

Guatemala: From Declaring Peace to Achieving Peace

■ Frank La Rue

Frank La Rue examines the current situation in Guatemala from a peace, human rights and democracy perspective. His paper points to signs of hope for transforming Guatemalan society from one which is discriminatory, unequal and built on a culture of authoritarianism to one of peace and development. In particular the emergence of new organised sectors of civil society including indigenous Mayan groups, women's groups and cultural movements and greater participation in local electoral processes are signs of hope.

Yet the challenges are immense as a legacy of 36 years of war did not go away with the Peace Accord in December 1996. Nor should this legacy be forgotten as in it lies the memories and search for truth for the victims of the conflict. La Rue identifies three key ingredients in building a culture of peace and democracy with respect for human rights: Access to the truth and justice (including an end to impunity); building a new model of development; and creating a participatory democracy starting at local level. By prioritising these issues La Rue concludes that the future for the people of Guatemala will be a lot brighter than their past.

Guatemala – A country of contrasts and a country in transition

Guatemala is a country of contrasts be it in terms of geography, wealth and poverty levels or ethnicity. Despite being a wealthy country the proportion of its population living in poverty is the highest in the western hemisphere with the notable exception of Haiti. It is a rich country of mainly poor indigenous people. In such a setting what do human rights mean as a new millennium dawns? One thing is certain, a lasting peace will not be possible in a country where extremes of poverty and discrimination exist. Yet Guatemala is also in a period of transition. Having signed a peace accord the present government is under the impression that human rights are no longer an issue. Not according to the human rights movements whose guiding force is the inherent dignity of each human being which must be upheld whether or not there is peace.

Building a culture of peace and democracy

The challenge facing Guatemalans is to build a participatory democracy centred on respect for human rights. This requires a strong civil society and an active citizenry. However, organised civil society and grassroots communities were amongst the primary targets in Guatemala's long-running conflict. As a result while human rights advocates have lots of experience in defending the right to life in the face of military repression and death squads they have less knowledge of other forms of human rights advocacy. However, other challenges have come to the fore in peacetime such as the violence of hunger, disease and poverty inflicted on the majority of the population. That Guatemala's children still die of measles, an easily preventable disease, as we approach the new century, due to corruption at Ministry of Health level is a scandal human rights organisation must also address.

While the state and the insurgents were the parties to the conflict and also to the peace agreement, it is vitally important to establish a new relationship between the state and all sectors of civil society if a culture of peace is to be realised in a society which has experienced authoritarianism for many years. For civil society to be equipped to effectively take up its rightful role as a counterpart to the state (which of course should be a developmental state), there is an urgent need for awareness raising and education on human rights and to mobilise society to demand that agreed human rights standards are actually practised. Rather than merely denouncing human rights violations, which we still do, civil society groups must also promote a policy of respect for human rights and make concrete proposals for strengthening democracy. A dynamic civil society which pursues these objectives will be the base for a new form of democracy in Guatemala, and for a new path to development.

Of course this is a difficult exercise, primarily as the Guatemalan state is not used to this. The Guatemalan state has always been an authoritarian, repressive one. And again, although we have a civilian president today – and actually the president who has signed the peace accord, which is very important, and one who has a different view from the other governments – the fact is that even this government, and this president find it difficult to sit down and dialogue with civil society. Just 2 months after signing the accord President Arzu made a speech saying: “Dialogue has concluded because we have signed the peace.” He also stated publicly to the Spanish newspaper *El País* that his two biggest obstacles were the Church and the human rights organisations. When one considers that these statements were made by a President who has signed a peace accord one can understand the difficult climate for building a culture of peace, especially when governments in Guatemala are not used to being criticised. In this situation anyone who tries to raise a moral voice or tries to question their policies is traditionally seen as a political obstacle.

At the same time Guatemalan civil society faces another problem wherein 36 years of war has deprived the country of a whole generation. As one example the labour federation I worked with for many years was raided by the military in June 1980, its leaders were kidnapped and were never heard from again as they joined Guatemala’s legacy of disappeared persons. This federation no longer exists. Staff of the legal department, of which I was one, were out of office and survived, though later we were also forced to flee for our lives. A colleague, Ulanda

Aguillar who returned to Guatemala in 1982, subsequently was abducted and never seen again. Thus our return to Guatemala and the whole peace process is tinged with sorrow for those who were murdered. While there is a strong belief in civil society and its potential role, our society has been crippled by the numbers of people who were lost and our history of struggle and protest against gross violations of human rights, including the right of civil society to organise.

Those outside the country, namely governments in the North and international institutions, have tended to focus on a liberal view of democracy: that is, holding regular elections with a wide choice of parties and candidates. Instead what Guatemala needs is to forge a path towards a participatory democracy. If the two were the same then the fact that there were 19 candidates in the presidential election would render our country one of the most democratic in the world. Clearly this is not the case.

So having outlined the problems we face what then are the ingredients of building a culture of peace and democracy with respect for human rights? Three areas are of particular importance:

- Access to truth and justice, including an end to impunity;
- Devising a new model of development; and
- Building a participatory democracy.

Access to truth and justice

Given that all states have an obligation to protect and promote human rights, they also have an obligation to investigate when these rights are violated and to prosecute those responsible. Using these same principles they also have an obligation to release information to the public, and in particular to the victims, their relatives and communities. This is critical as human rights violations are not only an attack on individual victims, they are an attack on society at large and on democracy. Guatemalan society, or indeed any society, has the right to know who has violated these rights, why they did so, who gave the orders, who were the intellectual authors and so on. This information would fulfil their right to truth which is a paramount one in the human rights field. A number of steps and processes are underway in Guatemala to search for truth and in

particular on what happened to the victims of the conflict and the suffering imposed on society.

In Guatemala a Truth Commission has been established by the UN as part of the peace process under the rather unusual title *The Commission for Historical Clarification*. Despite having a limited mandate the Commission has been doing a very good job. The weak mandate was due to the fact that both parties to the negotiations for peace were not very convinced of the need for it and its benefits. One of its weaknesses is that it cannot name those responsible for human rights violations. This goes against our sense of justice; in Guatemala there is a saying that half the truth is not the truth. The other constraint imposed on the Commission is the limited duration of their investigations, namely its one year timeframe. Yet the Commission is still playing a key role in Guatemala just as similar initiatives have done in South Africa, El Salvador and Argentina. At last there will be official recognition that the Guatemalan military engaged in a policy of genocide. Through the testimonies to this Commission the people are able to seek and demand truth through a process which will have permanence.¹

Furrrhermore, the Commission is a means to recognise the right to truth as a human right. As John 8 says, "Only truth will make us really free". I am reminded in this of the title of a pack published by the National Famine Museum, Strokestown, the Ulster Folk and Transport Museum and Trócaire in 1995, the start of the official three year commemoration of the Irish famine entitled *Remembering our Past, Remembering our Future*. Learning the lessons from our past, preventing mistakes being repeated, requires that we have the facts in the first place. It requires the truth and setting the record straight.

While truth and justice issues are linked in Guatemala as everywhere, they are not one and the same thing and both processes need to be kept distinct. Decisions on punishment for past crimes should be left to the judiciary or else we can mistake the role and weaken the results from the Commission's work. I believe that the report of the Commission will have a high moral standing and will help persuade civil society to seek justice, thus ending impunity. This will also require judicial reform so as to give the judiciary the capacity to effectively bring to justice those implicated in human rights violations.

However, another report of greater substance is also in the process of being finalised. This one is being prepared by the Catholic Church which over the past two years and more has been recording the historical experience of conflict in Guatemala

in an inter-diocesan project called *The Recuperation of Historic Memory*. This project has gathered the testimonies of people who little by little were willing to speak out and involves reflecting with communities on the violence they have experienced. It contains their reflections and is their report. Moreover, the moral suasion of their findings and the spiritual dimension to this work will also add force to moves to bring those responsible for abuses to justice.²

Thirdly, the exhumation of mass graves is a way of not only retrieving history in the bodies of those murdered. It is a gruesome but necessary activity. While those who were murdered have lost their lives they have not lost their identity and dignity. Indeed the bodies of those being exhumed are those of human rights defenders and we need to give dignity in death to the martyrs in the cause of human rights in Guatemala and to their relatives and friends. Obviously we have the martyrs of the Church such as in the Diocese of Quiche where a list of those who died in the war defending the faith is being compiled. Such lists should be broadened to include all those who gave their lives in the pursuit of peace and democracy. They are martyrs, they deserve to be remembered with their names. So do their memories, their thoughts and their legacy to those who survived in terms of the future society we want to live in. In engaging in this work the focus is on working with rural indigenous communities so that they make a very conscious decision on whether they want to go through with the exhumation as it entails emotional turmoil but also political risks. The military still threaten those who investigate too much. Community teams are trained to participate in exhumations because it is their process rather than merely a technical one.

All the above activities are part of the struggle for the right to truth. There is a danger that Truth Commissions mark the end of a process of truth-telling. Instead the truth must be told systematically and continuously. This process of truth-telling by those in power, whether in Guatemala or any other country, also demands answers to political questions of repression and to questions concerning the use and sharing of economic resources.

At the same time truth and justice are not identical. They are stages in a process of building peace and democracy. Sometimes while people may want to know the truth they may not wish to seek justice. This is a decision for them or their community. While we can encourage communities to seek justice we cannot and should not force them to do so as it is their decision. Even when justice is sought this is a difficult process as the judicial

system is in tatters. The response of human rights groups must be to defy it, to challenge it, to denounce it publicly in its present guise, but at the same time to pursue it. While many judges are corrupt, the human rights community through public action are elevating the stakes for the system by highlighting the need for justice and by filing cases at a regional level through the Inter-American Human Rights Commission. All this is new to the Guatemalan people who never believed in the justice system before.

Building a new model of development

One of the problems faced in Guatemala is that it is a very wealthy society yet it is also one of the most unequal societies in the world whether one examines land holdings or wealth levels. The country's wealth includes oil, agricultural resources and its natural beauty which is now attracting more tourists. Yet it has the poorest population in the western hemisphere, except for Haiti. Guatemala has the highest illiteracy and infant mortality rates in the region after Haiti. It is a rich country populated by mainly poor people. Not surprisingly pursuing a path of economic or export growth on its own will not translate into improved living standards for the majority of its citizens. Moreover, Guatemala has been divided into poor and wealthy for many years including the period of Spanish colonial rule where a few benefited and discrimination not only based on one's economic origin but also one's ethnic and racial background was rife.

While political and civil rights are emphasised in conflict situations to the detriment of socio-economic rights, having signed the peace we now recognise that lasting peace will only occur in Guatemala when we actually begin addressing the socio-economic situation. Otherwise conflict will continue. While the peace agreement contained within it a socio-economic accord, no concrete reforms have yet been put in place. Again the role of civil society acting as a counterpart to the state is vital in ensuring that the accord does not merely sell a democratic image of Guatemala on the world stage, without creating just relations in terms of ownership and control of resources, including land. Yet to date no steps towards reform of land ownership have been taken.

There is an alternative to this *status quo* wherein civil society, especially rural Mayan organisations, demand compliance with these accords and set out an agenda for economic reform. A crucial issue facing the government is the need for tax reform which is not only essential for the survival of the state but is also needed for even a minimal level of wealth redistribution. But it is today the topic which everyone hides from and no-one is brave enough to put out to public debate. Of course the business sector opposes it vehemently.

In an alternative model of development other groups' rights would also be respected, including those of children. While NGOs have been pushing a code on child rights this has been opposed by the government and indeed by a culture of authoritarianism wherein it is feared that respect for child rights would undermine state and family authority.³

Building a participatory democracy

Many Northern governments still view democracy as based on elections but in Guatemala the people know better, as numerous elections just meant different governments controlled by the military who held the real power. While elections are important they are still only mechanisms for exercising democracy which has to be based on grassroots participation.

In Guatemala there are signs of hope for achieving a participatory form of democracy. This is evident in the emergence of new NGOs and popular movements. The labour and peasant movements were the subject of persecution for many years. Yet these movements are re-emerging and new movements of women, Mayans and artists are also being built up. Cultural expressionism around peace, democracy and human rights is a rapidly growing sector. While it is impossible to place a price-tag on this, its value to Guatemalan society where it was repressed for so long is immense. Ironically the government sees NGOs and the Church as threats to the peace process. Given the weakness of civil society after 36 years of war, and the danger that it will not be given the space to grow it is therefore vitally important that capacity building programmes to strengthen its role and its organisations are prioritised by Northern NGOs and official donors. Civil society faces the challenge of moving from

“Protest” to “Proposals”, we need to devise new ways of working for development with justice. Devising alternative models of development and democracy requires the strengthening of capacities in strategic planning, management and organisational development. In addition it requires stronger links with others working on similar initiatives at regional and international levels.

One key strategy for change involves working at municipal level as this is the first experience of democracy that people have. This is a slow but worthwhile path to gaining power. And it is an area that traditionally the political parties could not have cared less about in the pursuit of national electoral power. But in fact this is where people want to firstly exercise their democratic rights. This is something the indigenous Mayan movement has prioritised. Through this their democratic space can be expanded. As the identity and languages of indigenous communities are local, this is an essential first step in their participation in more national-level decision-making. The election of mayors and councils is vital to them as these are the only elected representatives they will ever get to know. Thus when national elections take place these will be the people who are most familiar and who have proved their commitment to local communities. Only with a strategy of developing local authorities and strengthening and building new forms of civil society can we build new political movements.

Make no mistake, this must be our end goal as we must build a national movement for democracy. The election of a Mayan mayor of Guatemala’s second city is a victory for the Mayan people and an encouragement for them to participate further in the political process. More, however, needs to be done to make the state and political parties respond to the dynamics of civil society and its needs.

Gaining power to change structures is essential but we must remember that the process is as important as the results of such change. The Mayan movement is now gaining strength, even though it still has divisions. So too, the women’s movement is better organised especially in rural areas among indigenous communities. The movement of artists and all those working for cultural expression is a sign that Guatemala is still a country of cultural and spiritual richness to be harnessed as a resource for sustainable development and peace.

The future

Democratisation must be a dynamic and continuous process if it is to have any meaning for the people, and if it is to be truly representative of them. Centralised forms of democracy with no grassroots bases will inevitably be unsustainable and unrepresentative of the interests of the majority poor among the Guatemalan population. After enduring 36 years of conflict the people of Guatemala are keen to ensure a lasting and just peace. The cost of war in terms of lost lives and development opportunities has been immense.

While a peace accord has been signed it is worth recalling that this was only achieved due to international pressure. This peace is not an end in itself. Rather this is a new beginning. Therefore, we need the support of the international community, particularly in the next few years, in order to ensure that peace lasts. This support should include judicial reform as the various commissions, investigations and missions such as the UN verification missions draw up their evidence so there must be an end to impunity. Already, different forms of violence are being experienced as death squads are hired to eradicate crime and as it is chillingly termed "to socially cleanse" homosexuals, prostitutes and other groups. This substitution of one form of violence for another shows the deep-rooted nature of conflict imposed on the people of Guatemala. However, building a new culture of peace and democracy which tackles injustice at all levels, including the allocation of economic resources, is the task which many civil society groups are taking on. If this is successful the future for the people of Guatemala may be a lot brighter.

Footnotes

- 1 The Commission finished its investigations in July 1998 but is still preparing its report which is due for publication in January 1999.
- 2 Two days after this report, highlighting human rights abuses, was published, the Chairperson of the group working on the project Bishop Juan Gerardi (aged 75) was murdered. His murder has not been solved and sent a strong signal to human rights workers that no-one is safe from violence and as such was aimed at curbing civil society demands for justice and human rights for all.
- 3 Since this paper was presented the Code on Child Rights promoted by CALHD and others has been defeated. One of the lessons of this defeat is the need for more civil society mobilisation and awareness raising, as well as working with the media on this issue. It is intended to pursue the Code again in the year 2000.