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Social Reconstruction as a Local Process

Laura Arriaza* and Naomi Roht-Arriaza†

Abstract¹

When it comes to post-armed conflict interventions aimed at restructuring a shattered society, policy makers have largely treated countries as an undifferentiated whole, ignoring local dynamics that reinforce or transform the power relations that are often most relevant to peoples' lives. Using the example of Guatemala, the authors argue that local-level, bottom-up mechanisms can reflect a country's diverse makeup and experience of conflict, and provide crucial precursors or extensions for wider-scale national and international projects. Local-level initiatives also can involve more community members, promote agency and perhaps be less prone to large-scale patronage and corruption. In promoting truth-telling initiatives and confronting the past, memorializing the departed and burying the dead, and resolving ongoing or recent community conflicts, the authors have found that local-level programs have distinct advantages. The article considers local 'houses of memory,' community-sponsored psycho-social interventions and exhumations; and conflict resolution based on Mayan methods. It concludes that such efforts should be more systematically identified and supported in post-armed conflict settings. In transitional justice, as elsewhere, the authors find, all politics is local.

Introduction

We are now at the 20-year mark, more or less, of efforts to create a sustainable peace after widespread repression or armed conflict. A whole agenda – and a whole set of institutions and professionals – has emerged to implement 'transitional justice' interventions, from truth commissions to international trials to reparations programs and security-sector reform. These interventions have all been aimed at creating new national narratives, establishing a new, healthier relationship between citizens and state and ensuring through knowledge and action that atrocities will 'never again' be the norm. Yet, in many places, it is far from clear that such interventions, no matter how well meaning, well executed or even necessary, have made a difference in the lives of ordinary people.

We argue that there are two main reasons why these efforts have not translated more fully into changes in lived experience and perception. The first reason, which

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is largely beyond the scope of this article, is the continuing lack of social and economic justice. In most post-armed conflict countries,² people are poorer than ever, the formal political system continues to be dominated by elites, discrimination and exclusion of minorities (or sometimes majorities) is rampant, crime continues unabated and the economy is largely dominated by large landholders, 'warlords' and various types of smugglers. The second reason, and the focus of this article, is that national-level initiatives by themselves are insufficient to capture the meaning of the conflict for people living in specific villages, towns, 'hills' or other local spaces, whose experience may vary widely from that of people elsewhere in the country. When it comes to post-armed conflict interventions aimed at reconstructing a shattered society, international and national policy makers have treated each country as an undifferentiated whole. This approach is useful in terms of establishing global norms and creating a national (re)founding mythology³ – undertakings that can only be carried out on a uniform basis and by a state. Such efforts, however, ignore existing local dynamics aimed at reinforcing or transforming the power relations that are often most relevant to peoples' lives, especially given the perennial weakness of the central state. In transitional justice, as elsewhere, all politics is local.

We are not arguing only that national-level initiatives should have a regional aspect or component – something which has been done⁴ – but also that individuals assessing past efforts and contemplating new ones should look at independent initiatives arising from the local level as an integral part of the post-armed conflict justice landscape. They should incorporate a perspective that encompasses bottom-up local efforts as well as top-down state-driven or internationally driven ones. Such local-level efforts often precede formal national-level initiatives, and they can follow on or extend national-level programs, making them more locally relevant. They are particularly important to unraveling the complexities of local power dynamics and to addressing the spectrum of culpabilities at a local level, which do not lend themselves easily to treatment through criminal law. They may tap more easily into the agency of survivors and be less prone to large-scale patronage and corruption. At the very least, designers of national and international initiatives should strive to be aware of, and not to undermine, local-level processes.

We illustrate our point with the case of Guatemala. From 1960 to 1996, some 200,000 people were killed in Guatemala in waves of government repression and armed conflict. In 1996, peace accords were signed that promised extensive reforms. Efforts have been made to establish a historical record of the nature and consequences of the conflict. The United Nations-sponsored Commission for Historical Clarification (CEH) heard some 8,000 testimonies and compiled an

² Although 'post-conflict' is the conventional terminology utilized, 'post-armed conflict' is used in this article deliberately to highlight the fact that no society is without conflict, even if this no longer takes the form of armed actions.

³ See, Richard Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001).

⁴ See, for example, the work program of the Peruvian Truth and Reconciliation Commission.

extensive record of the historical causes, nature and consequences of the conflict, presenting a detailed report with recommendations.⁵ A second, unofficial report sponsored by the Catholic Church and released by the Recovery of Historical Memory Project (REMHI) included a large number of testimonies on horrendous crimes, most from the primarily Mayan, mountainous areas of western and northern Guatemala.⁶ The ambitious though troubled National Reparations Program (*Programa Nacional de Resarcimiento*, or PNR) has distributed some checks to widows and other victims of the conflict. A few trials in notorious cases have resulted in convictions, although the justice system remains compromised and ineffective. In sum, despite limitations and halfway measures, Guatemala has enacted many items on the 'transitional justice' agenda. Nonetheless, over 10 years after the peace accords, Guatemala remains a deeply wounded society.

The first section of this article describes the nature of the conflict in Guatemala. The second explores the shortcomings of existing national and international efforts at social reconstruction and transformation from the perspective of the local.⁷ The third section provides examples of local-level efforts in different parts of the country, including 'houses of memory'; community-sponsored psycho-social interventions; community-initiated exhumations; and mediation based on the Mayan 'cosmovision.' We conclude that local-level efforts should be more systematically identified and supported in post-armed conflict settings as both building blocks and complements to a national approach. We also argue that assessments of the reach of post-armed conflict justice efforts should include local-level initiatives.

The Complex Nature of Conflict and Post-armed Conflict Landscapes

A starting point for our argument is the inevitable variation in how armed conflict develops and is experienced within a country. Geographic accessibility, ethnic or religious makeup, political affiliations and an overlay of local history and conflicts mean that the extent and patterns of armed conflict vary. Moreover, conflicts generally are a combination of vertical and horizontal types; that is, in some places the violence runs from an organized state apparatus to a (more or less) unarmed civil society, while in others the predominant form pits neighbor against neighbor and militia against militia, with varying degrees of state control or condonation. The conflict in Guatemala included both types.

The armed conflict in Guatemala began, depending on who is counting, with the Spanish invasion in the 16th century, with the overthrow of the democratically elected Arbenz government by CIA-backed mercenaries in 1954 or with

⁵ Commission on Historical Clarification (CEH), *Guatemala: Memory of Silence* (CEH, 1999).

⁶ Recovery of Historical Memory Project (REMHI), *Guatemala Nunca Más* (Office of Human Rights of the Archbishop of Guatemala, 1998).

⁷ These efforts are sometimes referred to as reconciliation. We prefer the term social reconstruction, although we add that this implies a transformative element, not simply a return to an unjust status quo. See also, Laurel Fletcher and Harvey Weinstein, 'Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation,' *Human Rights Quarterly* 24(3) (2002): 573–639.

the rebellion of young army officers against the resulting dictatorship in 1960. In practice, most of the violence at issue today stems from selective state repression of outlawed opposition parties, trade unions, peasant leagues, student organizations and other such groups in the 1970s. In the 1980s, the violence escalated, as the army put down armed revolutionary movements that had grown roots in the indigenous population of the western highlands. The government's strategies included bombings, massacres, scorched-earth policies, hunting down refugees and concentrating survivors in army-controlled 'model villages.' Most of the victims were Mayan peasants. According to the CEH, acts of genocide against Mayans were carried out in at least four areas of the country.⁸ Of the killings, disappearances, torture and destruction that occurred during the conflict, the CEH found the army responsible for 93 percent. Over 600 villages were destroyed, sometimes with no survivors. Women were raped on a massive scale, children and old people were targeted as bearers of culture and crops, forests and livestock were destroyed. The conflict devastated a broad swath of the country.

Layered on top of this state violence is a host of complexities. Guatemala is divided into more than 20 language groups that live in different but overlapping regions, usually in valleys that make communication between the different communities difficult. The population has different histories, social composition and cultural practices. During the conflict, some areas had Mayan communities living next to *ladino* ones, others had a *ladino* minority that held local economic and/or political power within largely Mayan towns and still others had no *ladinos*.⁹ Some areas saw land or water disputes or rising tensions between Catholics and Evangelical Christians. While some regions were wiped out by the army or experienced selective attacks on community leaders, others, such as the largely *ladino* eastern region of the country, remained practically untouched by the violence.

The army played on and exacerbated geographic and social divisions, as well as personal feuds within a community. For example, it issued identity cards that allowed freedom of movement to Evangelicals but not to Catholics, who were widely viewed as supporters of the insurgency. Army repression was aimed at replacing traditional religious and civic authorities with people aligned with the military. These individuals in turn benefited by their association, acquiring the lands (and sometimes widows) of those killed. Most important, the army created paramilitary forces known as Civil Defense Patrols (*Patrullas de Autodefensa Civil*, or PACs) that served as the eyes and ears of the military in their villages and were used as cannon fodder to sweep areas where the army expected guerrilla activity.

⁸ CEH, supra n 5 at vol. III. For accounts of the destruction of Mayan communities, see, for example, Robert M. Carmack, ed., *Harvest of Violence: The Mayan Indians and the Guatemalan Crisis* (Norman: University of Oklahoma Press, 1988); Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York: Palgrave Macmillan, 2003).

⁹ In Guatemala, *ladino* refers to people who self-identify as non-Indian through their use of the Spanish language, non-use of traditional dress and the like. The majority of the Guatemalan population belongs to indigenous groups descended from the pre-Columbian inhabitants of the region. Although these groups self-identify largely based on language and place of origin (K'iche, Kequ'chi, K'achiquel, Achi, etc.), in the last few years, they have also begun to self-identify as Maya. Maya will be used here to refer to the indigenous population as a whole.

The paramilitary groups committed many of the atrocities of the period, including some of the worst massacres. Some PAC members voluntarily took advantage of army sponsorship to settle old scores with neighbors or neighboring villages, or to amass wealth and local power. At the same time, a substantial number of civil patrollers were Mayan men intimidated or forced to join on pain of death. Most PAC members were indigenous, while their commanding officers were predominantly *ladino* and often local military commissioners. Thus, 'society was transformed by the army's coerced integration of the rural indigenous majority into its counter-insurgency design, with negative effects for indigenous and religious practices.'¹⁰

Like most armed conflicts, the Guatemalan had both 'vertical' (state/citizenry) and 'horizontal' (neighbor/neighbor) aspects, with the relative weight of each varying among localities. Adding to this complexity was the net of complicities, betrayals and duress designed by the army to tear apart the bonds that hold communities together. Many families had members in both the guerrillas and the PAC, and many were forced to collaborate or to betray family and friends. PAC members were told that if they did not adequately repress the local population, they themselves would be killed as presumptive insurgent sympathizers. The army in a number of cases forced PAC members to publicly kill other PAC members for being supposed guerilla collaborators.¹¹ Worse, PACs and the army together at times forced villagers, and sometimes an entire village, to participate in the public killing or torture of community members or in the desecration of their bodies.¹² These events continue to divide and traumatize communities.

In the post-war period, conflicts within and between communities continue, exacerbated by the newly elevated position of some ex-PAC members as compared to the almost uniform destitution of their victims. Some regions mostly house communities of residents who never left, while other regions include refugees who returned to settle in their old communities or were forced to make their homes in new places, which has created tensions with existing residents.¹³ Some returning refugees found others living in their homes and farming their land.¹⁴ In some communities, everyone is a massacre survivor, while in others, local power is held by ex-PAC members. In some communities, certain traditional authorities

¹⁰ Rachel Sieder, 'War, Peace, and Memory Politics in Central America,' in *The Politics of Memory: Transitional Justice in Democratizing Societies*, ed. Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar (New York: Oxford University Press, 2001), 165.

¹¹ See the discussion of such events in the villages of Cucabaj and Zacualpa, Quiche, in, CEH, supra n 5 at vol. III, Illustrative Cases 43 and 53.

¹² See, for example, Illustrative Case 107 (Acul massacre) in, CEH, supra n 5 at vol. III. See also, REMHI, supra n 6 at vol. 1, 35, which details forced collaboration as a way of promoting collective complicity and the normalization of violence. Such practices have been a feature of many recent conflicts. See, for example the report of the Sierra Leone TRC, 'Report of the Sierra Leone Truth and Reconciliation Commission' (Freetown: Truth and Reconciliation Commission, 2004), available at <http://trcsierraleone.org/drwebsite/publish/index.shtml>, especially vol. II.

¹³ María Luisa Cabrera Pérez-Armiñan, *Violencia e Impunidad en Comunidades Mayas de Guatemala: La Masacre de Xamán desde una Perspectiva Psicosocial* (Guatemala: Community Studies and Psychosocial Action Team, 2006).

¹⁴ For a description of one such community, see, Beatriz Manz, *Paradise in Ashes: A Guatemalan Journey of Courage, Terror, and Hope* (Berkeley, CA: University of California, 2004).

have been reconstituted, and in others, new political forces, including Evangelical pastors, justices of the peace and activists linked to national Mayan organizations, have emerged. Fear of continued violence contributes to silence about the past, sometimes even within families, and has been manifest in myriad types of social disfunctionality, from lynchings to somatic illnesses. It is this degree of variation and complexity that makes international and national responses inadequate and, to some degree, irrelevant at the local level. It requires further exploration of local-level responses.

The Limits of Local, National and International Responses to Armed Conflict and Social Breakdown

In this context of variation and complexity, national-level transitional justice exercises fall short if implemented alone. Such efforts may have difficulty creating the 'comprehensive community-based approach that includes the opinions and ideas of those whose lives have been most directly affected.'¹⁵ In addition, they may only come about after local communities have engaged in their own form of recomposition, whether just or unjust.¹⁶ Local responses can help compensate for some of the limits of other forms of post-armed conflict or transitional measures.

Truth Commissions

Truth commissions (TCs) are official, time-limited fact-finding bodies generally charged with examining the roots, facts, patterns and consequences of dictatorship or armed conflict and presenting a report and recommendations to avoid recurrence.¹⁷ As noted, Guatemala had both an official and an unofficial commission, both of which did an outstanding job of compiling testimonies and issuing detailed written reports. Any truth commission must, because of its inherent time and space limitations, pick and choose illustrative and exemplary cases. What is more, a commission must pick cases based on the amount of evidence available, with the result that they are not necessarily the cases involving the worst violations, of which there may be no survivors to bear witness or even to list the dead. They may not involve the most common types of violations, as a search for illustrative cases may fail to consider all the places where there are broad patterns of violations. Thus, in cases of massive violations, a TC report, no matter how well researched, provides only a general, not a personal, 'truth' to many.

Moreover, a short-term truth-seeking endeavor cannot hope to garner widespread trust among people in a deeply traumatized society. Testimonies taken

¹⁵ Fletcher and Weinstein, *supra* n 7.

¹⁶ For example, in Guatemala, the worst violations took place in the early 1980s, yet because of protracted peace negotiations and funding issues, the truth commission did not begin work until over a decade later and presented its findings only in 1998. See also the work of Rosalind Shaw, Kimberly Theidon (n 38 and 39 below) and others on local-level initiatives preceding formal investigations.

¹⁷ Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2000).

may be from people who were less affected by the violence, who are more articulate or who are members of organized groups. Without reaching all sectors of society, a partial, fictionalized or exaggerated past of a few may become the official narrative through the TC process.¹⁸ Even under the best of circumstances, a TC can only hope to portray a snapshot of memory at a particular moment and cannot capture the processes of memory changing over time. A one-time opportunity to give testimony (whether publicly or privately) cannot substitute for the long-term rehabilitation of survivors. Longer term, local-level processes are needed for that type of healing.

National and International Trials

A key demand of human rights advocates in the wake of massive atrocities is for those who are responsible to be individually brought to justice. In the past decade or so, an array of international and hybrid courts have been set up because national justice was judged unavailable or untrustworthy. At the same time, millions of dollars have been spent reforming, modernizing, streamlining and otherwise attempting to change domestic judiciaries, prosecutors' offices and police forces. Despite improvements, Guatemala, like most post-armed conflict countries, still has a justice system that remains a poor venue for those seeking justice. Years of repression and armed conflict drain legitimacy and resources from judicial systems. Judges, prosecutors and lawyers are killed, forced into exile or survive through complicity with the regime. Post-armed conflict, judges and lawyers involved in human rights-related cases continue to be subject to threats and are tempted by corruption and bureaucratic inertia. These problems cannot be solved at a local level.

Judicial systems also, however, face deeper problems that can only be addressed at the local level. Even before the armed conflict, the majority of poor, rural, Mayan Guatemalans did not see the justice system as a source of rights vindication. Instead, they saw it as at best irrelevant and at worst an incarnation of the discrimination and oppression to which they had been (and are) subject since colonial times. Even now, proceedings are opaque and held in a language that many speak imperfectly. Maya are treated with disrespect and contempt throughout the system. Only the poor go to jail, but when crimes are committed against the poor, suspects are hardly ever found. Variants on this situation are common to many post-armed conflict countries. What is more, it is unrealistic to expect even the best set of anti-impunity and judicial reform measures to reverse centuries of warranted distrust of formal legal systems in the short term.

Recent trials in Guatemala involving serious crimes under international law exemplify the range of difficulty in using the justice system. In 1995, a group of soldiers opened fire on recently returned refugees in the village of Xamán in Chisec, Alta Verapaz, killing 11 people. A first trial resulted not only in the acquittal of the soldiers but also, according to a case study, in a harrowing and hugely disappointing

¹⁸ Judith N. Zur, *Violent Memories: Mayan War Widows in Guatemala* (Boulder: Westview Press, 1998).

experience for the survivors, who felt mistreated and alienated by the tone of the legal proceedings.¹⁹ Only in 2004, after intense national and international pressure, were a lieutenant and 13 soldiers sentenced to 40 years in prison for the killings. It took 17 years and three attempts at prosecution for a court to convict notorious PAC leader Cándido Noriega of several killings. In Colotenango, a town in the far north of the country, a judge convicted PAC leaders in a massacre case only to have a mob of ex-PAC members surround the jail and forcibly free the defendants, who have still not been found.²⁰ The national-level justice system, which utilizes national courts and domestic judges with all their shortcomings, does not work well for these cases.

One option might be to turn to international justice, assuming that the political will to do so exists.²¹ Hybrid and international mechanisms create their own dilemmas, however. Problems of distance and lack of ownership may be exacerbated by an emerging practice that posits a division of labor between national and international justice systems. International justice is meant to focus on the leaders and organizers of violence, or 'those who bear the greatest responsibility,' leaving the 'little fish' to national justice.²² Given this practice and the dysfunction of national prosecutorial and judicial systems, the 'impunity gap' in countries like Guatemala is likely to be significant. Although focusing on leaders and organizers makes sense from the standpoint of both limited resources and moral culpability, it is often unsatisfying for victims. Even though survivors recognize the army high command's ultimate responsibility, it may be as much of an abstraction as the state is from a ground-level perspective.²³ Rather, people are interested in seeing in the dock the individuals they saw and heard giving orders and committing atrocities. In addition, those who participated in and organized terror at the local level and who continue to enjoy impunity are often 'the most powerful local members of the local apparatus of repression.'²⁴ Survivors are galled and disturbed by living among such people and seeing them flaunt their power (and, often, wealth). Survivors feel permanently silenced and threatened by their presence. For people to perceive

¹⁹ Pérez-Armiñán, *supra* n 13.

²⁰ US Department of State Bureau of Democracy, Human Rights, and Labor, *Guatemala: Country Report on Human Rights Practices* (February, 2001).

²¹ Another option might be transnational prosecutions in national courts other than those of Guatemala. Indeed, prosecutions are underway against members of the security forces' high command during the early 1980s in Spain and Belgium.

²² See, *Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone*, Special Court Agreement, 16 January 2002. The Court's mandate was limited to 'those bearing the greatest responsibility.' See, Security Council Resolution 1329, UN Doc. S/RES/1329 (30 November 2000); and Security Council Resolution 1503, UN Doc. S/RES/1503 (28 August 2003). See also, Security Council Resolution 1534, UN Doc. S/RES/1534 (26 March 2004) on policy related to the International Criminal Tribunals in Rwanda and the former Yugoslavia and the International Criminal Court, *Paper on some policy issues before the Office of the Prosecutor* (September, 2003).

²³ This is not to argue that survivors are not interested in seeing the army high command and others of that ilk brought to justice. We suggest that doing so may be insufficient for many people. However, prosecution of subordinate officials only, even if it provides a face to survivors, may result in scapegoating of those who are less responsible.

²⁴ Sanford, *supra* n 8 at 269.

a change in their daily lives, these ex-perpetrators need to be removed from the scene.

An example of the complexities of justice at the local level is the attempts to prosecute those responsible for several 1982 massacres in the village of Río Negro, near Rabinal. A group of soldiers commanded by Captain José Antonio Solares led some 40 civil patrollers from the nearby village of Xococ in the massacres. Several hundred villagers were killed (including at least 107 children), houses and possessions were burned and 18 children were abducted to be slaves in the homes of PAC members. Unlike in other cases, the Xococ civil patrollers apparently acted knowingly and voluntarily, in part because of pre-existing tensions over land in the area. After many years, survivors asked for the bodies of the people killed to be exhumed and filed a criminal complaint against the military and against 12 PAC members, including the three Xococ PAC leaders. After the soldiers' convictions were overturned on appeal, a second trial with judges imported from outside the region resulted in a murder verdict for the three PAC leaders and a decision to reopen the remaining cases. An initial death sentence was commuted to life imprisonment.²⁵

As Kathleen Dill points out, the trial proved problematic for sorting out the relationship between national and local justice. National groups focused on national military leaders – those most responsible – and had insufficient resources to support both community-level and national investigations. Community organizations, meanwhile, were far more interested in prosecuting local PAC leaders, both because they were the visible face of repression and because of their continuing threat to communities in the region. These organizations also believed that talking about the role of the PAC might open up a conversation about the different levels of coercion and complicity in Xococ and other nearby villages.

The focus on national-level prosecutions may make justice advocates miss important opportunities. In the Río Negro case, for example, once it became clear that arrest orders would be issued against the PAC leaders, these leaders reportedly entered into negotiations with the local victims' group, Association for the Integral Development of the Victims of Violence in Verapaces, Maya Achi. The ex-perpetrators wanted the victims' group to support leniency in sentencing; in exchange, the victims' group wanted the men to admit their role and to testify as to who had given the orders to massacre the villagers. After the PAC leaders named Captain Solares, the victims supported commutation of their sentences. Post-armed conflict interventions that focus on high-level prosecutions miss opportunities like this one not only to build cases from the bottom up but also to meet other important community objectives.

Finally, it is hard to see how justice systems, either criminal or civil, can adequately grapple with the ambiguities and mixed motives that color most conflicts. Criminal

²⁵ This account is taken from Kathleen Dill's detailed observations of the trials in, Kathleen Dill, 'International Human Rights and Local Justice in Guatemala: The Río Negro (Pak'oxom) and Agua Fria Trials,' *Cultural Dynamics* 17(3) (2005): 323–350.

justice requires categorization as perpetrator, accomplice or innocent witness.²⁶ It does not deal adequately with bystanders,²⁷ and it deals even less adequately with the kinds of quasiforced complicity described above. It does not adequately address the common situation of the same person (or the same family) being both victim and perpetrator, such as individuals who hid potential victims in their houses as they went out to kill, militia members who lost family members to the army and people recruited as children and forced to commit atrocities in order to survive.

The shortcomings of criminal trials have become an argument, especially in Africa, in favor of local 'traditional justice' mechanisms. While the debates over *gacaca* jurisdiction in Rwanda or *mato oput* in northern Uganda are beyond the scope of this article, we note that traditional justice only works under certain circumstances and depends on factors such as local power dynamics, the vertical versus horizontal nature of the conflict and the perceived legitimacy of the traditional dispute resolution.²⁸ Traditional justice systems must not be romanticized. They generally were designed to deal with property and family-related disputes, not with serious crime such as homicide. They may not be suitable for complex cases involving issues of command and indirect responsibility, as well as victims from many communities and traditions. They can be patriarchal and exclusionary of women and minorities. They can be coercive, putting pressure on individuals to make their own needs subservient to those of the community. Traditional justice systems may assume a degree of community knowledge and cohesion that, if it ever existed at all, certainly does not exist in dispersed and reshuffled communities where many original inhabitants have fled to the cities or left the country altogether. They generally rely on a high degree of case-by-case discretion that can easily become arbitrariness. Finally, because of all these variables, such mechanisms may be appropriate in some parts of a country but not in others.

The National Reparations Program and Other Reparations Efforts

In the wake of large-scale violence or repression, reparations can be one of the most tangible manifestations of a government's recognition of victims' dignity and rights, and of its commitment not to repeat past wrongs. In an extremely poor country, reparations may make a real difference in the lives of those who lost everything. Reparations can be material or symbolic, individual or collective.²⁹

²⁶ For a discussion of the way in which criminal law creates a bright line between victims and wrongdoers, see, Mark Osiel, *Mass Atrocity, Collective Memory and the Law* (Ardlsley: Transaction, 1997).

²⁷ See, Laurel Fletcher, 'From Indifference to Engagement: Bystanders and International Criminal Justice,' *Michigan Journal of International Law* 26(4) (2005): 1013–1096.

²⁸ The Rwandan government set up community-level courts, ostensibly based on traditional law, to try the tens of thousands of accused in the 1994 genocide. Timothy Longman, 'Local Justice in Rwanda,' in *Transitional Justice in the Twenty-First Century: Beyond Truth vs. Justice*, ed. Naomi Roht-Arriaza and Javier Mariezcurrena (Cambridge: Cambridge University Press, 2006). *Mato oput*, or the drinking of the bitter root, is a ceremony of the Acholi people of northern Uganda that is used to reintegrate and reconcile former enemies.

²⁹ See, Naomi Roht-Arriaza, 'Reparations Decisions and Dilemmas,' *Hastings International and Comparative Law Review* 27(2) (2004): 157–219.

In practice, when operating in the context of poor societies, a weak state and many victims, reparations programs face many challenges. For one, the state may not be in a position to efficiently and fairly administer programs involving a great deal of money. Like Guatemala, a country may have little or no tradition of a democratic process and still less administrative capacity. It may have a long history of self-dealing, capture of popular organizations, corruption, influence-peddling and the like, now exacerbated by the transformation of criminal and intelligence networks into organized crime rings.³⁰ Into this scenario comes a burst of foreign aid money for both government and non-governmental organizations (NGOs) that dries up after a few years with the emergence of a post-armed conflict situation elsewhere. Such a country also may have an unhealthy tradition of centralization.³¹ By working mostly from the capital, organizations run the risk of misunderstanding community needs and realities, as well as of stretching limited resources too thin. The establishment of large-scale social reconstruction projects in this context risks having them collapse into infighting over patronage and spoils, administrative disarray and cynicism.

Guatemala's considerable efforts at reparations illustrate some of these difficulties. On paper, Guatemala's reparations program is impressive. The PNR has a 10-year mandate with a planned annual budget of about US\$37.5 million. In its original plan, the program was multifaceted. It included restitution of lands, legal certainty of title, houses and seed capital to replace lost tools and create a means of making a living, as well as economic compensation for personal injuries and the death of family members ranging from some US\$2,300 to US\$5,000 per person. The program planned to do a census of victims and massacre sites, in addition to providing medical care, psycho-social attention and acts of dignification of the victim. Scholarships, a small microcredit fund, training of traditional healers, support for traditional medicine and other services were contemplated. Two committees were to administer the program: one of government officials and one of civil society representatives elected from among organizations representing victims, Mayans, women and human rights activists and known as the Technical Clarification Commission for Victims.³²

In practice, difficulties arose. The civil society organizations fought bitterly with each other, their debates degenerating into charges and countercharges of racism and race baiting.³³ With so many different constituencies – and potential patronage opportunities – the Technical Clarification Commission for Victims had difficulty finding a single voice, and the government was content to let the NGOs fight

³⁰ Statement before the Congressional Human Rights Caucus, 'Guatemala: A Human Rights Update,' by Adriana Beltrán, Program Officer for Guatemala, Washington Office on Latin America (WOLA), 16 October 2003, http://www.wola.org/central.america/guatemala/testimony_chrc_oct03.htm.

³¹ This is a tradition common to Latin American countries. See, Richard L. Harris, 'Centralization and Decentralization in Latin America,' in *Decentralization and Development: Policy Implementation in Developing Countries*, ed. G. Shabbir Cheema and Dennis A. Rondinelli (Beverly Hills: Sage, 1983).

³² Acuerdo Gubernativo 258–2003, 7 May 2003, and Acuerdo Gubernativo 188–2004, 7 July 2004, contain the basic structure and definitions of the program.

³³ See, for example, the press release by a number of Mayan organizations on 15 July 2005 calling for the resignation of the program's executive director on charges of racism.

it out. By the end of 2005, the program was in shambles from infighting. The government took it over, sidelining its civil society members. Since then, the program's main activities seem to be distributing checks in a few selected areas and providing limited support for NGO-led exhumations and related support programs.³⁴ To compound the problem, the reparations issue became conflated with the question of payments to former PAC members for services rendered to the military. Organized and vocal groups of ex-PAC claimed that the state owed them millions of dollars in unpaid wages and reparations for their suffering during the conflict. The government agreed to exclude PACs from the PNR but to pay them from a separate fund. At the ground level, this compromise looked to many people like the government was distributing checks right and left. Efforts to use reparations as a means of dignification of victims rather than as a simple handout have been lost in the infighting and confusion over what constitutes a victim and why.³⁵

Smaller amounts distributed to many different groups at the local level, with adequate training and accountability, may allow reparations programs to avoid such problems. By staying smaller, or at least having decentralized offices and budgets, agencies and groups are less likely to fall victim to the perverse incentives and organizational problems that access to large amounts of money can cause. Decentralization is now recognized as a potential component of responsive, responsible public administration.³⁶ Indeed, plans for the Peruvian Integral Reparations Plan include a large component funded and administered by local and regional governments. Localized reparations projects mean, however, that uniformity is sacrificed and that resources may flow only to the most organized or most compelling locations. We suggest that this happens even under a nationally administered scheme, with the difference being that communities have less ownership of the process and middlemen (be they bureaucrats or consultants) take a larger cut.

Guatemalan Local Post-armed Conflict Initiatives

In addition to truth telling, justice and reparations, the transitional justice literature has begun to grapple with the independent need to create some kind of dialogue, mutual recognition or other processes to knit back together the fabric of communities deliberately destroyed or damaged by the armed conflict. This is especially important where communities turned on each other or on themselves (horizontal conflicts), where the wealth and power disparities between the two

³⁴ To be fair, the PNR has encountered numerous difficulties in creating a reliable database, especially given the destruction of personal documentation during the conflict.

³⁵ This problem has been exacerbated in some communities by the simultaneous existence of reparations payments to massacre survivors based on judgments of the Inter-American Court of Human Rights. For a fuller description, see, Marcie Mersky and Naomi Roht-Arriaza, 'Guatemala,' in *Victims Unsilenced: The Inter-American Human Rights System and Transitional Justice in Latin America* (Washington, DC: Due Process of Law Foundation, 2007).

³⁶ See, for example, Walter B. Stöhr, Josefa S. Edralin and Devyani Mani, ed., *Decentralization, Governance, and the New Planning for Local-Level Development* (Westport: Greenwood Press, 2001); Pranab Bardhan, 'Decentralization of Governance and Development,' *Journal of Economic Perspectives* 16(4) (2002): 185–205.

sides are minimal and where former enemies need to live side by side. Community healing, it seems, is not an automatic consequence of truth telling or of justice, although both might be components of it. Rather, it is a context-specific exercise that may involve ritual, religious practices, public discussion, apology, vetting, punishment and/or reparations.

A number of experiences have provided new impetus to thinking about community rebuilding. In East Timor, the Truth, Reception and Reconciliation Commission organized community reconciliation processes that incorporated traditional *adat* dispute resolution, including a public airing of facts, apology and/or reparation and acceptance of responsibility, in exchange for conditional amnesty for low-level offenders.³⁷ The water rituals of Mozambique and Sierra Leone cleansed child soldiers of their crimes and reincorporated them into communities with a cool, nonviolent heart.³⁸ In Peru, local communities found ways first to dehumanize and then to rehumanize members of *Sendero Luminoso* through public reincorporation ceremonies that involved truth telling, apology and symbolic punishment.³⁹ In Cambodia, religious and local civic authorities staged ceremonies to welcome back Khmer Rouge soldiers who laid down their arms in the 1980s.⁴⁰ Although Rwandan *gacaca* – a traditional dispute resolution mechanism – has been appropriated by the government and substantially modified, in the wake of the 1994 genocide, some communities spontaneously employed *gacaca* techniques to resolve land and other disputes.⁴¹

These experiences are local almost by definition, as they rely heavily on specific cultural traditions and mass community involvement. They generally occur without central government or international intervention and are initiated by local religious or community actors. In Guatemala, the continuing stranglehold on local power by those who committed atrocities has limited the extent of such initiatives, though they may become more important going forward, as detailed below. Guatemala's post-armed conflict experiences with local-level initiatives encompass a wide range of activities that combine elements of truth telling, local justice, commemoration and the creation of new spaces for dialogue. Almost all the initiatives share an emphasis on Mayan practice, a connection to present-day issues and an effort to tailor activities to the specific needs of a place and people.

³⁷ Patrick Burgess, 'East Timor's Community Reconciliation Process: A New Tool for Reconciliation?', in *Transitional Justice in the Twenty-First Century: Beyond Truth vs. Justice*, ed. Naomi Roht-Arriaza and Javier Mariezcurrena (Cambridge: Cambridge University Press, 2006).

³⁸ Alcinda Honwana, *Sealing the Past, Facing the Future: Trauma Healing in Rural Mozambique* (London: Conciliation Resources, 1998); Rosalind Shaw, 'Remembering to Forget: Unmaking War for Child Ex-Combatants in Northern Sierra Leone' (paper presented to the Nordic Africa Institute, Uppsala, 21 May 2003). For an account of similar experiences in Uganda with the reintegration of Lord's Resistance Army fighters, see, Marc Lacey, 'Atrocity Victims in Uganda Choose to Forgive,' *The New York Times*, April 18, 2005.

³⁹ Kimberly Theidon, 'Justice in Transition: The Micropolitics of Reconciliation in Postwar Peru,' *Journal of Conflict Resolution* 50(3) (2006): 433–457.

⁴⁰ Jens Iverson, 'Center Stage: The Contributions of Non-State Actors to Accountability and Reconciliation in Cambodia' (unpublished manuscript, December 2005).

⁴¹ Lars Waldorf, 'Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice,' *Temple Law Review* 79(1) (2006): 1–87.

Houses of Memory

In several communities hard hit by massacres, community members and supporters have developed variations on community museums. The museums are designed by local groups and display local customs and history, as well as making reference to the massacres and destruction. They have been attempted in Panzós (Alta Verapaz), Rabinal and Río Negro (Baja Verapaz) and Santiago Atitlán (Sololá),⁴² which were sites of large-scale massacres and repression. They are also areas where survivors have been particularly well organized and proactive in addressing the legacy of the violence. These museums, tailored by each community to its own experience, are known as ‘houses of memory.’ They are a visual remembrance of past and ongoing community customs, witnesses to the lives of victims of the internal armed conflict and places for preserving the memories of those who survived. Houses of memory continue and deepen the documentation work begun by the TC and combine it with compilations of oral histories and other commemorative techniques.

The community museum in Panzós commemorates one of the country’s first large-scale rural massacres, which occurred in 1978. Working with ideas of community museums and collective healing, the *Historial*⁴³ for Peace of Panzós has three missions: compiling and publishing records of local cultural practices and traditions before the violence and local experiences of repression through the signing of the peace accords; building physical memorials; and erecting a community peace museum in Panzós and commemorative rooms throughout the area. The central aim of the project is community participation and direction. Thus, leaders of the community – two from each village, elected by community elders according to Mayan tradition – participate closely with *Historial* employees in every facet of the *Historial*’s work. The *Historial* produced a publication based on hundreds of testimonies about local experiences of *la violencia* collected by local ‘historical promoters,’ anthropologists living in the area and *Historial* employees.⁴⁴ This publication is intended as a supplement to the CEH and REMHI reports. It brings to light the specifics of the regional experience, which was impossible to do at the time of the nation-wide truth-seeking programs. Furthermore, the *Historial* was able to record more testimonies not only because it concentrated its efforts on a smaller region than the CEH or REMHI but also because it was connected in the long term to the community and therefore had the community’s trust. The *Historial* plans to publish a book in Spanish and Q’eqchi’ that documents local customs and traditions, such as midwifery and religious practices, and how they changed during and after the internal armed conflict.

⁴² Alta Verapaz, Baja Verapaz and Sololá are three of Guatemala’s 22 states, known as *departamentos*. ‘Houses of memory’ are not limited to Guatemala – they have been used in Peru, El Salvador and elsewhere. The District 6 Museum in South Africa, which recreates a community lost to apartheid-era evictions, is another variant on this approach.

⁴³ *Historial* refers to the specific center organized in Panzós, Alta Verapaz, as a local ‘house of memory.’

⁴⁴ Carlos A. Paredes, *Te Llevaste Mis Palabras (Tomo II): Testimonios de Sobrevivientes de la Violencia Política en comunidades del pueblo Q’eqchi’* (Guatemala: Community Studies and Psycho-social Action Team, 2006).

Originally, the *Historial* planned to work with all the communities in the Panzós area, but almost from the project's inception, it encountered problems with working simultaneously with communities composed primarily of survivors and communities largely made up of former PACs. Many survivors refused to work with former PACs, as the wounds of the conflict were still too fresh. The local government of Cahoboncito, a village dominated by ex-PACs, donated a one-room building to the project for use as a commemorative room. The *Historial's* peace museum project and commemorative rooms depend on such donations, thereby necessitating the continued partnership with the Cahoboncito community. The *Historial* decided to accept the donation and the building is now used as a community center for Cahoboncito. Although the project has not yet led to dialogue between the ex-PACs and survivors, both groups have the space to express and come to terms with their memories. The *Historial's* organizers hope that some dialogue will eventually result from the project.

Exhumations and Memorials

In the wake of violent conflict, one of the most oft-heard demands of survivors is that the state (or the warring parties) identify where the bodies of loved ones are buried and exhume the bodies for proper burial according to local tradition. In addition to serving legal purposes by providing evidence for eventual prosecutions, exhumations serve as a focal point for local-level community engagement and potential healing. They also can be a source of further conflict.

Guatemala is riddled with clandestine and unmarked graves. Part of the military's strategy of terror was to leave bodies in town squares and along the sides of roads, and to prohibit family members from recovering or properly burying the dead. As is true in other conflict and post-armed conflict societies, the absence of appropriate burial ceremonies and of a place to mourn and remember the dead has been a source of anguish in Guatemala,⁴⁵ especially as the local culture posits a continuing relationship between the dead and the living that requires proper attention to the dead.

Since the early 1990s, two groups of forensic anthropologists have been hard at work exhuming clandestine gravesites. Over 700 have been discovered thus far.⁴⁶ The exhumations are deeply connected to community mental health and commemoration efforts, as well as to local justice processes. The process requires extensive preparation of family members (both for finding the remains and for the risk of not finding them) and has often become a collective task for a community. Community members provide food for forensic anthropology teams and help with digging and erecting the temporary structures needed for a major exhumation.

Exhumation of a clandestine grave cannot proceed without the presence of the Public Prosecutor's office or a judge, and the identification of bodies, by law,

⁴⁵ See, Eric Stover and Rachel Shigekane, 'Exhumation of Mass Graves: Balancing Legal and Humanitarian Needs,' in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, ed. Eric Stover and Harvey Weinstein (Cambridge: Cambridge University Press, 2004).

⁴⁶ See, Sanford, *supra* n 8.

triggers a criminal investigation.⁴⁷ For local communities where PACs were involved in the killings, the tie-in to the criminal justice system raises the stakes because the judicial authorities are there to take statements from witnesses, who may well implicate individuals still living in or near the area. A pending exhumation often leads to renewed threats against victims' families and local social activists. The presence of judicial authorities also may impede the ability of communities to use the exhumations as a moment for acknowledgement of wrongdoing. While several anecdotal accounts exist of former PAC members and supporters helping at exhumations and even showing remorse toward victims' families during the process, any public acknowledgement of responsibility for the crimes would activate an automatic duty on the part of the Public Prosecutor or judge to file a criminal complaint against the individual(s) involved. Thus, PAC members generally remain silent.

Once bodies have been exhumed and, where possible, identified, many local communities organize massive public reburial ceremonies. These are moving, impressive affairs, during which hundreds of people turn out to accompany the coffins to the burial ground, prayers are said, food and memories are shared and a marker or memorial is erected. Where no bodies have been recovered, plaques, markers or memorials have been set up at the massacre site. All memorials include the names of the dead. Some have large crosses, while others have Mayan altars used in traditional prayer ceremonies. The memorials can become quite elaborate, as well as contested. For example, outside Rabinal, the Rio Negro memorials involve a series of murals depicting the massacres in the area and several different markers with victims' names. After civil patrollers from Xococ pulled down a first, modest memorial, village associations built a bigger, concrete memorial and inscribed it with the names of the murdered villagers, this time adding that they were 'killed by the civil patrollers from Xococ.' Similar murals exist in Comalapa and other towns of the Chimaltenango area. They often constitute the first community recognition of local history.

These initiatives are organized and financed at the local level, sometimes with support from national NGOs, local community organizations and religious authorities. Because they arise from local, deeply felt initiatives, they are protected and 'owned' by community members. They stand in stark contrast to the lack of any kind of national memorial relating to the armed conflict. Although individual plaques marking sites of killings dot Guatemala City, no central cemetery marker or memorial has been erected by the state and a planned museum has not yet opened its doors.

Psycho-social Community Interventions

Exhumations and reburials are stressful for survivors, as they revive old memories and traumas. In some communities, people have never spoken of what happened to them, even within their own families. This is especially true of women victims of

⁴⁷ In practice, few identifications lead to a criminal complaint being filed, much less pursued.

sexual violence. A culture of fear is one in which trauma-associated stresses become exacerbated, making daily life more difficult by affecting emotional stability and a person's sense of worth. A number of groups have developed methodologies for working with communities before, during and after exhumations to combat the culture of fear developed over years of terror and to allow people to begin to speak and make sense of their experiences. Accompanying programs and individual and group mental health programs emerged as a response to the shifts in culture that followed the 36 years of conflict in Guatemala. Although each has its own techniques for alleviating psychological stresses and engaging communities in dialogue, all of the programs use a long-term approach in their work. Much of their success lies in how much the community trusts them. Trust in Guatemala is built by demonstrating that an organization will not abandon the community as the government and the guerrillas both did during the internal armed conflict. In order to build trust and endure, an organization must be embedded in the area.

A number of psycho-social intervention programs are firmly grounded in the Mayan 'cosmovision,' an abstract term that incorporates Mayan philosophy, ideology and history. Key elements of the Mayan cosmovision are belief in place-based spirituality related to the local landscape, the interconnectedness of nature and people and deference to elders. Each community interprets the specificities of this cosmovision differently, and some places have more memory of the old ways of doing things than others, where specific rituals need to be reinvented or readjusted in light of present needs. In the context of exhumations, fire-based ceremonies are often used to cleanse survivors of guilt and to allow them to communicate with those who were killed.⁴⁸

By incorporating Mayan traditions into their work, these organizations find that they are more accessible to community members who might be skeptical about a program that relates to the internal armed conflict. Moreover, they hold that attempting to demystify cosmovision to a larger Guatemalan public, including *ladinos*, is one of the first steps in the rehumanization of all those affected by and involved in a perennially racist and exclusionary society. Most organizations working with Mayan rituals not only address post-armed conflict trauma but also incorporate work either on new forms of dispute resolution or on health, education and empowerment. Their focus is not only on survivors as victims but also on survivors as bearers of a valuable history and culture.

Not all psycho-social intervention programs in Guatemala claim to use Mayan cosmovision as the central tenet in their work. Yet, those most successful at working with large groups of community members and earning their trust operate on a small scale, which allows them to incorporate some community practices into their methodology.

⁴⁸ For an exposition of cosmovision, see, Maria Faviana Cochoy Alva et al., *Cosmovisión Maya, Plenitud de la Vida* (Guatemala: United Nations Development Programme, 2006). See also, interviews with Domingo Hernández by Laura Arriaza, 2004; and by Naomi Roht-Arriaza, 2006.

Dispute Resolution

A number of locally based organizations⁴⁹ are using old, revived and reformed Mayan practices for resolution of present day disputes. This work is driven in part by the persistence of tensions around land and resources and in part by burgeoning domestic violence and common criminality, which has spawned incidents of lynching.⁵⁰ It is also driven by the continuing dysfunction and discriminatory practices of the formal justice system, which has not recovered the trust of most Mayans. By tailoring their mediation and dispute resolution techniques to both the culture and the underlying issues and history of each area, the groups are trying to set the stage for a new relationship within communities. They are also beginning to redefine the relationship between justice and the state in a multicultural society through methods that do not yet but may eventually play a role in resolving disputes over the past. The Mayan belief system stresses the goal of community reintegration, not punishment, for those who have committed a crime. Processes for dealing with these individuals usually involve a public meeting which includes the family, victim(s) and other affected persons. Punishments may include public discussion and acknowledgement by the wrongdoer, or, in serious cases, whipping with a tree switch, other physical discomforts, or temporary or permanent banishment or ostracism. Some of these methods are of course highly controversial from the standpoint of international human rights law, and their indigenous nature is disputed within the communities as well as more generally.⁵¹

The resurgence of such traditional methods has given rise to a lively debate in Guatemala about the proper relationship between informal justice systems and the formal justice system. Although the peace accords called for constitutional reform to institutionalize the validity of autonomous Mayan justice systems, the reforms were never passed. In a few cases, the public prosecutor has accepted punishments meted out through the informal system as barring further punishment on double jeopardy grounds, but the practice is not uniform or regulated. *Defensorías* work closely with the official ombudsmans' office (*Procuraduría de Derechos Humanos*), but the division of labor is unclear. A number of proposals for how to structure the relationship of the two systems are in play, but the outcome remains undetermined.

We found little evidence that these Mayan cosmovision-based dispute resolution practices have been applied to tensions arising from the legacy of the armed conflict. This is partly because more than 20 years have passed since the worst massacres occurred, and people in many places no longer base their identity solely

⁴⁹ There are a number of such groups, including *Defensoría Maya*, *Defensoría Indígena Ki'che*, *Saq'be* and *Ukux'be* in Chimaltenango.

⁵⁰ It is also perhaps an attempt to reappropriate the use of Mayan symbols and beliefs employed by the military, which tried to create the belief that the military embodied the spirits of the mountains. See, Richard Wilson, *Maya Resurgence in Guatemala: Q'Eqchi Experiences* (Norman: University of Oklahoma Press, 1999).

⁵¹ Some argue that physical punishments are a colonial relic, while others relate them to the period of counterinsurgency and military domination of communities. See, Jesús Gómez, *Son los Azotes Parte de las Sanciones en el Sistema Jurídico Maya?* (Guatemala: Universidad Rafael Landívar, Facultad de Ciencias Jurídicas y Sociales, 5 July 2007).

on their status as victim or perpetrator. Although conflict-based tensions persist, they have been joined by newer sources of tension – economic, familial or political – that often involve different groupings. Paradoxically, while in some senses the use of traditional conflict resolution mechanisms comes too late, it may also be too soon, as the local power relationships between former perpetrators and their victims continue largely to favor the first group. Ex-perpetrators have little interest in reintegrating into a community or in acknowledging past acts, so no grounds exist for invoking any local dispute resolution process. The potential is there, however. We were told of a recent case in which a Kich'é widow invoked the help of a *Defensoría Indígena* office to reclaim land stolen by a PAC member years before. Whether the techniques of dialogue and mediation used to deal with thievery and thuggishness can cope with the sequelae of plunder and massacre is unknown.

Conclusions

Local-level initiatives can tailor their strategies to the unique experiences of each geographic region and community. They can foster the integration of cultural practices and promote participation and a sense of ownership, which makes such initiatives sustainable beyond the short window of external project financing.

Certain problems emerge from working at the local level, however, especially for those trying to design post-armed conflict social reconstruction policies. First, the kind of spontaneous, culturally specific commemoration seen in Guatemala, and the local dialogue and reintegration ceremonies seen elsewhere, may lose their value if 'programmed' or even encouraged by governments or international actors. After all, much of the strength of such initiatives is that they are insider-driven and a product of local initiative. The kinds of local-level initiatives that seem to work best are not formalized in western systems of aid and consultation, much less in legal commitments, and may be so place- and time-specific that they cannot be duplicated.

Nonetheless, transitional justice practitioners need to look carefully and take into account such local dynamics. The existence and nature of local practices may provide important clues as to what would or would not resonate at a national level, what kinds of 'reconciliation' have already occurred and what remains to be done. In addition, the careful documentation and study of such practices is important in assessing the success or failure of a 'transition,' as well as in understanding what people conceive of as justice.

Second, while the actual development of local-level practices may need to be left to the local population, governments, international agencies and transitional justice practitioners at least can aim to 'do no harm.' For example, an amnesty law or *de facto* amnesty may give one side of the conflict impunity that allows perpetrators to avoid engaging in any recognition of their acts or dialogue with their victims. In Guatemala, the absence of a 'crown witness' law that protects lower level ex-perpetrators who provide valuable information for the criminal prosecution of higher ups – and who sometimes are prepared to acknowledge

their own role and express remorse – impedes local dialogue efforts by making perpetrators reluctant to talk.

Third, in the design of national post-armed conflict initiatives, space can be left for local precursors or follow-ons. For example, a truth commission can plan on working through regional offices not only to obtain and collate testimony but also to identify and support efforts to deepen local understandings of what happened through community mapping or community museums. Many times, the chance to speak to an official commission will provide a mobilizing spark for communities, whether it takes the form of rehearsing testimony or organizing hearings and taking statements. These efforts should not be seen simply in relation to the overall national report, but rather as starting points for ongoing local initiatives.

Similarly, exhumations are not simply about recovering bodies or even about preparing judicial cases – they can be starting points both for commemorative activities and for local-level psycho-social intervention work. The presence of sympathetic, trained outsiders over a sustained period of time may provide community organizations with a neutral party that could help them think about what a fruitful dialogue with ex-adversaries might entail. In some areas, local power disparities may impede such dialogue, but in others the creation of a safe space and a neutral arbiter steeped in local culture may provide an opening. This is especially true in areas where many of those who collaborated with the military did so under duress.

Attention to the local level means thinking specifically about rebalancing local power away from victimizers and their supporters. This involves rethinking national trial strategies to better balance trials of leaders and organizers with investigations and prosecutions of local-level operatives who continue to exercise power at the municipal and village levels. In addition, restitution of land and household goods can help alleviate some of the extreme poverty that keeps many victims and survivors marginalized. Reparations and restitution programs that involve the (re)building of destroyed or non-existent infrastructure may, if seen as a benefit brought about by the status and agency of those who were in the past victims, help to rebalance power by enhancing the prestige of the formerly victimized and marginalized. The same goes for vetting local military, police and political officeholders.

Finally, a local-level focus might prompt some reevaluation of funding for transitional justice initiatives. The time frame would have to be considerably longer, meaning decades. Decentralization and responsiveness to bottom-up initiatives with small amounts of funding, rather than large-scale megaprograms, would align post-armed conflict initiatives with recent approaches in the field of development. A focus on the local might lead merely to increased funding for local NGOs, which would admittedly perpetuate the weakness of the state and the project-driven dynamic that now transforms all social activism into an NGO seeking external project funding. This dynamic has hobbled the reemergence of viable social movements in Guatemala. Keeping things small might create opportunities

for local residents (even very poor ones) to contribute part or all of the financing of 'their' projects.

We are not arguing that national or international initiatives should be abandoned. Rather, we suggest they should be enriched and more carefully calibrated. The lessons learned regarding the importance of a localized approach to social reconstruction underscore the role of local communities as cornerstones of wider scale human organizations, and the ways in which different post-armed conflict strategies work together. We are arguing for a shift in emphasis, a longer time frame and more attention to the specifics not only of each country but also of each area. These would create a social reconstruction process that reaches deep into the lives of ordinary people, with positive effect.