

Advocates & Guarantors:

Establishing Participative Democracy in Post-War Guatemala

During the final stages of the Guatemalan peace process in 1994-96, few Guatemalans were well informed about the negotiations, while the parties themselves had little inclination to communicate developments to the rest of society. The creation of the Civil Society Assembly (ASC) and the moderation of the United Nations helped to create an environment in which the concerns of the organised civic opposition could be aired. However, the proposals of the social sectors that dominated the ASC often went beyond what was requested or accepted by either negotiating party. In the event, the procedures adopted to finalise the peace accords were markedly non-consensual.

While the peace process fell short of establishing a truly national consensus, it taught both the government and the Guatemalan National Revolutionary Unity (URNG) to negotiate solutions to long-term national problems without reverting to or threatening violence. Through the peace agreements, the two parties made an unprecedented political pact, featuring detailed commitments to create and sustain 'governability' in Guatemala.

The central concerns of the peace accords include the need to transform existing relations between the state and society so that political institutions are capable, for the first time, of mediating the interests of all social groups in a poor, unequal, multi-ethnic, and multilingual Guatemala. To achieve this transformation, core provisions express time and again the need for participative consultation in the formulation, execution, evaluation and monitoring of state policies, and for accountability in legislative action and executive decision-making. In other words, a culture of involvement in which public decision-making responds to the will of the citizenry is clearly promoted in the accords, as is the belief that strengthening the state will necessarily entail strengthening broader political and civil society.

In the not-so-distant past, there was little room for inter-sectoral dialogue in Guatemala, even between powerful groups such as the military and business. Considering this fact, much has already been achieved towards the ambitious aims of the accords. Today, Guatemalan society

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Rosalina Tuyuc and Manuela Alvarado of the New Guatemalan Democratic Front (FDNG) take their seats in Congress; Guatemala City, January 1996

is far more organised than previously, and more people are interested in political involvement. The military have less control over state affairs, and some business groups are now actively contributing to public policy making. In addition, considerable support is voiced for democratic national reconstruction, there is wide interest in diversifying the economy and the international community strongly supports these developments.

While there is good reason to expect that 'governability' will be consolidated and extended, it remains unclear whether emerging changes will reflect much more than isolated political ambitions among Guatemala's privileged elites. Considering the country's violent past and complex socio-cultural present, the establishment of 'participative democracy' was always to be an Herculean task. For those committed to seeing the process through, delays, set-backs and the need for unremitting effort and vigilance are likely to persist.

Part I: Piecemeal Peacebuilding

An important indicator of the weakness of the accords is that, while there are watchdog bodies mandated to monitor the implementation of the accords, there is no single agency dedicated to integrating their provisions, establishing priorities and converting these into a coherent national agenda. In other words, the sustainability of the implementation phase of the peace process is threatened by a profound lack of coherent leadership. To understand this situation, it is necessary to examine the contradictions and lack of connectedness between reconstruction in the rural communities, the workings of the various commissions instituted through the peace process, and developments within national politics and the state.

Reconstruction and Rural Clientelism

Through the reconstruction phase of the peace process to date, the greatest dynamism has been at the level of the rural communities. Villagers affected by the armed conflict have seen a prolifera-

tion of investment in social development projects covering such areas as latrine and sewer construction, and the provision of drinking water and school equipment. New bodies, especially the Social Investment Fund (FIS) and the National Fund for Peace (FONAPAZ), have come to hold the lion's share of the state social investment budget and, together with increasing input from NGOs, have supported a range of previously unfunded public works. Key beneficiaries of this investment have been villagers in areas with little prior contact with the state. This has helped to increase popular confidence in the authorities and generate a positive attitude to peace.

Although many communities have undoubtedly benefited materially from the peace process, funds have frequently been meted out with no prior needs analysis and without supporting sufficient co-ordination between the people and their elected municipal officials. The ways in which funds have been dispersed have not enhanced local implementation capacities, nor has there been adequate opportunities for grass-roots involvement in defining investment priorities. In other words, the emphasis on top-down poverty alleviation measures has constrained the potential for local people to attain a genuine voice and a stake in the political and economic development of Guatemala.

Crucially for the integrity and sustainability of reconstruction, ten per cent of the national budget allocated to the municipalities is funding training of local authorities and the promotion of dialogue within and between these authorities and the diverse communities they serve. Generally speaking, however, state reconstruction initiatives have tended to nurture 'clientelist' relations, often in support of the government of the day. In the longer term, this has to change, as a solution to Guatemala's problems of exclusion and inequality demands the nurturing of socially responsible citizens able to exercise their rights of opinion, petition, organisation and mobilisation.

The Structures of Peace

Within 90 days of the signing of the Agreement on a Firm and Lasting Peace, no less than 15 'participative' bodies had been set up in Guatemala to help steer the implementation phase of the peace process. These bodies involve around 200 individuals, representing the state, society and international agencies.

The mere existence of these commissions does not imply that there is effective consultation. In fact, the only substantive consultative mechanisms are arguably those by which civic groups elect their commission representatives. Moreover, what is most striking about the work of the implementation commissions is that their civic representatives routinely lack the resources, time and professional support to participate on an equal footing with government delegates. This undermines the claim of the commissions to be truly participative, as does the lack of money to publicise their work and the minimal links established between them and the outside world, be it communities, NGOs, the media or even public authorities. There is undoubtedly the potential for civic groups in Guatemala to make a genuine impact on the emerging political dispensation through the structures of the implementation process, but this potential will remain unfulfilled as long as these structures remain so exclusive, unbalanced and detached.

Even if the implementation commissions become more participative, there are no guarantees that they would be able to produce constructive transformative results. Nowhere in the accords does it say that the work of the commissions must become public policy, nor are there mechanisms for overseeing the conversion of proposals into legislation. The accord implementation structure is still at a fledgling stage, but there is nothing to prevent the commissions from becoming mere political shock absorbers designed to defuse, rather than amplify, societal action.

The possibility that procedural oversights and structural imbalances might be addressed has also narrowed through 1997.

While the government, the URNG and the ASC have all published independent reports on the process to date, both the UN Mission to Guatemala (MINUGUA) and the Accompaniment Commission, the supervisory bodies charged with monitoring the effectiveness of the accords, have yet to produce their statements or recommendations. If these bodies continue to be diffident, and to not adjudicate opposing claims according to the spirit of the accords, it is likely that the commissions will remain as they are — weak on participation and lacking in political clout.

Partisan Deadlock

Aloof from the stagnation of peacebuilding in the rural communities and the implementation commissions, the ruling National Advancement Party (PAN) has clearly revealed its political priorities: first, to negotiate and secure international financial support; and second, to conserve alliances with the reformist wing of the Guatemalan business community.

The first priority reflects the government's primary need to finance its political and economic programme by satisfying the conditions of 'structural adjustment' on which assistance from international financial institutions (IFIs) depends. To this end, a number of measures have been implemented to satisfy IFI pre-occupations with macroeconomic 'stability' and state 'modernisation'. These have included extensive privatisation, fiscal reform, decentralisation of public institutions and a drastic increase in public utility charges.

PAN's second priority reflects a need to maintain the unique government/business alliance which underpins its unprecedented electoral ascendancy over more conservative, authoritarian political forces. Together with its commitment to international donor agendas, this imperative has severely limited PAN's scope for negotiating 'modernisation' with other political parties and with civil society.

The government's tendency to conduct real business only with funders and electoral

Responses to Implementation

The government position on the first phase of implementation is characteristically upbeat. It claims that the accords express a nationally-held consensus and that this consensus is being implemented with 'the accuracy of a Swiss watch'. The URNG, on the other hand, has emphasised the absence of stable consultation and community involvement mechanisms, alleging that the government has hidden agendas which stray from the content and spirit of the peace agreements. Several leaders and representatives of civic organisations have argued that, in a largely illiterate society, the state commitment to disseminate the peace agreements in 'the widest possible fashion' can not be realised, as claimed, through publication alone.

Representing a significant part of organised 'civil society', the ASC is especially dissatisfied with progress on the various commitments on land reform, protesting at mounting delays and at a general lack of state communication in regard to these commitments. They have also highlighted how the government has failed to fulfil its pledge to consult the National Council for Agrarian Development with regard to state rural development programmes.

The ASC, the Alliance against Impunity and other human rights groups have also pointed out how the new Law on the National Police Force does not respect the content of the Agreement on Strengthening Civil Society and the Role of the Armed Forces in a Democratic Society. They protest that the law does not guarantee the civilian nature of the police force, and that it fails to define the structure of the force, nor to subordinate it to the criminal investigations of the Public Prosecutors Office. The Law also makes no mention, as it should, of obligatory professional training, nor of the purging of human rights offenders within its ranks. Neither does it regulate the functions and syllabus of the Police Academy.

Finally, civil groups have also been disappointed by the arbitrary way in which the government Peace Secretariat (SEPAZ), set up to promote co-ordination between broader state policies and specific commitments made in the accords, was designated to monitor the implementation process relating to the rights and participation of women. This designation was effected over the heads of women's organisations, who themselves had proposed a Womens' Forum for this explicit purpose. Protests did lead to the creation of a women's collective within the Secretariat but even then, the various representatives were unilaterally selected by the government.

Taxing Dilemmas

While the interests of the international financial institutions, the PAN and its business allies broadly converge in economic neo-liberalism, one area in which contradictions have emerged has been on tax reform. The International Monetary Fund (IMF) has insisted the government comply with its peace accord commitment to increase its tax revenues from 8% to 12% of GDP by the year 2000. In the face of great resistance from Guatemalan business, the government has moved to eliminate a range of tax exemptions while gradually reducing income tax from 30% to 25%. This last concession, aimed at assuaging business objections to the other measures, was sold to the IMF as a means to reduce tax evasion. The government proposals were adopted by Congress in May 1997. They received a mixed reception from both sectors they were designed to mollify.

allies has brought it into direct conflict with a range of political and civic groups. Partly to manage this conflict, the PAN has organised 'Update Meetings' to discuss a set agenda of parliamentary bills on reforming the executive, social welfare and the civil service. Originally involving organisations ranging from political parties, to private sector groups, to research bodies, the URNG and the ASC, this forum has yet to produce any political agreements. Apart from the private sector, which is keen to augment its already powerful influence on government, most of those involved have begun to question the usefulness of the meetings, and participation has steadily narrowed.

It is now widely perceived that the government is acting autocratically, focusing on its own short- and medium-term goals at the expense of the long-term national interest. In direct contravention of the accords, the PAN regime is not seeking genuine consensus in the formulation and implementation of its priorities. The tighter focus of its public spending, its commodification of basic social services, and its generalised promotion of market economics greatly undermine its agreed function as the ultimate guarantor of social rights.

The capacity for the PAN administration to pursue its own priorities independent of its peace commitments has been accentuated by the weakness of the political opposition. The URNG in particular has been largely absent from national political debate in the last six months. Pre-occupied with demobilisation and with the struggles inherent in the realignment of the Guatemalan Left, it has allowed events to slip past, no longer proactive as it was during peace negotiations.

State or Society?

While continuing to hamper the implementation of public policies aimed at promoting consensus, the fragile links between political forces in Guatemala also demonstrate that, as yet, there has been little bridging of the historical rupture between state and society.

Symptomatic of this continuing divide is widespread public distrust of state structures. There is a long history among officials of excessive bureaucratisation, bias, corruption and impunity, which has persisted regardless of mounting poverty and poor public services. As a consequence, ordinary Guatemalans tend to view public officials, even if elected, not as servants of the people, but as abusive, inefficient and corrupt. In response to decades of fraudulent elections, the vote is also often seen as an isolated act on polling day. Many concur with popular organisations who continue to doubt the longer-term political significance of elections.

It would be wrong to suggest there has been no broadening of public debate on national political issues and that the implementation process as it is can not facilitate a new exercise in citizenship. Indeed, where there is limited democratic experience, negotiation continues between the executive and other structures, whether political, private sector or governmental. So far, however, discussions around the transformation of state institutions and nation-building have been excessively compartmentalised. Debate is limited to particular implementation com-

missions discussing such issues as education reform, a new municipal code and the land register separate from broader national concerns. Only at the highest levels of government are there discussions on, for example, centralisation versus devolution and the limitations of the financial capabilities of the state. Many Guatemalans who could usefully contribute to these discussions are left uninformed and excluded.

Furthermore, serious reflection on enabling communities to contribute more constructively to national debate has been restricted largely to the civil society organisations involved in the implementation and dissemination of the accords. However, these groups acknowledge their often unhelpful anti-state prejudices, their lack of organisational focus, their ignorance of how the three branches of the state operate, their inexperience of negotiation and accountability and, particularly, their lack of political initiative. They are often well aware that they are ill-equipped to effectively lobby the legislative assembly, present alternatives, create alliances, and formulate strategies. They also highlight how they are denied the professional assistance afforded their state counterparts, which leaves them handicapped in their efforts to rectify their acknowledged shortcomings.

The implementation commissions, local government structures and development councils envisaged in the peace accords afford state and society a new arena within which to take joint decisions. These structures depend for their effectiveness on the priorities and the pace set by central state authorities, however, and the agreements provide no mechanisms to mediate this dependence. All things considered, perhaps the greatest challenge of implementation lies in building this channel of communication and in integrating the implementation structures with central state institutions which determine national priorities. Until such integration is achieved, transparent discussion on how public and societal power can be strengthened will continue to be hampered, as will the capacity of Guatemalans to construct viable new concepts of citizenship.

What's Going Wrong?

The peace agenda incorporates four grand strategies around which its commitments are structured: reinsertion and demobilisation; integral human development; sustainable productive development; and strengthening the democratic state. Powerful constraints on the realisation of these commitments include:

- the lack of local capacities to disburse loans and donations;
- insufficiently trained and responsible personnel to manage and design policies and to oversee complete project cycles from investment to sustainability;
- dependence on the political wiles and alliances of those in government to transform the tax structure — a main cause of state financial instability;
- an endemic inability (or unwillingness), to publicly propose, share, consult, agree, involve and negotiate in defining the machinery of implementation.

Part II: A New Role for the International Community

The peace negotiations coincided with a fundamental review by international NGOs of their ongoing financial commitments to Central American countries, including Guatemala. Moving away from the more ideological priorities of the 1970s and '80s, their aid is now increasingly driven by more market-oriented criteria of efficiency and effectiveness. This new agenda identifies three key problems: the lack of training of most Guatemalan NGOs; the lack of organisational autonomy, management and decision-making capacities within community groups; and poor communication, negotiation and co-ordination between the state and civil society. During the first half of the 1990s, international donors have also found that their Guatemalan counterparts are increasingly claiming their right to discuss the terms of funding. It is more common now to find that donors use consultation procedures with local organisations.

United Nations agencies are also involved in this new dynamic, and civil society organisations have counted on bodies such as the United Nations Development

Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO), not only for support with social reincorporation problems, but also in negotiations with the state. The UNDP, especially, is considering ways to promote confidence, tolerance and consensus-building between the public sector and the rest of society so as to promote effective implementation of the peace accords.

The UN Mission to Guatemala (MINUGUA) has also had a decisive impact in reducing human rights violations, curbing military power and professionalising the administration of justice. In training the staff of the Public Prosecutor's Office, the judiciary and the National Police Force, it hopes to foster a favourable environment for constructive dialogue between local populations and the army, the executive and the judiciary. In doing so, it seeks to ensure citizens' safety,

and to limit — and hopefully eliminate — the culture of impunity.

While the integration of the UN into the new aid agenda is to be broadly welcomed, there remains substantial room for improvement. One criticism is that, in their enthusiasm for the professionalisation of the state, the UN has sometimes sent out ambiguous signals concerning its commitment to improving state-society relations. In January 1997, for instance, the UN-backed 'Strategic Note' published by the Guatemalan government reviewed priorities in the peace process with scant reference to community involvement, delegation of power, and the ways and means of broad-based consultation. At the same time, the institutional strengthening programme for NGOs run jointly by the UNDP and MINUGUA, has mostly supported short-term institutional activities, at the expense of mid- to long-term capacity building.

MINUGUA's Programme of Institution-Building

The MINUGUA Institutional Strengthening Division provides technical support for the institutions in charge of administering justice and creating a culture of respect for human rights. Its overall objective is to build in Guatemala 'a democratic, multicultural state that is subjected to the rule of law'. This involves a series of institutional reforms designed to bring about changes in the state apparatus and the performance of state officials. MINUGUA's activities, often implemented with the co-operation of other UN agencies and NGOs, have been funded largely by Scandinavian countries, the USA and Canada. They are concentrated in four principal areas:

- Administration of justice: building up the technical, organisational and administrative capacity of institutions associated with the administration of justice such as the Public Prosecutor's Office, the Public Defender's Office, the judiciary, and the Office for the Counsel for Human Rights. Emphasis has been placed on the implementation of the new Code of Criminal Procedure.
- Cultural pluralism and access to justice: extension of judicial services to remote indigenous areas, ensuring local language proficiency through the Administration of Justice and Linguistic Pluralism. Other projects increasing access to justice include the appointment of translators for the Public Prosecutor's Office and judiciary in the Mam and Q'eqchi' areas, and a popular legal service in Nebaj, Quiché. This latter initiative has seen active co-ordination between the national Public Prosecutors Office and the judiciary and has involved setting up a Magistrates Court, a local Public Prosecutor's Office, and an office of the National Police Force, with officers nominated by local communities. Research into customary law is also being undertaken by the Rafael Landívar University.
- Public security: technical assistance has been provided to the National Police Academy in the preparation of their basic syllabus and in the selection of police officers for training. International consultants have also been placed with the homicide section of the Criminal Investigation Department.
- Culture of respect for human rights: significant human rights education has been carried out at the grassroots, 70% of which involves close co-operation with national bodies, mainly state institutions and NGOs.

As a consequence of this ambiguity, leaders of many civic organisations involved in peace building have the distinct impression that the United Nations 'is on the government's side'. These leaders have highlighted the lack of co-ordination between UN agencies to improve the balance of state-society relations, stressing that civil society organisations are fragmented, wary and ill-equipped to operate in the public domain and that this weakness needs urgent attention. Moreover, because support from the International Financial Institutions is channelled almost entirely into state reform via structural adjustment, it is especially crucial that the UN sponsor grassroots participation in the reconfiguration of Guatemalan political life.

New Directions for the UN

While the negotiations process in Guatemala promoted participation as the linchpin of sustainable peace, there is little sign yet of what the agreements call 'participative democracy'. One move which might help turn the rhetoric of the accords into reality would be to fully implement, in an even-handed fashion, the whole of MINUGUA's existing mandate. In addition to verifying human rights violations and strengthening the capacities of the state justice system, this would involve the mission in serious verification of all aspects of community involvement in the implementation of the accords.

Other UN agencies already play an *ad hoc* role in promoting, fostering and facilitating co-ordination around peace issues between the state and civic organisations. This bridge, approved in the accords, needs to be maintained, strengthened, and consolidated in public policy. In addition, the UN Inter-agency Commission in Guatemalan, created to improve co-ordination in assistance to the different peace agreements, could also contribute its own resources to facilitate education in social monitoring and political intervention, and to broaden the range of organisations overseeing compliance with the accords.

What is required above all, however, is the political and technical expertise to enable

state officials and civic leaders to effectively discuss policy formulation, execution and follow-up. If ongoing peace-building does not consolidate and extend state-society connections, Guatemala will have missed a truly historic opportunity.

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