

**An Assessment of the State of  
Democratic Consolidation and Governance  
in Guatemala: Late 1996**

**Summary**

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## I. INTRODUCTION

### A. Peace and Democracy

The Republic of Guatemala is poised at the brink of an historic opportunity for self-redefinition. After forty-two years of tragic history, the opportunity to create an open, inclusive, competitive and participatory polity beckons. An important transition began in 1984-85 and has accelerated between 1993 and 1996, but is not completed. In 1996, for the first time in decades the consolidation of democracy in Guatemala is conceivable. Yet that is far from a certain outcome. It cannot be assumed that all Guatemalans with access to political resources will wish the post-1985 change to be sustained.

Yet an opportunity for democratic consolidation has been won by Guatemalans (not foreigners). Guatemalans have taken charge of their own destiny via the negotiation of agreements on political structures with which to address centuries-long patterns of socio-economic exclusion from the benefits of economic growth. In the Guatemalan case, the bargaining was longer and organizationally more complicated than elsewhere in Central America, leading to elaborate Peace Accords which were finalized at the end of 1996.

Crucial moments in this process include the election in 1985 of a Constituent Assembly and the consequent approval of a new Constitution in the same year; the election of civilian presidents in 1985, 1990, and 1995; the coalescence of domestic actors (businesspeople, academics, activists, NGOs, junior military officers) and international actors (international organizations, foreign governments, international counterparts in the NGO community) to mobilize resistance successfully to an attempted *autogolpe* by President Jorge Serrano in 1993; the succession of the Human Rights Ombudsman, Ramiro de León Carpio, to the presidency to fill out the term of Serrano; de León Carpio's *depuración* ("cleansing" of corrupt officials) of the Congress and Court System via referenda and special elections in the balance of the Serrano term; and President Alvaro Arzú's energetic moves to assert civilian control over the military and to clean out corruption in state agencies in 1996.

Among the most hopeful elements in this post-1985 process have been the signing of a Framework Agreement for the Resumption of Peace Negotiations in January 1994, under the aegis of the United Nations as moderator, and the signing of six subsequent "substantive" Peace Accords. Taken together, these six agreements and the "implementing accords" which followed, provide a point of departure for as thorough a reconstruction of Guatemala as could be imagined. The political system could move from one based on fear, coercion, and corrupt insider trading to one based on popular participation, accountability of public officials (including the military), the rule of law and meaningful elections.

The Peace Accords represent a threshold between the transition to democratic practices and the eventual consolidation of them. Scholars writing on democratization processes have proposed a

number of other analytical frameworks for addressing how democratic "consolidation" differs from "transition." Their point is that beyond an initial political liberalization and movement toward electoral processes, a number of other things have to occur for democracy to be consolidated. In essence, they argue is that "mere elections do not democracy make."

J. Samuel Valenzuela, for example, emphasizes that civilian authorities need to resist the claim of non-democratic, unelected elites that are to enjoy certain "tutelary powers" or that certain areas of public policy-making are to be reserved for them. Guillermo O'Donnell insists that consolidation of democracy in Latin America requires rooting out a propensity for "particularism" (favoritism to family, clan, clique, or village) which can coexist with formally democratic procedures. For consolidation to occur, a sense of democratic accountability must be generated among public office-holders and officials which would displace particularism. Guatemala has progress to make on many dimensions, if democratic consolidation is to occur.

## **B. Social Context**

The fundamental feature of the social context of Guatemala is that it is a multi-ethnic society (consisting of Maya, Ladinos, Garífuna, and a very small population of Xinca), in which cumulative disadvantages have accrued over centuries to indigenous peoples, especially the various Mayan peoples and the Xinca, in spite of the fact that the Mayans were collectively the majority during most of that time. Guatemala has, according to one source, the world's second most unequal distribution of income among 150 countries covered by the World Bank. That distribution of income is strongly correlated with ethnicity, rurality, gender and use of indigenous languages. The poorest of the Guatemalan poor are rural, indigenous women who speak no Spanish. And the highest concentration of poverty is in the most rural provinces. The three-fourths of Guatemala that is poor is mostly rural, but a million poor Guatemalans (of ten and a half million Guatemalans and seven million poor) live in cities. Among those rural poor, many live in highly isolated areas, days removed from Guatemala City even by car. Effective service delivery is a major logistical problem. As United Nations data reveal, in 1992 "46% of the Guatemalan adult population was illiterate, 6.3 million Guatemalans had no access to health services, and 3.7 million had no access to safe water."

Indeed, the traditional distribution of public spending in Guatemala was highly unlikely to produce improvements in human welfare or in equality. In 1990 Guatemala dedicated only 1.4% of its GDP to education -- the lowest percentage in all of Central America, one third of the percentage spent in Costa Rica on education, and one half of the comparable percentages in Ecuador and Perú, each of which has a sizable indigenous population. Guatemala's spending on public health, while not as abject as its spending on education, was in the lowest half the Central American cases. Given that the Ladino population is largely urban and the indigenous population largely rural, the urban bias of service delivery reinforced traditional tendencies toward maldistribution and exclusion of indigenous peoples. Public policy did little or nothing to correct this situation through 1995.

As a cease-fire was in place in 1996, public spending on health and education had improved to 1.41% and 2.22% of the GDP, respectively, but the projections for 1997 were once again toward an erosion of social investment in these areas, largely because of fiscal duress. On the positive side,

however, the geographic distribution of public spending projected for 1997 did foresee a substantial lessening of overspending on metropolitan Guatemala City (-24.5%) and substantial increases of federal spending in other regions (from 25.7% in the North to 44.7% in the Southeast). Since most government spending in Guatemala is federal spending, this reorientation could, if sustained, have an impact on the distribution of social welfare and opportunity.

The social context of the mid- to late-1990s was increasingly troubled by the perception of a crime wave - exacerbated in 1996 by a series of kidnappings for ransom. Citizen concern with insecurity was substantial in 1996. This is a concern that may unite indigenous peoples and Ladinos, affluent and poor, urban and rural residents. However, it poses a challenge for democratic governance. In the absence of an effective policing and justice system, temptations grow to respond via extra-judicial solutions (among others, lynchings). Consolidation of democracy requires the rule of law, which both criminality and extralegal responses thereunto undermine.

### **C. Crucial Issues of the Peace Accord Era.**

#### **1. Background Question: What is the Political Community?**

The Guatemalan Peace Accords address the issue of a more inclusive polity through the agreement to a separate accord "On the Identity and Rights of Indigenous Peoples." This distinguishes the Guatemalan accords from those of neighboring El Salvador, for example. An effort is clearly made to establish the point that Guatemalan State is to serve indigenous peoples in a way that it never has before -- via language policy, educational policy, access to the justice system, protection of indigenous lands and the distribution of public resources in a host of ways.

The issue of "on behalf of which community" a new democracy is to be created is fundamental. New democratic institutions must both address the anxiety existing among ladinos and prove to be responsive to a sizable segment of the national community that has previously been excluded on the basis of language and ethnicity. That segment embraces somewhere between 42% and 61% of the national community. Given that the estimates of poverty in Guatemala embrace 75% of the national population, it is clear that a model of development must be devised which brings benefits to a sizable number of poor ladinos as well as to the overwhelming bulk of the indigenous peoples. The challenges confronting democratic institutions are substantial - including the elaboration of a model of development that distributes human welfare far more widely than has ever been the case in Guatemala while avoiding zero-sum conceptualizations of the interests of ethnic communities.

While not highlighted as fully by the Peace Accords, the issue of "whether women form part of the political community" is equally as central. In Guatemala, women register and vote less frequently than do men (18-20% gaps in reported registration rates, 19% to 23% gaps in reported voting rates). Women are elected to office far less frequently than are men (15% of the current Congress is female, the highest percent ever attained). Women are also appointed to office much less frequently than are men. Women attend school less extensively than do men (mean years attended: women 3.8, men 4.4; percent literate: women 47%, men 63%), thereby sacrificing access

to skill-acquisition and credentially which could permit formal participation in governance. Most importantly, women's interests have only begun to be addressed by the political system in a systematic way. Consequently, while not as unsettling an issue to the privileged as is ethnicity, envisioning a political community that invites women and Mayan peoples to set an agenda for discussion and to be major voices in making public policy is a challenge that precedes democratization. Without an inclusive vision of the political community, any democratic institutions created will be attenuated and likely to atrophy, rather than to grow.

**2. Eliminating the Coercive Use of Force.** An overarching challenge to democratization in Guatemala is to eliminate the coercive use of force for illegitimate purposes. Two dimensions might be identified to this challenge.

a. First are the interrelated questions of creating the rule of law, ending impunity for public officials (including those in the police and military) who violate the law, and ending personal insecurity for common citizens, who are increasingly, in the post-war era, subject to non-state violence and abuse of their rights as citizens. This issue embraces a host of complex issues in the administration of justice: (i) engendering cooperation and coordination among public agencies which have rarely cooperated in the past, (ii) eliminating corruption and abuse of power by agents within those institutions, (iii) holding public officials accountable so that public confidence will grow in the institutions of governance, (iv) developing technical capacity in institutions, such as a new National Civilian Police, and supporting/protecting institutions sufficiently so that honesty can be expected, (v) generating a multi-faceted strategy for providing immediate and longer-term responses to crime which do not violate civil liberties but which reduce its incidence, and (vi) finding a way to articulate a reconstituted formal justice sector with customary dispute-resolution procedures of indigenous peoples.

b. Second is the issue of civil-military relations. The September 19, 1996 Peace Accord called for restricting the military to a function of defending national boundaries from foreign threats, and other purely military functions. The Peace Accord calls for the reorganization of the current security forces into a National Civil Police and the creation of a civilian intelligence service under the control of the President, both of which would represent significant decreases in the military's traditional role. Also contemplated is the possibility of appointing a civilian Minister of Defense, which has never previously happened. The September 1996 Peace Accord calls for the military to be reduced in numbers by one third by 1997 and the military budget is to contract by one third by 1999, with the accrued savings going to social spending on health and education. However, local communities throughout rural Guatemala contain ex-military commissioners and demobilized members of Civil Defense Patrols (PACs), whose continuing presence can easily occasion fear. Establishing civilian control over the military is crucial to abolishing the climate of fear that reigned between 1954 and 1995, and which has certainly not faded entirely in 1996. Reigning in the military, as required by the September 1996 Accord, will take continuing political will by civilian leaders.

**3. Creating a Climate for Democratic Participation.** To consolidate democracy in Guatemala, fear must be removed and a climate propitious to citizen participation must be generated.

Indeed, a culture of political efficacy (the belief that one can influence government institutions), political tolerance and trust in government institutions (or system support) must be developed. But for that to happen, both citizens, office-holders and institutions must change. The interaction between citizens and institutions is central. Unless traditional patterns of interaction change, the opportunity for democratic consolidation could easily be lost.

a. Among the opportunities created by the accelerating political opening of the post-1986 era has been the explosion of groups in civil society, particularly the growth of non-governmental organizations (NGOs) of various types. Both the Peace Accords, a "Washington Consensus" among international donors emphasizing state shrinking and "privatization of social policy," and a rethinking of political ideology on the left (reconceptualizing democracy in terms of local access and local organization to provide inputs to local government) has led to the emergence of a seeming consensus on the utility of NGOs as a vehicle for interaction with a state that is to be decentralized, after centuries of overcentralization. A reform of Guatemala's standards for attaining legal status (*personería jurídica*) in 1993 led to a dramatic acceleration of the rate of registration. While the exact number is difficult to track, current totals could easily approach 2000. The Peace Accords emphasize the role of NGOs explicitly. One of the most central themes is that of strengthening of municipal governments and of an enhanced role for NGOs representing indigenous peoples and women in interacting with local governments via agencies to be (re)created such as "municipal development councils." While a healthy development, the challenge is in making certain that NGOs actually represent citizens and that the state (through municipalities, regional or national government agencies) actually provides substantive responses to organized citizen inputs from the NGOs.

b. The corollary issue to the NGOs is the probity, transparency, and responsiveness of state agencies. Even though the Peace Accords call for enhancing local government, state agencies at all levels must be reformed. Citizen confidence in Guatemalan institutions, while increasing between 1993 and 1995, remained quite low. On a 100 point scale, a national sample in 1995 rated institutions poorly: human rights protection (32), Congress (39), Army (42), Ministerio Público - similar to the office of the Attorney General in the U.S. (46), Courts (48), Supreme Electoral Tribunal (51), Office of the Human Rights Ombudsman (54). Unless local government, like Congress, the courts and other agencies, provides "channels" of citizen access and increases the transparency of the process by which decisions are made, citizens will remain suspicious. In order to transform citizen attitudes toward the government, those who govern must transform their own attitudes toward citizens. A democratic culture begins with an elite that believes in the rule of law and which is sufficiently adept and self-confident to hold itself accountable to a public trust. Guatemalan democratic culture has been in formation since 1986, with accelerations occurring in 1993 and 1996. But the depth of institutional reform needed is fully as profound as in Eastern Europe or the former Soviet Union. Virtually no governmental institution in the old Guatemala worked as it should have in a democratic polity.

## **II. Non-State Political Actors**

### **A. Civil Society Organizations**

Since the democratic opening in 1985, Guatemala has witnessed the revival of a variety of organizations within civil society. In the mid- to late-1980s, absent the existence of leftist political parties, many of these groups became the principal protagonists on the left in opposition to government social policies and human rights abuses. By 1990, organizations also became directly involved in the nascent peace process, known as the Oslo Process, by which different sectors (popular, labor, business, religious, political parties, etc.) met with the URNG to discuss the search for a political solution to the armed conflict.

Against this background, the Framework Agreement of January 1994 that initiated the UN-moderated peace process called for the creation of a Civil Society Assembly (ASC) to discuss the substantive agenda of the peace talks, draw up consensus documents (which would not be binding) and transmit them to the government and the URNG. The ASC was constituted in May 1994 under the leadership of Msgr. Quezada Toruño, who was "conciliator" of the prior process from 1991-1993, and after six months of intense activity produced documents on each of the substantive issues, completing them far in advance of the actual negotiating process itself.

The groups that made up the ASC represent perhaps the most diverse collection of organizations yet seen within a single entity: political parties, religious, labor and popular, Mayan organizations, women, journalists, NGOs, research centers, human rights, and academics and other professionals. Notably absent, however, was the participation of the private sector, which had declined to join the ASC in part due to fears that its composition was tilted to the left.

The future of the ASC is uncertain; although their original mandate calls for the ratification of the agreements reached between the URNG and the government, the ASC has elaborated various proposals for its continued existence in order to monitor, and even participate in the implementation, of the peace accords. Among some of the more significant actors, active within--and apart from--the Civil Society Assembly are Mayan groups, the popular movement, women's organizations, human rights groups, and development-oriented NGOs.

The major Mayan umbrella organizations have, since 1994, formed the Coordination of Organizations of Mayan People of Guatemala (COPMAGUA), which represents the different Mayan organizations of the ASC, and which is charged by the Indigenous Accord with the responsibility of convening other organizations to participate the joint commissions to be set up. Most groups fall within two tendencies: one which has its roots in the popular struggles of the 1970s and 1980s, and which tends to identify more clearly with leftist political organizations, and the other, sometimes known as the "culturalists", for their emphasis on Mayan cultural values and the importance of transforming the state to incorporate such values. The demands of both groups, however, are often perceived as radical by Ladino elites. Although in broad terms these groups are representative, they still do not encompass organizational structures at a local level throughout the country. Many of the Mayan NGOs which work at a regional level in development assistance are affiliated with Council of Mayan Organizations of Guatemala (COMG). Other important national level Mayan entities include the Council for Mayan Education (CNEM), which promotes bicultural, bilingual education, and the Guatemalan Indigenous Development Fund (FODIGUA), a relatively



new, and still not completely incorporated, social investment fund that is run out of the National Peace Fund (FONAPAZ).

The so-called "popular movement" consists of those labor, peasant and rights-oriented groups (such as the Mutual Support Group [GAM] or the widows' group CONAVIGUA) which have by and large carried the leftist banner during the past decade. Until the last few years, most of these groups would most clearly be found in the Unity of Popular and Labor Action (UASP), around which coalesced many of the more visible social protests of the past decade. This group achieved high-profile representation in the Civil Society Assembly, and many went on to become candidates for the New Guatemala Democratic Front (FDNG), a leftist political party, in the 1995 elections. Within the short span of two or three years, the popular movement has moved from a more confrontational posture vis-a-vis the state and its institutions to one of engagement with, and participation in, its institutions at both the local and national level. Through its participation both in the ASC and in the electoral realm, the popular movement has gained important new political skills.

Women have played key leadership roles in the emergence of civil society organizations over the past decade; but only in recent years have organizations formed to promote a wide-ranging pursuit of equity for women. These groups, though largely ladina, urban and small in membership, have nevertheless managed to make their voice heard in public policy. Women's groups also succeeded in gaining representation in the Civil Society Assembly, where their efforts undoubtedly contributed to the inclusion of specific references to equality for women in the peace accords approved thus far. The participation of various groups in the Beijing Conference and the activities of the *Defensoría de la Mujer* of the Human Rights Ombudsman's office are other clear signs of an widening sphere of participation by, and for, women.

Human rights groups (defined here as organizations whose principal work is legal rather than political) are largely a product of the 1990s. Two of the most respected organizations, the Archbishop's Human Rights Office and the Myrna Mack Foundation, were only formed in 1990 and 1992, respectively. Unlike citizens' or victims' groups formed during the mid- to late-1980s to engage in more public protests of human rights violations by the state, these groups have begun forcing reform of the legal system and security apparatus by more directly engaging state institutions, both through the patronage of key cases in the legal system and by proposing specific legal reforms. However, as the political moment moves rapidly from that of confrontation to engagement for victims' organizations, the latter are increasingly adapting with these same techniques, albeit with limited technical capacity.

No one really knows exactly how many non-governmental organizations (NGOs) exist in Guatemala, nor is there any agreement as to how to define them. But whether they number in the hundreds or the thousands, NGOs--especially those involved in development activities--are emerging as increasingly important actors within the peace process. This is especially the case given the government's decentralization policies, in which health and education services are to be run by non-governmental entities, especially in rural areas with little or no presence of the state. The NGO community is well aware of their deficiencies and are currently engaged in seeking international

assistance for help in improving their monitoring, evaluation and administrative efficiency.

## **B. The URNG**

After more than thirty years of clandestine guerrilla activity, the most recent incarnation of the guerrilla movement, the URNG (comprised of four leftist factions that formally allied in 1982), is preparing itself to enter into the political life of the country. With the signing of the final peace accord, URNG commanders and their troops (said to number between 1,000-3,000) will begin the difficult transition from the highly regimented lifestyle of the gun-toting guerrilla to that of the ordinary citizen of the Guatemalan republic. If the demobilization and reintegration of rebel forces in other post-conflict situations are any example, the rebel rank-and-file can be expected to face significant challenges in reconstructing their personal lives as civilians.

While it remains to be seen what level of political support the URNG may enjoy, it appears that the FDNG's relatively successful showing in the 1995 legislative elections definitely encouraged the URNG leadership to reconsider the possibility of achieving reforms through electoral means rather than through negotiations. That factor, plus the indications of good will demonstrated by the Arzú administration (namely, the purging of corrupt and abusive military and civilian officials), apparently motivated the URNG leadership to forego making more dramatic demands at the negotiating table in favor of a more rapid finale to the peace accords. By ending the process in late 1996, the URNG thus leaves itself almost three years to begin the slow, arduous process of rebuilding their political base throughout the country, with an eye toward the 1999 general elections.

## **C. Business groups**

The dominant organization representing business interests in Guatemala is CACIF, the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations, founded in 1957. Conventional wisdom has long held that there are essentially two tendencies within CACIF: the first, represented by the agribusiness, coffee growers and cattlemen's organizations, and which includes the majority of landowners, which is traditionally more anti-communist and inflexible in allowing for changing social structures and norms (for example, with respect to indigenous rights); and a second, linked to the producing, financial and commercial chains involved in non-traditional exports, and new generations of entrepreneurs specializing in management techniques. As recently as 1990, one USAID document noted that CACIF was controlled by the agricultural elite, together with the urban industrial elite.

CACIF has become more directly and publicly involved in the peace process and in issues of governance in recent years. The most notable instance was their important efforts at the time of the *autogolpe*, a move they roundly condemned and organized (in alliance with others) to reverse. Despite its refusal to participate in the Civil Society Assembly, CACIF also created a peace commission to deal with issues in the peace talks, especially those related to the discussion of socio-economic issues.

## **D. Religious institutions**

The Catholic Church, often said to be the only institution other than the military with a truly national presence, has played a key role in human rights and the peace process in recent years. Besides supporting the role of Bishop Quezada Toruño as the Conciliator of the dialogue process during the Serrano government, and as convener of the Civil Society Assembly, the Bishops have produced several important pastoral documents on issues of land tenure, the indigenous question (in which they formally apologized for the Church's role during the colonial period), and the peace process. One important project of most, but not all, dioceses is the "Recovery of Historical Memory" project (REMHI), which will provide a series of reports analyzing the violence suffered by the civilian population during the war, using some 300 local catechists and other church members to gather testimonies throughout the country.

Guatemala is distinguished by having the largest percentage of Protestants in all of Latin America, although the politics of counting lead to politically motivated over- or underestimations. Suffice to suggest that between twenty and thirty percent of Guatemalans are *evangélicos* (as they are known in Central America). Both the political left and Catholic right are particularly concerned about the growth of Protestantism, the former because they fear that the *evangélicos* will be a tool of the U.S. fundamentalist right (and of the worst features of U.S. foreign policy) while the Catholic right fears for its hegemony and sees the "growth of the 'sects'" as evidence of U.S. cultural imperialism.

## **E. Labor**

Labor unions are especially weak in Guatemala, currently representing only about 3% of the work force and having been on the front line of repression suffered in the late 1970s and early 1980s. Since that period, when there was a marked radicalization of many labor and popular organizations in favor of the revolutionary struggle, the labor movement has yet to recover. There are three major labor federations (of Christian Democratic, social democratic and left/popular inclinations), but there are few signs of growth in any of them. Beginning in the mid-1980s, several public-sector labor unions have emerged; even though this organizing has allowed for the defense of bureaucratic interests, it has been subject to the whims of firings and privatization. Another difficulty for labor resides in the fact that they are most strongly organized in the public sector, which are targeted for layoffs and privatization.

Moreover, the government has taken a relatively tough line against public-sector strikes by passing an anti-strike law for public sector employees deemed "essential" by the state, defined very broadly in the law. This raises the specter of occasional labor unrest, such as occurred in June 1996 when unionists took over the Congress in protest of this law; in a stunning reminder of the lingering dependence of civilians on military force, the army was called in to clear the demonstration. In many other cases, the Arzú administration were able to avoid costly strikes through negotiations.

## **F. Rural Indigenous Poor and Rural Women**

Few data are available as to trends in the level of organization of the rural indigenous poor,

including women, but their socio-economic conditions are widely seen as an impediment to national development not to speak of participation in the development of their own communities. The proliferation of betterment committees in *aldeas* throughout Guatemala involves many from this category, and in different communities they may also be the subject of organizing by various political parties or popular groups. Nevertheless, the statistics regarding their socio-economic status speak eloquently about the tremendous obstacles faced by this stratum of society.

Among Central American countries, Guatemala has the lowest rate of life expectancy and the highest illiteracy rate. As previously noted, in 1990 an estimated 75% of the national population was poor, with the incidence of poverty and extreme poverty even higher in rural areas among the indigenous population. Disparities in education can be noted by comparing the average schooling of indigenous persons in the work force (1.3 years) with that of non-indigenous persons (4.2 years). In rural areas, 47% of women are illiterate as compared with 34% of rural men. Rural women also carry the larger load of unremunerated family work, with 35.6% of women's time being in this category, as compared with 24.3% of men's time. Clearly, there are inequalities which, if perceived as "grievances" could become the basis for socio-political organization.

## **G. International Actors**

The international community has accompanied the peace process especially since the involvement of the United Nations as moderator and verifier of the accords. In the January 1994 Framework Agreement, a "Group of Friends of the Guatemalan Peace Process" was formed to support the process in any way possible. The members of the Group of Friends include Spain, Venezuela, Colombia and Mexico (the same group which accompanied the Salvadoran process), along with Norway and the United States, two other countries with an historic interest in Guatemala.

The United Nations Human Rights Verification Mission in Guatemala (MINUGUA), the most prominent international actor on the Guatemalan political scene, was established in November 1994 with the mandate to verify the human rights commitments of the parties under the Comprehensive Human Rights Agreement signed in March 1994. Its very presence was seen as a huge concession by the Guatemalan military (whose nationalism, it is said, rivals only that of Cuba in this hemisphere), but was left with no real possibility of rejecting it. The Mission, with experienced personnel from other human rights missions in Haiti and El Salvador, quickly mounted some 13 regional offices and subregional offices, whose principal task has been to verify human rights complaints. Like other missions, the UN presence has principally had a dissuasive effect on human rights abuses, and popular, indigenous and peasant groups are perhaps the sectors most enthusiastic about its work, which they feel provides them with a unique, albeit temporary, form of protection. Many FDNG activists have noted that their participation in last year's electoral process, and the relative lack of political violence associated with that process, is attributable in great part to the watchdog role played by MINUGUA.

An important novelty in the design of MINUGUA is that, at the same time it is verifying the behavior of state institutions charged with the protection of human rights (principally the police and judiciary), it is also mandated to fund programs for the strengthening of those institutions.

MINUGUA personnel have found that these activities reinforce the work of persons in favor of reforming state institutions from within. In turn, MINUGUA's ability to peek inside the institutions has also contributed to a more nuanced diagnostic of the problems Guatemala confronts than they would have gotten solely from their verification mandate.

### **III. Key State Institutions or Arenas of Interaction.**

#### **A. Executive Branch**

The Guatemalan presidency has undergone a number of important changes since the failed *autogolpe* of President Serrano Elias in May 1993. One of the characteristics of the presidency which has evolved rapidly under the Arzú government was his ability to break with the tradition of relying on military advisers, and the *Estado Mayor Presidencial* (EMP) in particular, for ongoing counsel on matters of state.

Arzú also undertook an unprecedented (and hitherto almost unimaginable) campaign to weed out corruption within the state bureaucracy. While attacking the Customs Agency may wind up being economically worthwhile (customs revenues quadrupled within a week in some ports), it nevertheless represents an important step toward creating a climate of accountability, and may eventually lead to restoring some degree of citizen confidence in the otherwise poorly appreciated state apparatus.

Arzú and the PAN have a clear agenda for Guatemala, to a great extent laid out in the peace accords themselves. Among the key institutional challenges required to achieve success on his own terms are the decentralization and modernization of the state apparatus. Of necessity this will mean confronting head-on the corrupt and inefficient machinery of the state to a greater degree than has thus far been seen. Sustained political leadership will be necessary to implement reform of an entrenched "civil service," some portions of whom will resist making public agencies transparent and responsive to citizens.

#### **B. Congress**

Guatemala's legislature has been historically very weak and dominated by the executive branch. The Constitution allows for the Legislature, the President, the Supreme Court and the University of San Carlos, the national public university, to initiate bills in Congress. The number of laws presented in the past by legislators has been low when compared to those presented by the executive branch, and remains under 30% of the total. An experienced legislator recently lamented that "We have two ways of drafting laws: either we copy them from other countries or special interests provide text." As of late 1996, Guatemala's eighty congresspersons had no staff of their own and made virtually no efforts at constituency service. There was little connection to districts that one "represents."

The Congress is organized into Committees which are typically "staffed" with one clerical worker and one professional staff. Staff are usually untrained in drafting laws and the procedures for

moving laws through Congress. Most Congressional hearings are not open to the public and there is no port of entry for collective citizen input. Until recently, there has been resistance to transparency, perhaps based on a lack of knowledge of or self-confidence in the Congress' own procedures and responsibilities. National political parties represented in Congress do not typically serve a role of aggregating citizen interests. The historical weakness of the institution and the lack of expertise in the Congress inhibit its ability to act independently.

The Congress currently serving looks substantially different from Congresses of the recent past. The Congressional elections held in November 1995 were contested by candidates from 23 political parties covering the political spectrum. The results were significant because a new reform-minded party, the *Partido de Avanzada Nacional* (PAN), won control of the Congress and for the first time since 1951 a leftist party, the FDNG, won representation with six seats. The PAN holds an absolute majority in Congress with 42 seats, followed a personalist party, the *Frente Republicano Guatemalteco* (FRG), which won 22 seats. If the PAN can avoid schism, its majority should enable its legislative program to pass, although constitutional reforms will require assembling additional votes for an extraordinary majority. Twelve women and eight indigenous Guatemalans were among the newly elected. The inclusion of the legitimate left along with substantial showing of women and indigenous leaders makes this Congress unique in the past four decades. That uniqueness is reflected in a substantial commitment across the political spectrum to work on a non-partisan basis to rebuild the Congress as a model democratic institution.

Leadership turnover is a troublesome issue. The current arrangements provide for rotation in the presidency of the Congress and in committee leadership every year. Worse yet, staffs associated with congressional commissions change yearly with the rotation of leadership. Currently, organizational practices are almost guaranteed to undermine institutional memory. The only mechanisms that might work toward continuity are (i) party discipline, and (ii) staff support, which, while currently weak, is being developed by a Congressional modernization project supported by international donors.

A final challenge to the Congress is that the public expectation and demand for legislation may well exceed its current capacity to respond. There is an enormous backlog of legislation left by previous Congresses, who were either unable or unwilling to act. This demonstrated incapacity, and a sense that Congresspersons have traditionally enjoyed impunity for acts of corruption, probably contributes to the low degree of confidence that the public accords to the body. Events in 1996 may have begun to turn that image around. But the number of laws anticipated and the complexity of legislation required as a result of the Peace Accords can not be underestimated.

### **C. Judicial System**

The prospects for significant reform of the Guatemalan justice system have probably never been better. The impetus of the Peace Accords, a reformist administration in power, and a succession of favorable events within the justice system itself make change possible.

Within the past four years, the criminal procedure code was thoroughly modernized, and the

prosecutor and public defender functions are being vastly expanded and professionalized to meet their changed roles thereunder. Although not yet as radically transformed, the credibility of the judicial branch has been improved by a complete changeover at the Supreme Court.

The pre-reform system had proven incapable of effectively investigating and prosecuting human rights abuses. Now, while human rights abuses remain of major concern, the system must deal with a mounting wave of common crime. The Peace Accords emphasize the additional challenge of improving service to the heretofore marginalized indigenous population.

The most prominent justice system challenge of the past decade, to investigate, prosecute and punish *human rights abuses* effectively, may be abated but is still present. The vulnerability of the system to manipulation through bribery or intimidation by powerful people in the military, the government, or the private sector, has been reduced but not yet eliminated and affects the prosecution of *common crime* as well. The technical competence of the prosecutors and police in criminal investigation has been strengthened, but still leaves much room for improvement. The failures of the justice system in serving *the needs of the indigenous population* have been brought to the fore by the Peace Accord negotiations.

With the return of elected government to Guatemala in the mid-1980s, reform became possible in the justice system. While the system's reputation and performance were clouded by rampant corruption, incompetence and inefficiency, court leadership had passed to a distinguished academic jurist who was interested in reform. Significant reform of the criminal procedure code was enacted in 1992 and became effective in 1994. These measures opened up the system through oral proceedings to much increased transparency and accountability. Further they enabled the system to enhance competence through increased specialization. The judge's role became one of presiding over the trial and applying the law. The responsibility for directing investigation was assigned to the hitherto underemployed prosecutors. Previously, judges had handled investigatory functions.

Faced with increased responsibilities and the need for rapid organizational growth, the Attorney General's office, previously the weakest institution in the system, turned to USAID for assistance. USAID was able to respond with training (including training for judges as well as prosecutors) and with support for pilot activities in select focus centers. The purpose of the centers is to develop working models that bring the investigation, prosecution and judicial functions into the close working relationships necessary for effective and efficient dispensing of justice. Pilot focus centers have been located in Quetzaltenango and Zacapa have been well-received by participants.

Equally as important as prosecutors to criminal investigation are the police, yet the reputation of the police for incompetence and corruption had been no better than that of the other agencies of the criminal justice system. Since the mid-1980s the National Police have been open to assistance in professionalizing their ranks and improving their skills in criminal investigation. Pursuant to U.S. legislative mandate, ICITAP has been the agency to respond to that need, and has provided substantial support for the Police Academy in both training and equipment. The September 1996 accord calls for reorganization and centralization of all police functions into the National Police, renaming it the National Civilian Police.

The new criminal procedure code is a major reform which is yet to be substantially implemented. Full implementation will require massive improvement in and expansion of physical and organizational infrastructure, probably implying financial costs far beyond the comprehension of those who supported and enacted it. Of necessity, implementation will be imperfect and incremental over a period of many years, which does not mean that it should not be pursued and supported. For international donors, beyond the important benefits that the new code will provide within Guatemala, this reform provides an opportunity to support a worthy model for what could be accomplished in other similarly situated countries.

While Guatemalan efforts supported by the USAID-financed training and technical assistance are starting to show impact on the performance of the prosecutors, particularly in the demonstration focus centers, the Attorney General's office is still woefully short of providing adequate coverage even to the Ladino portion of the country. Extending and sustaining throughout the country the coverage and competence developed in the pilot activities will depend heavily on development of real Guatemalan capacity to carry out reforms.

The police are still essential partners with prosecutors in criminal investigations, which remain the most critical element in the justice system for dealing both with common crime and human rights abuses. The military's retreat from overt political power helps to relieve one factor which has encumbered investigation of human rights abuses, and of common crimes in which the military, as an institution or as individuals, have been suspected of complicity. But excessive interpretive weight may have been attributed to "conspiracy" and not enough to incompetence. The police are still woefully lacking in the skills required to be good criminal investigators.

The legal requirements of the new criminal procedure code, combined with the strengthening of the prosecution function, have accentuated the weakness of the public defender function. Heretofore dependent on the varying abilities and motivation of law students in meagerly supervised law clinics, the new code requires that this function be professionalized. An incipient public defender organization started within the court system will likely soon be a separate agency similar to the Attorney General. It must expand substantially to meet the needs for representation; and, for fairness of representation, its staff should be as well qualified as are the prosecutors. Experience elsewhere indicates that lectures and classroom training are far from sufficient. To develop appropriately high standards of performance and an organizational capacity to sustain such performance, on-the-job counselling by proficient lawyer/trainers is required. While the perception of corruption in the courts has been improved by the 1994 housecleaning, the court system has still to address its major problem of inefficiency in management and administration.

For a portion of the indigenous community, the courts and its agents are still foreign institutions staffed by foreigners speaking a foreign tongue. More interpreters will help in bridging the gap; but for a crime victim, or especially for a defendant, an interpreter is no substitute for representation and counsel by a lawyer who speaks one's language and understands one's culture. Similarly important would be linguistic skills and cultural understanding on the part of the judge.



#### **D. The Army and Civil-Military Relations**

The signing of the September 1996 accord on civil-military issues and the presidency of Alvaro Arzú have contributed measurably toward the establishment of civilian control over the military in Guatemala. Yet as scholarship on democratic consolidation has reminded us, the "failure to challenge non-democratic enclaves is not equal to democracy" and one of the challenges which must be addressed over time if democracy is to be consolidated is that of "reserved domains of policy-making" which are initially (in the democratic transition) "removed from the purview of elected officials."

From the mid-1980s, the effort by Central Americans to take charge of their own destiny (initially given structure in the 1986 Esquipulas II accords) has yielded a remarkable set of transitional events in Guatemala. While the democratic transition phase has taken longer in Guatemala than elsewhere in the region, the following things have happened during the presidencies of Ramiro de León Carpio and Alvaro Arzú.

- \* Military commissioners were abolished in September 1995. Up to 30,000 such commissioners existed at the height of the civil war. The Peace Accords gained their abolition; President de León Carpio was sufficiently strong, and the military leadership sufficiently committed to the peace process, to implement this initial step.
- \* President Arzú, twice in the first year of his presidency (1996), fired, forcibly retired or placed on "standby assignment" large numbers of senior military officers whose performance appeared not to accord with constitutional standards. He not only survived doing so, but appeared to gain in public stature for having done so.
- \* The Peace Accords called for the demobilization and disarming of the civil defense patrols (PACs) within 30 days of the signing of the definitive Peace Accord, but that process was already well under way in the summer of 1996. From 200,000 PAC members in June 1996, the estimated total remaining active was 60,000 by the end of October, looking toward demobilization by the end of 1996.
- \* The Sept. 19, 1996, Peace Accord called for a reengineering of the police into a National Civilian Police by 1999, and removal of the military from policing functions.
- \* The same Accord called for a downsizing of military force levels (within one year) and military budgets (within three years) by one third.

When summarized, the evidence of movement from a wholly militarized polity to a proto-democratic state between 1986 and 1996 has been considerable and impressive. Still, the consolidation of democracy requires the establishment of clear civilian supremacy, the removal of all "reserved domains" of policy-making privilege, the establishment of a rule of law, and a "satisficing" solution on the problem of impunity previously enjoyed by perpetrators of human rights violations.

## E. Political Parties, Civic Committees and the Electoral Process

Guatemala has universal adult suffrage, a matter of importance in a multi-ethnic society where not all citizens speak the *lingua franca*. The first "free and fair" election in the post-1954 era of Guatemalan came thirty one years later in 1985. As indicated above, the most recent elections were in November 1995 while the next presidential and congressional elections will be in 1999. Voter turn out has been extremely low. In 1995, despite a concerted registration and voter turnout campaign, registration remained low, while 53% of registered voters did not vote in the first round and a greater number (63%) of registered voters did not vote in the second round to pick between the top two presidential candidates. The proportion of the registered voters who actually voted in 1994 plebiscite to determine Constitutional reforms and legislative elections was an abysmal 21%.

Elections were administered by the non-partisan, permanent and independent Supreme Electoral Tribunal (SET), a strong institution which commands the confidence of about half the population. The elections were conducted with international observers who concluded that the election had been well managed by the Supreme Electoral Tribunal. So the problem of low voter turn out does not appear to rest with administrative issues, except for the placing of rural voting booths disproportionately in the municipalities, which increases travel and time costs for voters in outlying villages.

Important differences in gender, education, wealth and ethnicity can be found in patterns of registration and voting in Guatemala. On the whole, women are far less likely to vote than are men, a difference only partially accounted for by their lower registration rates. Less well educated Guatemalans are especially unlikely to register and to vote. Having even as few as four years of education makes a difference. Education seems to be stronger determinant of registration and voting than does wealth, although the two are correlated.

Political parties in Guatemala are notoriously weak in fulfilling the expected function of parties in democratic society, namely one of aggregating social demands for state policy makers, socializing citizens in democratic culture, and structuring political dialogue. These are roles that are essential to the consolidation of a democracy and are roles that have not and are not currently being played by political parties in Guatemala.

Historically, political parties were organized around specific personalities and run by elites. The larger parties were frequently created or coopted by the military. Until the emergence of the Christian Democrats in 1985, existing partisan options in the post-1954 era represented only a right of center ideology. And the Christian Democrats under President Vinicio Cerezo (1986-1990) proved equally unable to move to the left of center, as Cerezo's early reformist ideas were squelched by the military.

Internal party operations have not been democratic. Guatemalan parties operate with only a shallow membership base. Candidates campaign vigorously during the campaign period but virtually shut down party offices between elections. The electorate tends to vote for the personality

of the candidate rather than a political platform or policies perhaps because there have been so few examples of programmatically inspired governance. It is no surprise that Guatemalans expressed far less confidence in political parties than in any other democratic institution in the country nor that voter turn out is so low.

An alternative to political parties is emerging in Guatemala at the local level. In accord with the 1985 Constitution, civic committees (literally, civic committees) are allowed to run candidates for municipal offices. In 1995, the PAN captured one third of the 300 mayorships up for election. As the PAN is a former civic committee, it is clear that the civic committee movement has renovated the partisan spectrum in the country. Moreover, civic committees won 21 mayoralties and representation on more than 100 city councils, indicating that they represent an alternative to largely discredited political parties. At one level, the civic committees afford a positive resource for consolidating democracy. But the civic committees do not play two of the roles that political parties should play at the national level: aggregating social demands and structuring national political dialogue. They may provide positive socialization to political life. If the older parties are to survive in the long-run, they need to reform themselves to play the roles that the civic committees cannot.

#### **F. Regional and Local Government in the Peace Accords**

A very important feature of the Peace Accords is their commitment to promote participation at the local level based on the belief that consensus-building and responsiveness in governance can and should result. Prior to the post-1985 opening of the political process, the situation of local government had been dismal in Guatemala. Low or non-existent technical skills characterized municipal employees, a vertical and non-participatory culture existed (exacerbated by effective military governance in the most remote areas), poor coverage of public services, and dependence on (a low level of) fiscal transfers from the central government had been the norm. But with decisions made in the late 1980s, which have been reinforced and accelerated with the Peace Accords, much began to change vis a vis local governance. As a result of the Municipal Code of 1988 and other decrees reaching back to 1985, a substantial enhancement of municipal finance has occurred. In sum, for the first time in the history of municipal government in Guatemala, there is money to spend, and centralized authorities have begun to demand that decision-making processes at the local level occur with citizen input.

Beyond all that, in late 1996, the Permanent Commission for Municipal Affairs and the Commission on Decentralization, two committees in the Guatemalan Congress drafted reforms to the municipal code to carry out commitments made in the Peace Accords. The Peace Accords call for the new code to endorse local development councils in each municipality with full citizen participation. Development councils are envisaged (from 1997 on) as bodies that will review project proposals, as well as monitor and evaluate the execution of community projects financed with a new infusion of resources to municipal and departmental governments. The development councils were established at the regional, departmental, municipal and local level in the 1985 Constitution, but the latter were subsequently suspended. The Peace Accords revive local development councils. A 1996 increase in the sales tax dedicates a tenth of a ten percent tax to the regional and departmental development councils, which should provide them with a capacity to act heretofore not experienced.

Several factors have heretofore constrained full citizen participation in local government. Lack of resources with which to work and a tradition of indifference on the part of municipal authorities has resulted in the lack of confidence that Guatemalans, particularly indigenous Guatemalans, have felt about local government. The greatest failure, however, is that rural indigenous women have made virtually no inroads in gaining access to power at the local level. The National Association of Municipalities (ANAM) indicates that there is no indigenous female mayor, nor any indigenous female council member, among all the 330 municipalities of Guatemala. Such a condition is in clear contradiction to the intent of the Peace Accords. Clearly, much work remains to be done in incorporating indigenous females into political processes. Their multiple disadvantages (more often monolingual, with less education, more fully burdened with housework, and subject to disadvantageous family relationships in which spouses discourage independent political activity) have proven to be, heretofore, almost insuperable barriers to effective participation.

For both men and women, there are sheer physical difficulties to participation. Municipalities include a "county seat" (since municipalities in Guatemala are most like U.S. counties) and a series of small villages, often connected by extremely poor roads and non-existent or unreliable public transportation. Voting booths are often concentrated in the *cabecera municipal* ("county seat"), motivated by a desire to avoid intimidation by village strongmen. It takes extraordinary effort to mobilize rural, indigenous peoples for effective electoral action. NGOs have had some success at doing so, as seen in the results of the 1995 elections, but generally with some external resources.

With the frequency of reference in the Peace Accords for increasing citizen participation and devolution of decision-making and resources to the local governments, the time appears highly appropriate for the community of international donors to support activities that promote decentralization and greater citizen participation at the level of the municipality, as well as enhance the skills of mayors and councils in dealing with citizen groups. An opportunity exists for breakthrough reconstructions of municipal government and for a bona-fide "participatory enfranchisement" of communities that had been effectively disenfranchised for centuries. But unless help is given to mayors, councilpersons, others in municipal government and the NGOs that will structure input into their decision-making patterns, old habits of exclusion, secrecy and mutual suspicion will be hard to break.

## **IV. Relevant Political Dynamics**

### **A. Institutionalizing Openness and Participation**

Institutionalizing participatory mechanisms in "political society," organizing civil society, and creating routes for communication between the two are the larger issues in which integration of ex-combatants and displaced persons are enmeshed. Even for those Guatemalans not immediately affected by political violence (although it is hard to imagine a Guatemalan family that was not), organizational life and participatory mechanisms have been unduly constricted ever since the era 1944-1954. And that earlier era of political openness did not experience all the forms of citizen participation that can happen as we approach the millenium... the technological and organizational

landscapes have changed vastly since 1954.

In the abstract, two challenges occur. The first is to organize for effective expression of the interests and values of *groups never before well-represented in the making of public policy*. Such groups would surely include indigenous peoples and women, and might also entail urban informal sector workers. The second challenge is to give effective expression to the interests of *groups once included in political processes, then demobilized during the years of repression, and now subject to reactivation*. Such collectivities include organized labor (which never ceased to exist, but whose interests were held to be inimical to those of political elites) and those of rural workers organized in cooperatives or other forms of occupational organization.

Civil society programmatic interventions might well focus on these groups. If the central thrust of USAID/G-CAP Democracy Strategic Objective is to support, figuratively, the "political enfranchisement of the previously disenfranchised," then these are the categories within civil society toward which programmatic initiatives might best be directed. National level NGOs representing women and indigenous peoples represent special opportunities for civil society programming. Since women and indigenous peoples have been excluded from participation at the local level, working to enhance participation by both at that level will be a special target for assistance.

However, cooperatives and other forms of occupational organization may yield effective assistance to informal laborers found in both urban and rural settings. Cooperatives afford a particularly non-conflictual organizational framework for workers who have no employers, which may help members both to improve their economic productivity and provide a vehicle for expressing interests to the larger political system. Since many women (including *indígenas*) engage in informal economic activity, it is important to recall that women can be organized not only on the basis of gender but also on the basis of occupation, a category which is not infrequently "gendered."

Whatever the form, sustaining the organization of groups in civil society is a fundamental way to make political society responsive. A disorganized and atomized civil society is a society that cannot hold the politically powerful accountable. The miracle of the 1990s in Guatemala is that a vibrant civil society is seeking actively to organize itself. While the lead must always rest in the hands of Guatemalans, external support of the organizational deepening of civil society will be appropriate to the extent that it contributes to sustainable organization on behalf of widely-shared interests.

## **B. Role of International Donors in Sustaining Political Reform and Democratization**

According to the planning secretariat, SEGEPLAN, the cost of implementing the Peace Accords is estimated to be about \$2.3 billion. The government hopes to receive 73% of this total from the international community in the form of grants, loans and technical assistance. Most donors are currently in the process of making funding plans and commitments. Therefore, this report is only a snapshot of those plans, and of the donors within our view. Many donors are planning support in the same broad areas of USAID's democratization program. Coordination at the planning and implementation stages are essential to avoid programmatic duplications or contradictory strategies.

The Inter-American Development Bank (IDB) has announced that \$665 million in loans would be made during 1996-1998 for a wide variety of projects, some of which have no immediate link to democratization (such as \$150 million foreseen for highways investments, which might conceivably have an indirect effect on democratization via job creation that could ease social tension). But other IDB investments will have major direct implications for democratization. The IDB will invest in: (i) modernization of the judicial system (a \$300,000 pre-investment study foreshadows a much larger loan), (ii) social investment programs (\$42.5 million for the Fondo de Inversión Social, which make funds available for local governments), (iii) community reintegration for the consolidation of the peace (\$55 million in the "zonapaz"), and (iv) modernization of Congress (\$750,000). The World Bank is providing a loan for integrated financial management to help implement the tax reforms initiated by the Arzú administration, but is also looking to a much larger loan in the judicial sector. Among other international financial agencies, The International Monetary Fund (IMF) is looking to support macroeconomic policies.

MINUGUA, in addition to its Peace Accords implementation verification mandate, has planned to support a complementary set of institutional strengthening activities. The Organization of American States (OAS) plans to invest in economic development and currently has a conflict resolution program off the ground in three selected communities. Multilateral institutions will provide much needed support to the democratization process and implementation of the Peace Accords, although the duration of that interest remains to be seen. Much of it may be conceived as a short term (2-3 year) infusion of support to help consolidate the peace.

Bilateral donors are contributing to implementation of the Peace Accords and specifically to democratic development through a variety of programs as well. The European Union announced that it will provide about \$250 million in peace-related projects, including a program in support of street children. Norway has agreed to grant \$2 million to the UN High Commissioner for Refugees (UNHCR) which will add to the \$7 million already provided for repatriation of refugees. Denmark has provided \$334,000 to the UN Trust Fund in support of the Peace Process. The Canadians support a conflict resolution program as well as provide support for a legislative strengthening program. Their focus is on creating a "port of entry" for citizens' concerns and interests. In addition, the Canadian Government and some European foundations are funding initial work in the area of indigenous customary law, as is USAID via MINUGUA. Support for FEMICA (regional association of mayors - an advocate for municipalities) is received from USAID and other donors too.

Within the U.S. Government several players are involved. Apart from the USAID program supporting democracy, USIS supports a modest program which sends journalists and others to the US to study investigative journalism either through the Fulbright Fellowship program or through the Title IV program. In addition USIS has small amounts of funding to bring U.S. academics to Guatemala to train local journalists. The U.S. Department of Justice runs an ICITAP (International Criminal Investigation and Training Assistance) police training program with USAID funding. Some issues of coordination appear to exist vis a vis that program, which may currently be conceived as contributing to "improved police performance" without a sufficient nesting in the larger environment of "the role of the police in the enhancement of democracy." The Peace Accords

envision the creation of a national civilian police as an important initiative, so perhaps a justification for a wider conception of training might exist. The US Embassy complements the USAID democracy program by engaging Guatemala's leading decision-makers and opinion-makers on issues critical to the promotion of democracy. International Military Education and Training (IMET) and extended IMET programs for training military officers have been suspended for a number of years.

The need to coordinate during both the planning and implementation stage is underscored. In a country where political will is evident and a national development plan in the form of the Peace Accords exists, many multilateral and bilateral donors as well as foundations and NGOs will lend support. During the period 1997-2001, USAID/G-CAP will coordinate closely with other donors during program planning and implementation phases to avoid duplication of efforts and to ensure that contradictory strategies are not employed.

## **V. Summary of Assessment**

Much that is positive is occurring in the Guatemalan political process. Transitions to democracy and the consolidation thereof are often marked by critical moments. Since Guatemala's critical moment of May 1993, a uneasy but real coalition of civilians seeking to accelerate and to institutionalize democratic practice has been forged. The coalition has strains and embraces social groups with differing interests. But a wide array of Guatemalans now believe that there is paramount and overriding societal interest in creating a rule of law, respect for human rights, generating governmental institutions that are both transparent and responsive and having a more inclusive state. The government of Guatemala and the URNG have endorsed such beliefs in the Peace Accords signed between 1994 and 1996. President Alvaro Arzú's efforts to assert civilian control of the military appear to be bearing fruit, as those in charge of the military endorse a new and restricted role for the military institution.

Yet some social actors have interests which can be threatened in a democratic Guatemalan state. And others have an interest in not investigating the past - a past rife with human rights violations. Moreover, while hopeful about this moment in history, Guatemalans are deeply ambivalent about whether governmental institutions can be made to work. Desirous of change, citizens are properly cautious - they will have to see accountability, transparency and responsiveness on multiple occasions before they will dare to believe that new patterns of elite behavior taken hold.

In such a context, four areas for programmatic intervention seem crucial: (i) continued support for reform of the justice sector, (ii) continued support for efforts to improve the human rights performance of Guatemala (and to see that past violations are dealt with in a fashion that contributes to accountability and reconciliation), (iii) continued support for efforts to increase participation in political life via a variety of mechanisms - electoral participation, participation in advocacy and monitoring organizations in civil society, as well as participation in new venues (local development councils) at the level of municipal government, and (iv) support for congressional modernization, which will be crucial to establishing a juridical basis for implementing the Peace Accords.

A wide array of programmatic interventions are conceivable. There are many roles which international donors could play in assisting the Government of Guatemala and Guatemalan civil society to consolidate democratic institutions and practice. Fortunately, international interest is great, the donors are many, and the Office of Democratic Initiatives of USAID/G-CAP can focus on a few areas.

Among reasons for choosing these programmatic areas are that there are some positive incentives which can induce collaborative behavior in each case. Early USAID efforts at creating cooperative programs (across independent institutions) in the justice area have produced a good deal of pride among participants, who see their own institutional performance enhanced when it articulates more fully with other institutions. A more effective justice sector will deter future human rights violations. Citizen participation in local government, and in advocacy and monitoring organizations, should yield public policy benefits for the citizens who participate, which will make democratic life more attractive, and therefore more worthy of being defended. Finally, a more transparent and effective Congress will provide a counterbalance to centuries of authority overcentralized in the executive branch of government. A legislature that works will provide positive incentives to citizen participation and to the defense of democracy by elites and masses alike.