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Enabling Peace in Guatemala: The Story of MINUGUA

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1

How to Play a Weak Hand

IN 1994 THE UNITED NATIONS stepped in to salvage stalled peace talks between the government of Guatemala and a group of Marxist revolutionaries who had been waging a sputtering insurgency since 1960. The revived peace talks eventually led to a settlement in late 1996. Almost two years before that final deal was reached, the United Nations took a chance and deployed a mission to monitor human rights in Guatemala—the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA). The United Nations hoped that the mission would help improve human rights conditions enough for the rebels to feel safe putting down their arms. Once the final accords took effect, MINUGUA took over primary responsibility for verifying compliance with the full package of peace accords.¹ The mission would stay in Guatemala for a decade. When MINUGUA closed in 2004, it left behind a more consolidated democracy, better human rights conditions, and modest reforms to key institutions such as the judiciary, prosecutors, and police. Compared to the catastrophic outcomes of some other peacekeeping efforts in civil wars such as in Angola and Rwanda, Guatemala looks like a peacekeeping success story. Yet the results fell short of the United Nations’ goals for “peacebuilding” in post-civil war societies (remediating the root causes of the conflict), and far short of the high-sounding goals laid out in the Guatemalan peace accords themselves (which in the view of one UN official amounted to turning “Guatemala into Switzerland”).²

Guatemala was among the most unequal societies in a very unequal region. Its indigenous majority suffered from terrible economic, health, and educational disparities. Its economic elite exercised remarkable privileges and political powers, while resisting the formation of a working state. Its military had dominated political life for decades, killing over 100,000 non-combatants, and committing atrocities while its officer corps became



Map created by Chris Perry

increasingly corrupt and effectively immune from prosecution. Guatemala needed a makeover, and the peace accords superficially promised at least a significant down payment on the needed changes.

Unfortunately, three consecutive Guatemalan governments either failed or chose not to implement the majority of promised reforms. In the face of these failures, the United Nations used its verification mandate in an effort to uphold the norm that the government should comply with its commitments. MINUGUA pressured the government to do more by drafting critical reports that were published under the names of Secretary-General Boutros Boutros-Ghali and his successor Kofi Annan. It probably saved many lives by deterring human rights violations. Where possible the mission worked with government agencies to improve their performance, and it worked with grassroots groups to help them advocate more effectively for their own interests. At key moments, MINUGUA very likely prevented backsliding and even a possible democratic breakdown. But to a distressing

extent, it verified and reported on a decade of governmental failure, including a perilous period during which organized crime appears to have controlled the state at the highest levels.

The United Nations' mission in Guatemala was the softest of soft peacekeeping. In contrast to the "black helicopter" imaginings of folks in Idaho, the United Nations is far from all-powerful, especially in peacekeeping operations. While under Chapter VII of the UN Charter, the Security Council can authorize one country to invade another if it is a threat to "international peace and security," in practice—even after the end of the Cold War—it has been difficult to gain the support of all five veto-wielding permanent members for peacekeeping actions that challenge sovereignty. Most UN peacekeeping operations involving countries with civil wars operate under carefully circumscribed mandates to monitor, report, advise, and attempt to protect civilians within strict rules of engagement. Where UN soldiers have been deployed, they have generally gone with the consent of the host government. For reasons explained in the next chapter, in Guatemala the United Nations had to settle for a General Assembly mandate for MINUGUA rather than a stronger Security Council mandate, with the very limited exception of the military observer component that monitored the rebels' rapid demobilization. There was no international coercion, nor even a hint of coercion: the United Nations got involved because the Guatemalan government and rebels invited it to, and maintained the observer mission for a decade because it was repeatedly invited to do so. The Security Council studiously avoided framing the United Nations' involvement as a matter of international peace and security. The United Nations was just there to help.

As anyone knows who has ever tried to help a recalcitrant person solve a deep problem, being a helper is not a strong bargaining position. What do you do when the intended beneficiary of your help rejects advice, reneges on promises, reverts to bad old patterns of behavior, complains about what you do, tells you to get lost, and then pleads for more help? More specifically, faced with such a person, about whom for some reason you continue to care, how do you maximize your leverage? Obviously the dynamics of interpersonal relations do not provide a valid model for understanding relations between an international organization and a sovereign state. Yet descriptively, the analogy seems to fit the interplay between the United Nations and Guatemala around the peace accords. The United Nations and its supportive member states continued to help Guatemala because, no matter how galling the conduct of the Guatemalan government, military, economic elite, or former rebels, the whole point was to create better conditions for the majority of Guatemalans and, to the extent possible, reduce the likelihood of future violent conflict. That concern for the Guatemalan majority created an asymmetry of motivation, in which the United Nations was generally more committed to implementing accords than the relatively narrow

slice of Guatemalan society that had the constitutional political power to do so. The government and its constituents could assert sovereignty and ignore the United Nations' complaints, but such assertions lacked much normative legitimacy since the government was often defending practices that had helped fuel civil war in the first place. Because much of the Guatemalan public was poorly educated, uninformed about the accords, and politically terrorized after three decades of mayhem, the United Nations often found itself advocating for agreements that it understood to be in the best interests of a Guatemalan majority that was itself politically passive. It could not count on a groundswell of popular support to push the elites along, unless it found a way to trigger such a groundswell itself. In fact, in a shocking reversal early in the peace process, key provisions of the accords were *voted down* in a public referendum.

The Guatemalan accords were especially difficult for the United Nations to verify because they were both sweeping in scope and comparatively lacking in measurable commitments by either of the parties. The design of the accords was not the United Nations' idea. The earliest stages of the Guatemalan peace talks—before the United Nations began mediating and before the government even began talking directly with the rebels—involved a broad consultation with civil society groups including peasants, labor unions, cooperatives, businesses of various sizes, and so forth. The groups collectively generated a broad negotiating agenda that the government and the rebels agreed to adopt when direct talks got under way in 1991. The agenda included constitutional reforms; reform of the military; strengthening of civilian courts and prosecutors; indigenous cultural and linguistic rights; government tax policy; government services in education, housing, and health; agricultural extension; land availability, surveying, registration, and markets; labor rights; resettlement and development for refugees and displaced people; administration of elections; legal accountability for past acts of political violence; and reincorporation of the former rebels.³

This agenda accurately captured the range of things that needed to change for Guatemala to become a more functional, stable, and just society. If the opposing sides in the civil war had been powerful and coherent actors, they might have been able to cut a substantive deal and implement it. But the four consecutive governments that participated in the negotiations, as well as their rebel counterparts, were all weak. The first government faced two military coup attempts; the second carried out an “auto-coup” to seize dictatorial powers and was thrown out by civil society protests and international sanctions; the third was a provisional caretaker; and the fourth depended politically on support from the business community, which was not very interested in reforms that would create a functioning state that could collect taxes. None of these governments had the capacity to plan or carry out major changes. The rebels of the Guatemalan National Revolutionary Unity

(URNG) were weaker still: substantially defeated in the early 1980s, by the late 1990s they were a small movement that was more of a military nuisance than a serious threat to the state, and they faced a near lethal combination of eroded popular support, internal divisions, financial shortfalls, and erratic leadership. The combination of a sweeping agenda (generated by civil society) and weak national political actors resulted in final accords that were a mile wide and an inch deep, symbolically important as an expression of desires for a better country but short on concrete, measurable commitments to which anyone could be held accountable.

Though the United Nations drew a weak hand in Guatemala, it did have a few high cards. With offices around the country, it had better information about what was going on than any other institution, with the possible exception of Guatemalan military intelligence. It had a mandate to report on its human rights and other findings, and these reports had the potential to either improve or damage the government's international reputation. It had a mandate from the outset to help strengthen institutions of justice and human rights accountability, and this gave it some capacity to bargain with government agencies. It also had a mandate to communicate directly with the public about the peace accords and human rights. MINUGUA staff had expertise on how to take testimony, conduct investigations, manage legal cases, assess the impact of tax and other economic measures, manage and evaluate government programs, and write legislation. Government agencies needed this expertise, and this gave MINUGUA points of leverage within the state, even when the government as a whole was uncooperative. And while MINUGUA lacked the power to impose conditions on most international aid programs, its public reporting and behind-the-scenes lobbying could either help or hurt the government's prospects for major grants and loans.

The focus of this book is how the United Nations played the cards it was dealt, with secondary consideration of whether there are some hands the United Nations just should not play in the future. That is, given the powers the United Nations had in Guatemala, which strategies worked and which ones fell short? Were there ways that the mission's leverage could have been either strengthened or better used? In the historical chapters that follow, I look at the interactions between the United Nations and the Guatemalan parties as a bargaining process. Faced with recalcitrance on the part of the implementing governments, MINUGUA needed to concentrate its limited leverage on those issues where progress was either most likely or most important, and it needed to enhance its leverage whenever possible through savvy use of its mandate. As readers will see in the chapters that follow, the mission did not always do this. Rather than formulating a strategy that matched its goals to its capabilities, it generally spread its limited leverage across the full range of issues in the peace accords. The one issue it did focus on, increasing tax

collections, was probably the single issue on which it was least possible to make progress because doing so went against the core interests of the most entrenched and powerful constituencies in the country. The mission was also prone to depending on the same kind of broad civil society consultation that produced the broad accords in the first place. MINUGUA's default "strategy" in the face of government noncompliance was to convene diverse civic groups and grope toward consensus, in the absence of any strategy to generate sufficient political power to get anything done.

In the wake of the various scandals that have affected other UN peace missions, it seems like a cheap shot to note that MINUGUA was not always well managed. But the mission's internal difficulties were significant and did interfere materially with its ability to make decisions and implement them. The core problems were unprofessional selection processes for high-level personnel, and an administration that was organizationally and culturally divorced from the substantive work of the mission. These problems were deeply rooted in the ways the United Nations does business and were not easily remedied.

To some extent, MINUGUA may have faced Mission Impossible. One conclusion this book draws is that the United Nations needs to find a way to give peacebuilding missions more capacity to impose political conditions on international aid. There are, of course, many institutional barriers to doing so, but the history of MINUGUA shows the potential futility of unconditionally shoveling money toward governments that are (predictably) more interested in their own short-term political success than in solving their country's long-term structural problems.

■ Outline of the Book

The conditions and choices facing the mission changed during its ten years in Guatemala. Moreover, each head of mission (HOM) brought a distinct analysis of the situation, a distinct leadership style, and distinct preferences. As a result, I have organized the chapters around the different HOMs, with one exception. Chapter 2 traces the negotiation process from its first stages of indirect talks to direct talks mediated by Archbishop Quezada, to the final stage of mediation by Jean Arnault (France) on behalf of the United Nations. Chapters 3 and 4 (jointly covering the period May 1994 through March 1997) overlap chronologically with the negotiations process described in Chapter 2. Since these were separate but related processes, they are treated as separate narratives here, with references in all three chapters to interactions between the negotiations and the mission. Chapter 3 addresses the initial deployment of MINUGUA as a human rights verification mission, under the leadership of Leonardo Franco (Argentina). During Franco's period, the mission established a reputation in Guatemala for

evenhanded and authoritative assessments of human rights conditions. Chapter 4 traces nine months during which MINUGUA was headed by David Stephen (UK), who oversaw ongoing human rights verification while dealing with demands for on-the-ground mediation within Guatemala and preparing for the mission's future role as verifier of the full accords. Chapter 5 examines the challenging verification of the full accords, with MINUGUA under the leadership of Arnault, who became HOM and special representative of the Secretary-General (SRSG) in charge of MINUGUA after completing the negotiations.⁴ Chapter 6 covers the work of MINUGUA under SRSG Gerd Merrem (Germany), who came out of retirement to lead the mission as it sought to maintain momentum in the face of numerous setbacks during the presidency of Alfonso Portillo. Chapter 7 covers the final stage of the mission, as SRSG Tom Koenigs (Germany) prepared the mission for departure, focusing on capacity building while helping to add stability during a sometimes violent election campaign and the transition to a new Guatemalan president, Oscar Berger. The concluding chapter reviews the choices that faced the mission, highlights the main lessons of Guatemala for civilian peacemaking and peacebuilding, and suggests how this challenging and partially successful experience can guide the United Nations and member states in the future.

Readers should bear in mind that the story of MINUGUA is not an action thriller. There were some suspenseful and physically dangerous moments during the mission, including kidnappings and hostage situations, close brushes with gunfire, and a tragic helicopter crash. However, this is mainly a story about principled diplomacy on behalf of peaceful resolution in the face of deep political differences. Much of the important work of the mission took the form of conversations with political figures in Guatemala; painstaking investigations into singular events as well as broad patterns of social, economic, and cultural equity; and carefully crafted statements and reports. The parsed language of these conversations and documents figures prominently in this account.

Readers will probably detect a tone of frustration and cynicism at times with regard to the conduct of Guatemalan political actors and state officials at all levels. Whereas this book is necessarily critical of some decisions and actions by the UN, it does find that MINUGUA and its staff, as well as key officials in New York, consistently worked with goodwill to promote peace and real democratization in Guatemala. The unavoidable truth is that, with some shining exceptions, many Guatemalans in positions of power did the opposite. Among those with a share of power in a highly unequal and violent society, altruism seems to be in short supply, while opportunism abounds. To paraphrase former US defense secretary Donald Rumsfeld, the United Nations must make peace with the national elites that exist, not the national elites it might want or wish to exist at a later time. Obviously much

of this behavior was conditioned by institutions that made altruism difficult: consider, for example, the incentives facing a well-intentioned prosecutor of human rights cases whose life or family members are threatened by other state officials. The central challenge of peacebuilding is how to build national institutions that will secure future peace, while working through the preexisting institutions and the people accustomed to working within them. The institutions of the United Nations are themselves not above reproach, and I hope that my criticisms of Guatemalan institutions and actors herein are counterbalanced by frank assessments of internal changes needed in how the United Nations operates.

This book cannot tell the whole story of MINUGUA. Most of the research for this project took place after the mission had closed and depended on the United Nations' own files, interviews with key actors, and secondary sources. Because of the sources used, it tends to privilege a headquarters perspective (both the UN Secretariat and MINUGUA), and cannot fully capture the diverse experiences of MINUGUA field offices. My hope, however, is that the book, by highlighting key challenges, interactions, and decision points, captures the flavor of this extraordinary mission, the dedication of its staff and the tough choices that they faced, and some of the main lessons to be learned from their collective experience.

■ Notes

1. With the assumption of its comprehensive verification mandate, the mission's name changed to the United Nations Verification Mission in Guatemala, with the same acronym.

2. Remark by Assistant Secretary-General Danilo Türk to incoming head of mission Tom Koenigs, "Note to the File: Meeting on Guatemala with Mr. Tom Koenigs and Mr. Gerd Merrem," Martha Doggett, June 7, 2002.

3. For an online collection of documents including all the Secretary-General's verification reports, human rights reports, various thematic reports, and related UN resolutions, see http://en.wikisource.org/wiki/Portal:United_Nations_Verification_Mission_in_Guatemala.

4. The United Nations did not appoint a special representative of the Secretary-General (a higher-status title than head of mission) until the final peace accords were signed. This reflected misgivings in the Department of Political Affairs and the Secretary-General's office regarding whether the process would actually go forward, especially in 1995.