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Promise and Reality: Implementation of the Guatemalan Peace Accords

Introduction and Executive Summary

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The Accord for a Firm and Lasting Peace signed on December 29, 1996 by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) concluded a war of nearly three decades duration, and a seven year peace negotiation process that spanned three Guatemalan governments.

In some ways, the least extraordinary aspect of the negotiation was the formal close of military hostilities, given the reduced level of military activity during much of the process. The war killed some 140,000 Guatemalans, orphaned tens of thousands, destroyed hundreds of villages, exiled tens of thousands of people and left millions of others in fear. It ripped the social fabric of the country. The importance of ending this immense destruction can hardly be overstated, nor can the treaty's contribution to the difficult but not impossible process of reconciliation.

Though beset by problems of implementation, the wreckage of war, and high levels of poverty and unemployment, the peace process has been transformative.

In addition to bringing the warring sides to the negotiating table, the Guatemalan peace process was a catalyst of change in the traditional social relationships between powerful and marginalized groups in the society:

- It gave an official role to non-governmental civilian organizations in formulating the treaty and in its implementation.
- The peace process helped to further a shift toward civilian power, and a diminution of power held by hard line military sectors. The process contributed to the failure of a 1993 attempt by now exiled President Jorge Serrano and some sectors of the military to overthrow the elected Guatemalan Congress, and that failure in turn contributed to the peace process.
- The treaty's lengthy accord on the indigenous at least rhetorically makes more advances in according rights and legitimacy to the indigenous majority, or near majority, of Guatemala's population than any document since the Conquest. It both reflects and encourages a proliferation of indigenous organizations.
- The process facilitated a return of refugees, and Guatemala was changed by the return of refugees. Although negotiation of the return was largely outside the

framework of the peace treaty negotiations, it nevertheless was a key part of the overall peace process.

- The government committed itself to specific budgetary and taxation goals to increase education and health spending by 50% and to shore up tax revenues by 50% by the year 2000.

The accords are noteworthy in the length and breadth of subject areas they cover. They open the Guatemalan polity to the possibility of dozens of legislated and mandated changes in areas ranging from education to trade unions to taxes, conduct of elections, police, forms of enhanced political participation, to the judiciary, land conflicts and rural credit. The treaty calls for an accounting of past human rights abuses.

Over time, the growing participation in the peace process of a variety of international players (the United Nations; a formal group of five countries designated "Friends" of the process; and international financial organizations) helped end the deep international isolation Guatemala's war and human rights violations had created, and provided an entry for the URNG to "come in from the cold." The presence of the UN verification mission (MINUGUA) following the signing of accords in March and June of 1994 on human rights and displaced populations changed the political landscape of the country, though human rights violations did not disappear. U.N. High Commissioner for Refugees (UNHCR) facilitated the return of refugees. International participation had a direct impact on the content of the more concrete sections of the peace accords, and encouraged the participation of civil society.

As was the case in Nicaragua and El Salvador, the post-conflict period in Guatemala has seen an escalation of common and organized crime, as well as several dozen attacks on URNG activists. But there is widespread agreement among human rights groups that human rights conditions (not including social and economic human rights) have improved in recent years.

Since the implementation period began in early 1997 much has been accomplished.

The URNG successfully demobilized its troops under UN observation and modest reintegration programs have begun. The massive and largely involuntary civilian action patrols organized by the military (and incorporating some 600,000 Guatemalans) have been formally demobilized, and so too has the Mobile Military Police, a unit often accused of human rights abuses.

Though precise verification is difficult, it appears that the military has made a substantial reduction in force and budget in keeping with its obligation under the

accords, though it has maintained bases that would seem to have, with the war over, little military purpose.

The process of forming an entire new police force has at least begun, though, with many serious problems.

The accords call for formation of numerous government, URNG, and civil society commissions to oversee and make recommendations concerning various broad aspects of the accords, and for increased participation at the local level. Fifteen commissions were formed (not without controversy) and substantially engaged in their appointed tasks, though most operated on delayed schedules.

The Historical Clarification Commission, charged with investigating wartime human rights abuses, was formed, received considerable documentation and testimony and slowly received operating funds, though it too faces challenges and has complained about lack of cooperation from the military.

Much progress was made before the final accords in resettling refugees from Mexico, and this process contributed to the peace negotiations. Less progress has been made with respect to the internally displaced. The end of the formal return of refugees in Mexico should occur this year.

The government in 1997 increased its tax yields and its expenditures on health and education in keeping with the accords, but in early 1998 efforts to continue progress toward taxation targets slowed significantly as partisan electoral dynamics began to adversely affect the peace process.

Progress in carrying out the accords has not come easily or without opposition. As has been the case with other peace processes, the specifics of implementation often seems less dramatic than what the language of the accords seemed to promise, and this can foster both frustration and a sense that the process is failing among those whose expectations have been raised by the formal end of civil war.

IMPLEMENTATION PROBLEMS

Much of the language in the Guatemalan peace accords is more general than has been the case in other negotiated settlements. In part this reflects the limited military strength of the URNG, but it also reflects the fact that key social actors were outside the negotiating process. The indigenous population, the private sector and much of civil society were not fully represented at the negotiating table—a fact recognized by the negotiators. While the Assembly of Civil Sectors sought to provide a means for input into the negotiations, some of the accords also called for the creation of many

commissions to work out more detailed agreements for meeting the general goals set forth in the accords. Intended to help sectors not participating in the negotiations develop a stake in the peace process, this mechanism also ensured that the full significance of some of the accords would not become clear until long after the signing. Rather than enthusiastically embracing the commissions as an opportunity to influence the peace process, many of those outside the negotiations adopted a wait-and-see attitude as skeptical onlookers.

The Arzú government took strong unilateral steps before and immediately after the signing of the accords to establish confidence in its commitment to peace. These steps included making significant changes in the high command of the armed forces and in naming capable and committed people to key positions responsible for implementing the agreements. The aura of good will dissipated, however, as the government engaged in increasingly hostile exchanges with the Guatemalan press. In April 1997 reports that Guatemalan security forces had "disappeared" a captured guerrilla involved in a prominent kidnaping case the previous October blew up into a major and lengthy scandal that weakened all three parties to the negotiations. The head of MINUGUA was accused of covering up the case, while Arzú responded to MINUGUA criticism by naming the head of the unit implicated to be the new Chief of Staff of the armed forces.

At the beginning of 1998 the government backed off from commitments to approve new tax legislation called for in the accords, and this was followed by a growing assault against other elements of the accords by forces opposed to the peace process as a whole or various aspects of it.

By June of this year electoral dynamics appeared to be displacing the accords as the key focus of governmental actors. With presidential elections coming in 1999, the governing party, the Partido de Avanzada Nacional (PAN), seems to be reorienting government priorities to maximize its electoral chances. It may perceive that pouring resources into accord implementation or making concessions to the URNG and to organized groups of civil society, will be used against it by opponents to the right, namely the Frente Republicano Guatemalteco (FRG) which brings to the electoral fray much stronger resources than the left. The founder of the FRG is former dictator Efraín Ríos Montt.¹

The strongest pressure for implementation of the accords comes from international donors who have indicated that post war funds will be conditioned on treaty compliance, particularly on meeting the budgetary and taxation goals necessary to generate resources to carry out the accords. However, a strict application of conditionality may not be feasible or desirable from the perspective of the donors.

As the Guatemalan government weighs the political and electoral costs of sacrificing a particular series of international grants, which may have long term payoffs, against the short-term risks of raising taxes, there are growing signs that the peace process is losing momentum because major power holders do not see incentives for themselves in the broad process of democratization the accords call for and require.

This report examines in detail both the progress and the problems in carrying out key components of the accords. The main problem areas involve:

Civilian Power and Political Participation

The negotiators recognized that the huge imbalance in power between the principal parties (given the military weakness of the URNG) and the absence of key sectors of society from the negotiating table could endanger popular support for whatever agreements were reached. They developed novel mechanisms for bringing other protagonists into the fray both for the negotiations and, more importantly, for the implementation. The accords opened a wide array of political processes through which a multiplicity of political actors would, under the treaty, discuss, debate, propose and eventually legislate on the very wide range of subjects covered by the negotiations. The Assembly of Civil Society (ASC), created during treaty negotiations, made persuasive proposals during the negotiations many of which were incorporated into the accords. But most groups within it are new; and the diverse character of member groups made it difficult to form detailed consensus. Deliberation over the treaty proposals was a quite centralized process, closed from the grassroots. The organizational strength and material resources of many groups is suspect, and largely unknown. More important, it is not clear how representative of their various "sectors" these groups are, or how deep their roots go into the society. This picture also seems true for the rapidly growing number of indigenous groups. Private sector organizations have remained outside this mechanism.

The accords also established a number of more representative commissions to work out detailed plans for implementing the goals embodied in the treaty. This process has been initiated in the midst of great institutional instability, however, and instability poses dangers. The legislative and executive ability of historically weak state institutions is being severely tested by the burdens imposed by the accords. Nevertheless, the present instability can be seen in positive contrast to the previously rigid stable system (which eventually exploded into civil war).

The military has changed. It is more acquiescent to increased civilian power and to incorporation of groups with ideological bents and historical affiliations once considered anathema. Yet, the extent of change is hard to measure because the military remains largely closed. Outsiders attempting to gauge its moves have been

roughly in the position of cold war Kremlin watchers. Few have inside sources. It is clear that change has limits; chief among them is accountability for illicit, illegal activities. Even among military reformers, the iron law of loyalty toward one's comrades vis a vis the outside world prevails. However, internal rivalries, differences over the scope of military doctrine, and an impulse in some military quarters to become a more modern and professional institution have created new dynamics of debate.

The electoral system is little better than a decade old. The party system has shown instability, with previously powerful parties splitting and falling drastically in popularity. The leading parties are new. The leader of the FRG, Ríos Montt, had his presidential candidacy twice disallowed because he had previously come to power, in 1982, by way of military coup. Had he been allowed to run in the last election, he might well have won. He was opposed to the peace process and concessions to the URNG. The electorate has not demonstrated much confidence that elections provide a viable mechanism for influencing political decisions. Voter turnout has been low; polls show distrust is high. There is a growing belief among the citizenry at large that the accords have little relevance to their lives.

Public Security and Impunity

Despite a host of expert international opinion that formation of a new civilian police force called for under the accords should create an entirely new institution free of ties to the old, its initial formation has been mostly a matter of rapid, superficial retraining of old police and military personnel. There is a multi-sided problem. Urban and rural Guatemala are beset by a terrible crime wave. A majority of Guatemalans are less safe than they were during the war, except during its darkest years in the early 1980s. There is no adequate police force or judicial system to deal with the crime wave. To the important extent that the crime wave also has roots in extensive poverty and social inequality, there are also no programs or apparent quick economic growth to alleviate that cause. Citizen fear and outrage have led to a spate of public lynchings. Organized crime and other forces have the ability to corrupt and intimidate the police, and portions of the judicial and investigative systems. While violations of human rights seem to have gone down, progress in successful prosecution of such violations has not advanced much. There are programs to make over the police and reform the judiciary and public prosecutor's office, but progress has been slow.

The Indigenous

Either a small majority or a huge minority of the population residing in Guatemala is indigenous. The vast majority are Mayan, speaking 21 languages, some with significant local variations. Mayans have been exploited since the Conquest. The

indigenous suffer from the highest levels of poverty and the lowest levels of access to education, health services and economic opportunity. They bore the brunt of the worst and most extensive cruelties of the war and, in some cases, found themselves pressed onto one side or the other of the war even within language groups. The extent of cultural damage and rending of local indigenous family and village relations is largely unmeasured, but presumed to be very great.

The treaty asserts that the indigenous have never been accorded the full rights of citizens and that Guatemala can never achieve unified nationhood without correcting this. Indigenous groups (rapidly proliferating since the accords) advocate, under the accords, for a broad range of changes: expanded educational services and multilingual education, multilingual courts, police drawn from indigenous communities, use of customary law to resolve disputes, consultation with indigenous groups in all decision areas which affect them, reform of the electoral system, restitution of land usurpations, full respect paid to cultural practices and at least shared control over physical manifestation of the historic Mayan patrimony, and full access to and some control of the mass media.

The accord reflects a consensus around these goals, but is much less clear in their specificity and means of implementation. However, it is highly unlikely that such a consensus is shared by the majority of non-indigenous society which has not, in the main, yet been confronted with the implications of what full implementation could mean in terms of shifting of resources. Various public statements suggest that there are fears about what enhanced rights and demands of Mayans might imply. Given the low tax burden and the existence of racist attitudes, implementing these provisions is almost sure to meet resistance.

Even the extent to which consensus exists among the indigenous is not clear. A broad consensus that discrimination has targeted Mayans may be fairly assumed, but agreement on exactly how these wrongs are to be righted remains to be demonstrated. For example, the accord makes a strong call for multilingual education, and some prominent indigenous leaders press for the primacy of the indigenous language in educational institutions. Yet it is also clear that some indigenous parents are more worried that their children master Spanish because they see it as the path to economic success in a world combining both extreme Mayan localism and a rapidly growing Mayan urban, and even international, diaspora. The large number of Mayan groups and past tensions within umbrella groups manifest a lack of consensus.

Land Conflicts

The accords take up the issue of land conflicts at various points. They recognize land as a serious problem for refugees and the displaced; for the indigenous; and for those

whose lands have been unfairly taken in the past. They call for credit to small and medium sized land holders and regularization of land titles and boundaries. Land conflicts have existed since the Conquest and the treaty was supposed to resolve them. Instead, a spate of land invasions began before the accords were signed, and have continued to sporadically occur. After much complaining to the government by title holders about illegal land occupations, the government has moved in a number of cases to forcibly evict alleged land invaders with large displays of police power. There have been injuries and deaths.

Many occupiers defend their actions based on legal claims ranging from usurpation of land titles decades earlier by powerful owners to failure to pay farm workers legal wages, or failure to pay them any wages at all.

The problem is far deeper than these individual claims which frequently pit poor occupiers against wealthy title holders. The URNG was unable to get agreement in the negotiations for provisions calling for a land reform that would have been a pale version of that legislated by the Arbenz government forty five years earlier because the issue is anathema to the government and the large landholders that back it. Guatemala has, by comparative standards, a large rural population, an extremely high index of land inequality, very deep, extensive rural poverty, and insufficient urban employment to begin to resolve these problems. Rural wages are low and unemployment is high. For peasants with land, their holdings are often insufficient to provide a decent standard of living. Those who most likely will get land and credit for purchasing it under the accords - returning refugees, an unknown but probably small proportion of the internally displaced, and small numbers of former combatants (small relative to, for example, former combatants in El Salvador or Nicaragua)- are but a tiny proportion of those who need land.

The accords address this larger problem often, but in only vague terms. A complex array of institutions has been mounted to take up issues, and there have been private negotiations with peasant groups beginning in late 1997. Pilot projects have begun to assess property boundaries, and to resolve conflicts. Progress has been slow and overtaken by increasing land occupations and subsequent forcible eviction of occupiers. The head of the government agency responsible for resolving these land conflicts resigned in December, reportedly because he had not been given the resources necessary to deal with the problems.

Social Welfare and Tax Revenues - The Peace Dividend

During much of 1997, MINUGUA head and UN treaty mediator Jean Arnault often expressed his view that provisions of the accords that would produce the most visible

and tangible benefits for the population needed to be made quickly in order to maintain and build support for the peace process.

By and large that has not happened. The government committed itself in the accords to increase health and education spending by 50% by the year 2000 and for 1997 the target was a 15% increase. But Guatemala has suffered from a long legacy of very low health and education expenditures, and its upper middle and upper class citizens have enjoyed extremely low taxation rates (about seven percent of GDP), far lower than the Latin American average. Legislation to increase taxes was passed early in 1998, but quickly repealed after widespread protests. Even were it to meet the treaty requirement of a 50% increase in health expenditures by 2000, it would amount to an increase of about \$4.00 per person for the year 2000 budget. The 1997 target was under \$1.50 per capita. But by June, MINUGUA and international donors seemed resigned to the likelihood that electoral dynamics made it impossible to achieve the timetable set forth in the accords, and were engaged in behind-the-scenes bargaining with the government over modifying the targets. Even with maximum efficiency it would be difficult to make major improvements with an impact on the whole population.

The Players

The Government and Political Parties

President Alvaro Arzú, victor in the 1995 elections and head of the PAN, formed a government with considerable support from the private sector. Arzú is a political conservative and economically a neoliberal and, in the main, his appointments have reflected his political predilections. He did, however, place some with left backgrounds in positions of influence, including his main treaty negotiator. In 1996 and 1997 he moved aggressively to assert civilian authority over the military. His government has been criticized by the press and by other political parties for trying to claim sole credit for the peace process. During 1998 the political strength and will of the government to push for accord implementation appears to have diminished.

The Guatemalan Congress has shallow institutional roots, given that the military ran the country exclusively until 1985 and was dominant after that. Additionally, though the 1993 coup by President Serrano failed, it was framed as an attempt to remove the Congress. Serrano's attack on Congress was probably due to his having lost a working majority coalition, but he claimed to have been driven, as in the case of Fujimori in Peru, by high levels of both congressional corruption and incompetence. There was considerable evidence to support Serrano's claim, and his successor, interim President Ramiro de León Carpio, though elected by the Congress, moved to purge Congress. He sought Constitutional change through a referendum resulting, in effect, in a vote of

no confidence in the Congress and a reduction in congressional seats from 116 to 80 with a two term limit, and an election to finish out the 1994-95 term. The referendum was approved with an extremely low turnout of 11%, and the subsequent election only had a 20% turnout. That election vaulted the FRG (32 seats) and the PAN (24) into the forefront of the brief Congress and decimated the ranks of other parties, in effect completing the purge.

The November 1995 congressional elections resulted in the PAN winning a majority (42 of 80) with the FRG winning 22 seats. The new leftist coalition FDNG (Frente Democrática Nueva Guatemala) won six seats, the first time leftists have held (or been allowed to even run) for congressional office since the Arbenz period.²

The Congress faces difficult challenges resulting from the peace accords. They call for many new laws and constitutional changes. Despite its refurbished character it remains unclear whether it will be able to meet them. Legislators have had little or no staff, and that which has existed for committees has rotated frequently (annually) as do the main offices and committee chairs.

The institutional weakness of the Congress is mirrored by (and fed by) the institutional weakness of political parties. Perhaps the most striking feature of the 1994 and 1995 elections is that parties which had won significant seats in earlier elections were either eliminated or reduced to a seat or two. The Christian Democrats had won the Presidency in 1985 and the UCN in 1990 and, along with the far right MLN, had dominated the Congress. They are virtually eliminated.

The PAN may be the rising star, but then that is what was thought of the Christian Democrats in 1985. The PAN was not on the map in 1985. Arzú was elected by a comité cívico to the mayorship of Guatemala in 1985, and ran for President under the PAN banner in 1990 gaining 17% of the vote, when the PAN won 4 (of 116) legislative seats, and 16 of 330 municipal elections. Municipalities are the basic local unit of government, roughly corresponding geographically to U.S. counties, and have mayors and municipal councils.

The FRG, created around Ríos Montt, won (in a coalition) 12 seats in 1990 and was not on the map before that. As a former dictator, he has twice been prevented from running, despite considerable popularity even in the war zones. The party is definitely to the right, but has little program.

The defeat of the Serranazo, the 1995 election, and the signing of the peace accords may have "turned the corner," in Guatemala's dual transition from war to peace and from military government to election civilian government. The nineties have been characterized, however, by marked volatility and weaknesses: Voter turnouts have

ranged from low (by the standards of other Central American countries and most developed countries) to abysmally low. There has been one major attempt to overthrow the government and several serious rumblings. A former President is in exile. The front running Presidential candidate in the first round of the 1990 election, Jorge Carpio Nicolle, was subsequently assassinated, and the case has not yet been solved. His party, which won 41 of 116 seats in 1990, the MAS of Serrano (which won 18) and the Christian Democrats which won 27 have been virtually eliminated as significant political actors.

The Military

In military terms, the Guatemalan army basically won the war, but could not finally defeat its adversaries. Much as was the case in El Salvador (whose military could gain only a long term stalemate), and with its ideological opposites in Nicaragua in 1990, the military entered peacetime not as victors marching in heroic parades but as an institution on the defensive. Its budget will be under attack. It has been criticized ever more loudly in Guatemala's new open political dialogues for past and massive human rights abuses and present but uncovered ties to illicit activities. It is slated under the treaty for sharp budget cuts, a reduced mission, and increased civilian control. There has been much evidence in the last half dozen years of sharp divisions within the military, and many hardliners have been sidelined. Still an analysis that the military is divided between reformers and hardliners, or one that assumes that those moved to the sidelines or retired have no power, is much too simple, and would obscure the extent of common ground. No one would question that the military remains, by far, the best organized, best financed, most experienced, and toughest political institution in the country.

The URNG

The URNG was the armed revolutionary front formed in January 1982 by four guerrilla organizations: the Ejército Guerrillero de los Pobres (EGP); the Organización Revolucionaria del Pueblo en Armas (ORPA); the Fuerzas Armadas Revolucionarias (FAR); and a nucleus of the Partido Guatemalteco de los Trabajadores (PGT). The first two groups, EGP and ORPA, built extensive support in Guatemala's indigenous areas in the 1970s before being nearly destroyed in the early 1980s by army repression.³ In the last years of the war the URNG was estimated to field no more than 1,000-1,500 guerrillas and militarily became only a nuisance to the Guatemalan army. Of the four organizations, the EGP probably had the largest base of support during the war but has experienced serious defections. Its leader, "Rolando Morán" (real name Ricardo Ramírez) has exercised intellectual leadership in the URNG. ORPA leader Gaspar Ilom (real name Rodrigo Asturias) was regarded by some as the URNG leader with the best possibilities for a civilian political career, but his chances were hurt

when members of ORPA were implicated in a kidnapping to raise money during the final stages of the peace negotiations (see below details about the "Mincho" case.) This led to his withdrawal from the peace negotiations and his delayed arrival in the country. Headed by Pablo Monsanto, the FAR had political influence in popular organizations.

The URNG retains a high profile as a signatory to the accords, but it faces the task of transforming itself into a civilian, electoral political party. During the demobilization phase of the accords it was revealed to have a relatively small organization and not one with a large group of cadres trained or prepared to be political or electoral organizers. It has multiple ties to organizations in the ASC, but the strength of these ties and indeed the unity among the various organizations of the URNG, remains to be tested, as do its relations with the new electoral coalition on the left the FDNG.

The Assembly of Civil Society (ASC)

The ASC is an assemblage of diverse organizations spanning a range from unions and peasant organizations to indigenous groups, women's and human rights groups, NGOs, universities and political parties. It grew out of the mobilization of multitudinous social sectors to stop Jorge Serrano's coup attempt known as the Instancia de Consenso Nacional (INC), which included the business community. The January 1994 framework agreement accorded the ASC official recognition as an interlocutor by the parties to the peace talks. The UN moderator charged it with drawing up position papers on the different areas of negotiation which, though not binding on the parties, would reflect widespread consensus in society.

The ASC claimed to represent broad non-business sectors, but it has declined in importance since the final accords were signed. Many of the popular groups in the ASC maintained unpublicized links with factions of the URNG, though the degree to which these conditioned their political postures is difficult to ascertain and probably varies widely from group to group. With its ten constituent sectors and consensus-oriented decision-making procedures, the ASC has been an unwieldy body with little capacity to react quickly to breaking political developments and only modest impact on public opinion. However, despite this general character it was, during the negotiations, able in impressive fashion and under great duress and time pressure to draft wide ranging proposals for the peace accords, many of which deeply influenced the substance of the negotiations. It achieved these proposals through a rather closed and centralized internal process.⁴

The Catholic Church in Guatemala is a significant actor in the peace process in its own right. Monseñor Quezada Toruño moderated the ASC during the most critical period of negotiations, and the church frequently acted as a go-between and back

channel for exchanges on critical issues. The church also conducted its own massive investigation of past abuses, paralleling the mandate of the "Clarification Commission" established under the accords, and in April published its findings including naming those it identified as responsible. The shocking murder of Bishop Gerardi (who headed the investigative project), three days after the publication of the findings of massive human rights violations on the part of the military, heightened tensions between the church and the government. Overall the church has maintained a certain distance from the implementation process, often criticizing delays or failures to carry out provisions of the accords but not acting in a coordinated way to mobilize people to support the accords.

There are also a number of civil society organizations which, while represented in the ASC, increasingly have been active in their own name to support provisions of the accords or to monitor and evaluate the process of implementation. The Alliance Against Impunity, comprising many key human rights organizations, has been particularly critical of all three "pillars" of the peace process (the government, the URNG and MINUGUA). Leaders of some of these groups have expressed a concern apparently shared by many civil society organizations not linked to the URNG or the government, that the peace process could strengthen and legitimate those two actors while marginalizing independent groups that are often more representative.

CACIF

The Comité Coordinador de Asociaciones Agrícolas, Comerciales Industriales y Financieras, founded in 1957, is the peak organization of Guatemalan business. CACIF contains six business chambers representing agriculture, industry, commerce, finance, tourism and a separate grouping for the sugar industry, although membership is apparently expanded at critical moments to include other entrepreneurial groups. The highest decision-making organ, called the Assembly of Presidents of the constituent chambers, oversees the operations of a parallel organization called the Camara Empresarial (CAEM), founded in the early 1980s, which coordinates diverse developmental, research and promotional initiatives of the private sector.⁵

Though invited, CACIF refused to participate in the ASC, and in late 1994 formed its own Businessmen's Peace Commission, headed by a prominent export-import merchant, Peter Lamport, to formulate separate proposals on the peace process. In contrast to the ASC, CACIF is a tight-knit, well-organized and extremely powerful organization with a capacity for rapid political maneuver. CACIF has steadfastly opposed increases in tax rates and wholly or partially thwarted four major attempts since the mid-1980s to raise the national tax coefficient. It may have been behind the government's tax retreat this year as well. Guatemala's economic elite has also staunchly opposed measures that might attack poverty through a direct redistribution

of wealth, and has been powerful enough to keep land reform off the agenda of policy debate under all the recent governments. It, along with the farther right Camera del Agro, has bitterly attacked the government for not sufficiently repelling rural land invasions in the last few years and in the last half of 1997 forced a strong response from the Arzú administration.

International Players

The UN has played the central role in the peace process. It has served as facilitator and then, by 1994, mediator in the peace negotiations. The Human Rights Accord, signed in 1994, unlike other accords reached before the final accord, called for immediate implementation with the UN serving as a monitor. MINUGUA was formed and mounted a team a few months later. In addition, the United Nations Commission on Human Rights reported upon human rights conditions in Guatemala for twenty years. UNHCR facilitated negotiations over the return of refugees, as well as provided material support to refugees in Mexico. The MINUGUA monitoring jurisdiction expanded to cover all phases of the final accord. The road for the UN has not always been smooth. Its facilitator to the pre-negotiation phase was removed following a government protest. In 1997, there were complaints that the former UN mediator, Jean Arnault, should not also have become the head of MINUGUA. Some human rights groups claimed that MINUGUA covered over government involvement in the Mincho case, and relations between these groups and Arnault were tense during much of last year. This year five MINUGUA observers were killed in a helicopter crash.

The UN saw to it that the international financial institutions were consulted by both sides during negotiations of the economic accord, and the more specific language in the accord is no doubt a product of those discussions. The five friends (Norway, the U.S., Mexico, Venezuela, and Colombia) were named in the framework accord (January 10, 1994) to support the UN and give security to the commitments made. Prior to this Norway had played a facilitating role.

The Challenges Ahead

In an October 1997 speech, MINUGUA head Jean Arnault contrasted the relatively smooth functioning of the treaty after ten months with the military tension and crisis over implementation which existed in El Salvador ten months after its treaty was signed in January 1992.⁶ The point was well made. In El Salvador, the FMLN was threatening to delay final demobilization of a substantial number of its best fighters, whereas, in Guatemala, URNG demobilization was very rapid.

But there are other comparisons with El Salvador that must also be kept in mind while trying to assess how well the implementation process is going in Guatemala. The

FMLN came to the negotiating table, and to the implementation period, with considerably more muscle than the URNG. The FMLN negotiated accords that addressed a narrower range of topics than the Guatemalan accords, but they were written in more specific and enforceable language. The FMLN was able to get Constitutional changes passed months before the signing of the final accord and with its troops still in the field. By contrast, the Guatemalan government promised to propose a range of Constitutional changes. These were tied up in Congress (and held hostage by the FRG's demand for a Constitutional change that would permit Ríos Montt to run for President) for months beginning in September 1997. The Guatemalan agreement contains more wide ranging language on social and economic areas, by far, than the Salvadoran accord, but a great many of the provisions are stated in sufficiently general terms as to make them virtually unenforceable. The Salvadoran accord (after a great deal of difficulty) resulted in land transfers that will probably exceed by a good deal those eventually achieved in Guatemala.

The Salvadoran agreement and the dynamics it generated through the implementation process were very party centered. Though it was not entirely predictable, the two main electoral protagonists have become the ARENA party and the FMLN, and the FMLN has done quite well in making a transition from war to electoral struggle despite a lack of experience and serious internal splits. The peace process in Guatemala has placed on the political agenda a large number of general goals and catalyzed an array of new political organizations struggling over those goals. While it is too soon to judge the results, there is at least a possibility that the Guatemalan process will produce a more plural political arena than has been the case in El Salvador, one marked by novel forms of development at the national and local level, particularly in indigenous areas.

As this report details, there are many obstacles that must be overcome for the Guatemalan accords to be successful in transforming fundamental characteristics of traditional social and political life. These include overcoming resistance from powerful sectors opposed to the accords. Yet, by comparison with El Salvador during the first two years after the signing of the agreements, the Guatemalan government has exhibited significantly more political will to make institutional reforms than did the ARENA government.

A much bigger obstacle in Guatemala is the legacy of cynicism and mistrust that pervades society. Voter turnout has been low. Polls indicate that by comparison with other Central American countries (and not just Costa Rica) Guatemalans, perhaps for quite rational reasons, have low confidence and support in the political system and low amounts of tolerance and trust. Although Salvadorans are almost as skeptical about the political system, Guatemalans are more than twice as skeptical as citizens in war torn Nicaragua and seven times more so than in Costa Rica.⁷

In a certain sense the very breadth and scope of the Guatemalan accords provides more opportunities for critics to argue that they are a failure. Like all peace accords the negotiated end of civil war raises expectations that are difficult to meet in the short-term. The challenge that must be successfully met in the months ahead to avoid increasing cynicism and resentment is to demonstrate that the peace process still has momentum and that implementing the agreements is both possible and the best possible route to a better future for the vast majority of Guatemalan society. This is a formidable challenge.

Resettling Returning Refugees and Internally Displaced

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No one knows how many Guatemalans were displaced by the war, nor how many still are. The government's scorched earth campaign in 1981-1983 depopulated vast areas, displacing an estimated 1.5 million people (then 20% of the population). Some fled Guatemala, mainly to Mexico, and are called "refugees" by aid agencies, while others moved within Guatemala and are called the "internally displaced."

The majority of the internally displaced who fled in the early eighties returned home within the first year or two after they fled and others followed gradually over the years. Sixteen years later there are still a few who long to return home or seek other resettlement options. Of those who haven't, a large majority have chosen to stay where they are (for economic, social or political reasons), but still suffer from having been displaced and having lost family members, land, and belongings.

No one ever attempted a complete census of the internally displaced. A census during the war would have produced skewed results given the fear felt by the displaced that they would be associated with "subversives" if they came forward. To survive, many of the displaced within Guatemala remained dispersed and anonymous, until recently. In some areas, ironically, individuals who never moved, or did so for economic reasons, have called themselves displaced to take advantage of aid or to back the demands for aid being made by groups of the displaced. Joint research efforts between organizations of the displaced and government agencies resulted in a May 1997 estimate of 324,000 (some 55,000 families) internally displaced and returned refugees. A close look at the data, however, indicates a lack of consensus over exact definitions, and the study does not distinguish between those who were displaced and those who still are.⁸ Organizations representing groups of internally displaced negotiating resettlement options or assistance in their present communities claim a total of 100,000 people in need of government aid.⁹

No one, however, alleges that there are new cases of displaced groups, so the displaced are mainly inherited from the last decade. Who represents them and how best to aid them is continually in debate between population groups, government agencies and development agencies. Like most campesinos, those who were displaced persons in Guatemala suffer from abject poverty, and lack land and economic opportunity. They might also suffer from being outsiders in communities not their own. Of the many that did return home over the years, economic recovery is slow, especially if their lands were taken over by others.

Calling oneself displaced until recently implied a potential risk to one's life and livelihood. Activists in organizations that service the displaced, founded in the late 1980's, suffered various forms of persecution until the early 1990s. The displaced also suffered harassment due to lack of identity documents, lost when they fled. Unable to obtain replacements because of fear of returning to their places of origin, or due to the destruction during the war of municipal registers, they could not register the birth of children, own land, or obtain loans, among other problems.

Beginning in 1987 refugee groups became increasingly visible and outspoken. But groups representing the internally displaced could not act openly due to repression until groups such as the National Council of Guatemalan Displaced (CONDEG) formed in 1989 and the Communities of Population in Resistance (CPR) went public in 1990. The CPR represented groups in the mountains and jungle areas of Quiché and Petén who had been evading army capture for nearly a decade. They demanded treatment as civilian non-combatants.

REFUGEES PAVE THE WAY

In 1983, UNHCR registered more than 46,000 Guatemalans in refugee camps in Mexico. With UNHCR support, Guatemala and Mexico agreed to a repatriation program in 1987. Although small family groups were trickling back (less than 2,000 individuals per year), the birth rate in the refugee camps exactly offset the rate of repatriation until 1994 when returnee numbers rose considerably. As of early 1998, UNHCR was still assisting some 27,000 refugees registered in three states of southern Mexico, including Chiapas.

Refugee lobbying resulted in concrete government commitments. In November 1991 President Serrano signed a "Letter of Understanding" with UNHCR that outlined basic guarantees for returning refugees. On October 8, 1992, the government signed an agreement with the representatives of the refugees in the camps in Mexico (known as the "Permanent Commissions of Guatemalan Refugees"). The agreement reiterated constitutional rights and outlined a mechanism for land acquisition. This catapulted

the Permanent Commissions into the limelight as the first group of refugees in the world to directly negotiate the terms of their repatriation with their own government.

These "October 8th" Accords led to organized returns on a larger scale. The refugee groups consciously sought to pave the way for broader peace negotiations between the state and the URNG which were picking up momentum in 1993. The renewed pace of the negotiations led to a series of fundamental accords in 1994, including one to resettle the "uprooted" (which was not to officially go into effect, save for a formation of a technical commission, until the signing of a final and global accord).

The progress made in the October 8th Accords, the involvement of organized refugee groups as well as UNHCR, and the return process itself showed a path for the larger peace accords by taking steps toward peace and reconciliation, by having people regarded as enemies negotiate, and by involving sectors of civil society and the international community. All these processes became integral features of the larger treaty negotiations, as did the formation of joint government-population commissions to oversee implementation.

Ironically, the role of the refugees in paving the way for the global peace process meant that by the time the final peace agreement was signed, most of the refugees determined to arrive home had already returned or were actively negotiating their return independent of the peace process.

By the end of 1997, over 37,000 Guatemalans had returned, according to UNHCR reckoning. Almost 20,000 of them had come in organized, negotiated collective returns. (See Table 1.) The first collective return brought 500 families in January 1993. Since then more than 35 communities have been resettled, either in their places of origin or on lands purchased through government credit schemes.

The decision of Guatemalan refugees to go home or wait in Mexico has been subject to many factors that have varied over the years. For example, the return pace quickened after the sudden explosion of the Chiapas conflict in January 1994, the downward tailspin of the Mexican economy later that year, and finally drought and then flooding in refugee camp areas. Meanwhile, refugees observed that returnees, in general, were not harassed and were resettling and reconstructing their communities with adequate assistance. Many hastened to regain lands or obtain new ones with government loans and services available on a first come first serve basis. Thus, 1995 was the year that more than 9,500 refugees returned, the highest number of any year and 25% of the total for all years since 1984.

Shortly after the return pace had picked up in 1994 and 1995, other events had a discouraging effect on repatriation. Security for collective returnees had not been a

serious problem until October 1995 when an army patrol trespassing on a returnee farm called Xamán opened fire on an unarmed group leaving eleven persons dead and several more wounded. In addition to creating a public scandal (the Minister of Defense resigned), the "Xamán massacre" made refugees question a new safety in Guatemala.¹⁰

Also in 1995, the Mexican government did a turnabout in its refugee policy, formally registering those refugees interested in becoming naturalized Mexicans. During 1995, many refugees began to question anew their commitment to returning home. Many of the adolescent and young adults who had grown up in Mexico did not want to go to Guatemala and their parents were reluctant to leave them behind. Furthermore, fully half the refugee population was born in Mexico and will have full rights as Mexican citizens once they turn 18. Other refugees simply continued to postpone the decision with the justification that their children should finish school or because productive projects were just beginning to pay off. These factors contributed to make return to Guatemala a less attractive option as demonstrated by the dwindling number of repatriates in 1996 and 1997.

Even the renewed outbreak of violence in Chiapas in December 1997 was not enough to increase the number of returnees in the first half of 1998 (from January through June less than 1500 people had arrived) although some refugees living in the most conflictive areas stepped up pressure on the Guatemalan government to purchase lands under negotiation. Although a detailed census in late 1997 predicted that up to 6,500 refugees still wanted to come home, apparently most will wait until the last possible minute and evaluate the situation on both sides of the border before deciding either way. In any case, at least 21,000 of the refugees are slated for permanent and legal integration in Mexico.

Repatriate communities in general have been no worse off than other rural villages, and, in many cases, they live in considerably better conditions. In some cases neighboring communities see them as unfairly privileged. But for many returnees, particularly those who lived in Mexico in more developed settlements (in the Mexican states of Campeche and Quintana Roo) with community services normally unavailable in Guatemalan rural areas, their new reality has seemed harsh. Young people, unfamiliar with agricultural villages without roads, have often been the most disappointed, and sometimes have deserted to cities or migrated back to Mexico or to the U.S.

GOVERNMENT LAND PURCHASES

The collective and negotiated return of the refugees set the stage for a land acquisition program considered to be extremely favorable to the returnees, relative to the

condition of Guatemala's poor rural majority. A few groups of internally displaced were benefitted as well, but when a similar program was requested for the internally displaced in general, the government refused.

Given the absence of available national lands, the Guatemalan government provided for the purchase of private lands at high prices, to be repaid into a community fund by returnees. The rationale: better lands will break the typical cycle of poverty. For the some 20,000 who have come in organized, collective returns, about one third were able to return to their original lands, often because their land was in war zones and had never been taken over by new occupants. The rest, including many young families, went to new lands.

Between November 1993 and May 1998, the government had purchased land for 25 returnee communities (and in one case used state land) benefitting almost 10,000 people. The lands purchased equal some 120,000 acres. Given that high prices were being paid to well-off farm owners to benefit relatively few families, sectors within the government wanted to limit, and eventually end this land program. To outside observers as well, the program was seen as economically and politically untenable as a model for resolving the land problems of Guatemala's poor rural majority. In the absence of other kinds of agrarian reform and land access, however, the refugees were given little option but to pressure for the purchase of more private farms.

Two credit mechanisms were used for returnees to obtain new lands.¹¹ Some communities ended up with larger tracts of land per family in areas where the agricultural potential is limited, especially in the remote Petén region. Over time, however, more returnee groups opted for a lesser quantity of better quality lands already under production. This increased the investment per family to U.S. \$10,000 just for land purchase as calculated by the government in March 1998. The amount of land per family (including urban areas, forest reserve and other land not used for cultivation) ranges from 10 acres to nearly 100 depending on land quality. This represents larger quantities of land than most Guatemalan peasants have, to say nothing of the rural poor who have no land at all.¹²

But the economic future of the returnee communities is problematic independent of the amount and type of land received. Production has been uncertain. Resources are put into building houses and community infrastructure first. New farm communities have been formed by returnees from different refugee camps who agree to organize as cooperatives, without necessarily having the ethnic or historical ties on which to build a solid community. In some cases returnees have no experience managing the resources found in their new communities (natural rubber plantations, large-scale cattle ranching, forest reserves). The communities are highly dependent on outside funding and technical support which may not be available in a reliable way.

Historically, throughout the world, land reform or land grant programs often founder, once land is obtained, for lack of technical and credit support and organizational experience.

IMPLEMENTATION OF THE RESETTLEMENT ACCORD

MINUGUA's presence in Guatemala in the several months after the signing of the Human Rights Accord (March 1994) gave new legitimacy to the topic of the internally displaced and a point of access for organizations of the displaced to bring charges about human rights violations. The June 1994 Agreement for the resettlement of the uprooted made ambitious commitments to move beyond land acquisition to a more cohesive development strategy for returning populations and their neighbors in areas affected by the violence. The government agreed to address historic poverty and state neglect of the areas affected by the violence, and not just individuals displaced by the war, and to help the displaced recover their former lands and personal documentation.

But vague wording and the lack of concrete mechanisms undermine the commitments. The right to recover land is strongly worded, but leaves open the possibility that the displaced be compensated if lands cannot be recovered. The accord falls short of fully committing the government to provide new lands under favorable terms for the internally displaced, in contrast to the benefits outlined for returning refugees in the October 1992 accord signed with refugee groups.

The 1994 agreement called for a Technical Commission to be formed with two representatives each from the government, the displaced populations, and the international community (the latter as non-voting participants) in order to advance the preparatory work in anticipation of its eventual implementation.

The Technical Commission was formalized July 26, 1994. Initially the Commission was weakened by struggles over who would represent each sector, and government objections to the displaced being represented in the commission by the Consultative Assembly of Displaced Population (ACPD) made up of organizations that the government considered antagonistic and politicized. Membership in the ACPD includes the Permanent Commissions of Guatemalan Refugees, the CPR, CONDEG, the Campesino Unity Committee (CUC), the National Coordinating Committee for Guatemalan Widows (CONAVIGUA), the Mutual Support Group of the families of the disappeared (GAM) and others. After several months of in-fighting over who would convene and run the Commission, participants agreed to form task forces to discuss issues in the agreement. The Commission would endorse strategies, not implement them, and international actors would help seek funding.¹³

Mixing representatives from diverse backgrounds with different political agendas to form common proposals did not remove long standing distrust. Nonetheless, over time participants discovered that there were articulate and able counterparts on the other side of the table. These factors led to substantial gains in the form of decision-making by key government officials, influenced by the beneficiary populations even when the concrete outcome is not always what the population groups had advocated. The Technical Commission formed a model for the peace accords' broader framework of joint commissions to oversee treaty implementation. By early 1997, the Commission had reached consensus on a resettlement and reintegration assistance plan for displaced populations with a trust fund for resettlement projects under the auspices of the UNDP. The resettlement plan is supposed to guide the Commission in approving funding proposals. The trust fund by mid 1998 had received funding from Japan, Denmark, Sweden, the Netherlands and Finland totaling 8 million dollars covering community or regional projects in health, agricultural production and infrastructure, and national projects in documentation and land acquisition. Nevertheless, given the long list of concrete development needs in the communities, these projects only begin to address the overall problem.

The Ministry of Education and representatives of displaced groups painstakingly revised a UNESCO draft proposal for meeting education needs and an education plan was adopted in early 1998.¹⁴ A law to facilitate personal documentation for the displaced, also stipulated by the agreement, was passed in August 1997.¹⁵ Furthermore, ongoing negotiations to resettle the CPR displaced populations in the Ixil area of El Quiché and in Petén bore fruit in 1998, resulting in the relocation of these groups.

On the negative side, Commission representatives of the internally displaced and refugees were disappointed when, in 1995 and 1997, the government presented unilateral proposals for international funding without including them, thereby undermining the spirit, and perhaps the letter, of the peace accords.¹⁶ The commitment by the government to guarantee the legalization of lands held by returnees, especially national lands held in many cases for 20 years, has not been respected to date given the lack of coordination among government agencies and bureaucracy associated with the National Agrarian Transformation Institute (INTA). The full incorporation of women into the process and the application of a gender focus in all projects implemented has yet to be addressed in a serious way despite the emphasis in the accord on the issue. In general, there is increasing frustration on all sides as frequent meetings haven't necessarily resulted in even the "minimal goals" set forth by the selfsame Commission.¹⁷

Debate continued into 1998 about the extent to which the government was willing to place special emphasis on the land and social service problems of the internally

displaced, as opposed to including them incidentally in government programs aimed at alleviating extreme poverty in general. In February 1998, the Technical Commission signed an agreement with the new Land Fund created by the peace accords with the stated goal of giving priority and special conditions to internally displaced groups. But six months later none of the groups that had applied had made any progress.¹⁸ The government has also opposed stretching definitions of the displaced, fearing this would open the floodgates to demands for special help.

In sum, returning refugees have fared relatively well over the years, compared to the internally displaced and compared, in many cases, to other campesinos (which is to say they are quite poor, but less poor than the others.) Their relatively good treatment is mostly due to international attention and resources. Implementation of the peace accords has a long way to go to benefit significantly the internally displaced. The Technical Commission has proved an important experiment. While mutually critical and skeptical of each other's representativeness and effectiveness, both government and population actors involved in the Technical Commission recognize the usefulness of the forum that brings them together and ultimately rely on the legitimacy that each party confers upon the other for the broader political objectives that each seek. Only when the projects envisioned in the agreement are designed, funded and carried out in the rural communities of the displaced can the lasting results be evaluated.

The Civilian Power Accord: The Challenge of Ending Impunity

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The Accord on the Strengthening of Civilian Power and the Role of the Military in a Democratic Society (henceforth Civilian Power accord), signed on September 19, 1996 is arguably the cornerstone of the Guatemalan peace process. Earlier accords aimed to mitigate human rights violations; called for the return of tens of thousands of Guatemalans uprooted by the civil war; the redressing of wrongs committed against the huge indigenous population; and the improvement of a host of economic and social conditions. But in the long run, the reduction and restructuring of internal security forces encysted for decades in the Guatemalan state, and the eventual elimination of the overwhelming impunity enjoyed by those forces, is the key to solidifying peace and building a more just, democratic society.

The accord on civilian power confirms the subordination of military to civilian authority. It removes internal security from the Army's mission, leaving it to defend the nation's sovereignty and territory, and establishes a police force under civilian direction. It required the army to reduce in numbers by one-third in 1997, to

demobilize and disarm the civil defense patrols (PACs), and to reduce its budget by 33% (as a proportion of GDP) from 1995 levels. The accord permits the Minister of National Defense to be either a military official or a civilian. It calls for a constitutional reform to provide for trials in civilian courts of military personnel accused of crimes against civilians.

The accord also authorizes the president to replace the Estado Mayor Presidencial (EMP), a secretive military unit that has controlled the actions of Presidents, with new civilian entities. Two civilian intelligence agencies are called for, one organized in the Ministry of Governance to combat organized crime, the other, a "Strategic Analysis Secretariat", to function directly under the presidency.

Given the traditional power of the military there are many Guatemalans who doubt that the language of the accords will be transformed into reality. A year and a half after their signing, there has been only partial fulfillment of the requirements described above. Nevertheless, regional realities of the 1990s, the peace process, and expanded political space for civilian government have subjected the army to pressures to adapt itself organizationally and politically. A changing army leadership has attempted to refurbish the image of and restructure the military institution, but implementation is taking place in the context of intra-military faction struggles that are at least partially rooted in differences over accountability for past abuses and whether or not to reform key military structures responsible for those abuses.¹⁹

CHANGES IN THE ARMY PRIOR TO THE ARZU GOVERNMENT

The transition from military dictatorship to elected civilian government in Guatemala has been a carefully managed process in which the armed forces has played a central role. The origins of the transition took shape in the 1982 coup in which Efraín Ríos Montt deposed Gen. Romeo Lucas García. Some younger officers who supported the coup, and senior officers who replaced Ríos Montt in 1983, supported a change from massive repression and terror to an approach that forced civilians into the PACs and used selective terror. One of these officers, Hector Alejandro Gramajo, articulated a new counterinsurgency strategy that came to be known as the "doctrine of national stability" and which envisioned an army-led process that would increase the role of key social sectors in governance. The army permitted a limited political opening in 1984 by calling a constituent assembly to draft the 1985 constitution, which charged the army with assuring both "external and internal security."

The 1985 elections, won by civilian Vinicio Cerezo, initiated an era of military controlled pluralism.²⁰ Then Defense Minister Gramajo and the Estado Mayor Presidencial maintained control over the new civilian president. Within the EMP, a "presidential security directorate," known colloquially as the *archivo* ("archive"),

gathered intelligence and carried out selective repression. The EMP enveloped President Cerezo and his successor, Jorge Serrano, controlling even their daily appointments and discretionary budget.²¹

The army continued to be involved in multiple forms of corruption. Cerezo and Gramajo were forced to beat back two major coup attempts in 1988-89 led by military officers who opposed the "softer" line of Gramajo. By the beginning of the Serrano administration more "hardline" officers occupied most of the top positions in the army, but the continuing internal struggle over strategic directions was reflected by the fact that the "Oslo peace process" got under way during Serrano's administration and military officers became involved in the talks.²²

Serrano and military hardliners attempted to dissolve Congress in May 1993. But vigorous national and international reaction made it clear to the majority of the army leadership that powerful forces, including CACIF and the United States, would not countenance the "autogolpe," a reversal of the trend toward electoral democracy emerging in Central America. Opposition from military intelligence, headed by Col. Otto Pérez Molina, led to the collapse of military support for Serrano, whereupon a more "institutionalist" grouping of officers came to power. Emerging as defense minister was Gen. Mario René Enríquez. He had participated in the peace negotiations from the beginning, and defined himself as "a general for peace" leading "an army for democracy."²³

Whereas the peace process had stalled under Serrano, by early 1994 the Framework Accord was signed. Four more accords would be signed during the term of President de León Carpio, elected by the Congress to replace Serrano. The increased prospect of a negotiated peace forced the army to rethink its role in a society at peace.²⁴

A weak civilian leadership did not put them to the test. The de León Carpio government had no political base or popular mandate, and was even more dependent than its predecessors on the EMP, under the command of Otto Pérez Molina, who became the eminence grise of the government by helping the president control restive hardliners. The "archivo" continued to flourish. Dr. Monica Pinto, the independent UN human rights expert appointed by the UN Human Rights Commission, reported a continuing high level of human rights violations throughout this period, despite the fact that de León Carpio had gained national prominence during the Serrano period as an active government Human Rights Ombudsman.²⁵

The army stubbornly resisted efforts to reform the National Police which began in late 1993, when de León Carpio named Arnoldo Ortíz Moscoso as Minister of Governance and Mario René Cifuentes as head of the National Police. Key to the reformers' strategy was the expulsion from the police of elements from military

intelligence. But in March 1994, the army forced the president to remove the reformers.

During de León Carpio's administration, however, the first steps were taken to place limits on the armed forces and subject it to greater civilian control. The Human Rights Accord reached in March 1994 stipulated that military forced recruitment could not continue, and the President declared, in June 30 Army Day ceremonies, that obligatory conscription was being suspended. In June 1994, the Congress revised the Code of Penal Procedure to partially abridge the historic "fuero militar," which permitted the military to avoid trial in civilian courts. The code's passage sparked hopes that an instrument for combating impunity had been forged.

The most important criminal case involving the army under the jurisdiction of a civilian tribunal during this period was the so-called "Xamán" massacre of October 1995, in which 25 military men and their commanding officer were accused of slaying eight unarmed peasants belonging to a group of returned refugees at a farm ("Xamán") in Alta Verapaz. The president forced the resignation of defense minister Enríquez as well as a local military commander.²⁶ The dismissal of a defense minister over a human rights case was unprecedented. The long-run significance of the case in terms of ending impunity is still unclear, since the Xamán case trial did not begin until April 1998, and then was suspended after a week on charges that the judge was partial toward the defense.

CHANGES UNDER ARZU

While Ramiro de León Carpio lacked a party base and backing from the elite, Alvaro Arzú entered office in January 1996 with a working legislative majority and strong support from business. His first moves suggested a strong intention to increase civilian control of the armed forces, although during the past year both his ability and his will to do so have been questioned by critics.

Arzú initially refused to take up residence in the presidential palace in an obvious effort to get out from under the EMP, and at one point even bid to establish his office in the army's Escuela Politécnica ("our alma mater!", a military source reportedly complained).²⁷ Then Arzú quickly ordered sweeping changes in the military high command, officially justified as necessary to relieve the generational bottleneck. These changes, in January 1996, seemed to strengthen the institutionalists including new defense minister Julio Balconi Turcios and chief of the general staff Sergio Camargo Muralles, both officers not associated with gross human rights violations.

By contrast, those consigned to limbo (disponibilidad) included seven more hardline generals led by the outgoing chief of staff, Gen. Carlos Enrique Pineda

Carranza.²⁸ Former EMP head Pérez Molina, another contender for the top spot, found himself relegated to a post removed from command of troops. The nomination of air force Gen. Marco Tulio Espinosa as new EMP head appeared, at the time, to signal a downgrading of that body, as air force officers traditionally have little influence over Guatemala's ground-based army structure.

At the beginning of Balconi's tenure, the Guatemalan press began to display an unprecedented aggressiveness in pursuing stories about malfeasance in the military, a campaign perhaps orchestrated by the high command itself to weed out elements connected to car theft rings, drug smuggling, and kidnaping. In March of 1996, agents from the Public Ministry, the Treasury Guard, and the U.S. Drug Enforcement Administration raided a home belonging to army Col. Mario López Serrano and found evidence implicating him in drug trafficking and car theft. The raid, the first of its kind against a high-ranking officer, led the defense minister to suspend López Serrano as chief of the military zone in El Quiché.²⁹

In May 1996, the President ordered military intelligence to assist the Ministry of Government in an investigation of a smuggling and drug trafficking ring eventuating in the September arrest of the ostensible ringleader, Alfredo Moreno Molina, whose ties to the military extended back to the early 1970s. Documents and computer files discovered in Moreno's home implicated an extraordinary array of high-level military, police and civilian officials. Balconi then removed nine high-ranking officers from their posts, including the vice-minister of defense, pending an official decision about whether to try them.

The offending officers were known, as *Crónica* magazine put it, as "icons of counterinsurgency" and "over the last fifteen years, pillars of the military intelligence apparatus." They included Gen. Ortega Menaldo, head of the EMP during the Serrano period, Col. Mario Roberto García Catalán (implicated in the 1990 murder of U.S. citizen Michael Devine), and Col. Juan Oliva Carrera (implicated in the murder of Myrna Mack). In the opinion of *Crónica's* analyst, the removal of the nine "not only broke up a structure which had become an independent power within the army, but also...an immense locus of corruption and impunity."³⁰ The blow against a generation of military corruption was unprecedented.

In a sign of the extensiveness of the network, local judge Osmundo Villatoro, later accused of being in Moreno's pay, showed up at the capture site in an attempt to impede the capo's detention. Suspicious delays by other judicial officials in granting search warrants allowed a number of Moreno's closest associates to flee the country. Although Minister Balconi promised an independent investigation into the dealings of the nine accused officers, information about the involvement of other military figures was not forthcoming even when press stories alleged that Gen. Manuel Callejas y

Callejas (ret.), head of intelligence under the dreaded Lucas García in the early 1980s, masterminded the corruption run out of customs. General Balconi publicly absolved Callejas of any blame in the Moreno case,³¹ giving rise to allegations that the high command could not afford to bring the accused officers to a public trial without opening a Pandora's box of revelations that would spatter mud into far flung corners of the military institution.

THE "MINCHO" CASE AND ITS IMPACT ON THE PEACE PROCESS

In April of 1997 a new scandal involving military officers exploded into public view. As new revelations and allegations about the case unfolded over a period of several months, the scandal led to heightened tension and realignment within the armed forces, tension between the armed forces and both the government and MINUGUA, serious tension between the government and MINUGUA, tensions within the URNG, and growing criticism of MINUGUA and the Arzú government by sectors of civil society (particularly by Guatemalan human rights organizations). All three parties to the negotiations (the government, the URNG and the UN) were politically weakened by the scandal and the momentum of the peace process dramatically slowed.

The origins of the case lay in the kidnaping for ransom of Señora Olga Alvarado de Novella, member of a prominent and wealthy Guatemalan family, on August 25, 1996. A \$6 million ransom was demanded by her captors. The kidnaping was carried out by members of ORPA, one of the constituent groups within the URNG. On October 19, 1996, two members of ORPA were captured by security forces after conducting negotiations with members of the Novella family. The individuals captured were Augusto Rafael Baldizón Núñez (known as "comandante Isaias") and José Cabrera Rodas (known as "Mincho"). A few hours later an exchange was arranged and Señora Novella was released while Isaias was freed in Mexico. The Guatemalan government announced that it was suspending the peace negotiations because of the kidnaping, and they did not resume until November 8. Mincho was not mentioned publicly, and has never been seen again. The first public mention was in press reports on January 12, 1997, which said that a second guerrilla, named Mincho, had been captured with Isaias.

The case exploded into public view on April 15, 1997, when an article in *Prensa Libre* suggested that Jean Arnault, the UN mediator during the talks and now Chief of Mission of MINUGUA, had known of the disappearance and implied that he ordered a coverup by MINUGUA. A flurry of even stronger accusations appeared in subsequent days. While denying the allegations of coverup, MINUGUA launched an investigation into the case and on May 20 issued a preliminary report suggesting that the Estado Mayor Presidencial was likely involved in the capture of Mincho.³² The report noted that the EMP, while comprised of military officers, is not under the direct

control of the Minister of Defense. It also stated that functionaries of the government and of the URNG had not cooperated with its investigation. On the same day the Guatemalan government categorically denied that Mincho had been captured or killed, and rejected MINUGUA's assertion of EMP involvement as being without foundation.³³

The Mincho case represented the first time under the Arzú government that government agents had been publicly involved in human rights abuse. Because of the serious damaging impact of the case on the peace process, Hemisphere Initiatives has conducted an extensive investigation of the charges and counter charges made over many months. The HI investigation included a review of primary and secondary documents, a detailed analysis of press coverage, and interviews with a wide range of official and unofficial actors who had knowledge of aspects of the case. In an appendix to this report we present a chronology of events and the findings of our investigation, key elements of which are summarized below. There remain important unanswered questions, including the ultimate fate of Mincho.

The Mincho case resulted in lasting strains between some Guatemalan human rights organizations and MINUGUA. Some in the human rights community had opposed the naming of Arnault as head of MINUGUA because they believed that the mediator should not also be the verifier of compliance. They believed that he would give undo weight to the URNG and the government, potentially marginalizing civil society groups not linked to either. The accusations of coverup heightened these fears and led them to launch an open campaign for his removal. The HI investigation found no evidence to support claims that Arnault encouraged a coverup by MINUGUA. In November, with Arnault moderating the negotiations, top MINUGUA officials independently received information about the Mincho case from the URNG. They did not open an investigation nor, under their reporting rules, did they inform Arnault. In February 1997, the same officials deliberately withheld information about the case from the Guatemala City Regional Office of MINUGUA, which, following press reports about Mincho, had opened its own investigation. The HI investigation found no evidence that they took these actions on orders from superiors, and they made no written report of the information they had to their superiors. Arnault became director of MINUGUA on March 1.

The continuing repercussions of the case hit the armed forces directly on July 3, 1997, when President Arzú again unexpectedly changed the high command. Just three days after traditional Army Day ceremonies in which General Balconi was again confirmed as defense minister, Arzú suddenly announced a decision to remove both Balconi and Chief of Staff Gen. Sergio Camargo from their posts. Replacing them were Gen. Hector Barrios Celada as defense minister and Gen. Marco Tulio Espinosa, the former head of the EMP, as Chief of Staff. While some analysts saw the appointment of an

air force officer as Chief of Staff as a further assertion of civilian control over the army-dominated armed forces, the appointment of General Espinosa was clearly a direct slap at MINUGUA.³⁴ That it coincided with the replacement of top level MINUGUA figures was interpreted by some as the government triumphing over MINUGUA and by others as Arnault using the crisis to rearrange his staff.

Former EMP head Pérez Molina and Camargo were opposed to an operational role for intelligence units. Camargo had complained privately about Espinosa bypassing the chain of command to give orders directly to military intelligence units, and under Espinosa's leadership the EMP had been aggressively involved in anti-kidnaping and other operational activities.³⁵ A further sign of Espinosa's consolidation of power was that the officer replacing him in charge of the EMP was only a colonel, and was his brother-in-law.³⁶ The EMP continues to be accused of illegal intelligence gathering, including repeated charges by government opponents that their phones are being tapped.³⁷ The anti-kidnaping unit, according to sources, has been tucked away in the General Command. Although the peace accords require the dissolution of the EMP, President Arzú has refused to set a timetable for its abolition. In late 1997 he stated that it would not disappear until the year 2000, i.e., after the 1999 elections.

The accords call for a civilian-run intelligence apparatus. In 1997 the administration placed two men in prominent positions in the new Strategic Analysis Secretariat who were believed to have longstanding ties to military intelligence. Asked about this, an army spokesperson interpreted the phrase "strictly civilian" to mean that civilians must be in command, but military men may take part. How many and at what level was unclear, and remained so when, according to press reports, Arzú backtracked on his nomination of civilian Oscar Montoya after the latter attempted unsuccessfully to rid the new intelligence service of the aforementioned officers. In this version, Gen. Espinosa, then head of the EMP, reversed the dismissal of the two men.³⁸

Then, in late 1997, the government, in keeping with its accord obligations, sent a draft law to the Accompaniment Commission (which oversees the overall peace process and is made up of the government, the URNG, members of civil society and MINUGUA) to establish a presidential intelligence service. The Commission unanimously rejected it. A redraft is being debated, but critics in civil society argue that the government does not have the political will to move against military control of intelligence.

THE ARMED FORCES AND ACCORD IMPLEMENTATION

Over the last 18 months, the army has complied with some aspects of the Accord while appearing to drag its feet on other parts. By June 30, 1997, the Guatemalan army had dissolved battalion-sized units in various areas of the Altiplano as well as in

the Cuartel General. After that date, the process of reorganizing and redeploying military personnel led to the elimination of four out of 19 existing military zones. But the balance led MINUGUA to comment in its February 1998 report that "the maintenance of 15 military zones preserves the clearly territorial deployment which the Army of Guatemala adopted in the 1980s in the framework of counterinsurgent struggle..."³⁹ Other military experts privately expressed doubt about the army's willingness to pull back from areas in which it had formerly maintained a strong internal security presence. As described later in this report, in some of these areas there have been land invasions by peasants, and local military commanders have sided with affected landowners.

Failure to significantly change patterns of military deployment that characterized the period of armed conflict appears to be related to continued internal faction fighting within the military. Staff officers in the Defense Ministry under Gen. Balconi had drafted a sweeping reorganization plan that would have eliminated many regional commands, curbing opportunities for graft and corruption among high-ranking officers. But Balconi was unable to get other senior officers to back the plan in February 1997, and the idea was shelved. After Balconi's ouster in July 1997, reorganization appears to have slowed.

Reduction of the Military Mission

The accord limits the army's role to defending the nation against foreign attack, helping in times of natural disasters and bolstering the civilian police when necessary to safeguard public order. President Arzú suggested that the military may also be called upon to run anti-drug trafficking efforts (this despite the presumed involvement of some military figures in the problem). Military spokespersons interviewed by HI in early 1997 expressed reluctance to see the military do more than supplement the new National Civilian Police in this endeavor, but since the changes in the high command in July 1997 military units have been active in this arena, particularly in the Petén.⁴⁰

Military officials also envision a role for the armed forces in protecting natural resources and assuming some "development" functions. They mention protecting coastal areas against shrimp pirates, and controlling illegal loggers in the Petén forest (although press reports have suggested that army personnel are involved), road building and health and vaccination programs. The Accord charges the army with overhauling military education, emphasizing respect for human rights. Defense spokeswoman Col. Edith Vargas told HI that human rights training had replaced counterinsurgency as a subject in the General Staff and Command course given in the Centro de Estudios Militares (CEM). The army seeks to receive international assistance for the purpose of establishing a "war college" on the U.S. model.⁴¹

Force Reduction

During negotiations, Army representatives agreed to a one-third reduction in numbers, from 45,000 to 30,820 personnel. Just after the accords were signed, the army claimed that the actual size was 35,000 personnel, making reduction to 31,000 a minor adjustment. Amidst signs of officer discontent, Gen. Balconi announced that no officers would be retired, and military sources claimed that the officer corps of 2,100 was understaffed. URNG leader Pablo Monsanto argued that the one-third reduction formula applied to officers as well as troops.⁴²

The army dissolved the Policia Militar Ambulante (PMA), the only army unit to be disbanded under the accord. When contingents from the 2,420-strong force received notice of their fate in late January 1997, they mutinied, but the high command enforced the dissolution.⁴³

During negotiations the URNG wanted the PACs disbanded at once; the army wished it to coincide in time with the disarming of the URNG. President Arzú decided in August 1996 to disband the PACs in anticipation of the accord. In December 1996, the army held sendoff ceremonies in which PAC weapons were collected. In some places, however, local military commanders were active converting the PACs into unarmed, local-level "peace and development committees" (CPDs). Although civilian officials denied that such a process was underway, army sources in San Marcos told a visiting researcher from the Robert F. Kennedy Center in late 1996 that the conversion was "official policy" and that of some 393,132 members of PACS, 127,633 had already been incorporated into the new concept.⁴⁴

MINUGUA disputed the high estimates of PAC membership, noting that many members had deserted, and reported a genuine military pullback from the countryside. This assessment appeared to be buttressed by a December 1996 Defense Ministry report that 216,734 patrulleros had demobilized, and that 62,687 elements from the CPDs had also been disbanded. Ex-patrulleros have on several occasions engaged in protests to pressure the government to provide them money for years of service. Several thousand occupied an oil refinery in the Petén in July 1997. They eventually dispersed when the government promised a dialogue, but President Arzú later declared the full weight of the law would be brought against such illegal occupations.⁴⁵

Budget restructuring

Taking into account an inflation rate of 8-10% per year, the official military budget was pared substantially through 1997. By 1999 military spending is projected to be a nominal 15% higher than four years earlier, but in real terms will have declined by a

fourth. If accurate, these figures suggest sharp stringency during the initial phase of military reconversion.

However, the accord does little to strengthen the weak budgetary oversight exercised by the Congress. Nor does it contest the army's economic assets controlled through entities such as the Instituto de Prevision Militar (IPM, or Military Retirement Institute), the Banco del Ejército, and a complex of military industries developed in the late 1970s with help from Taiwan and Israel. The accord only stipulates that the army's economic holdings should be managed on a "non-profit" basis. Of the army's known assets, only two are mentioned by name in the accord, and only one, TV Channel 5, was to pass out of the military's hands. The accords state that the munitions factory should be a candidate for supplying the needs of the "civilian public security forces."⁴⁶

Accountability

Before 1997, no high-ranking Guatemalan military officer had ever been tried and convicted of a crime in a civilian court. The prospect of such convictions occurring, although accepted in principle by the army in 1994 and ratified by the Civilian Power accord, raises the possibility that military men may be brought to justice for egregious violations of human rights committed during the war, particularly large-scale massacres of civilians. There has been a growing list of high-profile investigations by civilian courts and the Public Ministry of military officers implicated in political assassinations. The most prominent cases are the murders of anthropologist Myrna Mack (1990); guerrilla leader (and husband of U.S. activist Jennifer Harbury) Efraín Bamaca (1992); UCN party leader Jorge Carpio Nicolle (1993); Constitutional Court president Epaminondas González (1994); and the aforementioned Xamán case (1995). Change to civilian jurisdiction, however, has brought with it dilatory legal tactics, the destruction of evidence, the intimidation of judges and prosecutors, and the murder of witnesses. Scant progress has been made in the most notorious cases.⁴⁷

The National Reconciliation Law approved by Congress on December 18, 1996 posed another threat to the military. Though most human rights groups criticized the bill, the Law does not provide blanket amnesty for all military behavior during the period of armed conflict. Some military men implicated in past rights violations have demanded amnesty under the new law. So far, Guatemalan courts have rejected these petitions, which include a number of celebrated cases—the murders of Myrna Mack and Jorge Carpio—that bear no direct relation to the armed conflict.⁴⁸ Human rights organizations say that the practice of intimidating judges and prosecutors by military sources has declined, but not disappeared, since the peace accords were signed. The level of fear among judicial personnel has therefore declined.

But prosecution of army involvement in common crime continues to falter, as evidenced by the fitful proceedings against Alfredo Moreno.⁴⁹ Only in the area of drug trafficking has some progress occurred, perhaps due to U.S. pressures. In May 1997 police arrested retired colonel Carlos René Ochoa Ruíz for cocaine possession. Years earlier, the U.S. government had demanded that this officer be extradited to face drug-running charges. Upon hearing of his arrest, President Arzú reportedly suggested that Guatemala could consider a new request from the U.S. for Ochoa's extradition. In June 1997 the army permitted for the first time the anti-narcotics division of the Treasury Police to arrest an officer, Major Edgar Mendizabal, on military premises. Mendizabal was among 15 officers under investigation for belonging to a drug ring called "Los Tenientes."⁵⁰

In tandem with the 1994 procedural reform, the "Historical Clarification" accord has implications for civilian trials of military personnel. In principle, this agreement appears to pose no threat to individual officers, as it prohibits assigning criminal responsibility for specific acts, nor will the information be usable in court proceedings. The Commission had at peak a staff of around eighty people, with offices in the capital and in eleven cities and villages to which citizens could bring information. Human rights groups presented the Commission with massive files on human rights abuses, and the U.S. government also delivered significant information to the Commission. It has no power to subpoena people. The Commission is not allowed to publicly name names, perhaps an advantage in that it might encourage people to come forward, though a disadvantage if the goal is "clarification."

The Commission faced two central obstacles. The sheer mass of human rights violations could not be fully investigated in the limited time allotted to the Commission, even with the extension granted. And even before the Clarification Commission was established, the army indicated that it would hand over information when asked but would not permit access to its files. In 1997 and 1998, Historical Commission head, Christian Tomuschat, a German and former observer for the UN Human Rights Commission, complained of lack of cooperation from the military.

There was also a reluctance on the part of many victims to testify. Otilia Lux de Coti, a Mayan, serves on the Commission. Her extended family suffered one disappeared, three killed, and several women violated. She told HI that like many others, her family would probably not bring testimony to the Commission. Despite the fact that they were forced to "guard a terrible silence" during the war in Santa Cruz del Quiché, "to walk as if dead, in a sense," her family members do not want "to relive" those events of the early 1980s, a decision that must be respected.⁵¹

The Commission has completed its investigatory phase and has been granted a new extension to prepare its final report. In May and June 1998, the Commission

organized private and public meetings with a broad range of organizations to solicit input on what it should recommend. Guatemalan government and military officials have questioned the propriety of this process, arguing that the recommendations must flow directly from the investigation. These reservations are shared by some international observers, including some MINUGUA officials.

The most recent signs of continuing tensions within the armed forces over accountability came in July 1998, when the former Army Spokesman, Col. Otto Noack, was placed under arrest for giving an interview to a Dutch news organization in which he said that both the army and the URNG should apologize to the country for excesses committed during the conflict. He was charged with violating military regulations about speaking to the press.

THE "NEW" NATIONAL CIVILIAN POLICE⁵²

During three decades of armed conflict the armed forces came to control the police, using them even to carry out counterinsurgency operations. The concepts of public security and military defense were fused. In the first years of civilian government, the National Police (PN) director continued to come from the top army ranks. The challenge under the accords has been to create a new National Civil Police (PNC) based on a civilian and democratic concept of security. Differentiating the spheres of action of the armed forces and domestic security is central to the democratic transition.

As a junior partner to the military, the PN was deficient in technical, material, and human resources. Guatemala had, at the signing of the accords, some 12,500 to 13,000 police agents. But if one subtracts those on administrative duty, or off shift, on a daily basis there were but one operative police agent for each 4,500 to 5,000 Guatemalans. By contrast, New York City with 3.4 million fewer people has 2.3 times as many police agents.⁵³ It was estimated in 1997 that over 60% of Guatemala's 330 municipalities had no, or very little, police presence. Panajachel, La Democracia and 34 other municipalities had but six police assigned and another 24 municipalities only had four. This overall weakness has led to reliance on the military, including, as discussed above, the EMP.

The low police\population ratio has fueled an increase in crime and impunity, as well as a proliferation of private companies offering security and investigation services to those who can afford them. The government has virtually no control over these services.

Nearly 90% of the police force had no formal professional training, either because they lacked the minimum educational level for it or because they received police jobs

through political connections. Lack of training has resulted in the spoiling of evidence at crime scenes and ineffective investigations. Many PN agents never received arms training. When they entered the force they were often provided old, defective weapons and six cartridges, which they were required to give back when they retired - unless they engaged in any shootout with criminals, in which case they had to pay for the used cartridges!

There has been no formal civil service system establishing norms for recruitment, promotion or job security. Some recruits took an entry exam; others came in on the recommendation of influential friends. Many higher officials also received no formal officers' training. It is estimated that 70% of the PN officers had not attended officers school and that the other 30% only did so for a brief period. The overall result: widespread influence peddling, bribery and political favoritism in getting promotions. It is suspected that some of the old PN officials belong to the organized crime bands that exist today.

Further complicating the transition to the PNC was the military's control of the local Civil Defense Patrols (PACs). In many instances PACs not only patrolled against the guerrillas, they became local power structures, and were often accused of arbitrary practices and human rights abuses. Officially disbanded, their members remain present in local communities.

The transition to a new police force, then, encounters a host of starkly difficult realities: a vast crime wave; increasing public pressure on the government to reduce crime; growth in vigilantism and lynchings (120 in 24 months according to the June 1998 MINUGUA Human Rights report); the legacy of past abuses by the Civil Defense Patrols; a weak and corrupt old police structure; and an inevitably weak new structure. As elsewhere in the region, there are calls to have the military become involved in fighting the disastrously high crime wave.

A considerable body of expert opinion has argued that the transition in police functions should be thoroughgoing and radical, and that this will require a solid plan and take time. An April 1996 report by police experts Gino Costa and Manuel Núñez Pedraza stated that all international missions that have studied the public security situation in Guatemala agree on the need to reform the system drastically. They also concluded that to achieve needed change in the police would require limiting the role of the traditional police, particularly its intelligence gathering capacity. They emphasized the lack of shared government criteria about strategy and tactics. "What exists is a clear desire to obtain results against crime in the shortest time possible. It is important to be very clear that no matter how rapidly actions are taken, immediate tangible results in stopping the crime wave cannot be obtained. The problems, above all of the security forces, are of such a magnitude that they will not be resolved only

by providing better equipment or raising the salaries." Costa and Núñez assert that the new police must prioritize creation of an investigation division, with complementary actions in the judicial branch and the public prosecutor's office, must avoid contamination by negative forces or elements in the traditional police (above all in the investigation unit), and must promote political support.⁵⁴

Police Reform in the Accords

In contrast to El Salvador, where the peace accords laid out detailed new police legislation and a step-by-step process through which the previous militarized security forces were to be dismantled and a new National Civilian Police built from scratch, the police reform section of the Guatemalan accords is brief and ambiguous in much of its language. The main public security reforms included in the September 1996 Civilian Power accord are:

- an extremely ambitious expansion in the number of police, from the current 12,000 to 20,000 by the end of 1999;
- constitutional changes to remove the military from internal security and give a single National Civilian Police force that responsibility;
- a government commitment to revamp public security laws and structures with the support of MINUGUA and the international community;
- a government commitment to establish a formal police hiring and promotions policy, including the requirement that new members of the National Civilian Police receive six months of training at the Police Academy;
- the involvement of local communities in the recruitment process, and a commitment that the police reflect the multiethnic character of the country;
- an increase in police salaries and in the public security budget.

Related measures call for a new law to regulate private security firms; that the police rather than the army be responsible for control of firearms; and the establishment of a council of prominent civilians to advise the president on security matters.

The involvement of local communities in police recruitment represents an improvement over the Salvadoran accords. Unfortunately, the accord does not make any reference to the internal and external control mechanisms (Inspector General, internal investigations, internal disciplinary tribunal, internal control unit, etc.) that were crucial components of the Salvadoran accords. The most glaring weakness of the Guatemalan accord is that it provides no clear mechanism to evaluate, vet, or retrain current members of the National Police and Treasury Guard.

Implementation has been troubled. Despite varied offers for international help the government contracted with one agency, the Spanish Civil Guard, for a program to

retrain (or recycle) existing police agents before the peace negotiators had finished their own deliberations. There was no proposal to analyze the agents' past, their academic formation, their participation in illicit acts, or their links to the armed forces. The Civil Guard proposal predicted that 90% of the retrainees would have the ability to pass its final exam. Indeed, 90% passed. But with no other outside assessing agencies, the appearance of simply meeting its own prediction was inevitable.

The government passed a police law in February 1997, mere weeks after the signing of the accords, which failed to include commitments established in the Accords, and in its unilateral formation ignored the accords' many provisions calling for the participation of citizens and groups. The law did not set out the structure or departments of the PNC, nor spell out the professional standards or human rights requirements. Ironically, the police force was put in charge of enforcing Guatemala's laws, but was itself left by the new police law without its own internal rules.

The Accord establishes that entry into the police career and advancement and specialization within it will take place through the Police Academy using objective selection criteria and providing highly professional training. Basic police training is to take a minimum of six months. But the February 1997 law did not elaborate the Police Academy's required emphasis on democracy, nor its rules for entry, promotion, transfer or removal of personnel, nor the qualifications for rank and responsibilities of various ranks and positions, nor the importance of the Academy as purifier and career filter.

The law was silent on the multiethnic issue. There was no evidence of government recruitment of Academy cadets from the interior of the country. MINUGUA developed a pilot project of this nature in Nebaj, Quiché, where the population elected various aspirants to apply to the Academy. But they were unable to stay in the Academy, because the Ministry of Government failed to provide the necessary funds for travel to the distant Academy.

The quick approval of the police bill with little attention to the recommendations of MINUGUA or organizations in the ASC triggered a counterproposal of reforms to the law from the Mack Foundation, Institute of Education for Sustainable Development (IEPADES) and the Institute of Comparative Studies in Penal Sciences of Guatemala (IECCPG).⁵⁵ They submitted their proposal to the Accompaniment Commission along with a request that it intervene to get the law sanctioned for contravening the Peace Accords. The proposal was endorsed by the ASC.

An Accompaniment Commission's technical committee recommended that at least 15 articles of the law be changed. The government did not move to amend the law, but promulgated regulations in August 1997 taking some of the recommendations into

account, but ignoring ones that related to the Academy, recruitment and police career civil service rules.

Initial practice has seemed to contradict the proposed objectives. In recruiting the initial recycling cohort of 1400 current police agents, there was no review of the aspirants' backgrounds, no vetting of past corrupt elements, and no consultation with the internal control offices of the National Police and Treasury Police. MINUGUA, which had not had broad access to police records, was able to detect 14 agents with records of serious human rights violations, including three who were accused of homicide. The Ministry of Government responded to MINUGUA that it would investigate only these 14.

In the retraining course crucial themes received little attention. Human rights and judicial process received an "average" of two to eight hours. Eight is insufficient, but particularly distressing is that some cohorts may receive as little as an "average" of two hours. The "national reality" including recent history, geography and multicultural issues received three hours in total. The first evaluation requirements did not seem very strict. Cases occurred in which a student failed up to four exams and still passed the retraining course.

A November 1997 evaluation of progress in implementing the police reform provisions of the accord by the Washington Office on Latin America (WOLA) found major problems with screening procedures, selection and training, and with a new police law approved by the congress, and concluded that:

To date, the Guatemalan government has made a series of hasty decisions that, rather than contributing to real reform, may actually serve to undermine its long-term prospects. Signing up with the first donor in sight, rushing a poorly prepared law through Congress, deciding to keep up to 90 percent of the current police force, failing to develop a real recruitment process before beginning Academy operations, and then putting thousands of current and new police through hastily prepared and truncated courses, are actions that generally would have been better handled in a slower and more deliberate fashion.⁵⁶

During the first half of 1998 many of these problems remained, according to MINUGUA and international donors providing technical assistance for police reform. HI and WOLA are preparing a more detailed evaluation of the current status of the police provisions of the accord which will be published separately later this fall.

CIVILIAN CONTROL?

Many questions about the emerging civil-military relationship remain unanswerable. But the changes in military leadership since 1995 have been extensive and seem to have established the beginnings of some civilian control. President Arzú, has conditioned the military high command to accept what appear to be willful decisions about personnel changes at the highest level of the institution. Judging from abundant commentary, he has gained a reputation for being skillful at keeping his military chiefs off balance and playing one off against the other.

Reductions in the army's numbers and budget are real. Though the high command may have violated a private understanding in not cutting its officer ranks, it has disbanded the much-criticized Mobile Military Police as promised. The army has taken the first steps in what is apparently a genuine effort to revamp military education consistent with an ethos valuing democratic civilian politics and the observance of human rights. New training efforts in the police have been less impressive.

Bringing ranking officers to justice for atrocities committed during and directly related to the armed conflict, or even holding them publicly accountable without penalty, remains a distant, perhaps unrealizable goal. But progress in trying army personnel for other rights offenses and for common crime is possible. Though its overall attitude toward such cases is unclear, the army command appears to be adapting its behavior toward the civilian justice system in ways that permit at least some trials to proceed.

The biggest question mark concerns the willingness of the army to dissolve operational intelligence units that have been responsible for serious human rights abuses in the past. The long and debilitating debate about responsibility and coverup in the Mincho case revealed a bitter internal battle within the armed forces over this issue. When the smoke cleared, those favoring a continued operational role for intelligence emerged victorious. It remains to be seen whether the advances in establishing civilian control will gradually eliminate the most dangerous threats such a victory portends, or whether those advances will prove ephemeral.

Empowering the Indigenous: Key to a Democratic Future

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Implementation of the Civilian Power Accord would end impunity and guarantee respect for human rights, both preconditions for consolidating peace and democracy. But in shaping Guatemala's long-term future, the Accord on the Identity and Rights of Indigenous Peoples, signed March 31, 1995, may well be more important. If the spirit of the accord is fully realized, Guatemalan nationality will be reestablished on a

pluriethnic, plurilingual and multicultural basis. In turn, this would reshape relationships between indigenous communities and organizations and the state, and greatly reduce the ingrained racism and open contempt that has poisoned relations among Guatemala's diverse social groups since the Spanish conquest.⁵⁷

While other accords demand fulfillment of the ideal of juridical equality that underpins the modern doctrine of human rights, the Indigenous Accord involves something more—a drive to see indigenous cultural forms placed on a plane of both constitutional and real equality with those of Spanish-speaking Guatemalans. The accord also aims to strengthen the material basis of the predominantly impoverished indigenous communities, and seeks to empower them to govern their local affairs according to their norms and practices.

Initially, many Mayan leaders expressed reservations about what they saw as limited political autonomy.⁵⁸ A UN expert nonetheless called the resulting product "an ambitious exercise in nation-building without which the peace process in this ethnically-diverse country can never be truly consolidated."⁵⁹

As one commentator has pointed out, this is not simply a matter of recognizing that indigenous groups exist—the 1985 constitution already does this. Instead, it means reformulating the constitution so that it recognizes the indigenous as original parts of the nation.⁶⁰ This aspiration underpins the constitutional reforms called for in the Accord, especially the most important reform—that which "defines and characterizes the Guatemalan nation as a multiethnic, pluricultural and multilingual national unity."⁶¹

The accord enjoins the government to take affirmative policy actions designed to help create a "new consciousness of belonging and co-existence" on the part of all Guatemalans.⁶² Other planks call for a national law banning all discrimination, and in particular discrimination against indigenous women with specific mention of their use of Mayan traje ("dress"). Along with other accords, the Indigenous Accord calls for the state to broaden participation, to decentralize power profoundly (through a reform in the Municipal Code to be negotiated), to respect customary law, and to promote equitable distribution of public finances to the municipalities and among the indigenous communities.

Fulfillment of these goals faces mammoth obstacles rooted in a system of power in which the indigenous have been subject to brute exploitation and violence, the particularly traumatic changes created by the war, displacement, migration, and economic impoverishment. In the postwar context, moreover, the government is pursuing an economic agenda that conflicts in important ways with the logic of indigenous empowerment.

The Guatemalan government was willing to consider indigenous demands and demonstrated the political will to agree to the accord. However, government willingness to implement and withstand what could be severe political counter pressures remains in doubt.

For the moment, hope prevails. In many respects this accord is open-ended, a kind of general bill of rights waiting to be specified and thus subject to renegotiation, expansion-or negation-as its implementation unfolds. Realizing the promise of the accord will depend heavily on the capacity of Guatemala's indigenous peoples to organize themselves. Although they have made enormous strides in recent years, indigenous organizations have a very long way to go in mustering their potential force and achieving the unity needed to make their weight felt.

THE INDIGENOUS

The Accord covers all of Guatemala's indigenous groups-Mayas, Garífunas and Xincas. The overwhelming majority are Mayas, descendants of the ancient Mayan peoples whose kingdoms spread over the Mesoamerican landscape from the Yucatán peninsula and Chiapas in Mexico to Belize and the western parts of Honduras and El Salvador but which were centered in Guatemala. The Garífunas, in the northeast corner, and the Xincas in the South are tiny populations.

Whether the indigenous are a majority has been a matter of dispute about weak census data. The much-questioned 1994 census put the indigenous portion of Guatemala's population at 42%; the 1973 official estimate was the first to put the Mayan population at less than a majority (48%).⁶³

Mayan Identity and Community

Though estimates vary, the official Academia de Lenguas Mayas de Guatemala (ALMG) finds 21 distinct Mayan languages (with others in Mexico and Belize).⁶⁴ Mam, K'aqchikel, and Q'eqchí are spoken by, respectively, 700,000, 450,000 and 370,000 people; K'iché is spoken by more than a million. The fifth largest, Q'anjob'al is spoken by just over 100,000 and other languages each by considerably less than 100,000.⁶⁵ K'iché speakers may be found in seven of 22 departments and seventy of 330 municipalities. The three principal languages, and eight others, contain numerous dialects; each of these is only partly understood by speakers of the others. According to linguists, dialectal fragmentation is such that when asked "what language do you speak?" Mayan speakers will commonly reply, "the language of...(the municipality he or she is from)."

There is general consensus among anthropologists that the Mayan worlds have been transformed by enormous changes and traumatic economic, religious and war-like political forces. Case studies suggest responses to these forces may have varied from village to village.⁶⁶ The counterinsurgency war which began in 1976 took the indigenous population as a special target, and in the early 1980s set about consciously to destroy "ethnic" identity as a means of defeating Guatemala's guerrillas. The subsequent massive dislocation of rural populations did untold damage. Though there have been important case studies, referenced above, the broad damage to the fabric of indigenous beliefs and community structures is largely unassessed.⁶⁷ At issue for anthropologists and for the Mayan movement is the extent to which essential Mayan characteristics with historical continuity remain or have been replaced by other characteristics defined by opposition to ongoing oppression and other historical forces which have affected the Mayan world.

Despite this damage, a distinct "Mayan movement" has emerged over the last decade which is redefining indigenous identity as part of an emerging political project. It asserts that there is an underlying cultural unity spanning the range of present-day Mayan groups that justifies reference to the term "the Mayan people"-el Pueblo Maya-in movement discourse. It sees "Mayan identity" as bound up with adherence to an indigenous belief system or cosmovision that is being recovered.

The cosmovision may be described as an integrated nexus of relations among human beings, the natural world, and a sacred world populated by multiple spirits, all of which in the end are expressions of a single God-principle which must be appeased. Acting in harmony with these not only ensures the success of human endeavor, but also preserves a necessary equilibrium between human beings and nature.⁶⁸ The term "Mayan spirituality" in the peace accord refers to this nexus. The extent to which these features of traditional Mayan belief are extant or vary has not been thoroughly assessed.

A typical indigenous village in the era before the 1944 revolution would have contained a council of elders (consejo de ancianos) standing atop a series of kinship groups or lineages; and a religious brotherhood (cofradía) in charge of local, syncretic Catholic rites and involving an age-graded hierarchy of offices through which members of the community ascended in authority and status, at the cost of bearing heavy ritual obligations. At the municipal level an indigenous mayor (alcalde indígena) usually existed alongside a ladino-dominated "official" government mayoralty and municipal council.⁶⁹

Indigenous mayors, lineage heads, and traditional shamans resolved local community conflicts over land, inheritance, marriage rights, etc. through resort to customary law rather than taking them to municipal courts where the Guatemalan state meted out

justice in Spanish and where the "Indian" was at a disadvantage. However, in the syncretic tradition developed over the years, Catholic priests, many only intermittently present in the villages, effectively shared religious authority.

These rural communities have been rent by conflict. In the 1940s, the battle waged by Catholic Action against what the Church regarded as heretical indigenous superstitions (la costumbre) divided indigenous communities along religious lines. Religious change built on and reinforced complicated patterns of economic differentiation in which religious innovation-abandoning the "costumbre" and rejecting the authority of shamans and elders-often went hand in hand with success in an expanding mercantile economy.

From the 1960s, Catholic Action, however, also encouraged the indigenous population to demand social betterment. These pastoral efforts gave rise to new schools, local community associations, cooperatives, and cultural entities out of which grew a new generation of indigenous leaders. The concomitant advent of political parties such as Christian Democracy created further complications by providing a new means of ascent to local power. In the 1970s, all would be swept up into the dynamic of guerrilla war, with which the Guatemalan military assumed Indian complicity.⁷⁰

Though the range of current village organization is difficult to determine given limited case studies, evidence suggests several hypotheses. Most indigenous villages today still have Mayan priests, but their grasp of the traditional sacred calendar is not nearly as extensive as it once was, nor is the extent to which they are consulted about life decisions. Although many villages may still harbor cofradías, the links between these religious brotherhoods and the exercise of local political power have been severed or attenuated. In areas that still possess an "indigenous mayor," his authority does not extend very far in comparison with that of his forebears. However, a substantial minority of Guatemalan municipalities now have indigenous mayors elected in constitutionally mandated elections.

Poverty

According to a recent World Bank study, almost 80% of Guatemala's indigenous population live in rural areas, and 90% live on an income that falls below the poverty line. This compares with a figure of 66% poor among non-indigenous Guatemalans. The principle causes are inadequate access to land and low wages. According to the World Bank, "a 1978 study in the Western Highlands departments of Huehuetenango and El Quiché...[areas that are overwhelmingly indigenous]...found that on average, 63% of the income of farmers with less than 1.4 hectares (five acres) of land came from off-farm sources...." There were a wide variety of occupations, none very remunerative. Ten years later, the picture was substantially the same. Reported the

World Bank, "As indicated by a 1989 survey, only 24% of the Western highlanders are primarily employed in farming on their own farm." (For further economic detail see Social and Economic section.)⁷¹ Average educational attainment among Mayan-speaking children is 3-4 years. Only 57% of indigenous children aged 5-12, and 8% of those over 15, are enrolled in school, compared respectively with 75%, and 32% of their non-indigenous counterparts.⁷²

A multivariate analysis done by the World Bank shows that simply being "indigenous" increases a Guatemalan's chances of being poor by 15%. Mayan migrants to Guatemala City who study and seek employment run up against entrenched racism in the labor market, requiring them in most cases to hide, and in some cases eventually to abandon, their indigenous identity, according to a recent study.⁷³

MAYAN ORGANIZATION AND CONSCIOUSNESS

While the potential political influence of the Mayan population of Guatemala is enormous, the legacy of repression and marginalization poses serious obstacles. There is a vigorous Mayan movement seeking to assert the latent political potential of the indigenous community, but there are significant internal differences within the movement over goals, objectives and strategy.

The Mayan movement consists mainly of two interwoven strands often referred to as the "popular Maya" and "cultural Maya" organizations.⁷⁴ The popular Maya strand has not limited its agendas to "Mayan specific" goals, and has embraced the ladino lower classes in joint struggles for land, trade-union demands, human rights, and demilitarization. These groups include the Committee for Peasant Unity (CUC), the National Coordinating Committee for Guatemalan Widows (CONAVIGUA), the National Council of Displaced Persons (CONDEG), and the "Runujel Junam" Ethnic Communities Council (CERJ). Starting in 1987, the international movement celebrating 500 years of resistance to the Spanish conquest induced these groups to include a Mayan-cultural component.

The "Cultural Maya" strand is composed of groups whose membership is deliberately limited to the indigenous and whose aims center on cultural-linguistic preservation and revitalization, and the attainment of Mayan political autonomy. One such organization is the Academy of Mayan Languages of Guatemala (ALMG), which received official government recognition in 1990. ALMG belongs to the Confederation of Mayan Organizations of Guatemala (COMG), founded in 1990. Of some 300 Mayan organizations, many appear to be municipal or department-specific, and limited to a single language group. Most of these groups lodge themselves under one or another of 13 umbrella organizations. Nonetheless, according to one Mayan

analyst, 70% of all Mayan villages are still not connected to any of these several hundred organizations. This poses the basic question: Who speaks for the indigenous?

The most important Mayan group is COPMAGUA-the Consejo del Pueblo Maya de Guatemala-formed in 1994 out of the necessity felt by diverse Mayan organizations to develop a unified proposal vis-a-vis the imminent negotiation of the Indigenous Accord. It is a giant umbrella covering five of the thirteen smaller umbrella organizations. Beginning in early 1996, COPMAGUA unleashed a torrent of activity designed to advance proposals to commissions called for in the accords. Some of the strongest organizations within COPMAGUA have historical ties to the URNG, but it also includes Mayan cultural organizations. Distrust of the URNG cadres among the Mayan cultural groups has created tensions.⁷⁵

Since 1993, the Rigoberta Menchú Foundation, grouped around the leading indigenous personality and Nobel peace-prize winner, has worked to become a catalyst for indigenous mobilization. With COPMAGUA leaders absorbed in their official duties vis-a-vis the Indigenous Accord commissions, the Menchú Foundation turned its efforts to organizing the unorganized, raising speculation that it might be an organizational rival to COPMAGUA. It attempted (with UNDP funding) to propagate the Indigenous Accord in 120 municipalities and undertook its own consultation with indigenous communities in "municipal encounters" which produced proposals on how the Accord should be implemented.⁷⁶

Still another locus of indigenous leadership is a group of 13 leading Mayans who formed the Comité para el Decenio del Pueblo Maya in 1994. In 1996, out of concern that divisiveness was weakening the Mayan movement, most of this group went on to found another "coordinator", the Great Political Council (NimPopBil in Mam). A further umbrella worthy of mention is the Mesa Nacional Maya (MENMAYA), formed by 35 diverse organizations to present a common front to international funding agencies.⁷⁷

For its part, the Guatemalan government controls the Guatemala Indigenous Development Fund (FODIGUA), a conduit for foreign assistance. Some Mayan leaders view indigenous groups that cooperate with FODIGUA as having been coopted. FODIGUA has, nonetheless, co-sponsored legislation with another group, the Permanent Maya Assembly (APM), to flesh out the indigenous rights included in Guatemala's 1985 constitution (see below).

The de León Carpio and Arzú governments have at times questioned the representativeness of COPMAGUA -this despite the fact that the Accord grants COPMAGUA status as an official representative. And in reality many Mayan villages

are contested terrain being fought over by diverse political forces including churches, the army, and political parties.

In local areas populated by the indigenous, religious groups sometimes have more influence than the Mayan movement. Guatemalan Catholic leaders have decided to live with a new species of religious syncretism baptized in the concept of "inculturation."⁷⁸ But the church is skeptical of the Mayan religious revival and jealously watches over its cadres so that they do not desert, as a handful of priests have done, to Mayan spirituality. Protestant evangelical churches grew rapidly during the war years and also exercise local influence. Some are a potential base for the conservative FRG party, and the army, through its links to now demobilized civil-defense patrollers.

Under the peace accords, governmental power is supposed to be increasingly decentralized. If that occurs, these local contests may become very meaningful. Thus far, however, as suggested in the February MINUGUA report, not much has been done to strengthen local and regional planning boards, or to increase local revenues.

IMPLEMENTATION OF THE ACCORDS

In its initial stages, implementation of the Indigenous Accord has been in the hands of five commissions (called "parity" and "specific" commissions) with mixed government and indigenous representation. As the work of these bodies unfolded in 1997, a basic divergence in approach became evident. While the government wanted to squeeze the scope of implementation to the letter of the accord and to the limitations of its budget and political base, the indigenous side has pushed to widen and deepen the accord's scope, virtually reformulating certain provisions of the accords.

In 1996, anticipating peace, Mayan groups convoked seminars and workshops to elaborate policy positions. Judging that the Accord's contents did not break down neatly into the five issue areas stipulated in the text, in August 1996 COPMAGUA created eight commissions (called the Permanent National Commissions) to draft ideas.⁷⁹ In all these internal commissions, a 3-2 split at the top of the COPMAGUA structure between popular and cultural organizations initially reproduced itself. In the end, COPMAGUA bowed to pressures for "consensus" in the larger Mayan movement during the election of delegates to the five official Accords commissions.

The commissions (five official and eight internal) had made by mid-1998 very uneven progress. The internal commission on constitutional reform produced a draft law in August 1997, proposing constitutional changes of interest to the indigenous, while a similar commission on women's rights published a proposal at year's end to create a

legal defense institution for Mayan women. By contrast, some of the officially recognized bodies had advanced little, having bogged down in internal wrangles pitting the indigenous against the government side or the indigenous against each other.

The major issues can be grouped under the following headings: officializing Mayan languages; spirituality; educational reform; land participation; and indigenous law (*derecho consuetudinario*).

Officializing Mayan Languages

The accord recognizes by name all 21 of Guatemala's Mayan languages as transmitters of the Mayan culture and cosmovision. The government commits itself to furthering their use in education and other local-level social services, in the media, and in the court system. These goals presuppose a constitutional reform listing the Mayan languages and making them official languages in geographic ambits that remain to be determined.⁸⁰

Mayans speak their own tongue principally in the home and village. A study of Mayans in Guatemala City found that those who fled to the city as victims of violence maintained their mother language. But only 50% of Mayan economic migrants to the city continued to do so; indeed, one third of the latter no longer knew their mother tongue at all, a rate of loss ten times higher than that of the direct war victims.⁸¹ In theory, officialization and other measures called for in the accords (in education and the courts) will work to slow and even reverse this trend, through enhancing the self-esteem of Maya speakers, raising the prestige of the languages, overcoming dialect fragmentation, combating discrimination and widening access to public services. However, re-expansion of language use is tricky, particularly given the problem of multiple dialects.

The constitutional reform recognizing ethnic identity implies the officialization of languages. Mayan discussions on this issue produced varied positions. The consensual ALMG position has been to "officialize" all indigenous languages in the territories (municipalities) where they are spoken. However, the proposal that emanated in March from the Parity Commission divided languages into two main groups called "territorial" and "communitarian". The former embraces the four principal languages cited above while the latter includes most of the rest.⁸²

Spirituality

The Accord obliges the Guatemalan government to publicly respect the exercise of Mayan spirituality-promoting a reform of the constitution protecting that exercise-and

along with the participation of the indigenous, to define, conserve and administer "temples and ceremonial centers of archaeological value," giving them access to those centers as present-day centers of worship.

Mayan priests or shamans undertake their ceremonies at sacred sites - often caves, springs, and volcano summits.⁸³ With the growth of the Mayan movement and the gradual rural demilitarization, activities of these "aj k'ijab" have suddenly come into non-Mayan view. Most visible have been massive ceremonies - probably conducted before on a smaller scale and out of sight of the ladino authorities - marking the beginning of the Mayan religious year and the Mayan solar year governing the crop cycle of indigenous farming communities.

Mayan delegates to the Spirituality Commission wanted to concretize official respect for places of Mayan worship, guarantee access to, and restrict development around, ancient Mayan ceremonial sites. Where Catholic churches are built over the sites of former Mayan temples (a practice going back to the Spanish conquest), Mayans are seeking access in order to conduct Mayan religious ceremonies. Various groups demanded administrative and economic control over ancient Mayan centers such as Tikal - a major tourist attraction - with a chunk of the profits channeled to Mayan organizations.

Though the Commission for the Definition of Sacred Places has not issued a final report, its members incorporated many of these demands into a set of constitutional changes drafted in October 1997. These called for joint government and Mayan administrative control of major archeological sites, the Maya Biosphere Reserve, which occupies a large portion of the Petén forest, and the ecological preservation of Lake Atitlán, declared a "sacred lake." These demands have obvious potential to spark conflict with the government, the Catholic and Protestant churches, and with private sector economic interests, especially tourism operators.⁸⁴

Educational Reform

The accord calls the government to: 1) fulfill its constitutional obligation to provide education to all Guatemalans; 2) decentralize education in ways adapted to indigenous linguistic and cultural needs, granting local communities a voice in curricular content; 3) broaden bilingual-intercultural education, integrating indigenous cultural contents. In view of a national illiteracy rate of approximately 40% and average school attainment of under five years, virtually everyone in Guatemala recognizes the extreme weakness of the national education system. But while the government tends to view educational improvement as an economic investment, indigenous leaders regard reform as a political goal bound up with the "right to access the educational system and use it for the reproduction of their culture"⁸⁵ This position implies

simultaneously attaining educational equality, enhancing Mayan culture, and forging better inter-cultural relations.

The drive to expand access led COPMAGUA to demand, in a 1998 proposal, 100% coverage in the first three primary grades and 50% coverage at secondary level for all Guatemalans by the year 2000-extremely ambitious goals. Alongside these goals, COPMAGUA advanced specific Mayan targets such as raising literacy in indigenous languages to 80%. The group also demanded bilingual education for all 23 indigenous language regions.⁸⁶ In 1980, the government founded the National Program for Bilingual Education-called PRONEBI-with USAID funding. As of 1994, PRONEBI claimed that 1,089 bilingual schools operated in 12 Mayan languages attending to more than 180,000 Mayan-speaking children through grades one to four. Even if these numbers are real, they represented only about 20% of school-age Mayan children in those grades.⁸⁷

The official Parity Commission on Educational Reform was expected to issue its report in July 1998. In addition to the above topics, the report will have to tackle other thorny issues such as reorganizing administrative structures, solving the extreme shortage of (8,000) rural teachers, introducing intercultural education in non-Mayan areas, and local autonomy. The COPMAGUA proposal not only broaches a plan to reshape the education system at all levels-culminating for the indigenous in a Mayan university-but also proposes a system of local and municipal education councils with popular participation and broad administrative powers including control of local budgets and hiring.⁸⁸

Land

The accord 1) reaffirms obligations in the 1985 constitution recognizing and protecting the communal (collective) landholdings of indigenous communities; 2) guarantees access to land, forest and water resources whose use the indigenous have traditionally enjoyed, and consultation with them in developing new projects that impinge on their natural resources and habitat; 3) provides restitution or compensation for lands usurped from the indigenous, and suspends "titulos supletorios" (supplementary land titles) and land evictions.

There has been a long history of conflict between those without land, among whom many claim that their land was usurped, and large, well-organized rural landholders and their allies in the political parties and armed forces. Indigenous communities in Guatemala presently possess few lands of their own. They can, however, lay historical claim to vast stretches of land that have been usurped in some fashion from indigenous villages from time immemorial down to recent decades.

Whereas the Arzú government emphasized sorting out overlapping claims through a new cadastral survey, and did not envision much land changing hands, COPMAGUA proposed to begin the cadastral survey in the Northern Transverse Strip, the Petén and the South Coast-areas where large quantities of land have been usurped. It also sought to activate existing laws allowing for expropriation of idle lands and still others that would suspend the sale of farms over 45 hectares and suspend peasant evictions. COPMAGUA spokespeople emphasized that the indigenous were prepared to resort to pressure tactics, including outright land invasions, to achieve their ends.

Although the Parity Commission on Land Rights was slow to begin work, it has settled down to dealing with substantive issues offering realistic possibilities for obtaining land legally. By June 1998, the Commission had prepared a draft law creating a Lands Fund (Fondo de Tierras) which would allow landless and land-poor peasants to buy parcels and develop production projects. The draft calls on the government to allot 3% of the ordinary budget to the Fund over a ten-year period starting in 1999, and also gives it a role in adjudicating and/or regularizing land transfers left unclear by the National Institute for Agrarian Transformation (INTA).⁸⁹

There have also been land conflicts between communities. In June 1997, 300 villagers from the town of San Juan Argueta, Sololá, invaded La Esperanza and Barreneche to resolve forcibly a decades old dispute over a hill. In this unusual case the invading parties used AK-47s and fragmentation grenades, leaving nine people dead and various town buildings in flames.⁹⁰

Participation

The Accord obligates the government to respect indigenous forms of organization and the right of communities to decide their priorities, to promote a reform of the Municipal Code to facilitate the participation of the indigenous in decision making and an equitable distribution of local expenditures, and to consult on all measures affecting the indigenous.

Specifying these goals has been conflictive. Some Mayan groups say that indigenous ways of selecting leaders and indigenous thinking about authority differ radically from their Western ("ladino") equivalents. In the Mayan tradition, service to the community, institutionalized in the old *cofradía* system, was a prerequisite to advancement in authority roles. Some Mayan leaders wish to revive this principle.

Some groups worry that decentralization will entrench ladino domination of indigenous villages. Decentralization must be preceded, they say, by a new "regionalization" along linguistic lines that will allow natural majorities to emerge and empower the indigenous. This suggests redrawing municipal boundaries. Many

Mayan leaders regard existing "municipal autonomy" as a sham, charging that when the central government devolves 10% of the national budget to the municipalities, a whole portfolio of obligatory projects accompanies the budget and the budgeted funds invariably arrive late.⁹¹

One proposal calls for elimination of existing municipal governments in areas populated entirely by the indigenous, replacing them with committees of elders. Another would have such councils be advisors to officially elected mayors and town councils. But the extent to which such traditional forms still exist is not precisely known, and it should be noted that traditional practice excluded women from *cofradías* and committees of elders. In 1996, Alvaro Colom (then head of the government's National Peace Fund) claimed to have detected the existence of 440 "elders councils" in Guatemala's indigenous villages.⁹²

Indigenous leaders also have proposals for the national level, where Mayan subordination and the workings of the Guatemalan party system have resulted in a tiny minority of indigenous deputies being elected to Congress.⁹³ Here the success achieved in 1995 using non-partisan "civic committees" to win local elections spurred demands for the same device to be permitted in backing candidates for Congress. A more radical proposal involved having a part of the Congress elected directly along corporate ethnic lines as deputies of linguistic communities, and making radical changes in the dual system of Proportional representation and single member district methods of electing deputies to the national Congress.⁹⁴

Indigenous Law (*derecho consuetudinario*)

In the accords, the government agrees to promote new legislation recognizing the right of indigenous communities "to manage their internal affairs according to customary norms as long as these are not incompatible with the basic rights defined by the national legal system or internationally-recognized human rights."⁹⁵

There is broad agreement that key differences exist between indigenous practices for dispute resolution and those of Guatemalan law. Activists in Guatemala's Defensoría Maya argue that the Mayan system is applicable to all kinds of problems, is quick and cheap (no lawyers and fees), is free from corruption, and seeks to re-establish harmony among the quarreling parties.⁹⁶ Broad, systematic research is lacking, however, about how customary law actually operates, who its agents are, or the extent of its use. Evidence suggests variation from place to place (not surprising given the intense localism of Guatemalan rural areas), that customs change, that the war violently reorganized some villages, and that returning refugees could change them once again.⁹⁷

In the midst of this uncertainty, indigenous actors have called for customary law to be constitutionally recognized and granted "total amplitude," while the Guatemalan Supreme Court has been reluctant even to broach the issue. Negotiating this difference within the constraint that customary law must not contravene basic rights enshrined in Guatemalan and international law will be no small task. Another thorny issue will be to design a mechanism whereby community members can ratify which legal system they wish to be governed by.

While this debate goes on, real conflicts of laws and jurisdiction continue to occur. In July 1997 inhabitants of the village of Chuanoj, Totonicapán department tried two men accused of stealing a bull. Forming what the press described as a "popular tribunal" and using "laws of their own making," the villagers sentenced the offenders to a 5,000 quetzal fine and expelled them from the community. Days later police "rescued" the two men from the community's grasp at the request of a relative who perhaps did not realize that trial in an "official" court could result in a much heavier sentence.⁹⁸

Practice in some areas indicates positive ways of adapting customary institutions to present day circumstances. In the city of Sololá, an "indigenous mayor" survives with de facto power to settle local disputes. But, in 1993, this community changed from the traditional selection of this elder figure by other elders who had served in the town's various *cofradías* to an open election by the whole community.⁹⁹ The result is a less traditional, but more "democratic" (in the Western sense) form of indigenous governance with a higher degree of consensus for its decisions.

THE PROBLEMS AHEAD

Many of the recommendations that emanate from the Parity and Specific Commissions are or will be controversial. For example, not making some indigenous tongues official because they have few speakers creates strains within the indigenous movement, while demands for public officials to learn indigenous languages will provoke anxiety over possible loss of jobs. Claims for access to Mayan worship sites will likely spark conflict with the government, the Catholic and Protestant churches, and private tourism operators. Similarly, demands for a national bilingual education program will elicit hostility from ladino parents at the same time that local control over indigenous education draws fire from officialdom and from a potent national teachers union. More generally, Mayan efforts to increase their power will be opposed by those who have traditionally dominated them, and who fear that the "Indians" are trying to create a state-within-a-state.

Implementation of the accord so far has already generated both opposition and what some Mayans feel are attempts to thwart the accord's objectives. The Commissions on

Sacred Places, Educational Reform, and Language Officialization were all inaugurated in April 1997 with celebrations marked by good feeling. But the same month, Leonardo Gonzalez and Ricardo Choy, the two indigenous deputies in the PAN's congressional bench, introduced a draft "Law on the Maya, Garífuna and Xinca Peoples" ostensibly aimed at specifying Article 70 of the 1985 constitution.¹⁰⁰

There were features of the proposed law that sparked strong reactions, first from the landed business sector. Humberto Preti, president of the Camara del Agro, lambasted the agrarian provisions of the bill for attempting to "create two nations." Similarly, a conservative commentator in the daily paper Siglo Veintiuno found "aberrations" in the law, such as the idea of earmarking 5% of the national budget for indigenous groups and permitting them to govern themselves ("another state?" he queried).¹⁰¹

The Mayan reaction to the bill was more muted, but nonetheless negative, owing to lack of consultation. Despite its progressive features, many saw the bill as a PAN ploy to preempt the work of the accords commissions or as a device to further the careers of the two legislators.¹⁰² A separate April incident raised hackles when the Congress approved a "Law for the Protection of Cultural Patrimony" again without consulting the Mayan groups.¹⁰³ However, in both cases, the disputes were resolved by compromise after the Mayans protested, the government shelving the Article 70 draft and agreeing to amend the patrimony bill.

In November, the official Commission on Education Reform became embroiled in a more serious dispute when the government, in compliance with a plank of the Socio-Economic Accord, moved to create a Consultative Committee on Educational Reform within the education ministry. This move was apparently interpreted by the indigenous representatives as a device to co-opt and subordinate their eventual product to a global education reform package controlled by the bureaucracy. There was a brief work stoppage while Mayan groups demanded that the indigenous representation on the Consultative Committee be increased to 60%. Some increase took place, though not 60%, and work on education reform resumed.

The indigenous side has also manifested problems of unity. No sooner had the Languages Commission been installed than a squabble broke out in which indigenous delegates rejected the government's nominees to the Commission-and then insisted that all decisions be referred to a committee of the country's 23 language groups.¹⁰⁴ The Commission later had to confront the issue of whether priorities should be set among the different Mayan languages, a position obviously threatening to speakers of smaller language groups. Somewhat later, the Commission on Sacred Places began deliberation on a set of constitutional reforms, despite the fact that a separate COPMAGUA commission was already drafting a Mayan bill on the subject.

Finally, the Parity Commission on Participation has bogged down for long periods. With the aid of the Accompaniment Commission, the two sides overcame a major wrangle starting in July 1997 concerning the scope of their mandate. According to government representative Raquel Zelaya, the indigenous side was insisting that the Commission vet all legislation on indigenous affairs, a stance the government rejected. The two sides then disagreed about internal committee rules, with the result that the Commission did not actually start functioning until early 1998. According to insiders, the problem in this case was not mainly due to the government, but rather to strife within the indigenous camp which led in 1998 to one of its members being expelled.

As we have emphasized in other sections of the report, the breadth of subjects and goals covered by Guatemala's peace accords, often in very general terms, is both an achievement and a problem. The affirmation that discrimination against and disempowerment of indigenous groups must be ended is both a salutary statement and one unlikely to be fully implemented for decades-if at all. The early stages of translating these objectives into workable programs have clearly witnessed indigenous groups posing highly ambitious, and at times unrealistic, demands. Not surprisingly, those in the government most in sympathy with the accords and, in particular with the Indigenous Accord, express frustration about indigenous leaders and organizations not having their feet on the ground. Indigenous leaders see this as paternalism, but also express frustration with indigenous agendas different from their own.

Despite these problems, the bewildering array of commissions on indigenous issues has offered an opportunity to make progress on at least some issues even as others lag behind. To date, the commissions have shown a mixed pattern of success and failure. Highlighting the successes, there will shortly be at least five draft bills on indigenous issues ready to present to Guatemala's Congress. The questions now are whether any of these legislative drafts has a chance of passing, and if they are passed, whether there will be political will and money to fund them. On the negative side, the inability of the indigenous groups to maintain a common front has let certain goals slip through the cracks.

In the longer run, the Indigenous Accord's fate will depend on more than the political dynamics involved in the implementing commissions whose work is reviewed above. Also crucial will be the broad public reaction to specific bills and policies that imply change in deep-seated intercultural relationships.

As implementation of the accord began in 1997, press commentaries betrayed mounting unease among non-indigenous Guatemalans over the implications of a multiethnic, pluricultural nation. A counterattack then appeared attempting to downgrade the status of Mayan languages, referring to them pejoratively as

"vernaculars," coupling this with a defense and even exaltation of Spanish as the nation's mother tongue and lingua franca.¹⁰⁵

One commentator, after aggressively defending the ladino/mestizo as a creative appropriator of two cultures, and as the forger of Guatemalan nationhood, recognized that ethnic and cultural democratization is necessary. But he urged his fellow ladinos to "...negotiate from the position of strength they have acquired over the centuries...We must not accept that Guatemala is maya but rather mestiza; we must be ready to share the country but never to cede the country to the indigenous...neither must we admit that we ladinos have been history's villains and the indigenous the good guys."¹⁰⁶

In a country with Guatemala's ethnic makeup and history, a fear of "ethnic division" or "Balkanization" of the nation is ever present, and is expressed on many sides by intellectuals, party politicians, the private sector and the armed forces. This is a fundamental obstacle the indigenous movement will have to overcome in order to make the goals of Guatemala's Indigenous Accord a reality. Along with political will, it will take time, patience and enormous negotiating skill to do so.

Socio-Economic and Agrarian Accord: What Change is Viable?

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There has long been consensus that socio-economic problems lay at the historical root of Guatemala's 36-year civil conflict. The 1954 overthrow of President Arbenz by a US-assisted coup d'etat destroyed civilian government and set the stage for decades of military rule. It also reversed a decade of progressive economic change, entrenching relationships of drastic inequality and massive poverty.

Given this history, it is not surprising that the Socio-Economic Accord took the longest time to complete-talks went on for nearly a year before concluding on May 6, 1996. The complexities involved prevented the interim de León Carpio government from concluding an agreement before the expiration of its term in early 1996, so that it fell to the new Arzú administration to complete the process. Officials of the two governments concur that resolving differences on socio-economic issues was a make-or-break affair for the entire Guatemalan peace process.

It is also plain that the tortuous course of the socio-economic and agrarian accord stemmed from deeply rooted differences in interest and in ideological perspectives among the set of actors involved in the process. The URNG and many groups in Guatemala's newly mobilized civil society wished to use the accord as a fulcrum to

leverage major reforms. Many of them still do. The private sector and both the de León Carpio and Arzú governments were willing to negotiate goals to modernize the economy and government and, with considerable international prodding, specific changes in economic policy. But the government refused reforms that would mandate substantial redistribution of wealth or income, though the accord contains broad language about participation and solving poverty that has provided post accord points of negotiation. Given the balance of forces at the end of Guatemala's civil conflict, it is not surprising that the accords do not prescribe radical reforms and contain relatively few specific agreements involving concrete, verifiable goals with timetables attached. Read soberly, the accord appears to indicate that the real parameters of possible social and economic change in Guatemala are fairly narrow.

So far, the most significant pressures for change have targeted the accord's most specific commitments—to increase government spending on health and education by 50% and to increase government tax revenues by 50% by 2000. These pressures, however, have come principally from international donors who say they will condition a pledged \$1.9 billion in post war reconstruction aid on government compliance with these treaty commitments.

We review below the nature of Guatemala's development problems and its peculiar agrarian dilemma. We also survey the context for the talks and the basic positions held by the participants. We close with some observations about the implementation of the accord to date in two of the areas of greatest significance for Guatemala's future.¹⁰⁷

SOCIAL AND ECONOMIC PROBLEMS

By Latin American standards, Guatemala has been a deeply underdeveloped country with extensive poverty and inequality, and a weak public sector unwilling or unable to address these issues. The 1995 GDP per capita of \$1,340 placed Guatemala in the World Bank's classifications of middle income-lower middle income nations. The primary sector accounts for only around a fourth of GDP. But national income and growth still depend heavily on the export of agricultural products, and 52% of the labor force is rural. This figure is extremely even for Central America, the least developed of Latin America's subregions. Above all, it reflects the weight in the population of Guatemala's 22 indigenous peoples, who live overwhelmingly in rural areas.¹⁰⁸

The depth of Guatemala's development problem is summed up dramatically in its poverty index. According to a recent World Bank study, 75% of Guatemalans are poor. Guatemalan poverty levels equal, and by some measures exceed, those in Nicaragua, a low income country far more damaged by war and whose per capita

income is only one third as high as Guatemala's. In rural areas, where 60 to 70% of Guatemalans live, the poverty percentage rises to 85%. And among the indigenous, the proportion increases to 90%.¹⁰⁹ According to another World Bank study of 44 low to middle income countries, Guatemala has the eighth highest incidence of poverty, and adjusting GNP per capita for purchasing power, Guatemala has the highest incidence of poverty of all forty four.¹¹⁰

Making matters worse, 58% of Guatemalans (and 81% of the indigenous) are "extremely poor," which means they do not earn enough income to buy a basic market basket of foodstuffs. Malnutrition is rampant, affecting 50% of children. Guatemala suffers from the lowest rate of school coverage in Latin America after Haiti, and on average, poor individuals over 18 have completed only 1.9 years of schooling. Despite literacy programs, 44% of the population cannot read or write.¹¹¹

Guatemala fares relatively poorly when measured by the UN human development indices, combining life expectancy, literacy and schooling. The UN scores these development indices against the relative size of the economy. Guatemala emerged in 1995 with a minus 16. Only 18 of 175 countries surveyed did worse. By contrast Costa Rica had a plus 27 (only two countries did better), Nicaragua a plus 10, and El Salvador plus 3.¹¹²

Income inequality is very high with the lowest 20% receiving a scant 2.1% of national income and while the highest 20% receive 63% of income. These figures are extreme by comparison with poor Nicaragua, even poorer India, or relatively well off Costa Rica.¹¹³

Poverty in Guatemala is not receding. Data reveal that the percentage of poor Guatemalan households rose from 63.4% in 1980 to 76.4% in 1989 as a result of Guatemala's 1980s economic crisis, when real wages fell 32% in just six years (1981-86). In turn, the proportion of extremely poor households swelled from 32% to 54%.¹¹⁴ Though per capita economic growth resumed in 1987, it has not been vigorous enough to change the overall poverty pattern. Growth of GDP in Guatemala through 1995 averaged 4.1% a year, up from 2.9% under Cerezo (1985-1990), though agriculture lagged behind at 2.5%. But the World Bank estimated that if growth were to increase to 4.5% over ten years - a projection it considered plausible-the poverty percentage would fall only from 75 to 69%. And according to Interamerican Development Bank (IDB) figures, growth in 1996 slowed to 2.9% (with growth per capita only .3% compared to 2.2% in 1995). It improved modestly in 1997 to 4.1%.¹¹⁵

Nor does the government do much to reduce poverty. Social spending and public investment have been abysmally low. Health expenditures were little more than 1% of GDP; education 2-3%. And rural areas have received little of this meager amount. The

World Bank reported that the budget for Guatemala City's two main public hospitals exceeded that for all the health posts and centers in the rest of the country!¹¹⁶

The reasons for this poor record are not difficult to discern. At 6.8% of GDP in 1995, Guatemala's national tax burden was the lowest in Latin America. In the ten years before 1995, tax revenues averaged 8.8% of GDP compared to 19.6% in Latin America, and Latin America is low by third world standards, particularly those of Asia. When there were fiscal crises social expenditures were cut. Real health investments in 1992 were 80% below those in 1980 and investments in education 33% below.¹¹⁷ Though expenditures rebounded beginning in 1990, they remain limited by a weak tax base. In addition, lack of trained personnel makes the Guatemalan state woefully unequipped to expand services.

Recent Economic Policies

As in other Central American countries, stabilization and structural adjustment have been the leitmotifs of Guatemalan economic policy during the last decade. The government removed price controls and subsidies, freed up interest and exchange, and reformed the financial system. In addition, Guatemala entered GATT in 1990, sharply reducing external tariffs and non-tariff barriers.¹¹⁸

These policies have created a minimally stable economic framework, setting the stage for such growth as has occurred during the 1990s. Non-traditional exports grew by 12% a year between 1990-95, and the maquiladora and tourist industries have become major foreign exchange earners, though the maquilas have been cited by international human rights groups for abuses of their workers. A combination of export-led growth and modest improvement in social spending has served to stem the tide of increasing impoverishment recorded in the 1980s. But 1990s growth has not made a dent in the overall poverty index.

Economists point to perverse side effects of stabilization policies pursued by Guatemala's Monetary Board which watches over the money supply. It has curbed inflation but has overvalued the quetzal, which between 1990 and 1994 appreciated in real terms against the dollar by about 15%. High interest rates (over 21% in 1995) induced by this tight money stance have attracted short term capital. An overvalued currency and reduced tariff levels have in turn generated a flood of imports, producing enormous deficits in the balance of trade. While growth in imports and exports showed negative growth rates in the 1980s, exports grew 8.2% annually from 1990-1995, but imports soared at 19.3% per year. In 1995, there was a \$1.15 billion chasm between exports and imports. The gap narrowed to \$880 million the following year, but according to IDB figures increased to \$940 million in 1997.¹¹⁹

Given the easy flight of short term capital, the economy is vulnerable to a balance of payments crisis. High interest rates discourage long term investment capital and exports, while encouraging financing imports that compete with domestic manufacturing. A growing tendency to live off of imported merchandise and exports of services (maquila and tourism) has biased investment in favor of these high-yield sectors to the detriment of longer-term activity in industry and agriculture which might create more jobs.¹²⁰

More recently, the state has embarked on privatization measures and, as in other Latin American states, private and foreign capital has expressed interest in public utility investments. Progress to date has been limited, however, by a lack of bidders, legal obstacles and criticisms of irregular procedures. While the state succeeded in concessioning the national railways (FEGUA) in April 1998, it has so far been unable to sell off the national telephone company (GUATEL).

These standard features of the economic adjustment strategies promoted and approved by the World Bank and IMF around the world, have been accompanied by efforts to "modernize the state," normally a prescription for shrinking the state's role. In Guatemala, however, the international financial institutions and donors have encountered a state that never did become very large and, even by their lights, failed to generate adequate tax revenues or make minimally needed investments in human capital to sustain the economic model. While the World Bank asserts the Guatemalan state and its personnel are highly inefficient, and that expanded state health institutions may not be the way to go, its loud and clear message is that taxes must rise, and that tax-supported health and education services must be expanded for growth to be sustained.¹²¹

The Agrarian Situation

Extreme inequality in landholdings, extending back to the colonial era, forms the historical basis for disparities in income and consumption. According to the 1979 agrarian census, a mere 2.5% of farms averaging 200 hectares (1 hectare = 2.47 acres) controlled fully 65% of agricultural land, while 88% of farms accounted for only 16%. The Gini index for landholding inequality in Guatemala was the highest in Latin America.¹²² A 1982 AID study found that 31% of farms possessed less than 0.7 hectare (1.73 acres) of land. The percentage of farms termed "subfamily" (less than 7 hectares), meaning that their output was insufficient to guarantee a rural family minimal sustenance, reached an astounding 88% of the total.¹²³ With the population growth and expansion of large farm lands in export agriculture, this pattern is very likely much worse today.

In terms of productive resources, large export farms producing bananas, coffee, sugar and cardamom monopolize credit and technical skills, locking small subsistence farms into poverty. The labor force for large plantations is made up of permanent peons (mozos colonos), and huge streams of migrant workers from the Western highlands whose "microfincas" do not furnish their indigenous campesino owners enough to live on. Estimates of the number of internal migrant workers range from 400,000 to 1.2 million, with perhaps another quarter million migrating to the coffee fields in the Mexican state of Chiapas.¹²⁴

Insecurity of land tenure is substantial, especially for the indigenous. Little in the way of communal agriculture survives in Guatemala, and few indigenous communities enjoy formal title to land.¹²⁵ In addition, there are layers of conflicting property claims: some from the colonial era when indigenous lands were never registered; others from the 1944-54 period of land reforms;¹²⁶ still others from war zones. Some returning refugees have found others living on their former lands. Egregious examples of land usurpations occurred in the 1960s and 1970s, when military regimes carved up areas of the Petén and the Northern Transverse Strip among high ranking officers. One consequence of these conflicts is that the property register and national cadastral system are a mess. A widely cited figure is that fully 40% of all property holdings (terrenos) in Guatemala are unregistered.

The accords call for development of speedy procedures to clear up the mess and to resolve conflicts, and to consider use of state lands and idle land to alleviate land poverty. It is not clear that the Guatemalan government possesses much land suited for agriculture. Though a tax on idle land exists on the books, it has been easily evaded. Systematic expansion of export crops lead experts to believe that the large plantations contain little idle land. However, even if all the land held by large landlords were carved up into parcels, these would not suffice to provide a solid economic base for the entirety of Guatemala's landless and near-landless peasants, and, in any event, the accords do not call for large scale land reform, a measure anathema to government negotiators.

NEGOTIATING POSITIONS

Negotiation of the Socio-Economic accord forced Guatemala's contending social and political groups to define policy positions on the country's economic situation. Four actors were key in this process. Two of them-the government and the URNG-were direct participants at the bargaining table, while two others, the Assembly of Civil Society and CACIF, chipped in from the sidelines.

In April 1995, UN moderator Jean Arnault requested from the parties positions that would be sent to a series of international organizations (UNDP, ECLA, IDB, World

Bank, IMF) for their advice and council as to viability. Above all, this meant bringing the URNG guerrilla leaders, presumed to be prey to an anachronistic grasp of world realities, up to date about the 1990s. In contrast to El Salvador, international financial organizations became players in the negotiations.

The bargaining positions of the relevant actors revealed fundamental cleavages.¹²⁷ The ASC and URNG saw the impoverishment of Guatemalans as rooted in the "exclusionary" economic system which discriminates particularly against the indigenous and women. By contrast, CACIF held that Guatemala's plight was due to the absence of law and respect for property rights, aggravated by erroneous economic policies, including land reforms of forty years back.

Although the ASC and URNG recognized that globalization is a fact of life, they did not grapple coherently with its implications for national economic policy, i.e. how Guatemala might compete in world markets and still manage to develop with social equity. Implicitly, both rejected the logic of structural adjustment as the key to success in global competition. By contrast, the Government and CACIF viewed the peace process as the occasion for launching Guatemala on the path of a new international insertion by increasing investment security, stripping down/modernizing the state apparatus, and gaining access to international finance. CACIF would give maximum play to market forces regardless of the distributional consequences. The ASC called for government to direct the process of economic development toward enhancing opportunities for disadvantaged groups, and along with the URNG stressed official responsibility for providing quality health care and education. This clearly meant much higher social spending. But CACIF argued for wholesale privatization of public utilities and private sector provision of social services. Rather than more spending, CACIF recommended improving service by making government more efficient. In contrast, the government advocated an increase in public spending to expand the services required by the poor majority as well as unspecified tax reforms.

Finally, the URNG and the ASC aspired to use government power to redistribute wealth and income. They advocated greater progressivity in the tax system through raising income and property tax rates, while lowering the VAT. The ASC and URNG also proposed formulas for redistributing large private landholdings to peasant smallholders. This would occur by regularizing existing land rights, cleaning up and modernizing Guatemala's land registry, restoring lands usurped after 1954, and levying a tax to force the sale of unused lands. A land bank would then resell land to smallholders, who would be provided credit and technical assistance.

Unsurprisingly, CACIF opposed taking land away from current owners. Its solution was to divide communal or municipal land holdings into individual parcels, allowing title holders to sell them. For its part, the government steadfastly opposed land

distribution, calling instead for creation of rural employment opportunities. But it rhetorically defended the idea of higher taxes on idle or under-utilized lands-up to 10% of market value-and of restoring or providing compensation for land usurped after the beginning of the armed conflict.

Given such divergent positions, one might wonder how agreement on these thorny socio-economic issues was ever achieved. Indeed, as 1995 ended the negotiations had apparently reached an impasse, and the URNG guerrillas awaited the onset of a new government to break it.

Contributing to the impasse was a series of land invasions in 1995 clearly intended to impact upon the negotiations. It did so, both by dramatizing the extent and nature of the land problem for the government, and by causing consternation in Guatemala's rural employer organizations grouped in CACIF's Camara del Agro. Most threatening to both was the radical agenda of the National Peasant-Indigenous Coordinator (CONIC), which wanted to turn the agricultural proletariat back into owners of land and then work the land in collective fashion. In the view of the government, a number of URNG factions were supporting this strategy.

Despite such obstacles, structural and political factors facilitated conclusion of an agreement. The militarily defeated Guatemalan guerrillas' bargaining position was weak. The Socio-Economic Accord was affected as well by the advent of the 1995 elections, which induced the URNG to take the political plunge. Groups historically supporting of the URNG and some prominent civilian opposition leaders set about forming the Frente Democratico Nueva Guatemala (FDNG), which won 7% of the vote and elected six deputies to Congress. Entering the system appears to have given the URNG's political allies a vested interest in pressing for a quick conclusion to the peace negotiation, and the guerrilla leaders themselves an incentive to get personally into the game.

Business groups also had reason for some flexibility. The socio-economic negotiation was occurring "late" with regard to ongoing processes of structural adjustment, regional economic integration, and globalization. Guatemalan administrations, and the more pragmatic members of the business sector, realized that peace was necessary in order not to miss the global train. Desire to take advantage of the willingness of the international community to assist with postwar reconstruction also fortified the will to negotiate.

Four other accords had previously been signed. To a degree, the content and form of earlier agreements shaped the bargaining in the socio-economic phase. The overall salience of the socio-economic issue was intertwined with the indigenous question and the weight of the repatriation problem. The interlinking of these issues, land

among them, reinforced pressure for a global treatment of the socio-economic problem.

The Arzú administration came into office boldly proclaiming that it wanted to complete not just the socio-economic negotiation, but the entire peace process in seven months. Arzú surprised Guatemalans by naming leftist Gustavo Porras to head his negotiating team. For balance, he named Richard Aitkenhead, an economist, and Raquel Zelaya, head of ASIÉS, both with reputations as neoliberals to the team. The head of the CACIF peace commission, Peter Lamport, was named ambassador in Washington. In general, the appointments confirmed that Arzú and the PAN were linked to the more flexible sectors of the business community, and to the younger generation of Guatemalan entrepreneurs. This contrasted markedly to the de León Carpio government, in whose cabinet CACIF was not directly represented.

Despite a fresh wave of land invasions which erupted shortly after the talks recommenced in February 1996, CACIF displayed a calmer attitude under a new, more affine government in which it enjoyed direct representation. After a series of compromises, accompanied by the arrangement of a military cease-fire, an Accord was finally achieved in May 1996.

THE AGREEMENT

In terms of general principles enunciated, the thrust of the Socio-Economic and Agrarian Accord is progressive. The agreement acknowledges that socio-economic development requires social justice along with sustainable growth, and that citizen participation in decision-making is crucial both for development and democratization. There is an explicit affirmation of the state's role in guiding the economy, and a reference to the state's "irrenounceable obligations" to help overcome social inequity and deficits.

The government makes a large number of commitments to legislate and sanction, to tax and spend, to decentralize and reform administrative structures, and to treat all groups in non-discriminatory fashion. It also promises to take women's socio-economic situation into account in its economic plans and to guarantee women equal opportunity in education, job training, housing and health, while protecting women workers, especially rural workers and domestics. However, few of the commitments involve quantitative targets, price tags, deadlines, or specific sharing of power.

What is not in the agreement is revealing. Issues relating to globalization, economic development policy, macroeconomic management and privatization were entirely absent. To reach agreement, the guerrillas gave up their claims to shape national economic policy, limit privatization, and effectuate a direct redistribution of private

landholdings. The URNG's demand for an enforceable tax on idle lands was replaced by vague provisions for "review." Though the guerrillas received a series of concessions in return, the bargain struck in the May 6 agreement was undeniably one-sided.

The Government commits to:

- raise the budget allocated to education and health as a percentage of GDP by 50% by the year 2000, and "urgently expand coverage" in education;
- guarantee access to quality health service; increase the share devoted to preventive health care to 50% of the total; reduce infant mortality to half its current level;
- strengthen the financial solvency of the social security system, and devote 1.5% of tax income to popular housing programs, starting in 1997.
- promote legal changes in 1996 to effectively enforce labor laws and increase labor inspections. In addition, it commits to vocational training programs for at least 200,000 workers by the year 2000.
- promote an integrated strategy of rural development and to respect the legitimacy of cooperative, collective and communal land tenancy forms and associated organizations;
- create a Lands Trust Fund (Fondo de Fideicomiso de Tierras) including idle national lands; "national lands granted in irregular fashion in colonization zones, especially in the Petén and Northern Transversal Strip, which the government commits itself to recover through legal steps"; and lands bought by the government.
- promote peasant access to credit for land purchases; technical assistance and marketing.
- grant poor and middle income peasants 100,000 hectares of state owned lands in natural resource concessions for sustained forest management, the administration of protected areas, and ecotourism;
- undertake basic infrastructure investments in rural areas of 300 million quetzales (about \$50 million) annually between 1997 and 1999;
- promote legal reform ensuring simpler land registry and titling procedures, a decentralized register and cadastral service; and a cleanup of existing cadastral information.
- define compensation formulas for peasants dispossessed arbitrarily of their lands, and restore lands usurped from individuals communities, municipalities, and the state or compensate same;
- to help finance the above, promote a law allowing for a simple municipal property tax (impuesto territorial), and establish a new scale for the existing

idle lands tax..."that fixes significantly higher levies on idle and underutilized private lands..."

- fashion a "just, equitable and globally progressive" tax system "in accord with the constitutional principle of capacity to pay;"
- raise the overall tax burden as a percent of GDP by 50% by 2000 while combating tax evasion.

A "VIABLE" ACCORD?

In a May 8, 1996 opinion piece, Carlos Rafael Soto, commentator for the newspaper El Gráfico, summed up the Socio-Economic Accord thusly: "the URNG joins the methodology of the system and makes common cause with the President of the Republic to overcome some of the worst situations of modern times. I try to accept this as a possibility, but then I think of all the pain, all the death, and I ask myself-is this all?"

Soto's query expressed the disenchantment felt in Guatemala's popular sectors over the content of the May 6 accord. In spite of an adverse balance of forces, many had expected that the accord would deal head on with the structural causes of Guatemala's destructive civil conflict-particularly the extreme concentration of landholding and a grossly unequal distribution of income. The accord could not, and did not, immediately alter these realities. On the contrary, it implicitly rules out a direct attack on economic privilege, concentrating instead on measures to overcome social deficits and improve the performance of governmental institutions.

However, the numerous (if unspecific) commitments by government have provided civil society with banners around which to organize. Given the extremely limited and dangerous political space in which groups had to operate during the long years of military rule, this is a significant achievement. Covering an important flank, the URNG also succeeded in generalizing to the whole of the population certain objectives attained in earlier accords with regard to the uprooted and the indigenous. For example, compensation for usurped lands, and procedures for sorting out conflicting land claims, now apply to the whole country, not just those specific groups.

Examined through more modest lenses this accord has the potential to contribute to the achievement of several pressing goals. Despite some signs of progress, however, one and one half years into a four year process many doubts remain. Two cases in point are taxes and land, both central to the accord's objectives.

Taxes

A 50% increase in health spending, given the low starting point, will not come close to the treaty's commitment to guarantee quality health care for the whole population, even if the money is spent efficiently. A 50% increase in tax burden, assuming it is accomplished and fulfills the general notion of ability to pay, would raise Guatemala's historic tax burden from about 45% of the Latin American average to about 60%. But there are no guarantees of further increases thereafter.

Domestic and international pressure to meet the spending goals of the accord is substantial. The government met its spending targets for the first year, 1997, with progress closely monitored by international donors who said they would withhold disbursements if the goals were not met. But as one international official remarked, as "practically nothing" was being spent on education and health, "it wouldn't be hard to increase spending" in these areas. Indeed, the government could meet its goals by adding up international donations and by covering the remainder through floating government bonds.

Though the international donor community is in agreement with the accord's tax targets, it is less clear that donors will condition grant monies on meeting them if the spending targets are reached. Though each claims it will, such claims are softened by desires to help out in the difficult post war situation and to encourage rather than sanction the government. Some international financial institutions expressed worry about others not being willing to condition.

The government met and exceeded the 1997 tax goal of 8.6%. But it did so by resorting to a temporary tax which expired at year's end after yielding a full 1% of GDP. There is near universal agreement that a new Superintendency for Tax Administration would help close the fiscal gap by combatting tax evasion, but without new taxes this will be insufficient to close the gap no matter how efficiently it operates. Even so, by mid-1998 this body had still not been created, after more than a year of discussion, and agreement, which even CACIF supported, that it was needed. Meeting the 1998 target is further complicated by the end of the temporary 1997 tax and a loss of 300 million Quetzales (\$49.5 million) due to reductions in import tariffs under regional trade agreements.

During most of 1997, the government played its cards close to the vest as to what it might do beyond the Superintendency, and in the end announced a new package of taxes including a levy on fuel and a municipal level property and land tax called the Impuesto Unico Sobre Inmuebles (IUSI). Though the IUSI reform would raise only modest new revenues, it differentiated property tax obligations by size of holding and would replace a non-functioning system of voluntary self appraisal of one's property with a government system for property tax appraisal. In Guatemala, both changes

were new and progressive.¹²⁸ The IUSI reform, passed in late 1997, to be implemented in 1998, was lauded by the URNG and other groups as an important advance.

However, even before the political events that were to transpire early in 1998, the government announced that its tax target for 1998 was 9.7% of GDP, lower than the 10% called for in the accords. Interpretation varied as to whether this would be a violation of the accords, or whether only a shortfall of the ultimate year 2000 goal would be a violation. Would the international community consider it a setback serious enough to diminish funds? MINUGUA's February 1998 report said it was a "matter of concern," particularly because the steps taken so far would also not meet the 2000 goal.

That was before the government revoked the IUSI following a series of rural protests in February over the issue. Some critics charged that the protests had been partly fomented by followers of the FRG and its leader, Gen. Ríos Montt, seeking to make hay in advance of the 1999 election. This is likely not the only explanation, however, as indigenous and other rural mayors had earlier voiced resentment over a lack of consultation on the issue. This feeling apparently reflected local concern among poor peasants and town dwellers that they would be additionally burdened. In a climate in which several mayors have been turned out of office by violent constituents, and in which promises to increase local budgets have not yet been met, one can easily imagine mayors thinking they would become targets when local property taxes were raised.¹²⁹

President Arzú's about-face on the IUSI caused serious concern among donors and civil society groups. The concern is less over the lost revenue for 1998 and beyond than over a perception that retreat in the face of minimal pressure has called attention to the government's lack of political resolve to move forward on peace process issues with an election year beckoning.

Arzú administration sources interviewed by HI argued that in the current climate, any major legislative initiative will open a flank at which the FRG of Ríos Montt can attack the government politically. Despite this hesitation, the international community has put the government on notice that it needs to float a new tax initiative in advance of a Consultative Group meeting of donors scheduled for October, or risk losing foreign funding. Whether President Arzú will meet this demand remains uncertain.¹³⁰

Land

There have also been cross pressures on the various land issues embodied in the accords. The accords refer to land problems in various sections in addition to those in the social and economic accord. Although individual planks lack specificity the

package of commitments concerning land-sorting out the property registry, resolving competing claims, creation of a trust fund to sell land to peasants, improving the yield of the idle lands tax, etc.-is very extensive. The most signal success on the land issue has been provision of lands to returning refugees.

To meet these commitments, the government has set up complicated machinery. A host of new acronyms-CONADEA, BANRURAL, CONTIERRA, PROTIERRA-has appeared in the government's organization table, while civil society has been offered access points at which to attempt to shape legislation and policy.

As noted above, the accord calls for a national rural development strategy with popular participation. For this purpose, the government has revamped a pre-existing National Commission for Agricultural Development (CONADEA), offering posts on the commission to delegates from two peasant organizations, a pro-government Agricultural Workers Federation (CTC) and the National Coordinator of Peasant Organizations (CNOOC), which contains groups sympathetic to the URNG. But although the Commission is meeting, it has so far not generated important policy initiatives.¹³¹

In a more positive vein, legislation was passed in early 1998 establishing a Rural Development Bank (BANRURAL) to take over the role of the financing small-scale agriculture. Several small confederations of cooperatives as well as women's organizations have become shareholders and are represented on the bank's board of directors. Though its start up capital was meager, BANRURAL has quickly attracted some 8,500 new depositors and envisages capitalizing itself through a \$20 million offering on the stock exchange. Of the developments to date under the Socio-Economic Accord, BANRURAL is perhaps the one that has elicited most favorable comments from popular groups.¹³²

The government also created an Institutional Commission for the Development and Strengthening of Landed Property, better known as PROTIERRA, to solve the knotty problem of modernizing Guatemala's cadastre and land property register. Within PROTIERRA, a technical-juridical unit is charged with laying the basis for a national cadastral survey which will in turn help to regularize land rights.

Given the complexity of the data problems involved, rapid progress in this area is not to be expected. So far, five pilot projects for land surveying, funded by a variety of foreign donors, are in preparation, including a \$20 million project for the Petén region to be financed by the World Bank. But the URNG and other groups have criticized PROTIERRA for its failure to come up with a draft bill on the cadastre/property register by early 1998 as stipulated in the accord.¹³³

Furthermore, the government's retreat on the tax issue has raised concern that it will not dare move on the sensitive land rights front before the elections, and will shelve the cadastre bill. As in the case of the IUSI, fear exists that attempts to clean up land registries through fresh surveying will be exploited by rightwing forces, who can argue to local residents that such surveys threaten control of their little parcels.

The accords also take up the issue of land disputes, seeking to find expeditious ways of resolving conflicts without litigation or violence. Ostensibly to this end, President Arzú formed CONTIERRA, the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters. In addition, under the Indigenous Accord, the Parity Commission on Land Rights was installed in July 1997. The National Peace Fund (FONAPAZ) and the National Committee for Aid to Refugees, Returnees and the Displaced (CEAR) have also been involved in land dispute resolution. The February MINUGUA report warns of jurisdictional confusion among these various fora.¹³⁴

In the second half of 1997 there was a new wave of land invasions. In contrast to its subsequent crumbling on the tax issue, the government met land invasions in 1997 with large scale shows of force. The principle protagonist of the invasions has been CONIC, founded in 1992 by dissidents from the formerly very large Committee for Peasant Unity (CUC). Reacting to what they saw as CUC's over concentration on human rights issues, CONIC's leaders dedicated the new organization to defending the right of the peasant to lands-protecting peasant-held communal lands against encroachments and striving to recover former peasant and indigenous holdings usurped by large landowners.

CONIC and other peasant organizations, along with the URNG, have been critical of CONTIERRA's performance, regarding its first head, Alvaro Colom, as a figure without authority. In fact, Colom resigned at the end of the year, apparently (though not publicly) in frustration over a lack of resources and overall government commitment to the process. By March 1998, of some 178 disputes brought before CONTIERRA, only one (a local boundaries issue) had been solved while eighteen others were undergoing processing.¹³⁵

A large scale peasant demonstration in September 1997 sponsored by the National Coordinator of Peasant Organizations (CNOC), but staffed largely by CONIC, sparked the beginnings of a negotiation with the government alongside the CONTIERRA process. MINUGUA was encouraged that a peaceful way of resolving land disputes could emerge from CONTIERRA's methodologies for different types of disputes and from the emergence, in late 1997, of a separate tripartite negotiation among peasant groups, landowners and government authorities.¹³⁶

However, the representativeness of those participating in the tripartite talks, which have been kept out of public view, is unclear.¹³⁷ Landowners involved appear to be acting as individuals, or at most represent minority views in landowner associations. On the other side, CONIC initially drew back from negotiating when the government insisted on privacy, and its attitude toward the discussions is ambiguous. While the peasant groups participating in the talks have ties to the URNG, CONIC regards itself as independent of the URNG and suspects that the other groups may settle for too little.

Finally, the accords call for a land fund to allow peasants to buy land. With help from USAID, the government budgeted \$9 million for the creation of a Lands Fund (Fondo de Tierras) in 1998. The Fund is not only to lay the basis for a modern land market but also to replace the National Institute for Agrarian Transformation (INTA) after five years.

However, the bill creating the fund, in whose drafting the Parity Commission on Land Rights is participating, has not been submitted to Congress. Popular groups have meanwhile essayed a series of objections to the initial draft, in particular to the very low upper loan limits envisaged—some Q30,000 (about \$5,000) per borrower. The terms also will be difficult for peasant borrowers to afford without development of crops that yield higher incomes, and that in turn would require more assistance. Peasant organizations also criticize the government's plan to close down INTA, before which their members have lodged a host of longstanding claims for redress of land rights. Further, they have refused to recognize a March 1998 reform of the INTA law revoking its powers to affect idle lands.¹³⁸

At the moment, it is not clear how much money will go into actual land purchase as opposed to start up costs, land studies, etc. Nor are the Land Fund's target beneficiaries clear. In El Salvador, by contrast, the post war land transfer program gained about \$45 million in international funds (the majority from the U.S., with another large chunk from the European Union, plus Salvadoran resources in the form of state lands). These funds contributed to the transfer of lands to some 37,000 beneficiaries, most of them heads of families. However, all beneficiaries were part of officially designated war-related groups—former FMLN combatants, peasants who had occupied war zone lands and were considered part of the FMLN's social base, and 7,500 government war veterans who became eligible according to their date of discharge. Apart from refugees, the Guatemalan accords provide little guidance about who is to benefit and where lands will come from. In principle, the land accords have the potential to effect a modest distribution of land holdings to small peasants over time. So far, the most signal success on the land issue has been provision of lands to returning refugees. But how much more land will eventually be freed up for sale to peasants by mechanisms such as the Lands Fund is uncertain given the apparent

paucity of idle state lands, the unwillingness of the private sector in the past to sell land to the government, and uncertainty over the political will needed to implement the Fund's objectives.

While there has been some progress in establishing mechanisms to carry out provisions of the Socio-Economic Accord, there are growing indications that the key fiscal reforms called for will not be achieved on time, if at all. This could undermine the entire process of implementation, since revenues generated by those reforms are needed to carry out many key aspects of the accords and are a condition for continued international assistance.

Conclusion

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The implementation process unfolding in Guatemala differs markedly from past Central American peace processes in several respects. Among them are the ethnic makeup of Guatemala's population, the nature and level of detail of the accords negotiated, the organization and semi-official role of civil society and the more instrumental role of international financial institutions. The international donor community has expressed a willingness to invest large amounts of resources into the process to support implementation, but it has insisted on substantive reforms and clear demonstrations of political will from the Guatemalan government. Since the implementation period began in early 1997 much has been accomplished.

The URNG successfully demobilized its troops under UN observation and modest reintegration programs have begun. The massive and largely involuntary civilian action patrols organized by the military (and incorporating some 600,000 Guatemalans) have been formally demobilized, and so too has the Mobile Military Police, a unit often accused of human rights abuses.

Though precise verification is difficult, it appears that the military has made a substantial reduction in force and budget in keeping with its obligation under the accords, though it has maintained bases that would seem to have, with the war over, little military purpose.

The process of forming an entire new police force has at least begun, though, with many serious problems.

The accords call for formation of numerous government, URNG, and civil society commissions to oversee and make recommendations concerning various broad aspects of the accords, and for increased participation at the local level. Fifteen commissions

were formed (not without controversy) and substantially engaged in their appointed tasks, though most operated on delayed schedules.

The Historical Clarification Commission, charged with investigating wartime human rights abuses, was formed, received considerable documentation and testimony and slowly received operating funds, though it too faces challenges and has complained about lack of cooperation from the military.

Much progress was made before the final accords in resettling refugees from Mexico, and this process contributed to the peace negotiations. Less progress has been made with respect to the internally displaced. The end of the formal return of refugees in Mexico should occur this year.

The government in 1997 increased its tax yields and its expenditures on health and education in keeping with the accords, but in early 1998 efforts to continue progress toward taxation targets slowed significantly as partisan electoral dynamics began to adversely affect the peace process.

Progress in carrying out the accords has not come easily or without opposition. As has been the case with other peace processes, the specifics of implementation often seems less dramatic than what the language of the accords seemed to promise, and this can foster both frustration and a sense that the process is failing among those whose expectations have been raised by the formal end of civil war.

At the beginning of 1998 the government backed off from commitments to approve new tax legislation called for in the accords, and this was followed by a growing assault against other elements of the accords by forces opposed to the peace process as a whole or various aspects of it. By June of this year electoral dynamics appeared to be displacing the accords as the key focus of governmental actors. With presidential elections coming in 1999, the PAN seems to be reorienting government priorities to maximize its electoral chances. It may perceive that pouring resources into accord implementation or making concessions to the URNG and to organized groups of civil society, will be used against it by opponents to the right.

As the Guatemalan government weighs the political and electoral costs of sacrificing a particular series of international grants, which may have long term payoffs, against the short-term risks of raising taxes, there are growing signs that the peace process is losing momentum because major power holders do not see incentives for themselves in the broad process of democratization the accords call for and require.

Perhaps the biggest obstacle to regaining momentum for the peace process is the legacy of cynicism and mistrust that pervades Guatemalan society. Voter turnout has

been low. Polls indicate that by comparison with other Central American countries Guatemalans, perhaps for quite rationale reasons, have low confidence and support in the political system and low levels of tolerance and trust. There is no real evidence that a broad base of citizens has been won over to the peace accords' promise, nor that the accords have brought them tangible benefits. Newly activated civilian groups have skilled veterans who have survived a great deal of danger and hardship in the past, but must now confront the new challenges of deepening their base while acting on a vast array of issues raised in the accords.

Despite gruesome human rights abuses since the signing of the accords and the apparent faltering implementation, Guatemala shows signs of promise that would have been unimaginable a few short years into its dark past. The catalyst for this promise has been the peace accords. The struggle for their implementation is far from over.

Appendix: The Mincho Case

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On August 25, 1996, Señora Olga Alvarado de Novella, member of a prominent and wealthy Guatemalan family, was kidnaped. A \$6 million ransom was demanded by her captors. On October 19, 1996, two members of ORPA, one of the guerrilla organizations within the URNG, were captured by security forces after conducting negotiations with members of the Novella family. The individuals captured were Augusto Rafael Baldizón Núñez (known as "comandante Isaias") and José Cabrera Rodas (known as "Mincho"). A few hours later an exchange was arranged and Señora Novella was released while Isaias was freed in Mexico. There was no mention of Mincho. The Guatemalan government announced that it was suspending the peace negotiations because of the kidnaping. After concessions by the URNG and the withdrawal of ORPA Comandante Rodrigo Asturias ("Gaspar Ilom") from the negotiations, on November 8 a resumption of negotiations was announced.

In the ensuing months there were periodic rumors and press stories alleging that a second guerrilla had been captured with Isaias and "disappeared". In early April 1997, dramatic allegations appeared in the press that implicated the Estado Mayor Presidencial in the disappearance and accused Jean Arnault, who by then was the Chief of Mission of MINUGUA, of having orchestrated a coverup of the case within the UN mission. Human rights organizations called for his removal, while a MINUGUA investigation of the case confirmed that a second guerrilla had been captured and concluded that the EMP had probably been involved in the capture. The army and the government denied any knowledge of a second guerrilla, and accused MINUGUA of exceeding its mandate. The finger-pointing continued for months, and

the mistrust between key actors in the peace process, the press and important sectors of civil society resulting from the scandal lingers still.

What follows is a chronology and analysis of the case as it relates to the role of key actors. The HI investigation included a review of primary and secondary documents, a detailed analysis of press coverage, and interviews with a wide range of official and unofficial actors who had knowledge of aspects of the case.

THE UN ROLE IN THE CASE

On October 27 and 28, 1996, Jean Arnault met with URNG leaders in El Salvador to discuss concessions the URNG might make to restart the negotiations. The leader of ORPA, Rodrigo Asturias (known as "Gaspar Ilom") met privately with Arnault during this meeting and told him that a second guerrilla known as Mincho had been captured with Isaias and that his fate was unknown. He asked Arnault to request information from the Guatemalan government about Mincho. Arnault did so and was told that the government had no information about the capture of a second guerrilla. Arnault reported this response to Ilom, who then dropped the issue, and it was not raised again during the negotiations. Arnault did not report the discussion to MINUGUA because of standing instructions from the Under Secretary-General for Political Affairs that the moderation effort and the human rights verification effort were to operate autonomously, with both reporting directly to him.

As part of its verification effort, MINUGUA held regular monthly meetings with the URNG leadership in Mexico. MINUGUA was usually represented at these meetings by its Director (David Stephen during the fall of 1996), the Head of Human Rights (Jaime Esponda) and the Chief Military Adviser. During the regular monthly meeting in November 1996, Gaspar Ilom asked for a private meeting with the Head of Human Rights, which took place on November 23. Two other ORPA commanders and the Military Adviser were also present. At the meeting Ilom presented the information about the capture of a second guerrilla known as Mincho. He said that ORPA would not make a formal complaint because it might jeopardize the life of the guerrilla if he still lived. This information was transmitted to the Director of MINUGUA, but was not included in reports of the meeting or in reports to New York, nor was it given to the Guatemala City Regional Office of MINUGUA (ORGUA).

After press reports about Mincho appeared in mid-January 1997, ORGUA decided to open a verification case about the allegations on January 27. It asked the central office to include questions about the case during the next monthly meeting with the URNG in Mexico. During that meeting, on February 5, the new Military Adviser had a private conversation with Gaspar Ilom, who reiterated what he had said in November. Director Stephen and the Head of Human Rights Area were informed of his

statements, and they again decided not to transmit the information to ORGUA, which was told that the subject had not been discussed.

On February 18, ORGUA staff members interviewed two leaders of ORPA, one of whom had been present at the private meeting on November 23. In response to questions about Mincho, the ORPA leader (Comandante Martin) told the ORGUA investigators. "Your boss was at the meeting. He knows all about it. Why don't you ask him?" This statement was later cited as referring to Arnault, but it clearly referred to the Head of the Human Rights Area.

Arnault became Director of MINUGUA on March 1, 1997. He was in Guatemala at the beginning of the month for initial briefings, but flew to New York on March 12 and did not return to Guatemala until the beginning of April. According to participants in two briefings Arnault was given by officers of the Human Rights Area in early March, the Mincho case was not mentioned. A note by the Head of the Human Rights Area dated March 31, 1997 states that the subject of Mincho is on a list of pending issues to discuss with Arnault.

It is clear from this chronology that the then Director of MINUGUA (David Stephen) and Head of the Human Rights Area (Jaime Esponda) became aware of specific allegations about the "disappearance" of Mincho on November 23, 1996. They made a decision not to open an investigation of the case and to not inform the Guatemala City Regional Office of MINUGUA about the allegations. They reaffirmed this decision in early February 1997, after ORGUA had opened an investigation. HI has been unable to discover any evidence that they were instructed by superiors to take these decisions. Jean Arnault first learned of allegations about the case in October 1996, which he acknowledged after press reports appeared in April 1997. There is no evidence that he knew about the decisions taken within MINUGUA by Stephen and Esponda in November and February, and there is evidence that he was not briefed on these decisions nor on ORGUA's investigation prior to his return to Guatemala in early April. While it is conceivable that he spoke with Stephen or Esponda about the case earlier, there is no testimony nor contemporary evidence suggesting that this happened.

On April 16 the family of Mincho visited MINUGUA and presented a formal complaint. MINUGUA opened an investigation and on May 20 presented a preliminary report in which it disputed the government's version of events and stated its belief, based on reliable sources, that the Estado Mayor Presidencial had been involved in carrying out anti-kidnaping operations in the Novella case. MINUGUA stated that it had not been able to fully investigate this involvement and called on the government and the URNG to cooperate to clarify the facts. The government

responded the same day denying the charges of EMP involvement and demanding that MINUGUA reveal its sources.

On August 5, 1997, several leaders of the Alliance Against Impunity leveled new charges against Arnault, claiming that he had been in the possession of a photograph of Mincho's body for more than two months and was hiding the location of the body. The facts do not support this allegation. On July 17, the Director of Cronica gave Arnault a picture of a body found in a city dump that was thought to be of Mincho. A member of the Alliance for Impunity was present when the picture was turned over to him, and HI was informed of this meeting two days after it took place, on July 19, 1997. MINUGUA's investigation was inconclusive, and it decided to ask for an exhumation of the body. MINUGUA's information was turned over to the Fiscal General on August 4, and the exhumation was conducted on August 5, the same day as the Alliance press conference. The exhumation found that the body was not that of Mincho.

THE ROLE OF THE URNG

After URNG involvement in the Novella kidnaping was revealed by the capture of Isaias, the Guatemalan government suspended peace negotiations and announced that it did not consider itself bound by agreements reached in the negotiations during 1996. After shuttle diplomacy by the UN Moderator, Jean Arnault, the URNG accepted political responsibility for the kidnaping and on November 4, announced that they would unilaterally suspend "armed propaganda" and agree to modify the negotiating agenda to quickly reach a formal cease fire. In addition, on November 7 ORPA Comandante Gaspar Ilom agreed to withdraw from the negotiations. On November 8 it was announced that negotiations would resume.

ORPA leaders privately told UN officials about the disappearance of Mincho, as described above. In public, however, they kept quiet about the case. After the accords were signed on December 29, in early January Gaspar Ilom announced in Mexico that he would return to Guatemala. There was a strong negative reaction from the Guatemalan press as well as from the government and military. On January 12, Prensa Libre published the first report publicly naming Mincho as the second guerrilla who had been captured and disappeared in the Novella operation. Asked about the charge an ORPA spokesman at the end of January said that he could not confirm the charge and that they were awaiting the results of investigations, although other ORPA leaders were cited as confirming that Mincho had been captured with Isaias. In an exclusive interview with Siglo Veintiuno on April 4, Gaspar Ilom declared that, "there never existed a person with the pseudonym of Mincho" in the ORPA. He also again said that he planned to return to Guatemala, and again there was a strongly negative reaction from the government. On April 8, Siglo Veintiuno reported that Mincho had, indeed,

been captured with Isaias and that he had died during interrogation. The article said that Gaspar Ilom's son, known as Sandino, had directed the kidnaping operation, and that it was understood that EMP head Espinosa directed the capture operation.

After a flurry of stories about the case in late April, on May 1 Jorge Soto (Pablo Monsanto), the top leader of the FAR, said that the URNG "had never denied the existence of Mincho."

The sequence of events and the conflicts between private and public statements by ORPA leaders suggests, at best, a somewhat opportunistic attitude toward the case. The case also seems to have created tensions between ORPA and other groups within the URNG.

THE ROLE OF THE ARMED FORCES

When the Mincho story exploded into the Guatemalan press in April 1997, the central focus at first was on allegations about the role of the EMP in the case and on the fact that it was the first clear suggestion of human rights violations under the Arzú government. According to journalists reporting on the case, a principal source of information for the early stories was Col. Mauricio López Bonilla, an officer close to Defense Minister Balconi and Chief of Staff Camarga who lost out in jockeying within the army and was forced out. His information focused heavily on the role of the EMP in the case.

When MINUGUA released a statement on May 20 implicating the EMP in the disappearance of Mincho, the statement noted that the EMP was not directly under the control of the Ministry of Defense. The next day, an article in La Republica accused MINUGUA of trying to wash its hands of responsibility in the case and of being partial to the guerrillas. Stories began to appear in Siglo Veintiuno and particularly in El Periódico accusing Arnault of leading a coverup within MINUGUA. La Republica has often been accused by human rights organizations of reflecting positions of the security agencies and the military.

Behind the scenes a major struggle was being waged between military leaders who wanted to end the operational role of the EMP and who resented Espinosa going around the chain of command to issue orders directly to military intelligence units in regional commands, and those who wanted to maintain the existing system. While these disputes were probably exploited by officers tied to organized crime gangs, it is not evident whether these were exclusively represented on one or the other side of this debate.

The internal army struggle was resolved July 3, when Arzú named Espinosa Chief of Staff of the armed forces. Balconi and Camarga were out. Only three days before, Balconi had been reconfirmed as Defense Minister at Army Day ceremonies, and until two hours before the announcement naming Espinosa, Camarga had been led to believe that he would keep the post.

Endnotes

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1 Ríos Montt is barred from running for president by a constitutional provision barring those who took power by unconstitutional means. The likely FRG presidential candidate is Alfonso Portillo, who also ran in the last election.

2 Sixty four of the eighty are elected from 23 multi-member districts (most corresponding to Department boundaries) and a separate district for Guatemala city. The remaining 16 are elected from national party slates. The closed party list D'Hondt version of proportional representation is used.

3 Susanne Jonas, *The Battle for Guatemala: Rebels, Death Squads, and U.S. Power* (Westview, 1991), pp. 151-59.

4 The starting point for deeper understanding of the ASC is Tania Palencia Prado and David Holiday, *Towards a New Role for Civil Society in the Democratization of Guatemala* (Montreal: International Centre for Human Rights and Development, February 1996).

5 The development of CACIF and CAEM is outlined in Jorge Escoto and Manfredo Marroquín, *La AID en Guatemala: poder y sector empresarial* (CRIES/AVANCSO, 1992) 116-32.

6 Speech at the John F. Kennedy School of Government, Harvard University, September 25, 1997. A full blown comparison between the peace processes of the two countries is not possible within the space limitations of this report.

7 Mitchell A. Seligson and Joel M. Jutkowitz, *Guatemalan Values and the Prospects for Democratic Development* (Development Associates, Inc., March 1994).

8 *La Población Desarraigada en Guatemala: Cifras Actualizadas y Situación Socioeconómica*" May 1997, sponsored by the UN Population Fund and the (Guatemalan) National Commission to Assist Repatriates, Refugees and Displaced (CEAR). The authors make several disclaimers as to the final conclusions that can be drawn from the study.

9 Document of the Asamblea Consultativa de las Poblaciones Desarraigadas (ACPD) June 1997. The total estimate of 17,600 families was multiplied by an assumed 5.9 members per family to arrive at a total of 104,194 persons.

10 Before the massacre in Xamán, complaints by organized returnees referred mostly to nearby army troop movements and army defamation campaigns. Unorganized repatriates dispersed in hundreds of villages, mostly in Huehuetenango, were often forced into the military's "volunteer" civilian defense patrols, the PACs. For more detail on the Xamán and other security incidents, see Human Rights Watch, *Return to Violence: Refugees, Civil Patrollers, Impunity* (Washington: January 1996).

11 One credit source was run by the National Agrarian Transformation Institute and called FONATIERRA. It lent on the condition that funds be reimbursed to the government and was used for more expensive and fertile lands on the productive south coast for which the government calculated higher incomes would enable repayment. It was abolished in early 1998. In the other case - funds extended through the Fund for Productive and Labor Reinsertion of Repatriates or FORELAP - the value of the loan was to be gradually paid into a community managed fund for future productive investment. That is the theory anyway; by late 1997 this provision was not yet in effect for any community and the program was being phased out completely in mid 1998. See "Guatemala: Refugee returns near end," *Central America Report*, 5 March 1998 and press release issued by CEAR, COMAR and UNHCR in Mexico City on April 27, 1998. No foreign government has contributed to the two programs just mentioned. Foreign governments have been reluctant to contribute to land purchases in general although USAID and Japan have recently supported the new Land Fund created by the peace accords for this purpose, the latter's donation specifically in support to the displaced. Other governments have contributed to land related issues such as cadastral surveys.

12 Information on cost and extension compiled from various CEAR documents listing the properties purchased, the number of families to be benefitted (whether or not all families arrived), extension and price.

13 The government proposed that one of the two seats be taken by hand-picked representatives of communities organized in civil patrol committees, but later capitulated. The task forces were: de-mining, documentation, economic and social development, ordering of land use and registry, gender-focus in project implementation, and land. These task force groups ended as such in 1996 as the Technical Commission decided to maintain centralized discussion of different topics using advisors, sub-commissions and working groups as needed.

14 See the MINUGUA reports submitted to the General Assembly, A/51/936, on June 30, 1997 and A/52/757 on February 4, 1998 (hereinafter, MINUGUA, February 1998).

15 The passage of the documentation law was delayed for many months in Congress in part due to the fact that the Arzú administration advocated a different proposal than that proposed by the Technical Commission.

16 At the May 1995 Paris meetings with the World Bank and other donors, advisors to the displaced population criticized the government for presenting a proposal on resettlement of the displaced behind the backs of the beneficiaries. (For a summary see presentation of CALDH at the Latin American Studies Association Convention, September 1995, Washington D.C.). In similar meetings convened in Brussels in February 1997, the Arzú government at first ignored the resettlement plan agreed upon by the Technical Commission, but eventually a compromise document was annexed to the government's presentation. The accord on the uprooted of June 1994 establishes in section I on "Principles" (no. 4) that the uprooted should "participate in decisions relative to the design, implementation and financing of the global strategy for resettlement and its specific projects." Section III on Production and Development establishes a criterion of increased participation. The accord is not so specific as to demand, in a section on seeking international financial aid, that the government do so with the consultation of the Technical Commission or organizations of the uprooted.

17 See ACPD paper presented in the Forum on the Resettlement of Displaced Population at an event commemorating the Resettlement Accord's fourth anniversary, June 17, 1998.

18 The terms of the agreement include a floating interest rate pegged to the national bank rate and a credit which is 100% repayable to the Land Fund, with the exception of a Q.10,000 per-family subsidy (less than U.S. \$1,800). The lands will be mortgaged to the government until the debt is paid. The agreement was negotiated before the final legislation regulating the Land Fund was established, but there is some hope that the government, having had its representative sign this agreement, will draft legislation for the general population which will be no less advantageous than this agreement. Should it have better terms than the agreement, they would apply to the internally displaced as well. The legislative bill was to be presented as this report goes to press.

19 Hemisphere Initiatives appreciates the cooperation of and information from the Oficina de Derechos Humanos del Arzobispado (ODHA); Centro de Asesoría Legal para los Derechos Humanos (CALDH), Fundación Myrna Mack; the Alianza Contra la Impunidad (AI); the Instituto de Relaciones Internacionales y de Investigaciones para la Paz (IRIPAZ); INFORPRESS Centroamericana; the Centro de Estudio Estratégicos Nacionales (ESTNA); the Guatemalan Foreign Ministry, the Army Department of Information (DIDE); MINUGUA; and the Washington Office on Latin America (WOLA).

20 See Robert Trudeau, *Guatemalan Politics: The Popular Struggle for Democracy* (Lynne Rienner, 1993).

21 The "archivo" had precursors stretching back to the 1960s. See WOLA Policy Brief, "Military Intelligence and Human Rights In Guatemala: The Archivo and the Case for Intelligence Reform," March 30, 1995. For contradictions of the Cerezo regime, see Jonas, *op. cit.*

22 Trudeau, *op. cit.*, pp.131-33, 138-41, 168-72.

23 See *Crónica*, "El nuevo rostro del ejército de Guatemala," July 9, 1993.

24 See Fundación Friedrich Neumann/Fundación DIG/IRIPAZ, *Función del ejército en una sociedad democrática. Documentación del ciclo de seminarios sobre relaciones cívico-militares 1994-1995* (Guatemala: 1995).

25 See also, Human Rights Watch/Americas, *Human Rights in Guatemala during President De León Carpio's First Year* (Washington: June 1994).

26 MINUGUA, *Fourth Report*, February 1996, pp. 6-7 gives a basic account of the events at Xamán.

27 *Crónica*, "La crisis militar," March 21, 1996.

28 *Crónica*, "Purga en el ejército," February 6, 1996. The purge was also aimed at clearing away resistance to the negotiations of the civil power accord. In essence, Balconi confirmed this view, referring to the changes as "a restructuring that has much to do with what is discussed at the negotiating table when the theme of the army is broached." See interview with Balconi, "El ejército está en sintonía con Alvaro Arzú," *Crónica*, January 26, 1996.

29 To get other officers to accept the consigning of López Serrano to a civilian court for trial, Balconi went on a "working tour" of all the country's military zones to foment "a discussion among commandants designed to achieve agreement that high-ranking officers may be tried for common crimes." But as evidenced by his later evasion of arrest in a car theft case, López Serrano remained an active duty colonel. *Crónica*, "La crisis militar," March 21, 1996, p.16.

30 For a basic analysis of Moreno's activities, see *Crónica*, "La corrupción salta en pedazos," and "El ministro de las certezas," September 27, 1996; and "El cascabel al gato," September 20, 1996; and *La Red* (Fundación Myrna Mack), "El Estado paralelo cruje," October 2, 1996.

31 Crónica, "La corrupción judicial," October 4, 1996. See interview with Balconi in Crónica, September 27, 1996. On Callejas, see El Periódico, "Callejas: el verdadero capo," November 7, 1996; "El hombre invisible," November 8, 1996; "Un general en el anonimato," December 9, 1996; "La defensa del Ministro de la Defensa," November 27, 1996.

32 Untitled public statement by MINUGUA issued by its Oficina de Información Pública, May 20, 1997. Press sources confirm the EMP's involvement in breaking both kidnapping rings and the Moreno gang. See El Periódico, "Quién liberó a los secuestrados?," January 31, 1997, "Acción armada atribuida al EMP," June 9, 1997, and "EMP pone en riesgo investigaciones," June 16, 1997; and Crónica, "Imperativos de la seguridad pública," February 7, 1997.

33 "Posición del Gobierno de la República frente al comunicado de MINUGUA del día 20 de Mayo de 1997", Secretaria de Relaciones Públicas de la Presidencia de la República, May 20, 1997.

34 On Espinosa, before his promotion, see Crónica, "El poder detrás del trono," March 21, 1997.

35 This analysis is based on interviews in February, March and July 1997 with three Guatemalan government officials and one representative of a foreign government based in Guatemala. All requested that they not be identified more specifically.

36 Col. Rudy Pozuelos has been linked to drug trafficking. See El Periódico, "Al oído de Arzú," March 31, 1997.

37 El Periódico, "Las escuchas continúan," February 28, 1997.

38 Crónica, "Los servicios de inteligencia en la mira congresil," April 18, 1997. El Periódico, "Un civil al frente de la inteligencia," January 7, 1997. Interview with Col. Otto Noack Sierra, head of the Departamento de Información de la Defensa (DIDE), January 31, 1997. El Periódico, March 19, 1997.

39 Interview, MINUGUA, March 21, 1997; See MINUGUA, February 1998.

40 Interviews with DIDE heads Col. Otto Noack, January 21, 1997, and Col. Edith Vargas de Marroquín, April 2, 1997.

41 The army asserted that with the war's end, it has eliminated counterinsurgency training. In December 1996, Arzú addressed what was purported to be the 47th and last counterinsurgency graduating class of the army's special forces training

installation, the Centro de Adiestramiento y Operaciones Especiales, better known as the Kaibil School. The Kaibil companies became famous during the insurgency as fierce jungle fighters and infamous as violators of human rights. But in January 1997, the press reported that a new class of trainees had been accepted. Col. Otto Noack argued to HI that as in any army there was a continuing need to train special forces, but was vague about their missions. Other sources reveal that the school is a source of money for the army by training recruits from Mexico, Venezuela, Colombia, and Chile. For background on the kaibiles, see Julio Montes, "Guatemalan Special Forces," *Jane's Intelligence Review*, May 1994. See also, *El Periódico*, "Rambo y Arzú con los kaibiles," December 6, 1996. Interview with Noack, op. cit. *El Gráfico*, "Rechazán continuación de curso para formar fuerzas especiales de kaibiles," January 23, 1997.

42 *El Periódico*, "El ejército no reducirá a oficiales," January 28, 1997; see also *Siglo Veintiuno*, February 8, 1997. On the URNG reaction, see *El Periódico*, "El primer desacuerdo de la paz," February 6, 1997. Resistance to a Balconi plan to regionalize the command structure, which would have curbed the power of, and perhaps reduced opportunities for graft among, many of the then zone commanders forced him to back off. Rumors had it that Gen. Camargo, aided by the EMP and military intelligence, spearheaded the resistance by using his prerogatives as Chief of Staff to remove from their posts 15 officers loyal to defense minister Balconi. *Siglo Veintiuno*, "Comandantes de zonas militares discuten reducción del ejército," February 8, 1997.

43 See the January 31, 1997 editions of *El Periódico*, *El Gráfico* and *Prensa Libre*. *El Periódico*, "El precio de la insubordinación," February 8, 1997.

44 Margaret L. Popkin, *Civil Patrols and their Legacy* (RFK Center: June 1996), pp. 35ff. *La Hora*, "279 mil patrulleros fueron desmoviliados," December 2, 1996.

45 See *Prensa Libre*, July 11, 1997; *Siglo Veintiuno*, July 12, 1997.

46 Guatemalan initiatives aimed at reforging a military aid relationship with the US led to an October 25, 1996 visit by the then head of the US Southern Command in Panama, Gen. Wesley Clark. The following December, President Clinton sent a request to Congress to allow Guatemalan army officers to receive schooling in US military academies. *Siglo Veintiuno*, "Balconi y Stein confirman inminente reanudación de ayuda militar de EE.UU.," December 22, 1996.

47 Among others, this is the opinion of MINUGUA, *Sexto Informe*, January 31, 1997, p.18.

48 For a legal and political analysis of the National Reconciliation Law, see "Update on the Guatemalan amnesty," memo by Margaret L. Popkin of the Robert F. Kennedy Memorial Center for Human Rights, March 17, 1997. Siglo Veintiuno, February 8, 1997; El Periódico, "Hasta junio, 61 buscan amnistía," July 10, 1997. But for the resilience of Col Alpírez, implicated in two famous cases, see Prensa Libre, "Ejército rehabilita a coronel Alpírez, implicado en casos Devine y Bamaca," July 4, 1997.

49 Accusations of military involvement in car theft surfaced in May 1997 when a report from the Houston police department traced a number of stolen cars to Guatemala. One had been purchased by Col. Fernando Reyes Palencia, alleged to be head of the telephone tappers in the EMP.

50 El Periódico, "Ochoa Ruíz, un candidato a la extradición," May 10, 1997. Guatemala's Constitutional Court was considering the U.S. request just days before its president, Epaminondas Gonzalez, was slain. The Court subsequently denied the U.S. petition. See, Prensa Libre, "Investigan a 16 militares por integrar red de narcos," June 27, 1997.

51 Interviews with Christian Tomuschat and Otilia Lux de Coti, August 6 and 10, 1997.

52 Sources used in addition to people mentioned above: interviews with the police advisers of MINUGUA, verification and field officials of the same organization, interviews with Vice Minister of Government Salvador Gandara, the former Ambassador of Spain in Guatemala Manuel Piñeiro, Gino Costa, José Manuel Ugarte (Argentine security expert), Vice Minister of Government Mario René Cifuentes, MINIGUA officials and reports, and members of NGOs cited herein.

53 Information from the Vice Minister of Government. In 1997 the World Bank (World Development Report) estimated Guatemala's mid-1995 population to be 10.6 million. By contrast, New York City with a geographic area less than 1% of Guatemala's and with a population of 7.2 million had 30,000 police, that is 2.3 times as many as Guatemala.

54 Gino Costa Santolalla y Manuel Núñez Pedraza, Posibles areas de cooperación con el Gobierno de Guatemala para iniciar la reforma y modernización de los cuerpos de seguridad, (Spain\UNDP program to strengthen governability in Central America) Lima and Madrid, April 30, 1996. A 1994 study by representatives of Spain, Norway, El Salvador and the U.S. found no well-designed Public Security strategy. This lack contributed to impunity and made external cooperation around security forces unmanageable. See Report of Multinational Commission on the Institutions providing Public Security in the Republic of Guatemala, October-November 1994. Assessments

done by the nationally prominent Association of Investigation and Social Studies (ASIES), the UNDP and MINUGUA recommended that the government should implement immediate actions aimed at a serious and radical reform of the police agencies. See, for example, "Seguridad en un estado democrático", Asociación de Investigación y Estudios Sociales (ASIES), Guatemala, September 1995.

55 Hemisphere Initiatives acknowledges that the drafter of this section of the report, Carmen Rosa de León-Escribano, is the Executive Director of IEPADES.

56 See Rachel Garst, *The New Guatemalan National Civilian Police: A Problematic Beginning* (Washington, D.C.: Washington Office on Latin America, November 1997).

57 Although we do not cite them point by point in the text, Hemisphere Initiatives wishes to thank the following people and institutions for providing enormous insight into indigenous issues in Guatemala: Demetrio Cojti Cuxil, UNICEF; Manuel Salazar Tetzaguic, UNESCO; Enrique Cuxil, Valerio Toj, Juan Francisquez and Juan Pu Hernandez, COPMAGUA; Alfonso Buc Choc, Academia de Lenguas Mayas de Guatemala (ALMG), Juan León Alvarado, Defensoria Maya/FDNG; Alvaro Pop, Comité para el Decenio del Pueblo Maya (CDPM); José Serech, Centro de Documentación e Investigación Maya (CEDIM); Gustavo Meoño, Rigoberta Menchú Foundation; Felipe Itzep, Fondo Nacional de Desarrollo Indígena (FODIGUA); Federico Castillo Silvestre, Asamblea Permanente Maya (APM); Hector Rosada Granados, COPAZ; P. Gonzalo de Villa, S.J., Universidad Rafaél Landívar/AVANCSO; Victor Gálvez, FLACSO; Tania Palencia Prado, INFORPRESS; Patricia Cleves and Roger Plant, formerly of the central staff of the United Nations Mission to Guatemala (MINUGUA); Kathleen Caron, MINUGUA - El Quiché; and Rolando Castillo, United Nations Development Program.

58 The aspirations of the Mayan movement with regard to autonomy were first expressed in "Derechos específicos del Pueblo Maya," produced by COMG in September 1991. This work has had wide influence. See text in Consejo de Organizaciones Mayas de Guatemala, *Construyendo un futuro para nuestro pasado* (Guatemala: COMG, 1995), pp. 11-30.

59 See Roger Plant (MINUGUA), "Indigenous Identity and Rights in the Guatemalan Peace Process," paper prepared for the Conference on Comparative Peace Processes in Latin America, Woodrow Wilson Center, Washington, March 13-14, 1997.

60 These formulations and those that follow are freely adapted from an essay by Jesús García Ruíz, "Hacia una nación pluricultural en Guatemala," PNUD/ONU, 1996, pp. 46-55.

61 Chapter 4, point A of the Accord on the Indigenous and Section I.A. on the Accord on Constitutional Reforms. COMG, *Construyendo un futuro*, op.cit., p.96.

62 García Ruíz op. cit.

63 On undercounting Maya, see especially Demetrio Cojti Cuxil, "Los censos nacionales de población: medios de opresión del pueblo maya," in *Configuración del pensamiento Político del pueblo Maya: 2a. parte* (Guatemala: Cholsamaj, 1995). In "Conquest and Population: Maya Demography in Historical Perspective," *Latin American Research Review*, v. 29, no. 2, (1994) 133-140, W. George Lovell and Christopher H. Lutz review estimates that the Mayan population, estimated at 2,000,000 in 1520 did not recover to that level for 340 years and, at the time of their writing (before the 1994 census), was easily above 5 million, a remarkable record of demographic staying power by comparison with other conquered ethnic groups.

64 We follow ALMG usage in spelling the names of indigenous languages, but employ the more familiar Spanish spelling to refer to the department of El Quiché.

65 See work by a leading Guatemalan linguist, Guillermina Herrera, "Idiomas indígenas en Guatemala: situación actual y futuro," in Ricardo Lima Soto, coord., *Aproximación a la cosmovisión Maya* (Guatemala: URL, 1995), p. 105.

66 For examples, see Carol A. Smith, "Class Position and Class Consciousness in an Indian Community: Totonicapán in the 1970s," and John M. Watanabe, "Enduring Yet Ineffable Community in the Western Periphery of Guatemala," both in Carol A. Smith, ed., *Guatemalan Indians and the State: 1540-1988* (University of Texas Press, 1988); Richard Wilson, op. cit.; Watanabe, *Maya Saints and Souls in a Changing World* (University of Texas Press, 1992); Kay B. Warren, "Transforming Memories and Histories: The Meanings of Ethic Resurgence for Mayan Indians," in Alfred Stepan, ed., *Americas: New Interpretative Essays* (Oxford University Press, 1992).

67 Philip Wearne, *The Maya of Guatemala* (Minority Rights International, 1994), pp. 22-29, forcefully argues that the military set out to destroy ethnic identity. See David Stoll, *Between Two Armies in the Ixil Towns of Guatemala* (Columbia University Press, 1993) for a view critical of the guerrillas and the military, and for a portrayal of complex reactions among various Ixil groups to the onset of the war, to religious missionaries, and to political parties.

68 In this tradition, the Mayan sacred calendar of 260 days (tzolkin) allows the priests or "aj k'ijab", those who "know the count of the days," to predict these influences and counsel people to act accordingly. Recent works dealing with the nature of Mayan identity include Ricardo Lima Soto, coord., *Aproximación ..*, op. cit., Ch. 1; and

Walburga Ripflin Alvarado, *El Tzolkin es más que un calendario* (Guatemala: CEDIM, 1995).

69 For the paragraphs that follow, see the seminal work of anthropologist Ricardo Falla's *Quiché Rebelde* (Guatemala: Editorial Universitaria, 1995). See also Stoll, *op. cit.*, pp. 32-53, for views of the complicated relations between ladinos and Mayans relations in government, religious issues and institutions and over land and religion before and during the Arbenz period in the Ixil triangle.

70 For overviews of this history, see Santiago Bastos and Manuela Camus, *Quebrando el silencio: organizaciones del pueblo maya y sus demandas: 1986-1992* (Guatemala: FLACSO, 1995), pp.17- 40; and Wearne, *op. cit.*, pp. 15-30; and Stoll, *op. cit.*

71 World Bank, *Guatemala: An Assessment of Poverty*, April 17, 1995, pp. 4-7, 24, 7. For details on non-farm occupations in 1977-78, see Carol A. Smith, *Guatemalan Indians*, *op.cit.*, p.208. Her data derive from a survey of indigenous occupations conducted in 131 hamlets in the Western highlands.

72 PEMBI/UNICEF/MED, *Análisis de situación de la educación Maya en Guatemala* (Cholsamaj, 1996), p.35. These figures are taken from a 1995 World Bank study of education based on the 1989 Encuesta Sociodemográfica done by the Instituto Nacional de Estadística (INE).

73 World Bank, *op.cit.* p.7; See Santiago Bastos and Manuela Camus, *Los Mayas de la capital: un estudio sobre identidad étnica y mundo urbano* (Guatemala: FLACSO, 1995) pp. 155-67.

74 Basic sources on the evolution of the Mayan movement include Santiago Bastos and Manuela Camus, *Abriendo caminos* (Guatemala: FLACSO, 1996); and *Quebrando el silencio* *op. cit.*; and Waqi' Kanil (Demetrio Cojti Cuxil), *Ri Maya' Moloj pa Iximulew* (El movimiento Maya en Guatemala) (Cholsamaj, 1997). See also Tania Palencia Prado and David Holiday, *op. cit.* A separate annex to this key report provides brief sketches of groups in civil society.

75 The five components of COPMAGUA are: the Confederación de Organizaciones Mayas de Guatemala (COMG); the Academia de Lenguas Mayas de Guatemala (ALMG); the Instancia de Unidad y Consenso Maya (IUCM), Tukum Umán, and the Unión del Pueblo Maya de Guatemala (UPMAG).

76 The Foundation has hoped these proposals would be taken into account by the five Commissions. For content of the proposals, see Fundación Rigoberta Menchú Tum/PNUD, *Q'anil A: Difusión Comunitaria. Recopilación de Propuestas*, two

volumes (April 1997). Views about Rigoberta Menchú's political agenda are numerous but unsubstantiated. What is clear is that she has sharp differences with URNG leaders.

77 For the thinking of the Comité, see Comité para el Decenio del Pueblo Maya, "Iniciativa de Orientación General para el Desarrollo del Pueblo Maya," Guatemala, 1996. See, Victor Gálvez Borrell et. al., *Que sociedad queremos? Una mirada desde el movimiento y las organizaciones mayas* (Guatemala: FLACSO, 1997), pp. 84-85.

78 The concept implies that God is present in all cultures and that the church need not reject "all that is true and holy" in other religions. A 1992 pastoral letter by Guatemala's Episcopal Conference, "500 Años Sembrando el Evangelio," develops this content. For relevant portions of the text, see *Alternativas, Hacia una evangelización inculturada* (Guatemala: Lascasiana, 1995), pp. 275-94. Other works providing insight into the church's post-violence stance toward the indigenous are *Centro Ak' Kutan, Evangelio y culturas en Verapaz* (Guatemala: Ak' Kutan/Lascasiana, 1994); and Julio Cabrera Ovalle, *Consuela a mi pueblo* (Guatemala: Voces del Tiempo, 1997), a collection of homilies by the bishop of El Quiché.

79 COPMAGUA formed internal commissions on Women's Rights, Constitutional Reform, and Indigenous Law. Initially, the idea seems to have been to lever the government into expanding the official commissions to eight, a ploy the government rejected.

80 The summaries of Accord provisions included here are taken from the text published in Consejo de Organizaciones Mayas de Guatemala, *Construyendo un futuro para nuestro pasado* (Guatemala: COMG, 1995), pp. 77-111.

81 Guillermina Herrera, op. cit., pp. 116-19. The urban study is by the prolific researchers, Santiago Bastos and Manuela Camus, *Sombras de una batalla: Los desplazados por la violencia en la ciudad de Guatemala* (Guatemala: FLACSO, 1997 pp. 99-113.

82 Accord on Constitutional Reform I.A.4.,5.,6., and 7. ALMG envisions first training a bilingual justice for each municipality by the year 2000, followed gradually by training teachers, health and other service workers. For discussion, see Academia de Lenguas Mayas de Guatemala, "Modalidades de Oficialización de los Idiomas Indígenas de Guatemala," October 1996. See Comisión de Oficialización de los Idiomas Indígenas de Guatemala, *Propuesta de modalidad de oficialización de los idiomas indígenas de Guatemala*, March 23, 1998, pp. 120-24. The Comisión regarded the Itzá and Xinca languages as near extinction and left them out of this classification.

83 For a detailed portrait of the world of the Mayan priest, see Walburga Ripflin Alvarado, *El tzolkin es más que un calendario* (Guatemala: CEDIM, 1995), ch.3.

84 Comisión para la Definición de los Lugares Sagrados, "Propuesta de Reformas Constitucionales Relativas a la Espiritualidad Maya, Xinca y Garífuna," October 1997. On Mayan archeological demands, see Demetrio Cojti Cuxil, "La problemática de las excavaciones arqueológicas y el derecho del Pueblo Maya a su patrimonio cultural," in *Configuración del pensamiento político Maya*, 2a. parte (Guatemala: Cholsamaj/SPEM, 1995), pp. 37-63.

85 Consejo Nacional de Educación Maya, *Reforma educativa: síntesis de propuestas y comentarios* (Guatemala: CNEM, 1997), p. 25.

86 Comisión Nacional Permanente de Reforma Educativa [COPMAGUA]. *Proyecto de reforma educativa de la perspectiva indígena*, Guatemala, June 1998, pp. 92-93.

87 PEMBI/UHICEF/MINEDUC, *Análisis de situación...*, op.cit., pp. 51, 69, 89-90.

88 *Proyecto de reforma educativa desde la perspectiva indígena*, op.cit., pp.136-44.

89 See draft of the Fondo de Tierras law dated June 1998.

90 See the July 1, 1997 editions of *Siglo Veintiuno*, *El Periódico* and *Prensa Libre*. Also *Crónica*, "Un conflicto como cientos en Guatemala," July 11, 1997 reports that the government and OAS have identified 338 boundary disputes among Guatemala's municipalities.

91 See "Poder local, poder municipal," in *Debate* 1:8 (May) 1997, p.18.

92 *Crónica*, "Renacimiento Maya," July 26, 1996, p. 24.

93 In 1985, eight indigenous candidates, mostly allied to the Christian Democrats, were elected to Congress. This dropped to six in 1990. For data, see Marco Antonio de Paz, *Pueblo maya y democracia* (Guatemala: SPEM/CEDIM, 1993), pp.52, 55. In 1995, with Congress reduced to 84 members, eight indigenous were elected as were twelve women. In the municipalities, 28% of mayors have indigenous surnames, but there appear to be no indigenous women among them nor on any municipal council. (This statement does not take into account the results of the June 1998 special election 30 municipalities.)

94 Interview with election commission representative Dinorah Azpuru de Cuestas, July 14, 1997.

95 The Indigenous Accord employs the term "customary law," so we use it here. Many Mayan intellectuals are uncomfortable with the word "customary," however, feeling that it conveys a pejorative, inferior connotation. Some prefer to speak of "Mayan law" or a "Mayan juridical order." See Edgar Esquit Choy and Carlos Ochoa Garcia, coords., *Respeto a la palabra: el orden jurídico del Pueblo Maya* (Guatemala: CECMA, 1995).

96 In a telling example, Defensoría mediators in El Quiché used "Mayan law" to solve, in a three-hour proceeding, a complex inheritance dispute within an indigenous family that had festered in local courts for four years. The example is presented in Defensoría's magazine, *Chuj Waljo'q*, 1:4 (June) 1997, pp.7-8.

97 For a compelling discussion of the issues and findings from field research in Alta Verapaz, see Rachel Sieder, *Derecho consuetudinario y transición democrática en Guatemala* (FLACSO, 1996), or, in English, *Customary Law and Democratic Transition in Guatemala*, University of London Institute of Latin American Studies, Research Paper 48, 1997.

98 See *Prensa Libre*, July 5, 1998.

99 See "Poder local, poder municipal," in *Debate* 1:8, May 1997, pp. 12-20. However, it is not clear that more than a handful of Guatemala's municipios still possess an "indigenous mayor," making the definition of precisely who would administer a customary legal system complex.

100 Congreso de la República, "Ley de los Pueblos Maya, Garífuna y Xinca," draft submitted to plenary April 3, 1997.

101 Preti is cited in *El Gráfico*, April 7, 1997. Alfred Kaltschmitt, "La Ley de Comunidades Indígenas," *Siglo Veintiuno*, April 5, 1997.

102 See, for example, Miguel Angel Velasco Bitol, "Iniciativa de Ley Indígena: avance o estancamiento?", *El Periódico*, May 10, 1997.

103 For a critique, see Demetrio Cojti Cuxil (Waqi K'anil), "La Ley para la Protección del Patrimonio Cultural," *El Periódico*, June 4, 1997.

104 This problem may have its roots in a prior decision by ALMG to create an "officialization commission" of its own with delegates from all 21 language groups plus representatives of ALMG as such. See ALMG, "Modalidades...", p. 37.

105 See Mario Alberto Carrera, "El español frente a las lenguas y dialectos indígenas," *Siglo Veintiuno*, June 24, 1997; "De nuevo con el tema del español y las lenguas vernáculas," *Siglo Veintiuno*, July 4, 1997; and "Otras reflexiones para los diputados," *Siglo Veintiuno*, July 8, 1997.

106 Mario Roberto Morales, "Prontuario para perfilar la identidad ladina," *Siglo Veintiuno*, July 11, 1997.

107 HI would like to thank the following persons and institutions for providing, during nine field trips from 1995 through 1998, insights, information and documentation for this part of our report: Irma Luz Toledo Peñate, Vice Minister of Finance; Ricardo Stein, SEPAZ/UNDP; Raquel Zelaya, SEPAZ/ASIES; Hector Rosada, COPAZ; Carlos Ruíz, SEPAZ; Roger Plant, Thierry Delrue, Juan Pablo Corlazzoli and Alexander Segovia of MINUGUA; Deborah Kennedy, USAID; Leopoldo Sánchez, IDB; Mario Marroquín, World Bank; Juan Alberto Fuentes, UNDP; Victor Gálvez, FLACSO-Guatemala; Carmen Rosa de León, ASC/IEPADES; Peter Lamport, CACIF; Humberto Preti, Camara del Agro; Antonio Argueta and José Luís Muñoz, CONIC; Freddy Herrarte, COINDE; Tania Palencia Prado and Matthew Creelman (INFORPRESS); Mayra Palencia, economist; Michael Leffert, journalist.

108 See World Bank, *World Development Report 1997*, Tables 1, 4, 12 (Hereinafter cited as *World Bank, Development 1997*). By contrast, Nicaragua, a low income country with GNP/capita of \$380, had but 28% in the agricultural labor force. Other middle income countries: El Salvador 36%, Ecuador 33%; Costa Rica 26%.

109 World Bank, *Guatemala: An Assessment of Poverty*, April 17, 1995, 1-4 (hereinafter cited as *World Bank, Poverty*).

110 S. Chen, G. Datt, and M. Ravallion, *Is Poverty Increasing in the Developing World?*, World Bank, 1998, as cited in *World Bank, Poverty*, op. cit.

111 World Bank, *Poverty*, op. cit. p. 5; *World Bank Development 1997*, Table 1. By contrast adult illiteracy in El Salvador is 29%; Nicaragua 34% and Costa Rica 11%.

112 United Nations Development Program, *Human Development Report 1997*, Oxford University Press, Table 1 (pp. 146-148) and Table 2.1 (pp. 126-127). The poverty index combines indexed measures of percents of population: not expected to survive the age of 40 (1990), illiteracy (among adults) (1994); without access to safe water (1990-96); without access to health services (1990-95); and underweight children under age 5.

113 World Bank, Development 1997, Table 5. The lowest 20% in Nicaragua has 4.2%; and the highest 20% has 55%.

114 Tito Ordoñez Yaquian, Escenarios, esquemas de desarrollo y políticas macroeconómicas (Guatemala, FLACSO) 1994, 36.

115 World Bank, Poverty, p. 14; Interamerican Development Bank website.

116 Ibid., pp. 32, 34.

117 Ibid. p. 21.

118 On economic policy, see Ordoñez Yaquian, op. cit., 31-55; and Victor Gálvez Borrell, La gobernabilidad en Centroamérica: sectores populares y gobernabilidad precaria en Guatemala (FLACSO, 1995) 40-55.

119 Internal World Bank memos during this period express concern over Guatemala's large current account deficit, appreciated real exchange rate, and fragile fiscal situation. See World Bank, Development 1997, tables 2, 15; The Economist Intelligence Unit, Country Report on Guatemala, 2nd Quarter, 1997, 14.

120 Ordoñez Yaquian, op. cit., 41-50, analyzes these trends in detail.

121 See World Bank, Guatemala: Building Peace with Rapid and Equitable Growth, August 22, 1996 (Report No. 15353-GU), 1-40.

122 World Bank, Poverty, op. cit., p. 11.

123 Cited in MINUGUA, La Problemática de la tierra en Guatemala, April 1995, p. 6.

124 The characterization of rural areas developed in this section draws heavily from Roger Plant, "Rebuilding Civil Society: Rural Workers' Organizations in Guatemala," unpublished manuscript, 1995 and HI interviews with the author, a former high official in MINUGUA.

125 The National Institute for Agrarian Transformation (INTA) does poorly in land titling particularly with regard to the beneficiaries of official post-1960 colonization programs in upper Quiché and the Petén, most of whom have never received definitive title.

126 The elected Arévalo government (1945-51) passed a "supplementary titles" law to give legal title to peasants who had worked their plots for a minimum of ten years (the

law has subsequently been used by large landholders against peasants); some peasants make claims under the Arbenz land reform.

127 The ASC published its consensus proposal entitled "Aspectos socio-económicos y situación agraria" in September 1994. The "Propuesta a la sociedad", presented by the General Command of the URNG in May 1995, just as negotiation of the Socio-Economic Accord was getting underway, was the guerrillas' public position on socio-economic questions. The business community's principal contribution to the socio-economic policy debate has been the CACIF document "Guatemala: Reflexiones del pasado, consideraciones del presente y recomendaciones para el futuro," produced by the Comisión Empresarial para la Paz in December 1994. The positions are too complex to summarize in detail here, and will be synthesized with evident loss of nuance.

128 Under previous Guatemalan legislation, real estate values were self declared. In 1993, of 327,898 IUSI taxpayers, 82% valued their properties at less than Q20,000 - less than \$3,500 per holding! See Centro de Estudios Urbanos y Rurales, "Guatemala: estructura tributaria e impuesto único sobre inmuebles," June 1994, p.20.

129 For an account of the IUSI episode, see Crónica, "La rebelion de las masas," March 6-13, 1998.

130 This demand has been incorporated into a series of proposals which the Accompaniment Commission sent the president in May 1998 in an effort to unblock progress on peace accords issues.

131 This is the conclusion of an important preliminary study of land policy and implementation under the accords. See Rosalinda Hernández Alarcón, *La tierra en los Acuerdos de Paz: resumen de la respuesta gubernamental*, INFORPRESS, Cuadernos de investigacion interactiva no. 1, May 1998, p.10.

132 Ibid, pp.38-41.

133 Ibid, pp. 21-26.

134 MINUGUA February 1998.

135 Hernández Alarcón, *op.cit.*, p.22.

136 MINUGUA, February 1998, *op. cit.* pp. 8-9.

137 For a brief survey of Guatemalan rural organizations, see COINDE, *El problema agrario en Guatemala*, November 1997, pp. 20-32.

138Hernández Alarcón, *op.cit.*, pp. 33-38.