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Guatemalan Peace Survival

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Will peace work in Guatemala? This is a pivotal time to ask. A final Peace Accord was signed in December 1996. Since then, a centrist government under President Alvaro Arzú and his National Action Party (PAN) has muddled through with implementation of various commitments. However, elections in November 1999 moved the country toward a more populist agenda focused on change. A December electoral run-off brought the Guatemalan Republican Front (FRG) back to the Presidency with Alfonso Portillo. The FRG was the ruling party – then under command of President-in-fact General Efraín Ríos Montt – which presided over some of the nastiest parts of the thirty-six year civil conflict that produced 200,000 killed or disappeared and a verdict of “genocide” from a United Nations-sponsored Truth Commission. The Peace Process had its critics before the elections. Having the Ríos Montt party back in the driver’s seat only makes this anxiety more pronounced. Indeed, Ríos Montt himself is perhaps the highest profile member of the new Congress.

The sweep by the FRG of both the executive and legislative branches of government is reminiscent of Bucaram in Ecuador and Hugo Chávez in Venezuela – with the support of the masses but without that of the intellectual, civil society or business sectors. Given the breadth of the FRG mandate, and the possibility of garnering some two thirds of the Congress via deals and alliances, the Courts (Supreme and Constitutional) present the only real check on unbridled power for the FRG.

Making peace and democracy work in Guatemala is vital to the national interests of the United States and other countries in the region. There is an opportunity for real change in Guatemala for the first time in 40 years. However, the risk of failure is also extremely high. How should the U.S. respond? How can Guatemala succeed?

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How We Got Here

The Peace Accords between the Government of Guatemala and the Guatemalan National Revolutionary Unit (URNG) ended nearly four decades of armed conflict. That conflict caused incalculable suffering and economic loss. Rural areas were under near total mobilization. If not with the guerillas, all adult men were organized in local militia (*“Patrullas de Auto-Defensa Civil”* or *“PACs”* -- Self Defense Patrols). The entire rural populace was pressed into service, resulting in changed morality, changed local politics, and changed demographics. The urban population witnessed the murder of the Mayor of Guatemala City (Colóm Argueta), and the assassination of uncountable union leaders and intellectuals.

The Accords commit the nation to an ambitious program of development, democracy, social integration, and political renovation. The Peace Accords attempt to reverse notorious aspects of Guatemala’s history, such as political polarization, authoritarian rule, official impunity, corruption, economic exploitation of the disadvantaged, abuse of human rights, lack of basic educational and health services, and discrimination against the indigenous. Guatemala must become a more just and equitable society if it is to participate in the international economic and political community of the 21st century. The Peace Accords recognize the country’s multiethnic, multicultural and multilingual character. More to the point, the Accords aim to increase access and participation of all Guatemalans in the benefits of a democratic, just and prosperous society. This transition involves fundamental changes and will be extremely difficult. It will be impossible without concerted international support and assistance. For these reasons, the Accords are central to U.S. foreign policy.

Yet these broader goals and objectives of the peace process are largely unknown to Guatemala’s majority population. Most believe Peace is “over.” The fighting has ceased. The guerillas have turned in arms and demobilized. What more is there? In part, due to this lack of popular understanding, the Peace Process has lost steam. In May 1999, a set of Constitutional Reforms advanced to implement the Peace Accords died in the ballot box. But Peace was already in trouble by that point. The assassination of Monsignor Juan Gerardi Conedera in March 1997 for many signaled the return to past practices of oppression and impunity. The inept criminal investigation since has done little to dispel that belief. In March 1998, the Commission for Historical Clarification (or Truth Commission) released its report, condemning brutal acts of atrocity and genocide, and making recommendations for assuring such acts can never happen again – *“nunca más.”* Guatemalan authorities have largely ignored those recommendations. An important fiscal reform – a land tax referred to as *“IUSI”* – was overturned in Congress as the PAN withdrew support in the face of a tax revolt. Growing crime and stalled fiscal reform are further obvious signs of failings in key sectors.

The opposition forces to Peace seem to be in a much stronger position as a result. This places them in a more organized and more determined position to block key reforms. The Arzú Administration and civil society failed to build the necessary popular support to

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form a coalition for change. Such a partnership would have been critical for engaging Guatemalans more broadly and sustaining the process. As a result, the Peace Accords are viewed as largely of interest to a small group of insiders, mainly from the PAN Government, and the former URNG guerillas. The Peace Accords themselves, brokered with international assistance, were signed only by the then Government with the guerillas and certain notable citizens selected by the Government. The Congress, civil society, indigenous groups and others were not part of that process. To those on the right, the peace process appears a left-dominated agenda.

While civil society was meant to be key to the peace, its real participation has been marginal. The Peace Accords set up a myriad of Peace Commissions with appointed membership. In many cases, the Commissions worked diligently to make recommendations for carrying out the Peace Accords. However, the Commissions sometimes consider outside dissent or criticism as a threat either to the Peace Process itself, or more cynically, to the individuals lucky enough to have been named to the Commission. The Commissions have become part of the machinery of peace in a mechanical, cold way. In any case, the Commissions are viewed as limiting participation to a few select rather than encouraging it broadly.

The FRG took advantage of PAN mistakes in the Peace Process. But more than that, the PAN lost power due to other misdeeds. Some Guatemalan civil society leaders assert that the PAN government may have been the most corrupt in recent history. The abuse in procedure for the privatization of the telephone company (TELGUA), the doling out of public works and roadway construction contracts on a non-competitive basis, and mismanagement of customs services in port cities are just a few examples. It did not help the PAN that during its campaign, many of Guatemala City's private luxury cars sported PAN flags. This underscored the economic and class divide in immediately understandable terms. Guatemala's poor may be mainly illiterate, but they are not stupid. The FRG did not so much as win as the PAN lost.

The major challenge now is how to make the moribund dynamic and re-ignite the Peace Process momentum. At least a majority of Guatemalans should have a stake in the process. The new Guatemalan President and his Administration need to make much greater effort to sell the program to the public and enter into strategic alliances or coalitions that can carry out the difficult reforms needed. The reform agenda is full: the military, justice, education, taxes, land and wealth distribution, to name a few. The process will demand much greater process from all levels of government and all segments of society.

Another major challenge will be to re-align the international community so that all efforts are coordinated and supporting Peace. Over the past few years, donors have spent about US\$200 million on about 80,000 Guatemalans involved in the former conflict. This figure represents about 50,000 returnees from Mexico, 15,000 demobilized individuals, about 15,000 resistance community residents (CPRs). In terms of results, this target population does not enjoy a much higher standard of living as a result of the investment,

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while neighboring communities that did not receive international largess, resent those who did. New approaches for the incoming government are desperately needed.

“Quick Wins” and Tough Issues

During the new Government’s first year in office, some quick “wins” are on the offing. Exactly because the FRG is so feared by Peace supporters, some concrete actions to dispel fear will produce dividends. The top issues will be fiscal reform, land access, justice, human rights (including the future role of the military), education (decentralized and multilingual access) and health (especially preventative health care, nutrition and improved quality of and access to public health providers). For example, in the education field, the FRG could endorse extension of the Parity Commission and call for civil society discussion of the education planks in the Peace Accord on Indigenous and Socio-Economic Affairs. Multi-sectoral public consultations toward a government plan of action would convert popular distrust of campaign rhetoric into increased confidence and support for the government’s program. In this sense, the FRG could capitalize on the Peace Accords’ vision of sustainable development, and advance that vision as coming from the new Government. Appointing technical leaders and intellectuals to important posts instead of party hacks could also boost credibility and give a broad spectrum a stake in the success of the government’s plan, especially among the international community, academics and the left.

To the extent the war was fought over resource distribution, until Guatemala deals with its allocation disparity, true peace, as envisioned in the Peace Accords, will be allusive. To move forward here may not be as politically impossible as one might think. First, FRG could work together with the URNG to advance decentralized, parcel-based cadastral mapping. This could lay the foundation for bringing back the land tax (known locally as IUSI). This in turn would help share the tax burden among those most able to pay, and among those who benefit most from government. Resources from IUSI are to be in part re-invested in cadastral mapping and property registration systems. With fresh data in hand, the Government should prioritize an anti-corruption initiative aimed at fraudulent beneficiaries of Guatemala’s colonization program (under the auspices of CONTIERRA), especially in environmentally sensitive areas, such as the Petén. With recovery of these properties, the Government could then present a very public redistribution program, using the recovered properties as start-up capital. Additional capitalization of the national Land Fund is also urgent. However, this being the era of globalized markets and reduced subsidies, FRG must avoid the populist temptation of dolling out land without market-based principles. Instead, the Land Fund should seek to advance market access by decreasing the market transaction costs and imperfections, while assuring that those who receive land pay real prices, with real down-payments and real interest rates.

Another tricky issue for the in-coming Government will be compensation to victims of the prior conflict. The Historical Clarification Commission made clear recommendations for action. To date, these have been largely ignored. A new Government should act

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quickly to generate consensus on concrete steps to address the Commission's recommendations. Action will be important to assure the international community that the Guatemalans remain serious about Peace and human rights. More importantly, however, such action would generate confidence and credibility for the FRG with the rural poor indigenous Guatemalans. In effect, FRG has the opportunity to reach into the very base of URNG support and make allies of these individuals in ways the PAN never did.

Civil Society

Civil society can play an important role in this peace and democratization process. Under PAN leadership, civil society's role in the various Peace Commissions was controlled and predictable. The needs and interests of citizens were not effectively articulated. That must change. Civil society must increase dialogue with its own base. The organizations must strive to be more representative, more connected. Today, rural populations often view civil society organizations as having little credibility. In part, this is due to the war itself – many civil society leaders were either assassinated or went into exile. Now is the time to re-build.

The international donors must help civil society. And not by creating a false incentive structure. Today, prestige in civil society organizations comes from the amount of money received from donors. It does not come from the representativeness of the organization. Donors also make the mistake of expecting an advocacy group to be an effective implementor of programs. Civil society organizations, starting out without a firm base of support, have trouble implementing programs. This in turn lowers their prestige and efficacy for advocacy.

The Military

The Guatemalan military must also be seen to be supportive of the Peace Process. As called for in the Peace Accords, the new Guatemalan Government should eliminate the *Estado Mayor Presidencial*, the chief military organization attached to the Presidency. Congress must be given an over-sight role for military affairs, and civil society should be brought into the equation of defining a new military appropriate for Guatemala. To increase military professionalization, new educational scholarships should be created. Grants to civilian institutions to work with the military would also help. A new Military Justice Code has been drafted, and awaits discussion by civil society and approval in Congress. Finally, Guatemala should seek to modernize its vision for a military by increasing participation in international peace-keeping efforts, giving the Guatemalan military a chance to enforce and observe human rights, while simultaneously generating foreign exchange for the Government.

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Community Policing & Human Rights

The FRG governing plan calls for community-based policing, of a sort. It should be wary. Guatemala is coming off the heels of a major civil conflict in which government-sponsored *Patrullas de Auto-Defensa Civil* (PACS) caused the "disappearance" of thousands, mainly the rural indigenous. In 1997-99, there have been several lynchings a week brought about by community groups taking law into their own hands. The PACs share a large measure of the blame for the finding of "genocide" in the Historical Clarification Commission's report. Any return to community-based self-protection, be it from yesterday's boogey man (the communists) or today's (the kidnapper, thief, drug trafficker or murderer), law enforcement is best left to persons properly trained and accountable.

Incredibly, it is the PAN, not the FRG, that established *Juntas Locales de Seguridad* – Local Security Boards. The Interior Minister organizes these groups in each place the National Civilian Police (PNC) is being deployed, supposedly with democratic structures for selection of participants. The notion is to give community leaders a level of participation in the functions of the national police force. The wife of the Minister of the Interior has also been trying to consolidate citizen support for community police. She has mostly focused on trying to establish mechanisms for citizens to pay for this service that will be provided within each community. Such an approach would only seem feasible once public confidence in the police has improved significantly.

Should the new Government wish to prove its "rule of law" credentials, addressing documented abuses of mass murder would show the world that Guatemala was serious about peace. The data are ready, documented by the Historical Clarification Commission and the Archbishop's office on Human Rights. To show balance, prosecution should advance whether the atrocities were committed by the right or the left. This may be easier to do than one might think. Criminal prosecution is under the Public Ministry which is "independent and autonomous" from the Executive Branch. The Attorney General is not necessarily the "President's man." So the political will may not be so illusive. Yet it is precisely this kind of independent action that could shore up the executive's image with international observers.

The Public Ministry and Court System need major overhauls. The biggest threat to human rights today is not the soldier in the street but procedural due process. Criminal investigation is either inept or corrupt, as evidenced in the Gerardi murder (the prime suspect for much of the time was a dog). Institutions are vertically organized without specialization of labor. However, the first steps have been taken. A new Criminal Procedure Code gives victims a chance to confront their aggressors and allows the public access to proceedings. At the same time, it guarantees the defendant's right to an attorney and process in his own language. A new Clerk of Courts office has revolutionized transparency and customer service in the capital, eliminating great opportunities for corruption. This trend must continue. The Public Ministry especially needs to reorganize for improved service with decreased corruption. If longer-term change is to be

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sustainable, radical reform is also key for legal education. Access to justice, especially multicultural access, will be a litmus test. Businessmen and citizens alike name justice as the most important electoral issue, the most important peace issue and the most important development issue. Progress must be made lest the peace process falter.

The Private Sector

To further advance Peace, the Guatemalan business community must also undergo a paradigm shift. The conservative, protectionist sugar producers need to join forces with the more reform-minded community already engaged in the globalizing economy. The best thing business could do is pay its taxes. Next, business should recognize that some of its members amassed a fortune not through competitive practices, but through corruption. This includes some of the massive farms. To advance a rule of law, which in the long term will help business, the corrupt individuals should be made to pay for their deeds. Where large estates were illegally taken, the land must be returned. To be certain, the cost of a dysfunctional justice system is borne heavily by the business community. Investment in transparency, justice and predictability in the legal system will go a long way toward rewarding the business community itself. The plea should be to enlightened self-interest.

In the education field, the business community is set to work miracles, if the government will let it. There are extraordinary opportunities for public-private partnerships in educational investments and implementation. This extends to all levels of education, local and national, pre-kindergarten to post-graduate study, technical and vocational to purely academic and theoretical. An FRG Government could reap volumes from cultivating and pursuing this approach.

The Media

The press too has a role to play, if Peace is to be sustained in Guatemala. In fact, the press has really stepped up already. In the past two years for example, the press has engaged in an active debate on education policy with more articles than perhaps in the preceding twenty years. Data is being managed in a responsible way, with opinions being offered from the major stakeholders. Younger journalists are leading the way with solid, dynamic reporting. This trend must continue. Regular press conferences by the President and Ministers would be a positive first step.

Press participation will be critical if the FRG is to explain to the populace its approach to implementing Peace. The FRG has a real opportunity to engage the press and to get the press to create a constituency for Peace, a constituency the PAN never bothered to cultivate. This could make the FRG the real constructors of Peace – despite the odds perceived by the left. The PAN missed the opportunity to make the public aware and bought into the peace process. The FRG can now take it as its own.

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Perhaps the most important area yet unexplored by the press is the question of national identity. Who are the Guatemalans? A chasm grows between the majority Maya population and their much more affluent and literate neighbors, the *ladinos*, descendants of European or mixed ancestry. The press should take up this discussion. Why do *ladinos* and Mayans have such starkly different malnutrition rates? Why are drop out rates from school so different? All the social indicators favor the *ladinos*. Why? Why should all Guatemalan speak Spanish in school? What are the underlying racial fears, attitudes, beliefs and prejudices?

An Alliance for Peace

Who might be the FRG's allies for change with such a program? Potentially, the FRG should seek allies in all sectors. It should reach to the bases and cross all barriers of gender, ethnicity, age, economic status, geography and education. While doing this, however, the FRG will have to pay close attention to the urban *ladino* middle class – and those younger rather than older. It is that group that turned against the PAN. The PAN looked to the so-called Peace Zone (ZONAPAZ – the ex-conflictive areas) for support for the Peace Accords. The FRG can now look to urban-based intellectuals looking to modernize Guatemala for implementation of the Peace Accord plan for broadly based, sustainable development, appealing to notions of enlightened self-interest.

A U.S. Role

The United States can play a constructive role in helping Guatemala get back on track with peace. The big bucks from the Peace process are now on the wane. Japan, the European Union and others are pulling back. Guatemala has a limited window for action. With a change in the Cuba, donors might invest elsewhere if Guatemalans are hesitating. First, the United States needs to make clear that Peace matters. The U.S. should expect Guatemala to articulate its top priorities under the Peace Accords and show leadership with action. While Guatemalans will define the list, it should include reconciliation, decentralization and municipal strengthening, justice reform, indigenous participation (political, economic and social), land, fiscal reform, education and health. The U.S. should be willing to support these initiatives politically, morally and financially. Second, the U.S. should underscore how special this moment is for Guatemala. If Guatemalans don't act immediately, the international interest (read money) might look elsewhere. Donors need to convey a sense of urgency. Third, the U.S. should hold the FRG to its promises and to the Peace Accords.

The United States may also look back at its own role in the peace process with a critical eye. An honest review of how Guatemala used international resources may be in order. What were the impacts? What changes will the United States have to make in its international assistance to assure that all efforts continue to support peace in Guatemala? Such an evaluation may show that international technical assistance to date has resulting in fiscal reform that helped the rich and hurt the poor. It may show that support for energy projects in coal had detrimental environmental consequences that ran against the

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spirit of the Peace Accords. It may show that efforts to modernize the military have gone on while the military itself has morphed from the main human rights offender into Guatemala's biggest organized crime and drug thug. Joint programs between U.S. and Guatemala military to build schools for example, may be sending a mixed message in such a context. It may also result in costs that are completely out of proportion – perhaps twenty times higher – than if such efforts were carried out by a professional development agency.

The International Community

On certain issues of critical importance to the Peace process, the United States should not “go it alone.” Rather it should engage the other donors to present a united front. For example, if Guatemalans perceive that the entire international community is united is seeking a solution for land or for education access, Guatemala will move. Donors must unite, insist and where appropriate, condition in target areas. Donors must also form alliances with civil society entities with shared goals, visions and policies. For its part, the U.S. should be seen to be on the side of the rural poor, the indigenous, and especially women.

In terms of international community coordination and process, the United Nations Development Programme (UNDP) remains a critical institution. Donors need to know who is doing what, where, how, when. The UNDP could play a much more active role in generating synergies and avoiding gaps.

On substance, donors need to open up strategy development to greater participation. Strategies must allow for enhanced flexibility to respond to critical windows of opportunity – and not be tied to a rigid five-year development plan. Quick, positive results require fast action, not eternal paperwork. Due in part to their slowness, donors have lost credibility with ordinary Guatemalans. Some quick successes with the Government might help the FRG administration as well as the reputation of the international community.