

A STORY OF COMMUNICATION, POWER AND VISION
BRINGING GUATEMALAN CIVIL SOCIETY
INTO THE NATIONAL DECISION-MAKING PROCESS

Master of Arts in Law and Diplomacy Thesis

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ACRONYMS

ASC	<i>Asamblea de la Sociedad Civil</i> Assembly of Civil Society
CACIF	<i>Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras</i> Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations
CONGCOOP	<i>Coordinación de Organización No Gubernamental y Cooperativas</i> Coordinator of Non-Governmental Organizations and Cooperatives
CONIC	<i>Coordinadora Nacional de Indígenas y Campesinos</i> National Indigenous and Peasant Coordinator
CNOC	<i>Coordinadora Nacional de Organizaciones Campesinas</i> National Coordinator of Peasant Organisations
COPMAGUA	<i>Coordinadora de Organizaciones del Pueblo Maya de Guatemala</i> Coordinator of Mayan Peoples Organizations
CSO	Civil Society Organization <i>Organización de la Sociedad Civil</i>
ESTNA	<i>Centro de Estudios Estratégicos para la Estabilidad Nacional</i> Centre for the Strategic Study of National Stability
FDNG	<i>Frente Democrática Nueva Guatemala</i> New Guatemala Democratic Front
FMLN	<i>Frente Farabundo Martí para la Liberación Nacional</i> Farabundo Martí National Liberation Front
MICSP	<i>Indigenous Movimiento Indígena Campesino Sindical y Popular</i> Popular Union, Peasant and Indigenous Movement
URNG	<i>Unidad Revolucionaria Nacional Guatemalteca</i> Guatemalan National Revolutionary Unity
UNDP/ PNUD	United Nations Development Program <i>Programa de las Naciones Unidas para el Desarrollo</i>

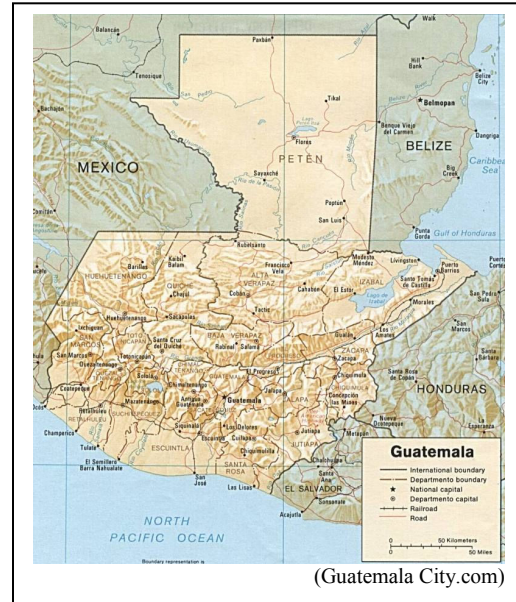
INTRODUCTION

Post-conflict settings, especially those emerging from a negotiated end to a conflict, present an opportunity for a country to pursue a new national agenda. In recent decades, this agenda often includes both the consolidation of peace and democracy. Liberal democratic governance offers an ideal for a peaceful society based on respect for human rights. It provides a means for citizen participation and greater opportunity for citizens to “express their ideas, channel their demands, and organize their interests” (Shifter 2000, 245). A broader conception of human rights that includes economic, social and cultural rights as well as civil and political rights makes the connection between democracy, economic development and social justice explicit. Socioeconomic justice encompasses many other concerns—such as education, health, and livelihood—all of which enhance citizens’ abilities to participate effectively in a democracy. Thus, disaggregated economic and social development at the level of individuals and communities facilitates the operation of a democratic system of government and the consolidation of peace.

The 1996 Guatemalan Peace Accords were praised for going “beyond addressing military arrangements to provide a comprehensive package for a new nation” (Kostner et al. 1997, 4). They were one of the first negotiated peace accords to include substantive agreements on a wide array of issues including indigenous and socioeconomic rights. Reformers hoped that addressing these fundamental issues would lay the foundation for additional democratic state reform and sustainable, equitable economic growth. This would allow all Guatemalans to fully participate as

citizens in a liberal democracy. In particular, the Accords promised an opportunity for the indigenous population, who comprise roughly half of the population,¹ to become full citizens.

Today Guatemala, an ethnically and geographically diverse country of approximately 13 million people, faces many of the same challenges that the Accords were supposedly written to address. Social and economic exclusion, at the root of the conflict, prevails. By various development indicators Guatemala lags behind other countries in Latin America, though it is classified as a lower-middle income country.² Democracy remains formal rather than functional



and the vision for the full citizenship of the indigenous population unfulfilled. An official end to the armed conflict was achieved, but in the period of formal peace other forms of violence—crime, illegal trafficking, vigilante justice³—have kept public security, rule of law, and an end to impunity from being realized.

¹ Though estimates vary, the percentage of indigenous Mayans is likely about 50%. (Sieder et al. 2002, 1; Krznaric 2008, 4). The *Instituto Nacional de Estadística* (The National Statistics Institute) estimates 43% based on the 1994 census augmented with projections using the 2000 ENCOVI poverty survey data; and though this is used in the World Bank Poverty in Guatemala Report, the report notes that estimates are as high as 60% (2003, 33). Kurchenbach (2008) uses a range of 45-69%.

² For example in the 2006 UNDP Human Development Report, Guatemala ranked 118 out of 177 on the Human Development Index (HDI). It also has a high GINI coefficient of .551 (2007 CIA Factbook) (comparing the disparity between income/consumption by decile) and though the poverty rates did decline from 62% in 1989 to 56% in 2000, the absolute number of people living in poverty increased by about 900,000 (Spence 2004, 89, UNDP data; World Bank 2007, 324).

³ In 2006, the homicide rate was at a high for the period 1995-2006 with 47 homicides per 100,000 inhabitants. The rate dropped from 40 homicides per 100,000 inhabitants in 1996 to 26 in 1999, but has risen every year since then. Areas that have especially high violence include the capital, the Atlantic coast, El Petén in the north and Tecún Umán near the Mexican border, which have rates ranging from 109 to 202 homicides per 100,000. A US State Department report on human rights practices identifies the perpetrators of many of these killings and other crimes to “nonstate actors with links to organized crime, gangs, private security companies, and alleged “clandestine groups” and finds evidence of drug and human trafficking (2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78893.htm>). Predominantly indigenous areas and areas with extreme poverty rates above 25% are not area with high rates of homicide (UNDP 2007, 32-33). On the other hand, of the 515 successful and attempted lynchings documented by

Despite addressing the root causes of the conflict, the mixed record of the Accords' implementation raises questions about the appropriate scope of peace processes. Can a broad discussion of national issues—without consensus on the policies needed for reform—still serve a purpose in the long-term pursuit of social justice by creating a space for dialogue about important issues that were not discussed openly in the past? Or do the idealistic principles raise expectations that distract actors from focusing on what is possible in the current political context, ultimately leading to disengagement when concrete improvements do not follow? In the context of these questions, this thesis examines the extent to which civil society can help change the interests of actors who favor the status quo and effectively address the underlying structures of socioeconomic exclusion. In Guatemala we can assess the role of a broad peace agreement in providing a basis for changing political, social, and economic structures in ways that allow full citizen participation and the development of a shared national vision.

This thesis explores how national-level civil society might be more effective in advocating for the reduction of inequality and exclusion in Guatemala's post-conflict peace process. National decision-making processes affect a majority of the population and are a necessary component for reducing inequality and promoting inclusion. What factors prevent organized civil society from having a more significant influence on these processes? This thesis begins with a brief political history that identifies the key actors in historical context and maps the existing power structures. Then, the analysis defines civil society, based on the current context and literature, in order to determine where civil society in Guatemala fits into this picture. Finally, the thesis uses this analysis as a tool to propose strategies that could enable civil society to effectively negotiate a more prominent role in promoting the vision of the Peace

MINUGUA (The UN Verification Mission) from 1996-2001 found a high positive correlation of lynching with low human development and high poverty rates (Fernandez 2004, 18).

Accords by addressing the underlying structures of socioeconomic exclusion and human insecurity.

An Opportunity for Change

Over a decade ago, on December 29, 1996, the government of Guatemala and the *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unity, URNG) signed the Accord for a Final and Lasting Peace. The Accords formally ended a 36-year internal armed conflict that began with a conflict between leftist political revolutionaries, who eventually united under the umbrella organization of the URNG, and the military government. By the time it ended, the conflict had evolved to include the indigenous Mayan population. Indigenous peoples were mobilized by both sides and targeted with forms of violence by the state that included aspects of genocide, especially during the most intense period of violence between 1978 and 1983 (REMHI 1999, 292). The conflict left some 200,000 civilians dead or “disappeared” and a country with a torn social fabric (Jonas 2000, 35; CEH 1999). The parties to the Accords faced the formidable task of creating a framework to account for the underlying drivers of the conflict and guide the transition to peace.

The processes of peace and democracy developed parallel to each other in Guatemala. Electoral democracy was established in 1985, but this step alone was not enough for democratic consolidation. Rather, it is wholly insufficient without the rule of law, a stronger judiciary, and security. Additionally, vertical accountability comes in the form of meaningful citizenship, with access to channels of participation, and horizontal accountability in the form of effective institutional checks.⁴ Guatemala’s slow, partial transition to democracy, at first still dominated

⁴ See for example Call (2003) on the rule of law, Anderson (2006) on accountability, and Kumar (2005) on security and the role of the military in democratization and peace building.

by the military, gained ground in the peace process of the 1990s. Democratization also became more complicated in a post-conflict setting.

Even with electoral democracy in place, democratic consolidation requires change that must have the support of both the general population and elites to be meaningful and sustainable. This can be difficult when different constituencies have been fighting for decades and powerful elites still have “high stakes in maintaining the centuries-old status quo of high economic inequality, discrimination against the indigenous, impunity, and a weak, under-financed state” (Sieder, et al. 2002, 3). The full realization of the Accord on Identity and Rights of Indigenous Peoples (March 1995, referred to as the Indigenous Accord) and the Agreement on Social and Economic Aspects and the Agrarian Situation (May 1996, referred to as the Socioeconomic Accord) is arguably one of the most challenging aspects of implementing the peace settlement. Though the Socioeconomic Accord was less progressive than many hoped, these two accords still captured much of the essence of the structures that must change for Guatemala to be a fully functional democracy.

In understanding the complexity of this case, accurate analysis of the historical, cultural and political landscape provides a starting point. This requires consideration of the dynamics of conflict and the traditional divides in Guatemalan society between indigenous populations and ladinos,⁵ rural and urban, and poor and rich. Viewed together with the peace process, the challenges of implementation and the political climate today bring insight into obstacles and opportunities for consolidation of a functional democracy.

The legacy of social and economic exclusion created “a vicious cycle in which the consequences of exclusion inhibit the development of the kind of strong institutions needed, both

⁵ Most of the indigenous population is of Mayan descent. With over 22 different Mayan languages spoken, there is much diversity within the indigenous population as well. “*Ladino*” is a term used in Guatemala that means *mestizo*, or of mixed European and indigenous descent.

in government and civil society, in order to carry out reforms capable of reducing the severity and scope of exclusion” (Sieder, et al. 2002, 42). Elites will continue to support the status quo unless power structures or incentives change. Political elites gain from the status quo through access to political power and the incentives offered by economic elites, who then have a high degree of control over the state.⁶ Furthermore, economic, political and military elites frequently benefit from the absence of mechanisms of accountability and the rule of law which amount to a status of impunity. Consequently, in order to break this cycle, the impetus for change requires both increased capacity to include people and engagement with elites about the consequences of their behavior.

The future well-being of Guatemalans, especially poor, vulnerable populations, depends in part on changing the status quo of social, political and economic relations. The Peace Accords identified key areas of structural change and some of the corresponding policy changes, though the Accords often lacked details for implementation. Similar prognoses and policy proposals can be found in subsequent analyses by the Inter-American Development Bank, the World Bank and in the poverty reduction strategy of Guatemala.⁷ Clearly, the challenge is not to figure out what needs to change in order to reduce poverty and inequality. Instead, the obstacle blocking progress lies in finding how to turn recommendations into reality.

The processes of shifting political culture and norms of citizenship move slowly. This raises questions about how the capacities of citizens and civil society develop and how success can be measured. One possibility is that the interaction between the state and society “can enhance the effectiveness of both, through the construction of common interests” (IDS 2005, 4). The local

⁶ See Dosal 1995, McCleary 1999, and Krznaric 2008 for accounts of the historical development and mechanisms of economic elite control of the state. Elite control was also mentioned in a number of interviews conducted in January 2008.

⁷ IADB, *Tearing Down the Walls: Growth and Inclusion in Guatemala*, Oct. 2007; World Bank GUAPA Project, *Poverty in Guatemala*, 2003; Government of Guatemala, *Guate Solidaria Rural: la Estrategia de Reducción de Pobreza*, 2006.

political process of bargaining over interests can contribute to the creation of effective public institutions from the bottom up. Additionally, the state's ability to create "incentives and opportunities for different groups to mobilize" serves as a reminder that the capacity of civil society to advocate for accountability and policy change must build on its ability to identify potential common interests that provide incentives for those in power to be cooperative (ibid.).

In a functioning democracy, political society traditionally provides the most direct means for citizens and the state to engage in the process of defining common interests through the activities of political parties. In Guatemala, however, the lack of institutionalization of political parties as representatives of the population closes off this avenue as an entry point. Civil society offers an alternative base from which to increase representation of the interests of the population at the national level.

Civil society organizations are defined as those that partake in "organized social communication in the public sphere...of social interaction which lies at the intersection between the family (private sphere), the market (economic sphere) and the state (political sphere)" (Dudouet 2007, 7).⁸ In the literature, which will be explored in depth in Chapter 3, competing definitions of civil society and its functions illustrate the challenges and potential of civil society. Even though there is little concrete empirical evidence that civil society performs a clearly defined set of functions, there is evidence that the existence of civil society in some form — which likely varies widely from context to context—is a necessary condition to a fully operational democratic system (Edwards 2004, Dudouet 2007).

⁸ Civil society organizations can be non-governmental organizations (NGOs), community-based organizations (CBOs), professional associations, unions or social clubs.

Effective, sustainable change takes place at multiple levels. National-level civil society is relatively weak in Guatemala while there appears to be much more vibrancy at the local level.⁹ The power of local civil society to work on the most immediate livelihood and justice needs and lead change from the bottom up is an essential complement to change from the top. National-level civil society may be partly nascent in Guatemala and this is precisely the reason to examine how organizations at this level might play a larger role in the multi-leveled process of positive, sustainable change.

Despite issues of fragmentation and representation, civil society can potentially play a key role in bringing national attention to these issues. An interest-based analytic approach provides important frameworks for strategic planning and negotiating a role for national civil society. The goal is a greater presence in the process of determining national policies that represent the interests of the population and aim to reduce poverty and inequality. Doing this likely requires adjustment of how the international development community provides strategic support to civil society organizations. The main message, however, is simply a reminder of the importance of understanding local dynamics and processes.

Methodology

The methodology of this thesis builds on an understanding of the connections between peace, democracy, and development. Secondary literature on the history of Guatemala and civil society provide a foundation for the use of an interest-based negotiation framework. A solid interest-based analysis of the impediments to civil society organizations' national presence and the spaces where civil society has carved a role for itself reveals the underlying interests and

⁹ This is supported by the 2003 UNDP report by Edelberto Torres-Rivas and Pilar Cuesta, *Notas sobre la Democracia y el Poder Local* as well as in interviews conducted with Torres-Rivas, Klavs Wulff, and Rokaël Cardona Recinos, in January 2008.

dynamics of key actors on the national stage. This analysis provides a conceptual map for formulating a strategy that could be used by civil society organizations to negotiate a greater presence in national decision making processes. This situates the independent actions of civil society into the larger context of the country, which is a requirement for sustainable, long-term change.

Primary interviews with leaders from different sectors augment the use of secondary sources and the negotiations framework. I spent two weeks in January 2008 conducting approximately 25 interviews with people from various sectors including national and international non-governmental organizations (NGOs), the executive branch, the private sector, universities, political parties, and the media.¹⁰ I conducted a little more than half of the interviews as part of a team from the Tufts University Institute for Global Leadership.

The information from this research is qualitative rather than quantitative, and furthermore restrictions of time and access did affect whom I was able to interview. However, despite these constraints, I was able to interview a variety of people and gain valuable insight into peoples' perceptions of where Guatemala stands as a country, the challenges and opportunities that the country faces, and who has power to influence national decision making processes.

My research trip overlapped with the inauguration of President Alvaro Colom and an atmosphere of cautious hope prevailed. The obstacles facing Guatemala are considerable and it is likely that change may not happen as quickly as many would hope. At the same time, there are potential openings for change. *Fundacion Propaz* (Foundation for Peace) trains groups from all sectors on building trust and understanding the destructive and constructive dimensions of conflict. International agencies, including the United Nations Development Program (UNDP), support the building of alliances between organizations working toward justice, democratic

¹⁰ See Appendix B for a full list of interviewees. When a theme emerged in a number of interviews or when the topic is sensitive and the interviewee might prefer not to be directly identified, specific interviewees are not attributed.

security and the rule of law. Even from the private sector, institutions such as CentraRSE, (representing Guatemala's corporate responsibility movement) provide a cautious symbol of hope for improved corporate practices and management. Furthermore, actors such as Fernando Montenegro, a businessman and former president of ANACAFE (the main National Coffee Association) who ran as Rigoberta Menchu's vice presidential candidate, offer hope for cross group alliances. Building a critical mass of people committed to changing the status quo will be crucial in accelerating the pace of positive change. The resiliency of Guatemala provides hope for this.

CHAPTER 1

POLITICAL HISTORY AND CURRENT STAKEHOLDERS

Thirty-six years of armed conflict, a hierarchical and divided society, and a weak state are all significant factors contributing to the situation in Guatemala today. The period in the early 1980s of especially extreme violence was much more than a civil war.¹¹ A high number of civilian deaths, total political repression and systematic persecution by the state of social democracy, the political left and indigenous peoples characterized the internal armed conflict. The level and nature of the conflict has profoundly affected the relationship between different groups and the state.

Assessing future opportunities for human development and democratic social change requires knowledge of the characteristics of stakeholders and how these stakeholders relate to the state, to each other and to key historical events. The Peace Accords offered one vision of the priorities and values of the country that, if fully implemented, would have been a moment for significant political and social change. This chapter establishes the context of Guatemalan society through a brief political history and then identifies current stakeholders. It outlines the dynamics of power and inequality to provide insight into the reasons for the incomplete implementation of the Accords.

Inequality and Power

From persistent public insecurity to a lack of investment in human capital, there is strong evidence of a weak Guatemalan state. Social spending on education and health as well as the tax

¹¹ Interview with Edelberto Torres Rivas, Jan 2008.

base to support such spending is the lowest in Latin America (World Bank in Sieder, et al. 2002, 42). Even the military cited the government's failure to keep its own agreements, especially relating to socioeconomic issues of poverty and unemployment, as a cause of the crime wave and resulting instability (*Transicion Hacia la Paz '97* in Schirmer 1998, 25). At the same time, a democratic life has begun to develop in Guatemala, cultural institutions are strong, and though the current violence is a major concern, there is nothing inherently violent in the culture.¹² Ultimately there is a need for insight into why, in the words of one political analyst, "the people in Guatemala survive in spite of the state."¹³

Many Guatemalans are poor by international measures while a small percentage of them are very well off. Data on poverty, inequality, and human development in Guatemala suggest that in addition to economic growth, tackling inequality will be equally important to reducing poverty and fostering the development of citizens. Extreme differences in levels of poverty between urban (27.1%) and rural (74.5%) and indigenous (76%) and non-indigenous (41%) people clearly illustrate continued inequality (World Bank 2003, 34). The indigenous Mayan half of the population receives less than a quarter of the total income and consumption in the country and in 2004 the poorest 20% of the population received 1.8% of national income while the richest 20% received 60% (World Bank 2003, 36; UN Systems in Guatemala 2005, 102).

Guatemala's colonial history has shaped social relations. Guatemalan social structures are authoritarian and hierarchical rather than democratic.¹⁴ Social divisions that establish a person's place in the hierarchy and have been enforced over time make it difficult for people to challenge the system or their place in it. A number of clear divisions between indigenous and ladino, rich and poor, and rural and urban correspond to vast inequalities in access to resources and reinforce

¹² Interview with Edelberto Torres Rivas, Jan 2008.

¹³ Interview with Francisco Beltranena, January 2008.

¹⁴ See for example, Snodgrass Godoy 2006, 42. This was also expressed during interviews with Edelberto Torres Rivas, UNDP; Glenn David Cox, University Francisco Marroquin in January 2008.

the social hierarchy. These categories often overlap. For example, many poor indigenous peoples live in the rural highlands. Moreover, Guatemala has one of the most unequal land distributions in the world. It is even more severe than in some countries because of the extent of land grabbing during the colonial period and the coffee boom in the late 19th century (Sieder, et al. 2002, 48). Land inequality underscores the social hierarchy and is a root cause of the conflict.

Beyond the divide between the rich and the poor, indigenous peoples have faced, and continue to face, an added dimension of exclusion which warrants additional attention. Racism and discrimination form the basis of privilege for others and create a major cleavage in Guatemalan society today. For example, though landlessness is a problem in many places, indigenous groups have suffered double discrimination. Historically, indigenous peoples have faced exploitation, discrimination and racism both in society and from the state (Jonas 2000, 29). At different moments, “this has taken many forms, such as forced labour [sic], expropriation of indigenous communal lands, discrimination in legal disputes over land, civil war massacres, and everyday racism” (Krznicaric 2008, 14). Systematically higher poverty rates for indigenous peoples indicate structural conditions that mean Mayans who are poor and lack high levels of education face added layers of exclusion when compared to their ladino counterparts.

A World Bank report, *Poverty in Guatemala*, identified an inconsistency between modest poverty reduction in contrast to reasonably good economic growth between 1989 and 2000 (World Bank 2003, 43). The report concludes that “the poor do not seem to be benefiting from the existing pattern of economic growth” (47), but it does not examine the reasons for this. Krznaric, who has studied the oligarchy and power structures in Guatemala, argues that the oligarchy controls resources and thereby reaps a majority of the benefits of growth while perpetuating poverty. In his reading of the World Bank report, however, he finds only one relevant mention of the oligarchy in “a passing acknowledgement that ‘economic and political

resources remain concentrated among the economic elite of predominantly European descent” (Krznaric 2008, 7). In addition to addressing the needs of the poor through development efforts, elite behavior also deserves attention in comprehensive poverty alleviation strategies.

A Brief Political History

Economic elites, with a core oligarchy based on family networks linked by marriage and economic interests, have controlled the political system and the means of production—land, labor, commercial institutions, banks and industries—since 1531 (Dosal 1995, 3).¹⁵ Though oligarchs are clearly powerful, “it is difficult to show how their political power works in practice. Their influence operates through personal relationships that largely escape media scrutiny rather than through formal organizations [sic] and political procedures” (Krznaric 2008, 79). The way the oligarchy exercises power, whether intended or not, has profound effects on poverty and inequality—the root causes of the internal armed conflict that remain largely unresolved today.¹⁶

In 1944, a pro-democracy revolt led to elections that ended the dictatorship of General Ubico. The period of reform and political liberalization from 1945-1954 under Presidents Juan José Arévalo and Jacobo Árbenz Guzmán is popularly referred to as the “Ten Years of Spring.” This period strongly contrasted with the historical pattern of colonial rule and the authoritarian regimes that continued after independence when the military and economic elites either strongly influenced or directly controlled the state.

A 1950 land census found that 2% of the farming units controlled 72% of the farm land. This pattern of distribution is not much different than a 1979 study that found that 2.5% of farms

¹⁵ Estimates of the size of the oligarchy range from about 22-50 families with an even smaller number of oligarchy leaders. Notably, there are no military elites included in this inner circle of economic elites identified as having the power of the “rule of the few” (Dosal 1995; Arzu 1992).

¹⁶ This is asserted by Krznaric in his forthcoming book *What the rich don't tell the poor* and by Jose Maria Argueta and Kent Shreeve in their unpublished framework entitled “Does Extreme Oligarchy Equal Extreme Poverty?” Additionally, evidence in my research in January supports this conclusion as well.

controlled 65% of farm land. However, in the intervening period under an agrarian reform program begun in 1952, approximately one sixth of the population (an estimated 100,000 families) benefited from the expropriation (with compensation based on previous property tax values) of land not being utilized (Sieder, et al. 2002, 48). Land and labor reforms during the period of reform were drastically undone after the 1954 US-backed coup d'état led by military officers. The 1954 coup d'état opened the door to military dominated rule, supported by the US. The stark reversal of this short period of reform highlighted the reality of inequality and served to trigger the armed conflict.

After 1954, the military exercised power over the state and, by the early 1960s, controlled the political system. Perhaps ironically, the reformist period created the framework that allowed the military to dominate the political landscape after 1954. By aiming to remove the military as an option for dictators to oppress the people, the 1944 liberal revolution provided a firm constitutional basis for the independence of the army from executive power (Schirmer 1998, 14). However, not all military officers supported the coup. A leftist guerrilla movement led by young military officers loyal to the reformist agenda emerged in the early 1960s, thus beginning the period of armed conflict.

Largely suppressed by the end of the decade, guerrilla groups reemerged in the 1970s closer to indigenous population centers and with greater support from them. In 1982, at the height of the most brutal period of counterinsurgency when General Rios Montt also took power by a coup d'état, the remaining groups united under the umbrella organization of the Guatemalan National Revolutionary Unity (*Unidad Revolucionaria Nacional Guatemalteca* or URNG). The military was not able to definitively defeat the URNG, but after the counterinsurgency of the early 1980s, the URNG never recovered the capacity to be a military threat. The low intensity of the armed conflict continued until the time of negotiations, when the combination of the

URNG's military weakness and diminished base of support resulted in a weak negotiating position.

In the decades of the conflict, the Maya became both recruits of leftist guerrillas and targets of the state and military counter-insurgency strategy (Jonas 2000, 32-35). Guerrilla groups hoped to garner the support of the indigenous population, while the army often assumed all indigenous peoples were sympathetic to the revolutionary cause. The extent of the damage to the social and cultural fabric of villages that were displaced or destroyed is largely unassessed. Some sense of their experiences can be garnered from the two commissions for the recovery of historical memory done by the government (CEH 1999) and the Catholic Church (REMHI 1998). Though these experiences were often traumatic, they may also serve to generate social capital. As affected peoples are forced to adapt to hardship, they can be engaged and mobilized in ways that build resilience.¹⁷

An historical look at the development of civil society in Guatemala shows the effects of decades of conflict. The military insurgency and selective government repression of the late 1970s and early 1980s ended the highly organized, grassroots social movements of the 1970s (Sieder, et al. 2002, 16). With the start of democratization after 1985, new labor and peasant organizations as well as grassroots human rights groups (especially in support of families of the disappeared) emerged (ibid.). Though divided into their respective sectors, from 1985-1996, civil society organizations succeed in creating an opening for unified participation through their emphasis on ending years of armed conflict over protest and confrontation.

Pressures to return to civilian rule had mounted in the late 1970s and early 1980s. The private sector began to lose confidence in the military's ability to manage economic policy and international actors such as the United States were less and less tolerant of extreme human rights

¹⁷ See Hale 2006 for an in-depth ethnographic study of the development of the Mayan movement and ladino attitudes toward indigenous Guatemalans.

violations. The elite consolidation between economic and military elites created the conditions for the transition from authoritarianism to a democratic regime (McCleary 1999). The army still carefully maintained its independence and influence by controlling the strategic transition to democracy (Schirmer 1998, 161). The economic elite secured adherence to the neoliberal economic principles of private property and open market competition in exchange for agreeing that these values “be subsumed to democratic procedures of conflict resolution” (McCleary 1999, 191). Figure 1.1 summarizes key events from these periods.

Figure 1.1: Summary of Key Events in the Political History of Guatemala	
1944-1954	First period of democratic social reform popularly called the “Ten Years of Spring.”
1954	Military coup d’état, backed by the US Central Intelligence Agency (CIA), overthrows President Arbenz and undoes land and labor reforms. This is called “the Liberation” by the oligarchy.
1960-1968	First period of leftist guerrilla activity by former military officers loyal to Arbenz. The military responds, with US support with the first counterinsurgency after army officers are killed by guerrilla forces in 1965.
1978-1983	Peak of second rise of guerrilla movement and the most brutal period of counterinsurgency that wiped out entire indigenous villages.
1984	Decision to return to democratic rule made by military and economic elites.
1985-6	Though the military still retains most of the political power and human rights abuses continue, democratic elections are held, Christian Democrat Vinicio Cerezo takes office and a new Constitution is written.
1988	After some regional efforts towards peace, the first talks between the URNG and National Reconciliation Commission are held.
1991-May 1993	Administration of Jorge Serrano, ends in May 1993 after an attempted <i>autogolpe</i> (self coup d’état) after which constitutional rule was restored in part by the <i>Instancia Nacional de Consenso</i> (INC).
Dec. 1996	Final Peace Accord signed.
1999	Constitutional Referendum to institutionalize aspects of the Peace Accords does not pass.

Current Stakeholders

Before examining the peace process, and the role of civil society in this process, in greater detail, this section summarizes the organizations and institutions that represent the main stakeholders.

The Government and Political Parties

While continued distrust stems from the state's—in particular the military's—central role in the conflict, the state's weakness makes it difficult to overcome this legacy. Though public opinion data shows “cautious support for democratic norms,” political participation and perceived government legitimacy are low (Booth 2000, 71, 75-76). The lack of human resource capacity further exacerbates the situation by making the government inefficient with the resources that it does have. Moreover, from some viewpoints, the state is captured by a hegemonic group of economic elites that uses the state apparatus exclusively to defend its own private interests at the expense of the interests of the majority (Sartí and Umaña 2006, 16).¹⁸ Limited continuity during transitions between administrations has also resulted in a gap between any given government and the more permanent state.

Weak institutionalization of political parties has produced a change in ruling parties in each presidential and congressional election since 1985. Political parties largely fail to represent the interests of a majority of the population because they lack well-developed programmatic foundations or widespread membership. Many party leaders have also been publicly linked to “political patronage and acts of corruption” (Holiday and Palencia, 1996, 13). Indigenous and ladino *campesino* or urban populations cannot compete with the private campaign contributions of corporations and, increasingly, organized crime. Overall, political parties tend to fade into the background except at election times and even then, they function as little more than vehicles for personal power.¹⁹ This pattern is unlikely to change without serious reform to the law on elections.²⁰

¹⁸ This analysis was also offered in several interviews in January 2008.

¹⁹ For example, see Sieder et al. 2002 or Kurtenbach 2008, 6-7. The weak institutionalization of political parties also was given as a reason for Guatemala's weak governance, lack of accountability, and source of institutionalized corruption in a number of interviews conducted in January 2008.

²⁰ Interview with Luis Fernando Montenegro, January 2008.

Economic Elites

Economic elites (including the oligarchy) are represented by the *Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras* (Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations, CACIF), formed in 1957 to unite a number of existing private sector associations. CACIF sets its own terms of engagement and has been a powerful vehicle for economic elites to influence political outcomes. Areas where CACIF has exerted (and continues to exert) influence include maintaining tax exemptions and low tax rates, limiting the enforcement of existing tax, customs, and labor laws, preventing oversight of national banking, and securing investment incentives, judicial decisions, and favorable media coverage. Traditionally, economic elites influenced the state predominantly through indirect means, though increasingly they are doing so by directly entering the political arena. For example, former Presidents Arzú and Berger are both from oligarch families.

The Military

For decades, the military was the best organized, best financed, most experienced, and toughest political institution in the country (Spence et al. 1998). Today, though the army resisted the reduced role mandated by the Accords, its power has diminished (Sieder, et al. 2002, 11). There is evidence that its networks have transformed into a parallel power (also referred to as the hidden force, *la fuerza oculta*) with connections to organized crime networks, whose leaders may be emerging as a new elite.

The URNG and the Left

By avoiding a definitive defeat by the army, the URNG was able to gain a negotiated end to the conflict. However, the URNG was far from creating a “hurting stalemate” that could provide the leverage to secure significant concessions. As a result, though the peace negotiations

did lead to a comprehensive set of peace agreements, they had fewer “teeth” compared to other agreements such as that in El Salvador (Spence 2004, 6).

In 1995, for the first time in decades, the political left was able to participate in elections in the newly formed New Guatemala Democratic Front (*Frente Democrática Nueva Guatemala*, FDNG). Though the coalition did not last, the URNG continues to participate in elections. Overall, in contrast to other guerrilla groups such as the Farabundo Martí National Liberation Front (FMLN) in El Salvador, the URNG has not been very successful in transforming into a political party (Allison 2006). This has hindered the URNG’s ability to become a political player and thereby potentially create an additional space in which to contest social and economic policy (Arnson, 1999, 20).

Civil Society

The *Asemblea de la Sociedad Civil* (Assembly of Civil Society, ASC) represents a peak in the organization and capacity of civil society. Though it did not have a seat at the negotiating table, the ASC had a formal role in the peace process. This served as a symbol that previously excluded constituencies would be incorporated into the decision-making about the direction of the country. The ASC included representatives from ten sectors of civil society representing more than 100 organizations around the country.²¹ Many of these organizations continued to play a role today.

The preceding political history and stakeholder analysis provides an important lens for understanding the content of the Peace Accords. The next chapter looks at how these various

²¹ The ASC included representatives from ten sectors of civil society representing more than 100 organizations around the country from 10 sectors. The sectors were religious, trade union and popular, the Atlixco conglomeration, political parties, the Mayan sector, women’s organizations, non-governmental organizations, research centers, human rights organizations and the media. CACIF declined an invitation to participate in the ASC. (Kryznaric 1999, 5; Alvarez 2000, 5)

stakeholders interacted and represented their interests during the peace negotiations. The post-Accord context continues to be shaped by this power structure and history as well as by the outcomes of the peace process.

CHAPTER 2

THE PEACE ACCORDS

The peace process tackled the root causes of conflict and outlined a vision for creating a new “multiethnic, pluricultural and multilingual national unity” (Indigenous Rights Accord). Addressing Guatemala’s severe socioeconomic inequality and political exclusion is vital to its economic and democratic development. During the peace negotiations, this task was especially difficult because it came at a moment when national actors and institutions were fragile. Yet, the fragility that remained after the Serrano coup d’état may have actually been the key to passing progressive accords in spite of the powerful interests that “have such high stakes in maintaining the centuries-old status quo of high economic inequality, discrimination against the indigenous, impunity, and a weak, under-financed state” (Sieder, et al. 2002, 3).

The Socioeconomic and Indigenous Accords bring attention to what a more just future would look like in Guatemala. For this reason, they are used to represent the interests of a majority of the population with regard to reducing inequality and exclusion. This chapter analyzes the peace process with attention the most important outstanding issues today, security, indigenous rights and the role of the state in the socioeconomic development of the population.

The Peace Process

The process in Guatemala, summarized in figure 2.1, began slowly as part of a regional approach to peace in the late 1980s. Both the international community and domestic actors played a role in mobilizing participation. The early attempts of the Contadora group (Mexico, Venezuela, Panama and Colombia) to resolve the Central American conflicts (Guatemala, El

Salvador, and Nicaragua) during the 1980s failed to bring peace, but did create a negotiating framework in the Esquipulas Agreement signed at Guatemala City on August 7, 1987 which

called for reconciliation commissions to be set up by each country and encouraged a verification role for the United Nations and the Organization of American States (Spence 2004, 38). These factors, coupled with the military’s adoption of the Thesis of National Stability which allowed for the possibility for a negotiated end to the conflict,²² were the backdrop to the peace process that emerged.

As spaces for new civil society participants opened, indigenous groups (as well as women) were still often excluded or underrepresented, but representation gradually

improved. In Guatemala, as in a number of other Latin American cases,²³ political liberalization, especially through the peace process, provided much of this opportunity. Though it did not produce anything concrete, the Grand National Dialogue of 1988, an early step in the peace

Figure 2.1: Key Events in the Peace Process

1987	Esquipulas Agreements signed by five Central American Presidents
1988	First talks between URNG and National Reconciliation Commission
1988-9	The National Dialogue between civil society groups
1990	Oslo Agreement
1991	‘Mexico Accord’ signed. First official URNG-government talks set 11-point agenda.
Jan 1994	Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG)
Mar 1994	Comprehensive Agreement on Human Rights
May 1994	Assembly of Civil Society formed
Mar 1995	Agreement on Identity and Rights of Indigenous Peoples
May 1996	Agreement on Socio-economic Aspects of and Agrarian Situation
Dec 1996	Final Accord signed
<i>For a full list of the accords see Appendix A</i>	

²² “Thesis of National Stability” replaced the Cold War “Doctrine of National Security.” The “Thesis of National Stability” included the ideas that 1) Lasting peace and national stability can only be achieved by using legal means. 2) A negotiated peace settlement was an acceptable solution to the insurgency as long as it served the common good —“the national interest.” (Argueta 2008, 2-3). Schirmer points out that the Thesis still allowed the military to continue the counterinsurgency against “Opponents of the State,” which often included human rights groups that were viewed as fronts for the guerrillas. However, she also notes that the Thesis of National Stability did allow the military greater flexibility to open some political space and back away from the narrow role of fighting the oppositions with “repressive and internationally condemned measures” (1998, 256-7).

²³ Yashar compares rural politics since 1945 in Bolivia, Ecuador, Guatemala, Mexico, Peru. Peru is the exception—where there has not been a strong indigenous movement. Guatemala’s indigenous organization is included, but has been less successful in terms of political party organizing unlike Bolivia, Ecuador and Mexico (though here again, organizing has been largely regional).

process, increased communication between civil society organizations and the government. At the national level, the growth of indigenous organizations was also influenced by “the preparations for the 500th anniversary of the Spanish conquest in 1992, which strengthened Maya consciousness and stimulated new organizational expressions of this cultural renewal” (Howell and Pearce 2001, 150). The increased presence on the national level through the creation of 13 indigenous umbrella organizations allowed greater and more unified participation in the peace process as well (Dudouet 2007, 68-9; Spence et al. 1998, 38). Though Mayan identity was a strong theme, organizing by indigenous Mayan peoples often cut across ethnic issues to incorporate the interests of multiple identities—as indigenous peoples, as those affected by the armed conflict, or as peasants, to name a few.

The Mexico Accord of April 1991 set the eleven themes of the negotiations agenda. However, the negotiations did not get on track until 1994 after the interruption of the political crisis created by President Serrano’s *autogolpe* (self coup d’etat) in 1993. Economic and military elites dominated the *Instancia Nacional de Consenso* (National Forum for Consensus, INC) formed in response to the failed *autogolpe*, but the INC also gave momentum to civil society groups. Though not all groups (such as the Left and indigenous groups) were well-represented in these early developments (Dudouet 70; McCleary 1999, 192), McCleary argues that in the process, these new channels of communication created the “trust, norms and networks” needed to generate social capital (McCleary 193). By 1994, civil society had enough presence for the government, the military and the URNG to take UN mediator Jean Arnault’s suggestion to create the Assembly of Civil Society (ASC) seriously.

The Peace Accords included traditional elements such as disarmament for the URNG and “calls for change in military doctrine, formal loss of control over the police, reduction in size, and an accounting of human rights abuses” (Spence 2004, 11). In addition to these immediate

issues, the Accords also addressed a broad range of issues relevant to long-term root causes of the conflict such as the extremely unequal distribution of land and a legacy of discrimination against indigenous peoples. Civil society's inclusion in generating negotiation proposals through the creation of the ASC partially evened out the power imbalance of the weaker URNG in relation to the government/military side. ASC participation helped ensure substantive attention to socioeconomic issues, which in the context of the Central American peace processes as a whole were not commonly the subject of substantive agreements (Whitfield 1999, 273).

The Accord on Identity and Rights of Indigenous Peoples

The Indigenous Accord acknowledged that the indigenous in Guatemala face a different social and political landscape than ladino Guatemalans. The Accord emphasized the need to fully include indigenous peoples through decentralization of power and called for constitutional changes to enshrine this principle. The Accord signaled commitment to addressing the root causes of inequality, though many of the specific details and the means of implementation were left to future commissions to decide (Spence et al. 1998, 35). Jonas observes that full implementation implied "profound reforms in the country's educational, judicial, and political systems" (Jonas 2000, 16) which could potentially contribute to the development of great social capital and access to full citizenship. However, troubles with organizing and getting the necessary constitutional changes, tax and land reforms passed dampened the original hope of the Accord. Unfortunately, lasting structural change often proves more elusive.

Ethnic diversity in Guatemala and the additional layer of exclusion it brings to this case highlighted the need to address indigenous rights and, in turn, socioeconomic issues. Amartya Sen's ideas about the importance of "the extensive interconnections between political freedoms and the understanding and fulfillment of economic needs," reinforce the link between

development, equality and democracy (Sen 1999, 147). Addressing the exploitation, discrimination and racism toward the indigenous population in society and from the state requires their full citizenship, a cornerstone of the Indigenous Accord (Jonas 2000, 29). Beyond this first step, socioeconomic opportunity is necessary to build a livelihood that allows people to exercise their rights and fulfill their obligations as citizens.

Representation is another area where change has been slow. While the Guatemalan indigenous movement has made some electoral progress on local and state levels, political organizing has not taken the form of political party organizing, unlike in Ecuador and Bolivia. Lower levels of education, low socioeconomic status, and higher rural populations are all possible factors in lower participation of indigenous people in elections. The effect of years of explicit exclusion and repression on political engagement is another possible factor. It will likely take outreach to engage populations who were previously excluded, and even then, distrust in the state may remain an obstacle for some.

The Nukuj Ajpop electoral coalition in 1995 did succeed in having several local candidates elected, including the mayor of Quetzaltenango, the second largest city. Additionally, the proportion of indigenous national representatives has increased from 8 percent in 1985 to 12 percent in 2000 (Hall & Patrinos 2004, 6). However, for the 2008-2012 Congress, the number of indigenous members of Congress increased from 13 to 18, but the percentage of total members remains almost the same (11.39%) as in 2000 (ASIES 2008, 7). This low representation indicates that traditional political parties are not fully representing indigenous interests. Another possibility is that alternative forms of local political organization, such as the *comites civicos*, or civic committees, are more attractive than national forms of participation (Jonas 2000, 26). A specifically Mayan political party could advocate more strongly for indigenous interests. On the

other hand, this assumes that these interests are uniform and also carries the risk that an indigenous party could contribute to ethnic fragmentation rather than multiculturalism.²⁴

The most recent election may offer a few grains of hope in the candidacy of Rigoberta Menchú, which may have been the first step towards a more successful future campaign, and in President Alvaro Colom's center-left administration. Colom's statement that he would "create a government with a 'Mayan face' that would seek national unity (BBC 07 Nov 2007) did not materialize in his cabinet which includes only one Mayan, Culture Minister Jeronimo Lancerio. Additionally, a number of people that I interviewed speculated that Colom had made too many promises over the years that would pull Colom in multiple directions and away from his social democratic promises.

The Accord on Socioeconomic Aspects and the Agrarian Situation

The Socioeconomic Accord utilizes a broad frame of reference that connects socioeconomic issues to democratization, participation and social justice. It calls for all of the country's social and political forces to work together in "combating poverty, discrimination and privilege" and connects economic growth to economic policy "aimed at preventing processes of socioeconomic exclusion, such as unemployment and impoverishment, and maximizing the benefits of economic growth for all Guatemalans." It also places upon the state "inescapable obligations in the task of correcting social inequities and deficiencies." But for the URNG and other groups who wanted radical change, the Socioeconomic Accord did not go far enough.

The Socioeconomic Accord was especially controversial and had been since the negotiations. First, it was the only accord in which the CACIF took an active interest in by

²⁴ Madrid (2005) deemphasizes this possibility. And, given that such parties have not already developed in Guatemala, there are other possibilities for increasing the representativeness of the party system, increasing acceptance of democracy, and decreasing electoral vulnerability.

directly lobbying the government to reject the recommendations of the ASC, especially against land reform and the social function of property (Alvarez 2002, 6; Krznaric 1999, 7). The oligarchs did not want accords that would “permit changes to the private property system. In particular, they organised to prevent an expropriative and redistributive agrarian reform” (Krznaric 2008, 13). For a number of the organizations in the ASC, their inability to exact substantial land reform amounted to a failure to affect the economic sphere (Krznaric 1999, 2). National Indigenous and Peasant Coordinator (CONIC) and the Coordinator of Mayan Peoples Organizations (COPMAGUA) ultimately gave their endorsement of the accord, but only with explicit and formal reservations (Alvarez 2002, 6).

A few provisions that are often highlighted were notable exceptions to vague language on the nature and timeline of required action. The state committed to increase social spending on education and health by 50% over 1995 levels (as a percentage of GDP) and to increase tax revenues from 8% to 12% of GDP. Some land reform measures set dates by which certain actions must be taken. For example, the government was required to start the operations of a Presidential office for legal assistance and conflict resolution in relation to land by 1997.

Fiscal Policy and Social Spending

Progress on tax reform has been impeded by legislative delays, by resistance from economic elites, and by a lack of information about proposed changes. Government negotiators originally proposed the tax provision in the accords in order to achieve much needed structural change in the state, but significant reform has not occurred (Stanley and Holiday 2002, 430). Even when the legislature finally passed a property and land tax reform in 1997 (IUSI, Impuesto Unico Sobre Inmuebles), protests by small, often indigenous, land holders prompted the government to revoke the law before even attempting to implement it. Many of these small land holders were misinformed about the targets of the reform by how it was portrayed in the media.

It is also possible that a change in the position of economic elites was actually behind the media's portrayal (Spence et al. 1998, 54). Furthermore, lack of trust in the state possibly predisposed small landholders to fears that they would be hurt by the law. Notably, the state did not invest resources into educating the public.

After this failure, a Fiscal Pact Preparatory Commission was created at the end of 1998 to address tax reforms and the legislature passed the Fiscal Pact in May 2000. The Pact moved the provision to increase tax revenues to 12% of GDP by 2000 to 2002, but revenue was only 10% in 2004 and at the time of this writing the goal still has not been reached. The culture of tax evasion supported by the perception of high government corruption and distrust for the state's ability to effectively manage tax revenue presents a major obstacle to needed tax reforms (Rodas-Martini 2007, 102).

Supported by the influx of international aid,²⁵ social spending goals were met, but the benefit has been small considering the low starting point. Social spending as a percent of GDP remains approximately 1% for health (with the lowest of 0.7% in 1996, a high of 1.2% in 1999 and a decrease to 0.9 in 2004) and 2% for education (with the lowest of 1.5% in 1995 and 1996, a high of 2.5% in 2001 and a decrease to 2.3 in 2004) (Rodas-Martini 2007, 104). The capacity and targeting strategies of the relevant ministries also presents an obstacle to delivering the benefits of increased spending to intended beneficiaries—the citizens, especially those who are poorest. For example, in 1996, the Ministry of Education under spent its budget by 21% and the Ministry of Health by 44% (Sieder et al. 2002, 48). An analysis of how the budgets on health and education are spent shows that the poorest do not benefit any more than the richest and in some categories, such as secondary education and hospitals, spending is regressive in its distribution

²⁵ The international community pledged more than \$3.2 billion in aid, of which about 68% was in the form of grants (Sieder et al. 2002, 2).

(Rodas-Martini 2007, 105). Even if this problem can be addressed, continued increases in social spending can only be made sustainable with tax reform.

The low tax base and the culture of tax evasion limit what changes the state can make, even if it was committed to reforms. From the perspective of the private sector, companies should not have to pay more until the state collects from those who operate in the informal economy too. Furthermore, many private sector actors argue that the state needs to demonstrate that it can use the money more efficiently and without corruption, despite that the private sector is a source of the corruption. Even supposing that corporations pay all that they owe in taxes and are not involved in corrupt practices—assumptions for which there exists little evidence—the private sector claims undue control over government activity. The power of CACIF and the private sector to block reform of tax structures or raise the rates is part of a larger structure of general impunity and an electoral system that responds to campaign contributions rather than to the interests of the people.

Land Reform

Like in many Latin American countries, lack of access to land is one of the main drivers of rural poverty. Land reform raises controversial questions that pit the legacy of colonialism and exploitation against the fundamental protection of private property in the capitalist system, which is reinforced by a dominant propensity for neoliberal economic policy. Thus, even in favorable policy environments, land reform is difficult to design and implement effectively. In Guatemala, where land is important both culturally and economically, inequality remains extremely high.

As a result of provisions in the Socioeconomic Accord, a number of government commissions²⁶ were established to work on different aspects of the land issue. Initiatives

²⁶ These include: CONTIERRA, Presidential Office for Legal Assistance and Dispute Settlement in Land Matters; PROTIERRA, the Institutional Commission for Development and Strengthening of Landed Property;

included land for returning displaced persons, establishing an accurate land survey to regularize land titles, conflict resolution mechanisms, and the provision of rural credit. FONTIERRAS, a Land Fund started by the government with World Bank assistance which aims to redistribute illegally acquired land, had some impact, but it ended up as one of the only land funds. At the close of the project in 2005 it had assisted 15,487 beneficiary families who acquired land through the purchase of 186 farms, much less than demand (World Bank 2006, 5). Changes in export agriculture and population growth mean that there is no longer much idle land for landless or near-landless rural populations. The size of the land problem is greater than the sum of these initiatives and without a significant change in the status quo, the promise to address land grievances is unlikely to be fully implemented (Stanley and Holiday 2002, 455).

Assessing the Accords: the Strength, Will and Capacity of Actors

The inclusion of diverse actors can be viewed as positive for participation, but it can slow the implementation process. The diffuse distribution of responsibility for tasks related to implementation also diluted the accountability of specific actors (Stanley and Holiday 2002, 423). One of the starkest illustrations of the consequences of leaving details to be negotiated later is that Guatemala never managed to pass the required constitutional reforms required by the Accords. Unlike the FMLN in El Salvador, the URNG was not able to win significant changes in governmental structure, especially none which required changing articles in the Constitution *before* the end of the negotiations. As a result, since 1999, the “ambitious but attainable standards of democratization” (ibid., 422) put forth in the Accords have faltered and the steps taken often seemed less than were hoped for by many during the negotiations.

FONTIERRAS, the Land Fund; and BANRURAL, the rural development bank, which has been one of the most successful of the new institutions.

Given the relative weakness of the URNG it is not surprising that few concrete goals with timetables and benchmarks were included, but it is less clear why the Accords did address a wide array of issues that set goals for fundamental changes. Problems in implementing the negotiated changes raise questions about the depth of commitment to real change versus simply modifying the rhetoric of the State. Analyzing the possible motivations and limitations of the actors reveals important lessons for moving forward on socioeconomic and citizen participation agendas.

According to the lead mediator, Jean Arnault, the success of the negotiations was linked to the agenda being converted “into the core of the national agenda, around which diverse groups with a variety of different goals and interests coalesced” (Arnsen 1999, 9). A related idea is that

Guatemalan administrations and the more pragmatic members of the business sector were willing to make some concessions in the treaty because they realized that peace was necessary in order to reduce Guatemala’s pariah image and to take advantage of the willingness of the international community to assist with postwar reconstruction” (Spence 2004, 45).

This calculated approach raises questions about the extent the Accords could be considered a “national agenda” owned by all actors. Economic elites likely saw that they stood to win more than they were giving up. The popular sector remained weak relative to CACIF, and by being involved, CACIF could preserve its power by controlling the process and making promises that it did not intend to keep. In the end, elites gained international acceptance and postwar reconstruction funds while consolidating their power domestically by reintegrating the insurgents (Spence 2004, 45).

In the moment of confusion and instability after the Serrano coup, elites were in no position to prevent a long awaited conclusion to the peace process. President Leon Carpio decided that there was nothing to lose by trying to finally negotiate the terms of peace.²⁷ By the time the Arzú government took over in 1996, the process was moving. Arzú signed the final

²⁷ Interview with Jose Maria Argueta, former civilian National Security Advisor to Leon Carpio, April 2008.

peace accords, taking credit but not ownership over the Accords, and instead pursued pro-business economic policies that were in conflict with the ideals of the Accords (Sieder et al. 2002, 18).

The failure to pass the constitutional reforms marked an end to the initial implementation period, though the Accords continue to be a point of reference in discussions of Guatemala's direction. The right-wing Portillo government was not very supportive of the peace process (though it was also anti-oligarchy). The Portillo administration campaigned against a proposed tax reform that

would meet one of the only specific benchmarks of the Socioeconomic Accord and unilaterally proposed its own reform bill, ignoring the recommendations of the electoral reform commission (Sieder et al. 2002, 18). The Berger administration was viewed by most as an improvement for governance compared to Portillo. However, in terms of land issues, forced evictions of landless *campesinos* (peasants) occupying underutilized lands increased significantly (Kznaric 2008, 105). President Colom's administration is underway, but has not, thus far, resulted in any major policy shifts.

CACIF succeeded in protecting its interests in preventing deviation from market-based principles and keeping the Socioeconomic Accord vague enough to bind any future governments to specific reforms. During the implementation process as well, economic elites, led by CACIF, along with political conservatives opposed to the peace process, have been successful in blocking

1993-1995	Ramiro de León Carpio, former Human Rights Ombudsman, elected interim President by Congress.
1995-1999	Administration of pro-business Alvaro Arzú from the National Advancement Party (PAN)
1996	<i>Final Peace Accord signed.</i>
1999	<i>Constitutional Referendum to institutionalize aspects of the Peace Accords does not pass.</i>
2000-2003	Alfonso Portillo of the right-wing Guatemalan Republic Front (FRG) takes office.
2004-2007	Administration of land owner and businessman Oscar Berger of the conservative Grand National Alliance (GANA).
2008-	Alvaro Colom, National Union of Hope (UNE) party, takes office as the first center-left-leaning administration.

reforms. The influence of CACIF is greater than the consensus in the Accords, in the Truth Commission report, and among local and international actors that socioeconomic inequality and exclusion were at the root of the conflict. Elite power to continue to benefit from these unequal structures has proven stronger than ideas about human rights and social justice. Comparing the interests of these elites to the positive assessments of the Accords raises the question of whether the Accords were ever a truly shared national agenda.

It is easier to identify the necessary structural changes than to actually change the incentives and interests of elites who gain from the status quo and have the power to maintain it. How much and what kind of changes are reasonable to expect of post-conflict development? Should discussion of root causes be included on peace agendas when little political will and capacity exist for implementing the structural changes needed to address these causes? One answer is that peace agreements are only “one element of the social process” in a country and therefore we should evaluate them not “only by the letter of the agreements but with respect to their long-term institutional and social outcomes” (Pasara 2001, 30). This directs attention to generating ideas about what can be done to continue the processes started in the accords.

The Future of the Accords

Many organizations continue to work actively to achieve implementation of ideas from the accords. For example, for the 10th anniversary of the accords, the *Sector de Mujeres* (Women’s Sector) published an evaluation that identified where the accords had been implemented, partially implemented or had yet to be addressed. With special attention to the affect on the



Photo taken in Guatemala City, January 2008

lives of women, their conclusion was that the maintenance of impunity continues. Coordinating organizations such as the National Coordinator of Peasant Organizations (CNOC) and CONGCOOP (Coordinator of NGOs and Cooperatives), continue to press for fundamental changes by proposing policies for the agricultural and social spending sectors.²⁸ But even as they dedicate their work to these activities, they acknowledge that the state lacks capacity and even where there are lines of communication. The state claims to celebrate the Accords, but there is still a lack of confidence in the state because in its actions, it seems much more responsive to CACIF and increasingly organized crime and drug trafficking interests.²⁹

The National Indigenous and Peasant Coordinator (CONIC) focuses more on the local level by providing advice on how to acquire or legalize their lands, on options for diversification, and for accessing new domestic and international markets, (Choy and Borrell 1997, 75). The organization has also been involved in more radical direct civil disobedience by organizing land invasions when land owners have violated certain legal obligations. By direct action rather than using the courts, they seek to bring attention to the immediacy of the land issue. Both during the negotiation of the Socioeconomic Accord and since, this has created a tension between their mission to fight for the land and opportunities to work for reform with the state (Bastos and Camus 2003, 75-76).

The challenge of building a system of representation and fostering citizenship takes time. Despite frustration, people also point to progress, even if it is slower than many would prefer. At the very least, the possibility for discourse exists today in the way that it did not before the accords.³⁰ This is a significant change from decades of political repression when being a leader

²⁸ For example, CNOC and CONGCOOP evaluated how the work of FONTIERRAS and the impact of structural adjustment on land markets affect access to land and made recommendation for improvement with support from the International Development Research Centre (IDRC, Canada) (2001-2003).

²⁹ This theme came up in several interviews in January 2008.

³⁰ Interview with Maria Dolores Marroquin, Executive Director of the Women's Sector, January 2008.

or even a member in a civil society organization made people and their families target for intimidation, kidnapping and assassination. The next chapter analyzes how civil society has developed within this new space.

CHAPTER 3

THE VALUE OF CIVIL SOCIETY AND THE CASE OF GUATEMALA

Before examining the role of Guatemalan civil society in the peace process and its potential for influencing public policies aimed at reducing poverty and inequality, it will be useful to think more generally about civil society. Competing definitions make a clear definition of civil society imperative. The theoretical and practical literature on civil society provides the resources for both establishing a definition and determining the envisioned functions that civil society fulfills in peace-building, development and a deeply democratic life.

Using this framework, the chapter then analyzes the realities that shaped the participation, capacities and strategies of civil society in Guatemala. The decades of political repression during the armed conflict created a legacy of distrust between people and the government and a civil society that was previously constricted. These obstacles have had a profound affect on civil society's ability to organize over the long-term.

Definitions and Functions of Civil Society

Most definitions identify civil society as one of the broad institutions of society along with the family (private sphere), the market (economic sphere) and the state (political sphere) (Dudouet 2007, 7). Edwards offers a simple definition: “civil society is the arena in which people come together to pursue the interests they hold in common—not for profit or political power, but because they care enough about something to take collective action” (Edwards 1998, 2). While the boundaries between these spheres are not solid and there is interaction between them that

result in social, political and economic change, they each have their area of expertise. The relative strengths of each may vary, making balance ideal, since, “Good neighbors can’t replace good government, and nonprofits shouldn’t be asked to substitute for well-functioning markets (Edwards 2005).

Even within this definition, further clarification helps identify precisely which kinds of organizations are and are not the focus in the case of a civil society that promotes equality. An integrated conception that draws on civil society as associational life, as the good society and as the public sphere creates a “mutually supportive framework” where the questions raised by each are answered by the others. In this framework, “the idea of civil society can explain a great deal about the course of politics and social change, and serve as a practical framework for organizing both resistance and alternative solutions to social, economic and political problems” (Edwards 2005).³¹ After examining more closely how these three fit together, the next step is to identify the types of organizations that are the focus in the case of Guatemala.

This framework provides a picture of how civil society contributes to processes of democratic consolidation, peace-building, and development. All of these processes require that people of different groups can interact and constructively resolve conflict. Through association in civil society people are encouraged to become active citizens and encourage accountability in states and markets. In this sense, civil society is a vehicle for citizens to access their full

³¹ Each of the three schools complement each other because they emphasize a different aspect—whether the overall ideals of a just society that we strive for, the structures by which we work toward that ideal, or how competing values and ideas can be reconciled. Edwards (2005) summarizes these connections well: “Civil society as the good society keeps our ‘eyes on the prize’ – the prize being the goals of poverty-reduction and deep democracy that require coordinated action across different sets of institutions. ... Structural definitions of civil society – the first approach I described - are useful in emphasizing the gaps and weaknesses of associational life that need to be fixed if they are to be effective vehicles for change. However, ... Without our third set of theories – civil society as the public sphere – there would be no just and democratic way to reconcile these views and secure a political consensus about the best way forward. In turn, a healthy associational ecosystem is vital to the public sphere, since it is usually through voluntary organizations and the media that citizens carry on their conversations. Finally, the achievements of the good society are what make possible the independence and level playing field that underpin a democratic associational life - by reducing inequality, for example, and guaranteeing freedom of association, anchored in the law.”

democratic rights to representation, “especially where formal citizenship rights are not well-entrenched” (Edwards 1998, 6). For example, if political parties are weakly institutionalized, civil society groups can “provide the channels through which poor people can make their voices heard in government decision-making” (ibid). Development and human rights NGOs already have experience in this area. International NGOs, bilateral and multilateral donors have also increasingly shown interest in supporting these processes. The focus here is on the national organizations, though, in the final chapter the way that international donors support national organizations will be examined as well.

Examining the characteristics of organizations engaged in the work of “social communication in the public sphere” (Dudouet 2007, 9) provides a basis for identifying the groups that are the focus of this analysis. Membership-based organizations such as trade unions, peasant groups or women groups tend to be movement-style organizations in which people mobilize in support of changing how that group is viewed or treated. Community based organizations could also fall into this category. Non-membership or “intermediary” organizations such as NGOs and support organizations tend to offer certain services that are not accessible elsewhere, such as legal support in human rights violations cases. Though there is a disposition to consider NGOs as working for the greater good, issues of representation, accountability and independence are of greater concern than with member-based social movement-type organizations (Dudouet 2007, 10).

There is an increasing tension between grassroots organizing and national-level civil society leaders negotiating agendas with government elites (Sieder et al. 2002, 20). Dudouet divides these levels into a “vertical approach” which defines CSOs by their relations with the state and political society, and a “horizontal approach” which locates civil society as the locus for intra- and inter-community interactions” (Dudouet 2007, 11). Balancing these two requires

diversified capacity, but at the same time, is necessary in order to achieve the objectives of advancing change on behalf of broad based constituencies.

Vertical functions establish an interaction between civil society and the state and political society. In vertical relationships, civil society serves as a counterweight to the power of central political authorities, in the role of opposition and protest against violent or anti-democratic state policies, and in channeling state-society communication and collaborating in policy-making (most dominant during peace processes) (Dudoet 2007, 3). Barton further elaborates on the characterization of state-civil society relationships which tend to shift during periods of state-perpetrated conflict versus times of peace-building. The relationship can be:

- complicit (as party to the decisions made in society's name),
- contractual (when implementing government policies),
- contributing (through policy dialogue and recommendations),
- complementary (working in parallel as autonomous entities), or
- contesting/confronting (by challenging governmental behaviour). (Barnes 2005)

Transitioning from one mode of operation requires adaptations in organizational culture and strategy that are not easily implemented. Furthermore, the organizational shift from confrontation to complementary or contributing modes may be easier and faster than the shift of the attitudes of the constituencies that organizations claim to represent. This further exacerbates the challenge of organizations trying to transition from times of conflict to peace.

In contrast to the vertical functions, the horizontal functions of civil society do not focus on the relationship with the state, but rather focus on the relations within civil society and between the general public and civil society organizations. The horizontal function of participatory socialization involves the processes “whereby citizens engage in voluntary associations and learn how to exert their democratic rights, thus fostering their political socialisation [sic] and spirit of civil (or civic) participation” (Merkel and Lauth 1998: 5 in Dudoet 2007, 14). Service delivery is another horizontal function because civil society

organizations fill in for weak state provision of the basic necessities of the population. The horizontal functions can become strained in the process of building the necessary connections to the state, especially when organizations depend on international donor resources to fund their advocacy and watchdog functions.

As this analysis aims to address the root causes and structures of exclusion and inequality that led to the conflict, it focuses on civil society organizations that could be qualified as “agents of constructive change” (Dudoet 2007, 17). This establishes a division between “civil” and “uncivil” society. This distinction separates the very powerful CACIF—working largely to “limit citizenship rights in order to preserve economic privileges” (Krzmaric 1999, 2)—from other organizations working to change unequal structures in support of the rights of *campesinos*, indigenous people, or the families of people killed or “disappeared”.

Even normatively “civil” society that primarily aims to bring about positive change cannot escape the effects of dynamics of inequality. Power always matters, especially in the context the “capitalist market economy and the social relationships within it” (Howell and Pearce 2001, 3). At the same time, Howell and Pearce see potential in modern civil society to challenge as well as reproduce power relationships by being “an arena that neither determines nor is determined, but allows debate and contestation to take place with outcomes that are contingent” that “is above all an arena where the possibilities and hope for change reside” (*ibid.*). Though it is important to distinguish between normative ideals and empirical realities, this potential role for civil society provides a lead worth pursuing.

Civil Society in Democracy, Peace-building and Development

Citizen participation in peace and democratization processes is an important means to development. Sen writes, “our conceptualization of economic needs depends crucially on open

public debates and discussions, the guaranteeing of which requires insistence on basic political liberty and civil rights....the intensity of economic needs *adds* to—rather than subtracts from—the urgency of political freedoms” (Sen 1999, 148). But how do citizens who remain excluded socially, economically and politically gain these freedoms? Sen does not provide a plan for implementing his insights (Uvin 2004, 125), but one place to begin looking for solutions is in the space where public discussion takes place—in civil society.

Advocacy for governmental reform and policy change that originates with citizens and civil society is likely to be more authentic and sustainable than reforms resulting from international pressure (for example from multilateral organizations). The pace of change may be slower because change is negotiated, though this should be acceptable given the limited ability for the international community to impose its preferences with conditionality.³² In this process, if donors refrain from imposing their own agenda and timeline on local groups, autonomy shifts away from the international community toward the nation and the locales within the country.

In “The End of the Transition Paradigm” Carothers identifies the next steps for better understanding democratization and the potential role of civil society. Careful analysis is at the heart of his recommendation that “democracy promoters need to focus in on the key political patterns of each country in which they intervene, rather than trying to do a little of everything according to a template of ideal institutional forms” (Carothers 2002, 18-19). He identifies two syndromes that explain the situations of countries stuck in a gray zone between democracy and other forms of governments, “feckless pluralism”—which will be the focus here as it includes the Guatemalan case—and “dominant power politics.”³³

³² For a more developed discussion of the limits of aid conditionality, see Uvin’s *Human Rights and Development*.

³³ Carothers defines countries with dominant power politics syndrome as those with “limited but still real political space, some political contestation by opposition groups, and at least most of the basic institutional forms of democracy. Yet one political grouping—whether it is a movement, a party, an extended family, or a single leader—dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable

Feckless pluralism is characterized by “significant amounts of political freedom, regular elections, and alternation of power between genuinely different political groupings” but without belief in politics, which are seen as “a stale, corrupt, elite-dominated domain that delivers little good to the country and commands equally little respect” (Carothers 2002, 10). A weak state, often accompanied by poor economic policy, makes it difficult to address the problems facing the country thereby reinforcing disillusionment with politics (ibid). Again, Guatemala’s profile fits this description.

This analysis generates a more nuanced prescription that better identifies the needs of a country in this situation than a set package of generic democracy reforms. In the case of “feckless pluralism,” according to Carothers, enhancing the process of democratization requires improving “the variety and quality of the main political actors” with efforts to better develop the political party system. A related goal is to “bridge the gulf between the citizenry and the formal political system” by encouraging connections between parties and civil society groups (Carothers 2002, 19). The author also reiterates the need to realize, in practice, the clear connections between democracy-building and socioeconomic development (ibid.). This echoes Amartya Sen’s concept of “development as freedom” which emphasizes “the extensive interconnections between political freedoms and the understanding and fulfillment of economic needs” (Sen 1999, 147).

Carother’s analysis and classification of “feckless pluralism” fits Guatemala much better than a standardized democracy template and recalls the goals of full indigenous citizenship and ending socioeconomic exclusion articulated in the Peace Accords. It also supports attention to civil society development as a means to supporting reform of state institutions and political parties. This builds upon the earlier analysis of this thesis. In particular, civil society

future” (Carothers 2002, 11-12). Three global regions where dominant power politics is most common include Sub-Saharan Africa, some former Soviet republics, and the Middle East (ibid., 13).

organizations that aim to influence national policy as part of their mission will be the focus here. There are many ways that organizations try to influence policy, from writing policy proposals or analysis reports, to lobbying the government or others who influence government decision-makers (including CACIF and members of the oligarchy), to awareness-raising and education.

Local civil society organizations might engage in similar activities at a local level as well. Service provision that aims to make up for shortcomings in government policy or the effects of structural violence also serves important functions. Local civil society organizations that have achieved greater vibrancy might also have a role to play in providing support or ideas for national-level activities and strategies. While important, this analysis is beyond the scope of this work.

The Role of Civil Society in the Peace Process

Though the Assembly of Civil Society did not have a seat at the official negotiating table, it did play an influential role in the process. Each sector in the ASC produced a draft proposal for each substantive accord and then two representatives from each sector formed commissions for each topic to compile a consensus document from each sector's draft. This process fostered cooperation, "reducing the intense fragmentation and mistrust that had often characterized relations in the past" (Alvarez 2002, 6). The inclusion of wider representation also contributed to the sense that the peace process was as much a dialogue about the future of the nation as it was a negotiation to the end of the conflict.

The process also served as an on-the-job capacity building exercise. Some individuals possessed useful skills in negotiation, consensus-building and policy making from their previous

experience, and international actors did aim to provide some tools for peace building³⁴, but no formal training was provided within the structure of the ASC. This meant those less experienced learned by trial and error. The fact that the official Peace Accords included many of the ASC proposals attests to their success (Alvarez 2002, 6). Representatives also learned lobbying and networking skills by organizing meetings with negotiators from the URNG, the government, the UN team and the Group of Friends countries (Colombia, Spain, the United States, Mexico, Norway and Venezuela) (ibid).

Despite these successes, the ASC proved unable to transition beyond the negotiations. Once finished with the negotiation recommendations in the end of 1994, internal divisions emerged in regards to the future role of the ASC. Though the Framework Accord that created the ASC did not envision a role beyond negotiations, many members felt the ASC could build upon its successes and contribute to the consolidation of peace during the implementation phase (Alvarez 2002, 7). As a result these tensions, the Atilxco (universities and small business cooperatives) sector left and the Bishop Quezada relinquished his leadership. With additional pressure from the lack of support of the government and URNG for a continued role, the ASC dissolved (ibid).

Questions were also raised about the representativeness and autonomy of the ASC by the political activity of leftist groups in the 1995 election.³⁵ The political power of CACIF to represent the interests of the private sector is accepted as standard practice, but other non-governmental actors are not allowed the same freedom. In this case, the political activity in

³⁴ For example, the Canadian International Development Agency's Democratic Development Fund, created as the peace process began to solidify had the flexibility to support initiatives as needed including "seminars with the government, professional organizations, unions, the nongovernmental community, and selected political leaders on future directions in social and economic policy; training in the conflict-resolution area; an educational campaign undertaken by the Guatemalan law society promoting the peace accords; and a dialogue between the government and interested organizations on tax reform" (Livermore 2001, 109).

³⁵ This includes some organizations' support for the newly formed broad-based leftist party as well as the decision of some key civil sector leaders to run for Congress (Nineth Montenegro, Rosalina Tuyuc).

support of the political left (URNG) caused fragmentation, while CACIF had enough power to refuse to participate in the ASC (even though it was invited).

Communication with the general public during and after the negotiations was also insufficient. Despite the ASC's active role, the process was not prominent enough in the public consciousness to guarantee the necessary legitimacy to implement the vision the accords articulated. Though the media were included among the sectors of the ASC, they were not very influential and the army and conservative owners of media organizations portrayed the ASC "as a mouthpiece of the URNG" (Alvarez 2002, 8). A lack of public knowledge about the peace process and the small size of the URNG network created a boundary to widespread ownership of the Accords, which should have been greater given that much of the language was generated in the ASC, rather than by international players.

A Difficult Transition to the Implementation Phase

The Accords created a role for civil society organizations on the multiple commissions responsible for their implementation. The transition from the negotiation to the implementation phase of the peace process proved challenging. There were roles for civil society organizations, but during the implementation, there was no forum for reaching consensus and as a result, fragmentation increased. Some civil society groups lacked clearly defined roles in the post-negotiation phase, but the fact that a formal mechanism for participation existed during the negotiation phase greatly increased the incentives for organizations to find a way to continue to be involved.

The diverse representatives to the commissions faced the formidable task of determining the specific means for implementing the often broad directives of the accords. This required technical knowledge about the topic—from the judiciary to fiscal reform to indigenous rights and

access to land—and the ability to negotiate agreements that could then gain the support of the government and elites. Civil society organizations (CSOs) were “technically and politically ill-prepared” for this role and that the “scope and complexity of the demands placed on CSOs by the accords reinforced specialization and fragmentation” (Sieder et al. 2002, 17).

Some groups were relatively new and most did not have well-established or collaborative relationships with government officials they would now be working with. Their ability to build relationships with government actors was constrained by the competing need to develop institutional capacity and clear strategies for making progress on the Accords. International donors have helped more with technical and organizational assistance without necessarily preparing CSOs with the political tools of representative and accountable civil society activism that they needed. Even as organizations have worked to demand a voice, at times they have had little to say in terms of policy suggestions once they get a seat at the table (Sieder et al. 2002, 17).

There was also a lack of explicit mechanisms for the public at large to signal their support of the work done by civil society representatives. Dependence on and competition for international funding further increased the distance between organizations and the constituencies they were supposed to represent. Some government actors have also made this argument (Sieder et al. 2002, 18), indicating a lack of trust on the part of government actors. These challenges show that it is difficult to have civil society replace political society.

Civil society actors organized around indigenous rights and peasant rights often overlapped and united in the ASC during the peace negotiations. Coordinating between groups with different priorities became more difficult without the negotiations to focus attention on reaching consensus. While this could be seen as a weakness in the organization of civil society, it is unreasonable to expect a united civil society in a country with a very diverse population. At

the same time, success in having your interests represented and addressed requires having a means to gain access to the power of the state and elites, which can often be best accomplished through coordination. This continues to be a challenge for CSOs today (Mendoza 2006).

Despite these challenges, civil society organizations have contributed to the peace and democracy processes and “remain important vehicles for advancing and deepening popular participation in Guatemala’s fragile democratic institutions” (Sieder et al. 2002, 20). In generating proposals that informed the negotiations and official accords, civil society, in the ASC, played a key role in identifying the root causes of the armed conflict and generating an agenda of issues and structures that need to be addressed to build a sustainable, authentic peace (Alvarez 2002, 7). And, since the signing of the Accords, civil society has expanded (Azpuru 2006, 119).

If civil society actors could create the momentum for greater unity, it might be possible to reopen the dialogue about the national interest with sufficient bargaining strength to get substantial reforms on the principles of the accords. The establishment of a new umbrella group of indigenous, *campesino* (peasant), union and popular organizations, (MICSP, *Indigenous Movimiento Indígena Campesino Sindical y Popular*) in 2004 hints at this possibility as does consensus on the “need to jumpstart the peace agreement agenda” (Mendoza 2006). In January 2008, as Alvaro Colom’s administration entered office, there was hope for potential to raise the awareness of government leaders and the population about the ways that socioeconomic inequality hinders economic growth and stability. Unfortunately, thus far, movement has been slow and careful, realistic analysis shows there are no quick, easy solutions.

CHAPTER 4

**A NEGOTIATIONS APPROACH FOR UNDERSTANDING THE
POTENTIAL OF CIVIL SOCIETY**

Business, military and government elites who were against significant reform saw the need for the Accords in restoring Guatemala's international reputation and gaining access to international aid flows, but managed to keep the Accords sufficiently broad. Elites who are less entrenched in their support of the status quo potential could become drivers of reform, but the incentives to go against the status quo are not strong enough to allow for change. If civil society had a crucial role to play in "defining the priorities of a peace process" (Preti 2002, 116), then civil society could be a key element to convincing elites that poverty reduction policies and their own self-interest are not choices in a zero-sum game. A stronger civil society oriented to these changes is not the only answer, but based on the literature it is a potential piece of the puzzle.

This chapter first elaborates on the case for an interest-based analytic approach to civil society in Guatemala. Next, it examines the relationship between civil society and other national actors, the relative power of civil society and these groups, and how understanding the interests of each group is essential to evaluating what changes are possible. The analysis finds generally weak relationships characterized by mistrust, poor channels of communication, an imbalance in the power to influence government policy, and a tendency to view possible outcomes as zero-sum³⁶ all underscore the need for a new approach to national politics.

³⁶ In principled, interest-based negotiation, zero-sum or win-lose outcomes, in which one party can only win when it claims a greater share of the value and the other party loses, are contrasted with win-win outcomes that maximize mutual gain by moving away from positional bargaining in favor of exploring the interests of involved parties and generating options that might best meet the interests of all parties. See Fischer and Ury for a more developed discussion of principled negotiation.

Understanding the Dynamics of Conflict and Peace

To understand the obstacles to implementing the Peace Accords and what kind of civil society activity could contribute to overcoming them requires careful analysis of the conflict and peace processes. Galtung's positive peace theory explores two dimensions of violence and peace: negative peace, which is the absence of fighting or personal violence, and positive peace or social justice, which is the absence of structural violence. Structural violence refers to the inequalities that are functioning in economic and political structures (1969). Sustainable positive peace requires solutions that identify both the necessary structural changes and incentives that favor peace over war, or in other words, solutions that address "both the causes and the functions of war" (Preti 2002, 103).

Economic, social and political structures caused the inequality, exclusion, and cultural discrimination that led to armed conflict in Guatemala. But these structures could not have functioned without the agency of actors who influenced those structures in order to access power and profit and maintain inequality (Preti 2002, 104). The Peace Accords aimed to address these issues through creating a basis for a demilitarized public security, an inclusive and participatory democracy, and greater socioeconomic equality and opportunity through increasing taxes and social spending. Unfortunately, even though the forms of violence may be different, the continued presence of direct, structural and cultural violence in post-Peace Accords Guatemala indicates the presence of unresolved conflict between the interests of elites and ordinary people. An analysis by *Fundación Propaz* (Foundation for Peace), finds that national life in Guatemala is over-determined by those who want to overcome the structural causes of conflict and those who want the status quo (Sartí and Umaña 2006, 17). This emphasizes the negative dimensions of conflict over the positive ones that can advance positive social change.

Two negotiations frameworks, the Seven Elements of Principled Negotiation (interests, options, legitimacy, relationship, communication, alternatives and commitment) and the Five Core Concerns for understanding how emotions affect actors (appreciation, autonomy, affiliation, role and status),³⁷ provide the tools for establishing an effective process. An interests-based conflict resolution agenda for pursuing change offers the possibility of acknowledging both the interests of those who want social justice and those who want to maintain their privilege. It also establishes a framework for generating options that might better meet the interests of all parties than the status quo. The results of applying this framework to the Guatemalan case follow.

Building Good Relationships and Effective Communication

In order for civil society to be a part of any discussion of national issues, underlying interests, and future options, there must be a relationship between civil society and other actors that allows for effective communication. The actors in government and business, professors at universities, and political analysts with whom I conducted interviews consistently perceived civil society as weak and ineffectual. By contrast, speaking with international development professionals and leaders of Guatemalan NGOs and foundations provided a more nuanced portrait of civil society. One interviewee from a European NGO that provides technical assistance and funding to national partners working towards implementation of the Indigenous and Socioeconomic Accords questioned the basis for the common assumption that civil society is weak. He pointed out that the view from the bottom shows much more vibrancy and variety,³⁸

³⁷ Roger Fischer and William Ury, 1991, *Getting to Yes: Negotiating Agreement Without Giving In*; Roger Fischer and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate*.

³⁸ Interview with Klavs Wulff in January 2008

illustrating the need to think more carefully about definitions of weakness and the perspectives from which visibility is measured.

The gap between the view on one hand that civil society organizations have little significant role on the national stage in contrast to the efforts these organizations make to pursue their missions highlights the weak relationship between civil society organizations and the state. One perspective emphasizes the lack of both a representative democratic tradition and the concept that all are equal under the law to explain why elites typically have a closer relationship to the state, since the state has historically functioned to serve elite interests.³⁹ At the same time, part of the democratic transition may be for civil society actors, who aim to represent the population, to develop and institutionalize channels of communication between citizens and the state. To achieve the establishment of new institutions and systems will require a stronger relationship with traditional elites.

While economic elites use campaign financing, family and business networks to influence government actors, the main point of access for civil society is through the executive branch, where continuity between administrations has been minimal, and in *mesas de dialogo* (dialogue roundtables). These roundtables include those like the *Comisiones Paritarias* and *el Consejo de los Acuerdos de Paz* (the Council on the Peace Accords) which date back to the first round of post-Peace Accord implementation while others on state reform, land and agricultural policy, women's and indigenous issues, rural development, education, and tourism are newer or have gone through multiple iterations. Civil society leaders working on women's rights, agriculture, and the environment all expressed frustration at the lack of results generated by the *mesas de dialogo*.⁴⁰ In part, this frustration likely results from having unrealistic expectations.⁴¹

³⁹ Interview with Glenn David Cox, University Francisco Marroquin, January 2008.

⁴⁰ Interviews conducted January 2008.

⁴¹ Interviews with Carlos Sarti and Klavs Wulff, January 2008.

First, dialogue does not mean negotiation, since product of dialogue is not binding like a negotiated agreement that includes a commitment to act. Civil society organizations want to have greater influence, but their main point of access is a mechanism that does not have the power needed to do so.

There is a tension between keeping the ideal vision of civil society in mind and the need for clear expectations of what is currently possible. For example, even if civil society organizations and the executive branch can agree on an agenda, the power of the executive branch is limited by the action or inaction of the Congress. Without recognizing these limits, high expectations are bound to be disappointed. Clear communication and acknowledgement of limits to what any party in the dialogue has the power to decide and implement is a first step towards establishing a foundation for dialogue that produces viable options that the parties could successfully take back to their constituencies.

Another area of concern is the level of preparedness of participants to be able to listen to each other. A positional discourse prevents a deeper understanding of the interests that are important to different actors. In part, this is a product of high levels of mistrust resulting from decades of conflict. The legacy of mistrust between civil society and the state and within civil society itself must be addressed. The use of a third party is one potential solution, but even agreeing on this would require greater communication among different actors and it assumes a willingness to engage that is not guaranteed. Economic elites, in particular, remain disengaged. The worldview of the oligarchy depends on being separate and above others. Their status is based on exclusion and maintaining this worldview (Dosal 1995, Kzrnaric 2008). Finding ways to build affiliation may start on a personal level, but also needs to ultimately be institutionalized.

Even setting aside the psychosocial component of building trust, many organizations may not have the resources needed to systematically develop skills in preparing for productive

dialogue. Such skills might include being able to identify interests underlying the issues, to navigate positional tactics or power plays, or to transform a zero-sum mentality into a win-win mindset. Without a process that provides hope for moving from coordination to cooperation to negotiation, it is possible that, at times, dialogue is actually counterproductive.⁴² Without a sense from other parties that one's views and contributions are accepted and appreciated, an organization is unlikely to feel connection to other actors with whom they are trying to work. A lack of affiliation could encourage groups to play the role of a spoiler rather than a partner.

Unrealistically short time frames or agendas that are too ambitious are additional process issues. For example, President Alvaro Colom announced a dialogue process for his first year in which a Grand National vision was to be discussed from January to June, followed by specific themes in the second half of the year. However, by February the pace was already off due to delays in starting. Carlos Sartí, the executive director *Fundación Propaz*, which offers training in conflict resolution and negotiation preparation, further highlighted the limited value of such a process, noting that without creating a more deliberate process when taking on such complex issues makes it likely that elites will not participate.⁴³ In turn, this means that even if the process produces some agreement, the results are not shared by elites who have the power and resources to block implementation.

Thinking through the role of the executive branch and the Congress prompts thoughts about to whom each is accountable, which brings the focus back to the power of the private sector and economic elites. It is insufficient for civil society organizations to forge relationships with one administration or a few members of the opposition in Congress. Instead, civil society organizations must consider how to find connections to other stakeholders who wield great influence over politicians and civil servants. Unfortunately, the relationship and lines of

⁴² Interview with Klavs Wulff, January 2008.

⁴³ Interview with Carlos Sartí, January 2008.

communication between civil society and the private sector are very weak, in contrast to the very strong link between the private sector and the government. Here, power enters into the equation.

Enhancing Relative Power

The networks, alliances, and economic ties of the organized private sector and the oligarchy are already well-established and undoubtedly stronger than any connections that organized civil society can form. Actions that could strengthen civil society organizations' ability to convince economic and political elites to engage on social justice agendas can potentially become steps in a strategic plan for advancing socioeconomic change. The more civil society can raise its profile, the more likely civil society actors will be able to identify a critical mass of direct and indirect means to influence the worldview of elites and change the context of Guatemala in ways that make the established systems seem less attractive.

Fragmentation among civil society organizations is one of the biggest impediments to bolstering the power of civil society. As mentioned, it is natural that different organizations establish different priorities, but in order to influence government policy, either directly or by somehow influencing CACIF and other economic elites, civil society organizations need to be able to form strategic alliances. Though it is not the norm, there are examples of when civil society has successfully formed alliances and networks to accomplish a concrete task. Two recent instances of civil society uniting include pushing for the International Commission against Impunity in Guatemala (CICIG) and influencing the passage of a land cadastre bill.⁴⁴ Despite these examples, "dynamism and activism is not the same as strength, capacity, and real power," in actuality, the civil society sector in Latin America "remains fragile, fragmented, and

⁴⁴ Interview conducted in January 2008.

disarticulated. Its strategic objectives are unclear” (Howell and Pearce 2001, 222). Building capacity takes time, especially when capacity is needed on multiple fronts.

Power can come through clarity of mission and strategy. In a recent review of how civil society organizations in South Africa and Guatemala have adapted their organizational structures and functions in response to changing contexts, Dudouet concludes with policy implications for CSOs. First, in anticipation of change in the political scene and in the flows of international funding organizations should evaluate “their past objectives and strategies, current organisational [sic] and functional strengths and weaknesses, future scenarios and priority areas, and necessary reconversions” (Dudouet 2007, 86). Monitoring and evaluation can help organizations plan strategically and choose the best strategies.

This relates to a second lesson: successfully “moving from confrontational tactics against oppressive regimes toward more collaborative and conventional strategies, while avoiding instrumentalisation [sic] or cooption by the state” (ibid.). The challenge in maintaining this balance is that economic elites have better control over government decision making. For example, under the Arzú government, despite the presence of some modernizing factions among the elite and progressive intellectual leadership, the popular sector “had no confidence in the ruling elite’s willingness to accept real change. Modernizers in the government wanted a ‘civil society’ prepared to trust their intentions while they gradually opened spaces for citizen voices. The most active citizens, however, had too little confidence in the process to invest such faith” (Howell and Pearce 2001, 167).

National civil society organizations need to work on multiple levels, lobbying the national government and working with local organizations and local governments. If civil society can improve its status and legitimacy by establishing stronger connections to the citizen bases whose interests it is trying to represent, this will increase the status and weight that civil society

carries on the national level. The challenge of capacity is clear here. Though the Peace Accords were a major victory, during the aftermath organizations were no longer united by a common purpose. The resulting fragmentation within civil society exposed “an underlying weakness and lack of common purpose among the organizations beyond that highlighted by the peace process. Foreign donors rather than real social processes were behind a great deal of the growth, which was mostly urban based and divorced from grassroots organizing in rural communities and rural consciousness” (Howell and Pearce 2001, 157-8). Focusing on vertical civil society functions vis-à-vis the state frequently pulls attention away from maintaining horizontal connections within civil society and between civil society and the people.

One way for civil society as a whole to increase its negotiating power is to strengthen its best alternative to a negotiated agreement (BATNA). If national-level civil society can better connect to vibrant local civil societies, its BATNA would be strengthened, which could raise the viability of an alternative to state-led development in bottom-up change from the local level. This could set up a future tension between the state and local actors. However, without this kind of strength, civil society may not be able to convince state actors to consider changing the status quo.

Capacity and resources will remain great challenges, even to reestablish (or establish for the first time) connections to the constituencies—the people—of civil society organizations. If organizations can do this successfully and negotiate the establishment of authentic channels of communication, CSOs could build a working relationship with those in control of national policies. To maintain these channels, it will also be important for CSOs to be able to add value through policy proposals or analysis. Though many organizations currently do create such publications, government decision-makers and members of Congress likely do not have

ownership over the proposals and are thus less inclined to support these proposals. An analysis of possibilities to set the stage to generate shared options is the next required step.

From Competing Interests to Shared National Interests

Only once there is a foundation for negotiation can civil society have a more reasonable chance of changing the status quo. It is not that civil society organizations should stop trying to affect national policy by conducting their own analyses and publishing policy proposals, but without a different environment, it is unlikely that significant change will take place from these efforts. Adjusting expectations and the areas where organizations focus their efforts to fit a long-term strategy for broadening civil society's influence ultimately offers greater promise for effecting sustainable, positive change, though this change may take longer than in an ideal vision. Once civil society has strengthened its negotiating position, a careful analysis of interests, the start of which follows, can be used to develop a strategy for shifting from a distributive to an integrative dialogue.

The traditional ability of economic elites to influence government policy to ensure favorable economic and fiscal policies has led economic elites to conflate the “national interest” with their own self-interest. As the oligarchy grew accustomed to dominating state decision making processes through legal and extrajudicial means, lines of accountability led back to elites. This pattern is represented in a “what’s good for coffee is good for Guatemala” mentality. The closeness between the state and private sector in Guatemala is even represented by the mottos of CACIF, “United we will Generate the Development of our Nation” (Unidos Generamos el Desarrollo de Nuestra Nación), and the Chamber of Industry, “With Industry there is Nation” (Con Industria hay nación), compared to that of the US Chamber of Commerce,

“The Spirit of Enterprise,” where there no conflation of the market and the nation (Krznic 2008, 66).

From the point of view of most members of the oligarchy, they have earned their wealth and “profits are considered the just reward of the individual entrepreneur, of the risk taker.” (Krznic 2008, 126) Many wealthy people believe that those who are poor are in that situation because of their own actions, not because elites’ “personal wealth is based on any form of exploitation” (ibid.). There is significant evidence, however, that traditional economic structures created and continue to maintain poverty and inequality in Guatemala. A closer examination of business practices, such as failure to abide by labor standards (ICFTU 2006) and pervasive evasion of taxes, provide numerous example of how economic elites benefit at the expense of less-well-off populations.

A transition to a democratic system of government, in theory, provides the structures required to represent the interests of all citizens. A full realization of democratic citizenship and a shift in the norms of political culture inevitably takes time—and was further complicated by the armed conflict. A more cynical view on whether these changes are in fact happening in Guatemala, however, lies in the question of whether economic elites are merely adapting superficially to new norms without actually opening enough space for substantial change.

Can a culturally diverse nation develop a “national interest” that is shared by all of the citizens of a country? In a representative democracy, voting is one means for citizens to express what their interests are, but this is limited by imperfect choices of candidates and weak political parties. Additionally, years of exclusion and state-led repression has generated a lack of confidence in the processes of democratic political participation, especially in its currently imperfect form. Even more direct than this psychological dimension is the fact that many citizens still do not possess the required registrations card to vote even if they choose to. A study by

Mirador Electoral 2007 (Electoral Watch 2007), *Barriers to Electoral Participation in Guatemala: Diagnostic of 4 Municipalities* found that the most common reasons supplied for not voting are institutional, not lack of interest.⁴⁵

Though CACIF has consistently prevented structural changes aiming to redistribute wealth, a broader look at the interests of elites raises questions about whether maintaining the status quo truly serves their long term interest. Keeping the state weak and dependent—through campaign contributions and minimal tax payments—allows the private sector to retain control over the state, keep the tax rate low, and maintain a system of institutionalized corruption and impunity. There are costs, however, to this arrangement.

The post-conflict transition required security sector reform. The use of counterinsurgency doctrine that targeted the populations came to an end, but a new system for providing security to all citizens still remains an unattained goal. When the military surrendered some of its control and the new National Police was created after the Accords, there was a security vacuum that organized crime filled. Many of the clandestine intelligence networks of the military were re-tasked to serve trafficking interests (UNDP 2007, 12-13). The resulting instability and insecurity carries measurable monetary costs. The estimated total cost of violence in Guatemala is 7.3% of the GDP (ibid., 14). This included an estimated 1.8% of the GDP spent on private security, 1.2% from a poor investment climate, and 0.8% in lost materials which are costs largely borne by the private sector and elites.

A more secure environment is arguably a shared interest for a majority of the population, rich or poor. For businesses, lower transaction costs translate into higher profit margins and attract business investment. For other citizens, a better security environment means they will be

⁴⁵ A “lack of a proper identification” was the most cited reason by ladino’s (42 percent) and indigenous people’s (40.6 per cent) alike. The motivational barriers (lack of interest) facing ladino (30%) and indigenous (25.8%) are of the same order. Institutional barriers facing both ladino and indigenous people surveyed are higher than in Nicaragua (34.5%). (Nevitte 2007, 11)

less vulnerable to shocks that threaten their livelihoods. Of course, the small minority that benefit from the absence of the rule of law will be unlikely to give up their impunity easily.

To pursue their interest in security, economic elites and the oligarchy would have to loosen their grip on state, sacrificing their interest in maintaining tight control over political elites for the potential gains in meeting the interests related to maximizing profits in business. This approach would require a tradeoff with their interest in control since paying more taxes is a logical way to increase the resources available to the state for providing the public goods of security, health and education. An additional tradeoff for economic elites is to give up impunity on issues such as labor standards in exchange for the promise of higher productivity that would emerge from workers being treated better and from social spending on better education and health. Realizing these gains will require serious attention to corruption and the current gaps in the state's ability to effectively provide the needed public goods.

Globalization and economic integration also contribute to shifting economic incentive structures that shape how underlying interests are best met. Attracting international companies who bring in money, technology, and jobs could strengthen the economy overall. In order to attract this investment, however, Guatemala must provide a secure and predictable environment and project an attractive international image. In the long-run, this requires more than a superficial make-over.

The concept of enlightened self interest means becoming aware of what is good for you in the long run because we believe that over time this monopolization and manipulation of the state hurts the elite as well as the poor. Civil society is not necessarily in a position to take the lead on promoting this change in the worldview of the oligarchy and other elites, but because changing the status quo fostered by this worldview is a necessary condition to carving a greater space for civil society in promoting the ideals set forth in the Peace Accords, this is one of the

core interests for civil society. Options for change exist, but are unattainable without changing the dynamic and shifting the way that groups see their own interests. For options to be viable, parties must feel that those options are legitimate. It is essential to understand the mindset of the oligarchy in order to know how to formulate a strategy for communicating and building a relationship.

The analysis in this chapter provides a framework for understanding the context in which civil society must operate. One interviewee suggested that there is movement in civil society based around the idea that change needs to take place and that, though the goals of civil society as a whole is not very well-articulated, organizations understand the need to develop viable networks and alliances. Given civil society's resources and current place in this context, the next chapter explores the avenues available to push forward on creating strategies that will advance the desired changes.

CHAPTER 5

TOWARDS A FUTURE ROLE FOR CIVIL SOCIETY

In Guatemala's transition period from conflict to peace and military rule to democratic rule, economic and social structures have not changed as much as hoped for by many Guatemalans. In the private sector, some believe that the concept of corporate social responsibility can provide a path to development without drastically changing land distribution and tax structures. *Campesino* organizations, such as CONIC, on the other hand, insist on more comprehensive land reforms. While different actors may not agree on the nature, direction, or extent of the change, there is consensus that Guatemala is in a process of substantial change and development.

The interest-based analytic framework in the last chapter established the importance of relationships, relative power, communication, and the ability to think openly and rigorously about both one's own interests and those of others. Building on this foundation, this chapter examines the potential promise and drawbacks to several policies, models, and tactics for civil society organizations that aim to accelerate the pace of positive change. I consider internal and inter-organizational level policies as well as those addressing organizations' work and interaction related to the state and private sector. The role of the international aid community is also important because it provides a significant source of funding and therefore has some power to shape the space within which civil society operates. These ideas for openings to push forward social justice are exactly that—ideas that emerge from this analysis; a range of possible outcomes exist as do alternative courses of action. Ultimately it should be up to civil society leaders and constituents to determine their own agendas.

Potential Strategies for Civil Society Organizations

The obstacles of fragmentation within civil society, the lack of internal representation, mistrust of the state, and weak relationships with economic elites are significant. New approaches could begin to tackle these obstacles, but they will also stretch the capacity of organizations to shift resources and priorities. Policy analyses and proposals currently produced by organizations for members of Congress and ministry officials are often not given the attention that organizations hope. Even so, if organizations shift attention and ultimately succeed in building better relationships and understanding of the interests of other actors, they will still need to be able to engage intelligently and knowledgeably about the policy issues and realistic options.

The tendency to prescribe greater efforts on new or neglected fronts while continuing to support the activities already underway runs directly into the fundamental constraint of capacity and resources. The lack of “the capacity, leadership, unity and funds necessary to reconfigure flawed and corrupt state institutions dominated by powerful actors” is part of the reason why Krznaric has little faith in the ability of Guatemalan NGOs to “erode oligarchic privilege” through state reform (2008, 157). While acknowledging this limitation, this analysis still hopes to provide a framework for prioritizing activities, generating creative options for involvement, and engaging in long-term strategic planning. My three main recommendations are to 1) promote synergies within civil society at multiple levels, 2) forge connections with economic elites, and 3) foster broader understanding at all levels of society.

Promote Synergies within Civil Society at Multiple Levels

The multiple forces that pull national civil society in different directions require skillful management and leadership to navigate. This section examines strategies for strengthening ties within national-level civil society and with local-level civil society. Investment in leadership and outreach skills within national civil society is the first step in a long-term strategy for creating a

more resilient and effective civil society. The bottom line of capacity remains, but initiatives to reduce fragmentation—such as workshops for people in the civil society sector on interest-based negotiation and strategic planning followed by dialogue aimed at identifying common priorities within civil society—could also help organizations develop these leadership and management skills. Bringing people together and forging connections requires coordination skills and a solid curriculum. Organizations such as the *Fundación Propaz* could be a resource in accomplishing this task.

On the national level, efforts to institutionalize networks and alliances in a way that leads to on-going collaboration on common objectives could reduce the transaction costs of forming new alliances for each collaborative effort. For example, the passage of a Law of Cadastre, required in the Socioeconomic Accord, shows how civil society organizations are able to influence legislation (one interviewee suggested 65% of the law “belonged” to the organizations involved). The law was offered as evidence that civil society can act when united, determined, competent, and focused on a single claim. While the Executive Director of CONGCOOP agreed that the passage of the law was good, he also pointed out that it is only a technical, first step towards CONGCOOP’s goal of a modern agrarian reform that could democratize economic and political power.

These two perspectives highlight the benefit of a more systematic approach for collaborating on multi-step reforms. They also serve as a reminder of the challenges of setting realistic short-term goals while keeping the long-term goal in sight and of building the organizational capacity required to collaborate effectively while remaining focused on one’s mission. The core skills for internal cohesion within civil society are the same as those needed for engaging more effectively with policy makers and economic elites. First, focusing on areas of potential agreement, rather on the most divisive issues that drive parties to entrenched position,

can be a strategy for building working relationships and trust that can be used a platform for tackling more difficult issues in the future. Additionally, if civil society organizations have a clearer idea of what conditions are required for effective dialogue and can establish immediate priorities for policy collaboration, they will be in a position to negotiate for focused, realistic dialogue processes with a higher probability of producing outcomes will be taken seriously by legislators.

National-level organizations, especially non-member based NGOs, could also build greater capacity—and legitimacy—by improving connections to local level organizations. Umbrella organizations already provide a space for connecting organizations working in similar sectors, but there were indications of additional lessons to be learned from local civil society.⁴⁶ The local level offers opportunities for more immediate and direct civic participation (Torres-Rivas and Cuesta 2003). This is an area for further investigation.

Dr. Rokaël Cardona Recinos suggested that there is evidence of a new intermediate level of activity of people and organizations finding common interests across departmental lines in response to the lack of representativeness of departmental officials. He saw potential for these alliances to build a federation of national civil society organizations if the resources can be pooled from the municipalities, the international community, and possibly state level social funds⁴⁷ (Fondos Sociales).⁴⁸ This example suggests that thinking broadly about the ways that people might organize and communicate their interests and about how national-level organization can tap into these sources is another area for further research.

⁴⁶ Edelberto Torres-Rivas, Klavs Wulffs, and Rokaël Cardona Recinos all mentioned pockets of local level civil society vibrancy. All interviews were conducted during January 2008.

⁴⁷ He did raise a concern about a tendency for clientelistic, corrupt administration of the Social Funds.

⁴⁸ Interview with Rokaël Cardona Recinos, Executive Director of the Institute for Local Development in Central America (IDELCA, *Instituto para el Desarrollo Local Centroamericano*) and President of Asociación Poder Para Todos (the Association for the Power of All), January 17, 2008.

Within the strategy of learning from and connecting to local community power lies an assumption that a modern democratic republic can deliver what it promises. It also implies that local communities united around their own cultural identity desire a liberal democratic relationship with the state. Civil society has potential to bridge the gap between the people and the state, but is seen in tension with community to the extent that it is associated with integration and modernity, even though modernity and change are not inherently undesirable (Howell and Pearce 2001, 156).

Assuming that indigenous or *campesinos* communities are only interested in traditional ways might also be inaccurate. In fact, though many leaders are weary of the “required acquiescence if not acceptance of the neoliberal package of individual accumulation, economic liberalization, and global competitiveness” that is implied by inclusion as citizens in a liberal democracy, they welcome the benefits of social and economic progress in enhancing their livelihoods (ibid., 157). Unless communities want to remain largely autonomous and separate, it will likely be in their benefit to find ways to participate in public life on their own terms. Awareness of what is implied by adopting new relationships with the state and national-level organizations can only enhance peoples’ own agency.

Forge Connections with Economic Elites

In addition to improving current strategies and internal strength, finding opportunities to make connections to economic elites is an essential component for increasing the influence of civil society. Without addressing the interests of the economic elite, who have inordinate influence over the state, the benefits of creating improved conditions for interaction with the state will likely fall short. The state’s weakness in terms of financial and human resources must be overcome; otherwise state reform will not be a viable option for improving socioeconomic conditions. However, reformist strategies that “do little to alter how the country’s most powerful

individuals and groups—including members of the oligarchy—think and act” (Krznaric 2008, 157) are unlikely to change the status quo. These strategies need to be retooled.

Continued distrust and the danger of cooption inherent in engaging with actors that have significantly greater organizational capacity, financial resources, and influence naturally establishes an antagonistic relationship between civil society and the private sector. Reframing this relationship and placing it into the broader context of a country still recovering from decades of conflict can provide the basis for creating new strategies of engagement. In post-conflict environments, development and democratization are not only goals in and of themselves, but are also the outcomes of conflict resolution processes that aim to create and institutionalize effective mechanisms for resolving future conflicts without resorting to violence. In a fundamental way, democratic processes provide a means for managing conflict by allowing people to continue conversations in a non-violent way.

The Enlightened Dissent Methodology, designed to promote “integrated solutions based on the understanding of the rationales behind differences” (Argueta 2008, i) and used by the Center for Strategic Studies for National Stability (Centro ESTNA)⁴⁹, emerged from this concept.

We had to help persuade these other sectors to examine the issues facing the nation from the perspective of the national interest rather than from their narrow sectarian perspective. In other words, we needed a process to educate as many of Guatemala’s key leaders as possible that in functional democracies the following statement is accurate: ***“The attempt to serve the national interest while pursuing one’s immediate objectives is the most effective way to serve one’s overall interest.”*** [emphasis in original] (ibid., 2-3)

Though grounded in a different era when the military still overtly controlled political processes, the model used by Centro ESTNA provides valuable lessons that continue to apply today. First, the three obstacles it identified to achieving a widespread perception of the national interest—a

⁴⁹ Centro ESTNA was an initiative of the military to promote a sense of “expanded national ownership of the conflict” after it had adopted the “Thesis of National Stability.”

lack of trust, a lack of communication and a zero sum mentality (ibid., 6-7)—echoes the analysis in the last chapter. Next, the course carefully structures interactions between participants to encourage listening and respect for all ideas regardless of the person’s status and foster a progression from “distrust” to “soft trust” to “educated trust” to “functional trust” (ibid., 28-29).

The negotiation of the Peace Accords illustrates that it is possible to change mindsets. Attempts to change thinking about how to address poverty can draw upon the tactics used to build peace. Interest-based methodologies, such as that used at Centro ESTNA and *Fundación Propaz*, provide concrete tools for building connections between the stratified layers of Guatemalan society by exposing people to other viewpoints. Applying this strategy specifically to the oligarchy is potentially gaining ground.

Under appropriate circumstances, a significant minority of the extreme oligarchy can shift their primary focus from maintaining their privileged position to a broadened focus on overseeing and contributing to the development of the nation as a whole. Such a mental shift will often be driven by a mixture of two motives: the legitimacy and dignity that a forward thinking role can bestow on them or their class, and the perception that certain longer-term economic benefits may derive from such a shift. (Argueta and Shreeve 2007)

Krznaric’s conclusions also echo the idea that changing the mentality of the economic elite is indeed possible.

For those concerned about oligarchic domination in Guatemala, the main question at the moment is: How can we create political alliances and instigate reforms that weaken the oligarchy (or parts of it such as large landowners)? I would like to propose a different question: How might it be possible to transform the worldview of Guatemala’s oligarchs so that they develop a deep concern for improving the lives of those outside their own community? (Krznaric 2008, 157)

If unclaimed value hidden by misunderstanding and distrust does exist, civil society organizations should consider whether it can play a role in influencing the mindset of economic elite, especially considering that a continuation of the current mindset is a major impediment to the potential success of current and future efforts at state reform.

Foster Broader Understanding

Currently, a lack of connection between economic elites and civil society leaders seems the norm. For example, when asked his opinion on corporate social responsibility, Helmer Velasquez, Executive Director of CONGCOOP, noted that companies still fall short on basic requirements such as paying taxes and respecting environmental and labor laws. At the same time, in relation to CACIF, he said the dialogue on the democratization of land, working conditions, and tax reform is broken. He did add that there is always the possibility of dialogue and that as the power to make decisions and set the vision for the economic elite passes from the grandfathers to the younger generation there might be greater hope. Realizing this potential could be an entry point to building understanding.

Creating new dialogues and opportunities for understanding other groups in society could take many forms. In answering his above question, Krznaric suggests “several empathy training projects adapted to the Guatemalan context that would provide the oligarchs with new conversations and experiences that transform their worldview, particularly their understanding of the lives of poor Guatemalans and indigenous Mayans, of which they are largely ignorant” (Kznaric 2008, 158). These involve a number of possibilities ranging from opportunities for intimate conversations to immersion programs styled after those used by the World Bank, UK’s DFID and International NGOs such as Action Aid where people live for a week with a poor family to better understand the lives of those targeted by the aid programs they create (ibid., 160).

These ideas could also be adapted to expose elite youth to the lives of other Guatemalans. For example, the curriculum or extracurricular offerings could include conducting oral history projects with victims of the armed conflict or field work on the livelihoods of the poor which could expose future elite to a fuller understanding of neoliberal economic policies as well as potential adaptations that could better serve poor populations (ibid., 161). The growth in

international experiential learning in US undergraduate education is another potential resource for providing joint opportunities to learn and could increase the willingness universities such as Francisco Marroquin⁵⁰ to support these types of programs. NGOs that develop participatory programming could have the skill set to develop these programs.

Though the outcomes of these interactions cannot be determined or controlled, I concur with Krznaric's conclusion that, "human relationships based on greater equality and understanding, rather than on authority and ignorance, are the best foundation for generating new forms of economic, social and political association that can transform people's lives" (ibid., 161). Finding an entry point for engaging economic elites remains a challenge, but as Argueta and Shreeve note, one starting point would be elites that demonstrate interest in improving Guatemala through changing societal norms. If civil society organizations offer their networks as a resource for creating programming along these lines, they would begin to make closer connections to economic elites that eventually might be useful in creating effective spaces for future dialogue about the challenging issues of land and tax reform that remain divisive.

The Power of International Civil Society Aid

Given this assessment of the situation and civil society's potential role, as well as a substantial reliance on international funding, the power of international aid is an external variable that deserves attention. How can the international community best support processes of change in Guatemala? The international development literature identifies a number of areas where greater attention to the effects of aid is needed. The authors of *Civil Society and Development* identify the challenge of aligning international and domestic objectives.

⁵⁰ The University of Francisco Marroquin, where most elites who attend university in Guatemala attend, is noted for teaching neoliberal ideology to the exclusion of alternatives (Krznaric 2008, 161; Dosal 1995 7).

[T]here is a serious tension between donor objectives and the real sociopolitical world in which Guatemalan social movements, organizations, and NGOs operate. While the latter need to enhance their effectiveness and ability to achieve goals, they also need to develop their own agenda and retain their social and political legitimacy. This is a complex process in Guatemala and does not easily accommodate donor requirements and time scales. Donors can have a negative impact when they try to make it do so. (Howell and Pearce 2001, 148)

Formulating clear objectives and strategy is not only important to civil society increasing its effectiveness within Guatemala, but it can also help civil society in its relationship with international donors.

Though international actors may have greater capacity, to make a difference donors need to find ways to allow for local ownership of development processes. Sustainable change needs the support of domestic populations and elites to be meaningful and viable. International aid cannot replace the will of citizens of the country, but a more process-based framework for aid built on rigorous analysis and evaluation can play a role in supporting change in the “right” direction from the perspective of both local and international actors. Promoting liberal democracy and its package of human rights and equality before the law requires attention to how populations affected by the conflict can find empowerment. In addition to finding ways to support empowerment processes, the international aid community might also exert strategic pressure focused on encouraging elites to be invested in addressing the root causes of conflict.

Defining Civil Society for International Donors

Before examining what a number of scholars have identified as the attributes of successful civil society aid, it is important for donors to think about what kind of civil society they aim to support. The way that civil society is defined matters because it “implies a different course donors should pursue in order to promote civil society and, through it, democracy” (Ottaway and Carothers 2000, 9). Though donors often conceive of civil society aid as limited to support for NGOs “directly engaged in democracy work” (Ottaway and Carothers 2000, 13), a more nuanced understanding of

the relationship between the state and civil society helps to design programs that better fit the local circumstances instead of reflecting donors' own models of what successful civil society and democracy look like.

For donors providing civil society aid, this means thinking about civil society “not as an autonomous sphere which should be ‘strengthened’ to put pressure on the state, but as a collection of interest groups that are themselves reliant on having effective state institutions in place, and which form and re-form in response to state action—and inaction” (IDS 2005, 46). Michael Shifter similarly suggests that donors who support civil society development as part of democratization programs in Latin America “take better advantage of the array of opportunities and paths for advancing democratic politics” (Shifter 2000, 265). This includes engaging with a broader selection of development organizations working on issues indirectly related to democracy such as health, education and micro-enterprise. Formal organizations working on democracy building are a part of this collection, but are not the only way that citizens participate.

Lessons from the Rights Based Framework

The rights-based approach (RBA), developed from a critical analysis of the lessons learned in decades of development practice, offers some concepts for making aid more adaptable to the needs civil society. The RBA begins on the premise of creating claims (instead of pleas for charity) that identify the actors or institutions that are responsible for fulfilling their obligations (Uvin 2004, 129). The Guatemalan case lends itself to using an RBA because development issues have already been politicized more than in a setting not emerging from conflict and more than other post-conflict settings where negotiated peace agreements failed to include comprehensive discussions about social, economic and cultural issues.

For national civil society in Guatemala, looking for responsible parties leads to the government, which has obligations under the Peace Accords and as a democratic state charged

with the duty of representing its citizens. For example, the language used by CNOC in its Rural Development Proposal calls for “the State to assume its role as a promoter, regulator, director and guarantor of holistic development of Guatemalan society” (CNOC 2004, 8) already makes claims on behalf of its *campesino* and largely indigenous constituency. This calls attention to needed reforms as well as the government’s relationship to private actors who benefit disproportionately from unequal social and economic structures. Rather than appeasement through charity, answering the claim requires accountability and policy responses to the structural causes of poverty, inequality, exclusion, and oppression.

Another lesson from the rights-based approach is that the process of development is at least as important as the products of development (Uvin 2004, 123). This view situates civil society in the on-going peace, democratization and development processes. If the structures of society create poverty, NGO provision of basic services will meet immediate needs, but will not create change. Instead, there is a need to work in the long-term to change those structures. Civil society organizations form a part of the long-term work to learn how to change the structures that create poverty, inequality and exclusion.

Obstacles to Change

Just as Guatemalan actors have faced difficulties in implementing reforms, the international development community will face challenges if it wants to provide aid that can better meet local contexts and paces of change. It is also possible the some donors fear changing the status quo.⁵¹ Despite the rhetoric of promoting democracy and participation, many social organizations and NGOs “also sense that were they to challenge seriously the wealth and power of Latin America’s upper classes, both governments and donors would rapidly abandon ideas of partnership and dialogue” (Howell and Pearce 2001, 222). Donors have a choice whether to

⁵¹ Interview, January 2008.

support authentic processes of change that potentially can create the broad institutions of a functional democracy, or “through their financial clout, they can ensure that it merely implements their agendas and visions as efficiently as they can train their program beneficiaries to be” (Howell and Pearce 2001, 2). Getting involved in another country by providing aid is a political act that reflects values. Recognizing this reminds international actors that development aid by its nature is engaging in a form of social engineering and emphasizes the importance of choosing interventions carefully.

Conclusions

The challenges facing Guatemala are complex. Addressing social and economic exclusion requires significant changes to the status quo that go against the perceived interests of powerful elites. Sustainable change in cultural norms and socioeconomic structures will most likely happen over time and will require work at multiple levels.

Attention to processes of change raises a number of difficult questions. On some level, change is present and on-going in all societies, but it is arguably more present in societies coming out of recent conflict and negotiated resolution. Who sets the agenda or has the power to limit or broaden the scope of change? Do the agendas of national civil society organizations impede or support local or traditional agendas and mechanisms? Should (or can) the international community impose its vision for the institutions Guatemala needs—both in civil society and beyond—and how these institutions should be built? Recognition of the power to impose and influence values must be balanced with a similar recognition of the power of individual and community agency.

Finally, focusing on the importance of civil society in reinvigorating processes of change in Guatemala does not come at the exclusion of working with the government or directly

providing much needed services. Rather, identifying and prioritizing attention to pressure points through careful analysis provides a way to increase the effectiveness of international involvement in working towards sustainable solutions. Theories, informed by past experience and observation, of how development, peace, and democracy work abound and provide a rich resource for thinking about international aid should approach its mission. The challenge comes with putting these ideas into practice. This analysis offers a small contribution to bridging the gap between theory and practice in the role that civil society plays in post-conflict settings by looking at the challenges and opportunities in Guatemala a decade after its Peace Accords.

APPENDIX A: THE GUATEMALAN PEACE ACCORDS

01-10-1994	Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG)
03-29-1994	Comprehensive Agreement on Human Rights
03-29-1994	Agreement on a Timetable for Negotiations of a Firm and Lasting Peace in Guatemala
06-17-1994	Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict
06-23-1994	Agreement on the Establishment of the Commission to clarify past human rights violations and acts of violence that have caused Guatemalan population to suffer
03-31-1995	Agreement on Identity and Rights of Indigenous Peoples
05-06-1996	Agreement on Socio-economic Aspects of and Agrarian Situation
09-19-1996	Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society
12-04-1996	Agreement on the Definitive Ceasefire
12-07-1996	Agreement on Constitutional Reforms and Electoral Regime
12-12-1996	Agreement on the Basis for the Legal Integration of URNG
12-29-1996	Agreement for a Firm and Lasting Peace
12-29-1996	Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements

APPENDIX B: INTERVIEWS CONDUCTED IN JANUARY 2008

- Guatemalan NGO Representatives:
 - Helmer Velásquez, Director Ejecutivo, CONGCOOP Coordinacion de ONG y Cooperativas
 - Maria Dolores Marroquin, Sector de Mujeres
 - Carlos Alberto Sartí Casteñeda, Director Ejecutivo, Fundacion Propaz
 - Cesar “Pepino” Barrientos, associated with ASOREMA (National umbrella of environmental/social organizations)
 - Matilde Bajan, Ingrid, Foro Verde
 - Marta Maria Molina Ayala, Coordinador de Proyecto Fundacion Calmecac
- International and Multilateral Development Agencies
 - Klavs Wulff, Regional Director, IBIS, Derechos, education y desarrollo
 - Edelberto Torres Rivas, UNDP
- Business
 - Dr. Rokaël Cardona Recinos, Director Ejecutivo, IDELCA Instituto para el Desarrollo Local Centroamericano, and Presidente Asociacion Poder Para Todos
 - Ingeniero Luis Fernando Montenegro Flores, Presidente, Corporacion Dinamica, S.A.
 - Ingeniero Carlos H. Ponce, Gerente de Operaciones AG Corporacion: Aceros de Guatemala
- Private Sector Organizations
 - Edgar Heinemann– president of FUNDESA
 - Guillermo Monroy E., Director Ejecutivo, centraRSE en Guatemala Centro para la Accion de la Responsabilidad Social Empresarial en Guatemala
 - Roberto Ardon Quiñonez – Executive Director of Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (CACIF)
 - Pablo Schneider, Director de CIDES (Centro de Iniciativas de Desarrollo), FUNDESA
- Government Officials
 - Luis Felipe Polo – Assistant to the VP
 - Licenciado Roderico Segura Trujillo, Asistente del Despacho, Procuraduria de Derechos Humanos
 - COPRE
 - Harris Whitbeck, President
 - Guillermo Luna, Head of Hernando de Soto’s program in Guatemala, formalization of the economy
- Media Representatives
 - Jose Ruben Zamora – president of El Periodical
- Academics:
 - Pedro Trujillo Alvarez, Director, Instituto de Estudios Politicos y Relaciones Internacionales, Universidad Francisco Marroquin
 - Glen David Cox, Universidad Francisco Marroquin
 - M.A. Nicholas Virzi, Director de Carrera, Departamento de Economia y Comercio Internacional Facultad de Ciencias Economicas y Empresariales, Universidad Rafael Landivar

- Julio Zelaya, PhD, Director Regional, The Learning Group and Universidad Rafael Landivar
- Military Representatives
 - Edgar Ricardo Bustamante – Former General and Pres of Institute of security studies, University of Galileo
- MCC Representatives (in DC)
 - Stacy Rhodes
- Political Party Representatives
 - Nineth Montenegro, Diputada, Congreso de la Republica
 - Roberto Caceres, Partido Verde
 - Alfonso Reimers, Presidente, Comision de Integracion Regional FORO Permanente de Partidos Politicos
 - Angélica Orozco, UNE, *Unión Nacional de Esperanza*, National Union of Hope

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