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Guatemalan Election to UN Human Rights Council Stirs Internal Debate

by Mike Leffert

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Guatemala was one of two countries in the Central America-Caribbean region to be elected to the newly formed Human Rights Council of the UN. The other was Cuba (see other article, this edition of NotiCen). The election was based on geographic regions, and these two were included in the quota of eight countries from the Latin America and Caribbean group. They join Argentina, Brazil, Ecuador, Mexico, Peru, and Uruguay on the council of 47 members. The council was formed to replace the largely discredited UN Human Rights Commission.

Like Cuba, Guatemala responded, officially, with a great deal of enthusiasm for its election, downplaying its own human rights history. Foreign Minister Jorge Briz told the nation by radio, "It is an achievement that demonstrates the will of our government on the subject of human rights," and "a recognition of our government for what we are doing in this area, both at the national and international levels."

Unlike Cuba, Guatemala had also been a member of the old commission. Also unlike Cuba, criticism of the country's right to sit on the council came not from the US, but from national human rights organizations. Guatemala mounted a strong campaign for the seat, beating out Costa Rica, which got only six votes, and Honduras, which managed just three. For election, 96 votes were needed, and Guatemala got 142.

One of the points that got the US to back Guatemala was its opposition to Cuba. Said Lesbia Tevalan Castellanos, vice president of the Asociacion Guatemalteca de Juristas (AGJ), "Guatemala has had a history of human rights violations, but in the world political context it is easier to deal with Guatemala, which has voted against Cuba, while other countries have had broader criteria on the matter."

High-level horse-trading

Another strong point in Guatemala's favor is its candidacy for membership on an expanded UN Security Council. The human rights seat was seen by some analysts as a consolation prize to provide a soft landing for the country when and if it is rejected for the Security Council, where few want the country. This could account for the poor showing of Costa Rica, a paragon of human rights compared to Guatemala. Rodrigo Madrigal Nieto, ex-foreign minister of Costa Rica and president of the Fundacion para la Paz y la Democracia (FUNDAPADEM), said the enormous difference in votes for the two countries owed to "a calculated maneuver" designed to secure the Security Council seat for Costa Rica.

Madrigal did not say that the two countries made a deal on this but did tell reporters, "It frequently happens that a country retires its candidacy in order to get elected in another setting." Former Guatemalan foreign minister Edgar Gutierrez explained further, "These votes are the result of political decisions at a high bloc level and good political operations. The multilateral department [of the Foreign Relations Ministry of Guatemala], under Carla Rodriguez, performed a notable diplomatic operation in Geneva and New York."

Another related consideration in the maneuvers was the Venezuela factor. "With the polarization created with Venezuela, some countries preferred to support Guatemala for the Human Rights Council and not for the Security Council," Gutierrez said. Venezuela failed to get elected to the Human Rights Council.

Sandino Asturias of the Centro de Estudios de Guatemala (CEG) had a similar view. "The Security Council will be a more crucial matter. In both cases the role of Guatemala as a US ally is needed, since the US needs countries to carry their policies on the [human rights] council to condemn Cuba". Human rights organizations in Guatemala were far less interested in the fine points of political maneuvering in New York and Geneva than they were in their country's dismal human rights showing at home. Said Miguel Angel Albizures of the Centro de Accion Legal en Derechos Humanos (CALDH), "It is a paradox that Guatemala becomes a member of the council with the situation of constant violation of human rights the country is enduring. It has been a campaign of giving a false image of the country."

Helen Mack of the Fundacion Myrna Mack added, "In the world of diplomacy, the discourse counts for a lot, and it is evident that Guatemala uses in those forums messages of a democratic type, even though the daily life of the country and the everyday reality of the people, above all, of the political and social actors, present serious difficulties. Guatemala has a discourse that pleases representatives of other countries; it has made an open invitation to all the rapporteurs and other extraconventional mechanisms that want to visit Guatemala. They don't oppose this scrutiny, but they don't comply with most of the recommendations."

Amnesty International (AI) said that Guatemala logged 665 murders of women in 2005. There have been 22 forced mass evictions. There has been little progress in trials for genocide during the 36-year war. In February 2005, the Corte de Constitucionalidad (CC) halted the trial of those responsible for the massacre of 200 civilians by the Army in 1982. The government has not yet investigated and clarified 2,896 disappearance cases. President Oscar Berger announced in April 2005 that the death penalty would be abolished, but it was not (see NotiCen, 2004-10-07).

The government has responded to AI reports much as Mack described. Briz told the press, "We share these concerns, but we have taken important steps to overcome these situations." In the face of the AI country-by-country report on the state of human rights in the world, Briz said that "the government of Guatemala has a clear and convincing policy of respect and promotion of human rights," and he cited Guatemala's election to the council as evidence. Some in the human rights community see some good possibly coming from Guatemala's election. Under the new rules, a country can lose its membership if it does not respect human rights on its own turf.

Helen Mack said membership on the council also obligates a country to accept UN standards on rights. "We expect Guatemala to try to honor the space it occupies, and this obliges the state apparatus not to make negative progress, as we have. Its presence on the council obliges the country to adhere to universal precepts in matters of human rights," she said.

Few others join her in her expectations. Juan de Dios Garcia, director of the Asociacion de Desarrollo Integral de las Victimas Mayas Achis (ADIVIMA), disagreed sharply. "I don't have any hope that things will change," he said. "There are no clear policies for changes, and the justice system is very weak because of the lack of resources and the relationships between the aggressors and the justice operatives."

Rights groups have lost power

Ex-minister Gutierrez agrees but faults the rights groups as well. "The NGOs [nongovernmental organizations] don't have the same force they had in the past to lobby for human rights, in part because they are with the government, so that this image of a state with problems doesn't weigh so heavily." It is a fact that several high-profile figures, including Nobel Peace Prize winner Rigoberta Menchu and former CALDH director Frank La Rue have accepted government posts. "The movement is divided," said Gutierrez, "and doesn't have the robust strength as before. Even when there are proposals from some groups, they are ignored."

Gutierrez knows whereof he speaks. Before becoming a rising star in the government of ex-President Alfonso Portillo (2000-2004), he was one of the country's foremost and productive human rights advocates, most recently with the Arzobispado de Guatemala. Even within that government he continued this work. As head of the government's Office of Strategic Analysis, he discovered a military database containing the names of more than 650,000 Guatemalan citizens said to have been used for the control of the civilian population. He made the database available to the Public Ministry, the UN mission to Guatemala (MINUGUA), and the office of the human rights ombud.

Among the names in the database were some of the most famous of those killed, including Bishop Juan Girardi (see NotiCen, 2001-06-14), anthropologist Myrna Mack (see NotiCen, 2002-10-10), whose sister Helen carries on in her name, and journalist-politician Jorge Carpio Nicolle, whose murder still has not been solved. It was under Bishop Girardi that Gutierrez worked on the Recuperacion de la Memoria Historica project that might have, but as yet has not, led to the prosecutions of war criminals.

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