

YEAR II
#3
NOVEMBER
2012



wachb'il

INFORMATIVE ORGAN OF MSICG



fundació
pau i
solidaritat



Zaragoza
AYUNTAMIENTO



Ajuntament
de Mataró



AJUNTAMENT DE
VILANOVA I LA GELTRÚ



comisiones obreras de Aragón



fundación paz y solidaridad



AJUNTAMENT DE
TARRAGONA



Ajuntament
de Manlleu

Consell Comarcal



d'Osona



Ajuntament de
Cerdanyola del Vallès
Ajuntament de
Cerdanyola
Urbanisme

Wachb'il No. 3
Edition and graphics: INESICG
Design, Cover and Layout: INESICG

© 2012

The contents of this magazine may be reproduced in whole or in part provided that the source is acknowledged

SUMMARY

EDITORIAL

A commission of Inquiry for Union Freedom in Guatemala 01

TRIBUNE

Plutocracy and Remilitarization
Por: MSICG 06

Perspectives of an unequal struggle for means of life
Por: Katja Winkler 11

Towards a New Organization Model
Por: MSICG 17

OCCUPATIONAL HEALTH AND SECURITY

An Approach to Stress in the Working Place
Por: Dr. Edwin Haroldo Mayén Alvarado 21

SEMBLANCES

Interview with Sylvia Guadalupe Burbano Arriola, Secretary General of SIPROSAT 27

THE LITTLE BOSS

The Iron fist of the Bossie 31

COFFEE CABRAL STYLE

Interview with Beatriz Sandoval 36

MSICG IN ACTION! 41

Wachb'il, Informative organ of the Guatemalan Union, Indigenous and Peasant Movement - MSICG -
www.movimientosicg.org
Facebook: movimientosicg
Twitter: @MSICG

PRESENTATION

The Guatemalan Union, Indigenous and Peasant Movement –MSICG- presents the third number of its magazine, Wachb'il, which in its nature of social and political instrument of union expression is dedicated this time to the memory of our companion Manuel de Jesus Ramirez, murdered on June 1st 2012, and to the companions that were murdered in the massacre executed by the State against the population of the 48 Cantons of Totonicapan on October 4th, 2012.

This dedication is extended to all politically persecuted and incarcerated people of the country, especially companions Rodolfo Eduardo Juarez Ralda and Layla Lerisa Chanquin Jocol.

MSICG calls attention on the grave risk that the weakening of the empire of the law, the practical suppression of social warrantees, the criminalization and stigmatization of social struggle and the deepening of exclusion policies

implemented from the current government represent for democracy.

MSICG salutes and congratulates the important work of the International Labor Organization experts, for the dose of common sense and congruence that they provide to the building of democracy in the world, and at the same time it regrets the actions of the group of employers at a world-wide level, who tend to weaken the control systems for compliance of Agreements born of the tripartite consensus that is looked for at ILO's headquarters.



A Commission of Inquiry for Union Freedom in Guatemala

“With the publication of this Code, we have definitely closed in national history the black chapter of the economic exploitation of man”

“That is our smallest and greatest hope: Guatemala’s industrial development. But such a development was conditioned to the premise that we should first erase our terrifying economic picture, the obstacles that prevented our country’s industrial development, that’s why we express: The industrial progress and, in general all the economic progress of Guatemala cannot be a reality while the present conditions of slavery in the fields and of artisan production in the city persist.”

These were, first, the words of Juan Jose Arevalo when he addressed the Congress of the Republic when presenting his report as President of the country in the year 1,947, referring to the creation of the Labor Code, decree number 330, and second, the words of Jacobo Arbenz Guzman, on national radio and tv on the night of Thursday June 20th, 1,952, date in which he launched Decree 900 and told the workers: “it is now your turn to ensure that this law is complied with, and it is in your hands to live an more deign existence as human beings, and to make Guatemala a great center of wealth” just like Arevalo pointed out on May 1st, 1947, “May God grant you the energy to defend it” referring to Decree 330.



Both speeches refer, on one hand, to the changes that had to be made to achieve the economic development of the country and its modernization, and that have still to be dealt with, like breaking the labor relations of slavery and large estates that prevent social and economic progress; and on the other hand, to the important role that workers play as the most determinant productive sector in this transformation.

To this end, and even before the Labor Code –Decree 330- and Decree 900 were issued, the revolutionary governments issued the provisional unionizing law, which warranted the democratic transformation of the country. This law became valid even before the International Labor Organization –ILO- approved Agreement 87, Agreement on unionizing and the protection to the right to unionize in 1,948, and Agreement 98 on the right to unionize and collective negotiation in 1,949, both of them ratified by the State of Guatemala on February 13th, 1,952, also during the revolution.

Just between 1,947 to June, 1,954, unionism expressed through 117 organizations and 104,000 affiliates, that is, 10.74% in relation with the EAP, most of them workers in a dependency relation. The media news of those years tell of the strong participation of unions in defining public policies, in decision taking within the State and in the companies through collective negotiation and strike. Strong unions, political will of the State materialized in labor tribunals and an efficient labor inspection, committed with enforcing labor laws, contributed to quickly improve in a significant manner the life and labor conditions of all workers, especially the ones in the fields.

In bleak contrast with this scenario, by 2,012 the union movement in Guatemala represents only 2.2% of the total of the Economically Active Population. This percentage of unionizing, way below the one existing in 1,954, reflects the stagnation and deterioration of the union movement, and has been caused by the creation and perpetuation after 1,954 of an anti-union policy undertaken by the State of Guatemala, which disguises the culture of labor impunity of the

entrepreneurial sector and the lack of a belligerent union movement that's committed with the interests of the workers, and whose only goal has been to atrophy the social and economic development for the benefit of few.

History from 1,954 to this date shows how the general rule has been to criminalize the exercise of union rights, the interference of the State in union freedom, the imposing of obstacles to the constitution and inscription of union organizations, the murder, kidnapping, rape, threats, persecution and intimidation of unionists, union leaders, their advisors and family members and the impunity surrounding these crimes, the stigmatizing of the exercise of unionism, the dismissal of unionists as means of discrimination and the lack of compliance with firm sentences that order the reinstatement or reinstatement (in agreement with the Guatemalan legislation to the reinstatement of dismissed unionists, this must happen in the 24 hours following the request, in reality, this may take between 7 and 10 years), which, together with the systemic failure of labor justice has resulted into a total lack of conditions to exercise union freedom.

Despite the seriousness of what has just been exposed, this national reality was kept hidden from any due national or international attention until the year 2,007, using it to develop a dishonest competition on behalf of the country's entrepreneurial sector and the State of Guatemala against progressive entrepreneurs and democratic and civilized States that do respect ILO's International Agreements, honoring the commitments assumed before it.

The creation of MSICG marks the beginning of a whole set of denounces at a national and international level, pretending not only to bring this grave situation into light but also of showing that its solution would allow to generate the changes that are needed for the productive transformation of the country, for the strengthening of the state of the law and the consolidation of a more equal society, with higher social justice.

Each year, since 2,007, MSICG has denounced



before ILO the grave situation of the country, where it has been ignored that in the years 2,011 and 2,012 the Commission of Experts in the Application of Convenes and Recommendations –CEACR- pointed out this serious reality through a double footnote with special calling, thus summoning the attention of the International Community to the situation of Guatemala’s workers, most specially on the general lack of application of Agreement 87 on Union Freedom and the Protection of the Right to Unionize.

The missions of MSICG to the International Labor Conference, held every year in June at Geneva, Switzerland, were also fruitful and, on the year 2,011, the Commission of Application of Norms –CAN- which gathers employers, workers and government of the world, signaled at the graveness of the case of non-compliance with Agreement 87 with the highest call of attention that this organism can issue against a State, giving Guatemala a Special Paragraph. In this frame, the Committee for Union Freedom, also following the complaints presented by MSICG, signaled the situation of Guatemala with grave and urgent callings.

CEACR’s double footnote, CAN’s special paragraph and the urgent callings of the Union Freedom Committee are the deepest contributions that can be issued from these Control Organs for compliance with ILO’s Agreements, in this case of Agreement 87, to a State that repeatedly violates union freedom and does not show the least political will to warrantee compliance with them.

Despite the solidarity shown by ILO and its mandators, that is, the employers of the States and of the workers of the world, the State of Guatemala has neglected to attend the observations of ILO’s control organs, and has looked down on the technical and financial assistance that’s been offered to it, stubbornly worsening the conditions

that make the exercise of union rights so difficult to practice.

Concerned about this situation and its impact on world peace and on the development of civilized nations, a group of world unions accredited in the 101st International Labor Conference presented a request before ILO’s Governing Body in the frame of Article 26 of ILO’s Constitution, asking that a Commission of Inquiry be formed for the case of Guatemala.

The Commission of Inquiry is the strongest evidence of ILO’s solidarity to a State that repeatedly breaks an Agreement and refuses to take the steps asked of it. In this case, the State of Guatemala has repeatedly omitted to comply with Agreement 87 and to warrantee it.

“ Since 1,919, the Commission of Inquiry has only been formed 13 times ”

Since 1,919, the Commission of Inquiry has only been formed 13 times, for the following countries: Germany in 1,985, Belarus in 2,003, Chile in 1,975; the Dominican Republic in 1,983; Greece in 1,968, Haiti in 1,983, Liberia in 1,963; Myanmar in 1,996, Nicaragua in 1,987, Poland in 1,982; Portugal in 1,969, Romania in 1,989 and Zimbabwe in 2,010.

In all of these cases, the Commission of Inquiry has been vital to contribute to at least minimum compliance with the corresponding Agreements. It could not be otherwise, since the installation of the Commission of Inquiry produces the immediate appointment of impartial international personalities of the highest level, who analyze the situation in detail, interviewing witnesses, victims and even visiting the country to confirm the issue in situ.

Later on, the Commission issues a series of recommendations, setting a reasonable deadline for its compliance. If this does not happen or the referred State, in this case the State of Guatemala, does not accept them, the case is submitted to the International Court of Justice, whose sentences



must be enforced and cannot be appealed.

On extreme cases, the lack of compliance by a State that's submitted to a Commission of Inquiry has resulted in the decision that the non-complying State is submitted to a special yearly session held by CAN, until it's verified that the State complies with its duties, until the relations that can be held with the state are examined, and adequate measures are adopted to ensure that the member cannot use such relations to perpetuate or develop its labor system without complying with the allegedly violated rights, and contributing as much as possible to the application of its recommendations, recommending the financial organisms of the United Nations system to suspend any relation with the State until the questioned Agreement is complied with, without mentioning the consequences which can be derived within the commitments established in the free trade agreements and treaties.

In this context, and taking into account the graveness of the lack of compliance with union rights in Guatemala and the permanent lack of political will of the State to comply with Agreement 87, MSICG considers that the state of Guatemala and the Guatemalan democracy urgently need the installation of a Commission of Inquiry which allows

the State to prove without doubt that it does have the political will necessary to warrant a minimum respect to the workers' dignity.

A Commission of Inquiry that is able to interview the victims and the witnesses and to visit the country, will be in better conditions to reaffirm what's been noted by ILO's Control Organs and in conditions to generate conclusions that allow us to overcome the problems of absolute inapplicability of Agreement 87, and the gaps of social injustice and economic backwardness that its lack has produced for our country.

In this sense, MSICG calls to the international community represented in ILO's Governing Body, to decidedly bet on the strengthening of the Guatemalan democracy and to the formal peace signed in 1,996, supporting the installation of a Commission of Inquiry through its vote, in order to review the situation of application of IO's Agreement 87, ratified by the State of Guatemala more than 60 years ago.



The little corner

Here there is
no command line



PLUTOCRACY AND REMILITARIZATION

By: MSICG

TRIBUNA

Each morning, Guatemalans jump out of bed and head to our work places, and everything is so confusing that we don't know if we're watching a movie about the 1980's Guatemala or if it's a normal day of any month in 2012. Our children between five and ten watch TV and, in the face of the propaganda displayed by the government and the short news clips ask us: That happened in Guatemala in times of war, right?

The thing is that the situation could not be otherwise, after the general elections of the year 2011, which gave retired General OTTO FERNANDO PEREZ MOLINA, candidate of the Partido Patriota, the presidency of the Republic. With the Partido Patriota, which defines itself as a Liberal Constitutionalist party, assuming power, several military, entrepreneur and long standing entrepreneur representing cadres were set at the head of several State Ministries, Vice Ministries and Secretary's Offices, with the only purpose of guaranteeing the implementation of the entrepreneurial interests of the country's wealthiest families, as well as of diverse transnational companies, and the submission of the population to such interests whether by peaceful means, by military persuasion or by the apparently legal incarceration of any legitimate representative of the interests of the population with the consequent weakening that this would imply for the weak Guatemalan democracy.

Mr. SERGIO DE LA TORRE GIMENO, ex Chairman of the Board of the Chamber of Industry of Guatemala, of the Association of Textiles and Garments Industry (VESTEX, for its initials in Spanish) which is in time a member of AGEXPORT, ex president of CACIF and of the Federation of Industrial Chambers and Associations of Central America and the Dominican Republic (FECAICA for its initials in Spanish) was set at the head of the Ministry of Economy; Mr. CARLOS FRANCISCO CONTRERAS SOLORZANO, former member of the CACIF's Labor Commission, ex President of the Central American Administration Council for Resolution and Titling of Actives and Credits, S.A., ex President of the Administration Council of La Rinconada, S.A. and ex First Vice-minister of Labor and Social Prevision of Guatemala during the Government of JORGE SERRANO ELIAS was placed at the head of the Ministry of Labor and Social Prevision; retired lieutenant-colonel HECTOR MAURICIO LOPEZ BONILLA was appointed to head the Ministry of the Interior; Mr. ALEJANDRO SINIBALDI, member of one of the most powerful families in the country was appointed Minister of Communications, Infrastructure and Housing, etcetera.

In tune with this, all the State apparatus is moving its gears to promote a national policy that materializes the proposals of the most conservative entrepreneurial groups, for which, as it could not be different, public resources are granted, the Army is empowered and union, indigenous and peasant leaders are stigmatized, incarcerated and murdered.

Through Decree 12-2012 of the Congress of the Republic, the congressmen approved negotiation of the Loan Contract number 1734/OC~GU, to be signed between the Republic of Guatemala and the Inter-American Development Bank -IDB- to help the Program in Support of Strategic Investments and Productive Transformation, for an amount of twenty nine million US dollars (US\$29,000,000) to be executed by the Ministry of Economy, and paid by all the Guatemalans.

The National Employment Policy 2012-2021 was recently approved, promoted by the most conservative entrepreneurial groups, whose priorities are framed in the use of public resources for highway building, in order to move merchandise and to finance companies and business projects; the implementation of conciliation mechanisms for labor conflicts in detriment of the State

intervention to guarantee the coerciveness of labor and social prevision laws, the implementation of incentive packages for investment defined with municipal governments, the main ones being the ones that refer to employment costs, to the fixation of minimal wages and labor conditions and to the deregulation of the workers' rights contained in the diverse normative bodies, including international agreements.

It was in this frame that the labor policy for the agricultural sector presented by the Lands Chamber was approved. Since this policy was approved surrounded by great opacity, MSICG asked to be granted an integral copy of it through the Law of Access to Public Information. As an answer to this, the Ministry of Labor and Social Prevision said that they didn't have it. Also, the National Competitiveness Agenda was established and the National Youth Policy 2012-2020¹ was established, creating in turn a specific council within the Ministry of the Interior.

Regarding this policy and the guidelines for employing young people, it's regretful to witness that this Government, under the pretext of including youth in the labor market, has gotten to the point of promoting their hiring, disguised under the figure of scholarships or internships financed with public funding, through which young people will give out their labor force to private companies,¹ especially textile and confection maquilas, getting in exchange a payment that will not reach 50% of the legally set minimum wage, and without the protection of the most basic labor laws, among them social security.² Regarding this, in Congress there's the bill of law number 5548 presented by MARIO ALEJANDRO ESTRADA RUANO and the 'My first job' program of the Executive Organism has been made public, as well as the pilot plan to support youth and women.³

With this in mind, both the Ministry of Labor and Social Prevision and the Ministry of Economy have been jointly

-
- 1) Government Agreement 173-2012 of the President of the Republic, dated August 9th 2012.
 - 2) Diario de Centroamerica, August 3rd, 2012.
 - 3) Prensa Libre, Diario de Centro America, October 12th 2012.



supporting the Law of Incentives for Investments, Jobs and Productivity,⁴ the Law of Labor Inclusion, the Reforms to the Labor Code, etcetera, and several coordination instances have been set, all characterized because they are made up only with members of CACIF and its various chambers.

We should especially mention here the creation of the Social and Economic Council that, according to its law, is made up with a majority of members from the entrepreneurial sector, violation the most basic principles of any democratic social dialogue.

Within the frame of this new policy there's the implementation of the Axis for the Promotion of Private Investment in Rural Territories, whose first measure was the Presidential decision of lifting the moratorium to grant licenses to explore and exploit natural resources, this despite the fact that ILO's Commission of Experts in the Application of Convenes and Recommendations -CEACR- asked that these should not be activated until the consultation mechanisms of ILO's Agreement 169 were established and respected.⁵

To this date, there are more than 669 licenses in process of approval for reconnaissance, exploration and exploitation of natural resources, of which at least 354 are destined to metal resources. At this point, it should be noted that, through the Ministry of Energy and Mining, the government accepted that the entity Montana Explorer, S.A., give them an economic donation, thus pretending to limit the scope of the observations of ILO's control organs as well as other organs of the UN system, and even in detriment of the fiscal capability of the State.⁶

During these months that the current government's been in power, we have witnessed a public administration at the total service of the entrepreneurial chambers, and presidential and vice-presidential speeches that are worthy representatives of the ideology of the most recalcitrant economic sectors.

Most of the agenda of the Executive Organism and its offices has concentrated on inaugurating, visiting and supporting many businesses and sectors, and even on doing lobbying and negotiating for businesses. Recently, the President of the Republic was supervising the works for the implementation of the Jaguar Energy Plant in Escuintla, and he stated his support to the company in

Statements of the Vice-President of the Republic:⁷

Regarding the generation of jobs, the State has no obligation of generating them, but rather of creating the necessary conditions for entrepreneurs to have a good business climate and to be able to invest in more companies. The last administration hired many people and left the institutions crowded with staff, and many of them took a hold of this chance and unionized.

offices in Guatemala, sped up the setting of the San Rafael Mine, not to mention the countless times that he has taken part in the many entrepreneurial conferences that are taking place in the country, in which it is religiously repeated that the only salvation for Guatemala is the business sector, therefore the State only has the duty of letting do and letting pass.⁸

It is within this frame that we should also understand the trips of the members of the Ministry of Energy and Mining

4) <http://www.industriaguatemala.com/noticiascig/index.php/economia/1036-mineco-impulsa-ley-para-crear-empleo>.

5) See CEACR's Observations on ILO's Agreement 169, asked by MSICG for the years 2007, 2008, 2009, 2010, 2011, Report of the special relator for indigenous people.

6) Ministry Agreement 190-2012, signed between the Ministry of Energy and Mines and Montana Explorer, Sociedad Anónima.

7) <http://listadoviajes.guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/1561-revisar%C3%A1n-plazas-de-trabajadores-el-estado>

8) Workshop for the verification of origin for garments and textiles. Economic forum on productive chains, Exp-calzado, etcetera.

and of the Ministry of Environment to Bogota, Colombia, among other destinies, to explain the licensing process to explore oil areas. During this meeting, the process of oil areas licensing was promoted among 50 business men of this sector, who have operations in several countries. Seven leases are foreseen, stated government officials, and they added that the Government was expecting offers for places such as Cotzal (1-2012), San Francisco (2-2012), La Libertad (3-2012); Laguna blanca (4-2012) and Cancuén (5-2012) under the figure of a contract for areas in the phase of indirect exploration, and for the projects of El Cedro (6-2012) and Xalbal (7-2012) with the figure of an indirect and direct exploration.

It is evident that in order to keep implementing such policies in a country with the levels of inequity that Guatemala shows requires of an iron fist, especially against all those that might oppose them, therefore, although the Peace Accords established the State's commitment to reduce the Army, the President of the Republic has put the national and public security in this institution's hands, under the excuse of fighting drug dealing and organized crime.

The different Presidential Secretary's Offices linked to security, such as the President's Private Secretary's Office, the Administrative Affairs and Security Secretary's Office (SAAS for its initials in Spanish) and the State Intelligence Secretary's Office (SIE for its initials in Spanish) are made up of military officers of long careers.

On national roads, civilians are constantly stopped by military road blocks, the so-called Joint Task Forces have been implemented, as well as squads and military control posts, military bases have been created, especially in the areas where there are more concessions and mega-projects planned. For the year 2013, the Army foresees the creation of ten control posts and military bases with the excuse of fighting drug traffick.⁹

To strengthen the Army's control over the possibilities of reaction of the population, the Reforms to the Constitution promoted by the Executive Organism on articles 244, 246 and 250 of the Constitution pretend to grant the Army the status of civilian security force, with such functions.

The Congress of the Republic, totally controlled by the Partido Patriota and its allies, and contributing to the afore mentioned policies, recently issued the Decree 15-2012 of

the Congress of the Republic of Guatemala, "Law of the General Direction of Criminal Investigation -DIGICRI, for its initials in Spanish-" which is far from the initiative promoted at first by several social sectors, and through which a State security corps under the control of the Executive Organism is created, with a quite ambiguous regulation which allows for an exaggerated degree of discretionary nature, which can become harassment against the population, violations to human rights and a mechanism to threaten to submit social protest to controls similar to those that existed during the armed internal conflict through the so-called "judicial police".

The Guatemalan Union, Indigenous and Peasant Movement -MSICG-, together with its member union, SITRADICMP and of the Congressmen of the Encuentro por Guatemala party as well as a Congressman from the UNE party, presented a total unconstitutionality appeal against this law on October the 8th, 2012.

Added to all this there is a strong tendency on the side of the Executive Organism to incarcerate and murder union, indigenous and peasant leaders that oppose the implementation of all these policies, therefore, already on the 21st century, once more Guatemala has political prisoners and several leaders are being subject of strong persecution, stigmatization and murder.

An example of this was the massacre executed on October 4th, 2012 by the Army and agents of the National Civilian Police against companions of the 48 cantons of Totonicapan, who had been summoned to a peaceful protest by their indigenous leaders with the purpose of showing their opposition to the constitutional reforms proposed by the executive power, the so-called educational reform imposed by the Ministry of Education without consulting the indigenous people and the high cost of electricity.

The attack of the army and the National Police against the indigenous population produced, by the time this article was being written, 7 dead, 37 wounded and 35 intoxicated, all of them members of the civilian population. Other examples of what we say here are given by the

9) Creation of the military base in San Juan Cotzal, Quiché, Mayan Task Force in zone 18, inauguration of the sixth squad of citizen security, etcetera.



stigmatizing statements of the entrepreneurial chambers about the role of social movements in a democratic society and even of the very role of the friendly countries that act as guarantors of the peace process.

On April 17th, 2012, the newspaper el Periódico quoted the President of CACIF as saying: “In the case of social unrest due to investments, it is clear that this is caused by the manipulation of international cooperation, these focuses must be identified to disarticulate the manipulation that, in the end, takes competitiveness away from the country. It is a joint effort among the private sector, which has already identified where the resources come from and how they’ve been channeled, and the Government must implement concrete actions, we cannot promote an ANC¹⁰ if new investments are prevented.”¹¹

In a likely sense, Fanny D. Estrada, well known entrepreneurial leader, expressed in her opinion column of the Prensa Libre newspaper: “these organizations are supported from our country by people whose daily work consists on sending information that invalidates the real public and private efforts made to promote compliance with labor laws. As a result of this international campaign, the threats of further discrediting us have soon been issued by a very important commercial partner.”¹² This was stated

soon after MSICG presented the investigative report The Textile and Confection Maquila in Guatemala, Opportunity and Development?

The sum of stigmatization, criminalization of social protests and radicalization of conservative positions of the Guatemalan entrepreneurial sector have even allowed for the beginning of campaigns with a xenophobic bias, intended to have the governments of friendly countries retire the cooperation that they provide to Guatemala's social movement, and to generate a feeling of rejection towards those that denounce the graveness of the situation of the majority of excluded people in the country.

10) Agenda Nacional de Competitividad –National Agenda of Competitiveness for its initials in Spanish.

11) El Periódico, april 17th, 2012.

12) Prensa Libre, May 14th, 2012.

MSICG On the Web



www.movimientosicg.org

Access too:

www.movimientosicg.com

www.movimientosicg.net

www.msicg-guatemala.org



www.facebook.com/movimientosicg



@MSICG



www.youtube.com/movimientosicg



by: **Katja Winkler**

PERSPECTIVES OF AN UNEQUAL STRUGGLE FOR MEANS OF LIFE

Finished her undergraduate studies in Ethnology at the National School of Anthropology and History of Mexico and did her Graduate Studies in Natural Resources Sciences and Rural Development at the Colegio de la Frontera Sur, Chiapas, Mexico. She has experience in community work in Guatemala and Mexico, has cooperated with several academic research projects in both countries. She has been an advisor for the National Coordination of Peasant Organizations –CNOC–, for its initials in Spanish- on the issue of territory construction and defense, and is currently an investigator of the Institute of Agrarian and Rural Studies –IDEAR– of the CONGCOOP.

1. The failed economic model

The economic and development model followed by most of the planet is no longer in conditions to hide its weaknesses, caused by the growing breach between economic growth, on one hand, and the production of systemic poverty on the other: the environmental global crisis expressed through climate change is entirely based on the consumerism patterns held by the growing world human population, which is now above 7 billion inhabitants. The increased use of resources is causing a growing production of wastes, an advancing agricultural frontier, and a increasingly voracious actions by extractive industries.

The current energetic consumption is marked by the uncontrolled emission of carbon dioxide (CO₂) and other greenhouse effect gases generated by the use of polluting energies in the human activities of production, distribution and consumption. Climate change, in turn, causes great floods, grave droughts, recurrent tropical cyclones of great intensity, global warming and melting of the glaciers, an early or late winter, etc., which again has direct repercussions in agriculture and alimentary security. In the face of an unimaginable ecological collapse of planetary dimensions, we should ask ourselves who are and will be the most affected.

We should remember that the world energetic consumption is mostly based on fossil fuels and the generation of nuclear energy. Since these were the first non-renewable energy sources, their world reserves are running out. Currently, the USA and EU



are striving to reduce their economic dependency of oil and gas exporting countries through a relatively new trend: the generation of biodiesel and ethanol produced from basic alimentary grains and oil palm. Thus, the IBD is currently making million dollar investments in Latin American countries to increase the production of basic grains for ethanol.¹

The nuclear disaster in Fukushima, Daiichi, Japan, after a tsunami on March 11th 2011, represents one of the biggest nuclear accidents in history since the Chernobyl disaster in 1986. It also opens the debate regarding the substitution of nuclear energy for clean ones and the closing of nuclear centrals, since moving towards cleaner energy sources is technically and economically feasible. However, the great oil companies are opposed to this, since the profit they get from such industries is very large. Added to this is the weak nature of the agreements reached in environmental summits, which do not represent a real opposition.

Likewise, Guatemala suffers a strong dependency to fossil fuels, despite the fact that firewood is the main energy source to cook and/or get heating. The use of gasoline represents 54% of the total consumption of the country's fuel, to make the parquet vehicular work. But the electric subsector is the second largest contributor to the emission of greenhouse effect gases. The hydroelectric potential, on the other hand, tends to be regarded as "underused", and according to mega projects such as the Puebla-Panama Plan, there are projects to strongly exploit this resource, in order to export energy, regardless of the constant and latent social, environmental and agrarian conflicts that this implies.

One of the many global crises is the financial one, which peaked in the year 2008 and is still not over, despite showing slight signs of recovery. One of the causes of this crisis, which produced the falling of the stock markets and the decrease in the gross internal products, was the indebtedness of the population –of the United States- through real estate credits with extremely low interest rates through private banks. The regulations for investing, which were annihilated during the 90's, made possible to have loans and abstract speculation

with no real values to be based on, the so called credit bubbles, which produced debts that were impossible to pay. This was followed by expropriations done by the banks, as well as by massive sales of goods that were acquired through credits, and finally by transactions and trades using debts that were classified according to payment probability grades by the financial capital. The "rescue" programs undertaken by the countries have turned out to be inefficient and palliatives: the banks have taken control of the governments, getting million dollar worth rescues after being contributing to the current crisis. The cause of this is that private banks seek to assume their debts with public funding, that is, with the peoples' taxes. As an answer to all this there are global movements such as the 15M and the movements of the outraged, which deserve attention due to the strength with which they oppose payment of bank debts with public funding. We could say that the ones that rule are not the governments, but investment groups and financial capital groups, since they are the ones that call upon the summits of the G20 to decide the future of the planet.

Due to the increase in the prices of food and to the economic world crisis, far from complying with the main development goal of the millennium of reducing the proportion of hungry people to half between 1990 and 2015, the number of hungry people around the world –which adds up to around a billion²- has increased. Despite optimistic and paternalist speeches, the policies aimed at the agro have produced the annihilation of the small and middle peasantry: agriculture represents one third of the gross internal product of the so-called poor countries, and two thirds of their employment. But agriculture receives no subventions in the countries of the South, and it only receives 4% of the humanitarian aid destined to all countries, and 3% of the assistance given to development.

- 1) The IBD carter for Guatemala sets a goal of 3.5 billion gallons of etanol per year for 2030.
- 2) WFP and FAO 2010. The State of Alimentary Insecurity in the World. Rome.

2. Extraction, new markets and the hegemony of companies.

It should be mentioned that the raise of the international prices of food and basic grains is greatly caused by the financial speculation of them. Raw materials have become subject of speculation in the stock markets, so now not only oil, but also other natural resources and basic grains like rice, wheat and corn, have become commodities. The price increase, which doubled between 2006 and 2008 at an international level, can't be explained through the market laws of offer and demand, but by the bets of investors and speculators. The ones that profit from harvest loss and natural disasters are the banks, which therefore maximize their profits. Others that benefit from this are the corporations that control the world market of food, seeds, phosphates and other inputs, like the Cargill Group, Archer Daniela Midland and Bunga, Du Pont; Monsanto, Syngenta and Limagrain. There's evidence that on the year 2008 the world food industry registered income that made food production one of the fastest and largest growing ones despite the crisis, together with pharmaceutical products and weapons.

The Free Trade Agreements (FTA) and Association Agreements ensure that the regulation frameworks of the countries of the South are in agreement with the main goals of market and resources access from the signatory countries of the North. Such is the case of the DR-CAFTA and the treaty between the EU and Central America, as well as a recently signed Multiparty Commercial Agreement between the EU and Colombia and Peru (AdA). While the FTA DR-CAFTA has direct impact over the small and medium peasant economies and on the alimentary security due to the questionable policies of North American dumping, the AdA of Central and South America with Colombia and Peru are causing a growing weakening of the Latin American States, because they condition the States' capacity to regulate foreign investment. European companies and transnational corporations ensure unlimited access to natural resources and other strategic areas in Latin American territories.

One of the currently growing trends in countries that

are rich in currency but poor in resources is to ensure access to them by acquiring and purchasing lands. Worldwide land stockholding refers to the explosion of commercial operations and transnational land speculation in recent years around the production, sale and exportation of food, water and agro fuels. Companies and governments from the North, which hoard the common patrimony, despoiling peasants and indigenous people and ruining the environment in the South. Current agreements regarding lands promote new patterns of eviction and despoil, and therefore a necessity to fight them. Several sources confirm that all of the land transactions approved or subject to negotiation between the years 2000 and 2010 amounts to 203 million hectares. Among the main actors of these transactions, besides States, are transnational companies, public-private alliances and investment groups.

As a trade mark in the geopolitical imposition chain, we must briefly and generally mention the terms of the military relationship between the United States and Guatemala. This is characterized by having a strong military presence with geopolitical interests, provided they "coincide" with the two following conditions: 1) social movements that defend natural goods, already identified and mapped; 2) presence of natural goods like oil, water and other minerals. The discursive pretext has been fighting drug traffic and the (internal) security of the countries, which in the end has been left in the hands of military forces instead of public order forces. Military control is promoted through the so called "joint operations", like the Colombia Plan, the Merida Plan and other more recent ones.

3. Extractives, Agro Businesses and hunger in Guatemala

In congruence with the previously described international situation, perspectives are not different in Guatemala. The conflict situation, especially the agrarian one, is expressed in the growing number of cases registered at the Agrarian Affairs Secretary's Office (SAA for its initials in Spanish) since 1997, adding up to 4,723 cases under all kinds of adverse classifications, many of them unsolved. The juridical insecurity on the land issue does not ail only those



who are searching for their personal legalization, but also and especially those who possess and handle lands in a communal or collective way. Since there are no trustworthy records of Community Lands, whose total surface is estimated in more than a million and a half hectares, they are subject to be made invisible or hoarded under legal figures, both public and private.

The fact that collective tenure of land is neither valued nor regulated on national laws is added to the sad situation that, despite being among the highest inequity rates of Latin America and despite a growing agrarian unrest, there has been no political will to establish an agrarian code, nor agrarian courts.

The national juridical frames in general have been taking the State apart and are more and more loose, which causes transnational companies and megaprojects to have an easy way in: Therefore, there are 428 mining projects currently underway in Guatemala, of which 176 are metallic mining (among the most harmful ones); oil companies, present in the country since the thirties, enjoy the fact that the areas granted to oil projects are growing and growing, often in Protected Areas. Wood extraction is growing, and largely illegal, since wood is now among the raw materials subject to speculation in international stock markets. The

expansion of monocultures intended for the export of their products and derivatives is growing at an accelerated rate. On the other hand, this is related to the water demand that monocultures have: It's important to highlight that the agrarian demand for banana and sugar cane determines, with 1,886 million cubic meters per year, the water control in the country.

The global land hoarding trends to ensure access to resources, especially food, water and energy, is in synergy with the geostrategic positioning of Protected Areas, which are managed by the State, NGO's and private hands, and add up to 31% of the country's surface. To this we must add State eviction, natural resources hoarding and agrarian counter-reform policies, undertaken by entities such as the Cadastral Information Registry –RIC, for its initials in Spanish-, the Agrarian Issues Secretary's Office –SAA for its initials in Spanish- and the Land Fund –FONTIERRAS-, all in favor of national companies and oligarchies with funding from international financial organisms such as the World Bank.

Finally, the re-militarization of Guatemala as a national state that's been weakened by the neoliberal *trajín* after the signing of the Peace Accords can be seen both in the growth of personnel and in the reactivation of military bases,



as well as in the disproportionate increase of the Ministry of Defense and in the intention to reform the Constitution to perpetuate the powers of the current executive administration.

In the face of this, communities are immersed in an unequal struggle for their livelihoods in their territories, which are often ancestral. They have been subject to repression and Human Rights violations through extrajudicial and violent evictions; all sorts of despoils, more and more ingenious mechanisms of psychological and physical harassment of communities. The criminalization of the resistance movements can be confirmed in the mass media, which form opinions and ideologies to strengthen the existing power structures. The so-called “terrorists” and “usurpers” of the sacred private property seem to legitimize the murders committed by the security forces, both State and private, which support the finca owners. They also grant legitimacy to Guatemalan political prisoners: throwing peasant and indigenous leaders in jail due to land and territory disputes, under false accusations.

4. Management of indigenous territories, and autonomy.

In the face of such a force correlation, how to imagine the recovery and defense of the territories? How to defend the land? How to set limits to a territory in the face of another one, and therefore be able to talk about autonomy?

It's clear that more than trying to define terms a priori, and to encage territory into a geographic classification, it's necessary to regard the territory as a political category related to the place. This should be seen as a struggle instrument, including several dimensions of cultural and diversity issues. This allows to think about the exercise of political autonomy from the everyday praxis.

I would like to call attention upon the fact that, although there's a great diversity in local and cultural expressions of the different people regarding the normative bodies that regulate the management of ancestral and non ancestral territories, there are some shared elements regarding the territory and

natural reality:

- It can be said that territories are made up of multidimensional relations of life forms (geographic, economic, political, ideological, cultural, environmental dimensions, and more.)
- There are collectives that share an ideology as struggle instruments (community; people), which implies an important acknowledgment of the collective nature of rights.
- The delimitation of collective territories can happen through the articulation of settling patterns (basins); the specific use of spaces (toponymy); the practice and use of natural resources and their cultural meanings; multiple economic activities and relations; the knowledge and multiple use of resources, including domestic and wild species; intangible levels of human social relations, (gender, genealogic and ethnic ones); spiritual relations.
- Nature and society are not regarded as separate (there is a continuity of bio-physic, human and spiritual issues, social relations comprise more than human beings).
- There is a special (historical) rooting to a territory that's conceived as a multidimensional entity; it is the result of multiple kinds of practices and relations.
- There are bonds made between symbolic/cultural systems and productive relations.
- There are wide bodies of community authorities among which there are positions in charge of the surveillance of the different natural goods (community assemblies, Community committees, transfer of instructions, transfer of old community property titles, community arrangements and regulations practiced in order to achieve the good use of a natural good, principles like the worth of true word).

Despite de diversity of expressions of cultural and territorial appropriation systems, one of the



common factors is the close relationship with the land, beyond the productive relation. The kind of relationship with the land and its management way is in turn related to the existence or not of normative bodies and of authorities surrounding the land and natural resources. Finally, we see that, the bigger the attachment to the land as a multidimensional entity, the bigger the chances that the regulating and authorities body will be strengthened. When this condition happens, collectives have a larger reaction ability in the face of despoil. Thus, the bodies that regulate and manage the territory make its defense possible. Else, the scenarios are more dismaying, finally leading to a loss of vital means for a wider community, which has a planetary scope and is not defined by cultural nor economic frontiers.

5. Final reflections and considerations.

Although international agreements establish mechanisms to defend territories, like good faith consultations, their applicability at a national level is still far from ideal. Political rights of community authorities still do not have full acknowledgement in national laws, and the regulating bodies related to the management of natural goods, such as land, water bodies and others, haven't been systematized nor acknowledged at a national level. We should add to this the challenge of organizing and defending the territories in a global and articulated manner, to counter the way in which the media handles the events, trying to isolate them and divide the movements.

That's why it would be necessary not only to deepen into the knowledge and systematization of community institutional practices, and in their promotion, but also to look for their official recognition. The promotion of the exercise of international mechanisms would then be equal to the promotion of political rights of community authorities.

Organizational articulation and alliances might allow to take un step further, and fully exert the people's collective rights and their cultural and autonomic policies. With this, basic aliments and natural goods would stay away from stock markets, and out of the reach of free trade agreements and of their production for energy purposes. It would allow the autonomic production of food based on the people's choices –who have grown them and domesticated them for centuries, feeding the whole country-, and they would not be left to the hands of agro-alimentary companies.

However, the urgent need of exercising juridical pluralism, and of leaving in the hands of the people their own ways of development through autonomies on indigenous territories, the regulation and justice application of transnational societies and of agro-businesses corresponds to an articulated and global collective.





TOWARDS A NEW ORGANIZATIONAL MODEL

By: MSICG

Guatemala is a country of marked contrasts and historical asymmetries, after more than 58 years of counter revolution and military and entrepreneurial governments; after 26 years of returning to formal democracy, almost 16 years after signing the Peace Accords and after 6 years of the validity of the Free Trade Agreement between the Dominican Republic, Central America and the United States of America, these contrasts have grown clearer and deeper, to the point where Guatemala occupies hardly desirable places in all indexes of exclusion, poverty, lack of transparency and access to human development.

It is not casual that the countries with the highest development and welfare levels around the world show traits that are highly opposite to those that prevail in Guatemala, like the levels of

industrialization, a better redistribution through wages and social investment, highly effective tax systems, trustworthy justice organisms, strong and branched unions, among other conditions totally different to the ones in Guatemala.

In the second report “Guatemala: The cost of union freedom” presented by MSICG, (The report can be downloaded from the web site www.movimientosicg.org) it was scientifically proved that there’s a policy aimed at destroying unionism in the country; regardless, the report also proves that, despite the fact that Guatemalan unionism has gone through stages of open prohibition, it then had higher levels of representativeness, incidence and credibility than the ones it now holds. If on one hand it’s true that the exercise of union freedom has



undertaken a huge campaign of stigmatization, this is not a recent phenomenon, and even so, in other moments of repression this was even clearer, yet union leadership had more social legitimacy than the current ones and this is largely due to the fact that unionism has lost the possibility to maintain an offer that makes it attractive to society and from there, the weakening process has walked hand in hand with the lack of ability to provide solutions, or expectations of solutions that compensate the risk implied in the mere fact of forming a union.

This has been reflected in a constant insecurity of labor with the subsequent social and economic effects that this generates for Guatemalans; therefore, the alternatives generated by the government and the business sector has reached the point of pretending to compensate the lack of wealth redistribution caused by the absence of decent labor conditions with welfare measures which, when stated more as acts of charity from the State than as acknowledgements of the dignity of persons and of access to labor sources and conditions that may in turn allow them to achieve human development, have caused the exclusion issues to deepen instead of being overcome.

In this context, we must bear in mind that in Guatemala, the strategies of the entrepreneurial sector pointed to industrialization for some decades in which factories of products with added value thrived, even generating a type of fuel that was commercialized by Texaco, however, this development didn't take off due to lack of State investment in health, education, labor qualification and implementation of decent labor conditions, and then it was affected by economic globalization.

All this shows in broad strokes the reason why the current economic system keeps having its

support in monocultures, and how this keeps producing a permanent hoarding of lands in few and the same hands, a situation that does not happen so dramatically in more developed countries.

In Guatemala, the only effort towards a land reform was the one started by the governments of Juan Jose Arevalo Bermejo and Jacobo Arbenz Guzman in the decade of 1944-1954, however, if we analyze this process, we can see that it was started by generating laws and institutions that tended to the dignifying of labor, that is, to the production of what we now call "decent labor, and it was not until these were implemented during the government of Juan Jose Arevalo Bermejo that then the government of Jacobo Arbenz Guzman started the process of land redistribution. If we examine the impact that this had on the national oligarchies and foreign business interests, we'll see that the impact of land redistribution was not larger than the one implied in acknowledging and respecting labor rights. Therefore, it was not casual either that the overthrowing of Arbenz's government was promoted by a monoculture multinational, and that one of the first measures of the counter-revolution was the banning of unionism.

The country's reality, from 1954 to this date, has changed little, because monocultures are still the main mechanisms of generating and concentrating wealth, and that the industries towards which business-State efforts are oriented are those that do not produce high added value and consequently require little qualified labor. This creates a synergic relationship between land hoarding and labor insecurity.

Land concentration and labor precariousness used in monocultures force people to migrate to urban centers in search of opportunities, then becoming sub-qualified labor, which is absorbed

by the textile and confection maquilas, private security services and domestic labor.

Monocultures, like textile maquilas and private security, which has had a particularly outstanding boom during the last decade, share as common elements the facts that they generate limited added value and that they base their profitability in a larger margin of labor exploitation, which in consequence explains the tendency towards labor insecurity and the resistance to land concentration. This in turn has produced more and more complex mechanisms of repression or social protests, of weakening of institutions and regulations created or acknowledged formally as mechanisms to protect labor and of the weakening, disarticulation or delegitimizing of those organizational expressions that must for natural reasons seek change in the economic and social conditions of the population.

If we understand that in Guatemala the main source of wealth and of its hoarding is the uncertainty of labor and not the mere hoarding of land, we will also understand the reason why there is a growing amount of monocultures and the generation of low or null added value industries is being promoted, together with the constant demands of the entrepreneurial sector regarding the establishment of larger controls upon social protests, hardening of evictions and regulations that legitimize the weakening which, in the practice labor guarantees have suffered through the inefficient work system.

And, based on this comprehension, we can also explain why the economic future of the country is not seated upon larger industry investments that might generate greater added value and require more qualified labor, on the contrary, the bet is on maquilas, on non-renewable resources extractive industries, monoculture and privatization of citizen security.

Therefore, MSICG must warn that there can be no struggle for land redistribution that is not linked to a higher intensity struggle for decent labor and vice-versa. The resistance towards land redistribution cannot be reduced without eliminating the de facto situations (since they operate in violation of the valid laws) that turn precarious labor into the main contribution of the State to the competition of products that are made in Guatemala, and that translate its impact into higher levels of exclusion, of poverty in exchange of maintaining or increasing profit and concentration, both of wealth and of development, in few hands.

Now, the model proposed by the 1944-1954 revolutionary process accurately acknowledges Unions as tools of economic and social dialogue, intended to approach both the issue of land access and of improvement of labor conditions, this is why Guatemala, for example, acknowledges the figure of independent peasant unions, which is absent from labor laws in other Latin American countries.

It is in this frame that we can also explain the reasons that have made the State of Guatemala not comply with the many recommendations of the International Labor Organization –ILO–'s control organs, which advocate for the real possibility of the creation of branched unions in the country.

And here, the country's unionism has also incurred in a grave strategic mistake, since it has admitted and has been circumscribed to unions of businesses or work places, limiting the offer to a less and less frequent and effective collective negotiation, which in turn has facilitated repression against unions, taking us to a dispersed unionism, with less and less real organizational and incidence possibilities towards solving the country's problems.



It can be said that by renouncing branched unionism, unions themselves have produced one of the main causes of the weakening of unionism in Guatemala, and of the impossibility of organizing unions in monoculture since, by pretending to create only business or work center union, it is much easier to focalize and destroy the organizational efforts, since there are no real possibilities of social defense in the face of the weakening of the justice system.

In this sense, MSICG understands as a priority need to unionize the agro and that, in the Guatemalan reality, this need is just as valid for the struggle to achieve decent labor as for the access to land, but it also understands that for this to happen, a steady process of renouncing business or work center unionism as organizational strategy must be started, given the vulnerability to which participants in these processes are made subject to.

As it has been mentioned, this set of priorities obeys to the fact that the agro is one of the main generators of jobs in the country, and that the precarious labor conditions there generates workers for other important employer sectors in the country, as is the case of the textile and confection maquilas, private security and house labor. This not counting that the lack of survival alternatives generated by work in this sector feed both free-lance jobs and illegal immigration.

With the goal of providing unionism with the necessary conditions to solve these problems, MSICG has considered and is now promoting a new organizational model, having now already two processes of such nature, based on central unions of a guild nature whose goal is to obtain territorial and organizational control in order not to insist in generating unionizing processes that are focalized and repressible from their origins in work centers, but adopting instead an inversed strategy, massively organizing the surroundings and penetrating the work centers through filiales

set in zones controlled from the surroundings, which would prevent dismissals to become a mechanism of elimination of struggles for compliance with labor laws, or for leaving behind struggle itself through collective negotiation, setting the employers in the face of choosing between negotiating collectively or dismissing and losing their productivity for lack of access to labor.

This process should have the natural effect of reducing profitability levels based on precarious labor conditions, and in consequence the elimination of the incentives to hoard lands and the resistance to redistribute them. Which, in turn, by promoting small estates as a productive alternative in the agro, would generate alimentary security.

In turn, this process should cause the search for investment alternatives on industries of higher added level and reducing the flux of poorly qualified labor to urban centers, feeding industries such as private security and textile and confection maquilas which, when the unbalance between offer and demand ceases, should lead to a steady improvement of labor conditions at a general level and advancing towards decent labor conditions for all.

In other words, for MSICG, the road towards decent labor and overcoming the structural problems of the country, necessarily goes through reengineering the very organizational logics of workers through organizational models that are separated from the scheme of dispersion and social political weakness implied by the company or work center unions.

It is, then, a matter of recovering the role of unionism in a democratic society, the warrantor feature of free unionizing and collective negotiation of an economic model that would produce human development and not only misery and exclusion as it now happens.



M.D., graduated from the University of San Carlos de Guatemala, -USAC- with a master's degree in Public Health, member of the Labor Medicine Association.
Secretary of Culture and Sports, SIPROSAT

AN APPROACH TO STRESS IN THE WORKING PLACE

(FIRST PART)

By: Dr. Edwin Haroldo Mayen Alvarado

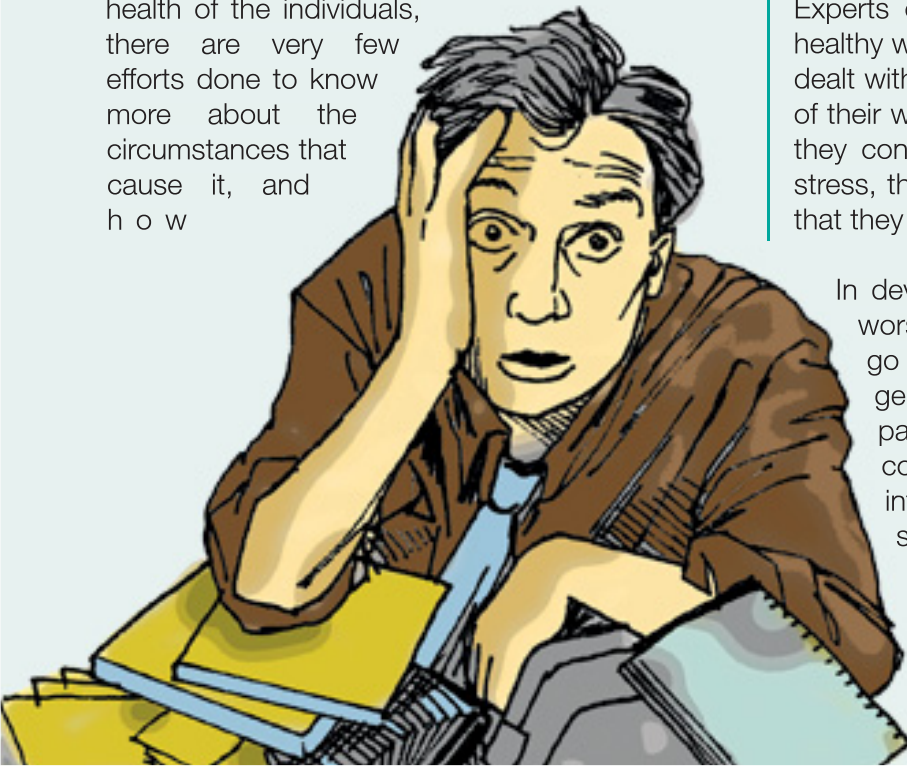
Each day, 6,300 people die because of labor related accidents or diseases –more than 2.3 million deaths per year. Also, every year there's 317 million accidents at work places, many of which produce labor absence. The cost of this daily adversity is huge and the economic burden of labor security and health malpractice is estimated in 4 per cent of the yearly global Internal Gross Product.

The health and security conditions at workplaces vary enormously among different countries, economic sectors and social groups. Developing countries pay a specially high cost in deaths and injuries, since a great number of people are employed in hazardous activities, with little or no regulations and almost no supervision on the side of the States; around the world, the poor and the least protected –often women, children and immigrants– are among the most affected. (1)



Dear reader, this space should provide a thorough review of the statistics regarding the incidence of stress problems (since that is the main issue of this article) as part of the problem of labor health, or it should even do an economic analysis of its direct and indirect implications, of the enormous problems that it causes at workplaces and of the effects that it has in the worker's productivity at his or her labor and personal surroundings, to finally indicate the estimated weight of this problem in the country's and the region's economy; however, in the face of the lack of trustworthy statistics, of the absence of useful indicators and being such an everyday aspect that almost no one is free from it, we will not focus on data to raise awareness, but we will rather expose basic considerations for an analysis that may allow to "do something" in our work place, whether by interventions done in the individual, in the work environment, in its processes and structure or in the workers' social circumstances.

Stress in workplaces has become one of the response mechanisms that cause graver and graver problems for people and also for companies and institutions; its consequences on health are more clearly perceived as time passes, as well as its effect on other areas of life; however, there are very few efforts done to assist on this cause, so most resources (when there are any) are destined to treat the damage that stress causes on the health of the individuals, there are very few efforts done to know more about the circumstances that cause it, and how



to prevent it or administer it.

"There's a potential for stress when the situation of the environment is perceived as a demand that threatens to overcome the capabilities and resources that the person has to satisfy it, in conditions in which he or she expect a substantial difference in the rewards or costs derived from satisfying this demand or not" (McGrath 1976).

It usually appears as a pattern of psychological, emotional, cognitive and behavioral reactions as a response to certain extremely overwhelming or demanding aspects, whether for their contents, for the way they are presented or for the environment in which they happen, and that are form the individual's circumstances, mainly the work environment.

Due to the most recent changes of the modern era and the new models of the global economy, several modifications have been introduced in the nature of labor, and because of this, people have to deal with an increase in work stress for which they are not prepared well enough, facing difficulties identifying and handling it; a very similar situations occurs at institutions where there are no effective mechanisms and resources to handle this situations.

Experts consider that the basic foundation for a healthy working force (with stress levels that can be dealt with), individuals must be motivated, feel sure of their work, satisfied and with the perception that they control their work. When people experience stress, they are often tense and anguished, feeling that they cannot face the situations.

In developing countries, work stress is usually worsened by a wide spectrum of factors that go beyond the labor aspect, ranging from gender inequity, few ways or means of participation and poor handling of industrial contamination, to illiteracy, parasitosis and infectious diseases, poor hygiene and sanitary conditions, malnutrition, precarious life conditions, inadequate transportation systems and poverty in general. Overwhelming problems linked to

globalization include unemployment, under-employment and self-employment, precarious work conditions due to new systems of labor organization and liberalization of industrial relations. Globalization has caused developing countries to face the challenge of dealing with the changing nature of work, like the increased fragmentation of the labor market, the demand of more flexible contracts, an increase in labor uncertainty, high performance trends, long and irregular work schedules, low control on work processes and its satisfiers and low wages, to which we should add the new labor risks that the old and new industries and technologies bring, the growing inequity and a decreasing priority regarding social aspects in many places around the world.

Therefore, it's necessary to debate on this new epidemics which is threatening the people's wellbeing and to propose to understand the problem from a more general perspective, as the following graphic shows, starting from the general to go to the particular, with interactions between these levels. The influence between the general level, and its own influence over the industry and people, as well as the individual traits and their

as the individual traits and their potential influence in other individuals, work conditions and the overall level of development of the country or region are widely accepted. There are no magic formulas or simple models; however, with this approach we pretend to contribute with general ideas for the understanding and, hopefully, the solutions, especially in underdeveloped countries; starting from conceptual models developed by experts' panels. (fig. 1)

To try and orient the analysis of the model and its implications, we will try to approach the variables that are indicated in this model from a practical perspective, however, I must insist again that this is not an exact science.

LEVEL OF DEVELOPMENT OF THE COUNTRY

The conditions of development of the country are reflected in each home. The coverage, quality and sufficiency of social programs, the level of social vulnerability derived from poverty and low attention

Model of causes and consequences of stress and their interrelationships

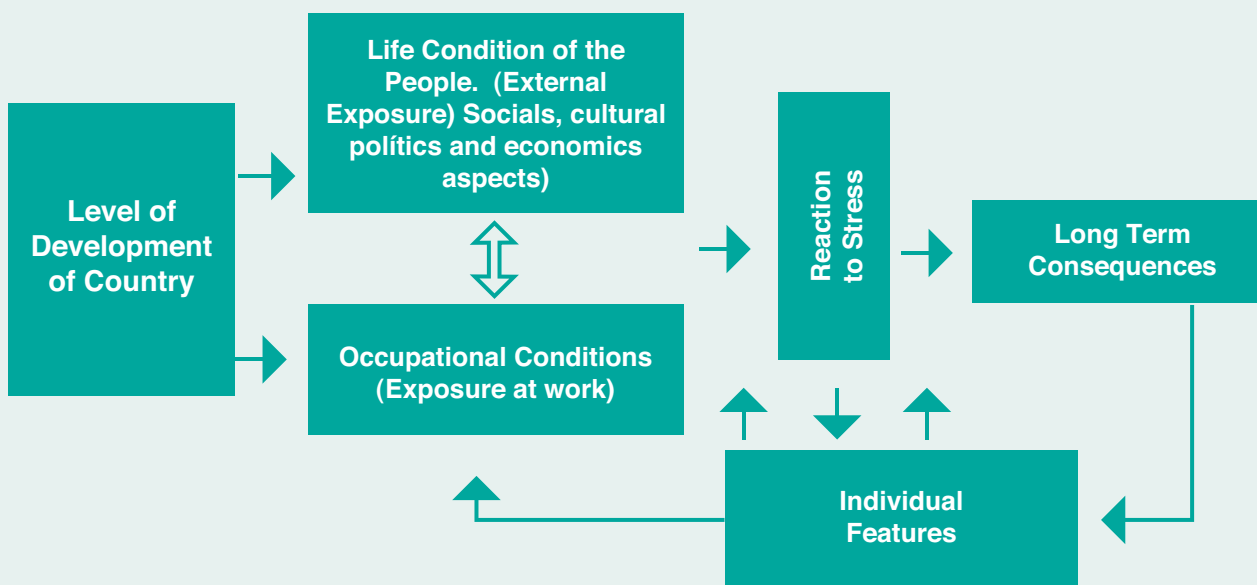


Fig. 1



to needs, as well as the state of investment in infrastructure for development and human capital, determine the natural results of these consequences in the homes of developing countries, which try to cover the cost of improving their social-economic conditions with diverse implications, especially in the economic-familiar level, making it a high demand situation in the everyday life conditions.

It is no secret that the conditions of most of the population are of poverty, with the deficit that is naturally produced by this state of things, high social unrest and great dependence, governments have been unable to produce that state of opportunity which improves the level of wellbeing of people; so from the general perspective there are already many reasons to live with stress.

LIFE CONDITIONS OF THE PEOPLE

To analyze this element in the causes of stress for the individual, we find that the life conditions include a series of situations that grant it either vulnerability or capacity to withstand the problems; the expression of these conditions in the different groups generates the conditions of the country, and among its variables we can mention, but not be limited by:

- a. Economic situation: levels of savings-debt, access to credit with low interest rates or difficulty to do so, economic resources to finance the family plan when there is one, resources to attend contingencies, underfinanced budgets, etc.
- b. Housing conditions: Is the house shared with other families? Is it rented, has it been bought through a loan? Is it adequate for the family needs?
- c. Level education and educational aspirations: financing capacity, educational offer, debts for education.
- d. Diseases, addictions: Chronic illnesses in the

- e. family, health budget, financial risk management for health, health offer at an affordable price, other sources of expenses due to addictions such as alcoholism, tobacco and their consequences.
- f. Personal and heritage insecurity: Levels of common criminality, organized crime, political crimes, low social tolerance.
- g. Family configuration: one single parent households, family roles, family structure to assume responsibilities, social support to families, dysfunctional families.
- h. Cultural patterns: Religious practices, support groups, social and cultural expectations.
- i. Family needs: third age people, children with special needs, extended family.

LABOR CONDITION

- Types of contracts
- Features of the work environment
- Labor day, shifts, distance from home
- Remuneration (to satisfy basic needs and aspirations)
- Structure and complexity of the task, psychological demands of the work position, possibility of skill use.
- Individual goals at work, qualitative, quantitative and organizational.
- Administration processes and bureaucracy levels.
- Work risks and occupational diseases
- Accompaniment at work, feedback possibilities, information on the behavior that's demanded.
- Levels of task decisions and empowerment.
- Organizational structure
- Incentives and consequences
- Achievement acknowledgements, value of social position.
- Safety at work
- Recreation at work

At this point, dear reader, you should ask yourself the following questions:

1. What are the labor policies of my own company for these variables?
2. Are the processes of my company or institution stress precursors or is there an assumed social responsibility for a healthy workplace?
3. Is there a primary prevention model to reduce stress risks or factors at work places? Are there any stress buffers?

REACTIONS TO STRESS

All of us react to stress, actually, stress is so important and necessary that, if this process did not exist in our organism we could die; actually there is a positive stress, called Eustress, that gives us energy, health and vitality, a state that might even contribute to facilitate decision taking; our abilities to face the outer world without suffering an inner unbalance can be attributed to it. There is also the Distress, a term that's used to describe nasty stress, which can produce physiological responses in the organism (in a normal range of such a stimulus) and among the reactions to it we can frequently find:

A. Organic reactions

- o Rise in arterial pressure
- o Change in the heart beat
- o Sweating
- o Muscle tension
- o Fatigue, exhaustion
- o Superficial and quick breathing
- o Immunosuppression

B. Emotional reactions

- o Rage, anger, depression, anxiety, impotence.
- o Lack of motivation
- o Aggressive behavior
- o Lack of concentration
- o Apathy, indifference
- o Low self-esteem
- o Anti-social conducts
- o Efforts to find defects.
- o Low threshold of frustration.
- o Progressive distancing.

- o Lack of confidence
- o Cynicism, pessimism.

C. Cognitive reactions

- o Reduced attention
- o Bad perception
- o Forgetfulness
- o Reduced learning capacity
- o Reduced problem-solving abilities

D. Behavioral reactions

- o Productivity reduction
- o Increased vulnerability to addictive

E. Behaviors such as alcoholism, smoking and others.

- o High incidence of mistake making
- o Reporting sick to work (labor absence)
- o Labor dysfunctions
- o Difficulty to integrate work teams.

FEATURES OF AN INDIVIDUAL IN ORDER TO INTERACT WITH A STRESS AGENT

These can determine in good measure the high or low tolerance and its reactions to stress and its manifestations:

The way in which individuals face stress, or the "facing styles", including the (perceived) capacity to efficiently face or value such factors and the measure of control over the environment; the aspirations and realization capability, his or her interest on the environment, the participation in motivational activities and the projection through means that are particularly significant to them, the previous experience of the individual in the face of a similar situation and his or her empirical situation, all of them will have incidence on this interaction and its effects, as well as for the permanence or reversibility of its manifestations, that is, the person's traits (phlegmatic, choleric, melancholic, sanguineous or a mix of them; as well as his or her



learning ability) can interact with psychosocial external factors and increase or buffer their effects.

At this point you should ask yourself:

1. Are there interventions that favor the ability to face stress and other individual abilities in my company?
2. Are there mechanisms to identify early stress at work in my company?
3. Are workers and supervisors able to recognize stress signs at an early stage?

LONG TERM CONSEQUENCES

Eventually, mental and physical disorders can be produced, altering the immune system; some consequences can be:

- Accidents
- Increase in occupational diseases
- Vague, unexplainable pains
- Dyspepsia, gastritis
- Sexual disorders
- Personality disorders
- Muscle and bone disorders

- Insomnia and other sleep disorders
- Colitis
- Hypertension
- Migraine
- Heart attacks
- New addictions
- Hypochondria
- Family and labor violence
- Being dismissed or resigning from work
- Death

Stress, as a source of bad mental health (in its origin) is an important problem that has high costs, both human and economic.

Preventing stress is profitable. It's easy to find signals that preventive programs produce important benefits. For example, an increase in motivation, decrease in leave of absence for health reasons, improvement in the working place environment, having labor active populations.

BIBLIOGRAPHY

1. I. Jettinghof, Karin. II.Cedillo, Leonor. III. Title. IV. Title: Sensibilizando sobre el Estrés Laboral en los Países en Desarrollo. Un riesgo moderno en un ambiente tradicional de trabajo: Consejos para empleadores y representantes de los trabajadores. V. Series.
2. <http://www.ilo.org/global/topics/safety-and-health-at-work/lang--es/index.htm>
3. <http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/EnciclopediaOIT/tomo2/34.pdf>



Lawyer and notary, specialized in tributary law.

Secretary General of the Union for the Dignification of the Workers of the Tributary Administration Superintendent's Office – SIPROSAT –

INTERVIEW WITH SYLVIA GUADALUPE BÚRBANO ARRIOLA Secretary General of the SIPROSAT

HOW DO YOU SEE THE SITUATION OF THE COUNTRY IN GENERAL?

Some decades after we started being a democratic country and fifteen years after the signing of the Peace Accords, we are still a country of contrasts and contradictions, and I'm mentioning these issues because due to their depth they should have caused great political, social and economical changes, which we still long for and search. Through its social structure and perverse mechanisms of participation, Guatemala keeps perpetuating the status quo and postponing the progress of democracy, with very poor results and even going backwards in some cases.



Currently, out of 14 million inhabitants of the country, more than 51% live in poverty, more than 15% in extreme poverty, 49% of the children under 5 years old live with chronic malnutrition and the child mortality rates are above thirty per every thousand born alive.

While 70% of the population with less resources, that is, the working class, receive less than 15% of the total income of the country, 10% of the better off population keeps 40% of it, and the last official statistics show that 40% of the poorest population has been subject to even more poverty.

In contrast with this, the profit of private companies' utilities, that is, the income of the few families that own the State, has gone from representing 39.1% of the GIP in 2005 to 40.7% in 2010.

The GINI coefficient for land distribution is 0.84, very close to 1 which, as we know, means total inequity. This reality will not change until the main structures of social exclusion, such as wealth, land and wellbeing concentration are not deeply transformed.

HOW DO YOU SEE THE SITUATION OF THE WORKERS, ESPECIALLY WOMEN, IN GUATEMALA?

In our country, 81% of the workers, both of the public and private sector, are precarious workers, which means that it's impossible for them to have access to human development and wellbeing.

In this context, we must visualize the participation of women in a segmented labor market, since more than 50% of all precarious workers are women, who receive less than men for equal duties, in the field we are considered helpers, without wage or with half the wage of the husband. All this causes women to be the poorest among the poor, the ones that hold upon our shoulders the biggest inequity gap, especially if aside from being women one is indigenous. This is also reflected in access to education, health and training, among other elements that are essential to have a better job.

Unprotected, lacking democratic representation, at

the mercy of upper echelons that decide in their names and most of the times against their best interests. Abandoned to their fate, with employers that do everything possible to keep the scale tilted to their own side, a corrupted unionism and a pimp State, which itself sometimes violates basic labor rights; this situation can often be stronger in the case of the feminine population which, aside from labor abuse, can suffer a higher proportion of discrimination and harassment.

But this is a systemic problem of Guatemala's economic development, by not allowing the generation of wellbeing levels that promote a virtuous circle between the demand of education, savings, the generation of a strong economic activity and decent jobs.

To all this we must add that we live in a State without enough political will to uproot the macho and patriarchal patterns under which the main motto is that women must stay home and accept the decisions of the so called head of the family, this is also related to the little access that girls have to education, a situation that directly impacts social and economic development in our country.

HOW DOES SIPROSAT BEGIN?

It starts for many reasons, among the main ones the urgent need to stop the impunity with which the rights of the workers of the Tributary Administration Superintendent's Office –SAT– are being violated by its authorities, who, from the moment they assumed office have massively fired professional workers with a history and training within SAT, to substitute them with friends that supported the party's political campaign.

Another strong reason was the need of SAT's workers to have a social interlocutor that would see to our rights in an autonomous manner. Although there is now a recently created union in the institution, it has lined up with the current government, to the degree of an absurd compliance that limits itself to negotiate benefits for its leaders against the institution's best interests and of most of

its workers.

WHO FORMS THE SIPROSAT?

At the beginning, it was a group of professionals from all areas, and slowly other companions from the technical and operative staff have joined us, all of them workers of administrative careers, most of them with more than 5 years of belonging to the institution and without any disciplinary administrative processes or criminal denunciations against them.

All of us are convinced of the need to build a different union, one that is democratic, representative, transparent, without any commitment other than watch over for a decent job for every SAT worker and promoting changes that make Guatemala a country with a larger social justice.

IN GUATEMALA IT'S RARE FOR PROFESSIONALS TO UNIONIZE: WHAT MOTIVATED YOU AS A LAWYER AND NOTARY TO TAKE PART IN THE FORMING OF A UNION?

Up to September 7th of this year, when I was fired for taking part in the forming of SIPROSAT, I had worked at SAT for 13 years and 3 months.

As a Lawyer and Notary, and specially as a connoisseur of the Guatemalan laws, both constitutional, fiscal and labor, I could not tolerate all the injustices that were happening within the institution, with the violation of the workers' rights and the arrogance of the authorities firing companions that have been working at the institution for years, which have built an administrative career, that have been trained at the institution and in which SAT has invested public resources to have them specialized.

As SAT workers, but especially as Guatemalans, we don't want the government in turn to take all their friends to whom they owe political favors there,

turning SAT into a completely incompetent State institution, especially to monitor precisely those who finance political campaigns.

WHICH ARE THE MAIN OBSTACLES THAT YOU HAVE FACED TO MAKE USE OF YOUR RIGHT TO UNIONIZE?

There is a State policy that's contrary to the autonomous exercise of union freedom and the Tributary Administration Superintendent's Office -SAT- is no exception, so the main obstacle has been the existence of an institutional union that complies with the authorities, and the natural opposition of the creation of a union that's committed to a legitimate dialogue with the workers.

This has meant a leakage of information about those of us that were forming the union, and the fact that the Labor Direction and General Inspection admitted and approved the opposition of the employer entity, denying us admission to process the paperwork of the union on the basis of employer opposition. In the face of this, a new warning against the union constitution process was issued, and on the day of the constitutive assembly we were fired.

In other words, there's been a certain dose of complicity and obstacle setting by the State itself against the formation of our union.

We should add to all this a stigmatization campaign against union freedom, promoted both by the central government through the statements of their officials, including the Vice President of the Republic, and within the institution itself, where SAT authorities have generated a climate of terror, submission and instability among the workers, aimed to prevent the growth of the union, however, it's growing, with the necessary precautions due to the lack of trust generated by the Ministry of Labor.

WE HAVE SEEN THAT IN GUATEMALA MOST LEADERSHIP



AND DECISION MAKING POSITIONS WITHIN UNION STRUCTURES ARE HELD BY MEN, BUT YOU ARE THE SECRETARY GENERAL OF SIPROSAT: HOW IS THE PARTICIPATION OF WOMEN IN SIPROSAT?

We are a democratic team, that respects greatly the opinion and participation of each of its members, the role of women is respected by our men companions because both are workers, fathers and mothers of the family core of which both our children and our parents depend.

WHY DID SIPROSAT DECIDE TO TAKE PART OF THE GUATEMALAN UNION, INDIGENOUS AND PEASANT MOVEMENT?

It was because this Union Central promotes and practices a healthy, committed unionism, in the frame of national and international laws, a high level unionism that is not for sale, and which has proved to be a valid and credible interlocutor when demanding compliance and respect with workers' rights.

WHAT ARE THE CHALLENGES THAT SIPROSAT FACES WITHIN THE TRIBUTARY ADMINISTRATION SUPERINTENDENT'S OFFICE?

There are several, and among the most important are to reduce the apathy, the indifference and the fear of some workers; to achieve the representation of all and to work together for the full respect of the rights that us workers have, and to put an effort to develop the institution in all its areas, to comply with the important social role assigned by the State to the Tributary Administration Superintendent's Office, as the entity in charge of exerting the administration of the tributary regime, to apply the tributary legislation, the collection, control and monitoring of all tributes, external and internal,

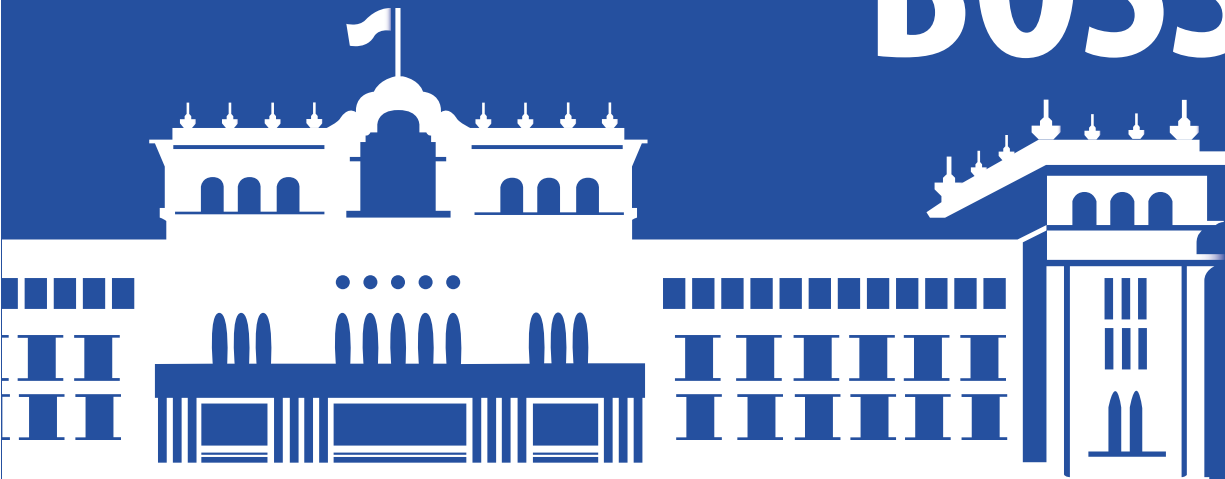
among other duties.

WHAT DO YOU CONSIDER ARE THE MAIN CHALLENGES THAT UNIONISM FACES BOTH IN GUATEMALA AND INTERNATIONALLY?

At a national level, I think we need a deeper commitment of the unionists towards the country, the use of its influences in fair and balanced causes that fully respect the Empire of the Law. We must also rescue the institutional nature of Unionism as a democratic mechanism that represents Guatemala and contributes to its progress, and have all Guatemalans acknowledged this.

At an international level, we need a progressive union movement that answers effectively to the most deeply felt needs and demands of all sectors, not only of the most excluded ones.

THE IRON FIST OF THE BOSSIE



“It’s all oriented for us to have more and better chances of employment; it is our final common goal. We work to create more certain formal jobs...” Statements of the President of the Republic, General Otto Fernando Perez Molina, published in the *Diario de Centroamerica*, on August 31st 2012.

In this section we approach cases of employers, whose practices violate labor rights, particularly union freedom, exemplifying the conditions of impunity in which such actions are executed.

On previous issues we have approached the cases of the General Prosecutor, CLAUDIA PAZ Y PAZ BAILEY and of the Guatemalan Institute of Social Security, whose antiunion practices are currently subject of multiple denounces before several international organizations, especially before the International Labor Organization –ILO-’s control organs, and before the Inter American Commission

of Human Rights.

But Guatemala is a country of changing, usually repressive realities; the problem, as ILO’s control organs have accurately pointed out, is that there is no political will to solve the grave situation that Guatemala faces, and that the acquiescence of the State towards union freedoms violations has been joined by the constant and useless attempts to hide them to the international community, while the violations deepen.

Naturally, there is a plutocratic perception that



pretends to establish an interrelation between competitiveness and development and the economic and social lack of protection that labor suffers, depriving workers of natural defense mechanisms, as is the case of union freedom, collective negotiation, strikes and, especially, of an effective guarantee of these rights through an efficient justice system. This perception clearly refuses to take notice of a reality that's been demonstrated on the world's most developed countries, where democracy, governability, development and competitiveness have walked hand in hand with the full respect of labor rights, with an autonomous and strong unionism and with efficient justice systems.

Hence, in the present issue of Wachb'il, the section of "The Bossie" will be dedicated to the State of Guatemala in its factual trait of violator and of warrantor of impunity in the cases of union freedom violations, as well as for granting elements to establish the divorce between the official discourse used at national and international levels through the Ministry of Labor and Social Prevision, and its practice.

AN INTERLOCUTION THAT'S UP TO THE JOB

It is necessary to highlight that the practice of coopting leaders and organizations, promoted by the government of Alvaro Colom Caballeros with the goal of generating a union and social movement that lacked autonomy has been retaken and widened by the government of General OTTO FERNANDO PEREZ MOLINA, who has perfected the mechanisms of exclusion and repression to those sectors that have engaged in the struggle to achieve a legitimate social interlocution.

It must be remembered that, even before coming to office, the current Minister of Labor and Social Prevision took to the work of strengthening the lack of autonomy of some organizations, and to do lobby for two bills of law of highly toxic contents for the workers, these being the project to reform the Labor Code, through which the roles of the Labor Inspection would be basically eliminated and the

judicially feasible possibility of labor inspectors to directly impose fines to employers that don't comply with labor laws was renounced.

The second one, the so-called "Labor Inclusion Bill", which implies a part-time labor regulation which goes against the warranty regulation already existing in the Political Constitution of the Republic of Guatemala and whose effects, in the country's current conditions, would plainly lead to a greater labor precariousness. To these ends, after assuming office, the Minister of Labor and Social prevision signed an agreement dated April 12th 2012 with the Mario Lopez Larrave Foundation through which this foundation would receive, from the State, funds amounting to Q.160, 225.00 to, according to clauses number two and three of it, lead union and peasant organizations to a press conference where a bill of a law which would regulate part time labor would be presented.

Likewise, the central Government, through the Ministry of Social Development, has signed a letter of agreement with an organization, member of this foundation, according to which it has established an alliance with the government to identify the communities that will have priority in the welfare programs, for handling of conflicts and population mapping in order to eradicate hunger.¹

This process of institutionalization is even wider, since this government has approved and given validity to the Organic Law of the Social Economic Council, whose constitution was the product of a process promoted by a so called promoting group, designed or self-designed, but not elected by the organizations, and that has created a new space of exclusion to true interlocution and participation of society in the country's main decisions.

THE STIGMATIZATION OF LEGITIMITY

During the last years, Guatemala has lived two realities, the one of allowed social protests and the one of stigmatized social protests; often previously agreed upon movements that claim to show an

¹ According to statements provided to Prensa Libre by the head of the Ministry in a note published on July 27th, 2012.

image of dialogue and that only ask for what it's allowed to ask of the Government, have enjoyed very favorable conditions, in fact, it is not difficult to find their leaders in the pictures published by the media, enacting the ruling party's logo with their right fist held up high.

On the other hand, reality is different for those who pretend to wage a legitimate struggle, where the welcoming committee is not made up by the President or his ministers, but by the army and the government shock forces, turning the threat of criminal prosecution, the states of exception or the capture of people in the persuasion mechanisms to "facilitate" dialoguer.

We can quote, as an example of this dialogue strategy, what happened in the frame of the wrongly named "education reform" where the General Prosecutor and Chief of the Public Ministry started criminal actions against those who opposed this measure, where there was a wide media strategy headed by the Ministers of the Interior and of Education who, instead of endeavoring into a legitimate, good will dialogue, constantly threatened with cancelling school inscriptions (which is illegal), with criminal processes and with telephone spying against student leaders, a strategy that was joined by the Public Prosecutor's Office, announcing criminal actions against the students and feeding the organizational fear by asking information about the students to their school centers.

To this we should add, for example, the arrest of teacher Edgar Jonatan Avalos Rodriguez, illegally detained from July 2nd, 2012, whose defense lawyers were repeatedly denied access to his file, and the court in charge even refused to accept written request from the defense, as it is stated in the Ombudsman Office.

It should also be said that each time a leader, grassroots member or just any unlucky passerby are captured like this, there's a shower of statements from public officials, saying that they have captured some criminal, and that there are investigations that will allow the quick capture of more instigators, this with two goals: to socially delegitimize the movement and, at an organization level, to

disarticulate it through fear.

The official discourse has also tended to reinforce the idea, generated during the internal armed conflict, that organizing is an activity that is contrary to productivity, development and efficiency; in fact, this speech has clearly been strengthened these days by the statements given to the media by Vice-President Roxana Baldetti, clearly showing the intention of generating an anti-union environment.

COINCIDENCE, OR INCIDENCE?

In this space we will briefly approach some cases where there are violations to union freedom and other labor rights, directly executed by the State's organs or institutions, or as part of an impunity warranty frame.

SIPROSAT CASE

Due to the lack of existence of a legitimate union interlocutor in the Tributary Administration Superintendent's Office –SAT, for its initials in Spanish- its workers took the decision of forming the "Union of Workers with Principles and Values of the Tributary Administration Superintendent's Office –SITRAPVSAT- giving due notice of this to the General Labor Inspection, on August 17th, 2012.

For some reason, which is made clear in the light of what happened, even when the law does not establish that the employer must be notified of the process of formation of a union, much less have access to the process' documentation, and of the identities of those taken part in the union's formation, the Tributary Administration Superintendent's Office presented an opposition to the formation of the Union, with a statement that made it clear that in some extra-process way, the SAT had had access to the whole of the file and to the identities of the people forming the union.

Even when national and international regulations forbid the interference of employers in the workers unions, the General Labor Director, through the resolution number 008-2012, dated August 27th, 2012, in which it admits the employer's interference,



declaring as lawful its opposition to the forming of the union and deprives the workers of their right to union freedom. For these reasons there are legal actions against those officials involved, however, strangely, the Public Prosecutor's Office has not showed the same interest and speed that it shows in cases against unionists and social leaders.

This resolution was contested by the workers and, even though they still have not been notified of any resolution regarding this impugnation, the Labor Vice-Minister of the Ministry of Labor and Social Prevision had made public statements anticipating a criterion regarding an issue that must be solved and notified to the parts before any opinion is publicly stated.

In this same sense, and based on the resolution 008-2012, of the General Labor Director, who issued the resolution 1633-2012, dated September 3rd, 2012, through which it rendered without effect or judicial value the notice of the process of constitution of the union, which was given by the workers, pretending that such resolution will have supra-constitutional and retroactive effects to take protection away from the workers and facilitate the defense of the SAT in the dismissal denounces presented by those who were dismissed as a result of their attempt to organize themselves in a union, away from the employer controlled unionism that exists.

In the face with this situation, on September 7th, in the morning, the workers gave notice that they were in the process of constituting a union, since the previous day they have agreed to call a constituting assembly for that day, when the working day was done; that same day, a few hours after giving notice, most of those involved in the process were fired.

We must point out that, as it has been its trend, the General Labor Direction has been notifying the union of a series of previous requisites that have no legal basis and that delay unnecessarily the inscription of the union.

In the face of the dismissals, the corresponding complaints have been presented, being resolved by the country's tribunals, which ordered the

reinstallations, and the notification of this was programed for September 19th, 2012.

When the executing minister arrived together with the dismissed unionists, the Tributary Administration superintendent's Office ordered the closing of its central headquarters (Torre SAT), even though it is a public building, and it was on hours of attention to clients, to prevent the judicial official and the workers to enter. This extreme was documented by the media, before which the SAT stated openly that it will not reinstall the dismissed workers, being supported in this position by the Labor Vice-Minister of the Ministry of Labor and Social prevision, as it was published by one of the country's journals.

BANTRAB CASE

The Banco de los Trabajadores invited more than 300 of its workers to a supposed training at a hotel in the capital and when arriving at it, they were notified of their dismissal, which was done violating the dispositions of the collective agreement of labor conditions, reason why the workers denounced the bank before the General Labor Inspection.

On September 24th, 2012, the first audience was celebrated, within the allocation process steps Number R1-0101-05009-2012, with the presence of the Banco de los Trabajadores in its quality of employer, being warned in order to prove the denounce of the workers, to show to the labor inspectors the individual labor contracts of all its workers, the inner work regulations duly authorized by the corresponding authority and the Collective Agreement of Labor Conditions; all of them documents that an employer must have by law, setting September 27th 2012 as the date for the audience, both the workers and the employers' representatives being told and notified of such audience. We must say that both the General Labor Inspector and the General Labor Sub-Inspector were present at the audience.

Despite being told and notified, the Banco de los Trabajadores did not show up at the audience of September 27th, and because of this the Labor Inspectors in charge, according to law, proceeded to declare the preventions that were made and

notified to the Banco de los Trabajadores on September 24th 2012 as not complied with, and consequently, considered the violations denounced as proved, based on the corresponding national and international laws.

Up to this point, the General Labor Inspection had exceptionally complied fully with its corresponding duties, according to law; however, on September 28 2012, the General labor Inspector surprisingly issued the resolution 1885-2012, IGT/IAAH through which he makes amendments to the process, using powers that the law only grants to judges, rendering what had been acted before by the Labor Inspectors without effect, with the argument that they had proceeded without the presence of the employer, therefore violating his defense right.

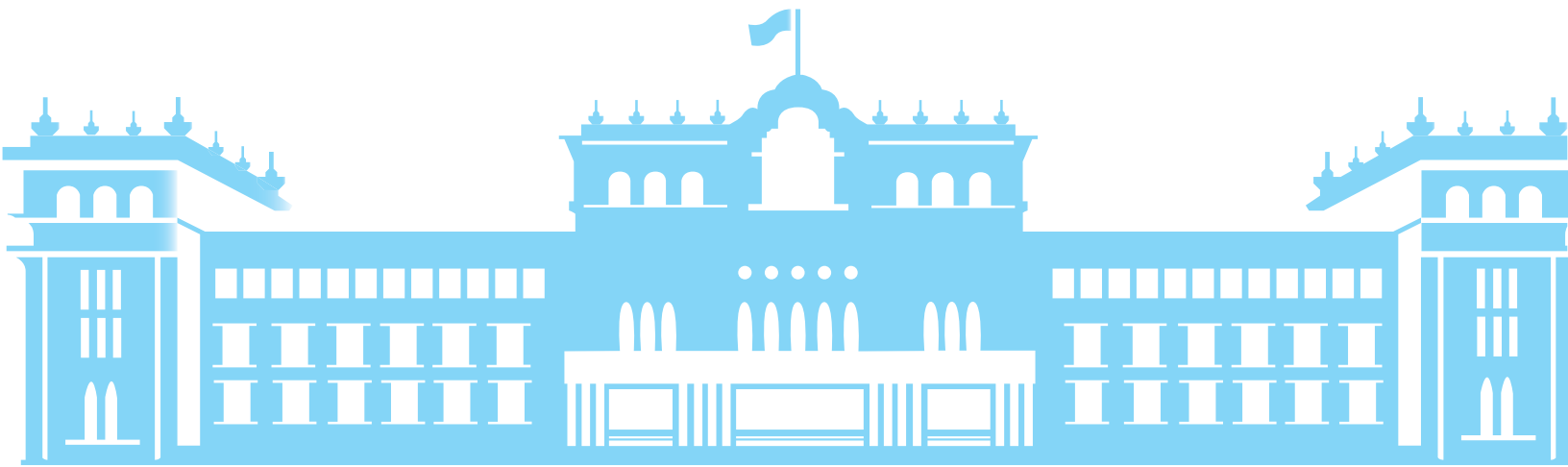
On this, it must be noted that the audience and preventions were notified to the employer even with the very General Labor Inspector and Sub-Inspector being present there, in which case the absence of the employer was his own responsibility and rebelliousness.

What is most concerning about this is not only the interference of an official that was freely appointed (that is, did not arrive to his post due to a career, but holds a political position), but also that this intervention, unforeseen by the law and exceeding his legal faculties might affect the good work of Labor Inspectors and generate a very unhealthy precedent which might link the effectiveness of Labor Inspectors to the will of the employers of being present or not in the procedures and what is even worse, that the decisions of career officials in use of their legal attributions might be arbitrarily rendered null by a public official.

CASE OF THE FINCA LA SOLEDAD

In the case of the Finca La Soledad, located in the municipality of Patulul in the department of Suchitepequez, which is owned by relatives of the wife of the President of the Republic, which are among the main financiers of the ruling party, has had to be taken before the Inter American Commission of Human Rights due to the repeated refusal of the First Instance Judge of Labor and social Prevision of the department of Suchitepequez to execute the orders of reincorporate the workers, orders that are firm, even though the execution of the orders has been insistently asked for by the workers to the court that has refused to enforce its own resolutions.

It is thus clear, in all these violations to union rights and in the lack of an effective solution, that the State of Guatemala has acted through its different organs, either as their direct author or as direct author of the conditions that have allowed impunity for them. These are not isolated actions, but a policy that has been defined and executed by the State of Guatemala itself in an organized and coordinated manner, which has earned it fairly the title of this issues 'Bossie'.





Interview with Beatriz Sandoval



“Art sees things in a forward way. It establishes a bond between the human being and the possibility to raise awareness of being alive and to do something.”

HOW AND WHY DID YOU ENTER THE WORLD OF PAINTING?

Actually, painting was with me since I was small, maybe since 3 years of age. I watched my dad, who was a shoe-maker, work, and from afar I saw him draw and design the shoes. I secretly read his comics. That's how I learned to read. I made drawings on the wall, on used notebooks that I had to erase later.

One day, my dad gave me a box of wood crayons, with a plastic sheath. It was fantastic, magical, I can still remember the way they smelled. That was my first experience with color, I was around four.

Somehow, painting, drawing, were always with me as a refuge life. That's why I visualize myself as a painter of my inner life.

In sixth grade I asked to be put in the plastic arts school, that I had met on a theater trip with the school where I was studying and it was not possible. So when I graduated as an urban elementary school teacher, I studied painting at the Plastic Arts School without my family knowing it.

I quickly entered a world that I was needing, full of strength and new characters. I went to painting exhibits for the first time with my companions. And life became an adventure.

WHY PAINTING?

Well, because nothing else ever felt natural to me, I always loved it, searched it and I've been faithful to it. I feel identified with it, it makes me grow, participate, love and find hope. My heart beats together with it, I breathe by it and I fill my hands with it.

HOW WOULD YOU DESCRIBE YOUR WORK?

Well, I would describe my work as a woman that pretends to watch the world with eyes that come

from tenderness. Love and hope are still the motivations of the things I paint, they are the soul and the struggle to discover the moment when you feel alive.

I'm somehow chased by yellow, by transparent dresses, short steps, clean young skin that's aged with memories, with an apple filled belly. I always feel that my work is poetry, I do.



“Enredadera”
Oil painting on boldo



WHY WORK WITH CHILDREN AND TEENAGERS?

I still feel like a kid, not with the same energy, but with the desire to play and they get me well, and at the same time I get them.

It's great to work with them, the painting flows, it unravels spontaneously, always different, always surprising.

However, there is a clear goal in me, of allowing for a space where boys and girls may express their feelings and thoughts, so together we can search for simple truths about human beings and nature. I see painting as a general strategy for change.

Through painting we are somehow trying to awaken, to be.

WHAT HAVE YOU LEARNED THROUGH YOUR WORK WITH CHILDREN AND TEENAGERS, HOW HAS THIS ENRICHED YOUR OWN WORK?

Looking back, I see that boys and girls have given me the joy I was missing and the hope that I need to put on the everyday work. It's thanks to them that I haven't died. I stay alive and hoping for the ideas of what we can do tomorrow, paint the sunrise, the corn, the strength, everything, today and tomorrow. Technically, through painting I've learned from them that there's no space for fear, that your voice becomes stronger with the brush, that the heart thinks and does not forget the other one, walking with him or her in the existence of the work and its

conclusion. Only the boys and girls keep me alive, they make me feel alive, that's what they've given me. So much joy.

YOU ARE NOW APPROACHING POETRY, WHY?

Without taking notice I've included poetry, through it I can understand better the landscapes and the existence of people in the pretending to understand life. Painting is very similar to poetry, somehow I feel that my painting is poetry...

An image comes to you, fixed, and you struggle to show it physically, in this case through painting.

Somehow, an image presents itself in words and flows like running water. Maya Cu has walked with me and fed me, unleashed me on this first experience.

I had the same motivation and pleasure that painting gives me. Although in a different way, since words don't stop, and painting pauses before struggling again. It is really interesting and beautiful. Art is telling life whether through painting or poetry, they had to be sisters.

What is poetry for you and how is your work turning out in this new field.

Poetry is a game of words which, bound together, explain what we live in a beautiful way. It's a woman that walks quickly or slowly, if she's telling about the love that she's gotten.

I consider myself an amateur, student of life and of the poets. But I understand its essence and I love it.

In this field I see myself anxious to read something to you, so the emotion will guide



The family of art school Frida Kahlo

me. I pretend to work painting and poetry simultaneously, that's the path I've taken lately.

And every time a start a new enterprise, in this case poetry, it makes me grow and I know myself more, I push myself to work with her accepting that I want to be with her definitively.

HOW DO YOU REGARD GUATEMALAN AND LATIN AMERICAN PLASTIC ARTS NOWADAYS?

In the face of our artistic history, I think Guatemala is undoubtedly a place that's been blessed by art. A great deal of painters, poets and musicians tell their lives through art and have an excellent work, and despite the lack of support in countries like ours they stay here, loving it.

However, I can sense an alienation of arts, fashion and advantage taking, because we are pretending to turn this country into a different one. Our landscapes, historical moments and descent have still not touched us.

This is not being in favor of or against the artists, but struggling to establish a real art that responds to our space and our time, seeing it from a more pictorial and social perspective.

However, art is built and shared in urban songs, poems and paintings.

Our western influence is outstanding, the conquest weighs inside each one of us and we can't escape this reality. Historically speaking, we are a young country.

It would be a completely different story if the state would support the artists, because they are the ones that build hope and with them there's breath and the heart beats. We practically turn artistic moments into party and revolution.

WHAT CAN YOU SAY OF THE SUPPORT THAT THE GUATEMALAN STATE GIVES TO ART?

What support?! In this country, artists in general do the work that the state is supposed to do.

Art is the motor of culture, it drives, renews, changes. I suppose that's precisely what they don't like.

A Ministry of Culture without a budget, with incapable people, full of ignorance and bureaucracy, totally alienated from its role.

Art in this country is its artists. And the way they are, lost in oblivion, valuable information is lost, that could support the construction of a better country, with thinking beings.

It's sad, it's hard, surviving, but we haven't lost all, we still have so much to paint, sing, write and this is taken by the wind. The magic of art does not stop just because there's no political will.

“Guatemala's abandoned to its fate. They force it to work, abused and silent. We truly seem a slave country with Sundays off.”

HOW DO YOU SEE GUATEMALA FROM AN ECONOMIC, POLITICAL, SOCIAL AND CULTURAL PERSPECTIVE? DO YOU THINK THAT THE SITUATION HAS IMPROVED OR WORSENERD IN THE LAST TEN YEARS?

I think we are very much like the country we were during colonial times. The same situation of slavery but with different names, the same creole domination, the same racial prejudices.

What has changed drastically is the landscape, which has turned disordered, whatever way it can, built for alienation, taking us away from nature and providing us with a consumer dream. The influence of the system: abandoning of struggle, of consciousness and of community work.

Guatemala's abandoned to its fate. They force it to work, abused and silent. We truly seem a slave



country with Sundays off. We're abandoned and that weighs in the economic, political, social and cultural ambits. Only isolated people or

What art can do in a positive way is to make us conscious, sensible, intelligent, watchful, fair. Besides, it takes prejudices like racism away.

“What we need is to enter into a state of awareness where there's also room for the other. This individualism is killing us, literally. And the other is all of us.”

It constantly improves our environment, human beings thrive in art. It's natural.

organizations struggle to give some air to people and nature.

On the other hand, there's the possibility that artists are worn out in a space of indifference, but it's not always like this. Living with art is a need, time has shown this.

WHAT CHANGES WOULD YOU SAY ARE UNAVOIDABLE AND URGENT IN TODAY'S GUATEMALA?

Everything's urgent: education, health, conservation of our environment, of our heritage. Everything's urgent. Abandonment's reached a peak. It collapsed. Naturally, we need to be realistic and start building little by little.

What we need is to enter into a state of awareness where there's also room for the other. This individualism is killing us, literally. And the other is all of us.

There can be techniques, ideas to change the world, but it is within us where the system is written invisibly. What we need is to erase the system, not to try bring a corpse back to life. To change all our dialogue strategies, the proposals. All of us shaping something. We need a new, concrete dream.

Art is a way to retake and resurrect. Art is a motor of culture and culture is everything. Art is a way to improve Guatemala, while we sing a song.

DO YOU THINK THAT ART CAN CONTRIBUTE TO THESE CHANGES? HOW?

Art sees things in a forward way. It establishes a bond between the human being and the possibility to raise awareness of being alive and to do something.

WE SEE LESS AND LESS YOUNG PEOPLE IN UNION ORGANIZATIONS. WHY DO YOU THINK THIS HAPPENS?

For many reasons. First, the consumerist system has absorbed them. Second, the fear of some grown-ups that lived situations of war and oppression prevents their descendants from participating. The individualistic philosophy and the education system that repeats wrong concepts deny the participation or don't include it as a reality. Also, the violence that's been put in place and the lack of trust in the leaders, not all of them but some. There's anger and distrust.



Detail of mural / Con el permiso de Eva...
Jalapa, San Pedro Pinula. 2010

MSICG in ¡Action!

UNION SELF-REFORM FOR DECENT LABOR

In the frame of its PROGRAM OF UNION SELF-REFORM TO IMPLEMENT DECENT LABOR IN THE COUNTRY, during the last six months MSICG promoted and carried out a series of training and debate social-political workshops, tending to strengthen the workers and provide them with strong, democratic, transparent and efficient union structures.

These activities were attended by more than 320 base members and leaders from MSICG, as well as companions from union, peasant and indigenous organizations.

Among the workshops that were made we should highlight “The self-reform of the Guatemalan union movement and a decent labor agenda” which was carried out in the department of Retalhuleu, on July 21st 2012; the workshop on “Social security and decent labor”, made on August 3rd, 2012 in the department of Sololá; and the “Forum on Union

Self-Reform” on August 22nd, 2012.

This cycle of workshops which will be continued during the present year has also the goal of strengthening the articulation of MSICG’s organization process at a local, regional and national level.

ORGANIZATION STRANGTHENING OF MSICG

With a clear notion of the impact that the lack of a strong, democratic and independent unionism has had on the weakening of Guatemalan democracy and on the worsening of the poverty conditions of most of the population, this year MSICG launched an aggressive campaign of union organization and affiliation, especially in the most exploited sectors.

As a part of this process, on September 4th 2012 the Peasant Union of the South –CCS for its initials in Spanish- is born, bringing together today more than 3,000 workers of the banana, coffee, sugar, rubber and African palm plantations. We have no





doubt that this important number of affiliates has made CCS the most representative structure of the workers of the Guatemalan agro.

During the launching of the Central, companion Aniceto Montiel, of MSICG's political committee, pointed out that this is the first step in the institution of a new, essentially branched organization model tending to eliminate the dispersion of union struggles and as a tool to build a social-political vision that, from a realistic perspective of the situation allows for the implementation of decent labor in all the country's workplaces, through the fair distribution of the means of production and reproduction of wealth and wellbeing, the most important of them being a fair redistribution of land.

During these six months, MSICG has also accompanied new processes of constitution of affiliated unions, accompanied by the assemblies and inscription procedures of the Union for the Dignifying of the Workers of the Tributary Administration Superintendent's Office –SIPROSAT-, the Union of Workers of the Guatemalan League of the Hearth –SIDETRALICO-, Central Union of motorcycle cabs of Guatemala –SMG- among others.

For MSICG, it is important to publish in this edition of our magazine that the processes of constitution of union organizations in Guatemala are, more than ever, under all sorts of arbitrary actions, with the only goal of disarticulating all efforts to form the structures, thus benefiting the anti-union culture of the employers.

This is why, on September 14th 2,012 the Union, Indigenous and Peasant Movement –MSICG- as a part of its permanent struggle for decent labor, presented to criminal actions before the Public Prosecutor's Office against the Tributary Administration Superintendent, MIGUEL ARTURO GUITERREZ ECHEVERRIA and against the General Labor Director, MARIO IVAN ALFARO VILELA for the possible commission of the crimes of economic violence, discrimination, collusion, usurpation of attributions, resolutions that violate the constitution, non-compliance of duties, material falseness, ideological falseness and abuse of authority, with

the general aggravating factors of futile or abject motifs, malice aforethought, premeditation, abuse of authority and disregard for the offended, in which they incurred during the process of inscription of a union of workers and the anti-union dismissals executed against the workers of the SAT that took the decision of forming a union that was autonomous and out of the control of SAT's authorities and that right now other actions are on their way against the current Minister of Labor and Social Prevision.

The demands are based on the evident anomalies that exist in the process of requesting the inscription



of the union organization, which make evident the traffic of information and influences that motivated the unduly access of the Tributary Administration Superintendent's Office to the file of union formation, the execution of employer interference actions against the exercise of union freedom, as well as the anti –union discrimination and the economic and social consequences that such actions have had for the workers due to the exercise of their constitutional right to organize in unions to promote and defend their legitimate labor interests.

MSICG WIDENS THE UNION OFFER

On August 3rd and 4th, 2012 in Quixajá, Sololá, the Guatemalan Union, Indigenous and Peasant Movement –MSICG- with the support of its member organizations: Union of Professional Workers of the

Guatemalan Institute of Social Security –STIGSS-, Peasant Committee of the Highlands –CCDA- and the Union of Workers of the Guatemalan Institute of Social Security –STIGSS- had a Medical Day that benefited more than 450 CCDA grassroots families who not only received medical attention but also the medicines they needed to be treated.

This journey was another opportunity to dialogue with the workers on the importance of a public, free and efficient public health system, as well as on the importance of strengthening the Guatemalan Institute of Social Security –IGSS- as a pillar of the workers' and their families' health, as well as to avoid the process of covert privatization that it is now facing.

Regarding this, companion Ingrid Ruano, member of the Political Council of MSICG stated, during the political and training activity that took place simultaneously, that:

“Universal social security is the goal of the creation of the Guatemalan Institute of Social Security during the revolutionary process of the 1944-1954 decade, and this can only be achieved through the transformation of the economic, political and social structure of the country; an hope that drives MSICG's every action and struggle. This day is proof of the transforming power of the solidarity of the working class, when all the excluded join each other to break the circle of exclusion and dispersion imposed by the elites. When that transforming power is generally and permanently manifested, the Guatemalan society will enjoy a new democratic spring and this is not a dream, it's something that will be more and more possible when each one of us has clear where they come, and this certainty tells us where to go. When there is no more slogan without action, when there is no more speech without practical congruence, when there is no more unity without solidarity and when there is no more militancy or leadership without commitment, then we will have something greater than a country, we will have built a motherland for all of us...”

MSICG will carry out other similar activities transmitting the solidarity and identity that class struggle must express in speech and in practice.

ADVISORY AREA

On September 12th 2012, the Guatemalan Union, Indigenous and Peasant Movement –MSICG- was notified of the resolution issued by the Court of Constitutionality within the accumulated files number 3, 4 and 52, all of them of the year 2,011, among which the action of total unconstitutionality of the Agreement 1,257 of the board of the



Guatemalan Institute of Social Security –IGSS-, which reformed the regime of its handicap, old age and death benefit payment program –IVS-, was known.

The sentence issued by the Court of Constitutionality declared that the following aspects stated by MSICG in the aforementioned action were unconstitutional: 1) The increase of the months of contribution to be eligible to the 0.5% of base remuneration per every six months of contribution that the insured has in excess; 2) The elimination of the 10% base remuneration per every person dependent on the affiliate; 3) the variation in the calculation of the additional 25% of the benefited of “Great Disability” and 4) The increase in the age to be eligible to old age pension.

With this action, MSICG managed to partially revert the process of privatization of social security driven by the least progressive sectors in the country, thus benefitting more than 5 million workers.



In this same area, during the last six months more than 142 judicial actions and more than 164 administrative actions regarding different process, including reinstallation incidents, contract terminations, ordinary trials, collective trials, administrative and disciplinary processes, constitutional appeal and unconstitutionality actions and criminal trials have been attended. All of them processed before the judicial authorities and the administrative organs of the Republic of Guatemala. Through these actions, 33,000 MSICG affiliates have been directly benefited.

INTERNATIONAL ACTIONS IN FAVOR OF DECENT LABOR

THE INTERNATIONAL LABOR ORGANIZATION

From the year 2007, MSICG has been denouncing before many international instances the grave violations to union, labor and indigenous people's rights which recurrently happen in the country. These denounces have managed to achieve important recommendations and observations aimed at the State of Guatemala, derived both from ILO's control organs as well as of other organs of the United Nations System, which, if implemented, would improve the life of the population in general. This year, in congruence with its actions, an MSICG Mission was commissioned to take part in the 101st International Labor Conference, which took place in June in Geneva, Switzerland, having as its supreme mandate to present before the International Community the grave violations to labor and union rights, committed with the State's complicity and

that attack the dignity of the Guatemalan working class, specially the violations it ILO's Agreement 87. Although this year, due to MSICG constant complaints before ILO, the case of the violations against Agreement 87 by the State of Guatemala would be reviewed by the Commission of Norm Applications of the Conference, this was not verified due to the attack of the entrepreneurial delegation against ILO's control organs and to the strike right contained in Agreements 87 and 98.

Regardless, this incident was not enough to prevent the workers of the world to install an International Court that, very seriously, evaluated the situation of union freedom in Guatemala, and that on June 6th, 2012 came to the conclusion that the State of Guatemala keeps showing no political will to solve the repeated and systematic violation of ILO's Agreement 87.

As a consequence, this court urged the State to take whatever measures where necessary to warrantee the life and physical security of the unionists and their families and the issue urgently sentences against the material and intellectual authors of the acts of anti-union violence, to approve and implement the legislation reforms that were asked for by ILO's control organs, the regulation of a judicial resource of immediate suspension effects on the violations to union freedom and other labor warrantees which would allow the elimination of the incentive to the delay in the process and an effective protection of these rights as established on article 25 of the San Jose Agreement; the approval of a law which would regulate the labor relations both in the private and



the public sectors in order to eliminate the atypical and fraud-like modalities of labor contracting; the elimination of obstacles to inscribe unions and the full warrantee of statute freedom for the organizations regarding their choices of structure, affiliation conditions and full liberty to write down their statutes, among other equally important ones. Likewise, to help the State in this mission, on June 14th 2,012 a group of unions of the world asked of the Administration Council that the State of Guatemala be submitted to the procedure established in article 26 of ILO's Constitution, a procedure rarely used since the foundation of ILO and against mostly dictatorial regimes.

Facing an increase in the difficulty of the situation, MSICG has continued the process of presenting the cases before the Committee of Union Freedom and the sending of observers and the validity of Agreements to the Commission of experts in the application of agreements and recommendations, CEACR, presenting more than 20 cases and arguments in the last 6 months regarding grave violations to the most elemental rights of the workers, pointing out with special concern the violations to union freedom and the collective negotiation, the implementation of forced labor, the deficit of social dialogue and the violations to the payment of decent wages in exchange for the performed labor.

Finally, as ILO's mandator, on July 10th 2,012 MSICG received in its Guatemala City's headquarters the visit of an ILO mission from Switzerland, which informed them on the technical assistance requested and granted for the State of

Guatemala on the frame of Agreement 87.

INTERAMERICAN COMMISSION OF HUMAN RIGHTS

For several years now, MSICG has pointed out that there's a process of loss of the State's warrantees of the empire of the law, product of a justice administration that has been unable at all levels to grant full compliance of the rights that are acknowledged both by the Constitution and by the International Agreements and by the country's laws. It has also pointed out that this situation has been particularly sensible for the workers that haven't found, either in the ordinary courts nor on the constitutional tribunals a justice administration that meets the basic principle of compliance with the law in its resolutions, which has produced that the international community rightly points out to a systemic failure of the Guatemalan labor justice.

In the face of the absence of a labor justice system which gravely affects democracy and the lives of millions of workers, on July 27th, 2012, MSICG stated in a press conference that its work before ILO's control organs will be joined by a process of deeper monitoring of the actions of ordinary and constitutional judges and courts before the Inter American System of Human Rights and other United Nations organs.

In this occasion, MSICG presented to the national and international media and to the Inter American Human Rights Commission, four requests for precautionary measures related to grave violations to the rights that are acknowledged by the national





laws and the San Jose agreement in the cases of Agreement 1,090 of the Board of IGSS; Agreement 02-2000 of the Council of the Institute for Public Criminal Defense; of the General Prosecutor and Chief of the Public Ministry for arbitrary actions against union leader JAVIER ADOLFO DE LEON SALAZAR and of the First Instance Court of Labor and Social Prevision and Family of the department of Suchitepequez by the state of helplessness in which it has put the workers of the La Soledad Finca.

These four actions have been joined by three more which ratify MSICG's commitment to submit each resolution or process where the labor and constitutional justice courts incur in violations to the workers' human rights to the scrutiny of the international community, hoping that this will allow



improving the justice administration in the country and disarticulating the groups that have produced these conditions to generate companies dedicated to give advisory to evade the law and grant impunity in favor of economically and politically powerful sectors.

STRUGGLE AGAINST POLITICAL PERSECUTION AND INCARCERATION

MSICG is concerned about the worsening of the stigmatization of union struggles, and in the framework of a practical, non-discursive answer to

this problem, is currently in charge of the defense of the criminal processes against companion Dr. LAYLA LERISA CHANQUIN JOCOL and companion Dr. RODOLFO EDUARDO JUAREZ RALDA, leaders of the STPIGSS who are currently facing a criminal process promoted by their employer, the Guatemalan Institute of Social Security due to their union activities, with the approval of the Public Prosecutor's Office and the Criminal Chamber of the Supreme Court of Justice, against which an appeal has been promoted in a single instance.

MSICG also reminds that companion MANUEL DE JESUS RAMIREZ, murdered on June 1st, 2012, was also subject of a criminal process whose defense was assumed by MSICG.

Likewise, MSICG granted totally free advisory to professor EDGAR JONATAN AVALOS RODRIGUEZ, illegally incarcerated since July 2nd 2012 and kept in prison so his incarceration would persuade against any opposition to the badly called Education Reform promoted by the Ministry of Education. It must be said that the massacre executed by the State of Guatemala against the population of the 48 Cantons of Totonicapan was executed against a peaceful manifestation which equally opposed this reform and the Constitutional Reforms promoted by the President of the Republic of Guatemala.

STRUGGLE AGAINST THE APPEARANCE OF REPRESSIVE STATE STRUCTURES

On October 8th, 2012, MSICG and several congressmen and congresswomen from Encuentro por Guatemala and Unidad Nacional de la Esperanza, as well as with its affiliate SITRADICMP, presented a general total unconstitutionality action against Decree 15-2012 of the Congress of the Republic of Guatemala, Law of the General Direction of Criminal Investigation –DIGICRI- since it represents the comeback of a structure with widely discretionary roles, susceptible of imitating the Judicial Police or the Commando 6, both of which functioned during the armed internal conflict.

MSICG regrets that, the same day that this action was presented before the Court of Constitutionality

and the Press Conference was held announcing it, the Public Prosecutor and Chief of the Public Ministry, CLAUDIA PAZ Y PAZ BAILEY, issued the agreements to destitute companions Jose Alejandro Reyes canals and Gerson Ariel Recinos Giron, both of them leaders of SITRADICMP.



MSICG submit a complaint for murder of companion Manuel de Jesús Ramírez