

Guatemalan labor disputes fueling violent stand-offs

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Miami Herald

December 1, 2004

EL TUMBADOR, Guatemala - As tens of thousands of peasants fled to neighboring Mexico in the 1980s to escape the crossfire of Guatemala's civil war, Roberto Morales stayed on the coffee farm where he'd lived and worked his whole life.

But now, eight years after the government and leftist rebels signed a peace accord, Morales and nearly 200 other workers from six coffee farms in the western province of San Marcos are seeking political asylum in Mexico.

These farm workers, who shocked the nation last month with their announcement, say that farm owners owe them nearly \$1 million in wages and severance pay, that their lawsuits languish unresolved in the courts and that they want to leave because they don't believe that their rights are respected here.

"The people are getting desperate. There is law here, but there is no justice," Morales told The Herald.

Peasant organizations say labor conflicts such as these are all-too-common in a country steeped in a long history of farm worker exploitation and where tens of thousands of peasants lost their jobs after world coffee prices crashed five years ago. Farm owners say peasant groups exaggerate the extent of abuse in order to pursue their larger anti-capitalism aims.

What's certain is that labor disputes are fueling tense and sometimes violent stand-offs between farm workers and owners. Across Guatemala, peasants have seized dozens of farms, a traditional tactic to pressure owners to resolve labor or boundary disputes.

During the term of former President Alfonso Portillo, police evicted peasants from only four occupied farms. But days after pro-business President Oscar Berger came to power in January, police evicted peasants from a farm they had occupied because of a labor dispute with their former employers, relatives of First Lady Wendy de Berger. The dispute was later settled.

By June, police had evicted peasants from about 30 farms. And Agriculture Chamber President Carlos Enrique Zuñiga told The Herald that the chamber is ``pressuring the government to do more evictions."

REPORT ON EVICTIONS

A U.N. evaluation of evictions carried out from January to June concluded that of the 50 percent of the cases where investigators could determine the reason for the occupations, most of them were because of labor disputes. Half the evictions were violent, including one in August where three police officers and six peasants were killed.

"It's no big deal here when someone violates labor laws, but it's a huge scandal when someone violates private property laws," says Clara Arenas, an anthropologist who specializes in agrarian

issues. ``The system forces workers to take over farms, but then everything that happened beforehand, when the peasant was a victim, is ignored."

For their part, land owners say there's no excuse for violating constitutionally guaranteed private property rights. Activists and lawyers from the Catholic Church's labor program in San Marcos in fact shun land seizures.

"For us, that tactic isn't the right approach because it creates another problem," said Carlos Meoño, a Church lawyer who represents the San Marcos peasants seeking asylum in Mexico. ``We have to hit the government where it hurts most, which is making it look bad in the eyes of the international community."

When the Spanish conquerors arrived here, they found little gold or silver to be mined, but a vast population of indigenous people they used as forced labor. As recently as the early 1940s, a statesponsored system of debt peonage was in place, driven by the government's goal of converting Guatemala into a major coffee-exporting nation.

Farm owners such as Zuñiga maintain that, by and large, labor abuse is a thing of the past.

He says most workers here are treated better than many migrant farm workers in the United States.

Peasant activists admit that the labor code favors workers, but they say it is violated all the time and that employers are rarely punished. Labor Vice Minister Mario Gordillo says his ministry is woefully underfunded and understaffed. And when it does manage to investigate workplace violations and impose sanctions, they have no way to enforce them.

The president of Guatemala's justice system says the biggest problems facing labor suit plaintiffs is the defendants' myriad opportunities to stall cases.

MAIN COMPLAINT

Like the San Marcos cases, involving dismissed coffee farm workers, the bulk of the labor complaints are over failure to pay legally required severance pay, of one month's salary for every year of employment.

"Everyone lost in the coffee crisis, not just workers. Some farm owners lost everything, they went broke and couldn't fulfill their commitments," said Zuñiga.

But Morales and the other farmers seeking asylum in Mexico say it's the employers' responsibility to set aside money for severance payments, and it's the state's responsibility to hold them accountable.

That's why they say that if they don't see signs that their cases are advancing by the end of this month, they're heading to Mexico. Until then, their lawyers are busy meeting with Guatemalan officials in hopes that someone gives their clients a reason to stay.