

Reconciling a colonial past

A case study of the reconciliation process in Guatemala.

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Abstract

This is an essay about the reconciliation process in Guatemala its focus is on investigating the strategies used and their results. The theoretical framework consists of reconciliation-theory with truth and justice as central concepts. The method used is a combination of abductive and theory consuming method with a qualitative approach that allows an in-depth study, which is necessary to understand the complex processes. The aim is to create a better understanding for the processes in Guatemala. The essay will be structured by using the dimensions of thick and thin reconciliation. The main conclusions of the thesis are that the thick strategies have been fewer than the thin and that most strategies are facing problems regarding substantial implementation. The results also show how important it is for Guatemala to create a reconciliation that not only addresses the war-related problems but also the unequal structures stemming from the colonization.

Keywords: Guatemala, reconciliation, democratization, CICIG, REMHI, CEH

Word count: 69 042

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Abbreviations

AASSA = Acuerdo sobre Aspectos Socieconomicos y Situación Agraria
= Agreement on Social and Economic aspects and Agrarian Situation

AIDPI = Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas
= Agreement on Identity and Rights of Indigenous Peoples

ASC = Asamblea civil
= Assembly of civil society

CEH - Comisión de Esclarecimiento Historico
= Commission for historical clarification

CICIG = Comisión Internacional Contra la Impunidad en Guatemala
= International Commission Against Impunity in Guatemala

PNUD = Programa de las Naciones Unidas para el Desarrollo
= UNDP United Nations Development Fund

REMHI = Recuperación de la Memoria Histórica
= Recovery of the Historical Memory

UN = United Nations

URNG = Unidad Revolucionaria Nacional Guatemalteca
= Guatemalan National Revolutionary Unity

PNC = Policia Nacional Civil
the National Civilian Police

1 Introduction

This will be a study of the reconciliation process in Guatemala. This case is chosen because it is a context in transition from a violent conflict to peace. This transition is still on-going and the peace process is facing a lot of challenges. For example, today the Guatemalan society is facing an increasing impunity and increased violence.¹ With that in mind it is interesting to study the reconciliation strategies taken after the 1996 peace accords, to see what they consist of and how the results have affected society.

The case is also chosen because of the many different strategies that have been used in the reconciliation process. These strategies can be seen to reflect the present thoughts of how to reach a more complete and positive peace. The strategies include; the peace accords (twelve in total), the work of the different truth commissions CEH and REMHI, the work of CICIG and many other actors. To study the results of the strategies used is pertinent in order to further evolve the concept of reconciliation and to create greater understanding for how these processes function.

The method used will be a combination of abductive and theory consuming method. This reflects the aim of the thesis which is, to combine a contextual and theoretical interest. In addition the case study will have a qualitative approach, which enables me to do an in depth study of the reconciliation process in Guatemala. The study will be structured by using two dimensions, which will be thick and thin reconciliation. Where thick is conceptualized as bottom up strategies and thin as top down. A further discussion about the use of the dimensions follows in both the methodological discussion and in the theoretical chapter.

The theoretical framework guiding this study is based on the modern understanding of reconciliation where reconciliation, forms part of peace building

¹ <http://www.freedomhouse.org/template.cfm?page=22&year=2010> retrieved: 2011-04-19

efforts in post conflict societies. The idea is, to reconcile societies with its violent past in order to move forward and construct reconciliation as a foundation for preventing a repetition of the past.

The definition of reconciliation used in this essay will be:

*“Reconciliation means building solidarity: forging either a collective identity, shared values or common commitments in an effort to overcome and prevent repetition of the past. While this requires a certain amount of moral transformation, it must be done without placing an inordinate burden upon individual victims to reconcile with former oppressors”.*²

A further discussion around the concept of the reconciliation, its development and this definition will follow in the theoretical chapter.

1.1 Purpose and research question

The purpose of this essay is to study the reconciliation in Guatemala to create a deeper understanding for the process and to discuss the outcome of the strategies and how it has affected the Guatemalan society.

The reconciliation process will be studied by looking at the different strategies used in Guatemala. The former adversaries in the context are the state and the indigenous population.³ With this in mind, it is pertinent that both thick and thin approaches are used in order to obtain some form of a more complete reconciliation. This is also in line with the legal framework that guided the Truth and Reconciliation Commission in South Africa, which encompassed both thick and thin approaches in its work and later in its reports.⁴ The study will also be carried out with Rosemary Nagy’s statement about reconciliation and security in mind that claims that:

² Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p. 326

³ CEH. Guatemala: Memoria del Silencio. Vol. 5. p.42.

⁴ Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p.324ff.

*without reconciliation there is a danger of renewed violence with mistrust or hatred between former opponents threatening the fragile new democracy and the possibility of permanent peace.*⁵

This statement is interesting since renewed violence, mistrust and hatred between the former opponents are a reality that Guatemala is facing today. This will be studied with the help of the dimensions of thick and thin reconciliation. It is however, not the aim of this study to isolate the causal connection between the outcome of the reconciliation and the increased violence, but it will be an aspect considered in my discussion.

To continue, my first research question will be as follows:

Which strategies have been used in the reconciliation process in Guatemala?

This question will help to create a better understanding of the reconciliation process in Guatemala. In addition, the use of the dimensions of thick and thin will enable me to discover possible weaknesses in the approaches and the work conducted to reach reconciliation.

To continue, the discussion will also evolve around the following question:

Can the strategies be understood as successful?

The aim of this question is to study the result of the previous question in order to see how the outcome of the strategies has been. This question also connects to Nagy's statement that without successful reconciliation there is a risk for renewed violence.

⁵Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p.324.

1.2 Outline

The *second chapter* includes a methodological discussion, motivation for my choice of case study, delimitations and a discussion of the material used.

The *third chapter* will present the theoretical framework and its delimitations and a theoretical discussion about the concept of reconciliation will be conducted. Lastly in the chapter, the research question that guides this study will be presented.

The *fourth chapter* will include a historical background to Guatemala and a study of the strategies taken to reach reconciliation. In his chapter the focus will be on the concepts of thick and thins reconciliation and how they have been implemented.

The *sixth chapter* consists of a concluding discussion, analysis of the results presented in the fifth chapter and final conclusions drawn from the study.

2 Method

2.1 Methodological discussion

The method used when choosing the case and trying to define the research question has been abductive method, which is a combination of the well-known deductive⁶ and inductive⁷ methods.⁸ Abductive method entails that when choosing the research question I already had some knowledge of the context similar to inductive method. The research question and theoretical framework for this essay was chosen with the empirical facts in mind, but the theoretical preconceptions will also guide the essay which shows on the deductive elements.⁹ Thus, the method used when formulating the research question for thesis is influenced by both a theoretical preconception of reconciliation and a strong contextual interest.

The continuance of the study uses theory consuming method and is structured by the dimensions of thick and thin reconciliation. Theory consuming method aims to explain occurrences with the help of existing theories and explanatory factors. This reflects the aim of this thesis which is to describe and partially explain the reconciliatory process in Guatemala by using the theoretical framework of reconciliation. Theory consuming method is also characterized by prioritizing the case study rather than the theoretical framework¹⁰, something, which also reflects this thesis where the interest stems from a contextual knowledge. The combination of both abductive and theory consuming method reflects the contextual interest and the ambition to add a theoretical dimension to

⁶Svensson, Torsten. Teorell, Jan. 2007. *Att fråga och att svara – samhällsvetenskaplig metod*. pp. 48-53

⁷Ibid.

⁸Ibid.

⁹Alvesson, Mats. Sköldbberg, Kaj. 2009. *Tolkning och reflektion – Vetenskapsfilosofi och kvalitativ metod*. p. 56f.

¹⁰Esaiasson Peter. et al. 2004 *Metodpraktikan. Konsten att studera samhälle, individ och marknad*. pp. 42-43.

this thesis. This approach will thus contribute with a good theoretical framework and also give the essay a profound contextual understanding.

The use of the dimensions of thick and thin reconciliation as an analytical tool will help to structure the study in order to provide a good basis for the analysis.¹¹ The purpose when answering the questions is thus not to develop the theoretical dimensions, but rather to use them to create a better understanding for the reconciliation process. The choice of using the dimensions of thick and thin will facilitate the aim to study the processes from different angles and provide a good overview of them. The idea is also that the first part of the study will provide the information needed in order to further investigate the second research question.

To conclude, the aim with the methods chosen is that they will provide enough factual information and a theoretical basis to thoroughly study the case. This will be done in order to discuss the upcoming challenges that the result of the strategies impose on the Guatemalan society.

Important to note is also as Teorell and Svensson state that scientific work should always be guided by objectivity, but since all research is conducted in a social context and all empirical science are permeated by values,¹² it will of course impact the study. This will be considered in my research, it will however not be a disadvantage, but rather be an asset in my understanding of it.

2.2 Thick and thin

In order to study the thick and thin reconciliation, these dimensions will be represented by different strategies taken in the transition process in Guatemala.

The **thick** aspects will be studied by looking at the implementations of the AIDPI and AASSA. These two accords that will be used to study the bottom up perspective are not dominated by typical thick notions of reconciliation. This meaning that they are not characterized by interpersonal reconciliation and forgiveness. However, they do represent the issues that a majority of the formerly oppressed Maya population thought needed to be redressed. These strategies do

¹¹Bergström, Göran. Boréus, Kristina. 2005. *Textens mening och makt*. pp.164-166.

not aim towards historical clarification, nor do they have reconciliation as their main goal. Nonetheless, they aim towards changing the structures that created the war and to change the injustices of the country which is necessary in order to create a thick and lasting reconciliation.

The **thin** aspects will be studied by looking at the work of the CEH and REHMI, the work of CICIG, the Law of national reconciliation and the demilitarization. These strategies have been chosen because they represent a top down perspective and will contribute with that perspective. These strategies are typical for thin notions of reconciliation.

2.3 Delimitations and choice of case study

This thesis will have a qualitative approach in order to evaluate the reconciliation process in Guatemala in depth. The choice of using a qualitative approach reflects the aim to go into depth of the context, in order to achieve a better understanding for the different dimensions of the reconciliation process. This delimitation was made because a quantitative approach with many cases would limit the possibility to study the processes more thoroughly.¹³ This will however, limit the possibility to draw any broader and generally applicable conclusions. Nonetheless, this thesis can serve as a study to create deeper understanding for the process and as a source for studies in other similar contexts.

The choice of Guatemala, as a case study to investigate reconciliation strategies was made to see how the outcome of the strategies has influenced society. This is interesting, since the country today is facing an increase in violence and impunity in addition to several other post-conflict issues.¹⁴ In addition, the context is interesting because it comprehends the issue of including the indigenous population, a challenge that many countries in post-conflict situations face today. Moreover, my other thesis discussed the democratization and ethnic inclusion.¹⁵

¹²Svensson, Torsten. Teorell, Jan. 2007. *Att fråga och att svara – samhällsvetenskaplig metod*. p.54.

¹³Svensson, Torsten. Teorell, Jan. 2007. *Att fråga och att svara – samhällsvetenskaplig metod*. p. 266.

¹⁴<http://freedomhouse.org/template.cfm?page=140&edition=9&ccrpage=43&ccrcountry=185>

retrieved: 2011-05-08

¹⁵Aviles, Maria. Kalleklev, Marthe. 2009. *Guatemala- An Inclusive Democracy*.

With that in mind, it is interesting to look at another part of the peace process to better understand its different aspects. The case is also valuable to study since it comprehends many different reconciliation strategies. To study the results from their implementation or lack thereof will give valuable information about how to improve the reconciliatory work in similar contexts.

2.4 Material

There is plenty of material for the thin approaches used when looking at the peace accords, the CEH and the work done by the CICIG. The advantage, with the material is that there is plenty of it to use as a foundation for the thin approaches. It is qualitative and the authenticity of the sources is very high. This will give a good overview of the strategies taken within the thin concept.

The thick approaches will be studied by using the accords, material from other studies and reports. However, there is a disadvantage when it comes to finding sources to study the thick dimension since I, due to the delimitations of this study, do not have the possibility of conducting a field study to better assess the thick approaches. Hence, the material used for the thick aspects will maybe not reach all the way down to the interpersonal level. This level which is characteristic of the thick approach will thus not be as complete as would be optimum for this study. However, it will suffice to give a sufficient overview of the thick approaches.

Another downside of the material used to study the thick approaches is that they are not first-hand sources,¹⁶ something that means that the material has already been studied and a selection already been made. This will certainly affect the study but will be balanced by the richness of material for the thin approaches. Also, the issues with finding material for studying the thick approaches can be viewed as a lack of implementation of such strategies. This is an aspect that will be included in my discussion as well.

¹⁶Svensson, Torsten. Teorell, Jan. 2008. *Att fråga och att svara- Samhällsvetenskaplig metod*. p.106.

3 Theory

Firstly in this chapter, the development of the concept of reconciliation and transitional justice will be presented and discussed. To continue, the section will encompass a discussion of the connection between truth and justice. Then, the concepts and definitions of reconciliation will be presented, in order to delineate the definition and understanding of reconciliation that will be used for this thesis. Lastly, follows a discussion about the dimensions of thick and thin reconciliation.

3.1 The development of reconciliation and transitional justice

The concept of reconciliation is complex and to discern one definition is impossible. This will be an attempt to discuss different definitions and to delineate the definition that will be used for this thesis.

As mentioned, reconciliation can be understood as many different things. For example, in Argentina the military junta used the phrase to express a will to erase or overcome the past.¹⁷ However, today when discussing reconciliation in post conflict settings it is more common to understand reconciliation as: “*a complex of processes and structures at personal, communal and institutional levels, necessary to bring all the elements of society into a positive and life-giving relationship*”.¹⁸

Another understanding is Paul Lederach’s inspiration to reconciliation from Psalm 85 verse 10 where he visualizes reconciliation as the place “*where truth and mercy have met together, justice and peace have kissed*”¹⁹

¹⁷Robert Schreiter. 2008. *Establishing a Shared Identity: The Role of the Healing of Memories and of Narrative*. p. 10

¹⁸Clegg, Cecilia. 2008. *Embracing a threatening other: Identity and Reconciliation in Northern Ireland*. p. 84

¹⁹Ramsbotham, Oliver. et al . 2005. *Contemporary Conflict Resolution*. p.243.

The term reconciliation has often, as shown above, had a religious connotation and been linked to transformation of interpersonal relationships which has made scholars of political science, official representatives and others reluctant to consider reconciliation as an important concept.²⁰ This also shows the tension between a bottom-up and top down perspective or, as will later be explained, between a thick and thin reconciliation. In the definition above, reconciliation is considered to be a place rather than a process. However, this can be discussed in accordance to e.g. Ramsbotham's description of reconciliation as a four stage process.²¹

The understanding in this essay of reconciliation will be to use the concept as a process since that is also how it is understood in the context. For example, in Guatemala the process of reconciliation is perceived to be equally as important as reaching a final stage or place of reconciliation.²²

The development of reaching reconciliation through truth and justice in post-conflict societies emerged after the fall of the military dictatorships in Latin America and the collapse of apartheid in South Africa.²³ Today in post-conflict contexts, the aim to build peace is structured by efforts to reconcile the society with its violent past. The efforts of doing this are in most cases guided by the concepts of truth and justice. The idea is that in order to achieve successful peace building and lasting peace, the society needs to “draw clear lines between *guilt* and *innocence*, *truth* and *lie*, a violent past and peaceful future”.²⁴ This shows how the focus of peace building has changed from being mainly on structural changes such as development and physical reconstruction to a more complete transformation of societies.²⁵ This change, can also be viewed e.g. in the development of the positive peace concept, where the aim today in peace building is to achieve reconciliation “*as the ultimate goal*”.²⁶ The idea is thus that in order

²⁰Valerie Roseux. *Reconciliation as a Peace-Building Process: Scope and limits*. p.1.

²¹Ramsbotham, Oliver et al. 2005. *Contemporary Conflict Resolution*. pp.243-245.

²²REMHI. 1999. *Guatemala Never Again*. pp.313-320.

²³Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p. 323f.

²⁴Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war*. p. 16.

²⁵Robert Schreier. 2008. *Establishing a Shared Identity: The Role of the Healing of Memories and of Narrative*. p. 16-19.

²⁶Ramsbotham, Oliver. et al. 2005. *Contemporary Conflict Resolution*. p.231.

to reach stable and lasting peace, the transformation of relationships is necessary on all societal levels, as well on structural as interpersonal ones.

Today the strategies of achieving truth and justice, through truth commissions as the one in South Africa²⁷, tribunals (e.g. the ICTY)²⁸, “traditional” instruments (e.g. like in Cambodia)²⁹ or hybrid instruments like in Rwanda, are seen as pivotal elements in the process of creating transitional justice in order to reach reconciliation.³⁰ This shows how the connection between accountability and reconciliation has become an indispensable strategy for reaching reconciliation.³¹ This can also be connected to the different concepts of retributive and restorative justice. Restorative justice focuses on the future and on transforming the relationship between the victims and the perpetrators. Also the focus is rather on restoring the community and its victims than punishing the perpetrators.³² This is done mainly by different measures such as reparations, compensation, restitution of property, establishment of memorials for victims and official acknowledgement of abuses. Also, the concept of reconciliation when it comes to restorative justice can be viewed as inextricably linked to forgiveness.³³ This shows how the focus of restorative justice is on transforming the relationships between the former adversaries.

Retributive justice on the other hand is more focused on establishing justice in the sense of punishing the perpetrators for their crimes. The emphasis of retributive justice is on the past and on establishing a working structure for the rule of law. It includes strategies such as national and international trials, efforts to reform security and judicial structures to combat and prevent impunity and also procedures to fight the abuse of power.³⁴

Between these two concepts, there is a tension regarding the belief of how to implement the reconciliation and what its focus should be. Valerie Roseux does a

²⁷Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p. 324ff.

²⁸<http://www.icty.org/sections/AbouttheICTY> retrieved. 2011-05-08

²⁹Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.17.

³⁰Ibid.

³¹Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.17, 39f.

³²Liebmann, Marian. 2007. *Restorative Justice: How it works*. p.25.

³³Kauffman, Craig. 2005. *Transitional Justice in Guatemala: Linking the Past and the Future*.p.4.

³⁴Kauffman, Craig. 2005. *Transitional Justice in Guatemala: Linking the Past and the Future*.p.3.

similar categorization underlining similar aspects³⁵ as well as Cecelia Clegg who calls them political and societal reconciliation.³⁶ These differentiations also show how the theoretical field is vast and varied³⁷, which will be further debated in the next chapter when delineating the definition of reconciliation used in this thesis.

3.2 Definition and delineation of reconciliation

The point of departure for this section will be to discuss and contrast some of the different existing concepts and to delineate a suiting definition of reconciliation for this thesis.

As mentioned, there are some elements that reoccur when reconciliation is discussed and they are the concepts of *truth* and *justice*. They are also very prominent in the context of Guatemala and within the approaches that have been used by the REMHI and CEH.^{38,39} These concepts of *truth* and *justice* are also identified as essential mechanisms for reconciliation and transitional justice in other studies, which shows their centrality within the theoretical framework.⁴⁰ The concept of truth is mainly used within the different missions for historical clarification to establish what has actually occurred during the violent conflicts in order to create a mutual narrative and a common foundation to move forward.⁴¹ The concept of justice is incorporated in many of the tribunals that are today present in post-conflict contexts. As quoted by Ramsbotham:

*“Without establishing a culture of law and order, and without satisfying the very deep need of victims for acknowledgement and retribution, there is little hope of escaping future cyclical outbreaks of violence”.*⁴²

³⁵Valerie Roseux. *Reconciliation as a Peace-Building Process: Scope and limits*. p.9f.

³⁶Clegg, Cecelia. 2008. *Embracing a threatening Other: Identity and Reconciliation in Northern Ireland*. pp.82-93.

³⁷Valerie Roseux. *Reconciliation as a Peace-Building Process: Scope and limits*. p.9f.

³⁸REMHI. 1999. *Guatemala Never Again*. pp.xxvii - xxix

³⁹CEH. 1999. *Guatemala memory of silence*.

<http://shr.aaas.org/guatemala/ceh/report/english/prologue.html> 2011-05-08

⁴⁰Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war*. p. 28.

⁴¹Ramsbotham, Oliver. et al. 2005. *Contemporary Conflict Resolution*. pp.238-240.

⁴²Ramsbotham, Oliver. et al. 2005. *Contemporary Conflict Resolution*. p.241.

This shows how important the concepts of *truth* and *justice* are and how intertwined they have become with the concept of reconciliation. To continue, these concepts can be understood in both a thick or thin way, as discussed by Michael Walzer. The morally thin understanding of words can be viewed as the minimalist description or as a “*kind of moral Esperanto*”⁴³ as Walzer states. This means that the subjective interest and the cultural expression have been cut away from the words. A more thick understanding of truth and justice would then in contrast to a minimalist one include a discussion of how truth and justice is going to be reached and which strategies should or should not be included in the process.⁴⁴ With this in mind, the understanding of truth and justice in this essay will be minimalist simply because the scope and aim of this study is not sufficient to further develop the theoretical concepts.

When discussing different understandings of reconciliation, the concepts of truth and justice are not necessarily part of the definition but rather viewed as mechanisms to reach reconciliation with the latter as a final destination, as shown above in Lederach’s definition. The picture of reconciliation as a final stage can also be challenged, because to assess when it is actually reached can be a rather difficult task if it is ever reached. As discussed by Valerie Roseux and Ramsbotham, reconciliation can rather be seen as a reversible and ongoing process.⁴⁵

However, to return firstly to the concept of justice for the victims in many post-conflict contexts the concept is based on the idea of legal accountability, but can also be understood in a more morally thick way, including other strategies to reach justice.⁴⁶ The concept of truth in connection to reconciliation entails the issues of what to talk about, what to remember and what to not speak about.⁴⁷ These dilemmas are also discerned within the work of the truth commissions in the Guatemalan case.

⁴³Walzer, Michael. 194. *Thick and Thin – Moral argument at Home and Abroad*. p. 7.

⁴⁴Walzer, Michael. 194. *Thick and Thin – Moral argument at Home and Abroad*. pp. 1-11.

⁴⁵Valerie Roseux. *Reconciliation as a Peace-Building Process: Scope and limits*. p.3.

⁴⁶Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.147.

⁴⁷Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.172.

The important concepts of truth and justice can also be distinguished in the definition of reconciliation that has been chosen for this essay, a definition that is presented by Rosemary Nagy that reads:

*Reconciliation means building solidarity: forging either a collective identity, shared values or common commitments in an effort to overcome and prevent repetition of the past. While this requires a certain amount of moral transformation, it must be done without placing an inordinate burden upon individual victims to reconcile with former oppressors.*⁴⁸

In this definition the concepts of truth and justice can be seen as mechanisms to build the solidarity that is necessary in order to build reconciliation and thus overcoming and preventing repetition of a violent past. In addition, the advantage of this definition is the emphasis that reconciliation does not have to include the “burden” of forgiving and of forced reconciliation. This meaning, that the it is not forced upon the victims, which in a context with a colonial background like Guatemala, is even more important.

There is also another important dimension of this definition: it is a definition that is actually possible to implement. The delicateness of creating reconciliation and the often intricate processes of transformation that are involved, can thus benefit from using a definition that is also more realistic in the eyes of the conflicting parties. With this in mind it is of course not impossible to reach forgiveness. However, to reach total forgiveness and with that a very thick notion of reconciliation, takes a lot more time than what has been passed in the context that is chosen for this study. Hence, it is also chosen because it is more suitable for the context. Thus, it is not the intention to oppose one that includes forgiveness but rather, since to reach such a definition involves a very extensive implementation of different strategies, it would not be suitable for this study.

⁴⁸Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p. 326

The discussion between a thicker or thinner definition of reconciliation is conducted between more extensive definitions that range from complete forgiveness like this understanding that states that; ”*true reconciliation includes atonement and forgiveness characterised by increased acknowledgement and respect between the former adversaries*”.⁴⁹ With this in mind, the definition presented above can be seen as a less extensive one. However, in their work in Guatemala, the commissions were not guided by reaching forgiveness, but rather to achieve truth and justice which has also guided my choice of definition.

3.3 Dimensions

The **thick** notions are usually characterized by catharsis and are often linked to the notion of forgiveness.⁵⁰ Here one can discern many of the characteristics of restorative justice. Thick notions are also often linked to the interpersonal level which Rosemary Nagy conceptualizes as a bottom up perspective.⁵¹ That is also the understanding that will be used throughout this study.

The **thin** notions of reconciliation are usually characterized by not focusing on the notion of forgiveness but rather to focus on coexistence and how this coexistence is functioning by looking at security, the rule of law and respect for societal and cultural diversity.⁵² These definitions can thus be viewed as more top down with a focus on political reorientation and procedural arguments rather than individual or interpersonal relations.⁵³ Here are also more elements of retributive justice included which is shown by the emphasis on the functioning of the rule of law. The dimensions of thick and thin will be viewed as bottom up (thick) and top down (thin). The focus when working to achieve justice in Guatemala has mainly been on restorative justice.⁵⁴ Because of this the discussion will evolve around

⁴⁹Ramsbotham et al. 2005. *Contemporary Conflict Resolution*. p. 244.

⁵⁰Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.43.

⁵¹Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p.328.

⁵²Mannergren Selimovic, Johanna. 2011. *Remembering and forgetting war* . p.43f.

⁵³Nagy, Rosemary. 2002. *Reconciliation in Post-Commission South Africa: Thick and Thin accounts of solidarity*. p. 329.

⁵⁴Kauffman, Craig. 2005. *Transitional Justice in Guatemala: Linking the Past and the Future*.pp.1-2.

whether an alternative path for Guatemala would have been to use more elements of retributive justice.

To conclude, the discussion evolve around what strategies have been taken towards reconciliation, which will be studied using the dimensions of thick and thin reconciliation, and how the outcome of the strategies have been and what challenges that impose on the Guatemalan society.

4 Reconciliation in Guatemala

This section will outline the pertinent parts of Guatemala's past in order to create an understanding for the causes to the civil war. The section then continues, with a shorter description of the peace process and discussion about the issues that needs to be reconciled and about the structures that caused the conflict. Lastly, there will be an account of the situation in the country today.

4.1 Historical background

For the purpose of this study, it is important to have in mind that the social inequalities that were one of the causes to the civil war stem from the colonization of the continent. With the colonization, the foundation for the oppression of the indigenous population was laid.^{55,56} In addition, another aspect important to consider, is that the indigenous population in Guatemala does not, as in so many other ethnic conflicts, constitute a minority. Today it is estimated that the Mayan population constitute somewhere between 50-60 % of the population.⁵⁷

The first part of the twentieth century Guatemala's economy stabilized, this did however not change the inequality in the country but rather increased the wealth of the already existing ladino⁵⁸ elite.⁵⁹ This in combination with a culture of oppression against the Mayan population and a society that is permeated with racism challenged the country's elite to maintain a functioning state apparatus whilst excluding more than half of the population. This was followed by the *ten years of spring* or also known as the revolution in 1944.⁶⁰ The period was

⁵⁵Handy, Jim. 2003. *Reimagining Guatemala: Reconciliation and the Indigenous Accords*. p. 280

⁵⁶Plant, Roger. *Indigenous Peoples and Poverty Reduction: A Case study of Guatemala* 1998.6-8.

⁵⁷Depending on the source the percentage differs but most sources estimate it to 50-60 %.

⁵⁸Ladino means mestizo which is a person with totally Hispanic or partially Hispanic background.

⁵⁹Handy, Jim. 2003. *Reimagining Guatemala: Reconciliation and the Indigenous Accords*. p.283.

⁶⁰Ibid.

characterized by several reforms such as redistribution of land, the establishment of farming co-operatives and other social reforms.⁶¹

These reforms lead to an increasing instability and resistance mainly from former landowners, the ladino elite and other economically interested parties.⁶² The increasing leftist direction of the reform led to the right wing and military takeover of power and the killing of the president Jacobo Arbenz.⁶³ This in turn caused the political instability and initiated the 36 year long civil war.⁶⁴ The war was fought between the state, with the support of the right-wing military, against different guerrilla groups of which the URNG became the most prominent. From the outbreak of the civil war in 1960 until 1982, the country continued to hold elections.⁶⁵ In 1982 General Efraín Ríos Montt seized power and with this the most violent years of the civil war started.⁶⁶ This violence resulted in 200 000 dead or “disappeared” civilians⁶⁷ and over 1 million became displaced persons. Besides these internal refugees, it is estimated that 200 000 crossed the borders and became refugees in Mexico.⁶⁸ During 1978 -1984 the CEH estimates that 91% of the violations committed during the war occurred and that 93%⁶⁹ of these violations were committed by the state.⁷⁰

4.1.1 The peace process

The peace process was started in Esquipulas by Vinicio Cerezo, the first civilian president in 1987, where he initiated the signing of the procedure for Establishing Firm and Lasting Peace. This in turn contributed to other initiatives to promote peace and reconciliation e.g. the “Grand National Dialogue” which initiated the debate of the necessity to include social change in the peace accords. The main argument that was put forward by the “Grand National Dialogue” was that the

⁶¹Paris, Roland. 2005. *At wars end*.p.129.

⁶²Woodward, Ralph Lee Jr. 1999. *Central America a Nation divided*. pp.178-185.

⁶³Britannica. Guatemala. article: 1931-1954

⁶⁴Paris, Roland. 2005. *At wars end*. p. 129.

⁶⁵Britannica Guatemala. article: Civil war years

⁶⁶Jonas, Susanne. 2000. *Democratization Through Peace: The difficult case of Guatemala*. p. 11.

⁶⁷CEH. Guatemala Memory of silence. art. 1.2

<http://shr.aaas.org/guatemala/ceh/report/english/concl.html> art. 1. 2. retrieved: 2011-05-11

⁶⁸Walker, Thomas. 2000 *Repression, Resistance and Democratic Transition in Central America*. p. 10.

⁶⁹ According to REMHI the number is 89.7 %

⁷⁰CEH <http://shr.aaas.org/guatemala/ceh/report/english/conc2.html> retrieved: 2011-05-11

upcoming peace accords needed to establish not only cease-fire but to address broad social conditions since it was these who caused the conflict. The different initiatives lead to an increased possibility for the Mayan movement to establish themselves and to gain more access to the national public sphere.⁷¹ The peace process continued and during the following years until 1996, a total of thirteen accords were signed including the last “Accord of a Firm and Lasting Peace”.⁷²

4.1.2 Guatemala today

Today, 15 years have passed since the signing of the peace accord and the Guatemalan society is facing several obstacles in order to establish a durable peace.

The situation of today in Guatemala is marked by increasing violence. Since 1999, the homicide rate in Guatemala has augmented from 2655⁷³ homicides per year to 5960 in 2010,⁷⁴ an increase with more than 120%. This development has not changed and it positions Guatemala as one of the most violent countries that officially has peace.⁷⁵ Besides this the country has one of the most unequal economic distributions in the entire world.⁷⁶ Approximately 56% of the Guatemalan population live in poverty and 16% live in extreme poverty. When looking only at the indigenous population, which constitutes more than half of the population, the number amounts to 76 % living below the poverty line.⁷⁷ This shows how the indigenous population still constitutes the majority of the poor population. Yet another aspect of this is the inequality regarding land tenure. In 1995 2.5 % of the farms in Guatemala controlled 65 % of the agricultural land

⁷¹Handy, Jim. 2003. *Reimagining Guatemala: Reconciliation and the Indigenous Accords*. p. 288

⁷²Accuerdo de Paz firme y duradera. 1996.

⁷³<http://www.pnud.org.gt/data/publicacion/Informe%20Estad%C3%ADstico%20de%20la%20Violencia%20en%20Guatemala%20final.pdf> retrieved: 2011-05-13

⁷⁴<http://freedomhouse.org/template.cfm?page=22&year=2011&country=8047> retrieved: 2011-08-06

⁷⁵<http://www.pnud.org.gt/data/publicacion/Informe%20Estad%C3%ADstico%20de%20la%20Violencia%20en%20Guatemala%20final.pdf> retrieved: 2011-05-13

⁷⁶http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/04/05/000094946_03032104003172/Rendered/PDF/multi0page.pdf retrieved: 2011-05-13, p1.

⁷⁷http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/04/05/000094946_03032104003172/Rendered/PDF/multi0page.pdf retrieved: 2011-05-13

while 88% of the farms only controlled 16 %.⁷⁸ Even though the numbers are old, little has changed regarding this aspect.⁷⁹ Also, as the World Bank states: “*This unequal pattern dates back to the colonial era when the Spanish crown granted large extensions of land to colonizers*”.⁸⁰ This again, shows how important it is to change the old colonial structures in the Guatemalan society in order to combat the existing social inequalities and to also create a more legitimate reconciliation process.

To conclude, this conflict differs in some aspects from the violent ethnic conflicts that have arisen in Europe and Africa. It also differs in the aspect that the indigenous population in Guatemala constitute a majority whereas in many other ethnic conflicts the suppressed have been a minority. As stated by the different truth commissions the main causes to the conflict are the increasing polarization due to the cold war, the social inequality and the exclusion of the indigenous population.⁸¹ These are consequently the issues that the reconciliation strategies need to address.

4.2 Thick strategies

This section will include the different strategies that aim to reach a thick notion of reconciliation. The section will start by describing AIDPI, AASSA and ILO-169 convention since it is very similar to AIDPI. As mentioned before these two accords have been chosen out of the total of thirteen accords that exist since they represent many of the demands that were put forward from a bottom-up perspective.

⁷⁸http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/04/05/000094946_03032104003172/Rendered/PDF/multi0page.pdf

⁷⁹ For this aspect it is also interesting to note that possession of land in the indigenous population is regarded as one of the more important aspects in order to achieve better living conditions. (p. 45 WB 2003)

⁸⁰<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:20207581~menuPK:443285~pagePK:148956~piPK:216618~theSitePK:430367,00.html> 2011-05-13

⁸¹Handy, Jim. 2003. *Reimagining Guatemala: Reconciliation and the Indigenous Accords*. p. 283.

4.2.1 AIDPI

The agreement was signed in 1995⁸² and was initiated by the ASC which at the time consisted of a union of almost all organized sectors of civil society.⁸³ This shows how this accord was reached with a lot of support from a bottom up perspective and how the civil society was strengthened by its creation.

However, the agreement did not enter into force until the final peace accord was signed. The most important aspects included in the accord are: that it recognises the suffering that the previous discrimination has caused and that the future nation building needs to include the indigenous population to succeed. This is shown, by acknowledging that the indigenous population are entitled to: cultural, economic, social, political and civil rights but also that the indigenous women enjoy the same rights.⁸⁴

Even though, this in a European context of human rights can seem to be self-evident, the accord was and still is an enormous victory for the indigenous population.⁸⁵ Another important aspect with this accord is the mobilization of the civil society and how this also changed the earlier structures of the democratic procedure in the country. However, even though the organizations included indigenous population at the negotiation table when signing the accord there were none with indigenous background present.⁸⁶

⁸²AIDPI. 1995.

⁸³Jonas, Susanne. 2001. *Democratization Through Peace: The difficult case of Guatemala.* p. 53.

⁸⁴AIDPI. 1995.

⁸⁵Chase-Dunn, Christopher. Jonas, Susanne. Amaro, Nelson. 2001. *Globalization on the Ground - Postbellum Guatemalan Democracy and Development.* pp. 241-243.

⁸⁶AIDPI. 1995.

4.2.2 The ILO Convention 169

Another important agreement to consider, in order to achieve the changes mentioned in AIDPI is the ILO Convention 169⁸⁷, which is a convention that deal with the rights of indigenous and tribal people. Guatemala signed the treaty when signing the final peace accord in 1996, however, the convention was not made legally binding until 2005.⁸⁸

This convention is important since it establishes the indigenous peoples' rights

“to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programs for national and regional development which may affect them directly.”⁸⁹

This is an extract of article 7 of the convention. These rights are important in order to change the unequal land distribution and through that change the colonial land tenure structures.⁹⁰

⁸⁷ILO 169. 7 (1)

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/droi20071126_guatemala_003/DROI20071126_Guatemala_003en.pdf retrieved: 2011-05-16

⁸⁸ILO. <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm> retrieved 2011-05-16

⁸⁹Ibid.

⁹⁰Ibid.

4.2.3 AASSA

This accord was reached between the URNG and the Government in May 1996. The agreement states in the beginning that it is necessary:

“to overcome the poverty, extreme poverty, discrimination and social and political marginalization which have impeded and distorted the country's social, economic, cultural and political development and have represented a source of conflict and instability. Socio-economic development requires social justice, as one of the building blocks of unity and national solidarity”⁹¹

This shows, how the accord reflects the bottom up issues that were also included in the Agreement on Identity and Rights of Indigenous peoples. The emphasis in the agreement lies on increasing indigenous participation on a local level to improve the democratic legitimacy and on increasing taxation to change the economic inequalities and combat poverty. In addition, it also addresses the agrarian situation, rural development, educational issues, women's participation and social development.⁹²

4.3 Thin strategies

This section will include the different strategies that represent a top-down perspective. The section will start with a description of the work of the truth commissions to continue with the work of CICIG, then a description of the establishment of the law of National reconciliation and lastly, a section about the demilitarization of society.

⁹¹AASSA. 1996.

⁹²Ibid.

4.3.1 CEH

The accord that established the CEH was agreed upon before the REMHI was established, however, the REMHI finished its work before the CEH. This is an important aspect since the CEH could use some of the REMHI material for its work.

The CEH which was established through the *Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer* in June 1994. The agreement states that the commission was to conduct its work accordingly:

“I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.

II. To prepare a report that will contain the findings of the investigations carried out and provide objective information regarding events during this period covering all factors, internal as well as external.

*III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process”.*⁹³

This shows how the aim of the commission was to restore the historical aspects of the conflict, to clarify what had happened during the conflict and also to investigate what strategies could be taken in order to commence the reconciliation.

⁹³Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer.

However, the operational work of the commission was limited by the two following paragraphs:

“III. The Commission shall not attribute responsibility to any individual in its work, recommendations and report nor shall these have any judicial aim or effect.

*IV. The Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants”.*⁹⁴

This quote shows how the truth commission had the aim of restoring the truth but that its aim did not include the restoration of justice. These limitations were criticized and many within the URNG and ASC were disillusioned with these limitations.⁹⁵

4.3.2 REMHI

The REMHI was different from the CEH in that it was not established by the UN or state sponsored but was established by the Archdiocesan Human Rights Office in Guatemala. Its aim was not create justice but rather to; *“in an uncertain climate”* devote themselves *“to the task of repairing the social fabric that begins by discerning the truth”*.⁹⁶ The interesting aspect here is that the Church through its place apart from other organisations was the only civil society organisation that was still viable enough after the war, to have the resources needed to initiate the work of restoring the truth.⁹⁷ They also, saw their work as an initiation of the work of the CEH. Their main focus when collecting information was to focus on: *“rural communities whose physical inaccessibility and linguistic diversity would complicate the commissions task”*.⁹⁸

⁹⁴Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer.

⁹⁵<http://www.c-r.org/our-work/accord/guatemala/chronology.php> 2011-05-18

⁹⁶REMHI. 1999. *Guatemala: Never Again*. p. xxvii.

⁹⁷<http://www.c-r.org/our-work/accord/guatemala/violent-truths.php> retrieved 2011-05-18

⁹⁸REMHI. 1999. *Guatemala: Never Again*. p. xxvii.

This, in addition to the widespread social network and credibility they enjoyed in these areas show how this was also an important bottom up strategy. Even though, truth commissions usually are seen as top down, the work conducted by the REMHI differed from the work of the CEH in this aspect that it was initiated from a civil society and clerical perspective.^{99, 100}

4.3.3 CICIG

The reason to why the commission was established is the increasing impunity rates that Guatemala faces.¹⁰¹ The work of the commission is concentrated on combating different illegal and clandestine criminal groups since they are considered to be one of the main causes of the impunity.¹⁰² The importance of the work of the commission in connection to reconciliation is linked to the concept of justice. To combat the impunity is one of the key issues identified in several of the accords and important in order to create a functioning judicial system. The commission was founded by the Guatemalan government and the UN the 12th of December 2006¹⁰³ and will continue its work until the 4th September of 2013.¹⁰⁴

The commission is unprecedented¹⁰⁵ and its mandate has three main objectives. Firstly, to investigate illegal “security” groups and clandestine “security” groups that commit crimes and threaten the human rights of the citizens of Guatemala, Secondly, to aid the state in the disarticulation of these groups and to promote investigation of these different “security” groups in order to achieve penal persecution and sanctions of the crimes committed by them. Thirdly, to make recommendations concerning policies that will aid the Guatemalan state to eradicate and prevent the reoccurrence of the illegal and clandestine “security” groups.¹⁰⁶

⁹⁹This also shows the important role that the church and religion play in the Guatemalan society.

¹⁰⁰REMHI. 1999. *Guatemala: Never Again*. p. xxvii.

¹⁰¹International crisis group. 2001. *Learning to Walk Without a Crutch: An Assesment of the International Commission Against Impunity in Guatemala*.

¹⁰²<http://cicig.org/index.php?page=sobre> retrieved. 2011-05-17

¹⁰³http://cicig.org/uploads/documents/Brochure_Espanol.pdf retrieved. 2011-05-17

¹⁰⁴International crisis group. 2001. *Learning to Walk Without a Crutch: An Assesment of the International Commission Against Impunity in Guatemala*.

¹⁰⁵<http://cicig.org/index.php?page=sobre> retrieved 2011-05-17

¹⁰⁶Ibid.

Also worth noting, is that the commission is politically, organizationally and financially independent, since its budget is funded completely through voluntary contributions from the international community.¹⁰⁷ The commission is in some aspects similar to an International Court. However, it does operate under the Guatemalan law, in the Guatemalan courts with the penal procedures of the Guatemalan state.¹⁰⁸ This reflects the aim of the commission which is to aid the already existent judicial structure and not to establish a new parallel structure.

4.3.4 Law of National Reconciliation

This law was created two weeks before the signing of the last and final accord *Agreement on a firm and lasting peace*.¹⁰⁹ The agreement, states that crimes committed during the armed conflict will not be punished if they do not constitute genocide, torture or forced disappearances.¹¹⁰ It was not well received by the civil society and the different human rights groups in Guatemala. On the contrary, it was viewed as an escape route for those who had committed serious war crimes.¹¹¹ Even though, the law except the crimes of genocide, forced disappearance and torture and recognises the reparation rights of victims, it shows the difficult balance of establishing justice in post-conflict societies.

4.3.5 Demilitarization

Another important aspect is demilitarization. This aspect is important in order to create a long-term security for the victims. REMHI states in their report that the forced recruitment and militarization transformed people's lives into a battle ground.¹¹² This was thus one of the aspects that highly impacted people's lives during the armed conflict. The demilitarization is one of the aspects that need to be prioritized according to both the REMHI¹¹³ and CEH¹¹⁴ reports.

¹⁰⁷ <http://cicig.org/index.php?page=two-years-of-work> retrieved. 2011-05-18.

¹⁰⁸ <http://cicig.org/index.php?page=sobre> retrieved 2011-05-17.

¹⁰⁹ <http://www.c-r.org/our-work/accord/guatemala/chronology.php> 2011-05-17

¹¹⁰ <http://www.unhcr.org/refworld/publisher.NATLEGBOD.,GTM,3dbe6a606,0.html> retrieved 2011-05-17.

¹¹¹ Isaacs, Anita. 2010. *At War with the Past? The politics of Truth Seeking in Guatemala*. pp. 110-111.

¹¹² REMHI. 1999. *Guatemala: Never Again*. p.9.

¹¹³ REMHI. 1999. *Guatemala: Never Again*.pp.322-324.

5 Results

This section will focus on answering my second research question. The section will firstly present the results by using the dimensions of thick and thin and then will a discussion follow in the next section.

5.1 Thick

As shown above the strategies have not mainly been on an interpersonal level but have included the redress that was demanded from a bottom up perspective. This can also be due to the structures that caused the conflict since it was not primarily a conflict with ethnic overtones.

5.1.1 The Indigenous accord and the ILO convention 169

This aspect requires a really deep structural change in land tenure, societal structures, economic distribution etc. The importance of the implementation of this accord is stressed in both of the reports from the truth commissions. However, the results of this accord are still 15 years after the signing of the final peace accords lagging behind. This is seen in how the government in recent years has approved eviction of indigenous groups to benefit hydroelectric, mining and other development projects.¹¹⁵ Also, recently the government has tried to ignore regional consultations that have occurred in accordance with the convention, which have opposed mining.¹¹⁶

Regarding the accord concerning indigenous rights there was a referendum in 1999 to promote a change in the nation's constitution in order to include some of

¹¹⁴ <http://shr.aaas.org/guatemala/ceh/report/english/concl.html> paragraph 36-37.

¹¹⁵ <http://freedomhouse.org/template.cfm?page=22&year=2011&country=8047> retrieved: 2011-08-06

¹¹⁶ http://www.prensalibre.com/noticias/Organizaciones-sociales-reglamento-consultas-populares_0_482951741.html retrieved: 2011-08-06

the formulations from the accord into the constitution. However, the referendum which was mainly conducted in urban areas, areas which do not facilitate Mayan participation, turned down the proposition of changing the constitution into including the new formulations.¹¹⁷ Concluding, the outcome of these strategies reflect how deeply rooted the exclusionary structures are in society.

5.1.2 The Socioeconomic accord

The implementation regarding this accord is still faltering the tax revenue as a percentage of GDP in Guatemala is today 11.3 %.^{118, 119} Besides this the agrarian situation has been challenged by evictions of indigenous population in favour of economic interests.¹²⁰ In addition, the violence spreading in the country¹²¹ and in particular the violence against women¹²² shows that the implementation of this accord is not proceeding successfully.

5.2 Thin

This section will include a discussion about the outcome of the thin strategies taken towards reaching reconciliation.

5.2.1 CEH

The CEH had several limitations, one was the time restraint set up by the accord that founded the commission. It stated that the commission's work should be conducted during a period of six months with the possibility of prolonging its work another six month period.¹²³ The task to investigate 36 years of civil war in a

¹¹⁷Handy, Jim. 2003. *Reimagining Guatemala: Reconciliation and the Indigenous Accords*. p. 300.

¹¹⁸<http://www.heritage.org/index/Country/Guatemala> retrieved 2011-08-09

¹¹⁹As a comparison Sweden's tax revenue as a percentage of GDP is 47.9

<http://www.heritage.org/index/Country/Sweden> retrieved. 2011-08-09

¹²⁰<http://freedomhouse.org/template.cfm?page=363&year=2010&country=7832> retrieved 21011-08-09

¹²¹Benson, Peter. Fischer, Edward F. Thomas, Kedron. *Resocialising Suffering: neoliberalism, Accusation, and the Socipolitical Context of Guatemala's New Violence*. 2008.

¹²²<http://www.amnesty.org/en/news-and-updates/guatemala-must-act-stop-killing-women-2011-03-07>

retrieved: 2011-08-09

¹²³<http://www.c-r.org/our-work/accord/guatemala/historical-clarification.php> retrieved 2011-07-18

year limited the commission and resulted in a limited focus; to investigate the violations on the right to life and physical integrity. Besides this, the commission was also limited since it could not; name names, have judicial purposes or effects nor enjoy the power to compel information to be handed over.¹²⁴

In addition, its representativeness was debated since it is one of few truth-commissions that have been made up mainly of foreigners. All the commissioners were highly educated and criticized for representing some form of elite rather than the Guatemalan population.¹²⁵ Also, the work and participation in the commission was in comparison to the work of the REMHI characterized by being brief and superficial.¹²⁶ However, some of these limitations might also have brought benefits into the process. The prohibition of mentioning names can actually have contributed to a better participation in giving testimony and thus have contributed to a stronger report.¹²⁷ In addition, that the commission was made up by international personnel was beneficial since they did not have to fear for their safety in the same way as did e.g. the authors of the REMHI. Also, this can have contributed to make them seem more objective.¹²⁸

The report of the CEH was named *Guatemala Memory of Silence*.¹²⁹ The name is suiting since the former historical narrative before the reports, was mainly reflecting the history of the ladino population whilst this report contributes to changing that. This can explain how the report was received by the ladino elite. The day it was presented the sitting president Alvaro Arzu chose not to take his seat at the podium and let a low ranking cabinet official receive it on the state's behalf. In addition, four months after the publication of the report he declared that the commission was wrong to conclude that genocide had occurred.¹³⁰ This shows, how divided the society is and how the ruling elite even after the commission's extensive work refused to acknowledge the reports historical and factual validity. Also, some claim that the report has had a negligible effect on

¹²⁴Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p.36.

¹²⁵Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. pp.38-39.

¹²⁶Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p.36.

¹²⁷Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p.37.

¹²⁸Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. pp. 37-38.

¹²⁹This report was published in February 1999 and consisted of 12 volumes in comparison to the REMHI report that was "only" for volumes long.

¹³⁰Smith, Patrick. 2001. *Memory without History: Who owns Guatemala's Past?* pp.42-43.

society.¹³¹ Another more positive outcome of the work of the commission is the increased amount of exhumations that have been committed.¹³²

Even though, the immediate outcome of the reports might be difficult to assess the values of their existence should not be underestimated. It is as Smith states when referring to the importance of the reports from both REMHI and CEH; “Taken together, they are a kind of foundation. They represent the best chance Guatemala has to discover a new way forward for itself”.¹³³

5.2.2 REMHI

REMHI compiled 5465 testimonies where they documented the existence of 52 427 victims where 47.9% were murder victims.^{134,135} The report states that nearly 80% of all the crimes were committed during the first part of the 1980’s and the main responsible commanders in chief of the military were Romeo Lucas García, Efraín Ríos Montt and Oscar Mejía Víctores.¹³⁶ Out of those 80% of the crimes 71% was state sponsored which means that these three generals were responsible for 71% of the violence that occurred during the wars bloodiest period. As mentioned in the REMHI report it is important that “none of these three can escape responsibility for so many victims”.¹³⁷ This is important to note, since until this day none of the three have been indicted for the crimes committed. Ríos Montt could even candidate for presidency in 2003 and has been a member of parliament before that.¹³⁸

However, the work of REMHI was tainted by the murder of the main author of the report Bishop Juan Gerardi just days after the report was released.¹³⁹

¹³¹Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p.36.

¹³²http://www.prensalibre.com/noticias/Piden-autorizacion-exhumar-desaparecidos-pais_0_496750524.html
retrieved: 2011-08-06

¹³³Smith, Patrick. 2001. *Memory Without History: Who owns Guatemala’s Past?*. p.61.

¹³⁴REMHI. *Guatemala: Never Again*. p .289.

¹³⁵These figures do not include civil patrollers, military commissioners or insurgent organizations that were attacked during combat. (290)

¹³⁶REMHI. 1999. *Guatemala: Never Again*. pp.290-291.

¹³⁷Ibid..

¹³⁸<http://www.nytimes.com/2003/11/03/opinion/guatemala-s-fictional-democracy.html?ref=efrainriosmontt>
retrieved: 2011-05-19

¹³⁹Smith, Patrick. 2001. *Memory without History: Who owns Guatemala’s Past?* pp.61-62.

The main recommendations presented in the report are: the creation of institutions that can handle the demands for reparations and restitution,¹⁴⁰ a creation of an official history and a collective memory, investigate and publish information about the clandestine activities that were conducted by the army¹⁴¹, to create functioning legal procedures and to continue the demilitarization.¹⁴²

5.2.3 CICIG

*Reforms of the security forces and current law-enforcement models are essential to prevent new forms of violence emanating from the concentration of authority.*¹⁴³ As this quote shows the work of the CICIG, aims to create conditions that can establish and maintain a working judicial system. The commission has been working for three years and recently received a renewed mandate to continue until the 4th September of 2013.¹⁴⁴ The work has centred on improving relations with: the ministry of the interior, the National Civilian Police (PNC) and the Public Prosecutors Office. The commission's work has been successful in some instances and in others not. The success can be viewed in; the many cases where the CICIG functioned as a complementary prosecutor,^{145,146} in the strategies taken to reduce corruption in the PNC and also in raising awareness on the existence and presence of criminal and clandestine groups. The less successful strategies, can be seen when looking at the infiltration that the criminal and clandestine groups have succeeded as exemplified below.

During 2009, there were some serious problems with the election of judges for the Supreme Court. Several candidates were suspected to be part of different criminal and clandestine groups. Even though, the commission protested, the candidates were presented to the congress and they voted in favour to choose six out of the eight suspected criminals to serve as judges. However, in this case the

¹⁴⁰REMHI. 1999. *Guatemala: Never Again*. p. 313.

¹⁴¹REMHI. 1999. *Guatemala: Never Again*. p. 319.

¹⁴²REMHI. 1999. *Guatemala: Never Again*. pp. 322-324

¹⁴³REMHI. 1999. *Guatemala: Never Again*. p. 320.

¹⁴⁴International crisis group. 2001. *Learning to Walk Without a Crutch: An Assessment of the International Commission Against Impunity in Guatemala*.

¹⁴⁵E.g. In several cases the CICIG has as a complementary Prosecutor indicted persons that are highly involved in the national politics.

¹⁴⁶CICIG. 2010 *Informe Tercer año de labores*. p.13.

CICIG managed to get a re-election and three out of the six were not accepted as judges. The outcome was also that in other upcoming elections regarding judges the respect for transparency and professionalism permeated the process and the recommendations of CICIG were taken into consideration in the election of new judges.¹⁴⁷ During its three years the CICIG has had a significant impact on the Guatemalan judicial system and the outcome can be seen as successful given the circumstances.¹⁴⁸

5.2.4 Law of National Reconciliation

This law was criticized when it came out and the amnesty that it includes is still viewed as one of the main roadblocks in order to prosecute perpetrators for crimes committed during the war. However, the law was passed in order to not create a climate of vengeance in the society and in order to focus on prosecuting the high-level officers that bore the main responsibility for the worst war crimes.¹⁴⁹

It is important to put into perspective the necessity of creating a balance between vengeance and justice and also to consider the capabilities that the national judicial system possesses. In the Guatemalan case it would have been an insupportable burden to carry out prosecutions for all human rights violations committed during the war.¹⁵⁰

5.2.5 Demilitarization

As stated by both the REHMI and the CEH, the society needed to exclude the military involvement in society in order to heal the wounds of the victims. The presence of the military and ex-generals from the war in the high political levels of the country show that this is not progressing satisfyingly. This was firstly

¹⁴⁷CICIG. 2010 *Informe Tercer año de labores*. pp.22-24.

¹⁴⁸International crisis group. 2001. *Learning to Walk Without a Crutch: An Assessment of the International Commission Against Impunity in Guatemala*.

¹⁴⁹<http://www.c-r.org/our-work/accord/guatemala/chronology.php> retrieved 2011-08-08

¹⁵⁰Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p. 41

initiated and the URNG is today not an armed guerrilla movement but a political party.¹⁵¹

The demilitarization of the national army has not progressed to the same extent. During the last presidency Guatemala has faced an increase in violence which has led to a reinforcement of the military. This reinforcement has occurred due to the lack of necessary resources within the national police to combat the increase and the military is today used to maintain national security even though that should be a task for the national police.¹⁵²

¹⁵¹Isaacs, Anita. 2010. *At War with the Past? The politics of Truth Seeking in Guatemala*. pp.113-117.

¹⁵²<http://freedomhouse.org/template.cfm?page=22&year=2011&country=8047> retrieved: 2011-08-08

6 Concluding discussion

This section will contain a discussion of the findings of this study. Firstly, the discussion will evolve around the two different dimensions; the outcome of them will be compared and discussed. To continue, there will be a discussion concerning the outcome of the strategies used in connection to Nagy's quote about faltering reconciliation and increasing violence.

6.1 Thick

The thick notions have as shown, focused on changing deep structural causes. What also characterize the thick dimensions, as discussed in my theoretical section, is to reach forgiveness and deeper solidarity between the former conflicting parties. The results of the thick dimensions concerning the AASSS, AIDPI and ILO 169, which are the thick strategies studied in this essay, show that even though these measures have been agreed upon, the implementation of them is still lacking. Lately, the implementation of many of the rights in these accords has been undermined by economic interests and there has been a political tendency to promote economic interests instead of protecting the indigenous populations' rights. In AASSA the conflicting parties agreed upon raising the tax levels and through that trying to slowly initiate a socio economic change. This is also a measure that is still lagging behind and needs to be implemented in order to create funding in order to realise many of the other strategies.

The prevalence of structural racism and inequality are still hindering the implementation. In addition, to the prevailing racism, the lack of substantial change within the judicial structure is also an issue.

In this study it has also been hard to look at other thick notions such as interpersonal reconciliation. This also shows when looking at the results of this study since the main results are within the thick notions. However, what has characterized the strategies to establish reconciliation in Guatemala is that they

have mainly been thin. This is interesting since both dimensions are necessary in order to establish a lasting reconciliation. There have been attempts to establish thicker notions of reconciliation but the amount as this study can show has not been sufficient or have lacked in real implementation. All of this shows how the thick dimensions are faltering and the importance of these deeper notions are key in order to create a more stable and legitimate peace process.

6.2 Thin

The thin notions have in contrast been many as shown above and are reflective of the peace building paradigms that are prevalent today. They have been characterized by measures to improve inclusion, democratisation and change the structural causes of the war. In particular, the thin notions have focused on the concept of truth with the two different truth commissions and have sought to re-establish justice with the creation of CICIG and other strategies. However, the creation of retributive justice within the thin measures has been absent. Even though, the first convictions for crimes against humanity committed during the war have been announced, none of the higher ranked officers responsible for the genocidal acts in the 1980's have been prosecuted for their actions.¹⁵³ This can be connected to Patrick Seils discussion about why forgiveness is required in the process but not contrition.¹⁵⁴ This is again an example of how strong the racist structures are since it is possible for former war-criminals to claim their innocence and be accepted among the societal elite.

For instance, the possibility for the former military officer and war criminal Rios-Mont to conduct a presidential campaign in 2003 show the lack of legitimate justice.¹⁵⁵ In addition, the lack of implementation of economic compensation, for victims and other measures towards establishing more retributive justice also show how it has been hard to establish more extensive strategies of justice.

¹⁵³<http://www.bbc.co.uk/news/world-latin-america-14383071> retrieved: 2011-08-10

¹⁵⁴Seils, Paul F. 2002. *Reconciliation in Guatemala: The role of intelligent justice*. p. 47

¹⁵⁵<http://freedomhouse.org/template.cfm?page=363&year=2010&country=7832> retrieved 2011-08-08

Furthermore, the reports of the truth commissions were not accepted from the dominating white ladino population. For the peace process to stabilize, the necessity of a common narrative regarding the occurrences during the war is essential.¹⁵⁶ Thus, it is imperative to change this in order not only to establish truth but also in order to facilitate the indictment of war criminals and for the creation of justice. Both the commissions have very valid suggestions on how to proceed with the reconciliation process and implementing those would lead to the creation of justice and restoration of much the social fabric.¹⁵⁷

Nonetheless, it is also important to consider creating a common narrative for the period before the conflict in order to stabilize the country and to move forward towards a more inclusive future national project. In order to include and reconcile the nation, the common narrative needs to be rewritten to combat the prejudices and racism that today exclude the indigenous population. An example, of the obstacles to overcome when constructing a common narrative is the celebration of different holidays, such as the celebration of the anniversary of Columbus' arrival. For the ladino elite this is a cause for celebration whilst for the indigenous majority it represents the beginning of 500 years of oppression. Thus, it is important to merge both views in order to create a legitimate historical narrative.¹⁵⁸ In addition to these difficulties it is also important to consider the plurality of the indigenous movements in Guatemala when creating the historical narrative. Since, the indigenous population consists of more than 20 different indigenous tribes and they speak a total of 26¹⁵⁹ different languages.¹⁶⁰

Regarding demilitarization in Guatemala there has both been positive and negative developments. The positive trend is the total disarmament of the former Guerilla movement URNG. The negative is the increased militarization of tasks that should be carried out by the police. Also, the increasing spending and reopening of military bases shows an inclination towards increasing the military's influence in society.

¹⁵⁶Smith, Patrick. 2001. *Memory without History: Who owns Guatemala's Past?* p.63.

¹⁵⁷For a further discussion regarding the recommendations see e.g. Seils p. 54

¹⁵⁸The indigenous population consists of mostly Mayan tribes but also Garifuna and Xinca

¹⁵⁹<http://www.unhcr.org/refworld/country,,MRGI,,GTM,,49749d163c,0.html> retrieved: 2011-08-10

¹⁶⁰Smith, Patrick. 2001. *Memory without History: Who owns Guatemala's Past?* p.63.

To conclude, the thin strategies are adequate for the context but as shown there is a lack implementation and a need for more substantial justice. The CICIG represents some success and will hopefully continue progressing and strengthening the Guatemalan judicial system.

6.3 Analysis

As mentioned earlier there is not a lack in quantity of strategies, it is rather a lack of quality and implementation that has been the main obstruction. This can be explained by the difficulties of changing the structural racism and social inequalities that still permeate the society.

When comparing the outcome of the two dimensions from the study, it is clear that the measures taken towards reaching a thick notion of reconciliation are fewer and have not been as successful as the thin notions. As discussed in the beginning, the importance of creating both thick and thin notions of reconciliation is even more important in the Guatemalan context. With the structural causes that created the war, there is a definite need for thin notions of reconciliation, but the need for reconciliation on a thick and interpersonal level is also very present. This shows that if there is a need for more strategies in the reconciliatory work, thick notions should be prioritized. To promote and strengthen bottom up initiatives such as including indigenous population in decision making, to permit more exhumations and to further implement the rights in AIDPI are examples of how to improve the thick notions of reconciliation in this context.

In addition, the need to change the stereotypical view of indigenous populations and to reconcile the former conflicting parties is still very present 15 years after the war. This was also visible, in how the reports from the different truth commissions were received and how the president opposed the findings.

Noteworthy, is also the need to balance retributive justice to not destabilize the process and create vengeance. There is a fine balance between creating a stabilizing justice and credibility and creating vengeance. It is also necessary to create credibility in the judicial structures in order to combat impunity and in

order to prevent the population to take justice into their own hands. “Mob justice”¹⁶¹ has been visible in some areas of Guatemala and with the increasing spill over of gang criminality from El Salvador and Mexico the need for functioning state institutions is even greater.¹⁶²

At the same time the process today lacks credibility when so much implementation of the measures is missing. There is a great need for justice in order to create stability and credibility for the process among the indigenous population. The disbelief towards the state can be seen as a remnant from the war and this is also one of the issues that the reconciliation process needs to adjust.

When talking about structural changes it is also important to note that these structures have been created throughout more than five hundred years of oppression and it will take a lot of time to change them. The population and society needs not only to be reconciled with the terrible occurrences during the 36-long civil war but also with its colonial history. The society will need to create new societal structures in order to abolish the racism that permeates all of it and to create real incentives to move towards a more complete reconciliation. Thus, the country needs to be reconciled with its colonial past and this process has been initiated with the creation of the ASC, the national dialogue, the AIDPI, the truth commissions and all other strategies and measures. All of this, shows a new inclination towards a more open and democratic development. However as also shown above, these measures have been started but then not really implemented so it still remains to be seen if they will constitute a real structural change.

To continue, there is a great necessity of strategies to reach reconciliation in Guatemala. To build peace without reconciliation would probably lead to new conflicts which leads me to the statement mentioned earlier by Nagy:

“without reconciliation there is a danger of renewed violence with mistrust or hatred between former opponents threatening the fragile new democracy and the possibility of permanent peace”

¹⁶¹<http://www.bbc.co.uk/news/world-latin-america-14003907> retrieved 2011-08-10

¹⁶²Benson, Peter. Fischer, Edward F. Thomas, Kedron. 2008. *Resocialising Suffering: neoliberalism, Accusation and the Sociopolitical Context of Guatemala's New Violence*. pp.38-42.

This quote is interesting since it in the Guatemalan context partially due to a lack of stable and extensive implementation of the reconciliation strategies exist an increasing tendency of violence. This increase is alarming and shows that in order to stabilize the society, a better implementation of the strategies is one of the necessary adjustments. This again shows how important the outcome of the reconciliation process is in order to avoid a repetition of the past.

In addition, to increased violence there is also another worrying tendency in the augmenting militarization. This is disturbing, since several of the peace accords include measures to decrease the military presence in society. It is also interesting that there are economic resources to spend on the army but not sufficient funding for strengthening the PNC. This shows the government's inclination to increase military spending instead of focusing on strengthening the PNC. This reinforces the military's possibilities to gain power in the society. This in a context where much of the social fabric has been torn apart by the former army is a disturbing development and has been received as such by several parts of the civil society.

Nonetheless, as mentioned earlier it is worth noting that more time will need to pass before the processes can be viewed as more completed (if they ever are). The process of reconciliation is always, as discussed earlier in the theoretical section, a continuous one and as shown in this case it is not a simplistic linear development but rather a process of improvements and backlashes.

In this case there is also the issue of not being able to restore society to its previous conditions but rather having to create something totally new in order to build a society that is legitimate and in accordance with the prevailing norms of a democratic society. In this reconciliation, with the creation of legitimate truth and justice, plays a crucial role as a foundation for interpersonal trust and for legitimizing the whole process.

Nonetheless, it is important to also consider all the dynamic changes that are occurring throughout the country. The elections of this fall 2011 will be the second with a presidential candidate with an indigenous background, which shows

an increasing openness.¹⁶³ However, it still remains to be seen if the campaign will be marked by an increasing violence and a harsh rhetoric with stereotypical racist propaganda and campaign promoting a “mano dura”¹⁶⁴ rhetoric like in 2007.¹⁶⁵ This reflects a glorification of violence and the continuing disbelief in the state’s ability to combat violence and impunity. Also, since the state was one of the conflicting parties, it is important to restore its legitimacy and accountability.

Lastly, the experiences of reconciliation in Guatemala show that creating reconciliation is a delicate process that is not developing onward continuously. The case of Guatemala, show that processes like this take time and consists of many different dynamics and aspects that need to be addressed. The process shows a broad spectrum of strategies and they are very adequate for the context. With that in mind the foundation for a successful reconciliation is laid. However, as shown above the issue in this particular case lies with having sufficient funding, political will and overcoming the structural racism to implement the strategies.

6.4 Final conclusions

To conclude, there are five main conclusions that I would like to highlight.

Firstly, the reconciliation strategies used in Guatemala have mostly been adequate for the context and are reflective of the dominant ideas of peace-building with the aim of creating an extensive and positive peace. The lack rather lies in implementing those strategies.

Secondly, that is important to consider this conflict, was not only a conflict between different people or ethnic fractions but rather a conflict with many structural causes with its origin in the colonisation. Thus, it is those structural causes that need to change in order to reconcile society. With that in mind, many

¹⁶³ http://www.washingtonpost.com/world/americas/nobel-peace-laureate-rigoberta-menchu-making-another-run-for-guatemalas-presidency/2011/07/28/gIQA7x45fI_story.html 2011-08-10

¹⁶⁴ Mano dura = iron fist/ firm hand. A term often used in Latin America as an indication of the parties will to combat crime with an increase in military spending and increasing military and police presence in society.

¹⁶⁵ <http://news.bbc.co.uk/2/hi/americas/6963167.stm> retrieved: 2011-08-10

of the reconciliation measures taken in Guatemala are adequate since they belong to the thin dimensions which aim towards creating societal reconciliation.

Thirdly, it is also clear that there is a need for more thick strategies or at the very least a better implementation of the existing ones to establish a more complete reconciliation.

Fourthly, the need for more time to pass is an invaluable insight. The process of reaching reconciliation is one that does not occur rapidly. The structures that caused the conflict have been created throughout hundreds of years and changing them will thus also require time.

Lastly, this study shows how difficult it is to establish reconciliation and how delicate the processes are. It also shows how none of them are viable without the other. To establish a legitimate process of reconciliation without fighting violence, corruption, poverty and other issues would not be possible. Thus it is clear that in the context of Guatemala the need for strategies that are broad and reflective of the positive peace paradigm are essential.

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