

# **Global Justice and Peace-Building in an Unequal Society: Internal Armed Conflicts and Indigenous People of the Highland Andes**

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## **1. Global Community and Global Justice**

Benedict Anderson (1983) discussed *imagined communities*, referring to the nation-state. Today, due to the advance of globalization, a global community has begun to be imagined and global standards are sought in various fields. However, we find that many existing concepts, such as human rights, democracy and justice, that have been considered universal need to be re-framed considering local, cultural and historical diversity.

Furthermore, we have also realized that those concepts previously considered universal have become political matters in international society. For example, Raphael Lemkin, a Polish-Jewish lawyer, coined the term *genocide* keeping the Holocaust and Armenians in the Turkish Revolution in his thoughts. His original idea included cultural genocide as a part of genocide. However, the Convention on the Prevention and Punishment of the Crime of Genocide of the United Nations, implemented in 1948, excludes cultural genocide. Genocide was still a delicate issue because many European countries released their colonies after the First and Second World Wars<sup>1</sup>. Therefore, while genocide is a crime against humanity, the meaning of humanity is also a matter of discussion.

Today international society makes legal efforts to seek global justice in various ways: the International Criminal Court (ICC)<sup>2</sup>, regional courts such as the Inter-American Court on Human Rights, the African Court on Human and People's Rights, and the European Court of Human Rights. However, these courts face the contradiction mentioned above. In looking at

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<sup>1</sup> A recent book of Alexander Hinton and others (eds.) (2013) argue the "hidden genocide."

<sup>2</sup> Thomas Lubanga was the first case of trial at the ICC and was sentenced to 14 years, convicted of conscripting child soldiers. We need to consider why Lubanga was tried despite other leaders, including the national army, also conscripting child soldiers. This situation may be related to national and local politics.

conditions in Asia, including Japan, unfortunately, we have not yet established an Asian human rights court.

In this paper, I examine methods to articulate justice in the field of human rights, among international society, nation-states, and local groups while also considering a diversity of social, cultural, racial, and ethnic groups. Furthermore, I consider unequal relations among groups, and the colonial legacy within the country. As a case study, I discuss relationships between the indigenous people and the internal armed conflict and the peace-building process in Peru.

Erica-Irene A. Daes (2000) has observed that the issue of the indigenous people is unique in international human rights law because other groups have realized the countries' "independence." Above all, the current principal unit in international society is a nation-state even in the era of advancing globalization. Figure 1 shows the actual model of these relationships and Figure 2 the ideal model.

Figure 1 Actual Model

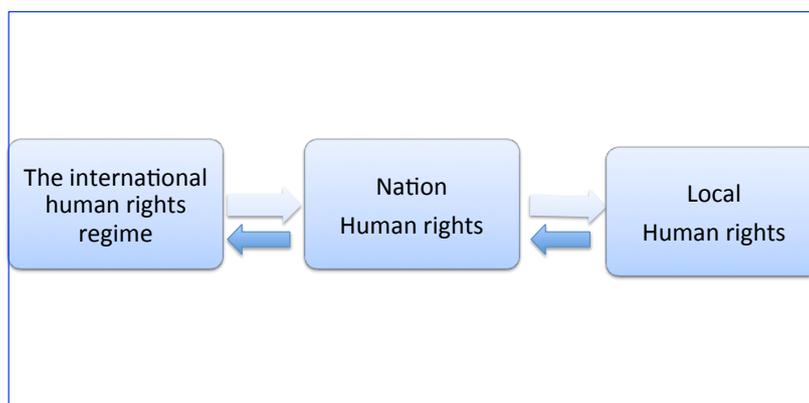
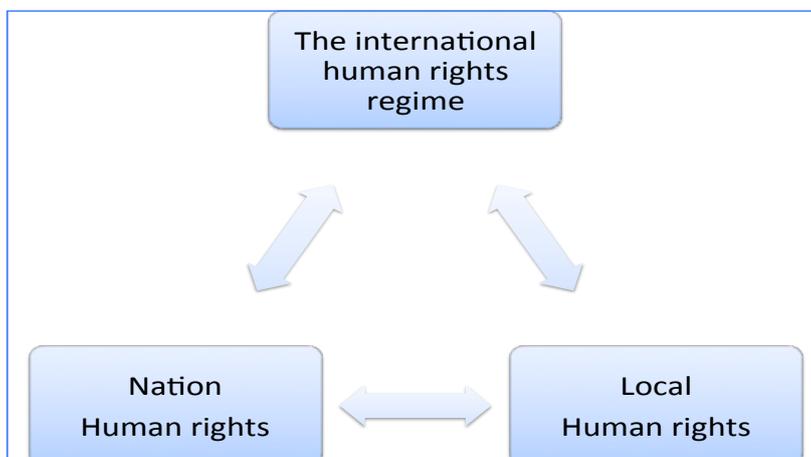


Figure 2 Ideal Model



## 2. Indigenous People in Peru

Peru, the center of the Inca Empire, has a population composed of many indigenous populations in comparison with other countries. Although *mestizaje* (mix) has advanced there, as a legacy of functioning as the Spaniards' base for South American colonization, racism is still strong.

Peru is divided into three geographical areas—*costa*, *sierra*, and *selva*—by the Andean Mountain Range that stretches 8,000 km (Figure 3). These geographical and ecological divisions connect with cultural and racial-ethnic differences to some extent. Lima, the capital of Peru, is located in the *costa* area. It has more than 9 million in population and was originally constructed by the Spanish colonizers. Thus, people of European descent and *mestizos* are concentrated on the *costa*. Conversely, the rural *sierra* has many indigenous populations. Finally, the *selva* is thickly peopled, where hunter-gatherer and shifting-cultivation groups have lived but are now interested in its natural resources. Divided by the high Andean Mountain Range, the *costa* and *sierra* Andean cultures differ remarkably.

Figure3 Map of Peru



In general, indigenous people have been defined as such because they constitute nations as well as native or original groups. In the process of Peruvian nation-building and national integration, the indigenous people of Peru have been recognized as *campesinos* or peasants. During the Peruvian Revolution, enforced by Juan Velasco Alvarado's military government (1968–75),

the term *Indio* was officially changed to *campesino*. Today, only the *nativos*, or natives, of the *selva*, or Amazonian area, tend to be recognized as indigenous people. However, most of the indigenous people in Peru speak the Quechua language and live in the *sierra*, or Highland Andes.

### **3. Indigenous People and Internal Armed Conflict**

Peru's internal conflict began in 1980, with an armed insurgence of the Peruvian Communist Party—Shining Path (Partido Comunista del Peru-Sendero Luminoso: PCP-SL). This group followed Mao Zedong's strategy, launching armed struggle from the rural *sierra* areas, next reaching the *sierra* cities, and finally gaining ascendancy over Lima. However, this imported strategy faced the vernacular characteristics of Peruvian society; the rural *sierra* areas from where the PCP-SL started their armed struggle were those of the indigenous people.

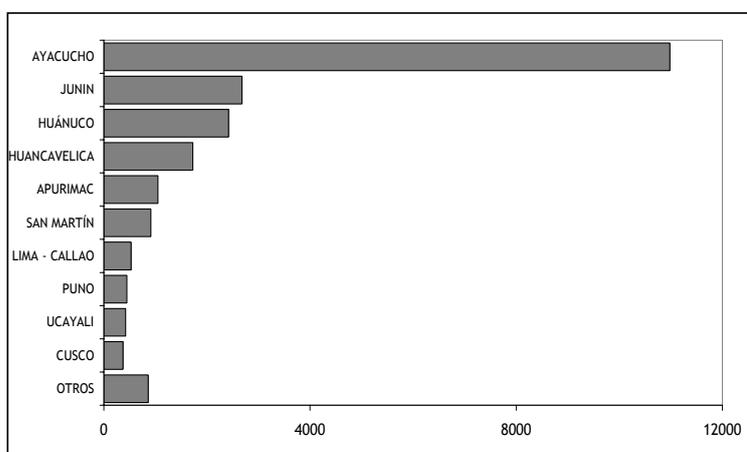
A professor of the national university (Universidad Nacional de San Cristobal de Huamanga) at Ayacucho city, Abimaél Guzman Reynoso led the PCP-SL. Thus, the PCP-SL's core members were young urban mestizos, especially students and faculty members. Ayacucho was one of the four poorest prefectures in Peru, where many indigenous people lived in its rural areas, and most of them spoke Quechua. Therefore, PCP-SL's core members and the people from whose area the PCP-SL launched their struggle differed in language, race and ethnicity, as well as cultural and social backgrounds.

After the PCP-SL increased its influence, at the end of 1982, President Belaúnde Terry decided to send the national army to the Emergency Declared Areas. A massive massacre by both the national army and PCP-SL began in the rural areas. The background of soldiers of the national army, sent from the *costa*, greatly differed from that of the indigenous people. It was difficult for them to distinguish between the indigenous people and members of the PCP-SL, a situation analogous to the Americans in My Lai during the Vietnam War. Beyond that, there was overt racism, resulting in the massacre of women, elderly people, children, and babies. Cleanup operations were enforced against villages suspected to be under PCP-SL control. Various villages disappeared, and people evacuated to other villages and cities (Hosoya2003, 2010, La Serna 2012, Theidon2012); many indigenous people became Internally Displaced Persons (IDCs). However, these refugees were likely to be regarded as terrorists due to racial discrimination.

According to the Final Report of the Truth and Reconciliation Commission (TRC) of

Peru, which investigated the period from 1980 to 2000, almost 70,000 people died or disappeared. Among them, 75% were speakers of indigenous languages, more than 40% were people of Ayacucho, where the PCP-SL began their armed insurgency, and 79% were inhabitants of rural areas. The five prefectures with the most victims (dead and disappeared) were located in the *sierra* (CVR 2003). (Figure 4) In short, this violence was closely related to racial and ethnic factors.

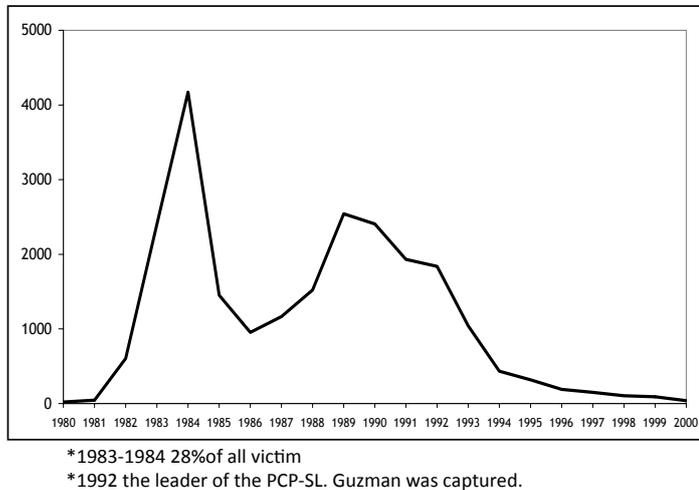
Figure 4 The missing and dead people during 1980-2000 according to *departamento*(prefecture) (TRC2003)



Furthermore, we should examine the relationships between Peruvian civil society and indigenous people, relating to the progress of the internal armed conflict. (Figure 5) There was a deep gap between the violent war experiences of the indigenous people and the protagonists of the Peruvian civil society, especially populations in Lima<sup>3</sup>. The PCP-SL declared their attack on Lima in 1988; in 1992, they implemented serious attacks on the middle- and upper-class areas in Lima, shortly before President Fujimori's *autogolpe*, or self-administered coup, in April 1992. In September 1992, the charismatic leader of the PCP-SL, Guzman, was captured. Consequently, the experience of this internal armed conflict and violence differed completely between the people of Lima, who were white and mestizo, and the indigenous people of the *sierra*. For the people of Lima, human rights violations committed by Fujimori (1990–2000) during terrorist suppression were much more important.

<sup>3</sup> Before the conflict, indigenous people also did not identify themselves as Peruvian: It was “we” versus the Peruvians.

Figure 5 The missing and dead people during 1980-2000 according to year (TRC2003)



#### 4. Transitional Justice and Peace-Building in Peru

This diversity of experience among groups has influenced the transitional justice and peace-building process in Peru. The TRC did not include *any* indigenous people as commissioners despite the large numbers of indigenous victims. Furthermore, some opinion leaders questioned the TRC’s investigation of the period of democratic governments (Cueva 2006:77), which meant that the TRC required to investigate only Fujimori (1990–2000) and not Belaúnde (1980–1985) and Alan Garcia (1985–1990). Related to these circumstances, the final TRC report divided its investigation period between pre-1992 when Fujimori conducted the *autogolpe* and post-*autogolpe*. The former governments were defined as democratic.

In addition, Beatriz Alva Hart, a TRC commissioner, confessed that she had no knowledge of the events in the rural *sierra* areas until she became a commissioner (Skylights Pictures 2005). This perspective is not uncommon for the middle and upper classes in Lima<sup>4</sup>. In fact, Hart’s confession is reminiscent of the famous Argentinian film *Official History*, in which the protagonist, an upper class wife, had no knowledge of the “disappearing” of people during the “Dirty War.”

#### 5. International Trend of Transitional Justice in South America

<sup>4</sup> I argued this gap with an analysis of the incident of Uchuraccay (Hosoya 2003, 2012, 2013).

This domestic chasm between experiences of Peru's internal armed conflict articulated a trend of international society. There were two leading transitional justice cases preceding that of Peru—Argentina and Chile. Under Argentine military governments and General Pinochet's military dictatorship, many people disappeared or were exiled<sup>5</sup>. Therefore, the transition to democracy influenced measures for transitional justice in South America<sup>6</sup>.

“Justice Cascade,” the term of Sikkink (2011) influenced Peru in a particular manner. Fujimori was arrested in Chile, while on his way to Peru to contest the 2006 presidential election; he was sentenced to 25 years in prison on April 2009. Conversely, Alan Garcia became president of Peru from 2006 to 2011, and is currently preparing for the next presidential election in 2016. However, unlike other countries in South America, Peru had an armed insurgency group, and furthermore citizens were victimized more under the democratic government than the “authoritarian” government.

On the other hand, the individualization of responsibility for war crimes has become an international legal trend after the Second World War, as epitomized by the Nuremberg and Tokyo Trials. The lawyer of APRA (Partido Aprista Peruano, Alan Garcia's political party) who participated in writing the TRC final report might have considered that the ICC could not prosecute groups. For this reason, probably, when it reported the massive massacre of prisoners in 1986, it indicated the possibility of the APRA's responsibility, but excluded Alan Garcia's name, in contrast to Fujimori's cases.

## **6. The Peace-Building Process and Indigenous People**

A crucial problem later for the Peruvian TRC was the lack of institutionalization. In general, a truth commission is only temporary, dissolving after the presentation of a report (Hayner 2001). However, to be effective, a truth commission requires institutions to follow up on its work, for instance, with continuous investigations of truth, searching for those disappeared, exhumation of the dead, and reparations. Contrary to its name, the Peruvian TRC did not work on reconciliation,

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<sup>5</sup> These countries also aligned with the military governments of Uruguay, Paraguay, Bolivia, and Brazil through Operation Condor against communists.

<sup>6</sup> Moreover, several protagonists of the transitional justice of these countries also played important roles in international society: Juan Méndez became a founder of the International Center of Transitional Justice, and Luis Gabriel Moreno Ocampo became the first Prosecutor of the ICC.

but it is likely to be regarded as successful because of Fujimori's criminal trial and conviction.

One of several unsettled issues after the TRC is the exhumation of secret graves (Figure 6). The TRC registered 4,648 secret graves, but exhumed only 3 during their investigation. Until 2012, a government group had exhumed less than 20 gravesites. Investigations of secret graves are politically more difficult than financial problems (Hosoya 2013). One of the remarkable cases is Los Cabitos<sup>7</sup> in Ayacucho. Los Cabitos is a military base located in the suburbs of Ayacucho City, and during the 1980s and early 1990s, many people disappeared from there. According to the government team's investigation, more than 100 bodies were found related to events and disappearances in 1983. There was even a furnace for human bodies (Figures 7 & 8). Nevertheless, investigations have not advanced.

The TRC attributed 54% of deaths and disappearances to the PCP-SL. However, some NGOs dedicated to exhumation suppose that if the exhumation of secret graves advances, this percentage may change to reveal that the state entity has responsibility for more victims (Figure 9).

## **8. Conclusion**

As we have seen, colonial legacy is a living ghost, still evident in the internal armed conflicts of today. In the case of Peru, various former Emergency Declared Areas have returned with drug trade problems and corruption, similar to those in Colombia. A recurrence of conflict in countries where peace-building was once conducted is a crucial theme in peace and conflict studies. In conclusion, besides seeking global justice, we need contextualization of diverse and contradictory justices, a process to which anthropology could significantly contribute.

### **<Acknowledgement>**

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<sup>7</sup> El Cuartel 51

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