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## MANIGUA Leaves Guatemala

by LADB Staff

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MINUGUA is gone. The acronym for the UN Verification Mission in Guatemala has become a household word throughout the country, and the institution for which it stands has been the international guarantor of the security of many of those households for a decade. MINUGUA officially came to Guatemala in November 1994, authorized by one of the agreements that would become part of the December 1996 Peace Accords, ending 36 years of internal war between the state and the group of guerrilla armies that formed the Unidad Revolucionaria Nacional Guatemalteca (URNG).

Initially, the mission was to oversee and verify respect for human rights, an impossible task in the ravaged nation, but, as President Oscar Berger noted in the ceremony marking its departure, "From the beginning of its activities after the signing and coming into effect of the Global Accord on Human Rights, MINUGUA started to save lives." That much is unquestionably true. Some of the lives saved were those of people who came forward to testify to the atrocities that took place during the years of war that saw more than 200,000 people killed or disappeared. That testimony could not have been given without the presence of MINUGUA, and there would today be little record of what happened.

### *The mandate expands*

Two years after MINUGUA's arrival, as December 1996 was about to be ripped from the calendar, the completed set of peace agreements came into effect, and the mission's mandate expanded to cover the cease-fire, the demobilization of URNG fighters, the return of thousands of refugees from camps in Mexico and Honduras, changes in the role of the army, social and economic policies, the building of civil institutions, and other projects to which the state had obligated itself in signing the accords.

The mission met its responsibilities with an army of legal experts, technical-support people, military personnel and police, and volunteers from many parts of the world. At its peak, 500 or more people were employed. The mission set up headquarters in Guatemala City and then expanded with branch offices throughout the conflict areas. These offices were staffed by paid international volunteers as well as by Guatemalans. The volunteers spoke Spanish but in most cases did not speak any of the 22 indigenous languages in use among the populations most affected by the war. Guatemalans translated and interpreted.

White four-wheel drive vehicles emblazoned with UN and MINUGUA insignia soon became part of the spectacular landscape, carrying volunteers to war-ravaged villages to document, observe, witness, and protect. Information they brought back became the periodic reports (see NotiCen, 2000-06-08, 1998-03-19) MINUGUA issued on the state's progress, the critical needs in the areas, and the conditions within the returnee communities. Mission volunteers oversaw the establishment

of state institutions, including democratic local government and law enforcement that had never existed before in places that had only known rule by authoritarian fiat.

### *Assessing the effect*

It will take considerable time to assess the overall effect MINUGUA has had on the country. But the emphasis now is not on what has been accomplished. Mission personnel leave gravely concerned about what has yet to be done. MINUGUA director Tom Koenigs has said, "The process has matured sufficiently for MINUGUA to retire." President Oscar Berger has said the departure signifies the "conclusion of a specific phase in the peace process, and now it is the turn of Guatemalans to demonstrate that we know how to honor our commitments."

Social activists doubt the rhetoric. They point to the country's weak, and in some places nonexistent, state of law. They say the executive has failed to champion human rights as a matter of top-priority policy. They hold up as evidence governmental foot-dragging on the establishment of a Comision de Investigacion de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad (CICIACS). The illegal groups and clandestine security organizations that CICIACS would investigate and bring under control still operate with near impunity wherever they choose.

The critics point to governmental reluctance to open an office of the UN High Commissioner for Human Rights (UNHCHR). Said Helen Mack of the Myrna Mack Foundation, "Again the question of human rights fails to be a priority for this government as has been the case for previous governments," noting that CICIACS lacks the means to do its work to "any significant depth." The question of sovereignty In the case of the UNHCHR office, a controversy continues within the government about whether its presence would impinge on national sovereignty. Helen Mack finds the controversy hypocritical. "The national sovereignty argument is raised when it concerns human rights but not when it comes to trade agreements," she said.

The UNHCHR is present in the country now but is not independent. It is working on a joint project with the state human rights apparatus and several nongovernmental organizations (NGOs). Its resident coordinator Juan Pablo Corlazzoli agrees that the national sovereignty argument is spurious. He is soon to attend a meeting of his organization in Geneva where the opening of a Guatemala office will be discussed, and he said that, at some time in the future, "If there are clear signs of political good will and viability regarding the opening, the UN is always ready to follow suit." In the case of CICIACS, the dynamic is similar. The argument against a strong CICIACS is that it will weaken the authority and power of the judicial system, a system repeatedly criticized for having neither.

MINUGUA leaves with reservations. Its original assignment called for it to leave in 1997, but the mission was extended twice because so much was left to do, and it might have been extended again had Efraim Rios Montt won the election that brought Berger to power (see NotiCen, 2003-07-24). But it was clear that at some point it would have to leave, its work not finished but simply passed on.

Sandino Asturias of the URNG, which is now a political party, said, "It is obvious that the transformation process on which Guatemala embarked in the wake of the Peace Accords will take

at least 20 or 30 more years to be consolidated." Because of the link between poverty and social problems, Asturias bases his projection on estimates of poverty in the country that range from 75% of the country's population of 12 million (CIA's World Factbook 2004) to as high as 90% as some NGOs claim. He said he had little hope the legislature would back the opening of a UNHCHR office of its own volition, but added, "I am confident that international pressure will force parliament to approve."

In the short run, however, Mario Polanco of the Grupo de Apoyo Mutuo (GAM) expressed concern that, "despite the mission's shortcomings, we fear that when it leaves, there will be setbacks in respect for human rights." The comment reflects, among other things, that, in the rural conflict areas, individuals and organizations found by several investigating organizations to have been responsible for massacres, torture, and repression still walk free, untouched by state institutions and unrestrained by anything but those white trucks carrying UN witnesses.

Francisco Garcia of the Instituto Centroamericano de Estudios Politicos (INCEP), another of the worried NGOs, recalled that only about 25% of the stipulations of the Peace Accords have been met. He observed, "Among the achievements of the last ten years is the significant reduction of the army and the dismantling of the Estado Mayor Presidential (EMP), which was implicated in extrajudicial executions." For Garcia, the major threats to peace are that the absolute power formerly enjoyed by the army is now shifting to the business elite and the re-emergence of the Patrullas de Autodefensa Civil (PAC), through which the army implemented its rule in the war zones. He called the re-emergence a "grave setback" to progress toward reconciliation.

The return of the PAC was engendered for the most part by the presidential campaign of Rios Montt, who, as former general and de facto president (1982-1983), created them. Pending the uncertain return of a UN human rights presence, Guatemala is for the moment on its own.

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