

## **How Mass Atrocities End: Guatemala** Roddy Brett, World Peace Foundation 2 April 2012

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The Guatemalan State's obligations to protect human rights, guarantee equal treatment and sanction discrimination, including on grounds of ethnicity, race or gender, are enshrined within the 1985 Political Constitution of the Republic and domestic legislation, as well as in international treaties and conventions ratified by the Guatemalan state, including the Convention for the Prevention and Punishment of the Crime of Genocide (ratified in 1950), the majority of instruments that constitute the International Bill of Human Rights and the Convention Concerning the Elimination of all Forms of Racial Discrimination.

Despite said legal provisions, national human rights organisations have filed legal charges both domestically and before the Spanish National Court against former Presidents General Fernando Romeo Lucas García (1978-1982), General Oscar Humberto Mejía Victores (1983-1985), ex-military dictator General Efraín Ríos Montt (1982-1983) and their military high commands for genocide, war crimes, torture, state terrorism, assassination and illegal arrest.

Organisations allege that said crimes were perpetrated between 1978 and 1983 against the indigenous-Maya population in the western highland regions of the country during the counterinsurgency campaign against the guerrilla army the National Guatemalan Revolutionary Unity (URNG). Significantly, the United Nations sponsored Historical Clarification Commission (CEH) concluded in its final report that the Guatemalan State agents were responsible for acts of genocide carried out in at least four regions of the country between 1981 and 1983 (CEH Vol. III 1999: 423-4).

### **Historical Context**

Guatemala's brutal and genocidal internal armed conflict was shaped and sustained by the unequivocal bias in the control of economic and political resources by a racist non-indigenous, Spanish-descended oligarchy, a caste system of privilege that was historically protected by the country's security forces and managed by a closed lineage-based political and economic elite. The first guerrilla insurgency seeking to challenge this system emerged and was quickly defeated in the 1960s, composed as it was of rebellious ladino military officers. (...) It was only after the 1970s that other armed insurgencies emerged with the aim of challenging the racist

oligarchy not exclusively on classist terms, but through a framework that sought to include indigenous and ethnic identity, exclusion and racism as key elements of armed struggle.

In this context, the ethnic dimensions of Guatemala's Cold War internal armed conflict are complex. Whilst the conflict appears not to have stemmed from an indigenous uprising or ethnic mobilization as such, nor was it waged exclusively on ethnic lines, it was characterised by acutely ethnic dimensions. Horizontal inequalities played a key role in precipitating and sustaining conflict. Guatemala's historically unjust system of land control, distribution and tenure, levels of extreme poverty and lack of access to formal political channels and economic resources, affecting above all the indigenous population, were at the core of the conflict between the Guatemalan military and the URNG. (...)

(...) In the aftermath of the genocide, the country's ensuing peace process (1987-1996) and corresponding peace accords emphatically addressed the historical exclusion of indigenous peoples, principally as a result of pressure from the emergent indigenous movement and the international community, which invested extensive financial resources in the peace process and post-conflict reconstruction phase and insisted upon positioning ethnicity as a central aspect of those rights to be negotiated. In this context, the emerging indigenous rights framework became a key instrument for indigenous struggles, including above all Convention 169 of the International Labour Organisation Concerning Indigenous and Tribal Peoples in Independent Countries and, later, the United Nations Declaration of the Rights of Indigenous Peoples (ratified by the Guatemalan State in 1995 and 2007 respectively).

## **Understanding Guatemala's Genocide**

The operative modality of the Guatemalan genocide was characterized by the simultaneous perpetration of instrumentalist and essentialist forms of violence, which served mutually reinforcing purposes. Under the military government of General Lucas García (1978-1982), a violent counterinsurgency "scorched earth policy" was executed against both the guerrilla, particularly in the capital city and urban areas, and its principally indigenous civilian social base, above all in the rural areas of the country. Under the subsequent dictatorship of General Ríos Montt (1982-1983), whilst military operations in urban areas were scaled down, egregious human rights violations escalated in rural Guatemala, as the military sought to wipe out the insurgents' social base. (...)

(...) State forces identified indigenous peoples in highland communities as the collective internal enemy, regardless of the presence of the insurgent fighters. The military campaign eventually precipitated the destruction of 660 villages, the massacre of at least 20,000 indigenous peasants, systematic mass public rapes, forced sterilization and the internal displacement of approximately 1.5 million people (then amounting to approximately 12% of the population).

At the same time, the genocidal violence was characterized by acts of essentialist forms of violence. In effect, it is arguable that those military forces that perpetrated the genocide did so by explicitly targeting and subsequently seeking to exterminate Mayan indigenous peoples, actions that were deemed necessary to purify and build a consolidated whitened, homogeneous nation-state, a project that had not been successfully completed since independence in 1821. The genocide represented the extension of a nation-building project that had hitherto failed to eliminate, assimilate or integrate the indigenous other: where the accepted indian was to be ladinizized, his otherness neutralized. (...)

(...) In this regard, the Guatemalan State facilitated the stigmatization of the indigenous Maya and the subsequent perpetration of systematic massacres against them through the intentional generation and operationalization of the belief in their natural and immutable inferiority and the creation of an ethnic hierarchy based upon invented criteria of biological, cultural and moral differences. (...)

(...) By identifying the indigenous population in this way, the State justified and facilitated the brutal military aggression perpetrated by non-indigenous (and subsequently indigenous) troops against the indigenous Maya. (...) Simultaneously, institutional and structural racism facilitated the genocide. The indigenous population was systematically marginalized from all areas of the State (executive, legislative and judicial powers), from local government, and from national cultural and economic life in general. (...) Finally, the geographic isolation and systematic absence of infrastructure within indigenous regions, regions that were heavily controlled by the armed forces, meant that, in a context of State censorship, massacres accompanying the counterinsurgency campaign were invisible to an indifferent racist society.

(...) Planned and executed by Guatemala's genocidal regime, with determinant support from the US government, by 1983 the counterinsurgency was successful in disarticulating the guerrilla and bringing about its military defeat by literally burning their support base off the map in what effectively was a war with few battles. Said victory precipitated the decision by the military command to return the country to civilian rule in 1986. Despite military defeat, with the key support of the international community and the emergent victims' movement, guerrilla cells still active in certain urban areas and in neighbouring Mexico were able to take advantage of the Central American peace process, and push for a negotiated settlement in a process monitored, shaped and financed by the international community, including the United Nations.

Significantly, the peace process, in which seventeen accords were signed, was proposed as the means through which to bring a definitive end to the causes and consequences of the genocidal conflict, and would become the principal motor for the country's democratization.

Unprecedented measures aimed at redressing integrally the historical discrimination and social, political, economic and cultural exclusion of the indigenous were adopted. (...)

(...) However, and significantly, the peace process and the content of the peace accords did not respond directly or adequately to the underlying structural causes of armed conflict, including of historically embedded horizontal inequalities. The negotiation of land distribution and horizontal inequalities, direct causes of the conflict, meaningful transitional justice mechanisms, including prosecution of perpetrators, and indigenous territorial autonomy, was at best sidelined, at worst bluntly sacrificed, in order to lower resistance of the parties to the accords to sit at the negotiation table and sign the peace. Moreover, the process was undergirded by the framework of universal individual rights over and above social, economic and cultural rights, rights that would have gone some way towards addressing certain structural causes of violent conflict. Neo-liberal economic policies, including loans to poor, principally indigenous peasants, were introduced as the cornerstone of the peace process and as central tenets of poverty alleviation.

Peace, and the accompanying a rights cascade, was imposed upon a largely indifferent society by the international community. By not addressing the causes of armed conflict, the design of the peace process itself impeded the possibility to generate minimal conditions for preventing future conflict, at the same time the process sowed the seeds for renewed violence within the subsequent nominal multi-cultural political democracy that was legitimized and financed by the international community. (...)

(...) Three decades after the mass atrocities that characterized Guatemala's "successful" genocidal counterinsurgency campaign, a genocide ending remains at best intangible, at worst incomplete. The prevention of the extermination of indigenous peoples in Guatemala appears to be no longer articulated through the normative framework of the internationally typified crime of genocide; in short, mass and systematic State-sponsored acts of genocide are not identifiable in 2012. However, indigenous peoples continue to suffer the systematic violation of their right to autonomy in a nominally functioning political democracy, dying of preventable and curable diseases and being displaced from their lands to permit internationally supported extraction projects. Whilst the operative means (mass atrocities) may have changed and intention to destroy may no longer be evident or identifiable, the ultimate end of destruction, in whole or in part, of Guatemala's indigenous population, is not, in itself, being effectively prevented. The question remains then as to what analytical and normative instruments are adequate in this context and what the role of the international community should be.

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