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Towards a New Role for Civil Society in the Democratization of Guatemala

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Executive Summary

The challenge facing Guatemala today consists largely in laying the foundations of an authentic social dialogue. But this requires a solid understanding of the roles of the State and of civil society as well as their relationships within the current process of democratization.

Chapter I analyses the evolution of the Guatemalan state. The structural problems relating to democratization are studied and those that are most central are highlighted.

The authors begin by noting the absence, throughout Guatemala's political history, of fluid yet stable mechanisms for establishing mediation and communication between government and the governed. Public authority has been concentrated in the hands of the economic and military elites. The government has shown itself to be authoritarian and violent, severely repressing the indigenous majority and promoting economic exploitation.

The predominance of the military in affairs of state since 1954 has led to the extremely high level of militarization of the society.

Aware of how effete the authoritarian model of government had become, the military itself conceived and promoted the return to democracy in 1985. The new Constitution paved the way for the creation of democratic institutions and legislation designed to guarantee citizens' rights. However, the changes instituted to date have been largely pro forma. They have not been accompanied by concrete initiatives addressing the three main political problems: impunity, inadequate public security and the centralization of power. To illustrate these problems, the authors review two elements that are essential to every democracy: the justice system and political participation.

The Justice System

Due to pressure from the international community and the presence of MINUGUA (United Nations Mission for the Verification of Human Rights in Guatemala) in the country since late 1994, the criminal justice system has evolved somewhat in recent years (creation of the Public Prosecutor's Office, entry into force of the new Code of Criminal Procedure, etc.). But the central problem remains the absence of independence of the judiciary. This affects both the judges and the Public Prosecutor's Office, rendering them powerless to dismantle a firmly established system of impunity. As for the national police, it is insufficiently staffed with qualified personnel and remains compromised by the relationships of some of its elements with militarized groups.

Political Participation

Effective mechanisms to give citizens input into policy-making in regard to the problems that most affect them (such as difficult living conditions) have not yet been implemented. Control over vital decisions remains in the hands of the dominant (internal or external) groups. The system of political representation has not been structured in such a way as to channel demands from the population to the seats of political power. This is evident in the workings of Congress, where represented political parties do not base their activity on programs and global strategies but rather on the demands of the moment and personal interest. This has led to mistrust and indifference on the part of the population.

Given these conditions, Guatemala's is a limited democracy in which what the authors term "low-intensity citizenship" predominates.

Chapter II recounts a sequence of events that have shaped the last two years of Guatemala's history, pointing the way forward in the

ongoing process of democratization:

- The current Guatemalan dynamic was set in motion by the institutional crisis created when, in May 1993, President Jorge Serrano staged a "self-coup" (autogolpe), assuming dictatorial power, dissolving Congress and suspending portions of the Constitution. The self-coup pointed up the political fragility of the 1985 draft constitution. It also opened the door to important shifts in Guatemalan political traditions. The National Consensus Authority (INC) became the first instance of a group of disparate social sectors succeeding, for a time, in building a common front focusing on the urgent need to re-establish constitutional order.
- Ramiro de León Carpio's election to the presidency was the result of this effort to create a consensus among the various social sectors, particularly on the need for a "house-cleaning" of the legislative and judicial branches. Unfortunately, relations between the new president and the popular sectors rapidly deteriorated. The promised house-cleaning and the constitutional changes proposed during the 1994 referendum (84% abstention) were only superficial, having been undermined by pressure from the military and the business community.
- The resumption of the peace negotiations between the government and URNG (National Revolutionary Unity, the armed left-wing opposition) in January 1994 constitutes the most important event in the current democratization process. The agreements signed so far have become valuable instruments that will help to deepen the transformations taking place within the State and society. Moreover, the negotiations have led to the creation of forums for dialogue among social sectors that had, until recently, maintained irreconcilable political and ideological positions.
- The ASC (Assembly of Civil Society) includes representation from all social sectors except the business community. Its mission is to produce consensus documents on each substantive issue (tem tica sustantiva) to be dealt with as part of the peace process. It is the most encouraging exemplar of these new forums.
- Despite the various obstacles encountered, most participants agree that the ASC has been a learning experience in negotiating techniques and proposal development skills, which have eclipsed the radical confrontational style previously characteristic of the popular movement.
- The participation of the business sector in the negotiation process has been sporadic --marginal compared with that of the other social sectors. Its representatives have generally shown by their actions that they oppose anything that could jeopardize their traditional prerogatives (progressive tax reform, for example). Yet there are clearly divergent tendencies within the business community, ranging from conservative to modernizing and relatively consensus-friendly.
- The General Human Rights Accord constituted the birth certificate of the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA). Since its deployment in September 1994, MINUGUA has, to a certain extent, served as a deterrent against human rights violations. Its reports have been distinguished so far by their frank, clear-sighted observations, indicating what remains to be done to change structures within which human rights violations can still be perpetrated with impunity.
- The campaign for the December 1995 presidential elections got underway with former dictator Rios Montt declaring his intention to run. His candidacy was disallowed, but his party remained the country's second most powerful political force. The new president, ¡lvaro Arz?, was a modernizing right-wing candidate with close ties to, but also some divergences from, the business community. His party captured a majority of seats in Congress.

Three positive events in this electoral process are noteworthy:

- the civic education and electoral supervision initiatives of the NGOs;
- increased participation by the "civic committees," testifying to renewed community vitality and the public's desire to take part in decision-making;
- the positive results obtained by the Democratic Front for a New Guatemala (FDNG), the first left-wing political grouping to participate in elections in forty years, opening the door to the reincorporation of the revolutionary left into political life.

Chapter III offers a comprehensive review of the organizations of civil society and their relationships among themselves and with the State.

Union and Popular Movement

As a result of being almost completely excluded from political participation and from mechanisms for resolving economic and social conflict, the union and popular movement has, from its inception, tended toward radicalization. It thus found a natural ally in the revolutionary left. In the repressive context of the 1970s, its discourse was mainly political, focusing on the struggle against the military, rather than on defending its members' aspirations. At the height of the violent repression in the early 1980s, most of these organizations were dismembered and their leaders persecuted.

The formation of the Union and Popular Action Movement (UASP) in 1988 marked the start of a regrouping process for the union and popular movement. UASP rapidly became the primary channel for popular demands. However, its leaders did not manage to free themselves from notions and methods of struggle inherited from the earlier period. Their capacity to formulate proposals and go beyond ad hoc demands remained limited. With the start of the peace negotiations in 1991, the union and popular organizations gradually learned the art of consensus building and intersectoral negotiation. The challenge facing them now is to articulate their position on the need to transform the State.

Maya People's Movement

The domination under which the Maya people of Guatemala (60% of the population) live is evidenced by:

- the imposition of Spanish as the only official language;
- the fragmentation of the Mayan communities into different national administrative territories;
- the control of the state apparatus by the Ladino class;
- oppression in the form of political violence, economic exploitation and discrimination in general.

However, the emergence of a broad Maya people's political movement at the start of the 1990s constitutes one of the most profound manifestations of the transformation that Guatemalan society is undergoing. This movement is made up of:

1. Civic and community development committees seeking access to local power.
2. Organizations denouncing the abuses committed by the Guatemalan government against Maya populations in zones of conflict. The ideology and practice of these groups' representatives have been marked by their contact with the revolutionary left. They place more emphasis on social justice issues than on demands relating to cultural identity.
3. Groups whose aim is to study, publicize and integrate into the power structure the elements of Maya cultural identity. Some of these groups may exhibit a tendency to underestimate the need for activism in transforming the State, or to marginalize themselves from the traditional Ladino sources of political power.

Serving as a meeting point for these three tendencies, the ASC has made it possible for them to cultivate an auspicious consensus-building approach, although some differences of opinion persist.

Women's Movement

It certainly cannot be said that there is a homogeneous women's movement in Guatemala. However, there has been a rise in a number of organized women's groups since the early 1990s. Their work tends to involve one of three types of activity:

1. Seeking ways to ameliorate living conditions. Many of these organizations owe their existence to the work of NGOs or unions. Their chief activity is the search for economic alternatives.
2. Denouncing human rights violations. This tendency born out of repression includes organizations such as CONAVIGUA and GAM.
3. Understanding and seeking solutions to gender-specific problems. These organizations began to surface in the late 1980s. In recent years, they have begun to question power structures that engender inequalities between men and women, and have succeeded in making their criticisms and proposals heard in government.

Human Rights and the Administration of Justice

These organizations base their activities more on the use of legal instruments than on political tactics. Their spheres of action are:

- human rights education;
- denouncing violations before national and international bodies;
- inspection, verification, observation of government bodies, producing reports and analyses on the human rights situation;
- use of legal mechanisms;
- humanitarian assistance to victims;
- pressure campaigns on the government, policy promotion, etc.

The generalized situation of impunity prevailing in Guatemala constitutes the major obstacle to the work of the human rights organizations. Impunity hinders the administration of justice and poses a threat to the activities of these groups.

Development NGOs

The mission of these organizations is to establish links with the population in view of carrying out organizational, social, economic or political projects.

There are two main tendencies:

1. those that emphasize economic development projects but avoid community organization and participatory education;
2. those that attempt to coordinate the project execution with activities aimed at consolidating community organization.

At a conference held in 1995, the Guatemalan NGOs identified the following objectives:

- to develop better strategic and administrative planning;
- to increase their capacity to submit proposals to international cooperation organizations;
- to redefine the mechanisms whereby they influence government policies;
- to work cooperatively in support of the post-war democratization effort.

They also stressed the urgency of going beyond an ad hoc vision to adopt a broader perspective.

The conclusion of this study reiterates the decisive nature of current events, dominated by the peace negotiations, in the reconstruction of Guatemala's social fabric. The two major immediate challenges are:

- to put an end to the impunity resulting from the predominance of the army in affairs of state;
- to develop a culture of tolerance and consensus in the relations between the State and civil society, as well as within civil society itself.

The authors conclude by putting forward recommendations following from these priorities that are intended to guide support to the organizations of civil society and the government.

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