



JOAN B. KROC
INSTITUTE FOR
PEACE & JUSTICE
UNIVERSITY OF SAN DIEGO

IPJ Guatemala Assessment Trip Final Report

June 2008

Joan B. Kroc Institute for Peace & Justice (IPJ) at the University of San Diego's Joan B. Kroc School of Peace Studies is committed to fostering peace, cultivating justice and creating a safer world. The IPJ was founded with a generous gift from the philanthropist Joan B. Kroc, who asked that the institute be a place that not only “talked about peace, but made peace.” Through education, research and peacemaking activities, the institute offers programs that advance scholarship and practice in conflict resolution and human rights.

This publication was made possible by the generous support of USD's International Office in collaboration with the IPJ staff and dedicated colleagues in Guatemala. Research assistance by Erica Embree is gratefully acknowledged.

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Executive Summary

Purpose

The purpose of the assessment trip was to gather information and build knowledge that will enable the IPJ to decide whether and how to pursue work in Guatemala. Analysis of the consultations with diverse sectors of Guatemalan society and documentation of the articulated need produced many possible pathways for engagement.

Process

In 2008 the institute began to develop a comprehensive intervention methodology that accurately describes the practices of existing projects and provides guidelines through which to develop new ones. The institute's approach incorporates relevant best practices into a conflict transformation theoretical framework.

Essential to IPJ interventions is the participation of diverse actors from a variety of sectors and fostering an exchange among grassroots, middle range and elite levels of society in the domestic and international spheres.

The assessment team developed a sector selection process and designed a questionnaire to solicit the interviewee's priorities for peace and justice, supplemented by a distinct set of four to eight questions for each interview.

Product

The report includes a brief analysis of the current challenges facing diverse sectors of Guatemalan society, followed by articulated needs for addressing relevant obstacles to sustainable peace. Interspersed are stories of hope. These "promising initiatives" describe the inter-related responses that weave together best practices by those who, despite the harsh reality in Guatemala, are waging a struggle for justice in the quest for peace.

Prospects for the Future

The findings are proposed in two phases: growing edges and future engagement. Growing edges specifically address a short- and middle-term timeline (FY 08-09), complement and build on existing IPJ programs and are achievable given the current human and technical capacity of IPJ staff and its working colleagues. Future engagement refers to potential expansion of programs and new partnerships that could be forged to deepen the IPJ's involvement with Guatemala.

The assessment trip confirmed the IPJ has specific and relevant skills that can support Guatemalans in the struggle to secure peace with justice following the internal armed conflict. The history of IPJ collaborating with Guatemalans since 2001 provided an initial foundation for the assessment. This provides a framework for weaving Guatemala into the growing edges of IPJ existing programs. The connections forged and knowledge gained during June 2008 can serve as a foundation for deeper, more substantial future engagement.

II. Conflict History

1944-1954: The 10-Year Spring

The modern-day roots of the armed conflict in Guatemala date to the administrations of Juan José Arévalo (1944-1949) and Jacobo Arbenz (1949-1954). These years are collectively known as “The 10-Year Spring,” which sought to bring about social democratic reforms in the country and specifically, under Arbenz, land reform. These reforms threatened the interests of the United Fruit Company and sparked the involvement of the U.S. Central Intelligence Agency (CIA) in the coup d’état that brought the military to power in 1954.

1960-1996: 36 Years of the Internal Armed Conflict

The 36 years of conflict, spanning 1960 through 1996, comprise essentially two periods of intense armed confrontation: roughly the first half of the 1960s, and the late 1970s through the early 1980s. In 1960, a small band of nationalist military officers – humiliated by the CIA coup of 1954, motivated by national fervor as well as socialist and social-democratic leanings, and inspired by the Cuban Revolution in 1959 – formed a small guerrilla band that sought to ignite a revolution starting in the eastern departments of the country. Within the decade, they were defeated.¹ However, by the late 1970s, another guerrilla band slipped across the Mexican border and sought to establish roots among the dispossessed indigenous peasant farmers of the western highlands, who responded with a massive mobilization.² The response of the Guatemalan army was destruction on an unprecedented scale.

By 1982, the Guatemalan army’s scorched earth policy under General Romeo Lucas García and then General Efraín Ríos Montt, dealt heavy blows to the four guerrilla armies united under the National Guatemalan Revolutionary Unity (URNG). But civilians were the most victimized. The devastation was the worst of all the Central American wars of the 1980s, by orders of magnitude: over 400 villages destroyed, 45,000 people documented killed, and a total 200,000 killed or disappeared, mostly among the indigenous.³ The destruction was the result of a genocidal policy under Ríos Montt, and for that reason, a generation later, survivors are seeking to try the perpetrators for those crimes. (*See Promising Initiatives: Coordinating Cases*)

Urban repression during that era was also harsh.⁴ The unexpected discovery in July 2005 of a massive trove of police archives in Guatemala City, containing 70-80 million documents, has given an immense boost to ongoing efforts to learn the truth and bring perpetrators to book.⁵ Furthermore, in Feb. 2008, newly inaugurated president Álvaro Colóm announced that the military archives would also be opened; this has not yet occurred.

The violent conflict continued via government repression of human rights activists, church workers, peasant farmers and trade unionists. As international public opinion began to shift in light of the persistent terror, the armed opposition saw an opportunity to force the government to the negotiating table.

1996-2007: The Peace Accords and the Decade that Followed

The United Nations-brokered peace accords were signed in Dec. 1996. There were six sets of accords: three to address immediate concerns and three that focused on long-term/structural issues. The latter ambitiously sought to address root causes of the conflict; they remain largely unfulfilled to this day.

The accords called for a “popular consultation” or referendum to ratify agreements preliminary to constitutional reforms, but in 2000 and 2001 the Congress complicated the legislation with extraneous issues. A confused public mostly abstained and the referendum was voted down, effectively stalling the agenda of the accords.

The years following the signing of the accords, however, were also characterized by a major influx of foreign assistance and presence, as donors responded to the formal end of hostilities and Guatemala’s pariah status.⁶ The U.N. verification mission (MINUGUA) remained in the country for eight years, leaving only at the end of 2004. International financial institutions began investing in the country; the United Nations Development Programme (UNDP) and MINUGUA coordinated donor assistance.

The resulting impact on civil society organizations was mixed: many prospered while others insisted on a more distant stance toward foreign donors. (*See Analysis: International Donor Community*)

2007-June 2008: A Tumultuous Electoral Season Culminates in a New Social-Democratic Government

The 2007 elections were the most violent that Guatemala had seen in years. Over 50 political murders of activists and/or their family members from across a range of political parties took place within the last six months of the campaign. The campaign pitted the social democrat Álvaro Colóm against General Otto Pérez Molina, a signatory to the peace accords but also implicated in past crimes.⁷ Pérez Molina is a proponent of the “*mano dura*,” or “iron fist” approach to dealing with the delinquency and common crime that increasingly feed a sense of insecurity among the Guatemalan public. Pérez Molina won in Guatemala City and other urban areas where crime is higher, while Colóm carried the countryside. Electoral reforms increasing the number of rural polling places by 57 percent were a key factor in Colóm’s victory.⁸

Following Colóm’s third presidential campaign, he took office with the imperative of repaying political and financial debts. The ranks of the ministries from top to bottom were replaced resulting in the loss of expertise in positions which have previously been career appointments.⁹ It is alleged his campaign benefited from torrents of money from drug and organized crime rackets, in addition to contributions from big business to which he is tied by virtue of his wife’s connections. Sandra Torres de Colóm is a prominent figure whose various official posts in the Colóm cabinet – she has since stepped down from a few – have drawn criticism.

V: Context Analysis and Articulated Need

Overview

Building on seven years of institutional involvement/interest in Guatemala, the IPJ conducted an in-country assessment in June 2008. The assessment team found human security in Guatemala is threatened. Simply understood as “freedom from fear, freedom from want,”¹⁰ citizens of Guatemala are denied these most fundamental rights. The burden of the lack of human security is experienced disproportionately among already marginalized sectors in Guatemalan society: women, youth, indigenous, landless, poor.¹¹ The overall insecurity also causes deeper societal disruption – namely, the lack of trust in institutions fosters impunity and increases exploitation of the weak by those who wield power.

The following sections include a brief analysis of the current challenges facing diverse sectors of Guatemalan society, followed by articulated needs for addressing relevant obstacles to sustainable peace.¹² Interspersed are stories of hope. These “promising initiatives” describe the inter-related responses that weave together best practices by those who, despite the harsh reality in Guatemala, are waging a struggle for justice in the quest for peace.

Executive Branch

Six months into the presidency of Colóm, many say they are giving his administration “the benefit of the doubt.”¹³ This is due to a lack of clear alternatives should the executive branch not deliver the campaign promises of greater social inclusion.

The new National Unity of Hope (UNE) government offers only the “tint of a social democrat.”¹⁴ Many ministerial appointees are “the same actors as during the war, there is not ideological difference. ... There is no commitment to peacefully changing structures.”¹⁵ “Repression won, the counterinsurgency won.”¹⁶

“The problem with the current government is it’s a hodgepodge of personalities with different ideas and little is done to harmonize them.”¹⁷ This is due to the fact that Colóm was indebted to many supporters after his third presidential campaign.¹⁸ While acknowledging that “political favors being repaid are part of the democratic process, it should be based on qualifications. In this case, however, it has resulted in fractured leadership”¹⁹ and a high rate of turnover in Colóm’s first six months in office.

The impact of corrupt political appointees and fractured leadership in the executive branch is compounded by some of the same challenges facing the legislative branch: No political party has remained in power from one presidential term to the next.

Articulated Need

- Investigation into campaign contributions of 2007 electoral process by governmental institutions and nongovernmental bodies to inform future reforms.
- Research on the new government appointees and dissemination of their qualifications and relevant background to increase transparency and accountability.

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- Identification of key ministries and governmental bodies with leadership to initiate relevant advocacy campaigns.²⁰ (*See Promising Initiatives: The Recovery of Historical Memory for the Next Generation*)
- Promotion of media coverage of the conflicting statements and positions within the executive branch to document discrepancies in public decision making.

Legislative Branch

Political parties are shallowly rooted: They lack a strong ideological component and consequently party alliances shift and change every four years with each election. In contemporary Guatemala, no political party has remained in power from one presidential term to the next. “The political parties have not been able to penetrate the collective imagination.”²¹

This volatility of the political party system is due to a number of factors. Politicians don’t see the parties as ideological bodies or social structures, but rather as vehicles for power. The voting public, in turn, sees the parties as a source of political patronage. This is exacerbated by poverty, which leaves people vulnerable to vote buying. In addition, “Guatemala is a country that believes in personalities, not in the parties.”²²

Additional factors are based in the internal armed conflict, which fostered an anti-establishment mentality among people. People rejected the state, and “only recently have alternative parties begun to make change.”²³

Weak accountability mechanisms exacerbate the above problems. In June, the congress was mired in a financial scandal which involved representatives from the major parties. This understandably hampered the congress’ ability to accomplish much. In particular, it meant that efforts to push forward a much-needed – and long-postponed – fiscal reform were stalled.²⁴ One observer’s assessment was that “there has been a strong fight to destabilize the congress and the parties. The lack of regulations about the use of public funds and the weak controls on government spending further deteriorate democracy.”²⁵

Articulated Need

- Capacity-building courses on the role of democratic government and advocacy methods.
- Strengthened efforts at awareness-raising and empowerment of rural indigenous women.²⁶
- Roundtable discussion with women’s groups working on legislation in common, such as the new bill on a proposed Ministry of the Family, building on existing legislative work among women’s groups.

Judicial Branch

Guatemala is “a long way from justice.”²⁷ The judicial system, the body charged with upholding justice, should be a key player in combating impunity. However, “there is no

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independent judiciary.”²⁸ It is crippled by the same challenges facing the other government entities: “corruption, intimidation [and] bureaucratic ineptness.”²⁹

The Public Prosecutor’s Office (MP) is responsible for carrying forward cases of human rights violations and historic atrocities. Currently 98 percent of all violent crimes go unpunished.³⁰ In prosecutions, “the *amparo* [injunction] is used constantly, which slows down the legal processes. It is an abusive practice.”³¹ “The effect is to suspend [the proceedings], but there are no normative frameworks for its application. It suspends the process automatically.”³² There is also lack of overall capacity; “they just use their computers like typewriters.”³³ Even when members of the MP are trained, they are then re-assigned to other posts. In coordination with the National Civilian Police (PNC), the MP should investigate, collect evidence, formulate cases, prepare trials and prosecute perpetrators. Instead, this burden falls to the victims.

“The victims, who are indigenous, poor and in isolated communities, have to collect and bring forward the evidence. This has put the victims at further risk.”³⁴ Furthermore, “the State has not supported a [national reparations] plan for the victims, neither in psychosocial support nor financial support in the search for truth.” International NGOs should play a role in “anything to do with justice.”³⁵ While new information unearthed in the PNC archives will be useful to determine the fate of those disappeared during the conflict,³⁶ in some cases, witnesses are passing away. “For example, there is one case in which the father [of the victim] just died – and there is no other living family member who can continue this search for the son disappeared during the conflict.” As a result, justice delayed is justice denied.

“The motivation [in the judicial system] is questionable.” One is not sure “if they are corrupt, scared or incompetent or all three.”³⁷ Regardless, the Guatemalan state has not created sufficient victim-centered or survivor-sensitive mechanisms in justice processes.

Articulated Need

- Creation and monitoring of robust indicators that measure the extent of impact on procedural and substantive improvements in the MP.
- Consultation with international experts to implement institutional reforms (e.g., system of promotion within MP) and legal reforms (e.g., end use of *amparos*) to enhance efficacy and speed of investigation and prosecution.³⁸
- Promotion of alternative systems of retributive justice through enhanced coordination between Guatemalan and international organizations, i.e., OAS, Spanish Courts, etc. (*See Promising Initiatives: Coordinating Cases*)
- Awareness about transitional justice mechanisms; include judges and prosecutors in training programs.
- Psycho-social support to victims and survivors.
- Initiatives to pressure the Guatemalan government to fully implement the National Reparations Plan (PNR).
- Support to archive of the PNC archives and the National Security Archives in D.C. to increase access to information.³⁹

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- Coordination of international campaigns to denounce the continued violation and abuses of the judicial system and the delay of justice.

Promising Initiative: Coordinating Cases

“We do this for our children,” explained the president of the Association for Justice and Reconciliation (AJR), a coalition of survivors from 22 communities bringing charges of genocide, crimes against humanity and war crimes against Efraín Ríos Montt, Romeo Lucas García and other intellectual authors of the “scorched earth campaign.”⁴⁰ With the legal assistance of the Center of Legal Action and Human Rights (CALDH), the AJR is setting precedent as the first group to use national judicial systems to try perpetrators of crimes under international law. While the legal process is long and arduous, the survivors have maintained the focus on the new generations of Guatemalans, so that regardless of the judicial outcome, their children will “never again” experience the brutalities of war.

The AJR and CALDH are two of the organizations taking up prosecuting high-level perpetrators during the conflict. Through a division of labor, based on their capacity, mission and membership, others have coordinated responsibility for specializing in trying a specific type of human rights violation. The Human Rights Office of the Archbishop of Guatemala (ODHAG) is bringing the case against Lucas García and those responsible for the assassination of Bishop Gerardi; the Association of Families of the Detained and “Disappeared” of Guatemala (FAMDEGUA), massacres; the Rigoberta Menchú Foundation, the bombing of the Spanish Embassy, through the Spanish judicial system; the Mutual Support Group (GAM), cases of the disappeared; the Myrna Mack Foundation, her individual case; and the Forensic Anthropologist Foundation of Guatemala (FAFG) provides the technical exhumation work and partners with a number of other NGOs to provide psycho-social support during this process. This complex web aims to establish accountability for the past and establish precedent to combat impunity.

Military/Security Sector

For a half-century the armed forces in Guatemala have been the strongest and most powerful national institution; it is not surprising that civilian structures have languished. “Institutions are weak because this was a militarized state. After the peace accords, the military state left and left a vacuum in its place.”⁴¹

The armed forces continue to be the dominant power in Guatemala, but in ways that are difficult to discern and document. The high numbers of demobilized and unemployed former fighters, and the vast numbers of small arms – as in so many other countries – have led to increased rates of violent crime. More specific to Guatemala is the importance of organized crime rackets as a force for profit for military and ex-military officers.⁴²

The armed forces, at least at the highest level, are aware of the need to project an image as protectors of the nation who are respectful of human rights. “In our understanding, the center of action is the human being. We, the Armed Forces, are totally a service institution. So, we serve the human being – whether or not that person is a soldier.”⁴³

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Indeed, the Guatemalan military has begun receiving human rights training through the U.S. Southern Command (SouthCom). SouthCom has contracted an organization in Costa Rica, the Center for Human Rights Study, Training and Analysis (CECADH, or Centro de Estudios, Capacitación y Análisis de Derechos Humanos) to do human rights training throughout all of Latin America. A convention signed in 2003 with SouthCom with Latin American governments established this human rights training for the Guatemalan military; the first manuals will soon be published.⁴⁴

At the same time, the military seems unwilling to acknowledge the pervasive and systematic nature of human rights abuses it committed during the civil war, instead insisting on characterizing those violations as “excesses” carried out by “a few bad apples.”⁴⁵

Human rights NGOs have opted to work with the national civil police rather than the military when it comes to human rights training. This is because “there hasn’t been any opening yet. Until they change their ways, abandoning the old nationalistic doctrine, and are able to work with civilians, when they change their mentality and don’t see themselves as a group apart, as a separate caste, only then could there be the possibility [of working with the military].”⁴⁶

However, the governmental institutions Commission on Human Rights (COPREDEH) and the Peace Secretariat (SEPAZ) – soon to be fused into one body – have been in an administrative role vis a vis human rights training of the PNC, and would like to play a more productive role. “We’d like to do an analysis of how those [human rights education] bodies are functioning and how they can be improved. . . . We’re also going to talk to all of the human rights offices in each of the state apparatuses – for example the Human Rights Office of the Ministry of Defense. What we’ve found is these offices have been created, but there are no mechanisms in place to advance human rights.”⁴⁷

Articulated Need

- Promotion of a shift in attitude on the part of the military, in favor of working with NGOs and with COPREDEH and SEPAZ on human rights training and professionalization.
- Consultation with military participants from the conflict to consider their narrative of the past in future historical memory projects.
- Engagement with the U.S. military and policymakers to track the way in which it conducts and promotes human rights training of the Guatemalan military.⁴⁸

International Donor Community

Following the signing of the 1996 peace accords, many international donors – both governmental and nongovernmental – increased financial support to implement the agreement.⁴⁹ In the decade since, however, Guatemala has faded as a funding priority⁵⁰; “10 or 12 years out there is a lot of disappointment.” Recognition of corruption, lack of fiscal reform and urgent needs in other regions has spurred the reallocation of resources. “Those in the central government aren’t committed”; results are better achieved through investment

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in local government like the municipality or *mancomunidades*, groups of communities based on geography or common interests.⁵¹

Funding priorities are shifting within Guatemala as well. It is difficult to find funding for historical memory initiatives and support for exhumations is being phased out along with food aid, while there is increased investment in justice and security. The remaining major donors coordinate their contributions and technical support through the Dialogue Group which focuses on governance, justice and security (which includes human rights), and health and education.

Articulated Need

- Increased international donor support for peacebuilding and justice projects; target funding to local government bodies and NGOs with connections to the municipal level.
- Refined indicators that measure impact and results that measure substantive and procedural changes.
- Additional sources of funding and creative partnerships with the private sector⁵² and other organizations working on similar issues.⁵³ (*See Promising Initiatives: Constructing a Future for Youth in Guatemala*)
- Channeled information into donor decision-making strategies about how human rights groups have combined prosecution work with broader initiatives to build respect for the rule of law, e.g. through popular education methods and historical memory work (like ODHAG), psychosocial support, legislative strategies (GAM) or police training (Mack Foundation).⁵⁴

Promising Initiatives: National-International Alliances to Combat Impunity

The formation of the U.N. International Commission against Impunity in Guatemala (CICIG), an “idea born from civil society,”⁵⁵ has re-engaged some in the donor community who back the \$30 million Trust Fund over the initial two-year mandate.⁵⁶ Recognizing “Guatemala cannot fight impunity by itself”⁵⁷ because the parallel structures and organized crime have infiltrated all levels of government, the international community responded to the calls from Guatemalan organizations. Initial groundwork for the Commission for the Investigation of Illegal Groups and Clandestine Security Organizations in Guatemala (CICIACS) was “revisited at the end of 2005 by Eduardo Stein, who was always there behind scenes, and of course it was Helen Mack pushing it forward from the NGOs.” As internal advocates worked in Guatemala, international partnerships were key. While “few people in the [U.S.] Congress pay attention to Guatemala,”⁵⁸ NGO coalitions, like the Washington Office on Latin America (WOLA), worked with key staffers, such as Tim Reiser in Senator Patrick Leahy’s (D-VT) office, to advocate for financial support through the Foreign Operations Appropriations Subcommittee. “That alliance is what made it happen.”⁵⁹

The mandate of CICIG is to vet the penal system; investigate and prosecute; provide technical support to the state bodies; and recommend normative, institutional and operational reforms.⁶⁰ Learning from the failures of international tribunals and hybrid courts,

it is “the first agreement of its kind in the world.”⁶¹ “It is international as to personnel, but as to its norms, it is national. It has an international treaty as its mandate, but it operates under national laws.”⁶² By taking on select cases and providing investigative assistance in others, CICIG is adopting a “last paragraph” strategy: When successes are reported on, the MP will receive credit, while CICIG’s contributions will only be mentioned in the last paragraph of a news article.⁶³ The goal over two years is to strengthen human capacity through this national-international collaboration to create “a prosecutor’s office that is well-formed, motivated and highly capable.”⁶⁴

Economic and Political Elite

Those consulted referred to the power of the economic and political elites as undergirding the present situation in Guatemala of extreme social stratification, perpetuation of impunity and the lack of willingness to invest in a transformation of the society. “The discrimination is rampant. This is a neo-feudal society, with a mere flavor of democracy.”⁶⁵ To the question of whether the history of the civil war should be taught in the schools, “some would say, ‘over my dead body.’”⁶⁶

There seems to be a vicious circle: Elites do not trust the government and refuse to pay taxes which hinders the government’s efficacy. They do not invest in the provision of public goods; effectively opting out of society by providing for themselves and their families’ private education and private security. “Those helicopters that you hear all day, and the caravans of three cars with heavily armed guards, that is how they get around the city.”⁶⁷ Social investment in Guatemala is the lowest in the hemisphere, with public expenditure on health at 2.3 percent of GDP and public expenditure on education at 1.3 percent.⁶⁸

The government budget is approximately \$7.1 billion – “a highly inadequate amount.”⁶⁹ But without increasing revenues it is difficult to increase social investment. The 1996 peace accords mandate an increase in revenues, to reach 12 percent of GDP – a figure commonly cited by informants.⁷⁰ A fiscal reform plan had been contemplated in the congress (an earlier Fiscal Pact, voted on in 2001, failed to pass). During the week of June 16, a financial scandal broke that affected both major party coalitions – giving credence, if any were needed, to accusations of congressional corruption. The resulting turmoil in the congress effectively brought to a standstill – for the time being – the efforts to pass the fiscal reform.⁷¹

Increased revenues are necessary in order to allocate a greater portion of national income to social spending. At the same time, “the pie needs to be made bigger.”⁷² In order for that to happen, a better-educated and better-prepared workforce is needed. “Fifty percent of all children under five years old are malnourished. That is a shame. They don’t develop in the same way, they won’t have the same intellectual resources.”⁷³ Guatemala is classified by the World Bank as a middle-income country; it can now sell bonds on the international markets, which necessitates favorable country risk ratings to attract investors. But if social indicators do not improve, risk ratings remain high and investors will not want to come. “Guatemala needs to be more than a country of *maquiladoras*. This is the largest economy in Central America, and yet Costa Rica ... attracts companies like Intel ... not, for example, clothing

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manufacturers. But in Guatemala, we don't have a population with the educational levels to attract that kind of investment."⁷⁴

Articulated Need

- Support those groups in Guatemala advocating in the congress for a fiscal reform to bring revenue collection in compliance with the mandate of the peace accords.
- Monitoring of government social spending; support groups advocating for increasing spending in line with the mandates of the peace accords.
- Methods to reach students who have opted out of public schools so that they are educated about historical memory.
- Implementation, evaluation and eventual scaling-up of the existing World Bank program of conditional transfers.⁷⁵

Promising Initiative: The Recovery of Historical Memory for the Next Generation

"It is almost as though it is the 20-somethings who don't know anything about the war because they are too young to have lived through it, and too old to have benefited from learning about it in the schools," said Ninfa Alarcón of the Archbishop's Office for Human Rights in Guatemala (ODHAG). ODHAG was referred to by more than one group as the "go-to" place for historical memory. Created in 1990 at the initiative of Archbishop Quesada Toruño, and placed under the direction of Bishop Juan José Gerardi Conedera, ODHAG researched and produced the four-volume Recovery of Historical Memory (REMHI) report, which documented atrocities committed by the military and the guerrillas during the civil war.⁷⁶

The team of educators working in ODHAG's Culture of Peace department described to us how, after the voluminous REHMI report was issued, it became necessary to create a simplified version for mass consumption. The team thus went to work creating a popular version and its accompanying package of pedagogical materials, based in classic Freirean experiential education methodology,⁷⁷ to help disseminate the content of the report among the population. The next step was to create a textbook version for children. After that came the development of a teacher training methodology and teacher training program, implemented in conjunction with the Ministry of Education. At this point – as the 10-year anniversary of the report's release and Gerardi's death are being commemorated – ODHAG is working on overcoming yet another obstacle, namely the reluctance of teachers to actually teach the report in the curriculum. Oftentimes, the presence of past perpetrators living side-by-side with victims in the community is the reason for the silence. However, Alarcón's comment above displays optimism that the next generation will be the one to grow up with a true understanding of the country's recent tragic and complex history.

Guatemalan Civil Society⁷⁸

Guatemalan civil society, despite the ferocious repression unleashed on it at the height of the civil war in the late 1970s and early 1980s, survived the war and found expression in the

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flowering of a myriad of organizations during the post accord era. At the same time, the venerable organizations founded during the war continue to flourish.⁷⁹ Many of these were organized into the Collective of Social Organizations (COS) which organized civil society participation/advocacy in the formulating of the accords.

After the war, in some analyses, a sudden and significant influx of donor monies encouraged the formation of many NGOs, which were ideologically distinct from the social movements that had embodied resistance to state repression during the war. This led to some tensions between the “old” and “new” types of civil society organizations. During the past several administrations – specifically under Oscar Berger (2003-2007) and his predecessor Alfonso Portillo (2000-2003) – a number of civil society and particularly human rights leaders took up government posts, leading to misgivings and even disillusionment among some of their civil society colleagues. “Let’s hope it’s worth it”⁸⁰ because it weakened civil society organizations.

Many local organizations lack the absorptive capacity to receive and manage grants by themselves. Much needs to be done to strengthen the organizational capacity of middle and grassroots group – specifically, those that are currently being funded through partnerships with large INGOs, for example, Catholic Relief Services (CRS). “[D]onors want to give to CRS because it is recognized around the world. . . . Our goal is that our partners grow into the position to look for funds directly. We work with them on how to fill out the forms and on accounting best practices.”⁸¹

Other grassroots organizations, however, are small in scale and reluctant to submit themselves to what they view as the excessive strictures of donors. They combine service delivery with capacity building, empowerment and legislative advocacy.⁸²

Articulated Need

- Capacity building among small and/or grassroots community-based organizations that would enable them to engage directly with donors and, presumably, scale up their efforts.⁸³
- Coordination among civil society organizations to share perspectives on their approaches to donor relations, including arranging a division of labor. (*See Promising Initiatives: Coordinating Cases*)
- Alliances among U.S. organizations supporting Guatemala.
- Roundtable with women’s groups working on the same legislation to build on existing legislative work among women’s groups.
- Relationships with alternative funding sources, including partnerships with the private sector and the diaspora through remittances. (*See Promising Initiatives: Constructing a Future for Youth in Guatemala*)
- International donor support for peacebuilding and justice projects; target proposals to partner with local government bodies and NGOs with connections to the municipal level.

Promising Initiative: Constructing a Future for Youth in Guatemala

“Looking at the human rights of children and youth, they are both the protagonists and the victims. They are on the frontlines of violence. They are the victims and *victimarios*.”⁸⁴ To address this duality, NGOs have forged partnerships with the private sector to protect the human rights of youth and support them to construct a brighter future.

Catholic Relief Services (CRS) is initiating a project with the organization YouthBuild, “a comprehensive program that integrates school, work, social action, leadership development and personal transformation. . . . USAID’s Office of Conflict Management and Mitigation named YouthBuild an ‘innovative program’ which has ‘shown promise in reaching out to young people who often are left behind in more traditional development efforts.’”⁸⁵ Like the IPJ’s WorldLink Program which engages youth as leaders in global affairs, CRS “want[s] to open a wide range of careers. Many want to become journalists and document their communities’ stories, or others want to be environmentalists. Overall leadership will be emphasized.”⁸⁶

USAID collaborates with the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF). In Villa Nueva, USAID supports a pilot project with the PNC so that they have more contact with the people to build confidence. This alliance with the private sector also works with ex-gang members through outreach centers to offer training such as “computers, math, hair cutting – the things they will need in a new life.”⁸⁷ While the security of participants is precarious, these programs are working to provide viable alternatives for at-risk youth through prevention and ex-gang members through reintegration.⁸⁸

The Public

At this moment, the public seems beset by a combination of disillusionment in the institutions of government, fear because of the levels of violence and impunity, and constraints imposed by the simple struggle for economic survival.

When people see criminals cycling in and out of jail, they lose faith in the system; they then “decide to take justice into their own hands, and there are lynchings. . . . Formerly, people would simply be slapped around, but now they are killed.”⁸⁹ In such a context, human rights discourse becomes debased. “What you have to understand is that for the past 10 years, what people commonly have understood by ‘human rights’ is the protection of criminals. There is confusion about the role of human rights defenders.”⁹⁰

Reparations offered by the government to victims of the civil war become a mere vehicle for economic support, much needed in a situation of poverty recently exacerbated by the global food crisis, high fuel prices and the impact on remittances by the weak dollar and U.S. economic slowdown. What ought to be an integral mechanism for restoring the dignity of survivors and memorializing their lost loved ones becomes instead “a subsidy for the poor”⁹¹ because, “[h]uman rights isn’t the theme now, it’s survival.”⁹²

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One response to public insecurity is the development of conflict mediation centers. ODHAG runs such centers in various different departments of the country. USAID, through the U.S.-based NGO Mercy Corps, supports a land-dispute mediation program in the department of Alta Verapaz. “There should be mediation centers. I can only think of four of them.”⁹³ The Nahual Foundation, through its community policing work, is fostering both trust in the police on the part of the public and a willingness to be held accountable on the part of the police.

Articulated Need

- Expansion of existing efforts to educate the next generation so that they are aware of the crimes of the past and hold their leaders accountable.
- Conflict resolution, mental health, historical memory and mediation services.
- Community policing efforts, building upon existing initiatives that maintain relations between the police and the community.
- Dialogue initiatives between former guerrillas and military combatants; draw upon the experiences of comparable initiatives elsewhere if and as appropriate.⁹⁴
- Mobilization of Guatemalan diaspora to influence local communities to support peace and justice programs, specifically through remittances.⁹⁵
- A campaign to educate the public about the constructive and positive role of human rights defenders.

Section V: Growing Edges and Future Engagement

Overview

The findings from the assessment were proposed in two phases: growing edges and future engagement. Growing edges specifically address a short- and middle-term timeline (FY 08-09), complement and build on existing IPJ programs and are achievable given the current human and technical capacity of IPJ staff and its working colleagues. Future engagement refers to potential expansion of programs and new partnerships that could be forged to deepen the IPJ's involvement with Guatemala.

The growing edges and ideas for future engagement serve as the synthesis and integration of the voices and perspectives of those consulted in the eight-day assessment, through the lens of the IPJ's strategic strengths and proven track record in peace and justice practices.

IPJ Strategic Strengths

The IPJ has a number of relevant strengths which address the needs in Guatemala and that position the IPJ as a viable actor for positive social change. The following points frame the foundation on which the IPJ can cultivate growing edges and forge future engagement.

1. Convening role
2. Gender-and-peacebuilding expertise
3. Youth expertise
4. U.S.-based organization
5. University/Research
6. Student involvement
7. Catholic identity

Conclusion

The assessment trip confirmed the IPJ has specific and relevant skills that can support Guatemalans in the struggle to secure peace with justice following the internal armed conflict. The history of IPJ collaborating with Guatemalans since 2001 provided an initial foundation for the assessment. This provides a framework for weaving Guatemala into the growing edges of IPJ existing programs. The connections forged and knowledge gained during June 2008 can serve as a foundation for deeper, more substantial future engagement. For further information, please contact the IPJ at ipj@sandiego.edu, with "Guatemala" in the subject line.

Endnotes

¹ “Since the army’s objective was to eliminate the social support base of the guerrillas, the price was paid in civilian lives (around 8,000) in the conflict area and among center-leftist forces in the capital—a pattern repeated on a much larger scale during subsequent phases of the war.” Susanne Jonas, *Of Centaurs and Doves: Guatemala’s Peace Process* (Boulder, CO: Westview, 2000), 120.

² “The active involvement of up to half a million Mayas in the uprising of the late 1970s and early 1980s was without precedent in Guatemala, indeed in the hemisphere.” Jonas, 21. For a contrasting view, see David Stoll’s *Rigoberta Menchú and the Story of all Poor Guatemalans* (Boulder, CO: Westview, 1999).

³ *Guatemala: Memoria del Silencio*, Historical Clarification Commission, at http://shr.aas.org/guatemala/ceh/gmds_pdf/cap4.pdf and Fundación de Antropología Forense, www.fafg.org/.

⁴ “Army massacres across the country ... were followed by an urban campaign aimed at capturing and killing the insurgent leadership.” Kate Doyle, “The Atrocity Files: Deciphering the archives of Guatemala’s dirty war,” *Harper’s Magazine*, December 2007, 54.

⁵ Human Rights Watch, “Universal Periodic Review of Guatemala: Human Rights Watch Submission to the Human Rights Council,” May 5, 2008.

⁶ During the 1980s, Guatemala was the only Central American countries to be completely cut-off from U.S. military aid.

⁷ Washington Office on Latin America, *Hidden Powers in Post-Conflict Guatemala*. Washington, DC: WOLA, 2003, 19-20.

⁸ “There will be a total of 13,756 polling stations in Guatemala, about 5,000 more than in the 2003 elections.” “Elections in Guatemala: A Memo on the Upcoming Presidential Vote,” Washington Office on Latin America (WOLA), August 28, 2007, www.wola.org.

⁹ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

¹⁰ *Human Development Report 1994*, United Nations Development Programme.

¹¹ Sometimes it is difficult to distinguish between common crime – itself a significant source of insecurity – and targeted human rights violations. For example, a staffer in a human rights organization recounted how he surprised thieves in the act of breaking into his car and stealing the stereo. When they were discovered they attempted to kidnap him and drive off.

¹² Using a process of triangulation, the sectors selected for analysis in this report were those that emerged in at least three of the interviews as “actors [that can] contribute to the challenges described.”

¹³ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

¹⁴ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

¹⁵ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

¹⁶ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

¹⁷ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

¹⁸ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

¹⁹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

²⁰ For example, working with the Vice-Minister of Education, prior head of Social Pastoral in the 1980s, to discuss historical memory projects incorporation into national curriculum.

²¹ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.

²² IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.

²³ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.

²⁴ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

²⁵ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.

²⁶ For example, the Movimiento T’zutunij’a is coordinating efforts around the bill on the Ministry of the Family.

²⁷ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

²⁸ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

²⁹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

³⁰ “The Guatemalan Human Rights Ombudsman’s Office estimates that convictions are only obtained in approximately 6 percent of all criminal cases; the conviction rate drops to less than 3 percent in cases involving murders of women and children.” Human Rights Watch, *op.cit.*

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- ³¹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ³² IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ³³ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.
- ³⁴ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.
- ³⁵ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ³⁶ Kate Doyle, “The Atrocity Files: Deciphering the archives of Guatemala’s dirty war,” *Harper’s Magazine*, December 2007.
- ³⁷ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ³⁸ IPJ Assessment Trip interviews, Guatemala City, June 16 and 18, 2008. For example, connect to Proyecto Acceso in San Diego which trains judges and lawyers on issues like oral arguments throughout Latin America.
- ³⁹ IPJ Assessment Trip interviews, Guatemala City, June 16 and 20, 2008.
- ⁴⁰ http://gsn.civiblog.org/blog/AccompaniersReports/_archives/2006/10/7/2395090.html and http://www.caldh.org/4_2A1dejure.html.
- ⁴¹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ⁴² “In Guatemala, as elsewhere, narco capos go on directing their criminal enterprises from inside prisons, as do the heads of kidnapping, extortion, and car-theft rings. In the past, inside and outside the prisons, the *maras* [gangs] worked for these often military-run mafias, providing foot soldiers, assassins, and such ...” Francisco Goldman, *The Art of Political Murder* (New York: Grove Press, 2007), 282.
- ⁴³ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.
- ⁴⁴ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.
- ⁴⁵ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.
- ⁴⁶ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.
- ⁴⁷ IPJ Assessment Trip interviews, Guatemala City, June 18, 2008.
- ⁴⁸ There is some precedent for this, as the nongovernmental Washington Office on Latin America carries out research and advocacy on International Military Education and Training (IMET) to various Latin American countries. See, for example, <http://www.ciponline.org/facts/imet.htm>.
- ⁴⁹ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.
- ⁵⁰ The Norwegian government, which in 1990 hosted the first meeting in Oslo that led to the Guatemala peace process, decided in October 2007 to reorient and reduce bilateral aid to Guatemala. Future aid will be oriented toward political assistance and specifically toward indigenous peoples. Norwegian Embassy, www.noruega.org.gt.
- ⁵¹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ⁵² IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ⁵³ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.
- ⁵⁴ Applying lessons learned from a different context – that of Chad – Dustin Sharp concludes: “NGOs might begin their work by linking to as many local groups as possible to create an umbrella coalition. The coalition would not consist exclusively of human rights NGOs and would seek to promote the involvement of a broad cross-section of civil society ... [this] approach would also include attempts to extend consistent funding in order to sustain efforts for years after the conclusion of the main prosecution.” “Prosecutions, Development, and Justice: The Trial of Hissein Habré,” *Harvard Human Rights Journal* 16 (2003), 173–174.
- ⁵⁵ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ⁵⁶ “This decision is historic. Guatemala is showing a commitment to finally throwing off the bonds of organized crime and impunity that have eroded the rule of law and the faith of citizens in their institutions,” Adriana Beltrán, Washington Office on Latin America, August 1, 2007, www.wola.org.
- ⁵⁷ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.
- ⁵⁸ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ⁵⁹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.
- ⁶⁰ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ⁶¹ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ⁶² IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ⁶³ IPJ Assessment Trip interviews, Guatemala City, June 18, 2008.
- ⁶⁴ IPJ Assessment Trip interviews, Guatemala City, June 17, 2008.
- ⁶⁵ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.
- ⁶⁶ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

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⁶⁷ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

⁶⁸ *Human Development Report 2007/2008*. United Nations Development Program.

⁶⁹ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

⁷⁰ IPJ Assessment Trip interviews, Guatemala City, June 16-17, 2008.

⁷¹ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

⁷² IPJ Assessment Trip interviews, Guatemala City, June 18, 2008.

⁷³ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

⁷⁴ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

⁷⁵ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008. For more on conditional cash transfers, see www.worldbank.org/.

⁷⁶ Two days after the report was released in April 1998, Gerardi was assassinated in a crime for which the intellectual authors have only recently been tried. After a long series of delays and appeals, the 20-year sentence originally handed down in 2003 was upheld by the Constitutional Court in May 2007.

⁷⁷ For example, by using “generative images” as pioneered by the Brazilian educator Paulo Freire and discussed by him in *Cultural Action for Freedom* and *Pedagogy of the Oppressed*.

⁷⁸ Organized civil society, i.e. all organizations, be they human rights organizations; indigenous or peasant or women or youth or environmental groups; professional associations; large-scale NGOs; trade unions, etc., occupies the space outside government on the one hand and business on the other. By civil society we do not mean the general public, which will be addressed in the following section.

⁷⁹ The human rights organization Mutual Support Group (GAM), founded in 1984; the National Union of Guatemalan Women (UNAMG), founded in 1980; and the Committee of Peasant Unity (CUC), founded in 1978, are only three of the most salient examples.

⁸⁰ IPJ Assessment Trip interviews, Guatemala City, June 16, 2008.

⁸¹ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

⁸² For example, the Indigenous Women’s Movement T’zutunij’a is carrying out advocacy regarding the following pieces of legislation: The Law of Sacred Places; the Law of the Ministry of the Family; the Sexual Harassment Law; and labor legislation that would regulate the rights of domestic workers. IPJ Assessment Trip interviews, Guatemala City, June 18, 2008.

⁸³ For example, this could entail building expertise in non-profit management to the point of acquiring the equivalent of 501©(3) status—i.e., *personería jurídica*.

⁸⁴ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

⁸⁵ YouthBuild, <http://www.youthbuild.org/site/c.htIRI3PIKOG/b.2611155/>.

⁸⁶ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

⁸⁷ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

⁸⁸ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008. CACIF also partnered in the Challenge 10, which worked with 10 ex-gang members through micro-credit and sometimes provided jobs. Tragically, one young man in the program who began a successful hot dogs business was later killed by the gang from which he escaped. The next step is Challenge 100, of which there are currently 60 participants.

⁸⁹ IPJ Assessment Trip interviews, Guatemala City, June 19, 2008.

⁹⁰ IPJ Assessment Trip interviews, Antigua, June 21, 2008.

⁹¹ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

⁹² IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.

⁹³ IPJ Assessment Trip interviews, Antigua, June 21, 2008.

⁹⁴ For example, in the context of an existing conflict, the group Combatants for Peace brings together *refuseniks* – ex-members of the Israeli Defense Forces – and former Palestinian militants, both of whom have decided to lay down their arms in protest of the conflict and in order to talk to each other.

⁹⁵ IPJ Assessment Trip interviews, Guatemala City, June 20, 2008.