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How do we talk about participation?

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Tine: Welcome to Justice Visions. My name is Tine Destrooper and I am the regular host of this podcast. And in this third season of the podcast, we take a closer look at what certain theoretical concepts mean for the practice of transitional justice and for the daily lives of victims of human rights violations. And today, we will talk about the notion of participation, which really goes to the core of our Justice Visions research project. So in this episode, we will talk about what exactly we mean by 'participation' in transitional justice, and my two guests today will propose a new way to conceptualize the notion of participation in a way that is more closely aligned with victims' experiences. They will also talk about how this applies to a concrete case in the Guatemalan setting. And the two guests that I'm talking about here, today, are Justice Visions colleagues and co-authors of a recent paper on this topic. Welcome, Gretel Mejía Bonifazi and Elke Evrard.

Gretel and Elke: Thank you, Tine.

Tine: And perhaps, Gretel, you can start by sharing a bit more about why exactly we are doing this episode today?

Gretel: Yes, definitely, Tine. I'm actually very happy to be talking to you from the Guatemalan Highlands, where I have been conducting fieldwork over the past months. I am working here with the COCOP community, located in the Ixil region. This community was one of the first to experience a State-led massacre in April 1981, in the context of the internal armed conflict. During this conflict, which lasted from 1960 to 1996, State-organized violence, political repression and killings – targeting indigenous communities and political opponents were widespread and systematic. The COCOP massacre, in this context, is one of 600 massacres that took place during the conflict. It resulted in 79 deaths, including women and children. And ever since, the survivors of the massacre have tirelessly pursued truth, justice and reparations – for example also by participating in various formal and informal transitional justice mechanisms.

Tine: So, Gretel… that's a horrifying reality, and it must be an incredibly difficult struggle and we'll definitely talk more about that in a moment. But you're already hinting at this issue of participation in transitional justice mechanisms, and so I would actually want to turn to Elke first, to hear about the other reason why we are doing this episode on participation today. So, Elke, could you say a bit more about that, maybe?

Elke: Yes, Tine, as you mentioned in the intro, we have co-authored a paper on victim-participation that was published over the summer, which also used the Guatemalan setting as an example case, but mainly on the basis of existing literature and our existing knowledge. So it was quite compelling, actually, to see the ideas we developed in this paper come to live in Gretel's current work with the COCOP community.

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Tine: Right, and Gretel, I actually recall that during some of our early conceptual discussions within the Justice Visions research project, it was you who shared some observations and some comments about the Guatemalan context that made us realize that the existing frameworks, the existing models that we use for describing or evaluating victim participation, that they often do not reveal the entire picture. Why is that?

Gretel: Well, in Guatemala, like in other 'typical' cases of transitional justice, the pre-existing mobilization of victims' groups was a major driver in the establishment of transitional justice mechanisms in the first place. There are many different groups and organizations of survivors or families of victims, who have been very active in the decades since the end of the conflict, and who have participated in many different spaces, some of these organized by the State or the Catholic Church, or other spaces created by civil society organizations or communities themselves. But not all victims have chosen to participate in all of these different initiatives. But also, different spaces often have served different purposes and intentions, and the strategies of victims have shifted over time. So only looking at participation in formal mechanisms, or even defining victim-participation purely from the point of view of a specific transitional justice mechanism or institution or legal tool, doesn't really align with these lived realities on the ground.

Tine: So basically, what you are saying is that reality on the ground, of course, is much more complex and much more messy than typical participatory models or typologies and what they can account for, right?

Elke: Exactly. And this complexity is the reason that we want to look at this phenomenon from the perspective of participants instead – to reflect the way survivors themselves choose, shape and experience their participation. We want to shed light on participants' "trajectories" throughout all of the initiatives, moments and spaces available to them, that make up a sort of transitional justice "ecosystem." So this is the basis for the alternative model or framework that we propose in the article, and in this episode, we want to highlight some of the central elements in this framework.

Tine: Right and so Elke, this article you mention, which is available in Open Access in the International Journal of Transitional Justice… In this article, the framework which is being proposed for thinking about victim participation, that is based on this idea that you just mentioned of "participatory trajectories", of a "transitional justice ecosystem." But what is interesting to me, Gretel, you mentioned that you've also found that these aren't just theoretical ideas that work well in academic papers, you've also found that this captures the perspectives and the experiences of members of the COCOP community better. And I was wondering if you could tell us a bit more about that?

Gretel: Indeed, Tine. Throughout my fieldwork, I've focused on the long trajectory of survivors who after many years of displacement, have returned to the COCOP community after the massacre. In focus group discussions with members of the community, for example, we used the metaphor of a road, or a "camino" in Spanish, to describe their search for truth, justice, reparations and redress in general. So we used photos of their trajectory to visualize this road. We did not conceive of this road as linear or as leading to one clear endpoint. The road could split, can take twists and turns, and be unfinished. It has led past different stops and various spaces, and it's lined with

blockages and obstacles and so on. There are also different actors who have accompanied them on this road.

Tine: Well, that all sounds really fascinating. And since this season is precisely about, you know, thinking about what theoretical constructs mean for the practice of transitional justice… What you're saying also makes me wonder if you could say a bit more about how, having this more accurate theoretical model, how that helped you to understand better what you were observing in the field?

Gretel: I believe, actually, that using this framework has helped to reveal interesting insights that otherwise remain unseen. For example, it broadens our perspective to look at who we consider as participants, what initiatives or spaces we pay attention to, and how we think about the temporality of participation and even what sort of outcomes we can or should expect. It really means that we have this framework to study victim-participation from an actor-oriented point of view, rather than from an institutional perspective solely. So, having done that, in today's episode, I also want to share some excerpts of insightful conversations I have had on these topics with two particular survivors of the COCOP massacre.

Tine: Could you say a bit more about who these people are, what their profile is?

Gretel: We'll be hearing first from Juan Cobo Brito, who is the current Vice-President of the COCOP Victim Committee, which was formed in the year 2000. And during the massacre, many of his relatives were killed and he was shot and became disabled as a result. In addition, we will also listen to Juana Santiago Cedillo. Her family was killed during the COCOP massacre and after living for 20 years in Guatemala City, she returned to Nebaj and has been very active in seeking redress.

Tine: These are… horrific stories… and talking about justice and the quest for justice and participation in justice processes, it must be so difficult. But these people they agreed, nevertheless, to be interviewed both for your research project and for this episode, right?

Gretel: Yes. And we conducted these conversations in Spanish, but for the purpose of this episode, a voice-over is provided in English by two Guatemalan persons, Mauro Morales and Ana Paula Oxom.

Tine: And so, Gretel, one of the topics you addressed with Juan, for example, was this definition of who counts as or who can become a participant in formal TJ mechanisms?

Gretel: Yes that's right, formal mechanisms will establish particular criteria or boundaries that determine who can or cannot participate in the capacity of victim. So these definitions can be exclusionary, and if we as researchers would also adopt those formal definitions to determine who is included and excluded in our own research, we actually risk to perpetuate those blind spots as well. So it's a very different thing to start from the self-identification of actors instead – including those who have not been acknowledged as victims or are not allowed to participate in formal mechanisms. Some of these complexities are clearly illustrated in Juan's account. As I mentioned, he was a victim of the massacre, and afterwards, he was also forced to patrol his own community. Like other members of these Civil Defense Patrols in the context of the Guatemalan armed conflict, Juan has received a modest compensation from the State. However,

because of this payment, this compensation, he was no longer considered eligible to take part in the National Reparations Program for the victims of the armed conflict, which prevented him from obtaining meaningful reparations under this scheme.

Juan (English): Because we were forced to patrol and they gave us 5.000 quetzales, 5.000 quetzales, that… that is not enough to build a house, we can only buy something to eat with that, because we don't have food.. So what can we do? They think, "now we have paid, we have paid 5.000 quetzales to each person," they think. But it is not that, no, it is a right, we have the right to five other reparation measures: one the houses, the other economic compensation and other projects, five measures.

Juan (Spanish): *Porque nosotros fuimos a la patrulla que dieron 5.000 quetzales, 5.000 quetzales, eso… eso no alcanza para levantar una casa. Solo la comida nada más compramos algo porque no tenemos la comida, Qué hacemos? Piensan, ahorita, piensan ya, ya tienen, ya les pagamos estas cosas, ya pagamos unos 5.000 quetzales a cada gente, dice. No es eso no, es un derecho, es que tenemos un derecho para tiene cinco medidas, unos que tienen las casas, otros económicos, muchos proyectos son cinco medidas.*

Gretel: So this tension, Juan argues, became a severe obstacle in his participatory trajectory as a whole.

Juan (English): It is a trap that they have left in the road. Well it is an obstacle because they say: "we have already paid, if we paid, why do we have to pay?" Wrong, because we are not begging for money. The government has an obligation to pay for what they did. What's his name? The government of Lucas Garcia did it. They killed us and now they have to pay, pay because it is a right. It is a right because they killed our parents, our wives. They killed everyone, and now they don't want to pay. We have a right. They have to build the houses for the people, for everyone. They have to build the houses, everything, absolutely everything because it is an obligation.

Juan (Spanish): *Esa es una trampa que deja en el camino. Pues es un obstáculo lo hace porque ya, ya, ya, ya pagamos dicen, Ya pagamos, para qué lo vamos a pagar? No, porque no estamos pidiendo limosnas. De que el Gobierno tiene una obligación a pagar su como se llama el le hizo porque el gobierno y eso. El Lucas que recibe es el, es el presidente que lo mataron. Una obligación lo hace. En la obligación pues vienen a matar a nosotros, pero ahorita tienen derecho para pagarle. Pagarles su derecho es derecho, es un derecho porque todo que mataron nuestros padres, nuestras esposas, todo lo mataron. Pero ahorita ya no quieren pagarle, tiene un derecho que tiene que tiene que levantar la casa de la gente, todos. Todo, todito, todito.*

Tine: So what Juan describes in this excerpt, to me it also indicates that survivors may have experiences and needs which are very different and which can range from housing to monetary compensation, to acknowledgment. And what I also found striking is that it indicates to me, or illustrates that some needs may become more or less urgent as time passes. Or they may be different from one victim to the next, or from one context to the next. And Elke, this is also something that the framework that you develop accounts for, right?

Elke: Yes indeed, what you mention often presents another problem. There is this tendency to cast victim-participants as a homogenous group who all enter these

processes with similar identities, experiences, expectations and goals. While in reality, of course, differences in power, in capabilities, or objectives can also exist between participants. And those may become more pronounced when they engage not in their individual capacity but through victims' groups or organizations, for example. But those dynamics are often not taken into account when evaluating victim-participation schemes.

Tine: True, and actually, in addition to this importance of paying more attention to actors' identities and interests, you also seem to be hinting at this notion of 'spaces' of participation, including formal ones and informal ones. And what's interesting to me, is that this idea of participation as a spatial practice comes from the field of development studies, where it was first introduced to look beyond what happens at the formal, at the institutional level and make visible everything that's happening in civil society, at the grassroots level, and in everyday contexts. And I was wondering, Elke, if you could say a bit more about how the idea migrated to the field of transitional justice?

Elke: Yes, so victim-participation is typically understood as the roles and functions that survivors take up in State-led truth commissions, in trials, in reparation schemes or in mechanisms around guarantees of non-recurrence. Now, a range of studies have rightly pointed out that these instances of participation, that they're often not far-reaching enough, that participants rarely have decision-making power or ownership in these spaces, that their participation is "tokenist" or instrumental and it doesn't change or transform the power balance. But some of these studies also pointed out that it is crucial to recognize that survivors have other spaces where they exercise voice and power, for example through grassroots support structures, through public events, civil-society led trainings or meetings,... And victims often see these so-called 'informal' spaces as integral to their experiences with transitional justice, and they will often engage simultaneously in institutional and informal spaces.

Gretel: A good example of this interplay is the way survivors of the COCOP massacre, for example, have organized in a Committee to channel their demands to the State. They have selected representatives and regularly hold meetings to organize, discuss and strategize at the local level – since travelling to the formal avenues in Guatemala City is time-consuming and costly. Or as Juan explains:

Juan (English): Because one alone, does not have the means to travel. We have organized well, we have organized the committees so we can advance more, because we have to travel but first we have to gather money for expenses. And then we can travel, we organize a meeting with the people, and the people know, they have their committees.

Juan (Spanish): *Porque solo, solo uno, nada más, no tiene la capacidad para para viajar. A lo mejor nos hemos organizado bien, organizamos los comités para que nos podamos avanzar más, porque vamos a salir de viaje todo el pisto que organizamos primero. Después sale el viaje. Hacemos la reunión con la gente. La gente, ya sabe, tiene sus comités.*

Gretel: And Juana, on the other hand, offers a different perspective. She does not always feel represented or included in the work of the Committee. Her perspectives really urge us to see survivors' associations not only as 'collective actor or participant', but also as spaces of participation in their own right, that are characterized by opportunities but also differences in interests and even tensions:

Juana (English): We file paperwork, and well, then they go. I do not know if they send the files or they just save them. I really do not know, because there is no… Also, every time they hold their meetings, they do not summon all of us. They only divide us.

Juana (Spanish): *Llenamos otros papelerías, bueno, se van. No sé si ellos entregan los papeles o solo los tienen ahí guardados, si no sé porque no hay. Cada vez que hacen sus reuniones también. No nos convocan todos. Sólo hacen divisiones.*

Gretel: And Juana also addressed her expectations for the Committee in the future.

Juana (English): We will continue (to participate) but it is on the Committee that we have, to take our cases. I wish that they really see us, our, our, needs, that they not only see their own personal interests.

Juana (Spanish): *Vamos a seguir. Pero depende del comité que tenemos también, el que lleva nuestros casos. Ojalá que, que nos miren de verdad, que nuestros, nuestras necesidades, que no miren ellos son sus intereses personales.*

Tine: So what's striking to me here, is that the same thing we mentioned about having to be mindful of power dynamics and of exclusion in these formal TJ mechanisms, that that apparently also applies here to these grassroots initiatives. That power dynamics are also at play, which means that people may or may not experience these informal spaces as empowering, and that that really depends on their position in the community and on their needs. The other thing I found really relevant, in what we hear Juan and Juana say, is actually something that makes me think of last episode that we did on the notion of temporality. And in that episode we discussed how the timeframes of transitional justice processes often suggest neat, linear breaks with the past, and that that often doesn't necessarily align with lived experiences of survivors.

Gretel: Being here, I can see first-hand how the root causes of the internal armed conflict, for example racism, exclusion and socio-economic inequality continue to affect the lives of members of the COCOP community today, and of victims of the armed conflict in general. Even though they have been active in these struggles for decades, they are aging and many are also tired because they have not received meaningful reparations. For example, I attended a meeting where young members of the community were invited to learn a little bit more about the history of the community, and this initiative evolved from a desire of older survivors to engage youths in the continuation of their demands, their struggles for reparations orders to be upheld. And the activities and mobilization of the community have also evolved, from recovering the bodies of their relatives and giving them proper burial, to seeking reparations – not only at the national level but also at the international level – and forms of redress that can really improve their livelihoods, which is the main goal for them. This is illustrated, for example, in the way Juana describes her most pressing demands:

Juana (English) But we are suffering now without a job, without a salary. Maybe we are working, but they take advantage and make us work more than what they pay. This is what we are going through now. Well, this is what we are waiting for, that the government responds for all the facts, for all the things we lost, all the family members

Juana (Spanish) *Pero nosotros estamos sufriendo ahorita sin ni un trabajo, sin un salario. Tal vez estamos trabajando, pero si nos aprovechan meten más trabajo que, que salario. Eso es lo que estamos pasando ahorita. Pues ese, eso es lo que estamos esperando. Si responde es de gobierno por todos los, los hechos, todas las cosas perdidas, los familiares perdidos*

we lost, the things, the other things, houses, everything, the livestock.

y las cosas, los demás cosas. Casas, viviendas, todo. Pues ganados.

Gretel: For Juana and other survivors, both the violence and their struggle to overcome is ongoing. There has been no closure and the trajectory may even be continued by future generations.

Juana (English): I ask myself because there are many times that I get angry, there are times that we meet, but every time there are no results, there is no answer. The congressmen do not respond, the president does not respond, for the crimes of the soldiers.

I am waiting, I am still waiting if there are going to be results or not, will there be an answer or not? Will there be reparations or not? I do not know, but I ask God that the president answers. I have a son too, but we will see that if, if anything were to happen to me, well, maybe my son will continue to participate, I say.

Juana (Spanish): *Yo que pregunto a mí misma que hay muchas veces que me enojo, hay veces que solo reuniones cada vez no hay ni un no hay resultado, no hay ni una respuesta. No responde a los diputados, no responde el presidente por los hechos, los soldados.*

Estoy esperando, todavía esperando si va a ver ese resultado o no, va a haber respuesta o no, o sobre el resarcimiento o no? Yo no sé, pero yo le pido a Dios que. Que responda ese presidente. Yo tengo un mi hijo también, pero a ver si, si el día que me pase algo, pues tal vez mi hijo va a seguir participando, digo yo.

Tine: So, I feel like we've covered so many important aspects of participation already. We've talked about identities, about spaces, about the notion of time and temporality. But in the end, I think the idea is also that this framework should also lead to a different way – or it should at least facilitate a different way – of evaluating or looking at the outcome of what constitutes meaningful participation, right, Elke?

Elke: Yes, definitely. And in the current field, there is often a desire to kind of pinpoint the direct performance or impact of one particular mechanism and that mechanism's participatory modalities at one point in time. But we argue that a broader, context-sensitive understanding of participation is also needed but often lacking – and that's where our framework comes in. It can help shed light on the way participants enhance their socio-political position and further their interests by transporting and transforming insights and agency from one space to another and from one moment to another.

Tine: And how is that way of thinking different from the current way of looking at impact and evaluation? What does it imply for the way we research victim-participation?

Elke: Well, it means, for example, we have to reconsider what static, temporary, formal participatory programs can be expected to achieve – and also urge these programs to seek more synergies with victims' pre-existing and alternative avenues of engagement, for example to acknowledge, facilitate or amplify demands that have arisen there. And it also means that we have to let go of some of these pre-determined normative benchmarks of success and generally pay much more attention to what participants themselves want from each step of their trajectory. And I think this was also something that emerged very clearly in Gretel's fieldwork.

Gretel: For Juan, for example, it is very clear what he seeks to achieve from his participation in transitional justice processes, and what would actually constitute meaningful outcomes for him:

Juan (English): …it is not fair, now, the poor people that survived the massacre, they do not have land, they do not have money. We had to come down and flee to the town of Nebaj, because we were displaced. It is an obligation, we don't have food, we don't have money to eat. Now the government has to buy land for the people, it is an obligation...

Juan (Spanish): *…no es justo, pobre la gente ahorita, que es la gente que dejaron, este lo mataron. No tienen terrenos, no tienen económico, cuando pasamos a Nebaj, uno que fueran desplazado, nosotros bajamos al pueblo, es una obligación, no tenemos comidas, no tenemos pisto con que lo comemos. Ahorita el Gobierno que tiene que comprar los terrenos de la gente es una obligación…*

Gretel: And this is also the case for Juana.

Juana (English): …that they see our, our conflict, that they see the problems that we face, why did we lose our families? That they recognize it, that is the only thing, miss, the only thing I demand is justice.

Juana (Spanish): *…que miren nuestro, nuestro conflicto, nuestro, que miren ese problema dónde estamos nosotros, Por qué perdió nuestras familias? Que lo reconozca, pero es el único, seño, que es el único que exijo que hagan justicia.*

Gretel: Their trajectory has often been deeply disappointing, because of the State's unwillingness to comply with the reparations orders. This is very clear from Juan's testimony:

Juan (English): But we are demanding to the government, we have endured thirst, we have endured hunger, we go back and forth in Guatemala City demanding projects for COCOP, but it is not fruitful, it is not fruitful.

Juan (Spanish): *Pero nosotros estamos exigiendo el Gobierno. Aguantamos sed y aguantamos hambre, damos vuelta y vuelta, estamos haciendo en Guatemala. Exigiendo el proyecto de COCOP, pero no da resultados, no da resultados.*

Gretel: But in other ways, claiming their roles within transitional justice processes has shown survivors' resilience, foregrounded their worth, amplified also their awareness of their own rights and their desire to preserve their memories.

Juan (English): Because what we have is strength, we have made the effort, we are worthy, our lives, have worth and we are going to demand it. Our struggle will not stay like this. For instance, what happens if I die? I have a family and the government has to acknowledge them their rights. Because we have to preserve our memories, our stories.

Juan (Spanish): *Porque nosotros lo que tenemos es fuerza, tenemos esfuerzo más, tenemos un valor, tenemos un valor para que vamos a exigirlo. La lucha que no va a quedar así eso. En cambio nosotros me muero yo, tengo familias a mi familia que va a reconocer su derecho el gobierno. Porque se tiene que dejar nuestras memorias, las historias.*

Tine: So I think the stories of Juan and Juana, they definitely give us a lot to think about. And I want to start to wrap up this episode by thanking Juan and Juana very, very much

for their contribution to our episode today. And I think their stories or accounts clearly demonstrate that survivors are aware of their rights and will continue to self-organize and to participate in institutional spaces, as well as in these informal spaces, until their demands are met. And I think what this episode also shows is the importance of paying attention to both grassroots initiatives and how those can be empowering or disempowering, as well as to the State's responses to these initiatives, because our focus on participation and participation trajectories and ecologies, should of course, not be understood as a means to let the State off the hook. And I think that the testimonies have made that very clear.

For our listeners who want more background information about the COCOP community and about their struggle, we have included several references in this episode's show notes, which are available at Justicevisions.org and then you select podcast. And one of the things which you can also find there is a very moving song from the Songs of Resistance compilation that actually narrates the plight of the COCOP community during the conflict.

So I invite you to have a look at that, and as for you, Gretel and Elke, I will just thank you for walking us through this complex landscape of victim-participation and how it plays out in practice in Guatemala. And I want to thank all of our listeners for tuning in again, and please stay tuned for next month's episode.

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