



Reconciliation after Terrorism

Strategy, possibility or absurdity?

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7 Overcoming terrorism in Peru without negotiation or reconciliation

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Introduction

Peru's experience with the Shining Path guerrillas between 1980 and the mid-1990s is a textbook case of an implacably militant insurgent organization determined to overthrow the government by force, a so-called "people's war" in which neither party was ever willing to consider negotiations as an exit strategy.¹ Nevertheless, it was the government rather than the guerrillas that was able to adjust its strategy and tactics to emerge victorious at the very time when Shining Path appeared to be on the verge of success. In a context of generalized political violence in the late 1980s, the government formed an elite police unit to track the guerrilla leadership. At the same time, the military undertook a complete review of its counter-insurgency approach to that point and adopted a new strategy to reach out to the local population for the first time.

The turning point in the conflict occurred in September, 1992, when the police captured Abimael Guzmán Reynoso, Shining Path's founder and maximum leader. Such a devastating psychological blow to an organization that had appeared invincible to that point gave the government an advantage it never relinquished. For instance, the military's "hearts and minds" campaign, already well underway, gained new momentum. In addition, the government initiated a number of conciliatory measures and non-violent post-capture initiatives, including rural micro-development programs, rapid trials by "faceless judges," and a "repentance law" to encourage militants to turn themselves in, that were also instrumental in defanging Shining Path. A Truth and Reconciliation Commission (CVR),² established several years later, was intended to assist the largely indigenous rural populations most affected by the violence to begin to overcome the trauma of the abuses committed by both sides. Such a turn to non-violent approaches became possible only after Guzmán's capture, trial, and conviction, a development that could occur only after the government itself had shifted to a more nuanced counter-insurgency strategy. Overall, while these non-violent and conciliatory initiatives were not crucial for defeating the Shining Path as an insurgent organization, they nevertheless contributed to the restoration of government control and legitimacy by responding to distinct arenas of popular concern – rapid and effective justice, reincorporation into society

of former Shining Path sympathizers, development resources for the poorest, and, eventually, official recognition of the need to assist the victims of the conflict.

The chapter proceeds by explaining how it was that such a violent movement could arise in a democratic context and why the government had such little success in stemming the progressive expansion of Shining Path for more than a decade. It then details the various elements that together contributed to shift the momentum from the insurgents to the government, focusing particularly on how the state adjusted while the guerrillas did not. The shifts described include the major change in counter-insurgency strategy that produced the turning point in the conflict with the capture of Shining Path's main leader and the organization's master files. Discussion then turns to the various non-violent initiatives that slowly restored government authority and security across most of the country and reduced Shining Path to a vestige of its former capacity. The chapter ends on a cautionary note in light of indications that the current government is not fully committed to the final stages of the reconciliation process.

The Peruvian "people's war"

Social revolutions usually arise in a context of some combination of political polarization, repression, authoritarian rule, and economic crisis (Goldstone 1980). Peru's "people's war" between 1980 and 1995, however, developed under quite different circumstances. Shining Path launched its first revolutionary operations in May 1980, at the very moment when Peru was establishing the most open democracy in its long and often turbulent political history (Palmer 1986).

Theories of revolution would predict the early demise of such a quixotic initiative (McClintock 1994). This did not happen in the case of Peru, however. A decade later, the country's democratic government was on the verge of collapse. Political violence had become generalized over wide swaths of national territory, government responses were ineffective and often counterproductive, and the economy was in shambles. By 1990, more than 20,000 Peruvians had been killed, \$10 billion in infrastructure destroyed or damaged, and some 500,000 internal refugees generated, along with an economic decline of over 30 percent and a cumulative inflation of more than two million percent (Palmer 1990).

How can we explain such a turn of events that led many at the time to conclude that a Shining Path victory was likely, or that the apparently invincible guerrilla movement would be almost totally defeated just a few short years later? The answers lie in a combination of factors that relate to the way the rebel organization developed and pursued its people's war, on the one hand, and to government responses and shifts in its approaches to the insurgency over time, on the other. Even though the government eventually succeeded in defeating Shining Path, total human and material costs for Peru were enormous – almost 70,000 deaths, over half occurring among the poverty stricken and largely indigenous residents of the rural highlands, plus an estimated \$24 billion in national

infrastructure destruction and lost production, with close to one million Peruvians displaced and an equal number emigrating abroad (Comisión de la Verdad y Reconciliación 2003).

The rise of Shining Path

Shining Path's ability to pursue its revolutionary cause for so long and with such success is the result of several factors, including

- 1 the circumstances of its founding and early development,
- 2 charismatic and driven leadership,
- 3 a radical Maoist ideology supported for some years by the Chinese, and
- 4 access to resources from the drug trade.

The movement that eventually came to be known as Shining Path began and took root in the early 1960s largely out of public view, in Ayacucho, a remote and isolated department of highland Peru which had received scant central government attention for many years. In addition, both the elected government of President Fernando Belaúnde Terry (1963–68) and the military regime that followed (1968–80) took a generally tolerant approach toward the then non-violent Marxist groups among students and in teachers' and labor unions. As a result, the militants and their organization could operate and expand over some seventeen years almost unperceived by the outside world before they declared their people's war in 1980.

The leadership provided by Abimael Guzmán Reynoso, a young and already committed hard-line Marxist professor who came to the small provincial university in Ayacucho in 1962, was fundamental to Shining Path's success. He was greatly aided in his mission to build a radical political movement in this then recently reopened colonial university because of its unique mission to serve as a promoter of regional development (Romero Pintado 1961). This meant that the university provided an opportunity unmatched in the country at that time for faculty and students alike to pursue their development and/or their political agendas in the Ayacucho countryside.

Guzmán soon established himself among the 400 students and forty professors of the university at the time as a committed and charismatic hard-line Marxist professor.³ Over the next few years, after building a communist student association from the ground up, he led it to victory in the 1968 university elections. This institution, the National University of San Cristóbal de Huamanga (UNSC), came to serve as forum, incubator, and launching platform for the expansion of Guzmán's radical organization and ideology (Gorriti 1994: 167–77). Given the extreme poverty and almost entirely rural, indigenous, peasant-dominated reality of Ayacucho, it is not surprising that Guzmán aligned himself with Maoist China after the Sino-Soviet split of 1963–64.

With this new ideological commitment, Guzmán worked diligently and successfully to reorient the Marxist organization he was building towards Maoism,

both within the university and out in the countryside. As a professor in the university's education program and director of its training school for several years in the 1960s, he prepared and radicalized a generation of teachers, many of whom took up positions in the public elementary schools of Ayacucho's rural communities. These teachers, often from the countryside themselves, as the first generation to receive a university education and with Spanish as their second language after their native Quechua, frequently became the proselytizing front line of their mentor's political organization (Degregori 1990: 41-7).

Guzmán's relationship with China from the mid-1960s until 1976, during which he and other leaders of his party made several extended trips there and became fervent adherents of the radical Gang of Four faction in the Cultural Revolution, solidified their identification with the most extreme interpretations of Maoism. When their Chinese mentors, led by Madame Mao, lost out to their more moderate adversaries in the struggle for political control in the mid-1970s, they were cast adrift and forced to fend for themselves. Totally radicalized by his Chinese experience and convinced that the world communist revolution was lost unless it could be purified and returned to its original Marxist-Leninist-Maoist ideals, Guzmán concluded that only a properly directed people's war in Peru could bring about such a true revolution (Gorriti Ellenbogen 1990: 51-4).

Even though the so-called objective conditions for the armed struggle did not exist in Peru in early 1980, as the country prepared for the return to democracy with great enthusiasm and popular support, Guzmán concluded that Lenin's voluntarist dictum could be applied. By launching a people's war at this moment, he believed, it would sow disquiet, chaos, and an indiscriminately repressive military response which would create over time the more favorable conditions he sought for continuing and expanding the revolution (Klarén 2000: 369-70).

With the Communist Party of Peru-Shining Path (PCP-SL)⁴ that Guzmán led now without an international patron to provide financial support, the movement had to turn to local sources for the necessary resources to advance its cause. Although the PCP-SL was formally affiliated with the radical Revolutionary International Movement (RIM), the relationship was dictated by the ideological imperative to be affiliated with a worldwide communist movement and involved no discernable financial support (Cook 2010: 299). In the early 1980s, as the people's war was getting underway, Shining Path secured guns, ammunition, and dynamite from raids on isolated police stations and the hundreds of small mines that dotted the slopes of the Andean highlands. As the movement gathered strength, its needs increased as well (Strong 1992: 106).

By the mid-1980s, the PCP-SL had found a new source of both local support and funding in the coca producers and drug trafficking of the Upper Huallaga Valley in north-central Peru. By 1988-89, it is estimated, the guerrillas were extracting at least \$10 million a year in "taxes" paid by the Colombian operators of the small planes that flew in and out of more than 100 clandestine airstrips in the valley (Gonzales 1994). With these revenues, Shining Path set up a finance committee to distribute to its now well-established central and regional committees to buy weapons, bribe local officials, and pay its cadres regular stipends.

The guerrillas were also able to enlist the support of local associations of coca growers by forcing buyers to pay higher prices. So having decided to go it alone, Shining Path was neither dependent on outside sources of support nor the dictates of others but could garner its own internal resources to finance its operations and maintain its autonomy (Tarazona-Sévillano 1990).

Responses and failures of the central government

With the return to democracy in Peru in 1979-80 and the enthusiasm which accompanied it, including the incorporation of all the Marxist parties except for the PCP-SL into the process, no one anticipated the degree to which one small sierra-based guerrilla group could come to pose such a severe threat to the state over the course of the next twelve years (Woy Hazleton and Hazleton 1994). While Shining Path proved adept at utilizing the various elements described above to its advantage, multiple government mistakes were at least as important in creating conditions that the guerrillas could exploit.

The newly elected president, Belaúnde Terry (1980-85) once again, was reluctant to use the armed forces during his first two years in office because his earlier term had abruptly ended with a military coup. Instead, he ordered the withdrawal of police from the small rural posts in Ayacucho, which left the countryside open for further advances by Shining Path. His first significant response, in 1981, was to send a specialized battalion of police to Ayacucho, the *sinchis*, who were so abusive of the local population there that they had to be withdrawn. When several provinces were declared to be under emergency rule and military control in late 1982, the units sent adopted a massively repressive response in which several thousand people, mostly innocent and indigenous, were killed in 1983 and 1984 (Noel Moral 1989). Not surprisingly, such an exclusively military repressive response proved counterproductive by creating conditions that drove many survivors into the arms of the guerrillas (Tapia 1997: 27-43).

Terry's elected successor, the youthful and charismatic Alan García Pérez (1985-90) of the American Popular Revolutionary Alliance (APRA, or Alianza Popular Revolucionaria Americana), initially pursued policies towards the sierra that stemmed the political violence for a time. However, his disastrous macroeconomic initiatives, including suspension of payments of Peru's foreign debt, generated hyperinflation, severe economic decline, and a total loss of access to credit. Among the casualties of such misguided initiatives were a dramatic erosion of both bureaucratic and military capacity and morale (Palmer 1993: 289, 292). In addition to García's plummeting public approval ratings, which reached single digits by the end of his term, Shining Path took advantage of the generalized public disquiet to step up its people's war, including bombings and killings in Lima for the first time. By 1990, guerrilla operations were taking place in virtually every department in the country, and close to half the departments and two-thirds of the population were living under emergency law and military control (Palmer 1995).

Overcoming the Shining Path and the introduction of conciliatory measures

By the end of the first decade of elected governments and the first accession to power by an opposition through the vote in almost seventy years, Peru was well on its way to total collapse. Not surprisingly, then, an increasingly desperate public turned their backs on the established parties in the 1990 national elections to choose as president a total political neophyte and outsider, former university rector Alberto Fujimori Fujimori (1990–2000). In spite of his disdain for parties and democratic procedures, which manifested itself in an *autogolpe*, or self-coup, in April 1992, and a new constitution more favorable to his plan to remain in power, by the mid-1990s inflation had been licked, economic growth restored, and Shining Path vanquished (Iguffiz 2000: 18–39).

Such a dramatic turnaround in such a short time can be explained by a combination of factors. Some relate to Shining Path. These included overconfidence bordering on hubris, a hydrocephalic organizational structure in which Guzmán, now calling himself President Gonzalo, directed all aspects of the people's war, and increasing repression to maintain control over the largely indigenous sierra population long within PCP-SL's orbit. In addition, Guzmán's decision to take the war to Lima (Borja Arce and Sánchez 1988) served, finally, to galvanize officials into adopting major changes in the government's counter-insurgency strategy and tactics.

Other factors which changed the course of the insurgency developed within the government itself. One key adjustment began in the late 1980s, when the military conducted a total review of its approach to the insurgency to that point, compiled a new counter-subversive manual, and began to incorporate political, economic, and psychological components into its strategy for the first time (Tapia 1997: 43–55).

One change implemented after the review was the inclusion of one or two soldiers who were from the area in the unit conducting a military operation in the locality. Long resisted in a highly centralized political system due to fear that such individuals would ally themselves with friends and relatives rather than with their employer, these proved to be important gatherers of intelligence and positive interlocutors who also contributed to turning around the heretofore repressive image of the military among the local population.⁵ Along with operational unit training to make soldiers and officers alike more sensitive to human rights issues, a dramatic reduction in indiscriminate attacks on noncombatants soon resulted. With these changes, the military began to demonstrate the contrast between its new approach and the increasingly desperate efforts by Shining Path to retain local control through force and intimidation (Starn 1991: 64; Tapia 1997: 47–8).

A second major change, pressed by the Fujimori government and approved by congress in 1991, was to authorize the army to support the training and arming of local peasant organizations (*rondas campesinas* or civil defense committees) as a first line of defense against Shining Path attacks. Such rural

community *rondas* had long represented local responses to such outside threats as cattle rustling or land grabs. In the 1980s, many of what came to be called "communities of resistance" set up *rondas* on their own as they attempted to fend off the new threat from Shining Path attacks (del Pino 1996: 161–2). The military resisted supporting them for years out of a belief that indigenous people were not capable of utilizing assistance properly, a demonstration of the historic racism so deeply ingrained in Peru over several centuries (Coronel 1996).

Within a very short time after the army began basic military training and provided a few rifles and bullets to each *ronda*, numbers and membership mushroomed. By 1993, more than 4,200, with almost 236,000 members, had been established across the sierra (del Pino 1996: 181). They often served as a first line of defense, holding off Shining Path attacks until military units could arrive to turn back the invaders. Official support for the *rondas* was one of the most important adjustments in the Peruvian government's counter-insurgency strategy, as it gave local populations most affected by the guerrillas and with the greatest stake in overcoming the threat an increased capacity for resistance to their incursions (Starn 1998: 232).

Another change that proved crucial was the late 1989 decision by the beleaguered García government to create a small, autonomous police intelligence unit, the Special Intelligence Group (GEIN), with the sole mission of tracking members of the Shining Path leadership. Although GEIN got off to a shaky start and was pressured by the outgoing APRA government to carry out operations that proved to be premature, the entering Fujimori administration gave this specialized police unit increased support and virtually complete autonomy. As a result, during 1991, GEIN operatives were able to capture Shining Path's master files and some second-level leaders, even as the guerrillas were carrying out ever more brazen and violent terrorist acts. The culmination of their efforts occurred on September 12, 1992, when some thirty-five GEIN operatives burst into a safe house in a Lima suburb and captured a startled Guzmán without his bodyguards, along with several other members of the PCP-SL Central Committee (Gorriti 1996: 136–42; Jiménez Bacca 2000: 740–56).

With this success, soon to be followed by the roundup of several hundred other militants and cadres, the Peruvian government delivered a mortal psychological and tactical blow to Shining Path. President Fujimori milked this triumphal moment to its fullest extent by ordering the public display of Guzmán to the media in a cage especially constructed for the occasion. Guzmán was then promptly tried in a military court under new procedures that kept the identities of judges hidden, and was sentenced to life imprisonment (Bowen 2000: 137–43). Although violent incidents actually increased for a few months after Guzmán's capture, these proved to be the last gasps of a dying movement. By the end of 1994, Shining Path had ceased to pose a threat to the Peruvian state. Because of the overconcentration of power in a single individual, Shining Path could not long survive the capture of its maximum leader.

The establishment of a military and civilian court procedure of "faceless judges" to try captured Shining Path militants in order to ensure rapid trials and

protection from reprisals was another important initiative by the Fujimori government. Up to this point, long delays, averaging seven years, had occurred in bringing prisoners accused of subversion to court. Furthermore, judges assigned to oversee these trials had been subjected to systematic intimidation and even assassination, which had a chilling effect on their willingness to convict and also often led them to find legal excuses to release from prison those already judged guilty of terrorism (Comisión de Juristas Internacionales 1993). Although the Inter-American Human Rights Court (IAHCR) subsequently declared the faceless judge approach to be an unconstitutional violation of due process, the effect at the time was to quickly overcome the backlog of pending cases and to rapidly process new ones. It also helped to restore public confidence in government efficacy and a greater sense of personal security.

Apart from these military and judicial alterations to the strategy against Shining Path the government also implemented a number of more conciliatory measures. Among them was a "hearts and minds" civic action campaign in both urban neighborhoods and rural communities that were particularly susceptible to Shining Path influence or strategically important to the guerrillas. Although the specific initiatives were modest, from haircuts to health clinics, school improvements to access trails, they quickly turned local fear and hostility towards the military to support. At the same time, a coordinated media campaign to publicize these activities gradually helped to generate a more positive perception of the military with the broader Peruvian public as well (Starn 1991: 64-5; Taylor 1997: 105-6).

In addition, the Peruvian government implemented a "repentance law" in early 1993, which remained in effect until late 1994. This law was designed to allow Shining Path cadre and sympathizers to turn themselves in with weapons and/or information in exchange for participation in a government program to prepare them for reintegration into national society. Over 5,000 individuals took advantage of this opportunity, although most were lower level supporters and sympathizers rather than regional or national leaders. Even so, the government gained additional intelligence in the process as well as offering a way out for those who had chosen to support Shining Path. Given the law's promulgation soon after the capture of Guzmán, its timing came just when the incentive for sympathizers and militants to turn themselves in had increased markedly (Tapia 1997: 80-1; Bowen 2000: 155-7; del Pino 1996: 171, 177).

A final component of the multi-faceted counter-insurgency strategy, which was undertaken quite early in the Fujimori government, was a major micro-development program that focused primarily on those districts (Peru's smallest administrative unit, with about 2,200 in all) identified as having the highest levels of extreme poverty. Most of these districts were in the rural highlands, a large proportion of which were also centers of Shining Path activity (Palmer 1999: 285-90). This program was also designed as a response to the severe economic crisis of 1988-92 that had gutted the traditional government bureaucracy and reduced millions of Peruvians to destitution. It was administered by an array of small new specialized agencies, averaging about 300 employees each

nationwide who were recruited on merit criteria, paid high salaries, and given significant regional autonomy. These organizations focused on a set of small development programs that would have an important and immediate impact at the local level. They included such activities as reforestation and soil conservation, rural education, electrification, potable water provision, and small-scale irrigation (Palmer 2001).

Most projects cost \$2,000 or less, with labor provided by the communities themselves within the districts, and technical oversight by the individual agencies. In order to participate in the program, communities usually had to decide what they most needed and to elect a committee which had responsibility for overseeing the project members had selected. Over the five years between 1993 and 1998, the micro-development agencies spent more than one billion dollars on the projects and succeeded in reducing extreme poverty by half, from 31 percent to 15 percent (Palmer 2003).

In addition to reducing poverty rapidly in districts that in many cases had been those most affected by political violence, the micro-development initiatives, which reached even the most isolated parts of Peru, also restored local citizens' support for central government by demonstrating both its concern for their plight and its capacity to assist them. These small projects, in combination with a new central government revenue-sharing program for all districts based on population, also fostered new local organizations that helped to re-create a measure of institutional capacity at the grass roots within civil society (Palmer 2003: 239-42).

Such a wide array of counter-insurgency and micro-development initiatives would probably not have succeeded without a major macro-economic program to turn around a national economy that was bordering on complete collapse when President Fujimori took office in July 1990. Hyperinflation was out of control, at a 7,600 percent annual rate. Peru had lost all access to international credit because the García government failed to pay foreign debt obligations for more than three years. Unemployment hovered at close to 30 percent, with underemployment almost twice that figure. GDP, down more than 20 percent in the two years before Fujimori was elected, was in free fall (Crabtree 1992: 134-51). The new president instituted a number of drastic measures during his first months in office. These included an economic shock program that ended government subsidies and indiscriminate currency printing, the reinstatement of regular foreign debt payments, a new tax collection agency with teeth, economic liberalization, and one-time financial incentives for members of a bloated government bureaucracy to retire. In combination with a frenetic schedule of appearances by President Fujimori throughout Peru to promote the changes, including places historically least favored by central government, the measures worked. Within two years, the inflationary spiral had been broken, tax revenues increased, and international credit restored. A year later, foreign investment had resumed, employment increased, and net economic growth resumed for the first time in almost a decade. By 1994, inflation was down to 10 percent and economic growth was the highest in Latin America (Iguñiz 2000: 21-36).

Two factors combined to produce a government-imposed resolution of the insurgency. One was the central government's unexpected ability to make major adjustments after years of failed counter-insurgency and economic policies. The other was Abimael Guzmán Reynoso, a leader of the Maoist people's war who was so convinced of the ideological correctness of Shining Path's cause that he considered negotiation as a betrayal rather than an option. Even though neither government nor guerrillas ever contemplated, much less pursued, a negotiated outcome, once Guzmán was captured, the Fujimori regime could reach out to the guerrillas and their sympathizers in a form of reconciliation through the Repentance Law. In addition, while the Fujimori regime's comprehensive extreme poverty-focused micro-development program had multiple objectives, it also served to address a major grievance of Shining Path in the rural sierra heartland from which it had originated. For a time, then, at least some government initiatives included elements of reconciliation and rehabilitation, as well as a significant degree of responsiveness to the problems that Guzmán had used to justify the people's war in the first place.

Sadly, President Fujimori, buoyed by the surge in popular support from such a successful outcome to what most had considered an almost hopeless situation, exploited the situation by progressive abuses of democratic procedures in a well-orchestrated attempt to retain political power unconstitutionally (Carrion 2006: 142–8). When his authoritarian project collapsed quite suddenly and spectacularly in late 2000 (Balbi and Palmer 2001), a nine-month transitional government led by former head of congress Valentín Paniagua moved to restore constitutional government and, for the first time, to set up a comprehensive mechanism for post-conflict reconciliation.

The challenges of post-conflict reconciliation

The transitional government took a number of steps during its short life to redress the balance of central authority to make it more responsive to democratic procedures and practices. One of the most important was its decision to establish the Truth and Reconciliation Commission (CVR). Even though the violence had effectively ended several years earlier, transitional President Paniagua and his colleagues believed that it was essential to respond to the pleas of its thousands of victims who still suffered the trauma of its effects and of not knowing the fate of loved ones who disappeared over the course of the conflict. The thirteen members of the CVR, distinguished members of the academic, military, religious, and human rights communities appointed by the Paniagua government, had a two-year mandate to accomplish three very ambitious goals. One was to assess the causes and consequences of the political violence between 1980 and 2000; the second, to collect testimonies from its victims; and the third, to formulate recommendations for compensating communities and individual survivors for their losses. With the support of the Alejandro Toledo government (2001–06) and international agencies, they completed their almost herculean task between 2001 and 2003 by careful review of records and thousands of individual

testimonies, mostly in Quechua, along with extensive field research which identified close to 2,000 mass graves in Ayacucho alone and more than 30,000 additional casualties of the conflict beyond those previously documented. They published their findings, conclusions, and recommendations in a massive nine-volume study, in the full expectation that these would provide the bases for government initiatives to achieve the post-conflict reconciliation sought by large segments of civil society (Comisión de la Verdad y Reconciliación 2003).

Reaching the ambitious goals set forth by the CVR has proven to be exceedingly difficult in practice, for a variety of reasons. Even though the commission's findings made clear that the majority of the killings and disappearances were carried out by Shining Path, members were criticized in some of the media and in military circles as being too sympathetic with the guerrillas. The anti-CVR campaign distracted from the report's focus on reconciliation through psychological counseling and remuneration of those most affected by the violence, and delayed congressional action on implementing legislation.

The urgency felt in 2003 for official initiatives to help survivors slowly dissipated. Some three years went by before laws were passed that authorized central government financial compensation for the most affected communities and for individuals who lost family members to the violence, and almost two additional years for the implementing legislation. While the principle of compensation for entire communities was quite straightforward, as it involved a single lump sum payment, the original conditions in the implementing legislation for individual remuneration were almost impossible for most surviving family members to meet. Requirements included identity documents, specific dates, and physical evidence of death; since affected family members were largely indigenous, rural, and lacked education, few could meet the conditions imposed to receive payment. Although some 7,500 of those who came forward were identified as potential beneficiaries by 2008, only about 5 percent of these had been able to satisfy the requirements and receive compensation as of that date.⁶

Several other factors also contributed to the extended delays in meeting the CVR's recommendations for national reconciliation. One was the fact that most of the violence took place in remote Ayacucho, heavily indigenous and far removed from central government. The historic geographical and ethnic gulf between coast and sierra appeared to reassert itself with the loss of government priority treatment for the region once it had overcome the Shining Path threat there, including the very successful micro-development programs of the Fujimori years. Symbolizing the highlands' frustration, and perhaps reinforcing the García government's reduced attention to the continuing issues in Ayacucho as well, was the overwhelming electoral support residents gave in 2006 to the losing "outsider" candidate, radical populist Ollanta Humala (83 percent!).

Another part of the explanation for the delays can be attributed to President García himself. After winning a second election in 2006 with promises to atone for his disastrous first term (1985–90), he was believed to fear that exhumations of mass graves in Ayacucho could link him to official abuses during his first administration and subject him to prosecution. Among the evidence cited to

support this allegation were government decisions during 2008 to slow exhumations in the Ayacucho countryside to a crawl, to remove a particularly active prosecutor there from her position, and to move a major trial to Lima, which posed major hardship on the ability of humble indigenous witnesses to participate and delayed the judicial process.⁷

The military itself has also been determined to avoid any possibility that its members might be held accountable for abuses committed during the conflict with the argument, supported by both Archbishop Juan Luis Cipriani and former Defense Minister Rafael Rey Rey, that its members were engaged in a war to protect the country and should be treated as patriots rather than criminals. They and others have insisted on this position in spite of the strong evidence that some of the mass graves found in Ayacucho, such as in the community of Putis, where over 150 bodies were exhumed and identified, were clearly the result of military actions.⁸ Investigators also determined that the military base in the city of Ayacucho itself, Los Cabitos, had a crematorium in which several hundred prisoners were reduced to ashes. Such opposition has made the likelihood of wide-scale exhumations or identifications even more problematic; as of 2010, only two government forensic teams were operating and the non-governmental organization which exhumed Putis with USAID support had been marginalized.⁹ The problem is further exacerbated by the requirement that a government prosecutor be present throughout exhumations, but in the context of a severe scarcity of personnel assigned to this task. This is another major bottleneck which to date the government has not addressed with new hires or redeployments. Adding to Peruvian official indignation was a determination by the Inter-American Court of Justice, to which Peru is a signatory, that the human rights of some convicted Shining Path prisoners had been violated and they should be compensated by the state.¹⁰

Even with all these difficulties, which indicate serious and multiple deficiencies in the reconciliation process, there have been recent signs of progress. The government program to provide one-time remuneration to affected communities was completed in 2010, with approximately \$50 million distributed in \$35,000 stipends to some 1,500 entities across the sierra. Local officials are free to spend the funds on any project members deem worthwhile. The largest proportion has been used to purchase cattle for the communities, with much of the balance spent on schools or health clinics. In addition, congress has allocated an initial sum of about \$7 million for payments to individuals who have lost family members in the violence, and criteria for proving loss have been substantially relaxed; a signed affidavit by a community official will now suffice.¹¹

While it is not entirely clear how to account for the change in the government's approach with regard to remuneration, it is speculated that political pressure generated by the September, 2010 municipal elections campaign and the April, 2011 national elections may be one factor. The 2009 trial and conviction of former President Fujimori for corruption and responsibility for a 1991 military raid in Lima that killed a number of innocent civilians is considered to be another, as it highlights a case of successful prosecution of official human rights abuses. In addition, the military has yet to acquit itself with distinction in its

effort to dislodge the Shining Path remnants who continue the armed struggle with economic support from coca production and cocaine trafficking, so lacks the moral high ground or popular support to pursue its claims for impunity. With Shining Path's political wing once again expanding into the political space on the left and pressing for a general amnesty, the government may believe that support for the guerrilla war's victims could reduce the organization's appeal among those who include many of its former adherents.

Whatever the explanation or combination of explanations for recent advances by central government authorities to deal with the reconciliation process at long last, it is still a work in progress. Too many survivors of political violence have yet to receive the financial support to which they are entitled. Too many in authority are still determined to maintain military impunity in spite of scores of cases of abuses documented in the CVR report. Well over 90 percent of the mass graves which have been identified to date, numbering at least 2,000 and very probably many more, have yet to be exhumed. In addition, the once vaunted micro-development program in the sierra is a pale shadow of its former capacity. Most indications suggest that until central government authorities come to power who are committed to a full-scale reconciliation program and give it a high priority, the unhappy legacy of generalized political violence will continue to be an open wound on the Peruvian body politic.

Conclusion

Peru's experience with Shining Path is an object lesson of the difficulties encountered in trying to overcome terrorism and insurgency when its instigators have no interest in a negotiated outcome. The tragedy is that it took close to a decade after the start of the "people's war" and after tens of thousands had been killed for the government to realize that the use of the same repressive means as its opponents only made the situation worse. To the government's credit, however, it was able to make major changes in its counter-insurgency strategy in time. These enabled the military to reach out to affected populations and regain their support and gave the police the tools to capture the organization's maximum leader and its most virulent advocate of scorched earth terrorism.

Only at this juncture was it possible for the government to pursue a set of non-violent initiatives which, in combination, served to bring peace and security to a beleaguered populace. The establishment of rapid justice for accused terrorists brought some comfort to a citizenry accustomed to a failed judicial system. A repentance law encouraged thousands of Shining Path adherents and sympathizers to reintegrate into society, thereby further draining the group's base of support. A massive micro-development program in Peru's poorest districts significantly reduced levels of extreme poverty while it simultaneously demonstrated the renewed priority and capacity of government to respond to its citizens' basic needs. Finally, while still a work in progress, the effect of the CVR has served to reinforce the principle that authorities must address the legacy of political violence's effects on its victims, and the fact that they are capable of doing so in

practice. Such measures demonstrate that, even in the most difficult of circumstances, governments can prevail with the right combination of initiatives and the determination to implement them.

Notes

- 1 Some parts of this chapter draw from the author's "'Terror in the Name of Mao': Revolution and Response in Peru," in Art and Richardson (eds.) *Democracy and Counterterrorism: Lessons from the Past*, 2007; and "Countering Terrorism in Latin America: The Case of Shining Path of Peru," in Forest (ed.) *Countering Terrorism and Insurgency in the 21st Century, International Perspectives. Volume 3: Lessons from the Fight against Terrorism*, 2008.
- 2 The abbreviation CVR stands for *Comisión de la Verdad y Reconciliación*.
- 3 The author, as a Peace Corps Volunteer Leader in Ayacucho between 1962 and 1964 and a visiting professor at the university through 1963, was a first-hand observer of Professor Guzmán's early success in establishing a strong Marxist movement there.
- 4 Guzmán, claiming that his organization was the only "true" communist party in Peru, insisted on calling it the Communist Party of Peru (PCP), although others added the Shining Path designation to distinguish it from the fifteen or so other Marxist parties then operating in the country.
- 5 Interview with Peruvian military personnel, July–August, 1998.
- 6 Interview with the Director of Paz y Esperanza Norberto Lamilla Aguilar, Ayacucho, Peru, August 5, 2008.
- 7 Interview with Public Defender Rubén Mariano López, Ayacucho, Peru, July 23, 2008.
- 8 Interview with the Director of Paz y Esperanza Norberto Lamilla Aguilar, Ayacucho, Peru, August 5, 2008.
- 9 Telephone interview with a US government official who requested not to be named, Washington, DC, August 26, 2010.
- 10 Interview with José Coronel, Ayacucho, Peru, August 17, 2010.
- 11 Ibid.

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8 Undermining reconciliation

Colombian peace spoilers in- and outside the negotiation process

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Introduction

Instead of merely looking at conditions of either war or peace, recent research has started addressing the grey area between the two – the transition from war to peace. Reconciliatory measures, outlined by Judith Renner and Alexander Speneer in the introduction, that contribute to successful transitions have thus increasingly shifted into the academic focus. However, in today's internal conflicts frequently characterized by the existence of multiple actors, the state is commonly confronted with the simultaneity of reconciliation processes and ongoing violence by remaining armed groups. As highlighted in the literature, one major obstacle to conciliatory measures such as peace negotiations in this environment is spoiling behaviour, with spoilers defined by Stephen Stedman as 'leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it' (Stedman 1997: 5).

While recent research has investigated the reasons for spoiling to occur and the various actors inside and outside the negotiation process that can spoil a peace process (Newman and Richmond 2006; Schneckener 2003; Stedman 1997), there has been less investigation on the interconnection between spoilers inside and outside the negotiation process.

This chapter focuses on this interconnection between in- and outside spoilers looking at the case of Colombia.¹ Starting from the first peace negotiations with the Fuerzas Armadas Revolucionarias de Colombia (FARC), Movimiento 19 de April (M19) and Ejército Popular de Liberación (EPL) in 1984, to the demobilization of several guerrilla movements in the 1990s² and the most recent demobilization of the Autodefensas Unidas de Colombia (AUC), this country has a vast experience with peace processes in the most challenging environment: ongoing conflict. Both the contexts in which these processes took place as well as their outcomes have been extremely diverse. One major element in determining the success or failure of these multiple negotiation rounds has been the existence and the impact of spoiling behaviour by actors inside and outside the negotiation process, including the rebel groups and their splinter factions, the armed forces, the Colombian Congress, drug-traffickers, some entrepreneurs and