THE ADVOCACY PROJECT
SUPPORTING ADVOCATES FOR PEACE

On the Record: The Rio Negro Campaign

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From the Editorial Desk: The World Bank and Reparations

Tomorrow (Tuesday) Carlos Chen will meet with a group of senior officials from the World Bank, including at least one Vice-President. For Carlos, the meeting will cap a whirlwind week of speaking engagements and rallies in Washington. It also signifies that the Chixoy dam is back on the World Bank's agenda -- nine years after the Bank closed its books on the project. This is testament to the power of advocacy.

This issue looks at the World Bank's role in the resettlement of the Rio Negro villagers who were displaced by the Chixoy dam. Last year, the Bank succeeded in pressuring the Guatemalan authorities to purchase a new farm for the villagers. With this, the Bank feels it has met almost all of its outstanding obligations.

The survivors do not agree. Even with the new farm, they have only received a third of the land they cultivated before being displaced. They argue that they have yet to receive adequate compensation for the loss of trees, livestock, crops, fishing rights, and cultural artifacts. They insist that the Bank has a responsibility to indemnify them for these losses.

There is a second, larger, area of disagreement between the Bank and survivors over reparations. This is linked to the murder of 444 villagers in a series of massacres leading up to the construction of the Chixoy dam. The survivors feel that the massacres were caused by their refusal to make way for the Chixoy dam. They want the Bank to accept responsibility, because it made two large loans for the dam. They would see such an acknowledgment as a first step towards reparations.

This demand strikes a chord in Guatemala. 200,000 people died during the violence, and the demand of reparations has been integrated into the peace accords. Rio Negro is far from being

the only community to suffer from violence, but it is one of the most prominent thanks to the advocacy of Adivima, the survivors' organization, and their international nongovernmental allies. Their campaign is being closely watched -- particularly as it involves the World Bank.

The World Bank has so far refused to express anything other than sympathy. This is because the Bank works through governments to promote economic development. It follows its own guidelines when supporting a project that touches on sensitive social issues like involuntary resettlement, but insists that it has no formal responsibility -- legal, moral or otherwise -- for the impact of projects.

In addition, the Bank insists that any commitments last only as long as a project. Ten million people were forcibly displaced by Bank-supported dams in the 1970s and 1980s. If the Bank accepted responsibility for Chixoy, where would it end?

This, however, is precisely why Chixoy has become such a potent rallying cry for the thousands who have gathered here in Washington to protest the policies of the Bank and International Monetary Fund, and why Carlos Chen has received a standing ovation at several events. Carlos himself cuts a dignified presence amidst the sound and fury of the protests, but his message is incendiary.

This issue of On the Record looks at the World Bank's tangled relationship with the survivors of the Chixoy massacres. First, we look at what the Bank knew of the Chixoy tragedy. The material is drawn from the report of Word Bank mission to Chixoy in 1996.

The issue then assesses the efforts of the Bank to push for compensation since 1996. This includes Peter Lippman's first-hand impressions of the Sahomax farm, which was purchased for the survivors last year. We then identify some of the areas of disagreement between the Bank and the Rio Negro community.

The issue then discusses the World Bank's formula for helping the Rio Negro survivors. Bank officials see this in the context of the Bank's own country program for Guatemala, which they say is aimed at bolstering the peace process.

We then place this in the wider context of Guatemala's efforts to recover from its terrible past and seek reparations for the victims of violence. Seen in this context, the demand of the Rio Negro survivors does not seem so unreasonable. Finally, we look at the outlines of a possible compromise.

This exchange over one damaged community in Guatemala takes place against a tense backdrop in Washington, as police and demonstrators warily circle each other. On Saturday, the police closed down the large warehouse where protesters have been training for civil disobedience. It was a nervy prelude to the main event and testament to the passions aroused by cases like Chixoy.

A Question of Responsibility

The last issue of On the Record gave a blow-by-blow account of the failure of the Guatemalan National Institute of Electrification (INDE) to honor its agreements with the community of Rio Negro.

INDE's performance raised difficult questions for the World Bank, which made two loans to INDE, in 1978 and 1985. How could the Bank have let this happen? And how could the Bank not know that over half of the entire community had been wiped out after refusing to make way for one of its projects?

In June 1996, Witness for Peace issued a report on Chixoy which made a direct link between the Chixoy dam and the Rio Negro massacres. The World Bank President James Wolfensohn wrote to the group saying that he had ordered a thorough internal review of the Chixoy project and what the Bank knew about the massacres. A high-level Bank mission visited Guatemala between July 22 and 26, 1996. Its report helps to shed some light on what the World Bank had known about Chixoy.

Mario Marroquin, who was on the 1996 mission and who now works in the Bank's office in Guatemala City, told On the Record that the World Bank had been ignorant of events in the highlands of Guatemala during the late 1970s and early 1980s. This was because the violence had been "clandestine." The region was isolated, and very little information slipped out.

It was difficult for Bank staff to get to the highlands, he said. When they did they were fed misinformation. Mr. Marroquin even suggested that INDE had "manipulated" information and pressured villagers to lie.

"Perhaps you could establish a link between the massacres and the dam, but how could we have known what was going on?"

This is not entirely born out by the report of the 1996 mission, of which Mr. Marroquin was a member. According to the report, the Bank sent three missions to Guatemala in 1977, before it made the first Chixoy loan: in March, May and November. The loan agreement was negotiated the following year, in May.

INDE's resettlement plan was submitted to the World Bank in January 1979, and approved in June 1979 after "additional information and clarification" had been gained. "The plan provided for the construction of several new villages in the departments of Alta and Baja Verapaz, including the appropriate infrastructure, water supply, churches and schools. However the plan was delayed by many factors, including insurgency activities, difficulties locating appropriate resettlement sites, and resistance from some of the communities to be moved from their land."

Like Mr. Marroquin, the report also described the violence in the Rabinal region as "clandestine" and stated that information was "systematically suppressed" by the authorities.

Yet the Bank clearly went to considerable lengths to keep itself informed. In 1983, shortly after INDE had moved villagers to temporary housing, a Bank "supervision mission" went down the

filled reservoir and overland to visit the resettled communities. During the trip it noticed that the temporary accommodation at Rio Negro had been burned. "The mission was also told at that time that the people from Rio Negro had fled into the hills and were afraid to come into the town and settle in Pacux."

Burned houses and disappeared villagers were surely evidence enough that something terrible had befallen the villagers. Add to that the cowed and frightened survivors that were living in Pacux under the eye of soldiers. Still, the alarm bells did not ring.

Or at least if they did, they were ignored. In an astonishing comment, the report simply notes that "the mission was told conflicting stories" about the burning of homes. "Only in 1989 did the magnitude and nature of the events (massacres) begin to be understood by observers and the Bank. But even then and to this day it is not clear whether the specific violence was caused by the general civil disturbance, the community's resistance to resettlement or some combination of these factors."

The following year, 1984, the Bank sent an anthropologist, William Partridge, to supervise resettlement. Based on his recommendations, the resettlement plan was modified. "Progress on a resettlement program was one of the conditions for the supplemental loan ($44.4 million), which was approved after the Bank was satisfied that acceptable progress had been made in its implementation."

Even then the Bank was not finished with monitoring. Late in 1987 the Bank sent another anthropologist to evaluate resettlement. The last loan was disbursed on December 31, 1989, and the project completion report was finished on December 31, 1991.

This sequence does not give the impression of a detached, disinterested and ill-informed World Bank. Instead, it suggests that the Chixoy project was closely monitored by the Bank between 1977 and 1988. Either these monitors did not think to question what they were seeing, in which case their monitoring hardly deserves to be taken seriously, or if they did raise the alarm back in Washington, the Bank should have exercised greater caution over the second loan and put some pressure on the Guatemala authorities.

It is not difficult to see why the survivors are still pressing the Bank over the events of 1982 and 1983, and why the responsibility of the Bank is still integral to the story.

A Visit to the New Finca

In 1996, following its mission to investigate the Chixoy events, the World Bank committed itself to ensuring that the Rio Negro community received adequate compensation. Over the last three years, this has absorbed much time and effort on the part of the Bank's staff in Guatemala.

Mario Marroquin, who handles the Chixoy resettlement from the World Bank's office in Guatemala, talked of "two World Banks," when discussing the 1980s: "I'm not being apologetic about what happened before, but a lot has changed since the massacres happened. We need to be positive about what the Bank has done since then."

Mr. Marroquin said that five communities, including Rio Negro, had been resettled from the Chixoy valley. Only the people of Rio Negro (who are now living in Pacux) still require assistance, and even in their case "almost 95 percent of the compensation has been completed," said Mr. Marroquin.

Following the 1996 mission, the Bank contracted Pastora Social, a respected Church social support group from Coban, to act as its intermediary in pressing the Guatemalan authorities to assist Pacux. Under Bishop Geraldo Flores, Pastora Social had established its credibility through working for the return of Guatemala refugees in Honduras.

It turned out to be a long, and complicated task -- so complicated that the Bank had even hired lawyers to locate missing land registries. Two of the communities, San Antonio Panec and El Rosario, needed land titles. Pacux needed land.

The search for land proved particularly difficult because the price of land had risen sharply. The Pastora visited 80 properties, in some cases accompanied by Pacux survivors. It took two years to find the farm at Sahomax, described in the next article.

The money for Sahomax came from the Foundation for Peace (FONAPAZ), a social fund set up following the 1996 peace agreement. (Last year, FONAPAZ received $30 million in loans from the World Bank to cover the next five years, which means that Sahomax farm was purchased with the help of a World Bank loan.) But the Bank did not allow INDE to slip completely off the hook. It pushed INDE to provide rural electrification, water and housing for the displaced communities.

Sixty-three families from Rio Negro now hold land titles at the new farm Sahomax. The land is good, and there is more moisture in the Alta Vista highlands than in Rabinal, so it is easier to grow crops throughout more of the year.

In addition, indigenous people live in the two neighboring communities of Sapox and Campamac, They belong to the K'ekchi-speaking group of Mayans, and know less Spanish than the newcomers from Rio Negro because they have not been displaced. Communication with the newcomers from Pacux was difficult initially, but the new neighbors are now making headway.

In spite of this, the acquisition of the finca (farm) has brought new needs and new frustrations to the Rio Negro survivors. One hundred and six families were deemed eligible to own land at Sahomax by INDE, but only sixty-three accepted. The rest chose not to participate, because of the high cost and difficulties of getting to the finca.

It is five hours by car from Pacux, but the people in Pacux do not own cars. They walk for half an hour to Rabinal, then catch a bus, or more often ride in the back of a pick-up truck, to Salama. Perhaps they get a ride all the way to Coban. From there another bus or truck takes them an hour north to the village of Cubil, from where it is a ten-minute truck ride to the finca. Altogether the trip requires two to four rides and seven or eight hours.

An overnight round trip can cost one person 75 Quetzals ($10), including food. An average day's wages in Rabinal is 15 to 20 Quetzals, so the trip cost is prohibitive.

"The round trip from Pacux to the finca is expensive for us," farmer Angel Chen Perez told Peter Lippman. "Ordinarily, we don't travel except to buy or sell something. But instead, now we are traveling to work on the farm, for income that we should get later. Our houses are in Pacux, and the farm is about seven hours away. And our children are in school in Pacux. The 20 Quetzals we can earn a day in Pacux, when we have work, doesn't cover both our living and the travel expense. This is why many people decided not to accept land on the new finca."

Once they arrive at Sahomax, the new farmers face other problems. At present, there is almost nowhere for them to stay. There is one old ranch house there and a couple of worker's shacks. But if more than a few families go up to the farm, most of them have to sleep outside because the old hacienda on the farm has only four or five rooms.

Angel Chen Perez and his wife were taking care of several young children and cooking on a couple of pieces of corrugated tin roofing spread out on overturned steel barrels. A small black cat dozed in the ashes a few feet from the fire. Visitors sat on wooden benches and plastic milk crates.

The settlers are now cutting down many old-growth trees, which they have been selling as firewood. With this income, they are paying for the milling of over 600 posts, which will be used to construct open-air shelters with corrugated tin roofing on top. Piles of firewood and rough-cut posts for construction, made of tamarind wood, were dotted around the ridge above the hacienda. Lots had been marked out with small concrete blocks. The men pointed out where their homes would be.

The plan is to build shelters for all 63 families, and provide them with a place to sleep during the planting season. Construction is to take place this month. For now, there will be no walls, because the boards for one house would cost over $200. The roofing is being donated by FONAPAZ. Later, they will be converted to regular houses.

The land is rich, and could yield corn, beans, and other subsistence crops to support the inhabitants. The finca also has a cardamom plantation which could clearly be profitable. One hundred quintales (1 quintale = 100 pounds) of cardamom was harvested last year, but the income was all used to pay for pruning of the trees, as the previous owner had left them un-pruned. The cardamom trees are the communal property of all the families, and the important farming decisions are made by the Rio Negro development committee. The work on the trees is cooperative.

Behind the hacienda stands a large cinderblock structure for processing cardamom that has fallen into disrepair but could, if rehabilitated, produce a profitable crop. But the generator and motors for drying the cardamom are broken. They are over thirty years old, which makes them too old to fix. Being of Japanese origin, spare parts would also be hard to come by.

Cristobal Osorio Sanchez, president of the Rio Negro/Pacux development committee, outlined

some of the needs of the finca: "We need houses made of cinderblocks, to protect us from the mosquitoes that carry dengue fever here. As for working the farm, we don't have any tools. We don't have tools to build the shelters. We especially need a chainsaw, but also hammers, handsaws, tape measures, squares, levels, plumb bobs, everything.

"All 63 families will be here in April for the building and planting. If we had houses, people would stay here all the time. In January everyone was here. About 80 people slept outside. Then, we pruned the cardamom. We want to plant more. Cardamom takes three years to produce. The trees need to be pruned two times a year when they are young; later, one time a year."

If it received investment, the Sahomax finca could provide a living for some of the Rio Negro survivors. But five caballerias of land is probably not sufficient to support all the Rio Negro families, especially if their current rate of population growth is maintained.

So far, the Rio Negro survivors have received a total of seven caballerias of land (458 hectares) including Sahomax. That compares with the twenty-two caballerias (1,440 hectares) that they owned at Rio Negro. Cristobal noted that there were another eight caballerias of land next to Sahomax that were up for sale. But, he said, "we are not getting anything more from INDE. INDE says that it is finished with restitution."

Bones of Contention

Of the five communities resettled from Chixoy, Pacux remains the most unsettled and the hardest for the World Bank to deal with. There remain several serious issues of disagreement between the two sides.

Forty-four families in Pacux have been barred from receiving compensation by INDE and the World Bank on the grounds that they were not from Rio Negro. This is hotly denied by the Rio Negro survivors, who say the forty-four are close relatives of those who died in the massacres and so entitled to compensation. Some were not registered in 1983 because they fled for their lives. Carlos Chen himself was not initially registered.

There is also disagreement over the land originally owned by the Rio Negro community. Mario Marroquin disputed the community's estimate of 1,440 hectares, which he found exaggerated. But the survivors say they were given that figure by INDE early on. Unfortunately, it cannot be confirmed because the land titles were lost (or stolen). Getting this confirmed is an important part of the compensation process for the survivors.

As was noted in the last article, forty-three Pacux families have refused to move to Sahomax, preferring to remain in Pacux. How they can do this, after ten years of complaining about conditions in Pacux, is beyond the understanding of Mr. Marroquin and others. (The Pastora Social itself almost gave up on the Pacux communities).

Mr. Marroquin made no secret of his frustration with the villagers: "I'd rather not make judgements about those people. It is true that the houses at Pacux are poor. But that is the responsibility of their own community. Some people were bribed (to accept poor living conditions).

"It is true that the new finca is not big enough for all the Rio Negro people. But we purchased that land according to the number of people that wanted it. We made many efforts to show the advantage of moving to a new finca. Of course, there are some downsides, such as the time it will take to develop it. The people of Pacux know how to manipulate the situation well, believe me. I have gotten quite an education working on this case."

To supporters of the community, this is to blame the victims. No one disputes that Rio Negro survivors are argumentative, difficult, and ungrateful. But, they say, it is hardly surprising, given what this community has gone through.

"That's what comes from being damaged," says Grahame Russell, of Rights Action. This, he says, is why any efforts on their behalf must address all of their needs -- emotional as well as economic -- and why compensation on its own is not sufficient. The survivors need to hear from those responsible -- including the World Bank. They need reparations.

The Bank's Recipe for the Rio Negro Survivors

The World Bank, for its part, is seeking a formula that will permit it to help the Rio Negro survivors, but within the framework of its country program for Guatemala. This, in the view of the Bank, has to start with a dramatic change of attitude by the survivors.

Speaking from the Bank's office in Guatemala City, Mario Marroquin said that it is time for the inhabitants of Pacux to put aside their sense of victimization and join the mainstream of Guatemalan life. By clinging to their status as victims and survivors, he said, the Pacux inhabitants risk becoming marginalised.

"There must be a normalization of relations, building bridges between Pacux and Guatemalan institutions. The Truth Commission report asks the state to give compensation to the victims. So you can lobby for that; it is in an institutional framework. And the communities need to start engaging with the social funds. Using victimization as a tool will not help.

"We (at the Bank) can influence the situation. (We know that) other communities are better off than Pacux. But at the same time, we would be undermining the social fabric if we looked after Pacux disproportionately to the other communities. I refuse to support paternalistic programs. The challenge is how to help the communities restore their faith in the future, to increase their self-confidence?"

For Mr. Marroquin, this is possible within the context of the World Bank's country program for Guatemala. This, he says, is totally in alignment with the goals of civil society and with the peace process.

In 1998, the World Bank announced a five-year package of loans to Guatemala, totaling $358.6 million dollars. Guatemala's GNP is above the cut-off point at which a country qualifies for soft loans from the Bank, which means that it borrows from the Bank at market rates. But the Bank maintains that Guatemala can afford the debt. The country's external debt last year stood at 16

billion quetzals ($16 billion) which is equivalent to 20 percent of its GDP -- one of the lowest debt burdens in Central America.

According to Mr. Marroquin, there has been no structural adjustment program in Guatemala for five years. The bulk of the current loans is going to social programs:

"We have several projects: supporting social funds, judicial reform, educational reform (including a drive to increase enrollment), a land administration project (registry), and a land fund. The World Bank cannot purchase land, but it can help with development. The Bank is very supportive of social projects. Some of them are vulnerable, such as Pronel, the basic education plan. We want to make sure that the gains are fully respected."

This strategy has developed in cooperation with both the government and the civil society sector, said Mr. Marroquin. He said that the Bank is working with seven principal NGO coordinating groups and with the private sector to create a legal framework for civil society. (The NGO groups include CONGECOP, COINDE, ACINDE, COMG, and TZUK KIM POP.)

"We hope that this will lead to a true enabling environment for civil society organizations. We are trying to build bridges between the state and civil society organizations, because during the war those relationships were completely severed."

Mr. Marroquin drew attention to several specific components of the Bank's program in Guatemala, which he said support the peace process. $80 million is allocated for two social funds. One of them (FONAPAZ) provided the funds for the Sahomax finca. These two social funds allow the Bank to invest in the poor, who account for sixty percent of Guatemala's population.

Cynics see the social funds as a way for the government to "buy stability" and avoid confronting the rich. But the Bank is also pressing the government to reform a tax system that is so inefficient that it puts almost no pressure on the rich. This restricts the government's ability to find money for social programs. Tax reform was one of the recommendations of the peace process. It is absorbing $28.2 million of the Bank program.

$15.7 million is going into an Integrated Financial Management System, which will allow for a more transparent budgetary process. Bank loans are also helping to reform the judicial system ($33 million) and modernize the ownership, titling and administration of land ($5 million).

From the World Bank's perspective, this is a modern program that is free of the charges leveled by those protesting outside its headquarters in Washington -- a program that allows it to push the Guatemalan government into reforming the state and making sure that the mistakes of the 1970s and 1980s are not repeated.

One experienced observer, Mathew Creelman, Editor of InfroPress, agreed. Creelman has lived in Guatemala for 15 years, and he sees the country undergoing a transition from feudalism to capitalism with help from the World Bank.

At the same time, of course, the Bank is pushing privatization and open markets, which would certainly incur the wrath of its critics in Washington. They would argue that privatization softens Guatemala up for predatory American multinationals, widens the gap between rich and poor, and further marginalizes poor indigenous communities like Pacux. The Bank replies that its program increases the capacity and efficiency of the state, and so reduces poverty. It is, says the Bank, time for Pacux to take advantage.

Guatemala Grapples with Reparation

Is there common ground between the approach of the World Bank on the one hand, and that of the survivors of Rio Negro on the other?

The practical needs are clear enough. They have emerged from this series of On the Record, and they have been laid out by the Adivima association. For example, both Pacux and the new finca at Sahomax need investment. The community needs help in locating its lost land titles, which in turn will assist its claim for more land. It wants to know what happened to the stolen artifacts (which are thought to be adorning the walls of rich families in Guatemala). It wants compensation for the forty-four families that have been unaccountably barred from the resettlement plan and are now squatting with relatives in Pacux.

At first sight, there should be room for compromise. The World Bank helped to find more land for the Rio Negro community. Why should it not go further and round off the package?

One reason, for the Bank, is the form in which these demands are presented, as reparations. This implies accepting responsibility.

To the World Bank, this is impossible, for reasons noted above. But to the Rio Negro survivors, it is totally compatible with Guatemala's larger struggle to come to terms with thirty-six years of state violence that claimed the lives of 200,000 people and displaced a million. Healing these wounds will require restitution for victims and their families.

This was one of the basic conclusions of the Guatemala peace process that began in the early 1990s and concluded at the end of 1996. On March 29, 1994, the two sides in the conflict agreed on a Global Human Rights accord, which was monitored by a U.N. mission (MINUGUA). The accord called, in general terms, for indemnification and/or assistance to the victims of violence. But no provisions were made for implementation.

The human rights agreement also called for the creation of a truth commission, under UN supervision. On May 27, 1998, 400 people representing 139 organizations from civil society gathered to debate the commission's recommendations. Its final report was published in February last year.

The commission endorsed proposals for preserving and dignifying the memory of those who had died. (This includes the building of monuments, as in Rio Negro). It also called on the government to establish a "national reparation program." This was the clearest attempt to pin down this rather vague term. According to the commission, it should involve a combination of the following:

- Restitution: restoring material possessions, particularly land;
- Indemnification or economic compensation for injuries or losses arising from violations of human rights or humanitarian law;
- Reparation or rehabilitation in the form of psychosocial assistance;
- Restoration of the memory of those lost including "acts of moral and symbolic reparation."

President Portillo endorsed this plan in his inaugural address, but until now his government has not acted on the pledge. Instead, the running has been taken up by a coalition of sixty prominent human rights organizations known as the Multi-Institutional Coalition for Peace and Concord (Instancia Multi-Institucional para la Paz y Concordia).

The efforts of this coalition are coordinated by the office of the Ombudsman for Human Rights, which has been working for human rights for the past twelve years. According to director Marco Antonio Aguilar, the office helps victims to file complaints and achieve restitution for past violations.

The Multi-Institutional Coalition for Peace and Concord has presented a detailed proposal to the government and is currently holding discussions with the Ministry for Peace (SEPAZ) over the proposal. The proposal makes the demands of Rio Negro seem eminently reasonable.

At the same time, it is difficult to be optimistic. The government appears lukewarm to the coalition's proposals -- no doubt aware that they would cost an enormous sum of money and also provoke the business elite that supported past military regimes.

"The government tries to divide and conquer us," said Mr. Aguilar. "But we are united, and this permits us to challenge the government more effectively. Of course, not all organizations in the country are participating in this campaign, but the Mayans, peasants, and those working for the disappeared are all strongly involved.

"Right now, we are not seeking a specific amount of restitution. We need to determine whether the government has the political will to make reparations. The government is borrowing billions of dollars, but there has not been a cent for assistance. For now, it is important to maintain the dialogue."

Groping for Common Ground

Where does this leave Rio Negro's long struggle? Certainly, that struggle looks less lonely and unreasonable, when placed in the content of Guatemala's current debate over reparations. Rio Negro shares the same goals as hundreds of communities seeking redress for past injuries. A national plan has been drafted. All that now remains is political will on the part of the government, pressure from the outside, and money.

What makes Rio Negro unique is, of course, the Chixoy dam and the involvement of the World Bank. Speaking generally, Marco Antonio Aguilar of the office of the Guatemalan human rights ombudsman told Peter Lippman that he did not feel the World Bank was responsible for what had happed in Guatemala. "The Guatemalan state is responsible, through the army. We can't ask the World Bank, for instance, for restitution. This must come from the Guatemalan state."

That view, which is not shared by Rio Negro or its supporters, reflects the ombudsman's mandate. The ombudsman represents all the communities that suffered -- not just those that had the misfortune to meet face to face with a dam.

Others feel that the Bank can be held responsible for what happened at Chixoy. "The Bank should have known," said Jan Perlin, a law professor from American University who headed the documentation unit for the truth commission. "But the government also has responsibility. It doesn't help to put it all on the Bank."

One possible compromise might be for the Guatemalan government to establish a special reparations fund for key communities, including Rio Negro, with support from the Bank. This would have the double advantage of jumpstarting a national program on reparations, along the lines suggested by the truth commission, while placing Rio Negro's needs firmly within the context of reparations -- and not handouts.

This would need a lot more discussion. Would such a fund take the form of a grant or a loan? Who would control it -- the community or government? Who would benefit -- communities or individual victims?

But the basic principle might prove acceptable to both sides. It would seem totally consistent with the World Bank's support for FONAPAZ, its desire to further assist Rio Negro, and its stated commitment to Guatemala's peace process. Whatever their doubts about social funds, critics of the Bank might like to see it engage more directly in this critical phase of reconstruction. It certainly has more to do with social and emotional recovery, than with economic development.

Such a formula was not ruled out by Mario Marroquin, but it was described as premature by Rio Negro's international allies. For now, their tactic is clear and simple: get the Bank to accept responsibility for the events at Chixoy and allow the damaged community to start assessing its own losses -- on their own terms.

"It has to start with process," insists Grahame Russell of Rights Action, which has supported the struggle for impunity in Rio Negro over the past five years. "The Rio Negro survivors must be helped to assess their losses as a community before there is any discussion over the details. That has to begin with the Bank accepting responsibility. It can't be a matter of the Bank doing Pacux any favors."

CALDH (Center for Legal Action for Human Rights)

This series of OTR should not conclude without recognition of CALDH, the Center for Legal Action for Human Rights. Based in Guatemala City, CALDH is a prominent human rights organization that analyzes the struggle for justice in Guatemala and assists grassroots efforts in many parts of the country.

CALDH plays an important role in the case of the Rio Negro survivors and other legal battles around the Rabinal municipality. Among other work, CALDH transmits information to the local

authorities from victims seeking redress. The organization works to pressure the court system to respond to local activists' call for exhumations and trials

CALDH, whose legal department is directed by Mr. Paul Seils, has conducted numerous informative workshops in the Rabinal area. Local CALDH representative Ms. Maria Dolores Itzep has gained respect for her work in preparing witnesses to file criminal charges and requests for exhumations. In the Rio Negro trials, CALDH has worked in an advisory capacity to provide critical assistance to the prosecutor. (email: paulseils@hotmail.com).

Guatemala's Human Rights Groups Define Restitution

Last week, in Guatemala City, Marco Antonio Aguilar of the office of the Guatemalan human rights ombudsman described the proposal to provide restitution for the victims of violence in Guatemala. The proposal has been formulated by the Multi-Institutional Coalition for Peace and Concord, comprising sixty leading human rights groups. The Coalition wants the proposal adopted by parliament.

Mr. Aguilar said that restitution covers the punishment of those responsible for the deaths and abuses, and payment to the victims or their families for what they have lost. The Coalition has identified three categories: direct restitution to the victims, indirect restitution to surviving relatives of the victims, and "collective restitution" to whole communities that suffered collective attack.

The Coalition stresses that "moral restitution" is essential, because a community like Rio Negro will not be able to recover until payment is made for emotional as well as physical damage. A formula based on international precedent (especially on the cases of Argentina and Chile) has been devised to determine the amount of payment due to a family for the lost income of a victim.

The coalition calls for priority to be given to the following: Those in extreme poverty; Victims of the most serious violations and of collective crimes; Mayans, Xincas, and Garifunas; Women of all ages; Older adults, widows, single mothers, orphans, minors, and the disabled; Cases presented by REMHI (the Catholic Church's commission) and the UN Truth Commission.

Under material reparations, the coalition lists: Legal access and security on the land; Access to decent homes; Productive investment programs; Priority attention to widows, single mothers, and orphans; Mental and physical health; Reconstruction programs for community services for the communities that were removed from their locations.

Measures for psychosocial rehabilitation include: Therapy for mentally and physically disabled persons; Use of traditional indigenous medicine to promote recuperation; Attention to women victims of sexual violence; Programs of recovery for indigenous culture; Community psychosocial assistance; Medical, pharmaceutical, legal, and social assistance.

The Coalition also defines "moral restitution." This is directed towards public education, the "restoration of memory," and recognition of the victims.

The state should assimilate the contents of the Truth Commission Report and propagate it widely in the schools.

Museums, monuments and public parks in memory of the victims should be constructed at a national, regional, municipal and community level.

Names of the victims should be placed in educational centers, buildings, and public thoroughfares.

Commemorations and ceremonies should be held for the victims, taking into account the multi-cultural character of the Guatemalan nation.

Community cemeteries should be created in accordance with indigenous traditions.

Sacred indigenous sites that have been desecrated should be rescued.

The process of exhumation of secret mass graves should be brought to completion with full respect to the victims and their families. This is to be carried out not only as a legal procedure, but also as a means of individual and collective reparation.

The remains of the victims should be delivered to the relatives for a proper burial.

Those persons of military age who were victims, or whose families were victims, should be exempt from military service.

The Army should renounce and cease the use of names that have significance and symbolism in the indigenous languages.

The Guatemalan people should continue in their efforts to investigate and analyze the past in order to consolidate the means of avoiding the horrors of the conflict.

The celebration of Army Day on June 30 should be discontinued. This day should be converted in a day of commemoration for the victims. Congress should make a legal declaration to this effect.