregarded as a group with specific needs.

The recently established National Dialogue has had a mixed reception. While important sectors of civil society, including a national IDP organisation, have decided to participate, they do so hesitantly. A large umbrella organisation representing farmers and indigenous communities has decided not to participate, claiming the government lacks credibility and the political will to implement the commitments of the Peace Accord (MICSP, 13 May 2006). The organisations' scepticism has been fuelled by the government's violent evictions of land

occupants, its ties to the landowning elites, and apparent lack of means or capacity to address the deteriorating social and economic conditions. Moreover, national organisations established to implement the resettlement agreement and related land issues have not been allocated sufficient resources to ensure effective implementation. A Land Trust Fund set up to assist IDPs in gaining access to land has been under-financed and resulted in little progress (RI, 12 July 2005).

Despite the worsening situation for human rights defenders, several grassroots organisations continue to advocate for and defend the rights of the displaced, the main one being the National Council of Displaced Persons (CONDEG) formed in 1989 to assist dispersed IDPs in obtaining access to land and housing. It plays a central role in the Consultative Assembly of Uprooted Populations (ACPD), an umbrella agency established in 1994 which represents both internally and externally displaced people.

No international organisations were working specifically on the internally displaced in Guatemala as of June 2006. A UN Verification Mission in Guatemala (MINUGUA) set up in 1994 to monitor compliance with the 1996 Peace Accords including the 1994 resettlement accord, closed in 2004 without having fulfilled its mandate. The Office of the UN High Commissioner for Human Rights signed an agreement with the government in 2005 to set up an office which would emphasise monitoring of economic, cultural and social human rights.

The UN refugee organisation (UNHCR) which has a protection mandate for IDPs within a reformed UN response has not

disregarded the presence of IDPs in Guatemala, but has no specific programmes defending their rights. UNHCR closed its office in the country after the massive return of refugees in the 1990s. The organisation assisted the return of large numbers of IDPs when it coincided with the areas of return for refugees. The main focus was on documentation and restitution of land rights.

Donors have expressed a readiness to assist Guatemala, provided it demonstrates a serious commitment to implement the peace agreements. However, the continued attacks on human rights defenders, the outcome of a referendum in 1999 which ran counter to many of the commitments in the peace accord and the violent evictions of land-occupants are all obstacles to increased support from the donor community.

Indeed, there is a widespread consensus that the government has not complied with the Peace Accords, including the resettlement and compensation sections and this – together with unresolved land issues – has prevented uprooted people from reintegrating and returning to their homes. Addressing the land issues affecting the displaced goes hand in hand with addressing the structural inequalities which are at the root of the violence, displacement and a deeply disintegrated society.

Note: This is a summary of the IDMC's Internal Displacement profile. The full profile is available online [here](#).

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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

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