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Resist, "Resist Newsletter, Jan. 1997" (1997). *Resist Newsletters*. 289.
<https://digitalrepository.trincoll.edu/resistnewsletter/289>

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RESIST

ISSN 0897-2613 • Vol. 6 #1

A Call to Resist Illegitimate Authority

January 1997

The Peace Accords: *Implications for the Future of Guatemala*

HUGH BYRNE

On December 29, 1996, the Guatemalan government and leaders of the Guatemalan National Revolutionary Unity (URNG) guerrilla front signed the final peace agreement to end the country's 36-year war. The war in Guatemala, though less visible to the international community than those in neighboring El Salvador and Nicaragua, was enormously costly in terms of lives lost and human suffering.

The peace accords are an extremely important moment in Guatemala's history representing a passage from the nightmare of the last four decades to at least the hope of a better future. The accords are far from perfect, particularly in their limitations on telling the whole truth about the country's bitter recent history and in the inadequacy of their provisions to address the deep inequalities of Guatemalan society. But they represent an important move away from the country's history of exclusion, discrimination, and impunity. The accords also provide the political space within which the growing network of peasant, indigenous, labor, and women's groups, and human rights and other organizations can press for political and social change.

From a population of 10 million, more than 100,000 people were killed, 40,000 were "disappeared," up to a million were forced from their homes, and over 400 villages were razed to the ground. In the worst period of the war in the early 1980s, thousands of

men, women, and children were murdered by the Guatemalan armed forces and paramilitary groups in wholesale massacres.

Views of the Accords

The peace agreement to end the war is a result of the two main protagonists in the conflict realizing that, despite their differences, they shared mutual interests in ending the conflict. The URNG front realized that there was no prospect of defeating the government through armed force and that its best hope for development lay in open political competition following a peace accord. The Guatemalan government, particularly the current administration of Alvaro Arzú, accepted that its strategy of economic growth fueled by foreign investment and aid would only be possible if the country was at peace. Each party had something to bargain with, but there was not equality in the negotiating positions—and this is evident in the final peace agreement.

The final peace accords, made up of a number of substantive and operational



A member of CONAVIGUA, an organization of indigenous Guatemalan women widowed due to war and poverty, works in a cornfield in northern Guatemala. Photo by Ellen Shub

agreements, can be looked at in three ways at the same time. They are, first, a great achievement since they provide a framework or blueprint for peace and social reform in Guatemala—these agreements, with all their limitations, provide Guatemalans with their best opportunity for changing

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the unjust and exclusive arrangements under which they have lived for centuries. Second, looked at in terms of the specific agreements, they are a very mixed bag. The accords include very positive agreements with great potential (e.g., the *Indigenous Peoples Accord*) alongside some extremely limited accords (e.g., the *Socioeconomic Accord*) and others (such as the amnesty provisions in the agreement on allowing the URNG to return to civilian life) that cast a shadow over the entire agreement. But, third, perhaps more than anything else, they are a work in progress. Many of the accords are framed in such broad language that their impact will only become clear through political struggle over their meaning and implementation.

Ending the War

The first major achievement of the accords is to have put an end to the 36-year civil war. With even a minimal level of seriousness in the implementation of the agreements, the likelihood of a return to armed conflict appears minimal. The Arzú government has taken steps to force out hard-line and corrupt elements of the military who might have opposed these agreements. The URNG guerrilla front has shown itself sufficiently in control of its members to ensure a cease-fire since March 1996.

Any remaining "guerrilla fronts" are likely to be more criminal than political in nature (or attempts at destabilizing the peace process from the right) and can be dealt with within the normal legal processes.

Ending the war is in itself a major achievement that should lead to increased security and a lessening of suffering.

So, ending the war is in itself a major achievement that should lead to increased security and a lessening of suffering, as well as being an essential precondition for broader social peace, reconciliation, and reconstruction.

Like any peace agreement, the primary purpose is to end a conflict. Nonetheless, it is fair to ask whether the provisions provide at least a framework for addressing the main problems that gave rise to the war.

If they do not, then Guatemalans will have won the Pyrrhic victory of ending a war but still be living in an unfair, exclusive, and conflict-ridden society.

Protection of Human Rights

The *Human Rights Accord* of March 1994 and the actions taken in connection with it formed an indispensable spinal column for the entire peace process. The agree-

Historically unaccountable sectors (normally the military) have been unwilling to accept peace if they may be held liable to prosecution for violations of human rights.

ment—the only major accord to go into effect on signing—helped create the conditions of greater security, freedom of expression and to organize that made the whole process appear a more viable one. The agreement called for recognition of basic human rights, measures to strengthen the judicial system, and, perhaps most importantly, the deployment of a UN human rights mission to verify the accord.

The arrival of the UN human rights verification mission (MINUGUA) with both a human rights monitoring and institution-

five reports to date, as well as reports by the UN independent expert on human rights, Monica Pinto, show that politically motivated violations of human rights continue at a very serious rate. In its most recent report (July 19, 1996), MINUGUA concluded that there had been "tangible progress" in human rights but that "this progress was not sufficient to bring about substantial change in a situation charac-

terized by grave human rights violations and persistent impunity."

It is clear then that if Guatemala is to become a society governed by the rule of law rather than by the reality of impunity and if the human rights of the population are to be fully respected, the achievements made in the

last two years must be consolidated and built upon. This will require a continuation of the work of MINUGUA in monitoring



For information and grant guidelines, write to: Resist, One Summer St., Somerville, MA 02143

Resist Newsletter is published ten times a year by RESIST, Inc., One Summer Street, Somerville, MA 02143 (617)623-5110. The views expressed in articles, other than editorials, are those of the authors and do not necessarily represent the opinions of the RESIST staff or board.

RESIST Staff: Robin Carton
Carol Schachet

Newsletter Editor: Carol Schachet
Printing: Red Sun Press
Graphic Layout: Carol Schachet

Printed on recycled paper with soy ink.

and reporting on the human rights situation and in strengthening the institutions concerned with human rights. It will also require vigilant oversight to ensure full implementation of the peace agreements and international financial and technical support to help strengthen or create viable institutions to protect the rights of Guatemalans.

The Role of the Military

The accord signed in September 1996 on *Strengthening of Civil Power and the Function of the Army in a Democratic Society* has been viewed positively in Guatemala and internationally but, like a number of the accords, it is more of a promise than a reality and will require substantial domestic and international commitment to realize its potential.

The main objectives of the accord, if realized, would give the armed forces their appropriate role in a democratic society as opposed to above it and out of control. The military would be subject to civilian authority, separated from domestic police functions and given the specific role of defending the country's territory and sovereignty. The commitments in the accord on civil power and the role of the military—to cut back on numbers and spending by a third, and to redefine the army's task—reflect this changed role.

But while the current leaders of the Guatemalan armed forces appear willing to accept a new role in the future, their unwillingness to accept a thorough examination of past violations of human rights reflects the institution's lack of full accountability to Guatemalan society. Although the agreement has some positive elements (the Arzú government has taken steps to isolate hard-line officers), as in many other Latin American nations making the transition from dictatorship to some form of democratic government, the military is not fully back in the barracks and could still intervene if it feels its interests threatened.

While there is room for some optimism regarding the future role of the military in Guatemalan society, the issue of strengthening civilian institutions—particularly the judicial system—is a more problematical one. This is not so much a problem with the accords themselves nor a question of political will, but an issue of the size and scope of the problem to be resolved. In Guatemala, the police and judicial systems

have barely functioned or have functioned to perpetuate anti-democratic behavior and norms. The building of new institutions with a changed philosophy, code, and practices becomes a long-term project requiring continuing domestic commitment and will and significant aid and support from the international community. The accord



Graffiti on a wall near Guatemala's National Palace calls for "No More War" in 1992. Photo by Carol Schacht

on civil power and the role of the military is a step in dealing with the problem—by creating a new National Civil Police, increasing spending on the judicial system and access to it, and creating a commission to help remake the justice system. But the full achievement of these changes will be one of the major challenges for Guatemala in the coming years.

Dealing with Exclusion and Discrimination

A major cause of the civil conflict and a stain on Guatemalan society has been the discrimination, social and economic marginalization, and political exclusion visited upon the majority of Guatemalans—the poor, women, and particularly indigenous people who make up about half of the country's population. The *Accord on the Identity and Rights of the Indigenous*

Peoples, signed in March 1995 is one of the most far-reaching of all the accords in attempting to address this most profound question for the Guatemalan nation.

The accord incorporates many of the positions of organizations representing the indigenous peoples of Guatemala and has been generally accepted by these groups as a positive framework within which to articulate and advance their interests. The accord reflects the *intention* to change completely the condition and position of indigenous people within Guatemalan society—by ending discrimination; acknowledging that indigenous communities are authors of their own cultural development; recognizing the country as multiethnic, multilingual, and with a plurality of cultures; and increasing the participation and representation of indigenous peoples at all levels of national life.

The *Accord on the Identity and Rights of the Indigenous Peoples* will require a transformation in attitudes that have endured for centuries. This process will undoubtedly

take time. The accord, however, provides the framework within which to begin the transformation. But for the changes envisaged in the accord to have more than symbolic meaning, it is essential that the socioeconomic conditions of Guatemala's indigenous peoples—85% of whom live in poverty—are fully addressed. Unfortunately, this is the area where the Guatemalan peace accords are least developed.

Socioeconomic Changes in the Peace Accords

The *Accord on Socioeconomic Aspects and the Agrarian Situation* signed in May 1996 is one of the accords that has been most criticized by civil society sectors in Guatemala. Limited in its scope, it speaks largely in the language of goals and aspirations, and fails to grasp the nettle of ex-

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tensive poverty and inequalities that helped give rise to the armed conflict. The accord reflects the inequalities of power in Guatemalan society—particularly, the strength of the business sector *vis-a-vis* groups representing historically disenfranchised sectors. Thus, the framework for resolving the country's dire socioeconomic situation is fundamentally a market-driven approach—via high rates of growth promoted through sound macroeconomic policies. Questions of equity and access to the market have taken a secondary role, and agrarian reform has gone unmentioned.

The *Socioeconomic Accord* articulates important aspirations, namely increased citizen participation and a greater role for women in socioeconomic development. It also commits the government to significant increases in spending on health and education. The goal of increasing by fifty percent the taxes collected promises a greater sharing of the burden of development in Guatemalan society, while provisions regarding land in the *Socioeconomic Accord* and in the accords on *Indigenous Rights* and on the *Resettlement of Populations Uprooted by the Armed Confrontation* (June 1994) promise to improve the economic situation of some of the communities most affected by the war.

Finally, while it is fair to say that the *Socioeconomic Accord* is weak in dealing with the profound problems of Guatemalan society, it should also be noted that in El Salvador's 1992 peace accords the socioeconomic area was probably the weakest in the entire agreement, despite the fact that the Salvadoran FMLN guerrillas were in a much stronger relative position than

their counterparts in Guatemala.

Revealing the Truth about the Past

The area of the Guatemalan peace accords that has already caused the greatest difficulty and concern is the extent to which the truth will be revealed about major human rights violations committed during the

Guatemalan negotiators failed the test. The accord that establishes the Clarification Commission provides that the Commission will "not individualize responsibilities" for violations, thereby precluding, from the start, the whole truth being told about even the most heinous crimes committed during the armed conflict. The accord reflected the



A returned Guatemalan refugee stands near one of several bombs found near the newly-settled community of La Quetzal. The bombs were believed to have been dropped by the Guatemalan army during a 1991 clash with the URNG. Photo by Piet van Lier, Impact Visuals

war. It is an issue that may become even more contentious and affect the possibility of genuine reconciliation in Guatemala.

During the negotiations, the two parties had to face the extremely difficult moral and political question that has been dealt with in a number of other countries in recent years—Argentina, Chile, El Salvador, South Africa, among others—following internal civil conflicts. On one hand, reconciliation and healing depend on the truth being told to victims of major human rights abuse and their families, and on some level of justice being done. But powerful and historically unaccountable sectors (normally the military) have been unwilling to accept a transition to peace and democracy if they may be held liable to prosecution for violations of human rights carried out during the conflict. What compromises, if any, are justified to secure the end of the conflict and the potential transition to a more open and democratic society?

In the view of Guatemala's civil society sectors, particularly those representing human rights victims and their families, the

position of the Guatemalan armed forces which had specified that the Commission should "not individualize those responsible nor include sanctions of any nature."

The limitations on the role of the Clarification Commission are compounded in the view of Guatemalan civil society groups and international human rights organizations by the proposed amnesty agreement contained in the *Agreement for the Basis for the Reincorporation of the Guatemalan National Revolutionary Unity into Legality* signed in Madrid on December 12, 1996. Provisions in the agreement guarantee immunity from prosecution for members of the armed forces and those acting under their command for unspecified common crimes carried out with "the aim of impeding, frustrating, repressing or sanctioning the commission of political and related common crimes carried out by armed opposition groups."

At the time of writing, the Arzú government had submitted a proposed amnesty law to the Guatemalan congress that is at best ambiguous. It purports to give am-

Accessibility Grants

Resist actively seeks to fund the additional costs of projects or events which will make them accessible to people with disabilities, such as sign language interpreters or wheelchair accessible venues. The events themselves must fit within Resist's funding priorities.

For more information and to receive our grant guidelines, contact Resist, One Summer Street, Somerville, MA 02143; 617/623-5110.

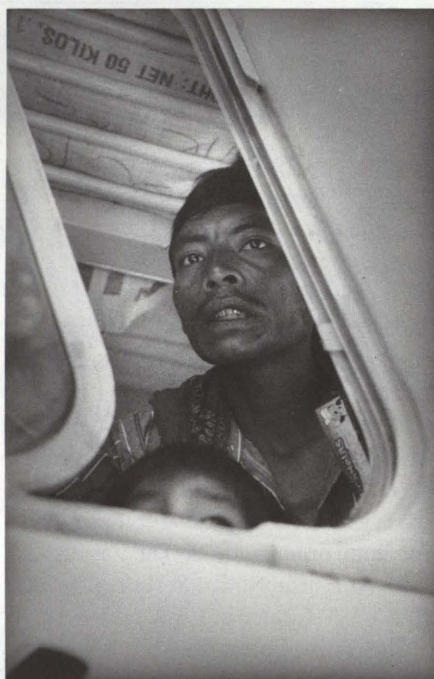
nesty to members of both contending forces for political acts carried out in pursuit of the armed conflict while at the same time saying that certain acts are "imprescriptible" (inviolable, incapable of being revoked), suggesting that acts such as massacres, extra-judicial executions, and torture would not be covered by the amnesty provisions. The problem is that the ambiguity in the agreement and in the subsequent legislation will produce on-going, case-by-case struggles over particular individuals and specific acts with the likelihood that few of those responsible for grave violations will ultimately be brought to justice. The question that is left for victims of human rights violations and their supporters: Is peace and reconciliation possible if there is not a satisfactory accounting of the past?

Monitoring the Peace Process

The playing-field in Guatemala, however, is not even, despite the positive changes in the accords. This makes it essential that the international community—governments, financial institutions, and NGOs—make a commitment to support Guatemala's peace process for the long haul. There are a number of ways in which international support will be crucial to the people of Guatemala at this moment of transition:

*Monitoring the peace accords: The United Nations, probably with MINUGUA playing a central role, will be charged with verifying compliance with the peace agreement. It is important they play a public and vigilant role to ensure maximum compliance with the agreements and that international funding be conditioned upon effective implementation of the accords.

*Ensuring community involvement in peace and development: The Guatemalan government is seeking over \$1.5 billion to support implementation of the accords. Much of this funding will come from governments (mainly European) as well as the Inter-American Development Bank (IDB) and the World Bank. It is essential that the projects carried out in Guatemala to support peace and reconstruction have the fullest possible involvement of local communities and base organizations in all stages of development of the projects which affect them. There are signs that the international financial institutions, particularly the IDB, are willing in Guatemala to



Thousands of refugees have returned to Guatemala from camps in Mexico. Photo by Sean Sprague, Impact Visuals

support innovative projects that fully involve local people in the development process. One such program, "Community Development for Peace," a \$55 million program in war-torn areas of Huehuetenango may be a model for such efforts.

*U.S. support for the peace process: The U.S. role in Guatemala since the CIA-led overthrow of the Arbenz government

in 1954 is one of the worst chapters in Cold War history. In recent years, the U.S. has played a more productive role in pushing the two negotiating parties toward resolution of the conflict. In the coming period, the U.S. can support the consolidation of peace in Guatemala by pressing the parties (particularly the government, to which most of the obligations accrue) to fully carry out the agreement. Also, increasing U.S. aid to Guatemala—currently under \$40 million compared to about \$280 million to El Salvador over three years following that country's 1992 peace agreement—can help create the conditions for peace and reconciliation.

*Support by U.S. citizens and groups: A wide variety of U.S. groups—human rights, religious, solidarity, labor, and others—have played an indispensable role in accompanying Guatemalans working for justice, peace, and social reforms over many years. Those in Guatemala working to implement the accords and fulfill their promise will need even greater support in the coming years as the possible openings for change multiply but within a situation that continues to be extremely difficult.

Hugh Byrne is a Fellow at the Washington Office on Latin America in Washington, DC, and author of El Salvador's Civil War: A Study in Revolution (Lynne Rienner Publishers, 1996).

Confused by Postal Reclassification Regulations? Help is Here!

If you are part of a grassroots group trying to comply with the new U.S. Postal Service requirements, RESIST might be able to help. As of July 1, 1996, standard (formerly "bulk") mail must be pre-sorted by ADCs (Area Distribution Centers) to receive discounts. If you don't know what this means, it probably doesn't apply to you. However, if you do know, we may be able to help you convert your zip code list to ADC order if your organization fits the following criteria:

- Non-profit social change group
- Mail to at least 200 addresses
- Use a dBase-style database
- Use an IBM-compatible computer (DOS or Windows)

A Resist donor has generously designed a program that creates and fills an ADC field within your database, allowing you to order your list by ADCs. To receive a copy of this program, please indicate if you need a 5¼ or 3 ½ disk and send \$2 to cover mailing costs to:

Resist • One Summer Street • Somerville, MA 02143.

RESIST offers no technical support with this program. However, written and on-screen instructions are included with the program.

GRANTS

RESIST awards grants eight times a year to groups throughout the United States engaged in social justice activism. This issue of the Newsletter lists grant recipients from the December 1996 Board meeting and highlights a few of those groups. For more information about these grants, contact the organizations themselves at the addresses listed below.

December 1996 Grantees include:

Brandywine Peace Community (Swarthmore, PA)
Citizens Awareness Network (Shelburne Falls, MA)
Ecumenical Program on Central America & the Caribbean (Washington, DC)
Friends of Nitassinan (Burlington, VT)
Houston Committee for Youth and Nonmilitary Opportunities (Bellaire, TX)
New York CISPES (New York, NY)
PFLAG-Toledo (Toledo, OH)
Pikes Peak Justice and Peace Commission (Colorado Springs, CO)
Political Ecology Group (San Francisco, CA)
Thread City Currency Committee (Williamantic, CT)
Wisconsin Coordinating Council on Nicaragua (Madison, WI)

Eastern North American Native Forest Network

19 Church Street, Suite 7
Burlington, VT 05402

The Native Forest Network (NFN) was founded in 1991 by activists seeking to create a globally organized forest movement with a focus on neglected temperate forests. NFN includes a worldwide collective of forest activists, indigenous peoples, conservation biologists, and non-governmental organizations. The Eastern North American Native Forest Network (NFN ENA) formed in 1993.

The Native Forest Network is working to permanently ban the aerial herbicide spraying of the forests of Vermont and to bring perpetually sustainable forestry to the region. A RESIST grant of \$1,000 will help kick off that campaign.

U.S./Guatemala Labor Education Project

PO Box 268-290
Chicago, IL 60626

U.S./GLEP was founded in 1987 by U.S. trade unionists seeking to focus attention on violations of the basic rights of Guatemalan workers. Two of U.S./GLEP's

campaigns include the Coffee Workers Project—which led to Starbucks's implementing a "code of conduct" for plantations from which they purchase coffee—and the Maquila Project.

Part of the Maquila Project links North American and Guatemalan women workers and rights advocates in the struggle for labor rights. A RESIST grant of \$1,000 supports this project.

DC Student Coalition Against Racism

PO Box 18291
Washington, DC 20036

Formed in 1983, the mission of DC SCAR has been to involve young people in combatting racism and bigotry, including opposing Apartheid in South Africa. In the 1990s projects have grown to include unlearning racism and bigotry training, conflict resolution programs with "at risk" youth and examining racism in the prison industry.

DC SCAR also sponsors an organizing internship program which trains college and high school students to confront racism on both local and international levels. A RESIST grant of \$1,000 will support this internship program.

North Carolina Farmworkers' Project

PO Box 352
Benson, NC 27504

The North Carolina Farmworkers' Project was formed in 1994 by farmworker advocates who sought to create an organization controlled by migrant and seasonal farmworkers. Since that time, NCFP has educated farmworkers about the rights and privileges available to them under law; assisted workers in redressing their grievances; provided leadership training; conducted workshops on occupational safety; planned cultural and educational events; and advocated for the fair treatment of workers.

A RESIST grant of \$1,000 will help purchase a new copier to assist with outreach and organizing.

Join the RESIST Pledge Program

We'd like you to consider becoming a RESIST Pledge.

Pledges account for over 25% of our income.

By becoming a pledge, you help guarantee RESIST a fixed and dependable source of income on which we can build our grant-making program. In return, we will send you a monthly pledge letter and reminder along with your newsletter. We will keep you up-to-date on the groups we have funded and the other work being done at RESIST.

So take the plunge and become a RESIST Pledge! We count on you, and the groups we fund count on us.

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I'll send you my pledge of \$ _____
every month/two months/
quarter/six months (circle one).

☐ Enclosed is an initial pledge contribution of \$ _____.

☐ I can't join the pledge program now, but here's a contribution of \$ _____ to support your work.

Name _____

Address _____

City/State/Zip _____

Phone _____