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A NEW DAWN:

**THE MIXED COMMISSIONS AS A MECHANISM OF CIVIL SOCIETY
PARTICIPATION IN THE GUATEMALAN PEACE PROCESS**

By
Silke Reichrath, B. A.

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of

Master of Arts

Norman Paterson School of International Affairs
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Abstract

This study analyzes the five joint indigenous-government commissions established by the 1996 Guatemalan Peace Accords. The commissions' mandate is to make recommendations concerning the Peace Accord provisions on indigenous rights regarding land, education, political participation, indigenous languages, and sacred sites.

I argue that the commissions are a corporatist mechanism for group-based interest representation made necessary by the failure of liberal democratic institutions to include indigenous people in political decision-making.

The thesis will evaluate whether they have contributed to peacebuilding by facilitating access to policy processes for indigenous people, generating support for the peace process by informing and consulting civil society, promoting a culture of dialogue, and enhancing governability, or whether they have reduced the prospects for peacebuilding by coopting indigenous leaders without addressing their demands.

The analysis will look at how individual capacity, interpersonal relationships, the commissions' structures, the political context, and international factors have shaped the commissions' work.

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List of Acronyms

ACPD	Consultative Assembly for the Uprooted Population
AGAI	Guatemalan Association of Indigenous Mayors
AIDPI	Agreement on the Identity and Rights of Indigenous Peoples
ALMG	Mayan Languages Academy of Guatemala
ANAM	National Association of Municipal Mayors
ANN	Alliance for a New Nation
APM	Permanent Assembly of the Mayan People
ASC	Civil Society Assembly
ASIES	Association of Research and Social Studies
CACIF	Coordinating Committee for Commercial, Agricultural, Industrial and Financial Associations
CCPP	Permanent Commissions of Guatemalan Refugee
CCRE	Consultative Commission on Education Reform
CDRO	Cooperative for Rural Development in the West
CERJ	Council of Ethnic Communities <i>Runujel Junam</i>
CG	Consultative Group
CIA	US Central Intelligence Agency
CIDA	Canadian International Development Agency
CNEM	National Mayan Education Council
CNOC	National Council of <i>Campesino</i> Organizations
CNP	Permanent National Commission
CNPE	Permanent National Commission on Spirituality
CNPOI	Permanent National Commission on the Officialization of Indigenous Languages

CNPRES	Permanent National Commission on Education Reform
CNPRPTN	Permanent National Commission for Reform and Participation at all Levels
CNPT	Permanent National Commission on Land
COCIPAZ	Civilian Coordination for Peace
COEDUCAS	Education Councils
COKADI	Kaqchikel Integrated Development Coordinator
COMG	Council of Mayan Organizations of Guatemala
CONALFA	National Literacy Committee
CONAVIGUA	National Coordinator for Guatemalan Widows
CONDEG	National Council for Guatemala's Displaced
CONIC	National Indigenous and Campesino Coordinator of Guatemala
CONTIERRA	Presidential Dependency for Legal Assistance and Conflicts over Land
COPARE	Mixed Commission on Education Reform
COPMAGUA	Coordinator of Organizations of the Mayan People of Guatemala
CPR	Communities of Population in Resistance
CSC	Civil Sectors' Coordination
CUC	Committee for <i>Campesino</i> Unity
DFAIT	Department of Foreign Affairs and Trade
EGP	Guerrilla Army of the Poor
FAR	Rebel Armed Forces
FDNG	Democratic Front New Guatemala
FRG	Guatemalan Republican Front
GAM	Mutual Support Group for family members of the disappeared
GDP	Gross Domestic Product

IDAEH	Anthropology and History Institute
IFI	International Financial Institution
IIDH	Inter-American Institute of Human Rights
ILO	International Labour Organization
INC	National Consensus Body
INCEP	Central American Institute of Political Studies
ISE	Educational Services Institution
IUCM	Mayan Unity and Consensus Instance
MENMAGUA	Guatemalan National Mayan Roundtable
MINUGUA	United Nations Verification Mission in Guatemala
NGO	Non-governmental organization
OAS	Organization of American States
ORPA	Revolutionary Organization of the People in Arms
PAC	Civil Self-Defence Patrols
PAN	National Advancement Party
PGT	Guatemalan Workers' Party
PRONADE	National Self-Administration Program for Education Development
SEGEPLAN	Guatemalan Planning Secretariat
SEPAZ	Guatemalan Peace Secretariat
USAID	United States Agency for International Development
UN	United Nations
UPMAG	Union of the Mayan People of Guatemala
URNG	Guatemalan National Revolutionary Unity

Chapter One

A Quincentennial and A New Dawn

Five hundred years - conquest, dispossession and discrimination

Five hundred years - colonialism, oppression and assimilation

Five hundred years - resistance, survival and revitalization

Five hundred years - prophecies that one day, a new dawn will break¹

It was precisely the 500 Years of Resistance Campaign against the celebration of the Quincentennial of the Discovery of the Americas that provided the catalyst for the creation of Majawil Q'ij - 'A new dawn' in Mam. Majawil was the first umbrella organization uniting the indigenous and popular organizations that had been emerging in Guatemala in the late 1980s with the subsiding of violence and repression. Two divisions and two alliances later, the union of Mayan organizations evolved into Saqb'ichil - 'Dawn' in Ixil - or COPMAGUA, the Coordinator of Organizations of the Mayan People of Guatemala.

In 1992, the rays of this new dawn pierced the darkness of a three-decade-old civil war to reveal the continuous resistance and beginning revitalization of indigenous identity. Four years later, a peace treaty was signed, and indigenous organizations united to not only petition for cultural, political and economic rights but to negotiate them directly with the national government. After the genocidal massacres of the 1982 scorched-earth campaign directed against the highland Maya, a new dawn had broken.

Yet, many clouds remain on the horizon and obscure the signs of progress. Their names are poverty, illness, illiteracy, discrimination, environmental degradation, authoritarianism, impunity, and common crime, to name but a few. They cast sombre shadows over the new dawn and at times threaten to eclipse what has been achieved.

This thesis proposes to accompany one short phase of this dawn, the time from the signing of the *Firm and Lasting Peace* on December 29, 1996 until the end of the first government period of the post-war era, January 14, 2000. The focus will be on five Mixed Commissions of government and indigenous representatives which were established under the *Agreement on the Identity and Rights of Indigenous Peoples* (AIDPI). The commissions

¹ Personal reflection on the discourse of the Quincentennial and Messianic prophecies

were given the mandate to make consensus-based recommendations on how to implement Peace Accord provisions related to, respectively, land-related rights of the indigenous peoples, education reform, the participation of the indigenous peoples at all levels, the granting of official status to the indigenous languages, and the definition and preservation of indigenous sacred sites.

The need for these commissions arose because the indigenous people of Guatemala have been excluded from the three branches of government, political parties, and leadership positions in the military and the *guerrilla* ever since these bodies were established. The AIDPI was signed partly due to pressures from civil society and the international community, but also partly because the negotiators realized that a ‘firm and lasting peace’ could not be constructed if over half the population continued to be marginalized and subjected to ‘internal colonialism’. Since the traditional democratic (or authoritarian) channels of participation in political decision-making were *de facto* closed to indigenous people, the set of commissions were created as a mechanism of political participation.

The commissions hold the potential to contribute to the ongoing peace process in several ways. Their explicit purpose is to design, in collaboration between representatives of the relevant government ministries or departments and indigenous representatives, specific policies to protect indigenous culture and address the physical and psychological needs of the indigenous population. These include access to land, bilingual, intercultural and decentralized education, representation on local and departmental government entities, and the promotion and protection of indigenous languages and spirituality. This opening of a channel for the peaceful representation of indigenous group interests reduces the likelihood of violent manifestations of conflict.

Another potential peacebuilding impact of the commissions is the opportunity they provide to build bridges between indigenous communities and the central government. The indigenous organizations have taken their policy proposals out to the communities, disseminated and discussed them, and then brought suggestions and critiques back to the

negotiating table. Informing and involving the grassroots population in policy-making can generate popular support for the peace process.

This manner of working can have additional positive externalities in that it can contribute to a - still tenuous - process of transforming a culture of opposition and conflict into a culture of dialogue and mutual respect. Bringing former adversaries together in consultations and workshops can help them to get to know each other and to form positive relationships through collaboration on common goals. Forming a habit of consultation has the potential to generate democratic skills and attitudes and to foster the inclusion of women, youth, minority groups among the minorities, and otherwise socially or economically marginalized groups.

The main incentive for the government to engage in this dialogue has been that it enhances its badly damaged legitimacy both among the population and among the international community. In recognizing one network of indigenous organizations united under the umbrella of COPMAGUA as its official interlocutor, the government can emphasize that it is listening to indigenous demands and has opened a forum of dialogue. Such a corporatist structure can reduce the level of overt public protest by providing an alternative channel for grievances other than marches and blockades.

While opening up the possibility for substantive policy influence for COPMAGUA, this monopolistic arrangement can limit the impact other, potentially more radical, groups can have. It is also likely to limit the range of issues that can be addressed and the scope of possible solutions; only proposals acceptable to the government representatives may be politically viable because the government can withdraw the indigenous representation's official interlocutor status at any time. The corporatist structure can therefore have a negative impact on democratization and therefore on the long-term prospects for peacebuilding. If a corporatist mechanism obstructs civil society activism more than it facilitates participation, it may reduce conflict in the short run but maintain the disadvantaged position of the indigenous population, which may increase the risk of inter-

ethnic conflict in the long run.

I argue that, in a society like Guatemala, where the indigenous population has been excluded from electoral political mechanisms from the time these were established and where the lack of legitimate channels for interest representation was one of the main causes of a thirty-six year civil war, liberal-pluralist notions of interest representation based on elections are not sufficient to include the indigenous majority in the political system. Furthermore, attempts at peacebuilding cannot be successful as long as large sectors of the population are marginalized in political, economic and social terms.

While a combination of power-sharing at the central government level and autonomy at the local level would be the preferable way to integrate the indigenous population, this is not feasible in the short term because of powerful opposition and logistical and human capital restraints. A corporatist form of group-based interest representation presents a potential solution to this dilemma, but carries the risk of coopting indigenous leaders without effectively advancing the rights and demands of the indigenous population. Whether the corporatist system of the Mixed Commissions contributes to or obstructs efforts at peacebuilding depends on the skill and attitude of the delegates, the way the system is structured, the national context, and international influences.

In this study, I will therefore examine different roles that the commissions have played in the Guatemalan peace process - policy influence, bridging the gap between government and civil society, nurturing a culture of democratic dialogue, and legitimizing the government - to show how the construction of a corporatist structure can allow civil society to contribute to a peacebuilding process and/or limit the contributions of civil society to such a process. I will look at how factors such as the individuals involved in the commissions and their relationships to each other, the structure of the commissions, the national political context, and international pressures and funding have helped the commissions in or prevented them from playing each of these four roles.

1.1 The Concept of Civil Society

Since this thesis examines mechanisms and structures that can facilitate the participation of civil society in peacebuilding, the concept of civil society warrants a closer look. Civil society is a much talked-about but still a rather vague and controversial concept. For some, civil society consists of all the people who do not work for the government. In many early definitions (John Locke, Adam Smith, Hegel and Marx), civil society was equivalent to the market. To the liberals among them, it had a positive valuation as the sphere of freedom, private initiative, and economic and artistic productivity. To Marxists, it had a negative connotation because of the competition of particular interests beyond the control of the state and the accumulation of wealth at the expense of the lower classes. Marxists called for a social revolution to create a strong state run by the proletariat to supervise and democratize civil society (Ehrenberg, 1999, xiii-xiv and 121-127).

Other thinkers conceptualized civil society as the realm of organizations between the level of individual households and the state. By considering civil society as the totality of non-governmental organizations and networks rather than the totality of individuals, writers like Jean Jacques Rousseau and Alexis de Tocqueville regarded it as oriented towards the ‘common good’ rather than competitive self-interest. They considered civil society as a forum for self-organization that allows for public works neglected by the state and for the democratization and control of the state.

James Madison’s pluralist theory did not support the argument that civil society is oriented towards a ‘common good;’ it posited that an aggregate common good does not exist. Instead, Madison conceptualized civil society as a space for interest groups to organize and present their demands to appropriate government authorities for compromise or adjudication (Ehrenberg, 1999, 154-164 and 200-202). John Ehrenberg observed that the pluralist conception of politics as the “bargaining of competitive interest groups” fails to address the inequality between these interest groups and that subsistence farmers, indigenous peoples and the urban poor tend to be excluded from this pluralist system of

interest representation (Ehrenberg, 1999, 201 and 245). The influence of any political claim depends on the economic resources of the interest group making the claim as well as their access to political decision-makers, the media, and supportive international alliances.

In the post-war Guatemalan environment, this inequality of access is conditioned by the corporatist structures of the state. While access under the previous authoritarian regimes depended on personal connections, the peace process opened up a wide array of temporary forums, commissions and other consultative mechanisms. This created a system of interest representation in which a limited number of sectors was recognized as constituting civil society (e.g. the indigenous sector, the popular sector, the women's sector, the religious sector, the academic sector, and the business sector). A limited number of organizations in each sector were recognized as official representatives of their sector and official interlocutors of the government with respect to a pre-defined number of issues.

This thesis will apply de Tocqueville's definition of civil society as the totality of organizations, groups, and networks between the levels of the household and the state. It is at the level of organizations and networks, which may be formal or informal, temporary or permanent, where the views and interests of the different sectors of society are articulated and represented. These organizations include peasant, squatters', indigenous peoples', youth and women's groups, national or local development agencies, churches, labour unions, and business and professional associations.

However, the thesis will take into consideration the fact that civil society is not necessarily democratic; many organizations display highly authoritarian decision-making procedures, hierarchical structures, and exclusionary practices towards women, youth, and minorities. Civil society is also characterized by inequality, as access to high-level decision-makers is conditioned by economic resources, informal connections, and position vis-à-vis corporatist representational structures.

Despite its limitations, a mechanism to include civil society organizations in policy-making can offset the weaknesses of a liberal pluralist system of interest representation

through elections. The electoral system has been unable to include the indigenous majority in policy processes and therefore needs to be complemented by a group-based system of representation. The Mixed Commission in Guatemala have provided a corporatist structure for such a group-based representative system and have facilitated the participation of selected civil society organizations in policy-making and in peacebuilding.

1.2 The Concept of Corporatism

Since this thesis conceptualizes the Mixed Commissions as a corporatist form of participation and interest representation, it is essential to clarify the notion of corporatism. According to definitions provided by Howard J. Wiarda and Philippe C. Schmitter, corporatism is a system of interest representation that is based on groups rather than individuals. Society is subdivided into a limited number of sectors, according to class, kind of employment, ethnicity, religion, gender, or similar characteristics. For each sector, one or several organizations or networks are nominated as the official representatives before the government. They have the responsibility to gather input from their sector, aggregate the multiplicity of interests in that sector, and represent their constituency before their government counterparts at a subject-specific negotiation table (Wiarda, 1997, ix and 18-19, and Schmitter, 1974, 93-105).

Corporatist structures present civil society organizations with the opportunity to exercise a more direct and more substantive influence on policy-making than they could under a liberal-pluralist system. Often they are granted a formal right to be consulted, which enhances their legitimacy vis-à-vis other civil society organizations and the international community (from where they may receive their funding). Yet, often their position within the policy-making mechanism is only of an advisory nature, and their recommendations may not be taken into account when policies are formulated.

In a post-war context, corporatist structures may provide interest groups with a peaceful mechanism to voice their concerns and struggle to have their needs fulfilled. The

structures may also allow the civil society representatives to bridge the gap between government and their constituencies at the grassroots level. By encouraging consultations and debates, these structures can bring former adversaries together to resolve common problems and therefore contribute directly to peacebuilding. However, corporatist structures also entail the risk of co-opting civil society leaders and limiting the possibilities for open protest without addressing the claims of marginalized interest groups. In this case, they may be counter-productive and exacerbate the potential for violent conflict in the long run.

1.3 The Concept of Peacebuilding

Another important concept in this discussion is that of peacebuilding, which is the ultimate aim of the Mixed Commissions. The concept of peacebuilding gained wide-spread use with the report *An Agenda for Peace* by former Secretary-General of the United Nations Boutros Boutros-Ghali. He adopted the differentiation between preventive diplomacy, peacemaking, peace-keeping, and post-conflict peacebuilding.² Preventive diplomacy may contain conflict and resolve its causes. Peacemaking is defined as “bring[ing] hostile parties to agreement by peaceful means” (Boutros-Ghali, 1992, 10-11). Peace-keeping involves the deployment of military, police and civilian personnel delegated by UN member states to conflict zones at the request of the conflicting parties.

Peacebuilding is conceptualized as “comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people” (Boutros-Ghali, 1992, 16). This includes the demobilization, disarmament and reintegration of former combatants and displaced people, elections, reforms of the various institutions and levels of government, the protection of human rights, and the promotion of civil society participation (Boutros-Ghali, 1992, 16).

The *Canadian Peacebuilding Initiative Strategic Framework*, elaborated jointly by

² This differentiation had previously been elaborated by the International Peace Academy in the 1984 *Peacekeeper's Handbook*.

the Department of Foreign Affairs and International Trade (DFAIT) and the Canadian International Development Agency (CIDA), focuses on the political and socioeconomic context of a conflict and seeks to promote “democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security” (DFAIT, 1999, 1). Aside from a resolution of the political, economic, social and cultural causes of the conflict, peacebuilding can also be enhanced by mechanisms and institutions for peaceful conflict management and by processes of dialogue and reconciliation.

The Mixed Commissions provided such a mechanism to manage conflict through dialogue and to address some of the issues that had given rise to the conflict, i.e. discrimination and exclusion in the areas of access to land, education, political participation, language policy and religion. They generated broad consultation and negotiation processes within civil society and between the government and civil society, involving representatives of groups that had not had access to political decision-making before and fostering a culture of dialogue. This enhanced participation can be considered a step towards democratization. The emphasis on indigenous rights reinforced the new human rights regime in Guatemala.

However, the Mixed Commissions also restricted the access to policy-making to those organizations that were recognized as ‘official interlocutors;’ they limited the range of possible demands that could be formulated. This raises the concern that this corporatist structure was established to legitimize the government and control public protest rather than facilitate meaningful participation. It may have had the effect of co-opting indigenous leaders without effectively advancing the claims of indigenous groups. If the indigenous population comes to perceive the corporatist mechanism as dysfunctional, to the same extent that the electoral system is not representative of their concerns, they may resume public protests, which may be met by renewed violence on the part of the government. This thesis will examine the extent to which the commissions have contributed to peacebuilding and to the representation of indigenous interests, as well as the factors that facilitated or hindered the peacebuilding process.

1.4 Methodology

The core of the study is based on semi-structured interviews with participants in the Mixed Commissions on both the indigenous and the government side. These interviews were complemented by the perspectives of representatives of other civil society organizations, indigenous and non-indigenous, who were not on the commissions. Analysts from international agencies added valuable outsider perspectives.³ The interviews are supplemented by documents produced by the commissions, such as their proposals, interim reports, minutes and publications. The material was gathered during a two and a half months field trip from October to December, 1999.

The main difficulty encountered during the research was access to written documentation on the commissions. The limited access to reports and minutes resulted in a strong reliance on opinions and impressions gathered from personal interviews, which are important but do not constitute an authoritative and agreed-upon account of the negotiating processes. Another difficulty was access to higher-level government representatives. Limited information on the internal dynamics of the governmental representation may at times have led to a bias in favour of the indigenous representatives. At the same time, being based with the *Consejo de Organizaciones Mayas* (COMG), a Mayanist organization, may have resulted in a bias in favour of this segment within the Maya Movement.

The theoretical framework was constructed based on the findings of the field research with regards to the impact of the commissions and the determining factors of this impact. It was elaborated based on a review of the literature on peacebuilding, identity movements, civil society, political institutions, interest representation, and (neo-) corporatism. The national context was described based on Guatemalan literature and select international sources.

³ See Appendix II for the questionnaires. The interviewees were informed about the purpose and nature of the study at the beginning of each interview and asked whether they wished to remain anonymous or consented to be cited.

Though three years are not enough to draw final conclusions on the impact of the Mixed Commissions, the change of government in January 2000 and expected modifications to the modalities of civil society participation suggest that the end of 1999 is an opportune moment for a preliminary overview of the achievements and limitations of the commission system. The case study will therefore be limited to the period of 1997-1999. Since the perspective is one of evaluating the commissions as a mechanism for civil society participation in peacebuilding, the focus will be on the civil society, i.e. indigenous, representation within the commissions.

This study is divided into five chapters. The second chapter presents the theoretical framework to evaluate civil society participation in policy processes in a peacebuilding context. The chapter identifies the contributions that a corporatist mechanism can make to peacebuilding as well as the risks inherent in such a mechanism. It also provides four sets of factors that can guide the analysis as to the extent that the corporatist mechanism has facilitated or hindered peacebuilding. The third chapter deals with the historical, socioeconomic and political background that made a corporatist system of interest representation necessary and the process by which the system emerged.

The fourth chapter provides a case-by-case analysis of each Mixed Commission by applying the theoretical framework of the second chapter. The case study validates the framework, highlights inherent trade-offs between different roles of a corporatist mechanism in peacebuilding, and underlines the limitations of a corporatist framework for participation. It reveals that different factors become more important at different stages of the negotiating process and with respect to different roles. The fifth chapter analyzes the impact of the commissions on peacebuilding in Guatemala and draws conclusions on the prospects for the construction of a positive peace in Guatemala.

Despite the end of the Cold War, with the attendant settlement of many proxy wars, the number of major armed conflicts in the world is still high. More and more wars are internal, fought between competing sectors of society with opposing interests and clashing demands. Often the dynamics of conflict centre around ethnicity and religion, which replace the class-based mobilization that was common during the Cold War.

Identities give a conflict its rationale and language; however, the underlying issues are usually access to resources, forms of governance, state formation or re-definition, control of or participation in public decision-making, discrimination, and cultural survival. These issues lead to violent conflict where legitimate channels of interest representation are lacking and conflicts of interest therefore cannot be managed peacefully in institutionalized negotiation, mediation or arbitration mechanisms.

In response to the trend towards more internal and group-based conflicts, thinking about peacebuilding has evolved from a limited agenda of 'negative peace' to a broader agenda of 'positive peace.' Johan Galtung conceptualized negative peace as the "absence of violence [and] war;" this can be achieved through cease-fires and peace agreements combined with demobilization, disarmament and the reintegration of former combatants. Positive peace is "the integration of human society," which can be promoted through exchanges, stereotype reduction, improved representation and communication, changes to the political and economic order, functional cooperation, and conflict management mechanisms (Galtung, 1964, 2).

Since the lack of legitimate channels for the representation of the interests of subordinate identity groups is one of the main causes of civil war, finding mechanisms for members of these groups to express their interests and demands peacefully and ensure state response is a primary goal of the peacebuilding process. In the liberal conception, representation should take place through elections. However, elections are only representative to the extent that political parties are representative and that all groups have

equal opportunities to vote and run in elections. In Guatemala, the indigenous majority has been persistently excluded from electoral representation. This calls for a form of group-based political representation or power-sharing.

However, in the case of authoritarian societies like Guatemala, where powerful interests regard full-blown participation as threatening and destabilizing, proportional representation or a “grand coalition” between the main sectors of society, as suggested by Lijphart, are not viable (Lijphart, 1995, 276-279). The competing needs for interest representation for the majority indigenous population and for stability and therefore the accommodation of powerful elites pose a dilemma for both the state and civil society. The Mixed Commissions can be seen as an attempt to manage this dilemma through a corporatist form of channelling the representation of indigenous peoples.

This thesis will show the short-comings of the liberal pluralist model of interest representation based on the individual vote in an authoritarian and exclusionary political system like that of Guatemala. It will establish the need for a complementary group-based representation of subordinate identity groups. From a civil society perspective, a mechanism for group-based representation should serve two functions: to influence state policies in favour of the subordinate groups and to build a connection between the grassroots communities of these subordinate groups and the government. In a post-war context, these functions can enhance peacebuilding by providing a channel for peaceful interest representation, mediation and communication.

From a government perspective, the main function of a corporatist mechanism would be to ensure governability by allowing a controlled, limited participation for subordinate groups. Enhanced governability contributes to peacebuilding as grievances are channelled and addressed in peaceful ways and without directly confronting entrenched elite interests. However, corporatism can limit democratization if it results in the cooptation of indigenous leaders without meeting their demands. This could sow the seeds of renewed conflict in the future.

Beyond interest representation before the State, positive peace and the integration of society require a change in the way groups within civil society relate to each other. For John Paul Lederach, the search for positive peace centres around the need for “profound reconciliation ... sustained by a society-wide network of relationships and mechanisms to promote justice and address the root causes of enmity” (Lederach, 1997, ix). A wider notion of peace would also include equal opportunities for both genders, respect for the subgroups and minorities within minorities, inclusion of the unorganized poor, and harmony with the natural environment.

Civil society organizations have an important role to play in this extended agenda of positive peace. The consultative processes, public debate and networking catalyzed by the system of Mixed Commissions have the potential to resolve or transform conflicts, democratize processes of interest articulation within civil society, and address socio-economic questions. The participation of broad sectors of civil society in the implementation of peace agreements is necessary to generate buy-in and consensus. Positive peace requires information flow, relationships between policy-makers and local communities, and dialogue between social sectors with divergent agendas and needs - in World Bank terms, the accumulation of ‘social capital’ (World Bank, 1998, 10).

After establishing the need for a group-based scheme of interest representation and the roles such a scheme can play in peacebuilding, the thesis will analyze the Mixed Commissions in Guatemala. The purpose is to determine whether the outcome of this structure is the co-optation of indigenous leaders, weakening of civil society, and continued marginalization of subordinate group interests, or whether it is a quasi-corporatist form of democracy that makes a valuable contribution to peacebuilding. The following sections will further elaborate the impacts that a corporatist mechanism of interest representation can have in a post-war context.

A first potential impact is to allow civil society, and particularly subordinate identity groups, to influence public policies in their favour; the second, to build communication

channels between the governed and the government; and the third, to foster a culture of dialogue and tolerance. The fourth impact, that of controlling dissent and enhancing governability, can contribute to peacebuilding by reducing overt conflict, but it can also have negative impacts. A corporatist structure can create further conflict by coopting indigenous leaders and continuing to marginalize the demands of the indigenous majority.

2.1 Identity Groups and Policy Influence

The first potential impact of a mechanism of group-based interest representation is to provide a way for civil society to influence the formulation of concrete policies. According to Håkan Wiberg, conflict arises when the satisfaction of one actor's goals precludes that of another's due to a clash in the interests of different classes, identity groups or nations. To resolve conflict, it is necessary to change an aspect of reality (e.g. reducing scarcity) and/or the demands of one or both actors. The former is often a long-term and ambiguous process of political reform and economic development, which can exacerbate conflict if benefits are distributed too unequally. The latter requires dialogue and compromise. A process is needed that combines the two and allows all the sectors of societies to influence the direction of political, social and economic change (Wiberg, 1988, 108-109).

It is the government's role to design policies that accommodate the divergent interests in society, but these policies will only be responsive and acceptable to all the stakeholders if they participated in their design. This consideration justifies Connie Peck's argument that "[s]ustainable peace ... involves the institutionalization of participatory processes in order to provide civil and political rights to all peoples" (Peck, 1998, 45).

Indeed, meaningful participation itself is a central demand in many conflicts; the lack of "effective political participation" was listed by Edward Azar as one of three "conditions of perceived victimization" among subordinate identity groups that give rise to

protracted conflicts (Azar, 1986, 28-31).⁴ This was certainly the case in Guatemala, where indigenous people have been excluded from all levels and branches of government since the Spanish Conquest in a system termed 'internal colonialism' by Demetrio Cojtí (Cojtí, 1997, 23-36). A formal, institutionalized mechanism of participation is a major step towards the fulfilment of this demand.

Providing an institutionalized channel for civil society input into policies is of particular importance in societies that are profoundly divided into distinct and opposed identity groups. As mentioned earlier, most modern day conflicts, including the one in Guatemala, revolve around ethnicity, religion or other factors of identity. Kumar Rupesinghe predicts that "[e]thnic and religious claims will become more urgent and more clearly articulated" (Rupesinghe, 1995, 66). Edward Azar suggests that the (racial, ethnic, religious, cultural or other) identity group is the most useful unit of analysis in protracted internal conflict situations (quoted in Rupesinghe, 1995, 72).

There has been much speculation and analysis of the exact nature of identity movements and the causes that give rise to them. Anthony D. Smith defines an ethnic movement as a "community of culture ... based upon the reality or myth of unique cultural ties, which serve to demarcate a population from neighbours and rulers" (Smith, 1981, 13). Similarly, George De Vos considers that an "ethnic group is a self-perceived group of people who hold in common a set of traditions not shared by others with whom they are in contact" (De Vos, 1975, 9). Stephanie Lawson observes that, in its most essentialist extreme, ethnic identity is defined as a tie, much stronger than other allegiances, that is rooted in a "golden past" in antiquity, has been preserved through an "unbroken chain of tradition," and binds "members to a natural and authentic political community" (Lawson, 1995, 119-129).

On the other extreme, Dov Ronen sees group identities as nothing more than a tool utilized by individual leaders to attain personal goals. "[I]t is often self-appointed leaders

⁴ The other 'conditions of perceived victimization' are "a denial of separate identity" and "an absence of security of culture and valued relationships" (Azar, 1986, 28-31).

who claim to have ‘an entire nation’ behind them, whereas many ethnically ... classified individuals actually prefer the political status quo” (Ronen, 1995, 34). Ronen further reasons that identity movements emerge when a number of individuals perceive that their physical (food, water, resources) or psychological (pride, freedom, respect) human needs are not satisfied. As a result of economic and/or political grievances, individuals in leadership positions activate one of a series of available shared identities (race, class, religion, ethnicity, nationality, gender) in order to create a clearly demarcated ‘in-group,’ rally people behind a common cause, and fight more effectively to satisfy these needs.

Both of these conceptions contribute different facets of the nature of identity movements. Identities are constructed and, as Smith points out, they sometimes emerge as a by-product of modernization processes in places where no distinct ethnic groups were visible before. However, while ethnic identities may not be ‘natural,’ as much of their history may have to be rediscovered or even invented, they are not “purely artificial constructs.” Ethnic revivalism has to be based on a real historical foundation, operate within the “specific sentiments ... of the area” (Smith, 1981, 52-67), and articulate the practical, cultural and political interests of specific segments of society.

The process of identity construction is often catalyzed by a perceived or real deprivation of human needs of either a material or non-material nature. Smith elaborates that urbanization brings people from different backgrounds into contact with each other and activates a sense of difference and, often, discrimination (Smith, 1981, 43). Increased educational opportunities create professional middle classes in subordinate ethnic groups. When these young professionals are discriminated against in the dominant system, they organize a “separate stratification system” to express their interests (Smith, 1981, 119-127).

Conflict between identity groups can arise when subordinate groups feel deprived of political participation and status, subject to ‘internal colonialism’ and threatened in their cultural distinctness, as has been the case for the indigenous people in Guatemala. This raises the question of what types of political institutions need to be constructed in the

peacebuilding process to allow for the effective representation of the interests of subordinate groups and to bridge the historical gap between the state and civil society.

2.2 Group-based Interest Representation

When discussing interest representation, many analysts and policy-makers emphasize political institutions that are modelled on Western liberal democracies, such as political parties, parliaments, and elections. Yet, as Vernon van Dyke argues, this individualist conception is too limited. Between the level of individuals and the state, society consists of a diverse array of intermediary groups like ethnic communities. These identity groups need to be included as separate units of representation (van Dyke, 1995, 31).

As van Dyke points out, identity groups have rights that individuals cannot hold, for example the right to self-determination, to the preservation of a community, language and culture, and to a school system that upholds the values of the group. Since these are group rights, they can only be negotiated and implemented on a group basis (van Dyke, 1995, 45-53). In an electoral system, the majority rules, and the interests of minorities are neglected, even if a number of minority groups together constitute the majority of the population, as in Guatemala. Van Dyke also considers that, in a liberal democracy, members of subordinate groups are disadvantaged because schools promote the dominant culture, and public office is restricted to those who know the dominant language and conform to dominant cultural characteristics (van Dyke, 1995, 50).

Another disadvantage of liberal, electoral democracy in the context of a post-war society was analyzed by Roland Paris: the competitive dynamics of elections can generate political conflict. This can be healthy when strong institutions exist to channel the competing demands, but it can lead to violence when the liberal institutions are not strong enough, democratic values of tolerance and consensus-building are not wide-spread, and politics is based on mutually exclusive identities. Particularly in post-war contexts, election campaigns can polarize the population and intensify conflict (Paris, 1997, 74-75).

Arend Lijphart provides an alternative to liberal pluralism in the form of consociational, or power-sharing, democracy, which he postulates as “obviously the appropriate answer to the problems of deeply divided (plural) societies” (Lijphart, 1995, 275). He defines consociational democracy as a system based on a grand coalition, segmental autonomy, proportional representation, proportional resource allocation, and a minority veto. In a consociational system, the leaders of all the significant identity groups would rule the country together in a power-sharing arrangement. Wherever possible, decision-making authority would be delegated to the identity groups to grant the maximum level of autonomy possible. Minorities would be represented in political decision-making bodies in proportion to their percentage of the population. The national budget and civil service appointments would be allocated in the same proportions. A veto would ensure that the vital interests of minorities were respected (Lijphart, 1995, 276-279).

However, in states without a tradition of individual participation, especially among the subordinate identity groups, with low levels of formal education, and little popular knowledge of formal political processes, a high degree of segmental autonomy and the proportional distribution of representational and civil service positions are logistically impossible in the short run. If these same states have a deeply authoritarian culture and entrenched elite interests, as is the case in Guatemala, the suggestions of a ‘grand coalition’ or a minority veto for indigenous people are not feasible. They would be perceived as a threat to traditional privileges and destabilize any government that attempted them.

In this context, a corporatist system may be more viable. Howard J. Wiarda describes corporatism as a system whereby society is organized on the basis of group rights and representation (Wiarda, 1997, 18-19). In Philippe C. Schmitter’s definition, it is a “system of interest representation” where the plurality of interests in society is reduced to a limited number of categories. Each category is represented before the government by a single organization which is granted a “representational monopoly” by the state (if not created by the state). These interest representations are compulsory (either in the sense of

compulsory membership or that agreements apply to the whole sector), and differentiated from each other along functional criteria. In exchange for recognition as the official representation, the state maintains some control over the selection of leaders, the demands that can be made, and the way these demands can be articulated (Schmitter, 1974, 93-94).

Many early discussions, especially in the Ibero-European context, consider corporatism a mechanism for tri-partite negotiations between government, labour and business. Schmitter, for example, concentrates his analysis of corporatism on the economic sector and the labour market. However, in the late-1970s literature on corporatism, authoritarianism, and populism in the Southern Cone of Latin America, corporatism is conceptualized as a “pattern of relationships between the state and interest groups” in general, a “system of officially sanctioned, noncompetitive interest associations organized into legally prescribed functional groupings” subsidized and controlled by the state (Collier, 1979, 400).⁵ These interest groups include, but are not limited to, labour and business. Howard J. Wiarda revisits the corporatism debate in the 1990s and expands the definition of (neo-) corporatism to explicitly include ethnic and religious groups among the societal groups represented in corporatist structures. Neocorporatism is thus

a system of social and political organization in which major societal groups or interests (labor, business, farmers, military, ethnic, clan or patronage group, religious bodies) are integrated into the government system, often on a monopolistic basis or under state guidance, tutelage, and control, to achieve coordinated national development. (Wiarda, 1997, ix)

Corporatist participatory structures offer a number of advantages to the civil society organizations which participate in them. The main incentives are the legitimacy that the representational monopoly confers to the organization and the real influence in policy-making that they can obtain. Those organizations which have ‘official interlocutor status’ usually have a more or less formal right to be consulted on the legal and administrative

⁵ See Collier, 1979, and Malloy, 1977, for an in-depth discussion of corporatism in Latin America.

initiatives in their field of competence, often through participation in quasi-official bodies like commissions or boards.

Their impact on policies tends to be greater than under a pure liberal pluralist system,⁶ where the options of civil society organizations are limited to lobbying and attempts to influence public opinion. Silvio Duncan Baretta and Helen E. Douglass underline that, in authoritarian regimes, corporatist structures can be the only channel “of communication between state organs and social groups” (Baretta and Douglass, 1977, 520).

Wiarda considers that the main aim of the government in establishing corporatist structures is to “buy social peace” (Wiarda, 1997, 22) and promote harmony between classes and interest groups. Corporatism contributes to peacebuilding by reducing the competitive dynamics of a liberal-pluralist society where representation is solely exercised through elections. It allows for the representation of group demands and addresses the needs of identity groups that have previously been marginalized. However, it usually does not delegate effective decision-making powers (as under a consociational system) because this would infringe on elite privileges. By limiting the extent of participation and the possibilities of fundamental change, the corporatist structure may maintain the exclusionary and unjust social and economic structures that it is ostensibly meant to ameliorate. Contrary to its aim, corporatism can in fact lead to a recurrence of conflict in the long run.

2.3 Building Bridges: Communication and Consultation

By including more people and organizations in the peace process, corporatist structures may serve as a bridge between policy makers and the general population. According to Lederach, the transformation of internal conflicts requires a solid foundation in terms of wide-spread support in all sectors of society, upon which is built an infrastructure

⁶ Philippe Schmitter defines pluralism as “a system of interest representation in which the constituent units are organized into an unspecified number of multiple, voluntary, competitive, nonhierarchically ordered and self-determined ... categories which are not specially licensed, recognized, subsidized, created or otherwise controlled ... by the state” (Schmitter, 1974, 96).

of relationships and mechanisms to channel information. He pictures this structure in the form of a pyramid of Top Leadership, Middle-Range Leadership, and Grassroots Leadership. During a peace process, the top level leaders, including military, political and religious leaders, engage in high-level, highly visible negotiations to agree on cease-fires, peace accords, and terms of implementation. Only a small number of people influence these top-level processes and have in-depth knowledge of them.

The Middle-Range Leadership is composed of sectoral, ethnic, regional, religious, academic and NGO leaders. As professionals in a subject area like education, business, agriculture or health, they can establish sectoral relationships with colleagues across conflict lines. They tend to have connections to top-level leaders of their identity group as well as to the broader population, which provides communication with the top and the grassroots. Since their position is not of a political or military nature but based solely on professional qualifications and personal relationships, their actions do not have the visibility of top-level decisions. This reduces their impact but allows them to be more pragmatic and flexible.

The Grassroots Leadership consists of local NGO leaders, community developers, health officials, refugee leaders and elders. The grassroots tend to be characterized by a “survival mentality,” especially in the context of protracted violent conflict. Their life is centred around finding “food, water, shelter and safety.” Local leaders therefore operate on a day-to-day basis. They are experts on the situation in which the people live, but may lack an in depth understanding of how this local situation relates to national processes and how it can be changed (Lederach, 1997, 39-43).

Peacebuilding initiatives that target only one level of society are not likely to be sustainable. Stephen Ryan points this out with respect to the top level: elite pacts, irrespective of their quality, frequently “cause a backlash within the communities which the decision-makers represent because these decisions have outpaced the willingness of the communities to tolerate such concessions.” Top-level leaders then may have to back down, be replaced, or be unable to implement the agreements they reach (Ryan, 1995, 227-229).

Similarly, Geraldine McDonald makes the argument that mid-level and grassroots leaders cannot build peace without top-level backing. Elaborate, broad-based processes of national dialogue with wide agendas of social reforms will not bring about peace if the actors involved do not “represent the groups or individuals who h[o]ld power” and if the establishment figures do not buy into the process (McDonald, 1996, 9-10). Mid-level peacebuilding fora run the risk of being ‘talk-shops among the converted,’ i.e. those who are already convinced of the need for peaceful conflict resolution and social change (but who often lack the influence to achieve it).

The bridging role of a corporatist structure like the Mixed Commissions is therefore crucial. It gives mid-level leaders the opportunity to engage with the state, to inform their government counterparts about the situation on the ground, including the needs, demands and perceptions of ordinary people, and to make proposals for policies with the potential to reconcile competing interests and transform conflicts in peaceful ways.

At the same time, if it is effective in reaching the grassroots level, the structure allows civil society organizations to inform the grassroots population about policy processes and proposals emerging at the national government level. This flow of information to the communities creates awareness of the peace process, a higher level of understanding of the root causes of the conflict, and a broader sense of ownership of the related peacebuilding processes. This is especially important in countries where the print and electronic media have a limited reach. Stephen Ryan underlines that understanding and ownership increase the grassroots population’s tolerance towards peace agreements and may even create a constituency that actively demands their implementation (Ryan, 1995, 227).

In a corporatist framework for peacebuilding, mid-level leaders play a central role because they have the necessary human resources and what Lederach calls the ability to “tap into networks that cut across the lines of conflict, and connect the levels of peace activity” (Lederach, 1997, 60-61). They can facilitate peacebuilding by representing group interests before the state and by bridging the communications gap between government and the

governed, thereby generating support for the peace process. However, the ability and propensity of civil society leaders to play these positive roles in a corporatist structure depend on the individuals and organizations involved, the way the structure is set up, the national political context, and international support.

2.4 Promoting a Culture of Dialogue

Aside from the influence on concrete policies and the information flows generated, an effective mechanism for the participation of civil society organizations in policy-making also has the potential of generating or reinforcing processes of encounter, exchange, and reconciliation at all levels of society. If a broad-based process of consultation and debate forms the foundation of the process, it offers opportunities for people across the lines of conflict to meet, get to know each other, exchange views, and collaborate on setting and achieving common aims. Stereotypes between different identity groups (e.g. classes, ethnicities, or religions) are reduced and a culture of tolerance gradually evolves.

If they are effective in involving all the sectors of war-torn communities and in reaching the grassroots level, corporatist structures can provide many of the elements of effective peacebuilding as laid out by Stephen Ryan. Local, regional and national level fora have the potential to bring together representatives of the relevant civil society and government actors from all sides of the conflict who are interested in a certain policy area. They “encourage constructive dialogue and a re-evaluation of negative attitudes” (Ryan, 1995, 231). This increased interaction helps to build confidence and overcome “distrust and mutual suspicion” (Ryan, 1995, 241). As A. J. R. Groom points out, bringing the parties to a conflict together in workshops or seminars can make them “realize that they do not have complete information about the conflict, and especially, that they do not know in sufficient detail or accuracy the objectives and motives of their adversaries” (Groom, 1986, 85-91).

Ideally, the encounters facilitated by consultation processes induce the “recognition of mutual wrongs; internal change; the power of forgiveness; the ability to listen; an

openness to new relationships and the search for a shared narrative,” all central features of reconciliation (Ryan, 1995, 233). A World Bank and Carter Center study claims that “[i]nvolving civil society in the peace process can contribute to psychosocial healing” and re-create a certain level of “trust and sense of community” (World Bank and Carter Center, undated, 4). Allowing individuals from a range of different groups to work together on a common goal can create bonds and positive attitudes and reduces boundaries, stereotypes and polarization (Ryan, 1995, 235). However, consultations and workshops have to be designed carefully to include all the relevant groups, including women, youth, and minorities within the identity group. They also need to be facilitated well, so that the discussions encourage a focus on commonalities rather than differences.

While these participatory processes contribute to a change in the dynamics of intra-civil society relationships, the opportunity to access the state through institutionalized channels of communication also changes the way civil society interacts with government. Civil society organizations are encouraged to contribute constructive proposals and engage in dialogue instead of opposing the state through violence. Rutherford observes how, in a peace process, civil society organizations undergo a transformation “from raising demands to articulating interest, from protest to social movement, [and] from sporadic events to sustained action” (Rutherford, 1997, 21).

This change in attitude and action on the part of civil society encourages government representatives to take civil society input seriously and even solicit it, instead of repressing dissent for fear of destabilisation. Thus a culture of opposition and repression slowly evolves into a culture of dialogue and collaboration. This touches at the heart of peacebuilding because, as Adam Curle points out, conflict transformation requires a move “toward a social space open for cooperation, for more just relationships and for nonviolent mechanisms for handling conflict” (quoted in Lederach, 1995, 202).

James Gustave Speth lists several additional advantages of participatory mechanisms: Functional mechanisms for civil society participation provide channels “for

articulating, aggregating, and representing interests,” including those of previously excluded or disadvantaged groups, women, the poor, indigenous peoples, and minorities. The process can build social capital, including “formal and informal networks of trust, openness, communication and cooperation, as well as shared norms, goals, beliefs and decision-making institutions” both among civil society sectors and between civil society and the government (Speth, undated, 2).

The opportunity for expression and debate that the corporatist structure grants civil society organizations has the potential of generating democratic habits and skills, empowering the powerless, and training new political leaders from outside the traditional elites. Ideally, it can contribute to healing and reconciliation as it brings people together across conflict lines, and can transform attitudes towards collaboration and tolerance vis-à-vis other identity groups. This is a third positive role that a corporatist structure can play in peacebuilding. However, the following section will analyze the risks involved with such a corporatist system.

2.5 On Governability, Legitimization and Control

As analyzed above, a corporatist form of interest representation can facilitate peacebuilding in a number of ways. However, it can also jeopardize the long-term prospects for peace. Corporatist mechanisms for select civil society organizations to participate directly in policy-making processes confer legitimacy to government decisions. By giving the participating members of civil society a deeper stake in the political system, they stabilize the given social order. They control dissent and limit the range of opposition groups that can present demands and the range of opinions that are acceptable. However, the social order that is thus stabilized may be the very system that excludes subordinate identity groups and displays a high level of economic and social inequality. In the long run, the corporatist structure may run the risk of side-lining and neglecting the demands of subordinate groups that it is designed to meet. This can spark renewed social unrest and violence.

Larry Diamond argues that civil society participation enhances the legitimacy of the political system by strengthening its accountability, responsiveness, inclusiveness, and effectiveness (Diamond, 1999, 239-249). However, this legitimizing effect can set in even when the government has not become significantly more accountable, responsive, inclusive, and effective, because increased civil society participation lends the appearance that democratization has occurred.

Corporatist structures allow the government to co-opt civil society leaders into the ranks of government, or to limit their ability to criticize government policies for fear of jeopardizing ongoing negotiations or achieved concessions. A study by the World Bank and Carter Center revealed that “[i]nvolving civil society in the process [of implementing peace agreements] is one way of buying *social patience* and *consensus*” (World Bank and Carter Center, undated, 8-10).

Making potentially ‘rebellious’ groups part of the state system limits their independence and range of action. It gives governments the option to reward moderate groups with recognition and isolate more outspoken or radical groups. As James M. Malloy points out, corporatism fragments broad alliances based on class into “parallel primary organizational structures” (Malloy, 1977, 14), which reduces the possibility of collective action. The organizations which represent sectors of society often also regulate their constituencies and maintain order in their sphere (Malloy, 1974, 58).

While corporatism does open spaces for participation in otherwise authoritarian regimes and can be an important factor in making democracy more substantive, it can also pose serious liabilities and become a part of a democratic façade. Both Philippe Schmitter and Guillermo O’Donnell consider that corporatism limits the scope of democratic participation through the “preemption of issues; co-optation of leaders; ... permanent institutionalization of access; ... extensive development of functionally specialized, para-state agencies; [and the] deliberate narrowing and encapsulation of ‘relevant publics.’” In authoritarian states, this is aggravated by continuing physical repression and intimidation

(Schmitter, 1974, 101).

The dependency of civil society representatives on the authorization or acceptance as interlocutors of the state forbids “other legitimate channels of access to the state for the rest [of civil society]” (O’Donnell, 1977, 49). While the appearance of representation and openness is created, many actors and sectors remain excluded. The level of impact that this participation has still depends on the resources and alternative, informal channels of influence that each sector has. Much participation occurs at an advisory level rather than as an “actual participant in public decision-making” (O’Donnell, 1977, 65).

Schmitter is concerned that, as more and more power is exerted in ‘quasi-cabinet’ structures, liberal democratic institutions like parties and parliaments, if they exist, become circumvented and government becomes ‘privatized’ (Schmitter, 1974, 111). Wiarda has designed a model of a double pyramid structure with the liberal democratic pyramid of parties, parliament and president on the one hand and the corporatist pyramid of line ministries, bureaucracies and civil society participatory structures on the other. These two power structures exist side by side but rarely interrelate (Wiarda, 1997, 121-122).

In this model, the corporatist/bureaucratic pyramid reduces the weight of liberal democratic institutions. If these liberal democratic institutions are effectively representative of the population’s interests, this is a threat to democracy as it shifts decision-making power to a mechanism based on elite negotiations (including the civil society elite). However, where liberal democratic institutions are not representative of the population, as in Guatemala, the inclusion of at least the elite of civil society in the corporatist pyramid is a step towards democratization because it expands the circle of those involved in decision-making and provides an alternative channel of access to the otherwise exclusionary state.

Just as there are definite problems with interest representation through political parties, the representativeness of civil society leaders in corporatist structures also becomes questionable as they rely more on the state for their positions than on their members or constituents. O’Donnell argues that, where the availability of financial resources, the legal

existence of the organization, and its right to claim representativeness all depend on the organization's position vis-à-vis the state, civil society leaders become 'functionaries' of the state rather than spokespersons for their interest groups (O'Donnel, 1977, 71-75).

The remainder of the chapter will discuss the factors that determine the extent to which corporatist structures promote democracy and peacebuilding by opening spaces for participation or hinder both by strengthening government control and reducing the scope for activism. The analysis of the characteristics that can strengthen or weaken a corporatist structure's peacebuilding potential will be guided by four sets of factors: First, the capacity of individual negotiators and their relationships; second, the structure of the corporatist mechanism and the degree to which it accommodates the divisions in civil society; third, the national political context; and fourth, the level and direction of international political pressures and financial and technical support.

2.6 Human Resources and Human Weaknesses: Individual Factors

The above discussion poses the question of whether corporatist structures in a post-war setting contribute to peacebuilding by channelling civil society input into public policies, generating support for the peace process through consultations, and facilitating reconciliation processes, or whether they jeopardize effective peacebuilding by prioritizing governability and the legitimization of the state at the expense of effective interest representation. The answer may consist in a spectrum of shades and depend on a range of factors at the personal, structural, national and international levels.

This section will discuss personal-level factors that can strengthen or limit the corporatist structure's contributions to peacebuilding. In the context of developing societies, corporatist interests are often represented by labour and/or peasant leaders. A lack of prior exposure to the formal political system can reduce their effectiveness in representing group interests in the corporatist structure. In other cases, relatively newer organizational forms like NGOs and research centres also play a role; however, the representativeness of these

organizations may be questionable. The effects of the experience of violence on the leaders and staff of civil society organizations augment the difficulties of organizing a unified representation of civil society.

Grassroots civil society leaders are often characterized by limited technical capacity and managerial experience. As Rutherford observes, many civil society organizations run into difficulties when they receive substantial funding because they “are managed by former community leaders who are untrained for their new responsibilities, including disbursing large funds, negotiating with donors, bargaining with other intermediary organizations and governmental bodies, and maintaining strong ties to their constituents.” High staff turnover due to burn-out and the attraction of more lucrative jobs hinders the accumulation of an institutional memory and staff experience (Rutherford, 1997, 12).

Many of the successful NGO leaders originate from the middle classes. They are usually professionals with secondary or some post-secondary education who, upon return to their communities, find that they no longer fit in at home due to their more scientific outlook and partial assimilation into the dominant society. They carve out a niche for themselves in the framework of ‘indigenous NGOs,’ a separate organizational universe from that of the dominant society, in which both their education and their cultural background are valued.

In the corporatist structure, these NGO leaders become cultural brokers between the government and the grassroots. Yet, due to their partial assimilation, academic background and closer ties to the government, they are sometimes out of touch with the priorities and sentiments of the grassroots. This carries a danger of the leaders losing their legitimacy. At the same time, the participation of the grassroots is still extremely limited.

Women are often excluded from patriarchal organizations, both traditional and modern, and especially from leadership positions. In many civil society organizations, the staff is dominated by males. Those women who do find employment with civil society organizations are left out of capacity building activities. Opposition within the family and the community further limits their involvement (Harvey, 1997, 21-25).

Additional challenges are posed by the post-war context. Civil society is often weakened by a history of repression, which creates a vacuum as public meetings are restricted and leaders discouraged, displaced or killed. Michelle Cullen and Johanna Mendelson Forman have analyzed how repression forces community and national leaders into exile and therefore diminishes the human resource potential of a war-torn society (Cullen and Mendelson Forman, 1998, 10). In the early stages of reconstruction and democratization, leaders are still vulnerable to physical attacks due to the absence of an effective legal framework, respect for human rights, and adequate judicial institutions.

Civil society leaders' attitudes in post-war societies are shaped by the experiences of war, repression and authoritarianism. As Carolyn Nordstrom points out, war generates its own system of values, motivations and beliefs "about what are deemed acceptable and necessary processes of war, violence, and control" (Nordstrom, 1995, 97). Many civil society leaders have grown up traumatized by war-related events, never having experienced peace or democracy, and knowing too well that violence is power and can achieve more things more quickly than hard work and tedious negotiations. Habits of domination, power struggles and authoritarianism become "strongly fixed ... and may be perceived as nothing other than 'the way life is'" (Nordstrom, 1995, 102-110).

These attitudes can be as determinative of conflicts as the actual issues at stake. Johan Galtung has elaborated an influential model of a conflict triangle, where three aspects are combined in order to create a conflict: a contradiction, i.e. the underlying clash of real or perceived mutually exclusive interests; attitude, i.e. the parties' (mis)perceptions of each other and of themselves, emotions, beliefs, and will; and behaviour. Conflict is "a dynamic process in which [contradictions], attitudes and behaviour are constantly changing and influencing one another" (quoted in Miall, Ramsbotham, and Woodhouse, 1999, 14-15).

In order to resolve conflict, all three must be addressed and transformed, turning the vicious into a virtuous cycle. As suggested above, corporatist structures for civil society participation address the underlying issues - through influence on the contents of policies -

and the attitudes and behaviours - through the process of consultations and participation. However, the corporatist system can also be obstructed by the structural contradictions in society and by persistent negative attitudes, distrust, negative stereotypes, and aggressive behaviour on the part of the participating individuals.

2.7 Participation: How and for Who? - Structural Factors

Besides the individuals involved, the structure of the corporatist mechanism and of the constituent organizations and alliances plays an important role in determining whether the mechanism can contribute to peacebuilding. Different interest groups within civil society are usually not united; they often pursue contrary objectives. Civil society includes a disparate array of entities from traditional political institutions and authority structures, territorial and cultural networks, and entrepreneurial associations promoting the interests of big business to modern voluntary organizations of occupational groups, women, students, organizations of religious communities etc. As Harvey notes, some of these organizations are modern, others traditional; some foster democracy, others hinder it; some are liberating, others repressive; some are egalitarian, others are not (Harvey, 1997, 11-12).

In fact, a wide range of organizational structures and modes of behaviour are found in civil society. As Haynes and Ehrenberg put it, “self-interest, chauvinism and animosity dwell side by side with humanity, justice and affinity” (Haynes, 1997, 170), and “[c]oercion, exclusion, and inequality can be as constitutive of any civil society as self-determination, inclusion, and freedom” (Ehrenberg, 1999, 248). Larry Diamond criticizes that many organizations reproduce the authoritarian structures found in society:

vertical structures of authority and flows of information, asymmetrical patterns of exchange between patrons and clients, scant horizontal ties among the general membership, and weak levels of trust (at best). To the extent that hierarchy and suspicion rule the organization, cooperation becomes difficult, both among members of the organization and between it and other organizations. The organization then becomes dependent on a leader, ... loses support and credibility in society, ... or descends into fractious and internecine conflict.

(Diamond, 1999, 225-226)

Who is included and who is excluded also becomes a crucial issue. Whether the mechanism is centralized in the capital or decentralized to the rural communities determines the opportunity for peasant farmers and rural women to participate. The way communications are carried out can include or exclude the illiterate and/or the poor. Internal practices can be designed to facilitate or hinder the participation of minorities within identity groups, women and people with low education levels. Haynes describes the invisible barriers within civil society, which create a “two-tier civil society, with the representative groups of existing or prospective elites inhabiting the top tier and the organizations of the subordinate and the marginalized located in the second, lower tier” (Haynes, 1997, 174). Those who are most representative are those who are least able to express themselves, represent their groups and garner financial support. The poorest of the poor are usually not organized, and therefore not represented, at all.

When speaking of participation, it is important to take into account not only the quantity but the quality of participation. Qualitatively, participation comes in different shades and forms. Harvey lists seven of them: self-mobilization (independent initiatives taken by groups of people), interactive participation (joint analysis, development of action plans and formation or strengthening of local institutions), functional participation (a means to achieve project goals and reduce costs), participation for material incentives (contribution of resources and labour in return for material incentives), participation by consultation (answering of questions posed by external agents who define the agenda), passive participation (being told what has been decided or has happened), and manipulative participation (a simple pretence). While all of these forms can be found in civil society, passive participation, consultation and participation for incentives are still the most common forms. Many NGOs maintain an assistentialist attitude of knowing what is needed and teaching their ignorant clientele (Harvey, 1997, 40).

Social differences based on gender, age, wealth, ethnicity and partisan affiliation

have important effects on the dynamics of civil society organizations. Consequently, a lot of conflict takes place within civil society as each organization and sector champions its own and its constituents' interests. In order to be inclusive and participatory, inform and represent the grassroots, and promote a culture of dialogue and tolerance, civil society organizations, their networks, and the corporatist system as a whole require democratic internal structures with a representation of all interest groups (including the poor and minorities within minorities), gender balance, and participatory internal processes.

2.8 Of Government and the People: National Factors

The impact that a corporatist structure will have on peacebuilding depends to a large extent on the strength of civil society and the willingness and capacity of the national government to implement the recommendations made by the corporatist consultation mechanism. Establishing democratic, participatory structures in a post-war context like that of Guatemala is very difficult because the social fabric has been severely damaged. Post-war civil society is often weak, misinformed, de-politicized, disoriented, and fractured along the lines of class, ethnicity, clan, ideology, political affiliation, business competition, and individual interest. Government and, particularly, judicial structures are destroyed or delegitimized, and most economic activity is informal.

Many analysts have elaborated on the difficulties of re-building civil society after a war. Rupesinghe underlines how “[c]ivilian populations become passive during periods of armed conflict” (Rupesinghe, 1995, 90). Lederach analyzes how people tend to identify with those they are close to and know well, draw the lines of cohesive in-groups close to home, and respond to outsiders of that tight-knit circle with fear and suspicion (Lederach 1997, 12-15). Cullen and Mendelson Forman conclude that “it is easier to rebuild roads and bridges than it is to reconstruct institutions and strengthen the social fabric of a society,” restore trust and cohesion, and increase participation (Cullen and Mendelson Forman, 1998, 8).

The weakness of civil society is exacerbated by the fact that most people do not have

the time nor resources to commit to social organizing. Poverty causes most of the population to live in a subsistence mode. Most cannot afford extensive travel outside their communities to attend meetings in the municipal, departmental or national capital. On the organizational side, most civil society groups lack the resources to reach the communities either by travel, mass media, or communication services. Illiteracy is another major stumbling block for increased participation since it reduces the communities' access to information and independent learning; it limits the reach of the print media and publications that civil society organizations can use to spread information and invite contributions.

All of these challenges affect civil society organizations in different ways at different stages of a peace process. Activists can use any easing of repression and reduction of fighting to rally around a common goal of promoting peace. The initial stages of a peace process can facilitate the unification of civil society in the attempt to create spaces for broader participation and to bring forth proposals for the negotiators. However, as Larry Diamond observes, the solidarity and political mobilization achieved in a moment of crisis can often not be maintained in the long run; the fall of a 'common enemy' brings internal divisions and antagonism to light (Diamond, 1992, 16-17).

Richard Wilson describes how many civil society activists decide to join political parties or the public service as liberal political institutions become more established. At the same time, donor funding is increasingly channelled through the new government, which has gained legitimacy in the international arena. "Peace can leave opposition civil groups bereft of personnel [and financial resources]" (Wilson, 1997, 1-3).

Another set of challenges arises from pacts between the state and powerful interest groups like the military or business associations. These may result in insurmountable barriers to the goals of subordinate identity groups. There is a clear trend for conflict transformation and transitions to democracy to be shaped by traditional elites. These elites include the traditional power-holders of the dominant identity group, many of them large landowners or industrialists. Their interest is to maintain their customary privileges like

large terrains of property, low taxation, judicial impunity, and private militias. They also tend to maintain authoritarian government structures and political constraints like threats, coercion, restricted media access, and limited freedom of speech and association.

Whether the corporatist structure will have an impact on government policies depends on whether the recommendations resulting from it are taken into account. This is largely a matter of political will and depends, first of all, on whether legal reforms are introduced in parliament (or taken into account by whatever legislative body exists), whether they are debated in a timely fashion, whether they are passed, and to what extent they are amended in the process. This, in turn, depends on whether the recommendations made through the mechanism are mandatory or advisory and whether the mechanism is organically linked to the liberal democratic framework. If the bureaucratic and corporatist structure is situated in a different pyramid from the legislative structure, as in Wiarda's model, the level of political agreement and coordination between the executive bureaucracy and the legislative is particularly important.

Another crucial factor is the extent to which laws are implemented. The higher the level of inertia in the line ministries, the less impact policy changes of the central government will have on the ministries' activities. New institutions and programs will only be created if there is sufficient funding and committed staff. For institutional reforms to occur, the internal rules of state institutions need to be changed and the staff has to be trained in how to apply the new rules. New penal, labour or civil codes will only result in concrete changes if they are monitored and enforced. In order to combat human rights violations, impunity needs to be addressed and judicial strengthening is necessary.

Consistency in policy-making is another crucial factor for policy impact. Many policies take years to be fully implemented and to have tangible results. If policies and practices are changed with every change of government, the result is an institutional paralysis and the absence of tangible change. Similarly, if the policy-makers and bureaucrats are replaced with every election, coup or public scandal, institutional memory is lost and the

impact of the participatory process on attitudes and practices is minimized.

Corporatist mechanisms are only effective if they produce legitimate outputs and if their recommendations are implemented. The production of viable and representative recommendations requires unity, collaboration and continuity both within civil society and within the government. The level of implementation of these requirements depends on the internal relationship between the branches and institutions of government and their position in relation to other power structures like traditional elites. 'Political will' also often depends on pressure exerted by civil society or, as discussed below, by the international community.

2.9 The Tug of War between the Peacemakers: International Factors

Whether a corporatist structure enhances peacebuilding by providing a channel for group-based interest representation or whether it represents a façade to side-line civil society's energies depends not only on the intentions of policy-makers and pressures from civil society, but also on the international environment. International alliances have considerable influence on conflict dynamics. The Guatemalan civil war, like most Cold War conflicts, was fought between parties aligned with one or the other superpower. In these Cold War conflicts, ninety-five percent of the arms originated from five Northern countries. As Lederach observes, the "weapons, the loans needed to finance the purchase of weapons, and ideologies came from the North" (Lederach, 1997, 7).

Not surprisingly, the end of the Cold War was one of the major factors contributing to the settlement of several wars, including the one in Guatemala. Stephen Baranyi lists "the collapse of the USSR and related shifts in US foreign policy with the end of the cold war" as one of the five main factors facilitating the ending of war in Central America. "[C]reative peacemaking by Latin American medium-sized powers such as Costa Rica and Mexico" as well as the peacemaking and peacebuilding activities of the United Nations (UN), the Organization of American States (OAS) and a host of non-governmental organizations (NGOs) also played significant roles (Baranyi, 1995, 148).

According to Hugh Miall, Oliver Ramsbotham and Tom Woodhouse there are four main reasons for international actors to become involved in internal armed conflicts abroad. First, the sources of conflicts usually are partly international and the “international community in its various guises is often responsible for the conflict in the first place.” Secondly, “increasing interdependence means that contemporary conflicts affect the interests of regional neighbours and beyond,” be it through trade, arms trafficking, environmental damages or refugee flows. Thirdly, the mass media bring the human suffering resulting from war into the living-rooms of the population and “make it difficult for outside governments to persist in doing nothing.” Finally, “nearly all studies agree that many protracted conflicts can only be resolved when outside resources are brought to bear” (Miall, Ramsbotham and Woodhouse, 1999, 33-34).

In recent years, the United Nations system and regional organizations like the Organization of American States have more and more frequently become engaged with internal conflicts, either because they were invited by the warring factions or for humanitarian reasons. They have taken on a wide range of roles, including conflict prevention, mediation, peacekeeping, verification missions, election monitoring, institutional strengthening, human rights monitoring, and international justice. Connie Peck analyzes how technical assistance in the areas of ‘sustainable development’ and ‘good governance’ has become a prominent feature among the multilateral actors, which shows a recognition of the links between development, democracy and peace (Peck, 1998, 16-19).

She also argues that the international community has another, more indirect influence on national policies and the treatment of civil society organizations and demands. The “development of group rules and norms,” their codification in “the charters, conventions, resolutions and practices of intergovernmental organizations” and their monitoring have become subtle tools for pressuring governments to conform to the human rights and other norms (Peck, 1998, 21). These mechanisms of group socialization provide certain incentives for good governance. At the same time, they provide legitimacy and

rallying tools for civil society organizations who lobby for the implementation of human rights instruments, raise awareness of individual and group rights, and appeal to the world opinion to condemn governments for violations of human rights.

Aside from intergovernmental organizations, international NGOs also play important roles in conflict and post-conflict situations. They function as intermediaries between conflicting parties, organize problem-solving workshops, conduct research, disseminate knowledge, provide accompaniment and technical collaboration, work as consultants for the intergovernmental organizations and evaluate the work of the intergovernmental sector. Non-governmental funding organizations have played an important role in supporting local NGOs to gain spaces in policy-making processes, mediate in local conflicts, and provide services to their communities. International NGOs also lobby bilateral and multilateral donor agencies, international financial institutions and regional and UN agencies to put pressure on governments to sign peace agreements, democratize, take civil society contributions into account, and fulfill their commitments.

According to Alison Brysk, NGOs and social movements around the globe are increasingly forming “transnational social movements” around human rights, environmental protection, gender issues and indigenous rights. She traced the case of the trans-American indigenous movement, which was catalyzed by the UN Year, and then Decade, of the Indigenous Peoples. The indigenous movement formed networks not only among indigenous groups, but also with human rights groups like Amnesty International and environmental alliances like the World Wildlife Fund. This has created a support structure to lobby both for national reforms, using the emerging international norms, and for international declarations and policy changes among the multilateral donors (Brysk, 1994, 30). These donors, in turn, pressure governments to respect indigenous demands, and support the activities of national indigenous organizations financially and logistically.

International NGOs and, to some extent, bilateral and multilateral donors, are the main source of funding for many civil society organizations. In Guatemala, international

funding enables the civil society representatives to maintain a presence in the corporatist structure, consult with and inform the base communities, and gather information. However, this also makes them more accountable to their donors than to their members and constituents. International funding may offset the dependency on the state in the corporatist system, but only to replace it with dependence on outside actors and their agendas.

At the same time, international funding is often short-term and project based, which leads to short-term planning and a lack of sustainability, integration or coordination of programming. Instead of collaborating, NGOs compete for scarce resources and struggle for profile. Moreover, the continuity of international assistance is dependent on often unpredictable factors beyond the control of the country undergoing a peace process. International NGOs may lose a major source of their funding; bilateral donors are dependent on grants from their national budgets and the shifting policy-directions of their respective ministers; and multilateral organizations are host to the bargaining processes between their member states. International agencies also tend to focus on the most urgent hot spots, and to shift their funding from NGOs to the newly legitimized government structures after the signing of peace agreements or after elections.

Unfortunately, due to the high number and diversity of international actors involved, different organizations often work at cross-purposes. Different UN agencies may work at cross-purposes as they struggle for preeminence. The international financial institutions (IFIs), like the World Bank and Inter-American Development Bank, encourage structural adjustment measures rather than the social programs and other peacebuilding activities required to resolve or transform national conflicts. Liisa North and Alan Simmons show how the IFIs support national elites in their opposition to land reform because, for them, land reform is simply not a priority in an economy where “market forces ... are assumed to lead to the optimally efficient allocation of resources” (North and Simmons, 1999, 282).

International NGOs, on the other hand, often have a different conception of development, sometimes criticize the activities of the intergovernmental actors heavily, and

occasionally support the opposite side of the conflict. The coincidence of these various interests and mandates with the aims of the national government of the country in question may be tenuous at best. As Miall, Ramsbotham and Woodhouse have concluded, “all too often, the international response to contemporary conflict has been marred by confusion, hesitancy and a lack of clear direction” (Miall, Ramsbotham and Woodhouse, 1999, 35).

International actors influence the functioning of corporatist structures on many levels. Some fund government activities that implement the recommendations made by corporatist bodies, others fund programs that run counter to such recommendations. Yet others support the civil society representation. Collaboration of civil society organizations in transnational networks may complement or contradict the projects they are negotiating with their respective governments. The international community also sets standards for human rights, democracy, and free market economies, which governments have to take into consideration in order to be respected, receive aid, and join trade-networks. Civil society representatives can use these standards as a basis for their claims and arguments.

2.10 Summary

Corporatist mechanisms for civil society participation and the representation of group interests can have a variety of impacts on peacebuilding processes. First, they can provide an opportunity for civil society input into public policies. This is especially important in countries that are divided by identity conflicts because it gives subordinate identity groups the chance to make their demands heard in a non-violent manner, thereby allowing the government to respond to these demands. Second, corporatist structures can create a bridge between the government and the grassroots and generate public support for the peace process. Most of them function at the middle level of Lederach’s pyramid. These mid-level leaders can represent the concerns of their grassroots constituencies and inform the population of policy processes.

A third potential impact of corporatist mechanisms is to bring together the

supporters of the different parties to the conflict in consultative fora so that they can search for solutions to their common problems. This can support ongoing processes of reconciliation and peacebuilding. Corporatist mechanisms can also allow the government to control civil society by promoting moderate, pro-government sectors and isolating more radical groups. Beyond the enhancement of governability and calming of protests in the short run, this can renew the marginalization of the interests of subordinate groups and foster a recurrence of violent conflict in the long run.

This thesis proposes to analyze the degree to which the corporatist structures in Guatemala have enhanced or hindered peacebuilding efforts. The analysis will be guided by four sets of considerations. First, it is presumed that personal skills, attitudes and relationships can advance or hinder the elaboration of feasible proposals. Second, it is expected that the structure of the participatory mechanism and its constituent parts can facilitate or obstruct negotiations. Third, it is likely that the national context may provide an enabling or disabling political, social and logistical framework, since the government can provide or withhold logistical support, legitimacy, and uptake of proposals. Fourth, it is assumed that the international community can provide funds and apply political pressure to make a corporatist mechanism effective in its roles of group-based interest representation, consultation, and promoting a culture of dialogue.

The question of whether corporatist structures have enhanced the group-based representation of interests and, by extension, democracy and peacebuilding, or whether they have exacerbated conflict by preventing a satisfactory government response to the demands of subordinate interest groups will now be examined for the specific situation of Guatemala. A first formal corporatist structure, the Civil Society Assembly, was established in Guatemala during the peace negotiations. It set the precedent for a range of commissions established by the Peace Accords, among them the five Mixed Commissions. The following chapters will examine the events leading up to the establishment of these mechanisms and the factors that shaped the way they functioned.

Chapter Three Guatemala and the Clamour for Participation

Civil society activists are facing tremendous obstacles in their quest for participation in policy-making in Guatemala. During the peace process, they have struggled for new structures for the representation and participation of groups historically excluded from governance. The government has accepted these structures due to the combined pressures from civil society and the international community. Yet, it has been reluctant to cede effective decision-making power and to implement the recommendations emanating from these structures. In order to evaluate whether these new structures are limiting or expanding democracy, it is necessary to understand the national context in which they were instituted.

In Guatemala, brutal repression and the targeted disappearances of civil society leaders have obstructed public organizing during thirty years of authoritarian regimes. Rebuilding civil society has been a slow process since the tasks are enormous: new leaders have to be trained and gain experience, new organizations have to be set up, networks and communication channels have to be constructed, a culture of distrust, authoritarianism and passivity has to be transformed into one of cooperation, democracy and activism, and background knowledge on the state of the nation as a whole and of each community has to be gathered and published.

If the challenges seem daunting, the need for broad participation is all the more urgent. The country and many communities within it are ridden by conflict because society is fractured along economic, religious, ethnic, gender and ideological lines, with insufficient political or legal institutions to channel and transform these conflicts in constructive ways and to reconcile the divergent interests arising out of Guatemala's diversity. Mobilization and consensus-building are essential to address the stark inequalities in access to resources and combat the high levels of malnutrition, preventable disease, illiteracy, and poverty.

The peace process has provided mechanisms and motivations for civil society organizations to enter into dialogue with each other, the state and the insurgency in order to construct the minimal consensus required for national development. From an initial multi-

sectoral forum constituted of a few elite representatives, based in the capital, and disconnected from society, civil society participation has consistently been broadened to include new sectors, organizations and issues.

One remarkable development was the emergence of the Maya Movement as a cultural identity movement. This development began in the 1970s but gained momentum during the peace process as the Maya Movement rose from not even being recognized in the initial fora to achieving a separate Peace Accord, the *Agreement on the Identity and Rights of Indigenous Peoples* (AIDPI). The AIDPI includes far-reaching provisions for cultural rights, participation and education reform. The Mayan organizations also successfully positioned their network of representatives as the official interlocutor of the government on several policy-making and consultative commissions.

This chapter will show how the failure of the Guatemalan state to allow for the representation of non-elite, and particularly indigenous, interests was a major cause of the civil war. It will reveal how a failed attempt at electoral democracy from 1944-1954 was followed by years of armed struggle and brutal repression. A section on socioeconomic indicators will underline the marginalization of the indigenous people and the stark inequalities that characterize Guatemalan society. An analysis of the formal political institutions will present the exclusionary nature of the Guatemalan state and reveal the need for a structure of group-based interest representation to complement a dysfunctional electoral system. The emergence of such a corporatist structure to represent indigenous interests will then be traced throughout the peace process, taking into account international influences and the provisions of the peace accords, particularly the AIDPI.

3.1 Historical Background: 1954-1985

A historical review of the past half-century shows a consistent pattern of elite control of the state and resistance to any demands for the redistribution of wealth and the sharing of political power. Indigenous people in particular were excluded from the leadership positions

in the government, the army and the *guerrilla*. Attempts to organize peacefully in civil society were met by repression and disappearances or killings of civil society leaders. The closure of civilian spaces for the representation of interests fuelled armed insurgency. The resulting brutal counter-insurgency measures, in which indigenous people were particularly targeted, fragmented and militarized society in the countryside.

The CIA-sponsored overthrow of the democratically elected government of Jacobo Arbenz Guzmán (1951-1954) ended 10 years of progressive economic and political reforms, which included the introduction of liberal democratic institutions, the abolition of forced labour, basic labour rights like minimum wages, welfare provisions, industrialization, agricultural diversification, and agrarian reform. The coup proved that the institution of liberal democratic mechanisms of interest representation was not feasible in the context.

From 1954 until 1985, Guatemala was subject to an exclusionary political model under the rule of a series of dictators and fraudulently elected presidents. Reformers turned to armed struggle to advance the claims of the excluded and impoverished majority. The insurgency began in 1960 with an uprising of military officers against corruption and against the use of Guatemalan territory for the training of US troops to overthrow the Cuban government. It was militarily defeated in 1968, but maintained itself underground in the mountains in eastern Guatemala and in Mexico. Two additional *guerrilla* groups, the Guerrilla Army of the Poor (EGP) and the Revolutionary Organization of the People in Arms (ORPA) emerged in the 1970s and joined forces with the remnants of the older Rebel Armed Forces (FAR) and a section of the Guatemalan Workers' Party (PGT) to form the Guatemalan National Revolutionary Unity (URNG) in 1982.

While the *guerrilla* leaders were mostly of a *ladino*, middle-class and urban background, their strategy, after the 1968 failure, was to 'mobilize the masses,' which meant recruiting among the previously ignored indigenous population of the highlands and in the newly colonized areas of the Ixcán. Although, according to Tania Palencia, some of the *guerrilla* intelligentsia was inspired by socialist ideas, the aim of most *guerrilla* members

was to institute a market-based welfare state that would combine private investment with an end to injustice and exclusion. They sought to end the exploitation of plantation workers, emphasized the need for land reform and a redistribution of wealth, and tried to open political spaces for broader participation (Palencia, 1996, 5).

These ideals attracted many members of local committees, cooperatives and Christian base communities, especially since the option for non-violent struggle against poverty and corruption was closed. Others joined the *guerrilla* struggle in response to massacres or to evade forced recruitment into the military. At its peak, the movement is estimated to have had between 6,000 and 12,000 combatants and wide-spread logistical support in the rural communities.⁷ The threat that this support for the insurgency posed to established elite interests resulted in an escalation of the repression against civil society leaders and, particularly, indigenous communities.

As a result of this association between *campesino*, indigenous, cooperative and Catholic community leaders and the insurgency, any form of organization, activism and protest was regarded as 'communist;' social leaders, as well as entire indigenous communities, were considered as public enemies. The selective kidnapping and assassination of popular leaders and intellectuals of the 1960s and 1970s turned into a state policy of terror and massacres after General Efraín Ríos Montt's military coup in 1982. Unable to defeat the *guerrilla* militarily despite their numerical superiority,⁸ the military decided to eliminate the *guerrilla*'s logistical and moral support among the - mostly indigenous - rural population. In the 1981-1983 scorched-earth campaign, 440 mostly indigenous villages were razed, an estimated 200,000 civilians were killed, 150,000 fled to Mexico, and a million (out of ten million) were internally displaced.

⁷ The numbers vary depending on the source, Susanne Jonas mentions 6,000-8,000 armed fighters (Jonas, 2000, 23), General Otto Pérez Molina estimates their number at 12,000 (quoted in Palencia, 1996, 6).

⁸ The Guatemalan Ministry of Defence statistics of 1993 list 50,000 career officers and an annual average of 30,000 citizens recruited for compulsory military service (cited in Holiday and Palencia, 1996, 5).

The Truth Commission Report confirmed these estimates and found that, over the course of the war, the army had carried out 626 massacres and the *guerrilla* thirty-two. It revealed that rape and sexual assault were a systematic part of soldiers' instructions. The report attributed responsibility for ninety-three percent of the human rights abuses to state security forces, three percent to the URNG and four percent to unidentified 'others'. It concluded that the scorched-earth campaign constituted genocide, i.e. the intentional elimination of entire Maya communities as a part of state policy (Jonas, 2000, 154-155).

The militarization of the countryside fragmented civil society and terrorized the population. Military officers were placed in key state institutions and obtained *de facto* decision-making powers in all military, administrative and judicial matters. 900,000 men were organized into Civil Self-Defence Patrols (PACs), a new military power structure under the supervision of military commissioners. According to Tania Palencia, the PACs role was to "watch over the community, denounce suspects, search for guerrillas and inform and provide logistical support for the army" (Palencia, 1996, 7). Displaced populations that submitted to army control were concentrated in 'development poles,' while those continuing to hide in the mountains were bombed and treated as military targets.

Today, one of the main legacies of the war is one of distrust, misrepresentation, and resentment. People who supported the insurgency or a popular organization during the war have become habituated to hiding their activities even from their friends and family members. Dissimulation and distrust between and within organizations, communities and families have turned into a way of life. In many communities, people harbour resentment against individuals who denounced their neighbours, collaborated in forced recruitment, engaged in pillaging or committed rape. The repression and militarization paralyzed civil society activism and eliminated entire generations of community leaders.

Yet, at the same time as it repressed civil society organizations, the war generated new forms of organizations by the sectors most directly affected by the war. Richard Wilson observes how, with a slight subsiding of the violence in the mid-1980s, "a few small human

rights organizations, widows' groups and trade unions" emerged in the capital, run "by a new generation of inexperienced activists, ... small, fragile and politically not very strategic" (Wilson, 1997, 9-11). Susanne Jonas adds that their vulnerability to disappearances, death threats, and assassinations limited their range of action. Their own disunity and weak organizing capacity were further handicaps. Nevertheless, their existence in itself was "a form of defiance of the counterinsurgency state" (Jonas, 2000, 29). Over the following years, these victims' organizations increased in numbers and began to form alliances. They centred their activities around impunity and human rights, drawing legitimacy and protection from the international human rights regime.

This historical review shows how liberal democratic institutions were unable to maintain themselves in the face of national and international opposition. Reformers therefore turned to armed struggle, which generated the repression of any form of organization and the extermination of indigenous villages suspected of providing logistical support to the insurgency. A combination of the realization that armed revolution was not viable in Guatemala and of the internal and external discrediting of the government due to its extremely violent measures laid the foundation for the peace process and for the establishment of corporatist structures of participation as an alternative to both an exclusionary form of liberal democracy and armed struggle.

3.2 The Socioeconomic Background

Aside from the direct violence of disappearances, killings and massacres, the majority of Guatemalans, and particularly of indigenous people, has also been subject to the structural violence of extreme levels of poverty, deprivation of basic human needs, and a high concentration of wealth in the hands of the elite. This section will review basic socioeconomic indicators and social phenomena, with a focus on the areas in which Mixed Commissions were established: land, education, participation, languages and spirituality.

The primary characteristics of Guatemala are the high levels of poverty and

inequality, low levels of social spending, and the abysmal social indicators. A recent study by the Mayan network of development NGOs MENMAGUA concluded that about 80% of the population live in poverty, with ratios of over 90% in rural regions (MENMAGUA, 1998, 48-55). According to World Bank figures cited by Jonas, Guatemala has the lowest rate of social spending in Latin America. In the mid-1990s, health care spending was below 2 percent and educational spending below 3 percent of GDP (Jonas, 2000, 181). This is reflected in the Human Development Index: Guatemala has slipped from 76th place in 1990 to 117th place in 1997 (Proyecto Estado de la Región, 1999, 49). Yet, Guatemala is not a poor country; it is classified as a middle-income country according to World Bank categories, with the highest poverty rate and third most unequal distribution of wealth among all the countries in this category (Jonas, 2000, 183-184).

The *Human Development Report 1999* for Guatemala also shows how the indigenous population has been disproportionately affected by poverty, malnutrition, poor health, and low social spending. Child malnutrition rates are almost twice as high for indigenous people (67.3%) as for *ladinos* (34.1%). The indigenous infant mortality rate is 56/1000, compared to 44/1000 for *ladinos*. The per-capita hospital budget for 1998 was Q15.73 in departments with 75-100% indigenous population and Q143 in departments with 0-24% indigenous people. Per-capita health care budgets were Q19.33 and Q28.54 respectively (United Nations, 1999, 69-70).

Both the economy and the culture of Guatemala are still rooted in the land. Two thirds of the people live in the countryside, and agriculture is the most important source of employment and foreign exchange. It accounts for 25% of the GDP and for 57.4% of exports (United Nations, 1999, 129). Land distribution is extremely unequal: 2.2% of the landowners own 65% of the privately-held land, whereas 90% of the landowners own less than the minimum required to feed a family (Palma Murga, 1997, 74-75).⁹ The current land

⁹ These are by necessity estimates, since reliable current statistics are not available; see Section 4.1.

distribution is not only unjust but also highly inefficient and environmentally unsustainable. While the most fertile arable land in the coastal areas is utilized for plantations or as pasture, the highland slopes, which are best suited for forestry and pasture, are used for subsistence agriculture. This leads to severe levels of erosion and a declining carrying capacity of the land (Palma Murga, 1997, 74).

This maldistribution, together with market liberalization, has contributed to the rise of poverty in recent years. The *Human Development Report 1999* shows that agricultural production per inhabitant was 11% lower in 1995 than in 1980. With the emphasis placed on export production, the production for internal consumption has fallen from 15.9% of agricultural production in 1986 to 9.5% in 1998. This drop is not compensated by increased wage employment in the agro-export sector. To the contrary, seasonal employment on the plantations has dropped from 34% of the active rural population in 1980 to 19% in 1998.

The increased production of non-traditional exports has only partially offset this trend. At the same time, rapid population growth has almost tripled the population density in the Western Highlands between 1950 and 1994 (United Nations, 1999, 142-143). Susanne Jonas underlines that formal, stable jobs are scarce both in the country and in the city, with formal employment being available for only 27.4 percent of the workforce in 1996 (Jonas, 2000, 182). Since subsistence agriculture forms an integral part of Mayan culture and is economically not replaceable in the short run, the Mixed Commission on Land-related Rights of the Indigenous Peoples is searching for ways to redistribute land and protect the land currently held by small farmers.

Educational indicators also remain very poor. According to the *Human Development Report 1999*, school enrolment rates have generally increased, but this process has slowed down after 1994. Net primary school enrolment rates have actually decreased in some areas in the late 1990s (United Nations, 1999, 15-19 and 53). The student/teacher ratio has increased at most levels, especially in bilingual primary schools. Teacher salaries continue to be low, and little or no continuous training and technical support are provided (United

Nations, 1999, 52-57). Educational expenditure is concentrated in urban and *ladino* areas, and the curriculum emphasizes *ladino* cultural values and history (Holiday and Palencia, 1996, 54). Not surprisingly, illiteracy rates are by far higher in municipalities with an indigenous majority than in *ladino* municipalities. The Mixed Commission on Education Reform was set up to deal with the urgent need to increase the coverage and quality of education and to make its contents more relevant to the indigenous majority.

A 1995 study by the Coordinating Committee for Commercial, Agricultural, Industrial and Financial Associations (CACIF) found that the departments with the highest proportion of indigenous population are also the ones with the least physical and social infrastructure (cited in Cojtí, 1997, 26-27). Holiday and Palencia underline that most subsidies and infrastructure expenditure target urban areas and the agro-export sector, while 80% of the indigenous population have no access to drinking water and over a third lack proper sanitation (Holiday and Palencia, 1996, 54). The empowerment of local authorities and the inclusion of indigenous representatives in governmental decision-making are important steps to break this legacy of exclusion. The Mixed Commission on Reform and Participation at all Levels makes proposals for a decentralization of responsibilities and budgets and for the inclusion of indigenous representatives in decision-making structures.

Another eminent feature of Guatemala is its diversity. There are 24 different language-based ethnic groups. About sixty percent of the population are Mayan (according to Mayan estimates) and thirty-nine percent are *ladino*. The *Garífunas* (with 6,000 native speakers) and *Xinka* (297 native speakers) are also considered separate peoples. Holiday and Palencia number the largest Mayan group, the Quiché, at 1.8 million speakers, and the Mam and Kaqchikel at around 1 million speakers each (Holiday and Palencia, 1996, 52). The fact that for large sectors of the population Spanish is not the first language calls for some arrangement of official status and public use of the indigenous languages; however, the multiplicity of languages and their different numerical importance makes any coherent language policy controversial. The Commission for the Officialization of Indigenous

Languages was designed to propose ways to promote the use of indigenous languages.

This diversity is also reflected in the religious domain. The strong Catholic influence has already been mentioned; hundreds of evangelical groups have found a sizeable following, and Mayan spirituality has been undergoing a revival since it can be practised in public with the subsiding of repression. For Mayan spiritual guides, access to their sacred sites and the preservation of these sites is central to their faith. However, as Demetrio Cojtí has pointed out, many Mayan altars in the hills have come to be private property following the Spanish Conquest. The owners often refuse Mayan priests access to these sites. Cojtí suggests that the priests should not only have access but also authority over the sites to be able to maintain them. He also laments that the Anthropology and History Institute (IDAEH) does not have the resources to protect the archeological sites under its responsibility from environmental deterioration and the smuggling of artifacts. He argues that indigenous communities should be included in the management of these sites, because they might be more conscientious about preserving the objects that are sacred to them (Cojtí, 1995, 37-61). The Commission for the Definition of Sacred Sites was established to allow dialogue between Mayan priests and the IDAEH about the preservation of sacred sites.

3.3 The Political Institutions

The economic and social disparities reported above underline the need for an effective and representative political system to address the issues of extreme poverty, discrimination in the allocation of public resources, and marginalization of indigenous culture in the schools and public administration. Yet, despite the re-establishment of liberal-democratic institutions since 1985, the formal political system in Guatemala has served to maintain the traditional privileges of the wealthy at the expense of the large majority. Authoritarianism, power struggles between the executive and legislative, and high staff turnover due to patronage networks conspire to make the system dysfunctional in effecting change. The political parties have served exclusively for the promotion of - mostly *ladino* -

electoral candidates and have failed to establish channels of mediation between government and the governed, particularly indigenous people, rural communities, and women. This reveals the necessity of group-based representational structures to compensate for the lack of representation of these sectors.

Due to this lack of interest representation and mediation, Guatemala is a highly conflictive society. The *Human Development Report 1999* identifies five important sources of conflict and fragmentation: socioeconomic differentiation; ethnicity, language and local identity; the heritage of the armed conflict; religion and partisan politics; and disputes over land ownership and the delineation of properties. While diversity and pluralism can be dynamic forces for positive change, Guatemala still lacks the institutional structures to manage that diversity in creative ways; a vacuum of clear legislation, conflict-resolution institutions and legitimate authority contributes to the persistence of these difficulties (United Nations, 1999, 116-117). Power is exercised through patronage, authoritarianism and often violence (Holiday and Palencia, 1996, 3). A culture of intolerance, discrimination and exclusion leads to friction and clashes instead of pluralistic dialogue.

The explanation for the persistence of the structural weakness exhibited by the formal institutions of liberal democracy lies in the manner in which the transition to electoral democracy occurred in Guatemala. A process that Jonas termed “an inter-elite pact” to re-establish the state’s “internal and external legitimacy” began with the 1984 Constituent Assembly and 1985 election of a civilian president. The result was more of a “top-down liberalization of an authoritarian regime” or “*democradura*” than a transition to democracy. The military retained power behind the scenes, impunity, repression and fear continued, and the participation of organizations or parties to the left of centre was precluded (Jonas, 2000, 99-102). It was not until the 1995 elections that a party to the left of centre, the *Democratic Front New Guatemala* (FDNG), was permitted to participate.

Jonas characterizes the Guatemalan state as dysfunctional and “designed to be weak, to deliver no services, to defend privilege, and to obstruct access except for the elites”

(Jonas, 2000, 177). Access to the state is particularly limited for the indigenous majority of the population. Demetrio Cojtí describes the current political system of Guatemala as one of internal colonialism: The central government, ministries and bureaucracy are almost exclusively occupied by *ladinos*, and the few indigenous representatives in Congress are elected as members of *ladino*-dominated political parties. Western religions and ideologies are imposed on indigenous people (Cojtí, 1997, 23-36).

René Poitevin explains the phenomenon of exclusion by analyzing the power structures in Guatemala. The three principal actors are the army, the business class, and the political class - all three *ladino* dominated. The latter connects the former two but often serves “merely as a transmission belt.” While the majority of the population is struggling for access to participation, the traditional power holders perceive the need to maintain the power structure as a matter of survival. All the activities and institutions that normally fulfill a mediating role between sectoral interests and between government and population, “have lost their general social goals and have come to be regarded as activities that serve only private or narrow group interests.” As a result, there is “no state power that acts as the locus of politics conceived in terms of general social interests” (Poitevin, 1999, 34-35).

Ricardo Córdova Macías analyzes how, in Central America, the executive and legislative branches of government tend to paralyze each other over conflicts of competence rather than control each other in a system of checks and balances (Córdova Macías, 1996, 137). One example is President Jorge Serrano Elías’ 1993 attempt to suspend the Constitution and dissolve Congress, the Supreme Court and the Constitutional Court. This *autogolpe* was an indication of the executive’s inability to generate consensus without a supportive coalition in Congress (Córdova Macías, 1996, 144-145). It also revealed the presidentialist, authoritarian political culture in Central America, where the president has substantial powers to rule by decree (Córdova Macías, 1996, 155-156).

Another weakness of governments in Guatemala is that each government starts out fresh, without building on the programs and achievements of the previous government.

Ministerial staff are often replaced down to the clerical level to make room for supporters of the newly elected government; with the employees, the state loses its accumulated experience and institutional memory (Cerdas Cruz, 1996, 20).

In a liberal democracy, political parties are viewed as the structures designed to integrate the sectoral demands, express and represent the interests of society, and convert them into coherent policy alternatives. However, consultants Raúl Cuellar Betancourt and Carlos E. Peralta Chapetón found that political parties have failed to provide a channel for citizen demands. Instead, civil society organizations have *de facto* replaced them in gathering and aggregating the demands of the population and channelling them to the decision-making entities (Cuellar and Peralta, 2000, 39).

There are many reasons for this. To begin with, parties have been more preoccupied with internal problems and individual interests. Party infighting tends to arise out of attempts to remove adversaries or block rivals within the party from winning important nominations; it can lead to a division of parties into ‘proto-parties’ where different leaders and their followers are irreconcilably opposed (Cerdas Cruz, 1996, 39-40). This trend can be seen in the internal divisions that plagued the Guatemalan *National Advancement Party* (PAN) during its mandate: the party was split between what Jonas calls the “peace cabinet,” members of the executive who were committed to the peace accords, and the “Club of Paris,” the conservative wing of the PAN, which limited the government’s ability to follow through on its commitments (Jonas, 2000, 143-144 and 162-163).

Party infighting is the result of a lack of internal democracy. The Association of Research and Social Studies ASIES criticize the fact that the candidates for electoral positions at all levels are appointed by the party leaders. The membership is not consulted, and academic qualifications, ideological beliefs, transparency and honesty are not taken into account (ASIES, 2000, 4-5, also see Cuellar and Peralta, 2000, 39). The leaders are usually drawn from the local or national elites and serve minority interests. They exclude new, younger leaders and, as a result, prevent the infusion of new ideas (Cuellar and Peralta,

2000, 40-44).

Not only the younger generation, but also women and indigenous people are excluded from leadership positions in the party system. As a consequence, the political parties and the national Congress are not representative of the population. ASIES' study shows that, in the 2000-2004 Congress, only 8 deputies, or 7%, are women, and 13 deputies, or 11%, are Mayan. 167 of the 884 candidates for deputy seats were Mayan, but most of them were placed too low on the electoral lists to have a chance of getting elected (ASIES, 2000, 45-46). This confirms Cojti's analysis of a system of 'internal colonialism' where indigenous people are excluded from liberal democratic institutions.

The purpose of political parties in Guatemala has been reduced to rallying for the electoral candidates. Between elections, the party structures are non-existent. Although some parties have a long history, many more form and dissolve with each electoral campaign. Cuellar and Peralta revealed a generalized discontent that political parties are very distant from the people, do not maintain direct contact, fail to fulfill their promises, lack coherent and viable governance programs, and address the population only during election campaigns (Cuellar and Peralta, 2000, 47-48).

An analysis by ASIES of the 1999 elections shows that the election campaign was centred around reciprocal attacks and defamation rather than governance programs and concrete proposals. In the case of the FRG, the campaign had a clearly populist slant and courted the religious sympathies of the evangelical churches (ASIES, 2000, 20-21). Government programs were only released between 17 and 40 days before the elections (with the exception of the Alliance for a New Nation [ANN]), too short to allow for dissemination and substantive discussions (ASIES, 2000, 24-24).

Party financing is also a recurring issue. There is no law in Guatemala regulating permissible sources, spending limits, or transparency with regards to party funds. Parties depend on private sector sources for their campaign funding, which creates dependency on the wealthiest families and companies. The credibility of the parties is undermined by

corruption, the use of posts to reward supporters, links to narco-trafficking, and fraud (ASIES, 2000, 7-11 and Cuellar and Peralta, 2000, 38). Cuellar and Peralta also question whether multi-million dollar campaigns are appropriate for a country where 70% of the people live in poverty (Cuellar and Peralta, 2000, 51).

A 1993 opinion poll by the Inter-American Institute of Human Rights (IIDH) reveals that the satisfaction level with political parties in Guatemala is at 10 percent, the lowest score in Central America (the highest being 25 percent in Honduras) (cited by Cerdas Cruz, 1996, 41). This dissatisfaction is reflected in high abstention rates in all the recent elections.¹⁰ The postponement of reforms to the electoral law also discourages higher voter participation, since polling stations are only placed in municipal capitals and people have to return to the communities where they are registered in order to vote (ASIES, 2000, 3).

Due the lack of legitimacy and representativeness of the liberal democratic structures, a parallel process has taken place within civil society. In order to represent the concerns of the excluded majority, civil society organizations have used the peace process to pry open new spaces outside the formal electoral arena. As Jonas analyzes, the failure of Serrano's *autogolpe* reveals not only the dysfunctional nature of the liberal democratic structures, but also the strength of new practices of a participatory, group-based democracy that has emerged to complement and, at times, replace the individualist liberal democratic structures. As the following section will show, this "informal political arena" coalesced in the Civil Society Assembly (ASC) in 1994 (Jonas, 2000, 95).

3.4 The Maya Movement and the Peace Process

The high level of dissatisfaction with liberal democracy as manifested in the

¹⁰ Participation rates were 78.11 % for the Constituent Assembly in 1984, 69.28 % (first round) and 65.38% (second round) for the 1985 elections, 56.44% (first round) and 45.26% (second round) for the 1990 elections, 15.88% for the 1994 referendum, 21.02% for the 1994 legislative elections, 46.80% (first round) and 36.88% (second round) for the 1995 elections, 18.55% for the 1999 referendum, and 53.76% (first round) and 40.39% (second round) for the 1999 elections (ASIES, 2000, 65).

electoral system has led to the emergence of group-based interest representation. One of the interest groups that coalesced into the sectors of society, which were to constitute the ASC, was the Maya Movement. Its roots extend back to the 1960s and 1970s. Holiday and Palencia elaborate that the increasing monetization of rural communities from the 1960s onwards brought social differentiation, *ladino* lifestyles, and the emergence of an educated indigenous middle class. The spread of roads, schools and mass media brought people from different communities in contact and gave them a common language, Spanish.

Renewed activism of the Catholic church spawned Catholic Action, which created a network of first-level groups¹¹ around Bible studies, literacy courses and discussion groups. Out of these small, wide-spread base groups evolved the *Committee for Campesino Unity* (CUC), one of the earliest second-level networks that allowed for coordinated action among dispersed communities and for higher-level analysis. The relief efforts after the 1976 earthquake generated an organizational infrastructure and awareness of poverty and corruption. The activities of the *guerrilla* groups furthered the trend towards the organization of popular movements (Holiday and Palencia, 1996, 55-56).

The armed conflict catalyzed the emergence of several groups representing sectors that had been affected by the violence: the National Coordinator for Guatemalan Widows (CONAVIGUA), the Mutual Support Group for family members of the disappeared (GAM), the Council of Ethnic Communities *Runujel Junam* (CERJ), the National Council for Guatemala's Displaced (CONDEG), the Communities of Population in Resistance (CPRs), and the Permanent Commissions of Guatemalan Refugees (CCPP). While they were not explicitly ethnic-based, the majority of their members were indigenous people. Most of them were second-level organizations, with local committees in the communities to connect to the

¹¹ Dr. Demetrio Cojti (1997) and Víctor Gálvez Borrell et al. (1997) developed a model to classify organizations by level of complexity and representativeness. First-level organizations are NGOs or committees at the local level and aimed at addressing a specific need, e.g. water committees or Mayan schools. Second-level organizations consist of two or more first-level organizations, third-level organizations of two or more second-level organizations, etc. The higher up in the hierarchy, the broader the constituency they represent, and the more national (or international) their focus.

grassroots and head-offices in the capital to interact with governmental, national and international institutions.

Together with *campesino* organizations and unions, they constitute one of the two major orientations of the Maya movement, the popular or Maya-popular sector. Their membership is mostly indigenous, and their demands centre around access to land, human rights, justice for the victims of violence, demilitarization, and the resettlement of displaced populations. Their class-based ideology, emphasis on practical needs like improved living conditions, and tactics of mass mobilization reveal the influence of the revolutionary left.

Another important section of the Maya movement is the Mayan-cultural, or Mayanist, sector. Its first-level base consists of Mayan research centres, alternative media, development NGOs, women's groups and Mayan schools. Organizational efforts in this sector started with the *Seminarios Indígenas* in 1972, the first indigenous magazine, and early attempts to standardize indigenous languages (Bastos and Camus, 1996, 24-26). The main higher level networks in this sector are the Mayan Languages Academy of Guatemala (ALMG), the Council of Mayan Organizations of Guatemala (COMG), and the National Mayan Education Council (CNEM).

This sector has many of the characteristics of an identity movement as described in Chapter Two. Mayan leaders and intellectuals take their rationale from an analysis of internal colonialism and ethnic discrimination and fight for strategic needs like the reaffirmation of identity, participation in political decision-making, and protection of indigenous culture. Mayanists take pride in re-discovering and re-constructing the history, languages, spirituality, literature, architecture, art, customary law, social structures, and scientific achievements of their ancestors. They paint the image of a harmonious and egalitarian (in ethnic, class and gender terms) Mayan '*cosmovisión*' to set themselves apart from the discriminatory, authoritarian and *machista* nature of *ladino* society. According to Demetrio Cojtí, the Maya are undergoing a process of defining themselves, and finding their own vocabulary and concepts to express their identity, explain their context and voice their

demands (quoted in Bastos and Camus, 1996, 153-154).¹² Demetrio Cojtí underlines that the two ideological streams are not mutually exclusive but only place the emphasis on different sets of issues (Cojtí, 1997, 75-76).¹³

It is also important to note that these two groupings do not constitute the totality of the indigenous organizations. The developmental sector is a numerically important group that consists of hundreds of first-level organizations like village improvement, water, land and education committees, cooperatives, and religious base communities. Their second-level networks are regional in nature, like the Kaqchikel Integrated Development Coordinator (COKADI) and the Cooperative for Rural Development in the West (CDRO). On the national level, some of the developmental organizations are members of the Mayanist or popular coordinators, and some are united by the *Mesa Nacional Maya de Guatemala* (MENMAGUA).

Another sector of the Maya Movement, which is often used in a symbolic fashion but marginalized in substantive debates, is the spiritual sector. Many Mayan spiritual guides are not involved in political processes because of language and cultural barriers and because they reject political activism on principal. Those who are involved in politics find that they get little support from the indigenous organizations beyond the invitation to perform opening ceremonies.

The America-wide campaign of 500 Years of Resistance, marking the Quincentennial of the Spanish Conquest, was a forceful magnet to pull organizations together in higher-level networks. Bastos and Camus recount that the Second Continental Preparatory Meeting in 1991 took place in Guatemala under the auspices of CUC, CONAVIGUA and CONDEG. In order to organize the meeting, the three invited other indigenous organizations to join together under the umbrella of Majawil Q'ij ('a new dawn')

¹² See Cojtí (1995), *Configuración del Pensamiento Político del Pueblo Maya*

¹³ The National Indigenous and Campesino Coordinator of Guatemala (CONIC), for example, combines cultural, economic and human rights analysis, discourse and demands (see CONIC 1992).

in Mam) to coordinate the gathering (Bastos and Camus, 1996, 95-96).¹⁴ However, the Second Continental Meeting also had divisive consequences: The culturalist sector, under the leadership of COMG, broke with Majawil Q'ij. They felt that the popular organizations had dominated the meeting, pushed an exclusively class-based agenda, and used the rhetoric of indigenous identity only to tap into the international indigenous movement (Warren, 1998, 34 and Bastos and Camus, 1996, 172).

The ongoing peace negotiations, however, brought them back together. Palencia considers the Esquipulas II Accords, the establishment of a National Reconciliation Commission in 1989, and the Grand National Dialogue as the first steps of the peace process. The Grand National Dialogue was the first in a series of broad multisectoral forums for dialogue in civil society, involving forty-seven organizations. Following this, the URNG engaged directly with civil society in five mid-level meetings with the political parties, CACIF, religious sector, labour and popular organizations, small and medium business, cooperatives, professionals, academics and intellectuals (Palencia, 1996, 11-13).

Top level talks between the government, the army and the URNG began with a meeting in Mexico in April 1991, which resulted in an agenda of eleven themes. While the negotiations quickly stalled, a dynamic had been set in motion whereby the civil society organizations consolidated in two networks: the Civil Sectors' Coordination (CSC), gathering the religious, NGO and Mayan sectors; and the Civilian Coordination for Peace (COCIPAZ), including the small business, cooperative and academic sectors. They demanded the protection of human, social and economic rights, civil society participation in the peace talks, and an end to the secrecy of the talks (Palencia, 1996, 15-16).

Bastos and Camus discuss this dynamic in detail: Majawil Q'ij and COMG both joined the Civil Sector Coordinator CSC in 1991 and formed a first short-lived fourth-level

¹⁴ The Counsel of Mayan Organizations of Guatemala (COMG), a network of 15 Mayanist and developmental organizations, and Majawil Q'ij can be considered the first political third-level coordinators.

coordination within the CSC, the '*Mesa Maya*' (Bastos and Camus, 1996, 97-98).¹⁵ They split again in 1993 because they could not reach consensus on a common proposal for the indigenous rights theme of the peace negotiations. COMG did not sign the final proposal of the '*Mesa Maya*' because it did not reflect certain Mayanist demands (e.g. the recognition as a 'people') (Bastos y Camus, 1995, 42-43).

In response to President Serrano's attempted *autogolpe* in 1993, COMG, ALMG, the National Movement of Mayan Resistance, and the Delegation for the Ratification of the Convention 169 called an assembly of 86 Mayan organizations to develop a common position. The Permanent Assembly of the Mayan People (APM), another short-lived fourth-level network, grew out of this process. Majawil Q'ij and other Maya-popular organizations still in the '*Mesa Maya*' responded by forming their own fourth-level body, the Mayan Unity and Consensus Instance (IUCM) (Bastos y Camus, 1995, 46-50).

The IUCM, the CSC and the COCIPAZ united with the private sector and the political parties in a broad-based coalition to restore institutional rule. According to Palencia, the National Consensus Body (INC) was the first encompassing intersectoral alliance in Guatemalan history. In what she terms a unique momentum of consensus between almost all of civil society, it succeeded in substituting Serrano's vice president with Human Rights Ombudsman Ramiro de León Carpio as President, achieved a purge of Congress and the Supreme Court, and returned the country to constitutional rule. The INC lasted only a few months, until the acute crisis was overcome (Palencia, 1996, 17).

Despite opposition from the military and the powerful business association CACIF, the De León Carpio administration resumed the peace negotiations in 1994. Jonas underlines the fact that the *Framework Agreement*, signed on January 10, 1994, made significant modifications to the negotiating process. It involved both the international community and civil society in the peace process by formalizing the role of the 'Group of Friends' (the

¹⁵ See Appendix One for an outline of the evolution of the Maya movement.

Mexican, Norwegian, Spanish, US, Venezuelan, and Colombian governments), granting the position of moderator to the UN, and creating a Civil Society Assembly (ASC) (Jonas, 2000, 43). According to Palencia, the ASC involved all the recognized civil society sectors: “religious, journalists, labour/popular, human rights, political parties, Mayan groups, women’s organizations, study and research centres, non-governmental development organizations, [and the sector including cooperatives, academics and independent businesses]” (Palencia, 1996, 30).

In Byron Morales’ words, the ASC laid the foundation for “rearticulating civil society” (quoted in Holiday and Palencia, 1996, 35). Jonas underlines that the ASC “was by no means a unified bloc.” Its diversity and autonomy generated a consensus-building process concerning the country’s future, in which representatives of all sectors of civil society participated (Jonas, 2000, 44). Women’s and indigenous organizations created new spaces for their voices and a new political discourse.

The creation of the ASC, with one space for the Mayan sector, forced COMG, the IUCM, the ALMG, and the APM to unite under a common umbrella, the Coordinator of Organizations of the Mayan People of Guatemala, Saqb’ichil-COPMAGUA. The APM disintegrated after COMG and ALMG withdrew. However, Cojtí explained how two new third-level coordinators emerged out of the IUCM: the Maya Council Tukum Uman, a *campesino* umbrella with twelve member organizations based in Quetzaltenango, and the Union of the Mayan People of Guatemala (UPMAG), formed by eight *campesino*, human rights, religious and cultural organizations (Cojtí, 1997, 116-119). Today, IUCM functions as a third-level organization within COPMAGUA, the fourth-level umbrella organization. The ASC negotiations gave the different Mayan organizations the incentive and opportunity to discuss the controversial issues of defining the ‘Mayan people’ and to build a common agenda for indigenous organizations.

Richard Wilson described how the ASC delivered consensus documents on each substantive theme to the negotiating parties within six months. The influence the ASC had

on policy, i.e. on the Peace Accords, varies: the AIDPI takes up most of the ASC proposal, which largely reflected the proposal of the Mayan sector. On the other hand, the Socioeconomic Accord was significantly watered down and, according to Richard Wilson, represented a bitter disappointment (Wilson, 1997, 16-17). Karen Ponciano Castellanos reaches the conclusion that the biggest weakness of the ASC was that, although the recommendations had to be considered by the negotiating parties, they were not binding (Ponciano Castellanos, 1996, 88-89).

Another important challenge for the effectiveness of the ASC was the continuous opposition from parts of the government, the army, and the business association CACIF. Jonas reports how they attempted to “downgrade its role” and accused it of being “a facade ... of the URNG” (Jonas, 2000, 44). Palencia and Holiday concur that CACIF refused to join the ASC because some of its members were a “sounding board for the ideas of the URNG” and because CACIF did “not want to be jointly responsible for a negative influence [nor] compromise Guatemala’s future” (Reyes Mayén, quoted in Palencia and Holiday, 1996, 34). They also claim that some members of the government and army tended to delegitimize, underestimate, and criticize the ASC (Palencia and Holiday, 1996, 35).

The following quote by Palencia indicates the important impacts of the ASC process on the national political culture (in the capital) and its function as an intermediary between civil society and the negotiating elites:

For the ASC members 1994 was a period of intense and continuous learning - about parliamentary techniques, consensus making, respect for dissent, and the development of positions independent of those of the two negotiating parties. The consensus documents were the synthesis of a process which, although it did not involve society at large, did provide for channels of communications between the representatives of social organisations in the ASC [and] the two sides in the peace negotiation. (Palencia, 1996, 31)

Yet, Palencia also cautions that the ‘bridging’ function of the ASC was compromised by the fact that it included only the organized sectors of civil society, was highly centralized in the capital, and was limited to the newly-emerging elites (i.e. the

leaders of the organizations involved in the ASC, who were mostly educated, urban(ized) and middle-class). Even at the zenith of ASC influence, “few Guatemalans were well informed about the negotiations” (Palencia, 1997, 28).

The ASC set the precedent for a series of government-civil society commissions that were established in different Peace Accords. While the Assembly itself declined in importance after the signing of the Peace Agreements, the women’s and indigenous sectors remained very active. COPMAGUA was nominated in the AIDPI to call together all the interested indigenous organizations to designate the indigenous representatives on the Mixed Commissions (Universidad Rafael Landívar, 1998, 95).

The peace process has thus been a strong catalyst for the formation of alliances between civil society organizations, the constitutions of clearly delimited sectors within civil society, and the successful struggle of civil society for group-based representation structures. The indigenous movement largely overcame its internal divisions and achieved formal recognition as one of the sectors of civil society, with COPMAGUA as its official representative body. The ASC was a first corporatist structure to channel proposals from all the sectors of civil society into a political process, setting a basis from which the Mixed Commissions and other consultative fora established by the Peace Accords could develop.

3.5 COPMAGUA

COPMAGUA was designated as the ‘official interlocutor’ of its interest group, the indigenous ‘sector’, vis-à-vis the government. It responded to the mandate it was given in the AIDPI by calling a General Assembly of Maya, Garifuna and Xinka organizations on August 9-10, 1996 to elect the indigenous delegates to the Mixed Commissions. The meeting drew the attendance of over 500 delegates of indigenous organizations, communities and linguistic groups (CNPT, 1999, 2). In this assembly, eight Permanent National Commissions (CNPs) were created and placed under COPMAGUA’s umbrella.

Five corresponded thematically to the Mixed Commissions: the Permanent National

Commission on Land-Related Rights of the Indigenous Peoples (CNP Land), Permanent National Commission on Education Reform (CNP Education Reform), Permanent National Commission on Reform and Participation at all Levels (CNP Participation), Permanent National Commission on the Officialization of the Indigenous Languages (CNP Languages), and Permanent National Commission on Spirituality (CNP Spirituality).¹⁶ Three additional internal commissions were established without a government counterpart: the Permanent National Commission on Indigenous Law, Permanent National Commission on Constitutional Reforms, and Permanent National Commission on the Rights of the Indigenous Women.

There are continuous tensions between COPMAGUA headquarters and the CNPs, reflecting the draw-backs of having one ‘official interlocutor’ before the government. Some of the member organizations of the CNPs are not members of COPMAGUA. COPMAGUA itself is directed by a Coordinating Council composed of two representatives of each of the five *instancias*.¹⁷ Its highest decision-making organ is the General Assembly, which is constituted by the five *instancias*. These decision-makers are not directly involved in the negotiations, whereas the CNPs, which write the proposals, consult the bases, and negotiate with the government, have no decision-making power.

The CNPs are coordinated by an assembly of two representatives for each CNP, but this assembly is very weak and therefore has not been able to perform the coordination function effectively. As a result, each CNP has taken on a life of its own, rented separate offices, negotiated funding directly with donor agencies, hired consultants and carried out studies, and related to COPMAGUA as another interlocutor to negotiate with for financial

¹⁶ Comisión Nacional Permanente sobre Derechos Relativos a la Tierra de los Pueblos Indígenas (CNPT), Comisión Nacional Permanente de Reforma Educativa (CNPRE), Comisión Nacional Permanente de Reforma y Participación a Todo Nivel (CNP RPTN), Comisión Nacional Permanente de Oficialización de los Idiomas Indígenas (CNPOI), and Comisión Nacional Permanente de Espiritualidad (CNPE).

¹⁷ *Instancias* are the five third-level umbrella organizations which constitute COPMAGUA. See Appendix One for the organizational structure of COPMAGUA.

and technical support as well as political backing.

The divide between the Maya-popular and Maya-cultural sectors of the Maya Movement constitutes another major rift within COPMAGUA, hinting at the fragile nature of the union between the five *instancias*. Three of the five *instancias* of COPMAGUA, the IUCM, UPMAG, and Tukum, are considered to be Maya-popular umbrellas, whereas the other two, COMG and ALMG, are Maya-cultural. Theoretically, COPMAGUA is meant to be the space that unites these different expressions of the indigenous movement. Many Maya leaders within COPMAGUA consider that the two streams could complement each other in a powerful way. The popular organizations could contribute the more extensive social base, experience in activism and rallying the masses, and therefore the capacity to exert pressure for change. The culturalist organizations could draw strength from their analytical capacity to conduct studies and draft proposals (Us and Serech, 1999, personal interviews).

However, in practice, collaboration has been conflictive. Mayanist representatives accuse the popularists of dominating the discussions (and the votes, since they are three of the five *instancias*) and of accepting orders from the URNG. They maintain that the popularists break consensus-agreements that have been reached because URNG leaders oppose the agreements. Maya-popular organizations question the Mayanists' representativeness since they lack a broad social base. They also resent the influence of the Mayanist academics and professionals in COPMAGUA, because they do not have the same track record of risking their lives to 'fight for the poor' during the war. Another point of divergence is that the Mayanists attribute great importance to revitalizing Mayan culture, whereas the popularists consider basic physical needs and access to land as more important.

The divide today seems to be more historical than ideological or methodological. Both Maya-culturalists and Maya-popularists use the language of Mayan identity and *cosmovisión*,¹⁸ both attempt to broaden their bases and democratize their internal

¹⁸ Majawil Q'ij, member of the IUCM, for example, has clearly adopted a Mayanist discourse based on cultural identity and supports cultural activities (Majawil Q'ij undated).

functioning, and both work through lobbying and negotiations as their main methodology. Many individuals, and entire organizations, have crossed the line. UPMAG has reportedly split into a popularist and a culturalist faction, and Tukum seems to unite popularist, culturalist and developmental networks on a geographical base, that of Quetzaltenango. However, historic resentments remain and lead to constant in-fighting over positions.

Both members and non-members of COPMAGUA consider that the historical links between the URNG and COPMAGUA have harmed COPMAGUA's reputation as an independent, non-partisan entity (Serech and Palencia, 1999, personal interview). The public perception that COPMAGUA is a wing of the URNG has been a reason for many organizations to refuse to recognize COPMAGUA as a representative of the indigenous peoples and to work with them (Lucas and Cojtí, 1999, personal interviews).

Machismo and the exclusion of women is another difficulty in COPMAGUA. Out of the 55 member organizations of COPMAGUA's *instancias* (not counting the linguistic communities of ALMG, which cannot be disaggregated by gender), nine were women's organizations (Bastos and Camus, 1995, 193-195). However, only three of the twenty-three primary negotiators were women (SEPAZ, 1998a and 1998b). Women who did rise to leadership positions noted that it was very difficult to gain the necessary political and managerial experience in the indigenous movement to be able to hold a position in one of the CNPs or at COPMAGUA headquarters.

These structural problems in COPMAGUA have, despite the best intentions and hard work of its members, often led to internal difficulties and at times negatively affected the negotiating capacity of the indigenous delegations on the Mixed Commissions. They have also impacted on the legitimacy of COPMAGUA as the official representative of the indigenous peoples before the government, contributed to challenges to the CNPs proposals from within civil society, and limited the CNPs' capacity to generate support for the peace process. At times, they have exacerbated conflict rather than contributed to dialogue and therefore peacebuilding.

3.6 The Role of International Actors

As mentioned in Section 2.9, international influence is one of the factors that can facilitate or obstruct the role a corporatist structure can play in peacebuilding. In Guatemala, international involvement in both the civil war and the peace process have been substantial. The UN presence in the country has provided a protective umbrella for the resumption of open civil society organizing; UN mediators have facilitated the peace negotiations and supported civil society proposals; and donor conditionality has been designed to put pressure on the Guatemalan government to comply with the Peace Accords. International donors have also provided the funding for COPMAGUA and its member organizations to carry out their representational functions.

The 1994 *Framework Agreement* formalized the role of the ‘Group of Friends’ and of the UN as the formal moderator of the peace negotiations, with Jean Arnault as moderator. The first substantive accord, the *Comprehensive Agreement on Human Rights* signed in March of 1994, called for the establishment of a UN verification mission to monitor human rights. However, it was not until November of 1994 that MINUGUA, the UN Verification Mission for Guatemala, was deployed. In Jonas’ interpretation, MINUGUA was a “confidence-building” mission to monitor the implementation of the human rights accord and show a tangible expression of the international community’s commitment to peace in Guatemala (Jonas, 2000, 47-48).

Jonas considers that the mission’s physical presence of over 400 staff and eight regional and five subregional offices across the country had a “dissuasive impact” on potential human rights violators. Combined with the detailed, authoritative quarterly reports on human rights violations, MINUGUA became an “on-the-ground reminder that the world was watching the human rights situation in Guatemala very carefully” - both to the government, possibly preventing further violations, and to Guatemalan citizens, especially in remote rural areas, encouraging them to testify and to resume organizational activities (Jonas, 2000, 48). Yet, one should not overstate MINUGUA’s impact since, as Stephen

Baranyi pointed out, all these reports “did not have an appreciable impact on the human rights situation” (Baranyi, 1999, 83). Both human rights violations and impunity continued unabated after the signing of the *Human Rights Accord*.

Another aspect of MINUGUA’s mandate was institution-building, including a training program and an evaluation of the judicial system, the Public Prosecutor’s Office, the police, and other public security forces. Baranyi found that, despite their “impressive, quantifiable outputs” in terms of the training and accompaniment of prosecutors, police and human-rights NGOs, MINUGUA itself has noted that the institutional strengthening program “did not lead to substantial improvements in the defense of human rights by governmental institutions” (Baranyi, 1999, 83).

Jonas noted another significant contribution MINUGUA did make: extensive multi-media campaigns to publicize the accords as they were signed and, later, to inform people about the provisions of the proposed constitutional reforms and encourage them to vote. The results were, on the one hand, increased information flow and debate but, on the other hand, a strong campaign to get MINUGUA expelled for interference and violation of Guatemalan sovereignty (Jonas, 2000, 211).¹⁹

One of the special characteristics of the Guatemalan peace process is that the bilateral and multilateral donors coordinated their activities. From the beginning of the peace negotiations, the UN mediators consulted the international financial institutions (IFIs). In return, the IFIs supported the peace agenda instead of recommending structural adjustments that might counter-act the provisions of the Peace Accords. According to Jonas, they considered the Peace Accords as “experiments in sustainable development, combining social goals with economic growth” (Jonas, 2000, 167-168).

Donor coordination continued in regular Consultative Group meetings; Jonas reports that “there was a deliberate attempt to avoid competition between the UN system

¹⁹ For a detailed analysis of UN mediation of the peace negotiations and of MINUGUA’s functions, strengths and limitations, see Baranyi (1996a), (1996b), (1999), and Jonas (2000).

agencies ... and the IFIs and instead to establish a division of labour” (Jonas, 2000, 168). However, the author also underlines that, in the long run, Guatemala is being integrated into a globalized, neoliberal world where privatization, deregulation, a focus on exports, and the dismantling of welfare institutions are the rule (Jonas, 2000, 218-219). Though they may not be IFI conditionality for Guatemala, cut-backs are being implemented already, in contradiction to Peace Accord provisions for increased social spending.

Another positive aspect of international involvement in the Guatemalan case is that financial commitments were substantial, and that they were, at least in theory, conditional on the implementation of the Peace Accords. In 1997, international donors pledged a total of nearly \$1.9 billion in aid over four years, over 70 percent of the total budgeted costs of implementing the peace agreements (Jonas, 2000, 168). These pledges were based on a commitment from the Guatemalan government to raise the taxes from 8 to 12 percent of the Gross Domestic Product (GDP) by the year 2000. The IFIs, donor governments, and UN agencies gave a lot of attention to developing a “comprehensive approach to peace-building” in Guatemala, including funding, donor coordination, social spending, and “new approaches for participation by historically marginalized groups and for conflict resolution and consensus-building” (Jonas, 2000, 168-169).

However, Jonas also warns that conditionalities can be difficult to enforce when a high number of donors with different mandates, priorities and histories in the country are involved. Conditionalities can also backfire when they are perceived as foreign impositions (Jonas, 2000, 188). Baranyi found that, indeed, “despite the rhetoric of collaboration, large donors tended to follow their own logic in their cooperation programs and wider policies” (Baranyi, 1999, 87). The European Union, for example, provided funding for resettlement projects without consulting the Technical Commission established under the Resettlement Accord (Baranyi, 1999, 87), and the United States Agency for International Development (USAID) provided funds for land registration pilot projects without taking the negotiation processes in the Mixed Commission on Land into account. In general, aid has been

forthcoming (at reduced levels), although it should not have been because the Guatemalan government's record on Peace Accord implementation was spotty at best.

Nevertheless, Jonas values the Consultative Group (CG) Meetings for providing "a good occasion to monitor and denounce non-compliance" (Jonas, 2000, 188). Jonas concludes that the international influence may not lie as much in the threat of withholding funds for acts of noncompliance but in supporting national pro-peace forces morally and financially. The threat of a cut-off in aid, and the awareness of upcoming CG Meetings, give the supporters of peace within the government and in civil society a pragmatic argument for the implementation of provisions in the Peace Accords (Jonas, 2000, 188). CG Meeting serve as valuable deadlines to speed up Congressional approval for implementing legislation of the Peace Accords.

On a more general level, the wish to maintain a positive image in the international community has been one of the main incentives for the Guatemalan elites to promote at least limited democratic practices and human rights regimes. In Liisa North and Alan Simmons' words, this allows them to portray Guatemala as a "modern, legitimate state, worthy of entering into international trade agreements" (North and Simmons, 1999, 281). A part of this international human rights regime is the set of indigenous rights instruments, which includes the ILO Convention 169, the UN Decade of the World's Indigenous People, and the draft UN Declaration on the Rights of Indigenous Peoples. They provided a model for the AIDPI and gave Mayan organizations legal tools and international legitimacy.

Finally, international NGOs made an important contribution by funding civil society organizations involved in the peace process. This allowed these organizations to sustain themselves and maintain a presence in the political negotiations. COPMAGUA, for example, was exclusively funded by international sources, mostly Scandinavian and Canadian institutions. With all the disadvantages of dependence on international funding (time spent fundraising and reporting, susceptibility to external priorities, interference and supervision), this factor freed COPMAGUA from national dependencies and allowed them

to maintain an office and permanent staff.

3.7 The Peace Accords

From 1994 on, the negotiations resulted relatively quickly in the signing of a series of substantive accords on human rights (29 March 1994), the resettlement of uprooted populations (17 June 1994), the Truth Commission (23 June 1994), indigenous rights (31 March 1995), socioeconomic and agrarian issues (6 May 1996), the strengthening of civilian power and the function of the military in a democratic society (19 September 1996), Constitutional and electoral reforms (7 December 1996), and finally the *Firm and Lasting Peace Agreement* on the 29 of December, 1996 (Universidad Rafael Landívar, 1998).

It was the *Agreement on the Identity and Rights of Indigenous Peoples* (AIDPI) that gave life to the Mixed Commissions. It recognized for the first time that the Guatemalan nation was not monocultural *ladino* but 'multiethnic, pluricultural and multilingual'. This was supposed to be inscribed in the Constitution in order to re-define the nature of the country. The accord recognized three indigenous 'peoples,' the Maya, Garífuna and Xinka, and twenty-one sociocultural expressions of the Maya people. In order for these three 'peoples' and the *ladinos* to live together peacefully, the agreement established a number of non-discrimination measures, particularly for indigenous women, and committed the government to implementing international law on non-discrimination and indigenous rights.

The indigenous 'peoples' were granted a series of cultural rights such as the protection and promotion of indigenous languages, names, spirituality, sacred sites, clothing, and scientific and technological knowledge. Concretely, the government committed itself to promote a constitutional reform that would list the indigenous languages, to promote the use of indigenous languages in the school system, in the justice system, and in local social services, to inform indigenous communities about their rights and obligations in their own languages, to open spaces for indigenous languages in the mass media, and to promote the officialization of the indigenous languages. The details of the latter were to be

elaborated by the Commission on the Officialization of Indigenous Languages.

As far as indigenous spirituality was concerned, the government recognized its value and distinctness and committed itself to ensuring that it was respected and protected in the Constitution. The archeological sites were confirmed to be national patrimony, but the indigenous peoples were assured the right to practice their spirituality on these sites and to participate in their preservation and management. A Mixed Commission was established to define sacred sites other than the archeological ones and to establish rules for their preservation.

The accord also made detailed provisions for the parameters of education reform: The educational system was to be decentralized and adapted to linguistic and cultural needs, particularly by giving parents and communities an active role in its administration. The reformed curriculum was to make education bilingual and multicultural, incorporating indigenous philosophy, science, art, pedagogy, and history across the country. The Accord also foresaw expanded educational coverage, particularly for multicultural and bilingual education; it provided for increased educational budgets, more bilingual teachers, the expansion of Mayan Schools, a consolidated system of scholarships, and a Mayan university. The Mixed Commission on Education Reform was to draft the design of this comprehensive education reform.²⁰

The AIDPI also made provisions for civil, political, social and economic rights. These sections centred around three basic rights: limited local autonomy, participation in policy-making, and land. The accord recognized the traditional community authorities, their right to decide their own development priorities, and customary law. The government committed itself to reforming the Municipal Code, regionalizing education, health and

²⁰ In the socioeconomic accord, the government committed itself to raising the public educational expenditures in relation to GDP by fifty percent within five years. The agreement reconfirmed the commitments to curricular reform, increased coverage, and community participation in education. It provided for a Consultative Commission on Education Reform under the Ministry of Education, composed of all the stakeholders in educational matters.

cultural services along linguistic lines, and integrating customary law into the national justice system. Indigenous peoples were granted the right to their own political institutions and to a representation at the local, regional and national level. A Mixed Commission on Reform and Participation was to elaborate the details.

The contentious issue of land was mostly relegated to the socioeconomic accord. However, constitutional provisions to protect communal lands, recognize the right of indigenous communities to manage their land according to local norms, and provide indigenous communities with State lands were re-confirmed. The government committed itself to regularizing land ownership and strengthening community control over communal lands. It promised to restore or compensate for communal lands that were irregularly seized and to provide State lands for land-poor indigenous communities. Judicial provisions for the protection of indigenous communities were also included. The Mixed Commission on Land-Related Rights of the Indigenous Peoples was established to propose institutional arrangements to fulfill these provisions.²¹

The reactions to the AIDPI ranged from enthusiastically to cautiously positive. Jonas considered it as “[o]ne of the most significant gains of the peace process.” If it was fully implemented, it would allow for “a profound transformation from the previous five hundred years of a ladino state imposed monolithically upon the indigenous majority of Guatemala’s population” (Jonas, 2000, 77). COPMAGUA characterized it as a “minimal but significant step to strengthen the hope of the Maya people to end the marginalization, oppression, discrimination, dominance, exploitation and colonialism that [it] suffer[s]” (COPMAGUA, 1995). Demetrio Cojtí found the accord rather vague since it did not establish deadlines nor specific responsibilities for any given provision to be carried out by a specific government

²¹ The socioeconomic accord contained further commitments with respect to land: a market-based Land Fund to provide *campesino* groups with land on credit, access to forest resources, productive projects, infrastructure, credit and capacity-building programs, legal reforms with respect to land tenure, an agrarian and environmental jurisdiction, an institution for the resolution of land-related conflicts, and a land registry.

agency. Yet, he considered it a step forward as it signalled the end of assimilation policies and recognized a wide range of rights (Cojtí, 1996, 69-70).

The main immediate impact of the AIDPI was the establishment of the commissions. They opened spaces for indigenous groups to make proposals and negotiate their rights directly with the government agencies in charge of the specific area. Jonas values the process itself as “an impressive exercise in *concertación interétnica* (reaching interethnic agreement)” (Jonas, 2000, 160). According to her, it has “given rise to a far-reaching culture and practice of *consultas*, involving some (not all) policymakers in direct interchanges with citizens and social organizations - some of them outside the capital city” (Jonas, 2000, 96). Through the consultation processes, many communities were informed about their rights and about ongoing policy-processes. In return, commission members gathered the communities’ input and used it to refine policy proposals.

The Achilles’ heel of the AIDPI was that many of the proposed reforms depended on the approval of constitutional reforms for legal backing. Instead of calling a national constituent assembly, as many civil society organizations had been demanding (CSC, 1993, 1), the Arzú government attempted to reform the Constitution by means of a congressional vote followed by a referendum. It presented a proposal for constitutional reforms in Congress in May, 1997. In October, 1998 - over a year later and less than a week before a CG Meeting - a diluted package of thirteen Peace Accord-related and thirty-seven unrelated Constitutional reforms was passed by Congress.

After additional delays due to Hurricane Mitch and a Constitutional Court challenge, the referendum on the proposed reforms was called for May 16, 1999. None of the principal political parties campaigned for the referendum, since they were already preparing for elections in November. MINUGUA, the popular and indigenous organizations, and some of the churches were the only vocal supporters of the reforms. According to Jonas, they were faced with a massive, million-dollar campaign against the reforms in the last three weeks, arguing that the reforms were illegal, based on elite negotiations and international

‘meddling,’ apt to ‘balkanize’ Guatemala and/or turn it into an ‘Indian’ state, force everyone to learn Mayan languages, lead to expropriations (of the owners of sacred sites), and promote pagan religions that were ‘of the Devil’. While all the polls predicted a victory for the ‘yes’ vote, the referendum was rejected by 55 to 45 percent, with 81.45 percent abstention among registered voters (Jonas, 2000, 196-199).

The vote may have been the result of confusion, misinformation, punishment for unpopular politicians, and the strong counter-campaign based on racism in the capital and evangelical churches in the rural areas. Yet, even if it was not a vote against the Peace Accords, the result was a major set-back for many of the AIDPI reforms, including the recognition of indigenous authorities, languages, spirituality and customary law.

3.8 Implications for the Theoretical Framework

This review of the recent history of civil society participation in policy-making has revealed how difficult it is to organize in Guatemalan civil society and to have an impact on political processes. A heritage of authoritarianism, repression and war has left civil society fragmented, polarized and hesitant to organize. The political parties, which should be a mediator between the government and the population, have been reduced to a mere electoral role and cease to function between electoral campaigns. The mediation role therefore has been taken on by civil society organizations. This need for civil society to represent group interests and mediate between government and the governed has required the establishment of corporatist structures of interest representation.

The review of the peace process reveals that organized civil society has indeed accepted this mediating role and has represented group interests in corporatist structures. A continuous development has taken place towards more open and more comprehensive dialogue and consultation. Over time - from the CSC to the INC and the ASC - new sectors of the population have been included. Particularly noteworthy was the inclusion of the women’s and the Mayan sectors. New organizations have joined in, and different actors

have formed increasingly complex networks and alliances. Each step has been a new learning experience, sharpening the participants' proposal-making and lobbying skills. Constant demands for transparency in negotiations and internal democracy in the civil society organizations are slowly making inroads, though serious deficiencies still remain in these areas. Despite concerns that the ASC recommendations were not binding to the parties at the negotiating table, the assembly's proposals have made notable impact on the Peace Accords.

The following chapter will evaluate the contributions that the system of commissions has made to peacebuilding in Guatemala. The evaluation will focus on the roles of a participatory mechanism in a post-war context, as described in Chapter Two: influencing public policy-making processes; generating support for the peace process by bridging the gap between the government and the civil society; promoting a culture of peace, tolerance and dialogue; and enhancing governability by legitimizing the government. It will contrast the achievements in the fulfilment of these roles with limitations due to the restrictive nature of a corporatist structure, which allows only certain stakeholders to represent a limited range of interests in particular ways. Special attention will be paid to the relative importance of four sets of factors that enhance or obstruct the contributions that a corporatist structure can make to peacebuilding: the composition of the commissions; the structure of the negotiating mechanism; the national context in terms of the strengths and weaknesses of the government and civil society; and international influences.

Chapter Four The Mixed Commissions

As described in the previous chapter, the *Agreement on the Identity and Rights of Indigenous Peoples* (AIDPI) provided for a wide range of indigenous rights, including the protection of indigenous cultures, recognition of traditional authorities, and representation in policy-making. This marks a tremendous shift from the previous violent targeting of indigenous organizations and communities. The combined pressures from civil society and the international community motivated the government negotiators of the Peace Accords to comply with the emerging international regime on indigenous rights and to open spaces for the - albeit selective - channelling of proposals and demands from indigenous organizations.

Five joint government - indigenous commissions were established in 1997 with a mandate to facilitate the participation of indigenous representatives in filling in the details of the AIDPI provisions regarding land, education, participation, languages and spirituality by means of consensus-based decisions. These commission were the Mixed Commission on the Land-Related Rights of the Indigenous Peoples, Mixed Commission on Education Reform, Mixed Commission on Reform and Participation at all Levels, Commission on the Officialization of the Indigenous Languages, and the Commission for the Definition of the Sacred Sites.²² With the exception of the Mixed Commission on Reform and Participation with its indefinite mandate, each commission was given a lifetime of ten to twelve months, with the option of renewal.

The commissions are coordinated by the Accompaniment Commission, a body within the Peace Secretariat that has the mandate to oversee the implementation of the Peace Accords and provide linkages between the two pyramids of Wiarda's model of a corporatist system: the corporatist and bureaucratic pyramid, where the commissions are located, and the liberal democratic pyramid, including Congress, where implementing legislation has to

²² Comisión Paritaria sobre los Derechos de los Pueblos Indígenas relativos a la Tierra, Comisión Paritaria para la Reforma Educativa, Comisión Paritaria de Reforma y Participación a todo Nivel, Comisión de Oficialización de los Idiomas Indígenas, and Comisión para la Definición de los Lugares Sagrados.

be passed. The Accompaniment Commission consists of one representative from each of the government, the URNG, and Congress, four outstanding citizens, and, with a voice but no vote, the head of the UN Verification Mission (MINUGUA).

On the government side, the delegations were constituted by the Ministries of Agriculture (Land Commission), Education (Education Reform Commission), and Culture and Sports (Spirituality Commission). The delegates included the Vice-Ministers of Agriculture and Education, representatives of the relevant departments within the Ministries, and advisors. The governmental delegations to the Participation Commission and the Languages Commission were composed of representatives of the Peace Secretariat (SEPAZ), the Planning Secretariat (SEGEPLAN), and independent experts.

The Mixed Commissions are part of a range of commissions and other consultative bodies established in the Peace Accords in order to compensate for the weakness of Guatemalan liberal democratic institutions in representing the interests of the majority of the population and bridging the gap between the government and the governed. The commissions constitute a corporatist structure that includes select indigenous representatives in policy-making to ameliorate the blatant exclusion of this marginalized majority. As a group-based form of interest representation, it complements the liberal individualist scheme of representation in order to negotiate group rights like the protection of indigenous languages and religion, appropriate forms of education, and new structures of representation and participation in governance.

The following case study will review the functioning of each Mixed Commission with respect to their contributions to peacebuilding and the limitations they have faced within the corporatist structure. It will analyze the extent to which each commission has been able to facilitate the representation of indigenous group interests by allowing for Maya participation in governance and by providing a forum for the advancement of Maya political, cultural and economic collective rights. The study will also consider whether each commission has been able to generate support for the peace process by bridging the gap

between government and the governed, informing and consulting the grassroots and national level civil society organizations about policy debates, and voicing the demands of their constituencies at the negotiating table.

Another potential peacebuilding impact to be studied is that of promoting a culture of dialogue and tolerance by bringing former adversaries together so that they can get to know each other, revise stereotypes, build trust, and establish positive relationships by working towards a common goal. Success in fulfilling these roles would also have the effect of legitimizing the government and therefore enhancing governability through reduced levels of overt, public conflict.

The aim of the case study is to determine whether each commission has been able to fulfill its potential to build peace or whether the limitations of the corporatist framework have prevented much or all of these potential positive impacts. These limitations include constraints on who the representatives can be, which issues are open for debate, and what the range of possible solutions is, as well as logistical challenges and a difficult political context. The risk of the corporatist framework is that the state may be legitimized without making any substantial concessions and fulfilling indigenous demands. The indigenous leadership may be coopted into the government or see their energies diverted to the negotiations, and yet the proposals elaborated may be side-lined and never implemented. If this happens, it may be only a matter of time until the level of overt conflict in society rises again, which may incite further violence and even a return to war.

The study will analyze the functioning of each Mixed Commission separately with respect to their contributions to peacebuilding and the limitations they have faced in the corporatist structure. It will examine the influence of personal factors, like the relationship between individual commission members, structural factors like the organizational composition of each commission, national factors like policy uptake and the responses of civil society, and international factors like donor funding and external political pressures. Then it will compare the experiences of the different commissions with each other to search

for elements that facilitate or obstruct the functioning of the commissions and to highlight trade-offs between the different peacebuilding roles. The focus of the study will be on the indigenous representation, since the purpose is to analyze the contributions that civil society can make to peacebuilding through a mechanism like the commissions.

The chapter will show how the Land Commission achieved tangible policy impact by focussing on draft legislation, but how its structural problems led to conflict with other civil society organizations. It will reveal how the Education Commissions accommodated representatives of all the relevant stakeholders in its structure and facilitated a culture of dialogue and multiculturalism. The difficulties of the spirituality and, in its initial stages, the participation commission will show the importance of interpersonal relationships, whereas the defeat of the 1999 constitutional referendum will reveal the importance of the national context in the case of the languages commission.

4.1 The Mixed Commission on the Land-Related Rights of the Indigenous Peoples

The issue of land and its highly unequal distribution has given rise to much polemic, strikes, land invasions, marches, and 36 years of civil war. As revealed in Section 3.2, land is a basic necessity in a country where the majority of the population depends on subsistence or small-holder agriculture and where alternative sources of livelihoods remain elusive. Yet, arable land is not accessible in sufficient quantity and quality since a large proportion of the most fertile land is occupied by plantations. Redistribution through the expropriation of unutilized land has proven not to be an option.

The Land Commission was established in the AIDPI to address land-related issues specific to indigenous peoples, such as communal land tenure. However, it was the *Socioeconomic Accord's* provisions for a Land Fund, a land registry, infrastructural, financial and technical support to small farmers, the strengthening of rural organizations, legal reforms and conflict resolution that has dominated the commission's agenda. Thus, indigenous representatives have been negotiating issues that had explicitly been deferred to

the socioeconomic accord because they affect all the rural population.

The first topic on the commission's agenda was a set of reforms to the Land Fund, which had already been set up as a *fideicomiso*.²³ The Land Commission had tangible impact on the new *Law of the Land Fund*. The management of the fund was designed to be more participatory, including representatives of indigenous and *campesino* organizations. The functions of the Land Fund were expanded beyond the simple provision of credit to services for evaluations and feasibility studies on plots of land before a purchase, assistance with the actual transaction, and productive projects. Preferential treatment was granted to organized groups rather than individuals and, for the first ten years, to displaced people, demobilized combatants and returnees (Proyecto Q'Anil B, 1999).

The next issue on the agenda was the land registry, a mechanism to measure the land and determine who it belongs to, or what the competing claims to it are. This has to be complemented with legislation for the regularization of land tenure to resolve competing claims over ownership and delimitation. Other pending issues, at the time of writing, are a reform of the agrarian conflict resolution mechanism, a regime for natural resource management, legal status for communal lands, the restitution of or indemnification for land irregularly taken from indigenous communities, and a new agrarian institution to guarantee the legal security of land tenure (SEPAZ, 1999a).

Members of the land commission, supporters in the international community and observers in the Peace Secretariat have hailed the commission as the most successful commission in terms of policy impact (Cabrera, Menéndez, and Zelaya, 1999, personal interviews). It was the only commission to have achieved a complete consensus-based legislative draft and to have it passed - with unanimity though with some modifications - in Congress. At the same time, critics in civil society, especially among *campesino* groups excluded from the commission and their supporters, have accused the indigenous

²³ A trust fund established by executive decree to administer a credit mechanism for land purchases by landless or land-poor *campesinos*

representation on this commission of having ‘sold out’ to government, not representing indigenous interests, and excluding the voices of other civil society actors from the process (Uriza, 1999, personal interview).

These contradictory judgements merit closer examination. Compared to the other Mixed Commissions, the functioning of the Land Commission has been very efficient. It focussed on drafting detailed legal text early on, which was then validated by presenting the draft to regional assemblies for feedback. The commission presented the *Draft Law of the Land Fund* within a year and successfully lobbied Congress to pass the law. While conducting an information campaign on the modalities of the Land Fund, it has also advanced significantly in negotiations on the land registry (Cabrera, 1999, personal interview). In December 1999, a preliminary version of a *Draft Law of the Land Registry* was presented for discussions. A final version of the *Draft Law* is expected to be introduced in Congress shortly. The Land Commission has thus had tangible policy impact on specific institutions, i.e. the Land Fund and, potentially, the land registry.

Yet, the commission has been widely criticized for negotiating based on a minimalist starting point and for supporting the government’s agenda. The Land Fund, critics maintain, is a neo-liberal market based mechanism that fails to address the structural inequalities in the country. While it may be a helpful mechanism for some *campesinos* to acquire land (if it is managed well and receives substantial funding), it falls short of responding to the entire demand (Uriza, 1999, personal interview).²⁴

Other drawbacks of the fund are that it raises land values and that it brings the beneficiaries into debt. *Campesino* leaders who have been assisting groups of landless or land-poor subsistence farmers with applications to the Land Fund severely criticize the number of documents required, the nature of the documents, which can only be acquired with the active support of the mayor and the land-owner, and sudden changes in the

²⁴ A study by the CNP Land found that 55,227 families from among the CNPT’s member organizations were in need of land (CNPT, 1998).

requirements (Saquiché Chaj, 2000, personal communication). This fuels the suspicion that the Land Fund was designed to avoid political pressure from the grassroots, channel protests and keep the *campesino* leadership occupied rather than to solve the pressing land issues.

Critics in civil society also question the way the Land Fund was set up, as it favours the most organized groups among the *campesinos* which had been active members of the indigenous Permanent National Commission (CNP) Land. Their favoured access has allegedly opened the door to corruption, with *campesino* leaders abusing their position by signing up for plots of land of themselves. The fact that the indigenous representatives have successfully secured posts for themselves in the administration of the Land Fund has also reflected negatively on the commission (Uriza and Palencia, 1999, personal interviews). This is indicative of the negative consequences of corporatism, where the monopolistic interlocutor of the government can speak for a whole sector and win concessions which are, *de facto*, limited to its members. Non-members continue to be marginalized by the structure and now lack the support of more vocal and better organized factions of their sector.

Rosalinda Hernández Alarcón (Inforpress Centroamericana) claims that the *campesino* and indigenous leadership involved in the negotiations has been coopted. As a result, they have been slow to denounce the lack of tangible progress in the implementation of the Peace Accords on the part of the government (Hernández Alarcón, 1998, 64).²⁵ In a sweeping condemnation of the Land Commission and of all the Mixed Commissions, she accuses the commissions of conducting elite dialogues that did not contribute to democratization, failed to establish relationships with the civil society organizations not represented in the commissions, and only generated more distrust and results that had no social backing (Hernández Alarcón, 2000, 8). The *National Council of Campesino*

²⁵ Daniel Pascual, member of the *Committee for Campesino Unity* (CUC) and the *National Council of Campesino Organizations* CNOC, confirms this ineffectiveness of the institutions established under the Peace Accords. Only 15-20 out of 512 applications for land have been processed by the Land Fund, and there clearly are not sufficient funds to cover the demand. The presidential dependency for conflict resolution CONTIERRAS has only resolved three or four of the over 100 cases filed by CNOC (Pascual, 1999, personal interview).

Organizations (CNOOC) is also critical of the CNP Land for negotiating along minimalist lines and not representing the grassroots' interests.

Some of the factors that explain the Land Commission's strength, its efficiency and impact, also explain its weakness in accommodating divergent opinions and bridging the gap between civil society and the Ministry of Agriculture. One of the reasons for the commission's efficiency in producing outputs is the combination of personalities and their relationship to each other. A basic consensus to keep discussions at a very specific and technical level avoided polarization and clashes. Government staff both on the commission and in the Peace Secretariat found that the commission had forged an identity as a commission, rather than two opposed blocks of government versus indigenous representatives. Their *modus operandi* was perceived as one of solving common problems and growing together (Cabrera and Zelaya, 1999, personal interviews).

While being a tremendous strength for influencing policy outcomes, this group cohesion is a weakness in terms of building relationships with other civil society actors. If the delegates do not consider themselves as representatives of the one or the other side, it is difficult for them to represent their respective constituencies. One of the dangers of corporatism is that the civil society representatives may cease to bridge the gap between the government and the community and become a part of the government.

The impact the commission has had is also partly due to favourable national factors. The issue of land is widely recognized as being crucial for peaceful coexistence in Guatemala. The land-owners have not systematically opposed the negotiation process because the Chamber of Agriculture had the opportunity to make its concerns heard internally.²⁶ The government was supportive of the commission because, as Raquel Zelaya

²⁶ Harvey Taylor, Garifuna representative in the CNP Land, claims that representatives of the Chamber of Agriculture participated in the Land Commission (Taylor, 1999, 4), whereas Lic. Carlos Cabrera, government negotiator on the commission, only speaks of consultations with the Chamber of Agriculture (Cabrera, 1999, personal interview). The Chamber of Agriculture has a representative on the board of the Land Fund.

(Director of the Peace Secretariat) pointed out, the number of land demands and occupations had gone down significantly since the negotiating tables began to function as a channel for protests and dialogue (Zelaya, 1999, personal interview). The participatory mechanism has therefore fulfilled its purpose from the government's point of view, which was to enhance governability and control civil society unrest.²⁷

According to Carlos Cabrera del Valle (Head of the Technical and Juridical Unit of the Ministry of Agriculture), international actors have been very supportive in the area of land and rural development. Bilateral donors collaborated with the Ministry of Agriculture on designing and comparing different models of land registries and carrying out pilot projects (Cabrera, 1999, personal interview). Also significantly, the Land Fund was approved in Congress just before the Stockholm Consultative Group Meeting and was one of the main items in the government's progress report to the international community.²⁸

The indigenous CNP Land has also received significant international support. International institutions, mostly NGOs, have provided financial support to conduct studies, elaborate proposals, and pay advisors for the negotiations. The Organizations of American States (OAS) has conducted capacity-building workshops on group dynamics, consensus-based decision-making, and technical terminology with the commission as a whole. They claim that these workshops, and their ongoing accompaniment, was a significant factor in establishing respectful and collaborative relationships between commission members. The OAS has also facilitated the CNP's consultative workshops with other organizations (Menéndez, 1999, personal interview, and Hernández Alarcón, 2000, 46-47).

As far as bridging the gap and consulting with the grassroots is concerned, the CNP Land has taken their consultations closer to the grassroots than the other commissions thanks

²⁷ However, as of October 1999, CNOC has resumed marches and protest tactics in the face of slow progress and the absence of real change in the countryside -evidence that a corporatist mechanism will only legitimize the government if it effectively represents group interests and results in concrete changes.

²⁸ See Jonas, 2000, 181, and Inforpress Centroamericana, May 21, 1999, 4.

to its network of local committees. The CNP Land claims to have over 330 member organizations (CNPT, 1999, 6). In 1998, around 90% of them were local land committees and village improvement committees (CNPT, 1998). With this structure reaching down to the village level, the CNP Land has arguably a very wide consultative network. As CNP Land delegate Eliseo Pérez Mejía explained to Rosalinda Hernández Alarcón, their proposals are based on expert advice, field research and workshops with civil society organizations. Once draft proposals have been elaborated, member organizations are consulted through regional and national meetings (Hernández Alarcón, 2000, 46).

However, indigenous and *ladino* critics argue that this grassroots participation is only passive and not substantive because no joint analysis and elaboration of proposals takes place. These critics suspect that grassroots leaders would only voice a general demand for land and ratify the CNP's proposals, without having the capacity to make specific recommendations (Us and Uriza, 1999, personal interview).

The critics also maintain that, despite its regional offices, COPMAGUA's operations are very centralized in the capital city. They consider that the organizations and networks involved in the commission are not representative and that several regional and departmental groupings with more community support have been excluded (Hernández Alarcón, 1998, 64). Several of the national research centres that claim to have been excluded have formed the *Inter-Institutional Platform of Support to Rural Development*. They have drafted a counter proposal to the CNP Land's land registry bill, and have lobbied Congress and international agencies for their proposal (Uriza, 1999, personal interview).

One of the factors at play in this conflict is personalities. Ingrid Uriza from the *Pastoral de la Tierra*²⁹ criticizes what she calls the secretive working style of the mostly URNG-affiliated *campesino* groups (Uriza, 1999, personal interview). On the other hand, Hernández Alarcón's research shows that this forum came together during a consultation

²⁹ Catholic inter-church committee on land under the Archbishop of Quetzaltenango

workshop held by the CNP Land. The CNP Land refused to take the suggestions by the *Inter-Institutional Platform* into account because they believed that these suggestions were not 'feasible' and realistic (see Hernández Alarcón, 2000, 47), a perception that was shared by government representatives (Cabrera, 1999, personal interview).

The *Inter-Institutional Platform* refused to accept the proposal of the CNP Land, even after lengthy negotiations in a broader forum, the *Mesa Agraria*. According to Hernández Alarcón, this signals a lack of consensus-building skills rather than exclusionary or secretive practices (Hernández Alarcón, 2000, 47). The fact that the competing factions of civil society have not been able to maintain a dialogue is often interpreted to be a struggle for profile and posts, an inter-personal dispute rather than a dispute between organizations. These difficulties show how important negotiating and public relations skills, attitudes, and interpersonal relationships are, not only to produce consensus-based proposals within the commissions but also to generate support outside the commissions.

The approach the commission has taken has privileged efficiency and concrete, short-term policy impact over aggregating interests in society and accommodating diverse views. The CNP has not generated a process of designing a consensus strategy on land reform but has concentrated on detailed technical negotiations. This has limited the space for input from other NGOs and was one of the factors that has alienated some of them. The lack of horizontal consultations with other national, higher-level organizations has resulted in several organizations working at cross-purposes. While the Land Fund was being debated in the Land Commission, it was also discussed at parallel tables with the Consultative Assembly for the Uprooted Population (ACPD) and CNOC (Hernández Alarcón, 1998, 37).

The level of conflict that the negotiation process has caused within civil society makes it questionable whether the reconciliation function and the function of building a culture of dialogue and consultation rather than confrontation have been fulfilled. In the case of the conflict between the CNP Land and the *Inter-Institutional Platform*, consultations led to confrontation rather than consensus. The consultation workshops have only offered

minimal opportunities for encounters among adversary groups because they have usually been limited to the members of the CNP Land. Carlos Cabrera reported on one national workshop that all the stakeholders in land issues were invited to: it resulted in open conflict and very little constructive dialogue. As a result of this experience, the commission decided to negotiate with different sectors separately (Cabrera, 1999, personal interview).

Aside from the internal weaknesses and the challenges inherent in the issue of land reform, the commission has confronted a series of logistical limitations. Gathering data to base decisions on has been difficult due to the scarcity of information available. One of the principal problems signalled by the commission was the absence of studies and statistics about the current situation of the indigenous communities as far as land is concerned (COPMAGUA, 1999, 4). This is confirmed in Rosalinda Hernández Alarcón's study on land policies, stating that public and private institutions working on land issues are using the statistics from the 1979 Agricultural Census. This data is very spotty, with only 18% of the land being registered in the department of Totonicapán and 40% in Quetzaltenango (Hernández Alarcón, 1998, 1, 4, and 31).

Members of the CNP Land considered the difference in education levels between the parties as a structural weakness of the commission, especially given the technical nature of the discussions. The *campesino* delegates have years of experience organizing in the field but only rudimentary formal education, whereas the government delegation includes ministers and experts in the field. These difficulties have been bridged successfully within the commission, but the complexity of the topics has continued to pose difficulties, especially in terms of public relations (Martín 1999, personal interview).

Both members and critics of the CNP Land concur that the lack of resources for consultancies on the part of the indigenous representation has aggravated the situation (Uriza, 1999, personal interview). The Peace Secretariat covers the expenses of the commission as a whole, but not those of the indigenous representatives (SEPAZ, 1999b). The indigenous representatives are therefore entirely dependent on donations from the

international community and spend a lot of time fundraising and reporting. The scarcity of funding makes it difficult to both impact policy and bridge the gap between the population and policy-makers. It prevents constant communication with the population, frequent visits to the rural communities, more workshops, and the consistent use of the mass media.

The problems the CNP Land faces show two inherent trade-offs. One is the trade-off between efficiency and policy impact on the one hand and the functions of bridging the gap between government and civil society and constructing social capital on the other hand. The more time a commission spends consulting and building consensus, the longer it takes to produce outputs. Under the tight time-lines of the negotiations, this is a serious concern. The other is between constructing a tight-knit team in the commission and representing the respective constituencies of the negotiating parties. A good working relationship is crucial to reach results and draft proposals; however, it entails the risk of the civil society representatives being co-opted and not being regarded as representative any more.

4.2 The Mixed Commission on Education Reform (COPARE) and Consultative Commission on Education Reform (CCRE)

Education reform is an issue of equal or greater importance than land reform. Even if an effective land reform was to be implemented, the improvement would only be temporary because the population is growing rapidly, soils are degrading, and (agro-) industrialization is shifting the emphasis away from subsistence agriculture. Higher levels of education are required to enable *campesinos* to increase the productivity of their land and to give young people access to alternative sources of employment. At the same time, education has so far conveyed only *ladino* values, history, and culture. All education has been in Spanish, and indigenous languages and culture have been marginalized and represented as 'backwards.' A more culturally appropriate education system is necessary to promote inter-culturalism, tolerance, and respect for the self and others. As discussed in Section 3.2, both the quality and coverage of the education system need to be improved.

Education reform is included in both the AIDPI and the *Socioeconomic Accord*. The Mixed Commission on Education Reform (COPARE) was set up under the former accord. It elaborated a broad outline for the proposed education reform, the *Design of Education Reform*. The *Design* includes a description of the cultural, socioeconomic, legal and educational context in Guatemala, the basic principles, aims and objectives of education reform, and a vision of the Guatemalan society, state, and education system to be achieved. Two basic sets of provisions are to transform a *ladino*-centric education system into a multicultural one and to increase coverage. This involves bilingualism, teacher re-training, curriculum reform, an overhaul of educational materials, decentralization, and the administration of schools by educational councils (COPARE, 1998).

This *Design* was then taken up by the Consultative Commission on Education Reform (CCRE), whose mandate derives from the *Socioeconomic Accord*. The CCRE has much broader representation than the Mixed Commission, with 17 delegates from the Ministry of Education, the National Maya Education Council (CNEM), the Academy of Maya Languages (ALMG), the Permanent National Commission on Education Reform (CNPRE), the Association of Private Colleges, the Episcopal Conference, the Evangelical Alliance, the six universities, the governmental National Literacy Committee (CONALFA), the National Teachers' Assembly, the business association (CACIF), and the COPARE.

The high number of members made the commission at times cumbersome to handle, but it ensured greater representativeness. Having two commissions has addressed both the concern for the inclusion of indigenous peoples' interests and the representation of all relevant interest groups. It has facilitated the bridging function of the commission since all the stakeholders in education have been included, and most of them have carried out consultations and workshops with their constituencies. The CCRE is not a 'monopolistic corporation'. The indigenous people are represented through the CNPRE, ALMG and

CNEM.³⁰ Tertiary education is represented through all the six universities. This large forum in which to discuss education reform has also served as a space for different sectors of society to get to know each other, collaborate and work towards a common aim. This has catalyzed collaborative processes in civil society like a broad-based campaign to collect signatures for the increase of the educational budget in 1999.

The CCRE has formed seven sub-commissions to deal with different areas of policy reform, to place the reform on a legal footing by drafting a *Law of Education Reform* and to collaborate with the Ministry of Education in its *National Education Plan* (CNPRE, 1999a, and Chaclán Solís, 1999). This structure of sub-commissions dealing with several issues simultaneously allows for discussions in all the areas of education reform to cross-fertilize each other. It also speeds up progress and is therefore less vulnerable to issues being eliminated from the agenda when the mandate of the commission runs out.

Commission members report that the Draft *National Education Plan* was written by technical advisors in the Ministry of Education, based on the *Design* and sectoral and intersectoral workshops with business, religious, youth, women's, indigenous, media, teachers', and private school representatives (D. Cojtí and Choy, 1999, personal interviews). Critics point out that these advisors were the traditional government consultants, who have a solid track record of working on education reform, but who do so from a neoliberal position. They tend to promote decentralization, privatization, the devolution of state responsibilities, and assimilation as opposed to multiculturalism (Palma, 1999, personal interview).

One of the main concerns with regards to the education reform project, voiced by the CNPRE itself and by teachers' unions, is that the provisions for increased parental and community participation can lead to the privatization of education or that increasingly more resources may be demanded of the communities. They also feel that parental participation

³⁰ CNEM is a network of around twenty associations of Maya schools, development networks, and culturalist institutions, and had been discussing the need for education reform since 1993 (Gálvez Borrell, 1997, 82).

should not mean giving parents the sole responsibility for the administration of schools and particularly the hiring of teachers. Given that many parents have never attended school themselves, they may not be qualified to accomplish these tasks without substantial guidance. The establishment of education councils at the local, municipal, departmental, regional and national level is welcomed; however, this should not relieve the government of its responsibility to provide universal education (SMG, CNPRE and STEG, 1999).

The starting point for this debate is the National Self-Administration Program for Education Development (PRONADE), a program of the Ministry of Education with support from the World Bank and other international donors. It is designed to expand educational coverage in the remote rural areas. PRONADE is based on the principle of subsidiarity, where the government only carries out only those functions which cannot be fulfilled by the communities or civil society organizations. The basic mechanism is one where so-called Educational Services Institutions (ISEs), which can be profit-making businesses, national or international NGOs, churches, or Maya organizations, are contracted by the Ministry to go into a selected rural area and train Educational Councils (COEDUCAS) in each community. The COEDUCAS are voluntary groups composed of parents and community leaders which are put in charge of the administration of local schools, including the hiring and supervision of teachers, school lunches, the school calendar, and scheduling.

The ISEs train the teachers; however, some of the teachers hired under PRONADE only have a ninth grade education. Teachers work on temporary private contracts for the COEDUCAS and do not receive any of the benefits that regular teachers have. The scheme is heralded for its participatory nature, though community participation is limited to the local level and policies are still centrally driven by the Ministry. The ideology and vision of each school is determined largely by the ISEs, which train the COEDUCAS and teachers. PRONADE as such is culturally blind, unless the ISEs choose to make it bilingual and multicultural. The role of the state is limited to setting policies and standards, contracting the ISEs and handing over the funding. Education in this system is private in nature, though

government-funded (CNPRE, 1999d).

Many of the provisions in the *Design for Education Reform* and the *National Education Plan* follow the example of PRONADE: community and parental participation, decentralization, subsidiarity, and co-responsibility of the state and society for education. While some fear that the privatization of education will lead to the renewed exclusion of the poor, others welcome the increased coverage of education and the control communities are given over teachers and school activities. According to several analysts, the proposed education reform has met with the resistance of some of the teachers' unions; teachers in Quetzaltenango burned copies of the *Design* at a workshop in 1999. They feared for their jobs if bilingual education becomes the rule rather than the exception. Some also claim that the reform project sets a precedent for affirmative action and that this is racist because it runs counter to the principle of equality (Palma, Batres, and Gómez, 1999, personal interviews).

This very substantive debate involving broad sectors of civil society is an indication that the two commissions have successfully contributed to peacebuilding. They have bridged the gap between policy-makers and communities and have involved civil society in policy debates. They have promoted a culture of informed, peaceful dialogue and discussion. With the exception of the teacher protest, the debate has been carried out in a substantive and rational way rather than through mass protests and confrontations.

Despite the many contradictory interests among the stakeholders, a substantial level of consensus has been generated with respect to the need for improved coverage and quality of education through budgetary increases, for curriculum reform, and for the decentralization of administration. Agreement that education in Guatemala should be bilingual and intercultural is also growing, though many parents and teachers still do not recognize the importance of children being educated in their mother language. This indicates that a corporatist mechanism, if it is implemented well, can contribute to peacebuilding.

Constructing this consensus about the education reform is crucial because its implementation will be much more difficult and complex than, for example, the Land Fund.

It requires the buy-in, participation, and coordination of a high number of actors. As the members of the CNPRE realize, all of the around 70,000 teachers will have to be re-trained and the text books re-written, not a small feat given the resource constraints of the Ministry. The parents and community leaders will have to be organized in educational councils and trained in their new role. Members of the CCRE report that there are 13 - 15 teachers' unions to negotiate with, and numerous international cooperation projects in the field of education (D. Cojtí and Choy, 1999, personal interviews).

On the operational level, the challenges this commission is facing - and particularly the indigenous representation - are the same as for the other commissions: the lack of financial resources, which limits their ability to consult, coordinate activities, and conduct or commission research; the lack of technical qualifications among the indigenous delegates; and the scarcity of human and material resources (CNPRE, 1999b). According to government and indigenous representatives, most delegates have full-time employment, and the unpaid work in the commission is often relegated to secondary importance. Often the CNPRE did not have the time to elaborate well thought-out proposals and to meet as often as necessary, because its members could not commit themselves full-time to the commission (Choy and Solares, 1999, personal interviews).

The alleged lack of political will on the part of the government is frequently mentioned as another challenge. The frequent absenteeism of government delegates at the negotiating table was discouraging and led to delays (COPARE, 1998). Accusations of a double agenda on the part of the Education Ministry are common among indigenous delegates and outside observers. They see the Ministry as negotiating with the commission on the one hand and promoting a neoliberal agenda centred around PRONADE on the other. Civil society participation is suspected to be a mere formality and a justification for the Ministry's claim of being open to civil society participation (Inforpress, 1999, 13).

Demetrio Cojtí points out that the CCRE was designed to be a mere consultative body. However, he claims that it has managed to carve out a position as a partner of the

Ministry of Education for itself, even though it has faced the resistance of decades of administrative culture. Many changes are still implemented by the Ministry without even informing the members of the commission (D. Cojtí, 1999, personal interview). Critics argue that the CCRE does not have influence over policies but only the option to approve or disapprove; in the end, the Ministry of Education sets the agenda and decides what will be implemented and how (CNPRES, 1999c, 5).

These observations reveal how the desire of civil society organizations to participate in policy-making and the aim of the government to legitimize its policies can overlap to a sufficient degree to result in the establishment of participatory mechanisms. However, within these mechanisms, a contradiction is played out between the government delegates' intent to maintain as much independence as possible and civil society's goal to have a substantive impact on policies. In the absence of strong pressures from civil society (and/or the international community), the government will often consider that there is no urgent need to take the demands of the civil society representatives into account and to act on them.

Yet, in general, the Education Commissions have been operating under very positive circumstances. There is a general national agreement on the need for education reform. International pressure for the decentralization of education and local management of schools has taken a direction that is compatible with the Maya aims for culturally appropriate education. An Inter-Donor Network on Education has assured coherence between different donors' policies. Many of the commission members on both sides were experts in the field and had been lobbying for education reform for a long time.

The COPARE and CCRE are perceived as having been very inclusive, both in terms of membership and in incorporating proposals. The structure of the CCRE reflects the constellation of civil society as all the major stakeholders are represented at the table. The CNPRES includes sixty Maya organizations involved in the field of education, including research centres, and bilingual and Maya schools. Many of the organizations on the commission are not members of COPMAGUA's five *instancias*. The indigenous *Education*

Reform Project was based on twenty-five proposals by various local groups and national organizations, which were solicited in a nation-wide call for input. Most of its contents have been included in the *Design of Education Reform*.

The COPARE and CCRE have had many intangible achievements. The process has led to an increased integration of the indigenous organizations involved in the field of education. They have also learned new tools of lobbying and public relations, like the use of the mass media and a coherent communication strategy (COPARE, 1998). The CNPRE has published regular progress reports, newsletters, and other public relations material to increase transparency. These are activities that allowed them to keep civil society informed and engaged with the reform process, connect the government to the community-level, and build social capital and democratic skills.

According to Demetrio Cojtí, the education reform commissions have mobilized indigenous organizations to make proposals and support the indigenous delegates. They have created a public space for debate and reflection involving the business, religious and academic sectors, youth, women and the media, and teachers from both public and private schools. Representatives of all the sectors, including the government, have learned to listen to each other, to accept suggestions and negotiate them, and to form a basic level of trust and respect. Indigenous rights have become a common topic of public discussion, and indigenous languages and culture have achieved much more legitimacy (D. Cojtí, 1999, personal interview).

The COPARE and CCRE have had a strong impact on generating discussion and proposals in civil society and on the way of thinking and acting of the Ministry, but its policy impact was indirect. It has delayed the creation of new or reformed legislation or institutions. This is risky because the implementation of the education reform now depends on the new government. However, there is continuity in the commitment to education reform in the Education Ministry after the change in government; the new government seems fully supportive of the reform process because of the high level of buy-in the

commission has generated.

The appointment of one of the indigenous representatives on the COPARE and CCRE, Demetrio Cojtí, as Vice-minister of Education, underlines the commitment of the new administration to follow through on the reform process. The Vice-minister's intention is to complete the *National Education Plan* and curriculum reform in the year 2000 in order to institute a re-training program for the national teacher corps in 2001-2003 (D. Cojtí, 2000, personal conversation).

This continuity in policy is largely due to a shift in consciousness among all the stakeholders in education. Emilsa Solares from the Ministry of Education indicates that, in the Ministry, indigenous representatives are now perceived as less confrontational, and that the different sectors have found a common language to express themselves and engage in dialogue. The limited sectoral vision that had been prevalent until recently has been broadened to take the interests of all of society into account. She considers that the way of thinking in the Ministry of Education has noticeably shifted from an ethnocentric *ladino* view to a commitment to multiculturalism (Solares, 1999, personal interview).

The COPARE and CCRE have chosen a different approach from the Land Commission by reaching out to civil society first in an open invitation for proposals. They have drafted a framework for the entire reform, before beginning to work on draft legislation and specific measures. The breadth of consultation and the number of inputs incorporated into the proposal has resulted in a document that only gives a broad outline for education reform. In order to have more direct policy impact, it would have been necessary for the commission to write draft legislation or regulations, which would have been too technical for substantive contributions by civil society sectors.

The emphasis on consultation and consensus-building involves a trade-off with the level of policy impact a document will have. The details of the policies have largely been left to government and international consultants; policy impact was postponed in favour of 'building bridges' between the Ministry and civil society, generating social capital and

public backing. If the current trend continued, the long-term impact on policy could be very significant because, if the reforms were implemented as designed, they would transform the entire education system.

4.3 The Mixed Commission on Reform and Participation at all Levels

This commission was established to include indigenous people in policy processes, articulate the traditional local authorities with the national political system, and end the situation of 'internal colonialism'. The commission is conceptually much broader than the others as it is designed to be a synthesis of the whole network of commissions (N. Cojtí, 1999, personal interview). It has the mandate to provide for a group-based indigenous interest representation, mandatory policy consultation mechanisms for indigenous peoples, participation of indigenous representatives in the liberal democratic framework through guaranteed access for indigenous people to public service positions, and local autonomy (Universidad Rafael Landívar, 1998, 90-91). These mechanisms of representation are to replace the set of sectoral commissions once these have fulfilled their purposes.

The demands of the indigenous peoples envision a corporatist, group-based form of interest representation, which is to complement the individualist mechanism of elections. They clearly consider themselves as peoples holding collective interests and rights which can only be negotiated on a collective basis. If the mandate was fully implemented, the Guatemalan political model would gradually move from the corporatist structure towards a model of power-sharing, where a national representative structure for indigenous people would negotiate policies with the national government and where indigenous people would, in the long run, have a proportional allocation of positions in public administration. This would fundamentally alter state-society and indigenous-*ladino* relations and revolutionize the political system.

The commission fell by far short of this potential: it spent a good portion of its first year establishing the internal procedures and the agenda. Long discussions were held about a

consensus definition of the term 'participation'. This is evidence of the ideological and conceptual distance that separated the two negotiating teams, which appears to have been significantly larger than in the more technical commissions on land and education.

According to SEPAZ consultant and government delegate to the commission Alfredo Hernández Contreras, the importance attributed to these items and intense negotiations around them show the initial high level of distrust between the parties and the lack of negotiating experience on both sides (A. Hernández, 1999, personal interview). Former indigenous delegate to the commission Juan León observed that inexperience in negotiations led to personal disputes and attacks, tension and inflexibility (León, quoted in Asociación Centroamericana para el Desarrollo Humano, 1998, 23). Difficulties in meeting the quorum among the government delegates have been a further source of frustrations.

In April, 1998, two of the six indigenous representatives resigned, apparently out of frustration over the ineffectiveness of the commission, interpersonal difficulties and the internal politics of COPMAGUA. After a stalemate of three months, the indigenous representation was reorganized and the number of representatives on each side reduced. This stalemate further delayed the proceedings of the commission and heavily damaged its reputation. The minutes show that the indigenous representation have repeatedly rejected government proposals to establish sub-commissions because they value collective work and feel that sub-commissions are not as democratic and inclusive as plenary discussions.

These start-up difficulties underline the importance of individual capacity and attitude and of the relationship between the members of the commission. When consensus cannot be reached even on procedural points due to confrontational attitudes and a lack of negotiating experience, the commission will not fulfill any of its roles. Rather than contributing to peacebuilding, it will increase conflict among civil society groups and delegitimize both the civil society organizations and the respective government entities.

However, after its re-composition, the commission began to advance more effectively. Its first tangible achievement was a proposal for reforms to the Municipal Code.

This proposal had to be elaborated under intense time-pressure since a draft Municipal Code designed by the National Association of Municipal Mayors (ANAM) was already under discussion in Congress. The indigenous representatives on the Mixed Commission felt that this proposal left out central provisions of the AIDPI. The commission succeeded in putting a two-week hold on the Congressional debate and made a number of modifications to the draft law (minutes and A. Hernández, 1999, personal interview).

The proposed revisions included references to multiculturalism, the establishment of neighbourhood committees, legal status for indigenous communities, and the recognition of traditional authorities. The system of development councils was to be decentralized to the community level by establishing local and municipal development councils. The proposal included a strengthening of the position of auxiliary mayors and measures to increase the financial accountability of mayors. It incorporated the right for traditional authorities to apply customary law, and a duty for public employees to consult with civil society (CNP *Reforma y Participación a Todo Nivel*, 1998).

This proposal had the potential to have policy impact, despite certain flaws which made a review necessary. However, policy impact is very dependent upon national political circumstances. In this case, several of the proposed reforms required previous constitutional amendments, which were rejected in the constitutional referendum. The commission therefore had to re-visit and modify its proposal. The discussions in Congress, and with it the modified proposal, have been shelved as of the time of writing (A. Hernández, 1999, personal interview). The commission has therefore not been able to contribute to peacebuilding by representing the interests of the indigenous population in policy-making; the constraints of the political environment and limitations on what solutions could be considered as feasible have prevented such impact.

Since progress on the municipal reform project was out of their hands, the commission moved on to the next item on their agenda. Since September, 1998, they have been discussing a *Draft Law for the Development Councils*. The network of development

councils, now a government dependency that distributes funds for development projects, is to become transformed into an institutionalized form of civil society participation at the community, municipal, departmental, regional and national level.

The reformed councils would be composed of representatives of the executive (i.e. president, governor, or mayor), the ministries, the Presidential Planning Secretariat SEGEPLAN, the coordinators of the next lower level of development councils, indigenous peoples, cooperatives, *campesinos*, business, labour, NGOs, women's organizations, and the universities. The community councils would be constituted by all the residents of the community. The functions of the councils would be to promote administrative decentralization and popular participation in development plans, project implementation and evaluation, and the design of the public expenditure budgets (Comisión Paritaria de Reforma y Participación, 1999a and 1999b).

Even though the *Draft Law for the Development Councils* has not been approved, several departmental development councils (e.g. Chimaltenango and Huehuetenango) have been re-constituted along the lines proposed in the *Draft Law*, i.e. with representatives of indigenous, *campesino* and women's organizations. This has legitimized the development councils and opened spaces for civil society participation at the departmental level. On the other hand, the governors, who are the heads of the departmental development councils, were again hand-picked by President Portillo in early 2000, rather than selected based on nominations from civil society as proposed.

The next topic of discussion in the commission is scheduled to be the Institutionalization of the Representation of the Indigenous Peoples. This goes to the core of indigenous participation and of what should be the new relationship between indigenous peoples and the state. The indigenous representatives' view is that, according to international law (i.e. ILO Convention 169), they have a right to have their own representative institutions being consulted about any legislative or administrative measures that may affect them (Comisión Paritaria de Reforma y Participación, 1999c).

However, there is no agreement among indigenous organizations on what these representative institutions should look like. One proposal suggests the creation of local, regional and national indigenous councils, funded by a share of the constitutional ten percent of the budget destined for the municipalities (CNP Reforma y Participación a todos los Niveles, 1999). Another concept in debate is a separate Maya parliament. At the same time, the proposals emanating from the land, education reform, languages and participation commissions have *de-facto* settled for a system of quotas for indigenous representatives in the current government structures, which weakens claims for a separate indigenous representation.

The topic of discussion is very broad and there is no agreement even among indigenous organizations. The issue of participation has not been sufficiently discussed in society. There are few pertinent studies, little data, and no real experts in the field of participation. A. Hernández underlined that the discrepancy between the indigenous and government views of what the commission was designed to accomplish was tremendous, especially at the beginning. In the indigenous perspective, the commission was conceived to redress five hundred years of exclusion, change the way politics are done, and set up a whole new system of participation and power-sharing for indigenous peoples. Implementing this would mean transforming the entire political system into a consociational form of democracy, which is not practically feasible due to the resistance of the traditional elites and a lack of human and financial resources. In the government's view, the commission was set up to implement very specific provisions in the Peace Accords, i.e. the reform of the development councils and the Municipal Code (A. Hernández, 1999, personal interview).

The experience of the participation commission shows that the concept of generating a broader political vision of structural transformation may be exceedingly difficult to follow through on. The commission began by discussing philosophical concepts like the nature of participation and how to re-define the relationship between the state and the indigenous peoples - with little results other than internal disputes. It resolved its impasse by turning to a

more technical focus of elaborating proposals for the reform of specific institutions, and was largely successful at this level. It remains to be seen whether the reforms will be discussed in Congress and to what extent they will be passed. In general, Susan Soux (Director of MINUGUA's Indigenous Affairs Unit in 1999) has concluded that the commissions tended to be more effective when they took a technical rather than a political perspective (Soux, 1999, personal interview), which, however, limited their impact on the underlying issues.

COPMAGUA, the Peace Secretariat, and many international donor agencies have been reluctant to support this commission because of its initial internal difficulties and lack of demonstrable progress compared with the education and land commissions. In the eyes of many, the participation commission has been written off based on the real difficulties it has had; this judgement risks to become a self-fulfilling prophecy.

The Participation Commission was subject to a range of handicaps: internal difficulties among commission members, disagreement among civil society organizations and within the indigenous movement, the rejection of the referendum, the shelving of the Municipal Code reform project in Congress, and a general lack of interest on the national and international levels. As a result, the Participation Commission has not had any policy impact beyond stalling the approval of the ANAM's municipal reform proposal and a tenuous influence on the debate around the development councils.

Its functions of building bridges with civil society and generating social capital have also been weak. It has conducted workshops and consultations with the mayors' associations ANAM and AGAI (Guatemalan Association of Indigenous Mayors) and with national level civil society organizations. It has also conducted background studies on traditional authorities, regionalization and options for different representative structures, which have aggregated some of the views held in civil society on these issues.

The difficulties that this commission in particular has had foreshadow that the prospects for moving beyond the current corporatist structure to a level of substantive power-sharing and/or a proportional representation of indigenous people in government and

public administration are not favourable. Even relatively minor provisions for indigenous representation at the municipal level and in the development councils have encountered significant opposition and have been side-lined in Congress. It seems like the corporatist structure is the only channel open for the representation of the interests of indigenous people. At the same time, the fate of this commission underlines the vulnerability of a corporatist mechanism to the national political context.

4.4 The Commission on the Officialization of Indigenous Languages

The commission on indigenous languages was established to respond to the linguistic diversity of Guatemala. Its mandate was to design arrangements for granting official status to indigenous languages. The other provisions in the AIDPI with regards to indigenous languages give an outline of what that entails: a constitutional reform listing the languages spoken in Guatemala, bilingual education, the use of indigenous languages in the provision of social services at the community level, the publication of information about rights, obligations and opportunities in indigenous languages, bilingual judges and court interpreters, access to the media, and support for the ALMG (Universidad Rafael Landívar, 1998, 82-83).

The commission tabled a report, the *Proposal for a Modality to grant Official Status to the Indigenous Languages of Guatemala*, within less than a year. The first half of the *Proposal* presents an in-depth overview of the history and current situation of the Maya, Garífuna and Xinka languages. The proposed modality of officialization recognizes collective rights to the use of indigenous languages in the provision of community and regional social services and individual linguistic rights in the form of the help of translators when accessing state services at the national level (Comisión de Oficialización, 1998, 119).

The indigenous languages are classified in three categories: four territorial languages with over 20 municipalities, over 300,000 speakers, and a significant quantity of human and literary resources (K'iche', Mam, Q'eqchi' and Kaqchikel), seventeen community

languages (Q'anjob'al, Tz'utujil, Poqomchi', Ixil, Poqomam, Chuj, Jakalteko, Ch'orti', Achi, Sakapulteko, Akateko, Awakateko, Uspanteko, Mopán, Sipakapense, Taktiteko and Garífuna), and two special languages with less than 1,000 speakers (Itza' and Xinka) (Comisión de Oficialización, 1998, 120-124). According to Juan Antonio Morán from the CNP Languages, this classification incurred criticism because its purpose was not clear and suspicion arose that only the territorial languages would become official languages (Morán, 1999, personal interview). It also caused debate over which languages should be in each category.

The terminology of the classification has since been changed to languages of full-scale officialization, languages of limited officialization, and languages to be rescued. The precise modality of officialization has also been clarified; Mam, Kaqchikel, Q'eqchi' and K'iche' are to be used in secondary and post-secondary education, national judiciary institutions, regional hospitals, the taxation bureau and the universities, over and above the local uses assured to the 'languages of limited officialization' (CNPOI, 1999, 3-4). The special languages are to be studied and revived. Essential prerequisites for the official use of the indigenous languages are the standardization of the languages, the training of interpreters and translators, bilingual education, indigenous language instruction for public employees, and university programs for translators, interpreters, bilingual judges, lawyers, health practitioners and teachers.

One of the limitations of the commission's work is that the official status of indigenous languages still remains on paper. The constitutional reforms, which were considered a prerequisite for the officialization because they would compel the government to assign resources to the promotion of bilingual public services, were rejected in the constitutional referendum. Again, a national political event has limited the policy impact of the commission and has left the linguistic reform without any legal force. According to Morán, the CNP Languages is elaborating a *Draft Language Law* to provide this legal base. The document will be presented for revisions to interested Maya organizations and to the

indigenous communities, making use of the structure of ALMG offices in each linguistic region. Plans to introduce the draft law in Congress were put on hold by the elections in late 1999, but will hopefully be resumed in the near future (Morán, 1999, personal interview).

When the mandate of the Mixed Commission ran out, COPMAGUA and the ALMG reconstituted the CNP Languages to continue publicizing, following up on and lobbying for the *Proposal* (CNPOI, 1998, 1). However, the current CNP Languages has no legal status nor government counterpart and its members are not recognized by the Peace Secretariat (CNPOI, 1998, 3). This indicates one of the risks of corporatist participatory structures: just as the government can grant official interlocutor status to any organization, it can also withdraw this status at any time and marginalize the organization.

While progress on the policy side is tenuous, the commission is dedicated to working with the local populations, through the ALMG centres, to publicize their proposals, teach literacy in Maya languages, support bilingual education projects, and inform and build local-language capacity among the local civil servants in education, health and justice. The ALMG is producing tools for these purposes, like grammars, translations of the Constitution and different laws, judicial and educational glossaries, and school text books. They are collaborating with the universities to establish programs for interpreters, bilingual teachers, and linguists. Efforts to standardize and update the languages are ongoing.

Among the logistical challenges for the Languages Commission was the lack of data available. Data from the Census of 1994 has only been disaggregated for K'iche', Q'eqchi, Kaqchikel and Mam, and even those number are not reliable.³¹ The numbers of government employees speaking indigenous languages are equally inaccessible. Studies in both areas have been commissioned. The CNP Languages has also indicated that the lack of logistical and financial support from COPMAGUA and the ALMG was a limitation on their range of

³¹ According to the 1994 census, there were 647,624 K'iche' speakers, whereas the 1994 Cholsamaj study *Mayas y Ladinos en cifras: El caso de Guatemala* estimated 1.8 million K'iche' speakers for the same year. These discrepancies extend to Q'eqchi, Kaqchikel, and Mam as well. See Cojtí (1995), 91-118, on the manipulation of statistics to minimize the number of Maya people.

action (CNPOI, 1998, 3).

The fact that the indigenous languages have been exclusively oral languages for centuries and that many dialects have developed is a part of the national context which presents a major hurdle for the standardization and, therefore, for the officialization of indigenous languages. According to Morán, the ALMG is investigating which dialect is spoken by more people and which is more prestigious and/or older, in order to decide which one to elevate to the rank of the official, standard language. The same has to be done at the level of grammar, word usage and spelling. Many words have to be adapted or invented to make the languages fully adequate to express modern concepts without resorting to Spanish. This is a tedious labour, and covering all the twenty-three indigenous languages requires significant resources over and above those available to the ALMG under the given circumstances. Standardization is even more difficult in the case of the Garífuna and Xinka languages due to the limited number of speakers and the absence of research centres or language academies (Morán, 1999, personal interview).

If it is difficult to standardize the languages, it will be even harder to teach the unified, standardized languages. Many indigenous people do not want to re-learn their indigenous language; learning a different version of it may make even less sense to them. However, the use of the standardized language in school and in the media would help to spread them over time. As Morán points out, requiring oral and written bilingualism of civil servants would give the languages prestige and practical importance. If knowing an indigenous language helps a young person obtain employment with the government, an NGO or an international agency, this provides a powerful incentive for learning indigenous languages (Morán, 1999, personal interview).

Due to the defeat of the constitutional referendum, the policy impact of this commission has only been very indirect. By generating debate around the issue and through extensive community work, the commission has raised the prestige of indigenous languages and created an awareness among some government offices, NGOs and international

agencies that the hiring and promotion of native speakers of indigenous languages is important both to make their services relevant to the population and to end the situation of internal colonialism and *ladino* dominance. The commission's greatest strength was the opportunity to use the decentralized structure of ALMG offices in all the linguistic regions and thus effectively reach out to the community level. The commission was thus more successful in contributing to peacebuilding by building bridges between government and civil society and forming social capital (more inclusion, less discrimination and higher self-esteem for indigenous language speakers) than at changing policies.

4.5 The Commission for the Definition of the Sacred Sites

The Commission for the Definition of Sacred Sites, also referred to as Spirituality Commission, was established to address the issues of access to and appropriate management of sacred sites, theft of artifacts, and rules to be followed on these sites. Its specific mandate was to identify indigenous holy places (other than the existing archeological sites) and to establish rules for their preservation (Universidad Rafael Landívar, 1998, 84).

When it began its work, the commission had to respond to the new *Law for the Protection of the Cultural Patrimony of the Nation*, which was being discussed in Congress. The law was criticized for considering only Western technical and economic factors in the preservation of archaeological sites, appreciating Maya people and culture solely for their touristic, folkloric and academic value, and treating them as living patrimony (Matul, 1997, fax). The law, which had already been passed, was suspended as a result of the commission's protests. However, a revised draft law has not been agreed upon to date (N. Cojtí, 1999, personal interview).

A sub-commission was established for the definition of sacred sites. The debate around this definition revealed the unbridgeable differences in world view between the two negotiating parties. To the indigenous spiritual guides, sacred sites are the places where they communicate with God, the cosmos, nature, their ancestors and fellow community

members, and where they celebrate their ceremonies. They include the Ancient Maya Cities (Tikal, Quiriguá, Iximché etc.), indigenous altars, the hills, volcanoes and mountains, indigenous cemeteries, sacred caves, certain springs, lakes, ponds, rivers and waterfalls that are used for the presentation of new-borns, and sacred spots at the Atlantic and Pacific coasts (Comisión para la Definición de los Lugares Sagrados, 1997).

This definition was heavily criticized by government delegates and consultants because it was not compatible with Western juridical norms. To them, the definition should have been an objective description of what makes a place sacred that those who do not believe in indigenous spirituality can apply (Alonzo Castañeda, 1998). Government consultants were worried that a definition based on the 'confluence of cosmic forces' would leave indigenous organizations as the only ones capable of identifying sacred sites and that the inclusion of hills, mountains and volcanoes would mean that a large part of the national territory was composed of sacred sites. They were also concerned about infringements on property rights and insisted that only the Institute of Anthropology and History (IDAEH) can declare sites to be sacred, with due process and appeal mechanisms for the owners of the place (Consultoría sobre el Documento "Definición, Preservación y Reglamentación de los Lugares Sagrados de los Pueblos Mayas, Garífuna y Xinka", 1998).

Another sub-commission was set up to draft a regime for the preservation of sacred sites. They presented a proposal that indigenous spiritual guides, organized in a national Commission of Spiritual Guides, were the most appropriate people to administer and preserve sacred sites. The Spirituality Commission was to draft a set of rules to be observed on sacred sites to protect them from profanity, commodification, and the removal of items. These rules were to be enforced by the Spirituality Commission. The archeological sacred sites were included under this regime, since they were selected for settlement because of the cosmic forces found at them. As far as the sub-commission was concerned, all the earth belongs to God. Spiritual sites can therefore not be private property; they belong to the community and should be managed by local spiritual guides. Hills, mountains and volcanoes

should be declared sacred sites or nature reserves and placed under the protection of local authorities (Subcomisión Regimen de Preservación de los Lugares Sagrados, 1997).

This proposal was incorporated with the definition of sacred sites and presented as the indigenous proposal at the negotiating table. The government rejected it as unacceptable and unconstitutional. They argued that the archeological sites were national patrimony and could not be surrendered to one sector of the population. They were willing to allow indigenous people to practice their religion at these sites, but not to cede any authority over them. They also asserted that any discussion of archeological sites was beyond the competence of the commission, since it was to deal only with the sacred sites other than the archeological sites. Even the non-archeological sacred sites could not be placed under community management since private property was protected under the Constitution (Alonzo Castañeda, 1998).

The different ways in which the indigenous and government delegations interpreted the commission's mandate led to its rupture. The government maintained that the commission was only to define the sacred sites and draft rules for their preservation, whereas the indigenous delegates considered themselves to be the legitimate owners of all sacred sites and insisted that they should be under indigenous management (Lucas and Cojtí, 1999, personal interview). The commission folded in November, 1998, because it was unable to reach consensus.

Narciso Cojtí (ILO, former CNPE delegate) explains the failure of the commission with the fact that both sides took a very uncompromising stance due to a lack of negotiating skills and experience as well as personal attitudes. For example, the indigenous delegation agreed that the archeological sites should be state property, but they insisted that a Maya entity should administer them. Government representatives suggested a pilot project of indigenous administration, but the indigenous delegation was not willing to agree to minimal concessions; they argued for "all or nothing." While the government did not show enough flexibility to agree to change the laws that did not permit indigenous administration

of archeological sites, the indigenous representatives were not willing to accept an exception under existing law instead of a change of the law (N. Cojtí, 1999, personal interview).

One of the core problems of the commission was that the two delegations did not speak the same language, both literally and conceptually. Both Cojtí and Nicolás Lucas (CNPE) reported that some of the spiritual guides were not entirely fluent in Spanish, and that many debates ensued over the usage of words and expressions (N. Cojtí and Lucas, 1999, personal interviews). The government delegates did not understand the Maya spiritual beliefs, and the spiritual guides did not understand Western legal philosophy and the complex legal frameworks they were challenging (IDAEH, 1998). Moreover, the core values the two sides were espousing stand in stark contradiction. To the Maya, all land is owned by God/Mother Earth and should be administered by the communities who live on it; to the government representatives, private property is 'sacred' and cannot be challenged. To the Maya, the mountains and trees are sacred because cosmic forces flow in them; to the government, it is unfathomable to declare large areas of the country as sacred sites.

Moreover, the internal politics of the indigenous movement came into play. The Maya delegation was challenged on all sides. According to N. Cojtí and Lucas, many spiritual elders did not want to be associated with the CNPE because the CNPE was working under COPMAGUA, which the spiritual guides considered to be a wing of the URNG. COPMAGUA did not fully support the commission because it did not approve of its membership, which is one of spiritual guides rather than members of its *instancias*. Initially, COPMAGUA had set up their own spirituality commission to replace the one elected at the General Assembly in 1996. The elected spirituality commission maintained itself, but COPMAGUA was not forthcoming in covering the commission's expenses. The indigenous CNP Spirituality considered withdrawing from COPMAGUA, but the need for a united front prevailed (N. Cojtí and Lucas, 1999, personal interviews).

The real constituency of the commission is limited because the majority of indigenous people are either Catholic or evangelical. Christian Maya frequently destroy

sacred sites because they believe that traditional spirituality is 'of the Devil'. Off the record, members of the indigenous movement admit that the indigenous organizations may invite spiritual guides to their activities for the opening prayers, but they do not live by tradition themselves. As young leaders, they challenge the authority of their elders and their place in the community because they feel that the elders are out of touch with the current national reality and ineffective in achieving progress.

Possibly in response to the ineffectiveness of the commission and the lack of backing in civil society, the government delegation did not pay much attention to the commission. The CNPE members report that the government failed to elaborate counter-proposals. Their response to a compromise proposal that the Peace Secretariat made in early 1999 was still pending at the time of writing (Lucas and N. Cojtí, 1999, personal interviews). The minutes also show that absenteeism on the part of government delegates and therefore lack of quorum was a common problem and that the indigenous delegates suspected that their government counterpart had a double agenda of promoting eco-tourism on sacred sites while negotiating the preservation of those same sites.

A high level of distrust made the relationship even more difficult. N. Cojtí indicated that the government delegates expected a list of all the sacred sites from their indigenous counterparts. However, the spiritual guides worried that the government might use this information to turn their sacred sites into tourist attractions and refused to hand over a list. This stirred up negative attitudes from the beginning. With every proposal the government side made, the indigenous representatives were looking for hidden agendas and negative effects (N. Cojtí, 1999, personal interview). Principally, the indigenous delegates suspect that money is the main motivation of the government delegates, and that the latter will not accept indigenous management of the archeological sites because these are important sources of government revenue (Lucas, 1999, personal interview).

The Spirituality Commission has not had any policy impact except to prevent the implementation of the *Law for the Protection of the Cultural Patrimony of the Nation* and to

include a clause on sacred sites in the *Law of the Land Fund*. Its role of nurturing public support for the peace process, bridging the gap between government and the population, and fostering a culture of dialogue has been limited to consultations with those of the spiritual guides who have chosen to work with the commission despite its links to COPMAGUA. Its major limitations have been on the level of personal capacities and attitudes, making it impossible to reach consensus on a common proposal. This has been aggravated by a lack of support from both civil society and from the government interlocutors.

4.6 Lessons Learned

The case study shows that there are trade-offs and contradictions between the different roles that a mechanism for civil society participation can play in peacebuilding. The first major trade-off, especially under tight time-constraints, is between policy impact on the one hand and civil society consultation, information, networking and social capital formation on the other hand. A focus on direct policy impact in the short term led the Land Commission to engage in the drafting of detailed legal text early on. They validated their proposals with their member organizations, but the technical nature of the proposals limited the opportunity for substantial input on the part of first-level community organizations. National research centres and the *Pastoral de la Tierra* attempted to provide substantive input, but the discussions were cut short by the need for the CNP Land to hand in a proposal to the Land Commission. The Education Commissions took the opposite approach by inviting proposals first and then drafting a broad outline of education reform. In this case the opportunities for civil society input and national dialogue were substantial, but the resulting product was a general guideline without direct policy impact.

Another trade-off, and sometimes contradiction, is between the government's aims for legitimization and control and the potential contributions that the mechanism can make to peacebuilding. Civil society organizations usually request participatory mechanisms as a way to advocate for their demands; the government may accept to set up such a mechanism

to legitimize its own agenda. However, if the content and orientation of these two agendas stand in contradiction to each other, the commission may easily fail to fulfill either of these functions. This was the case for the Spirituality Commission, whereas the other commissions found ways to combine the two agendas. The Land Fund, for example, was a way to address the *campesinos* demand for access to land and the government's need for a way to reduce social unrest.

The government's need for legitimization and control may also stand in contradiction to the roles of broadening public support for the peace process, bridging the gap between the government and civil society, and generating constructive dialogue. The more control the government exerts over the mechanism by limiting the number of interlocutors and the scope of discussions, the more it can divide civil society into those who are engaged in the commission, who become regarded as privileged, exclusive and non-transparent, and those who are trying to make proposals from the outside and are turned down because their input exceeds the parameters of debate acceptable in the commission. Instead of contributing to peacebuilding, this can exacerbate conflict.

Nevertheless, the experience of the Languages Commission shows that the legitimization function is important as a motivator for governments to invest in participatory mechanisms. In the case of the Language Commission, the government did not consider a participatory mechanism necessary after the formal mandate for a proposal on officialization was fulfilled. The CNP Languages therefore has no counterpart and no organic connection to the government. This greatly reduces its opportunities to have impact on policies. Though it may have a close relationship to the linguistic communities, it cannot bridge the gap to government since it is not connected to the government any more. The CNP Spirituality is in a similar position since its counterpart is unwilling to return to the negotiating table.

The experiences of the Spirituality Commission and the first year of the Participation Commission reveal the importance of personal characteristics and relationships. On the Spirituality Commission, the difference in world-view and values was so large that it could

not be bridged, partly due to a lack in negotiating experience and previous contact on both sides. The Participation Commission was in a similar position, but a change in several delegates and a re-orientation to a more technical focus has helped them to become more effective. In the Land Commission, on the other hand, the initial philosophical and personal differences were not as large. The negotiating teams have chosen to address the topic in a technical manner and regard it as a common problem to solve collaboratively. Both sides had considerable previous political experience, and the lower formal education level on the indigenous side has been off-set by workshops and technical advisors.

The structure of the commission, and especially of the civil society representation, is also important. The Land Commission has been rather monopolistic and has generated much conflict because a number of civil society organizations have felt excluded. They have perceived the official interlocutors to be co-opted, negotiate from a minimalist position, and neglect the representation of their constituents for the efficient production of outputs or, worse, to ensure privileges and posts for themselves. These perceptions may be inaccurate, but they have arisen because the structure and the approach of the commission has precluded substantial input from outside the commission.

Another structural factor is whether the networks of a CNP are situated in the capital or in the countryside. The CNP Land's network includes many local committees, which has allowed them to validate and publicize their proposals in the rural areas. The CNP Education Reform's network is centred in the capital and their work is largely unknown in the rural areas, which reduces their ability to bridge the gap between the government and the rural population.

The continuing exclusion of women is another structural problem that runs through all Guatemalan organizations. There was no women on the Land Commission, two on the Participation Commission (in its 1997 composition), three on the Mixed Commission on Education Reform, three on the Languages Commission, and one in the government delegation of the Spirituality Commission. Six of the women were on the government

delegations and three on the indigenous delegations.³² There is a positive trend in that, between primary negotiators and alternates, ten women participate in the Consultative Commission on Education Reform (SEPAZ, 1998a and 1998b).

The national context becomes important once proposals have been developed and have to be passed by Congress. The Municipal Code has been shelved in Congress. Several other legal reforms were dependent on Constitutional Reforms, which were defeated in the referendum after being delayed and diluted in Congress. The Land Fund has been approved, but has not been accorded sufficient funding in the national budget and has been burdened with bureaucratic requirements. Pressure from civil society can be an important factor to speed progress up, as manifest in the *campesino* marches that supported the negotiations for the Land Fund. On the other hand, civil disagreement like the teachers' protests can paralyze a reform program.

The international community has had an important impact on the negotiations. The Land Fund was passed shortly before a Consultative Group Meeting. The Donors Network on Education Reform encourages continuous progress in the area of education reform. Bilateral or multilateral program funding to the ministries can support or counter the activities of the commissions. The Education Ministry has numerous different programs funded by different donors, which do not necessary comply with the *Design of Education Reform*, and which often weigh more heavily than the Consultative Commission because they bring in significant funding.

Another contribution is the funding international donors, mostly NGOs, provide to the indigenous representation. Without that funding, COPMAGUA and the CNPs would have very little resources of their own. The donors, and other agencies like the OAS, have also provided training and technical assistance, which has helped to alleviate the gap in formal education and exposure to the formal political system between the delegations.

³² These numbers include only primary negotiators, no alternates, for lack of available data.

The following chapter will review the impact that the system of commissions has had on peacebuilding in Guatemala. It will draw a balance between the positive contributions and negative effects of this corporatist mechanism. The commissions have facilitated group-based interest representation for the indigenous people, who had historically been excluded from any decision-making power at the level of governance. They have catalyzed a relatively broad-based process of consultations and public debate, bridging the gap between government and civil society, generating support for the Peace Accords, and contributing to the emergence of a culture of dialogue and peaceful discussion.

However, they were limited by personal, structural, national and international constraints, many of which are related to the nature of corporatism. As long as the government maintains full control over the structure and the indigenous representation only functions in an advisory capacity, the government can set the agenda and decide the range of permissible topics and solutions that can be discussed as well as the level of uptake of the policy recommendations in the legislature and executive.

Chapter Five The Road to Peace Revisited

The preceding study examined the contributions that the joint indigenous-government commissions established under the AIDPI have made to the peace process in Guatemala. It also discussed the factors that have facilitated these contributions, the inherent trade-offs between the different roles that the commissions have played in the context of peacebuilding, and the obstacles that they have had to overcome. It focussed on the indigenous representation to the commissions since it is in civil society where peacebuilding ultimately has to take place, and indigenous people are the numerical majority in Guatemalan civil society.

Mechanisms for civil society participation in Guatemala have evolved over the course of the peace process towards broader participation, a higher level of organization, and greater institutionalization. Civil society participation in the peace negotiations began with the Grand National Dialogue, a multisectoral forum followed by an informal series of meetings in which a limited number of (self)selected, capital-based representatives of the political parties, business, the churches, academics, professionals and the labour and popular organizations held discussions with the URNG leadership. The organizations interested in the peace process coalesced in two networks, the CSC and COCIPAZ. These mechanisms have laid the foundation for a corporatist structure as society was divided into a limited number of sectors, with each sector being represented by one or a few groups.

These informal networks were institutionalized and united in the Civil Society Assembly (ASC). The ASC's role was written into the *Framework Agreement*, which restarted the peace negotiations in 1994. Civil society participation was thus formalized and, at the same time, broadened to include Mayan organizations, women's groups, research centres and NGOs. Their role was one of policy-influence and representing the interests of the disadvantaged sectors; they were selected to speak for their sector though they were neither elected nor able to consult with or inform the grassroots due to time constraints. Although their role was merely advisory, they were very effective in elaborating proposals

in a short time frame and achieved the incorporation of some of their propositions into the Peace Accords. They provided a first channel for civil society to express its interests before the government in a peaceful manner and to influence policy. This constituted an important break with the past, when dissent was repressed violently.

The Mixed Commissions have continued the trend towards broader participation. The indigenous delegates to these commissions have been elected in an assembly of all interested indigenous organizations. Proposals have been solicited from civil society organizations working on the issues under discussion. Consultations and workshops have been held to determine public opinion. Draft proposals have been circulated for comments. For the first time, this consultative process has been expanded beyond the capital and efforts have been made to reach the grassroots.

The commissions have thus started taking on the function of generating wider public support for the peace process by bridging the gap between the government and the indigenous population. The consultations have also - by default if not design - contributed to transforming behavioural patterns of protest, opposition and hostility into habits of participation, proposition, and dialogue among members of civil society. At the same time, government representatives have learned to encourage rather than repress proposals from civil society and have acquired a certain respect for indigenous culture.

In this chapter, I will review how the set of commissions has contributed to peacebuilding, what the major trade-offs have been, and to what extent the characteristics of the corporatist structure have limited the peacebuilding effect of the commissions. I will underline how the corporatist structure of the commissions was a necessary step towards democratization and group-based interest representation in a context where indigenous people have been excluded from liberal democratic institutions and where a consociational form of democracy has not been feasible due to strong national opposition. I will then place the discussion of the commissions in the wider context of the Guatemalan peace process and show that, although the ideal of positive peace has not been achieved, significant progress

has been made.

5.1 Policy Influence

Håkan Wiberg argued that conflict resolution required the change of an aspect of reality and/or a change in the demands of one or both parties to the conflict (Section 2.1). The tangible impact of the Mixed Commissions on state policy has, until now, been limited to reforms to the Land Fund and a more intercultural orientation to the education reform plans of the Education Ministry. Yet, the commissions have fundamentally changed an aspect of reality: they have broken a long tradition of exclusion and repression and included the indigenous peoples in policy-making. The system of commissions constitutes an institutionalized channel for group-based interest representation, in which indigenous organizations can make claims and influence policies and legislation. As Kumar Rupesinghe and Edward Azar have noted, political and cultural rights are at least as important in identity conflicts as economic demands (Section 2.1). Participation in governance is one of the basic demands of the Maya Movement.

The commissions system thus partially makes up for the short-comings of the liberal-democratic institutions, which have excluded indigenous people from decision-making power for centuries. They fall short of a full power-sharing arrangement, which would require indigenous leaders at the head of an indigenous representation mechanism to share effective decision-making power on an equal footing with the government (as suggested in a proposal of the Participation Commission, see Section 4.3). It also fails to provide for a proportional representation of indigenous people in the government or in public administration, though the Participation Commission is negotiating indigenous representation on the municipal level and in the development councils (Section 4.3). Even the proportional allocation of public resources and a right to be consulted on vital decisions to indigenous people are only very remote possibilities. Enshrined privileges, the widespread fear of a division of the country, and a lack of human resources on the part of the

indigenous people make a consociational structure of representation, as suggested by Lijphart (Section 2.2), impossible.

The corporatist mechanism of the commissions has many limitations. It reduces an approximate sixty percent of the population to one interest group among many; its recommendations are only advisory and not binding; it carries the risk of coopting indigenous leaders without effecting tangible change; and it limits the range of subjects of discussion and of possible solutions. Despite all these draw-backs, the structure is the only channel for group-based interest representation that is available and that seems possible at the present moment. In the Guatemalan context, it is more effective in representing interests than liberal democratic institutions based on elections, because it specifically includes a sector of the population that has traditionally been excluded by the electoral system. It also allows the indigenous representatives to make and negotiate substantive proposals rather than just choose between proposed candidates and lobby from the outside.

The peace process has also changed the positions and demands of the conflicting parties. The armed conflict was fought along class lines and over materialist demands like the redistribution of land and the provision of social services. During the peace process, the conflict has changed its form. While economic demands have remained important, they have become couched in a language of ethnic identity. New claims have emerged for cultural, social, and political rights. This evolution of the conflict has been the combined result of the emergence of educated indigenous leaders to articulate ethnicity-based demands, the discrediting of socialist theories, the inspiration of the Pan-American indigenous movement, and the development of international law on indigenous rights. The experience of repression has also led many leaders to the conclusion that it is safer to address issues of poverty and exclusion in a language of culture and (non-)discrimination.

Organizations struggling for access to land have also re-emerged after the subsiding of repression, and many human rights and self-help groups have formed as a result of the violence. However, the demands have been modified. Instead of demanding the

redistribution of land through the expropriation of large land-owners, *campesino* organizations are now trying to work through the Land Fund and conflict resolution institutions like the mayoralties, justices of peace, or the Presidential Dependency for Legal Assistance and Conflicts over Land (CONTIERRA). Victims' organizations now demand human rights instead of calling for the overthrow of the government.

One of the weaknesses of the commission system with respect to these new, less confrontational demands is that they neglect the practical, physical needs of the majority of the population while focussing on identity needs. The fulfilment of strategic needs (i.e. education, participation, and non-discrimination) may lead to the provision of the practical needs (i.e. food, shelter, employment or access to land) in the long run, but this connection is very indirect. Only one of the Mixed Commissions, the Land Commission, deals with socioeconomic issues, and its results to date will not solve the crisis of landlessness and the attendant cycle of poverty, malnutrition and illiteracy. Yet, the majority of the population still regards potable water, roads, schools, access to land, and productive projects as the priority and does not identify with the new ethnically based demands.

There are two sets of factors that condition the commissions' ability to influence policy: one set is related to the ability to produce viable consensus proposals in a timely fashion, the other to the uptake of these proposals. The first set includes the personal characteristics of the members. Their technical capacity is important; however, a lack of technical capacity can be remedied through training and capable advisors. More important are the attitude, negotiating experience, and the relationship between the members of the commission. Logistical factors also play a major role, especially the resources available to hire consultants and advisors, the access to statistical data and analytical studies, and the amount of time that is available to build consensus, consult, and discuss controversial issues.

The second set of factors is related to the national and international context. Once a proposal is handed in to the Accompaniment Commission, it is the role of Congress to turn it into legislation. The commissions are a part of the state bureaucracy, ascribed to the Peace

Secretariat (except for the Consultative Commission on Education Reform, which is part of the Education Ministry). To take up Wiarda's model from Section 2.5, the commissions are located in a separate pyramid from the legislative structure. Yet, all the recommendations of the commissions have to be passed by Congress to obtain legal force.

As detailed in Section 3.3, the different branches and levels of government in Guatemala tend to paralyze each other. A powerful conservative wing in Congress during the PAN administration obstructed progress on many initiatives related to the Peace Accords. This dependence on the good will of the different factions within the government underlines the limitations of a corporatist structure. Civil society participation takes place merely at an advisory level and the government retains full decision-making power to determine which proposals are acceptable and which to promote.

At the same time, the commissions have also had to confront the structural limitations of the national context, where powerful interest organizations worked mostly behind the scenes, delaying decision-making in the commissions and in Congress, but also openly, as they did during the run-up to the referendum. Many *ladinos* fear unrest and the division of the country if the indigenous people continue organizing along ethnic lines and demanding cultural rights; others see indigenous culture as backward; yet others as pagan and contrary to Christianity. These concerns among the general population are marshalled by business and political elites who are reluctant to share power and give up their privileges. The strength of this opposition confirms that a consociational structure of group-based interest representation would not be feasible in the Guatemalan context.

Combined pressure from civil society and from the international community is often effective in speeding up progress. Both the Land Fund legislation and the constitutional reform package were passed in Congress shortly before Consultative Group Meetings. This reveals the need for the Guatemalan government to have some progress to show in the implementation of the Peace Accords. International pressure is most effective when it supports domestic demands; working in alliance with the national civil society also allows

international actors to counter the accusation of interfering in Guatemala's internal affairs and imposing external priorities.

Despite all the limitations, some progress has been made. After all, a corporatist mechanism will only enhance the government's legitimacy and facilitate governance if it is credible and allows for some concessions. The government has instituted the commissions to generate public support and reduce the level of confrontation with civil society; these aims can only be served if some of civil society's demands are met.

5.2 Bridging the Gap between Government and the Governed

While only a limited number of individuals and organizations can participate directly in policy-making, the involvement of wide sectors of society is necessary to make policies relevant and to generate buy-in for the peace process at the community level. In order to construct positive peace, transform conflicts, democratize society and address socioeconomic inequalities, broad civil society participation is required. Even though the monopolistic nature of a corporatist structure limits direct participation, this constraint can be loosened through the dissemination of information and broad consultation processes.

The commissions are located at the mid-level of Lederach's pyramid (Section 2.3). This is a strategic location as they can reach the top-level decision-makers with their proposals and the grassroots through their consultation process. To a varying degree, the commissions have connected the two levels and formed a bridge between the top national leadership and the grassroots population. The CNPs have moved information between these levels by means of awareness raising workshops and the channelling of proposals. They have travelled to the communities, disseminated information about ongoing discussions, and invited feedback. The proposals and comments they have received has allowed them to voice the concerns of their grassroots constituency at the negotiating table. Through these activities, they have partially filled a void that had separated the national political leaders from the population because, as discussed in Section 3.3, the political parties are not

effectively aggregating and representing the interests of the population. As McDonald points out (Section 2.3), it is essential that the groups in power buy into the process of a national peacebuilding dialogue; this backing is given in the commissions since high-level government delegates participate within the commissions.

The consultation process has given a motivation to many NGOs to engage in research and critical thinking about the issues on the negotiating table. A wide range of opinions has been reflected in their proposals. In terms of Harvey's level of participation elaborated in Section 2.7, participation has been substantive among the national NGOs and higher-level networks. As far as workshops with the grassroots communities are concerned, they have only facilitated a more passive participation; however, they have served a crucial information function by letting the communities know about the proposals of the commissions. This is a significant advance over the isolation and exclusion prevalent before.

The most serious weakness in this regard is that by far not all the communities have been reached. Knowledge and 'ownership' of the Peace Accords and the implementation process are limited to those leaders involved in the NGO community and to communities physically close to the capital or to major urban centres. There are many reasons for this: the limitations of the national physical and communications infrastructure, limited media interest in the process, wide-spread illiteracy, the scarcity of resources for consultations and information campaigns, and the fact that grassroots consultations were left solely to the indigenous representation. Essentially, the indigenous organizations have built a bridge between the government and their member organizations, but have not reached the general population. This was evident in the backlash against the constitutional referendum, where many voted against reforms they did not understand and had not been consulted about.

The commissions have also been weakened in their function of linking civil society and government by their monopolistic nature, which is reflected in the fact that their structure has excluded important organizations. This factor was analyzed in the discussion of the Land Commission (Section 4.1), which has encountered opposition within civil

society from groups that felt excluded. Traditional authority structures have also not been consulted nor represented. These authorities include not only indigenous customary authorities, but also the churches. The churches remain the organized civil society networks with the largest membership and the greatest legitimacy. They have much to offer in the form of networks for the spread of information and experience with grassroots organizing. On the other hand, they can be powerful agents against change, as revealed by the campaign against the constitutional referendum.

The monopolistic nature of the corporatist structure thus limits its peacebuilding role of generating broader support for the peace process by bridging the gap between government and the governed. Yet, the set of commissions is an improvement over the previous practices of exclusion and repression; it opens a channel of interest representation and dialogue. To what extent this channel is used depends on the attitudes and resources of the representatives on the commissions, on government and international support for consultations, and on the strength and unity of civil society.

5.3 A Culture of Dialogue

Earlier corporatist mechanisms of civil society participation - the Grand National Dialogue and the Civil Society Assembly - were limited to the presentation of proposals to one or both of the parties at war and aimed solely at policy-impact. The Mixed Commissions, however, have played many of the roles that Ryan attributes to conflict transformation mechanisms (Section 2.4). They have brought parties from across the conflict lines - both the armed conflict between the URNG and the government and the latent ethnic conflict - together and allowed them to re-evaluate their perceptions of each other while they tackled common problems.

In some cases, like that of the Education Commission (Section 4.2), the commissions have contributed to a softening of group boundaries and the transformation of relationships. The consultations have opened spaces for participation to an increasingly

broader part of the population (e.g. women, youth, indigenous people), have generated debates and communication within a highly divided society, and have created democratic habits. Therefore they have built social capital in the form of trust, shared norms, networks of collaboration, and a renewed sense of community. However, in other cases, like that of the Land Commission (Section 4.1), the monopolistic nature of the commissions has created conflict rather than building peace and social capital because major stakeholders have felt excluded and have thus opposed the commissions.

The commissions have also had the effect of transforming the political culture. Policies are now made in consultation with civil society. Government representatives have learned to engage in dialogue and respect the capacity of civil society groups to make solid proposals; they now solicit input instead of repressing it. Attitudes in civil society have changed from confrontation to constructive dialogue and the creation of spaces for influence through proposals and lobbying. Formal and informal alliances are evolving within civil society, allowing for consensus-based proposals that are technically refined and have the backing of a significant number of organizations and people. The commissions have opened a channel for consultation and interest representation in an otherwise authoritarian and exclusionary governance system.

The negotiating process in the commissions has placed the issue of indigenous rights on the table and generated debate around it. Many indigenous people have taken pride in their culture and become more confident in speaking their language in public and with their children, practising their spirituality openly and defending their right to wear indigenous dress at work and at school. The value of indigenous languages has been raised as they are becoming a requirement for more and more jobs. The non-indigenous population has developed more respect for indigenous rights and the multicultural nature of the country.

However, Galtung and Lederach also point out that conflict transformation involves far-reaching changes in the structure of society, institutions and attitudes (Chapter Two Introduction). This is a long-term process, which is clearly in its incipient stages in

Guatemala. The constitutional referendum revealed the continuing prevalence of racist attitudes; the lack of implementation of the commissions' recommendations and other provisions of the Peace Accords points to continued blockages in the legislative and executive structures of government; and the economic, social and political structure of society remains heavily skewed towards the business elites, *ladinos*, and residents of the capital city.

The process of changing this context may take generations to complete. The difficult national context affects the work of the commissions. The divisions within the Maya Movement are reflected in COPMAGUA (Section 3.4 and 3.5). The fragmentation of civil society along class, ethnic, religious, ideological, gender, and inter-personal lines (Section 2.7) is reflected in the animosity the CNP Land and COPMAGUA as a whole have encountered from their rivals in civil society. Self-interest, exclusion, authoritarianism and conflict characterize the Guatemalan civil society organizations just as much as they characterize the government. While the commissions have functioned as a catalyst for the reconstitution of civil society organizations and alliances, the weaknesses and divisions in civil society have also been a limiting factor on their effectiveness particularly in their role of fostering a culture of dialogue.

As mentioned above, the commissions are mid-level institutions. As a result, they do not address the many grassroots-level issues arising from the armed conflict, such as the divisions within the communities, ongoing feuds and desire for revenge, post-war trauma and desensitization, and habits of violence. It is at the grassroots level that war is fought and the consequences are felt most acutely. The fragmentation within society and the continuous fear of a return to repression are major factors impeding participation in civil society organizations. Frequent lynchings are symptomatic of the culture of violence.

The commissions have made important contributions to peacebuilding through the generation of dialogue at the national level, both among civil society organizations and between them and the government. However, they have had difficulties reaching the

community level. It is clearly necessary to complement the national-level corporatist structure with local-level mechanisms to promote reconciliation, cultural transformation towards peaceful conflict resolution, and trauma counselling.

5.4 Legitimization and Control

The commissions are a corporatist structure as defined by Schmitter (Section 2.2): a system of interest representation where the many interests among the indigenous people are reduced to the five discussed in the commissions and represented by a monopolistic structure, COPMAGUA, through which all proposals have to pass. Agreements are negotiated between COPMAGUA and government representatives in the name of all indigenous people and are considered binding for all indigenous people. The government maintains control over the demands that can be raised because only provisions acceptable to the government negotiators can be passed. The government can withdraw its interlocutors if COPMAGUA's negotiators insist on a position that is unacceptable to the government, as happened to the Spirituality Commission (Section 4.5).

This system of commissions is a way for the government to signal openness for discussion and accessibility for the marginalized sectors on the one hand and to maintain control on the other. Encouraging civil society organizations to make proposals instead of organizing marches, strikes and land invasions buys the government social peace. Grievances are channelled through a recognized, monopolistic representation. Organizations that are more radical, claim more than what the government is willing to negotiate, or use tactics other than the sanctioned ones are isolated. Civil society leaders are co-opted, granted limited concessions, and given incentives to focus their energies on negotiating rather than mass organizing.

The commissions have thus reduced conflict by legitimizing the state after a long history of oppression, exclusion and discrimination and by providing a channel of communication between the government and the governed. However, they may produce

further conflict in the future if the corporatist structure becomes discredited for coopting indigenous leaders without protecting the collective rights of the indigenous people. If the commissions fail to result in significant concessions, they will exacerbate conflict instead of eliminating it.

There are definitely trade-offs between the legitimizing function that the commissions have for the government and their peacebuilding roles of policy influence, generating public buy-in for the peace process, bridging the gap between government and the governed, and promoting a culture of dialogue. Yet, the extent to which the system of commissions legitimizes the state depends on how effective it is in its other roles, especially in influencing policies, and on how well the output of the commissions is received in organized civil society. If the commissions fail to produce outputs, or if their recommendations are not implemented, the structure will lose its credibility. Likewise, if major civil society sectors are excluded, they will publicly protest. The example of the Land Commission (Section 4.1) shows how the mechanism can become discredited when the indigenous delegates are not accepted as representative by all the civil society organizations. There is therefore a convergence between the aims of government and civil society, which will usually be sufficient to make the structure effective.

The extent to which it will be effective depends on the individual negotiators and their relationships, the amount and kind of support the commissions receive from the government and the international community, and the internal coherence of government and civil society institutions. The Mixed Commissions are not strong enough to form a 'quasi-cabinet' that circumvents the electoral institutions, as Schmitter was concerned (Section 2.5); to the contrary, they are often too weak to exert an influence on either the legislature or the ministries. The exceptions are the Land Commission and the Education Commissions (Sections 4.1 and 4.2), which are integrated into the ministries through the presence of the Vice-ministers and other senior officials on the government delegation. They have more possibilities to exert influence within the respective ministries; however, to have legal force,

their recommendations still have to be ratified by Congress.

The one major weakness that has limited the commissions' peacebuilding impact has also reduced their legitimizing effect: they have failed to reach most of the rural communities. Legitimization of the government may have taken place at the level of civil society organizations in the nation's capital as the government has become more accessible. However, in the rural communities the commissions are little known. At the local level, the government is still represented through the military and the mayors. Reaching this level would either require a major outreach campaign or a methodology that made use of existing structures like the churches, the municipalities, or the schools.

The commissions have contributed to social peace, especially at the national level, by signalling the government's openness to negotiations and creating a channel for the peaceful representation of interests. However, as time has gone by without tangible results, *campesino* organizations like CNOC have renewed the organizing of marches. These pressure tactics are likely to escalate as expectations for progress in the commissions is frustrated.

5.5 A New Dawn?

If the aim of the Peace Accords, and by extension the aim of the commissions, was to bring positive peace to Guatemala, the country is still far removed from this ideal. Positive peace, in Galtung's and Lederach's conceptualizations (Chapter Two Introduction), involves a society-wide network of relationships, a profound reconciliation, justice, harmony, equity, social integration, and respect for human rights. The reality of Guatemala is one of fragmentation and conflict between and within communities, civil society organizations, and ethnic, religious, and gender-based identity groups.

Human rights abuses, from threatening phone calls to killings, are still frequent, though they have declined in number. Impunity is still the rule rather than the exception. The concentration of wealth is increasing, and the long struggle over tax reform reveal the

resolve of the traditional elites to maintain their privileges. Instead of harmony and reconciliation, lynchings and common crime are on the rise. The continuing desire for vengeance can be seen not only in the numerous court challenges but also in the local riots after the November 1999 elections, which were mostly directed against the mayors-elect.

The defeat of the referendum on constitutional reforms reveals the limitations of public knowledge about the peace process, the lack of active support it has generated among the population, and the continuing opposition to it on the part of the conservative groups who mounted the counter-campaign. The campaign for the 'no' and its success show the depth of the divisions that characterize Guatemala, manifested in racism, fear of a stronger Mayan culture, religious fundamentalism, and the opposition to a government proposal for the sake of opposing a discredited government.

It is easy to become discouraged in the face of all these clouds on the horizon. However, the developments during the past ten years, slow as they may seem, have to be considered in the context of the previous thirty-six years of war and the five hundred years of external and internal colonialism. At a minimum, negative peace has been achieved - the *guerrilla* has been demobilized, the PACs have (officially) been dissolved, forced recruitment has stopped, and the army has been reduced in numbers.

Beyond negative peace, a transformation of the issues at stake has occurred, and new actors have taken centre stage in political processes. The ASC and the commissions have included indigenous organizations and other civil society sectors. They have transferred the lead in policy-making from the military and business associations to civil servants, elected representatives, and leaders of civil society organizations. Though the military and business sectors still retain significant power behind the scenes, civilian leaders are now debating national problems in a non-violent manner and across the cultural divide - a clear sign that the rules of the game and the relationships between stakeholders have changed. Contentious issues of internal security, land reform, and inequality have been reduced in profile in favour of education reform, linguistic and spiritual rights, participation, and a Land Fund.

To heal the wounds of the war and the years of repression, a generation may have to pass. Though a more accessible and participatory government will improve the relationship between civil society organizations and the government, it does not address the fragmentation between identity groups nor the resentment between victims and victimizers. The protection of indigenous rights may provide redress for past human rights violations carried out by the State, but they do not automatically change the discriminatory attitudes of individual citizens. This is a long-term process.

Taking a generational perspective points to the importance of education. Education has the potential to instill values of tolerance, egalitarianism, respect for other cultures, and peaceful conflict resolution in the new generation. At the same time, it can provide the new generation with skills to improve the productivity of the land, find wage employment or create alternative sources of income. Thus it has the potential to alleviate poverty and reduce inequality. The Mixed and Consultative Commissions on Education Reform have therefore an important contribution to make to peacebuilding. It is encouraging to observe that these commissions have indeed had an impact on the ideas, concepts and attitudes held in the Ministry of Education as well as on the reform proposals that are being elaborated.

In conclusion, it is important to keep in mind that conflict is omni-present in every society. The goal of peacebuilding is to install mechanisms and institutions to manage conflict in non-violent ways and to reduce its sources (e.g. exclusion, poverty and extreme disparities in income and wealth). The set of Mixed Commissions is one such mechanism. Combined with other corporatist structures, it has made important contributions to peacebuilding despite its limitations. Asking for it to create positive peace would be unrealistic - positive peace is an ideal, which makes it a horizon to constantly strive for rather than a state that can actually be achieved.

Epilogue

The November 7, 1999 national elections brought a sweeping defeat to the governing National Advancement Party (PAN). The Guatemalan Republican Front (FRG) won an absolute majority in parliament, the majority of the mayoralties, and 47.7% of the presidential votes. Alfonso Portillo was elected president by a 68% majority in the December 26, 1999 runoff elections. His populist campaign was based on portraying himself as a friend of the poor, vague promises of change, and the slogan *seguridad, educación y bienestar* - law and order, education and well-being. Many indigenous and popular organizations and international analysts viewed the FRG's electoral success with concern because many of its members have a history of human rights violations, first and foremost party leader and now head of the Congress General Efraín Ríos Montt, who was responsible for the massacres of 1982-83.

In his inaugural speech, Portillo emphasized his will to strengthen democratic institutions, broaden civil society participation in policy-making, fight impunity and corruption, reform the military and intelligence sector, promote social and economic development, provide universal coverage for health, education, and social security, and implement the Peace Accords. He announced that he would honour the results of the Mixed Commissions. The new government is composed of a broad range of actors, including the traditional right wing, populists, indigenous activists and leftist revolutionaries, which makes it very complex and unpredictable.

In an assembly of the 330 mayors, Portillo announced a "Governability Pact," which was meant to broaden participation in policy-making and to serve as a tool for decentralization. Various fora of discussion were to include the mayors, national authorities, political parties, the private sector, unions, the media, the churches, and other sectors of civil society. The foundation on which the pact was to be built were the mayors, since they are the elected representatives of the people at the local level. The mayors were expected to familiarize themselves with the Peace Accords and the results of the various commissions

and to take them into account in their municipal planning.

The Governability Pact was to deal with six issue areas: 1) internal security, justice, demilitarization and human rights; 2) decentralization, rural development, and environment; 3) education reform (based on the *Design of Education Reform*); 4) citizen participation and political reform; 5) integral human development (childhood, youth, women, interculturalism, and fight against poverty); and 6) a Fiscal Pact to raise the level of taxation to twelve percent of the GDP by the year 2002. A consensus document on the Fiscal Pact was signed by the government and numerous representatives of civil society organizations, including both popular and business associations, in June, 2000. The Fiscal Pact is thus the only one of the six issue areas that has been addressed at the time of writing.

If the Governability Pact was fully implemented, it would address the criticism that the 'ownership' of the peace process is limited to a small insider-circle of government officials and civil society elites. It could transcend the limitations of the corporatist framework, broaden the peace constituency, and decentralize decision-making. However, it also carries the risk of lowering the substantiveness of participation due to the high number of participants and their limited background knowledge of the issues under discussion. Another risk is that of a renewed marginalization of indigenous people through their treatment as one of many sectors of society. It is still unknown whether the pact will be implemented and, if so, what the exact mechanism will be.

1992:

'Mesa Maya' in the Civil Sectors' Coordination (CSC)	
Majawil Q'ij	COMG
CONAVIGUA, GAM, CERJ, CONDEG CPR, CCPP, other campesino, religious and human rights organizations	ALMG, CECMA, COINDI, Cholsamaj, AEMG, and other Mayan-culturalist organizations

1993:

National Consensus Body	
Mayan Unity and Consensus Instance (IUCM)	Permanent Assembly of Mayan People (APM)
Majawil Q'ij and others from the <i>Mesa Maya</i>	COMG, ALMG, National Movement of Mayan Resistance, 86 other Mayan organizations

1994:

Civil Society Assembly (ASC)				
COPMAGUA				10 other sectors
IUCM	Tukum	UPMAG	APM	

1999:

IUCM		Tukum	UPMAG	COMG	ALMG		
COPMAGUA							
CNP Land	CNP Education Reform	CNP Participation	CNP Languages	CNP Spirituality	CNP Indigenous Law	CNP Constitu - tional Reforms	CNP Women

Appendix Two Questionnaire - Commission Members³³

1. What are the issues the commission has dealt with to date?
2. What are the main achievements and results of the commission to date?
3. How are the proposals elaborated? What are the consultation and validation mechanisms? What are the main concepts under discussion, points of agreement, and points of dispute between commission members with respect to the proposals?
3. To what extent have the proposals been implemented? Have they been publicized? What have the main reactions to it been, especially from the affected sectors?
4. Who are the members of the Commission? If indigenous - Where are they from? What languages do they speak? If government - what is their level of decision-making power? How many women are there on the commission?
5. What is the relationship like between the different delegates on the commission?
6. In your opinion, to what extent does the commission succeed in representing the needs of the people? What impact have the activities of the commission had on the population?
7. What were the main difficulties the commission has had, and how have they been overcome? How could the functioning of the commission be improved?
8. How do you interpret the result of the Constitutional Referendum? How has it affected the peace process?
9. What impact has the work of the commission had on the peace process and on reconciliation and democratization in Guatemala?
10. What changes have you seen in the attitudes of government representatives, in other organizations, or in society in general?
11. What are the linkages between the Maya Movement and the churches?
12. What is the relationship between the Maya Movement and the international organizations like?
13. What does 'Mayan identity' mean to you? How did you join the movement?
14. If you could name three steps for the construction of a true and integrated peace in Guatemala, what would they be?

³³ These questionnaires were general guidelines for my interviews; not all questions were asked to all interviewees, depending on whether they were from the government or indigenous delegation, and on the flow of the conversation.

Questionnaire - Non-Members of the Commissions

1. Could you briefly describe the main activities of your organization in relation to the peace process?
2. Has your organization been involved with the negotiations in the Mixed Commissions and in what way?
3. What do you consider the main achievements and results of the commissions?
4. How have the proposals been elaborated? What are the consultation and validation mechanisms? How could this process be improved?
5. How widely have the proposals of the commissions been publicized? What have the reactions been in society and particularly among the affected groups?
6. To what extent do you think that the proposals made by the commissions will be implemented? What do you think their impact will be on the daily lives of the population?
7. How representative of society, or of the indigenous population, do you consider the commissions to be?
8. To what extent do you think the commissions have reflected the priorities and needs of the people?
9. What have the main difficulties been in the negotiation process? How have they been addressed? How could the functioning of the commissions be improved?
10. How do you interpret the result of the Constitutional Referendum? How has it affected the peace process?
11. What impact has the work of the commission had on the peace process and on reconciliation and democratization in Guatemala?
12. Have you seen changes in the attitudes of government representatives, of other organizations, or in society in general?
13. What are the linkages between the Maya Movement and the churches?
14. What is the relationship between the Maya Movement and the international organizations like?
15. What does 'Mayan identity' mean to you? How did you join the movement?
16. If you could name three steps for the construction of a true and integrated peace in Guatemala, what would they be?

Appendix Three	Persons Interviewed and Institutional Affiliations
Armas, Edy	Civil Society Assembly (ASC)
Bal, Pedro	Centre for the Study of Mayan Culture (CECMA)
Barreno Ixcoy, René Estuardo	Guatemalan National Mayan Roundtable (MENMAGUA)
Batres, Rodrigo	Legal and Social Services (SERJUS)
Cabrera, Carlos	Ministry of Agriculture and Land Commission (government negotiator)
Choy, Israel	CNP Education Reform
Cojtí, Demetrio	CNP Education Reform and UNICEF
Cojtí, Narciso	International Labour Organization (ILO)
Crosby, Alison	InterPares and Project Counselling Services (PCS)
De Paz, Marco Antonio	Mayan Development and Research Centre (CEDIM) and CNP Participation
Díaz Castillo, Roberto	Proyecto Q'Anil
Gairdner, David	International Centre for Human Rights and Democratic Development (ICHRDD)
Gómez, Juan Jacinto	Association of Mayan Writers of Guatemala (AEMG)
Hernández Contreras, Alfredo	Peace Secretariat and Participation Commission (government negotiator)
Hernández, Domingo	Maya Centre Saqb'e
Holiday, David	Project Incidencia, Creative Associates International, Inc. (CAII)
Lucas, Nicolás	CNP Spirituality
Maldonado, Nuria	Inforpress Centroamericana
Martín, Bonifacio	CNP Land
Mayén, Guisela	Peace Secretariat
Menéndez, Roberto	Organization of American States (OAS)

Morán, Juan Antonio	CNP Languages
Palencia, Tania	FLM
Palma Murga, Gustavo	Association for the Advancement of Social Sciences (AVANCSO)
Pascual, Daniel	National Council of Campesino Organizations (CNOC), Committee for Campesino Unity (CUC), and CNP Land
Pérez, Jorge	Project Incidencia, Creative Associates International, Inc. (CAII)
Rodríguez Toma, Diego	Mayan Languages Academy of Guatemala (ALMG)
Rosada, Héctor	Consultant
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Bibliography

- Alonzo Castañeda, Roberto René (1998). *Asesoría Jurídica de Roberto René Alonzo Castañeda, Abogado y Notario*, 31.8.98. Manuscript. Guatemala City.
- Asociación Centroamericana de Comunicación para el Desarrollo Humano (1998). "Guatemala: el primer año de paz" in *Hombres de maíz: Revista Centroamericana de Desarrollo Humano*. Año VIII, No 50 (July-August, 1998). 5-54.
- Association of Research and Social Studies - ASIES (2000). *Guatemala: Informe analítico del proceso electoral 1999*. Guatemala: ASIES.
- Azar, Edward E. (1986). "Protracted International Conflicts: Ten Propositions" in *International Conflict Resolution: Theory and Practice*. Eds. Edward E. Azar and John W. Burton. Brighton, Sussex, UK: Wheatsheaf Books. 28-39.
- Baranyi, Stephen (1995). "Central America: a firm and lasting peace?" in *SIPRI Yearbook 1995: Armaments, Disarmament and International Security*. Eds. Margareta Sollenberg, Peter Wallensteen and Andrés Jato. Oxford, UK: Oxford University Press. 147-170.
- Baranyi, Stephen (1996a). "UN Verification: Achievements, Limitations and Prospects" in *Central America: Fragile Transition*. Ed. Rachel Sieder. London: Macmillan Press. 247-267.
- Baranyi, Stephen (1996b). "MINUGUA, la ONU y el proceso de paz guatemalteco" in *La ONU y el proceso de paz en Guatemala*. Ed. Franco Leonardo. Guatemala: FLACSO. 31-86.
- Baranyi, Stephen (1999). "Maximizing the Benefits of UN Involvement in the Guatemalan Peace Process" in *Refugee Return and National Transformation in Guatemala: Journeys of Fear*. Eds. Liisa North and Alan B. Simmons. Montreal & Kingston: McGill-Queens University Press. 74-92.
- Baretta, Silvio Duncan, and Helen E. Douglass (1977). "Authoritarianism and Corporatism in Latin America: A Review Essay" in *Authoritarianism and Corporatism in Latin America*. Ed. James M. Malloy. Pittsburgh: University of Pittsburgh Press. 513-526.
- Bastos, Santiago, and Manuela Camus (1995). *Abriendo caminos: Las organizaciones mayas desde el Nobel hasta el Acuerdo de derechos indígenas*. Guatemala: FLACSO.
- Bastos, Santiago, and Manuela Camus (1996). *Quebrando el silencio: Organizaciones del pueblo maya y sus demandas, 1986-1992*. 3rd edition. Guatemala: FLACSO.
- Boutros Boutros-Ghali (1992). *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*. New York: United Nations.
- Boutros Boutros-Ghali (1995). *An Agenda for Peace*. Second Edition. New York: United Nations.

- Brysk, Alison (1994). "Acting Globally: Indian Rights and International Politics in Latin America" in *Indigenous Peoples and Democracy in Latin America*. Ed. Donna Lee Van Cott. New York: St. Martin's Press. 29-51.
- Cerdas Cruz, (1996). "Political Parties and Party Systems" in *Central America: Fragile Transition*. Ed. Rachel Sieder. London: Macmillan Press. 15-54.
- Chaclán Solís, Celso (1999). "Proceso de Reforma Educativa en Guatemala." Manuscript. Guatemala City.
- Cojtí, Demetrio (1995). *Ub'aniik ri Una'ooj Uchomab'aal ri Maya' Tinamit-Configuración del Pensamiento Político del Pueblo Maya, 2da parte*. Guatemala: Editorial Cholsamaj.
- Cojtí, Demetrio (1996). "Estudio evaluativo del cumplimiento del acuerdo sobre identidad y derechos de los pueblos indígenas" in *Los acuerdos de paz: efectos, lecciones y perspectivas*. Eds. Carlos Aldana, Juan Quiñónez y Demetrio Cojtí. Guatemala:FLACSO. 51-90.
- Cojtí, Demetrio (1997). *Ri Maya' Moloj Pa Iximulew, El Movimiento Maya (En Guatemala)*. Guatemala: Editorial Cholsamaj.
- Collier, David (1979). *The New Authoritarianism in Latin America*. Princeton, NJ: Princeton University Press.
- Comisión de Oficialización de los Idiomas Indígenas de Guatemala (1998). *Propuesta de Modalidad de Oficialización de los Idiomas Indígenas de Guatemala*. Guatemala: Editorial NOJIB'SA.
- Comisión Nacional Permanente de Oficialización de los Idiomas Indígenas de Guatemala (CNPOI) (1998). "Informe de actividades de la Comisión Nacional Permanente de Oficialización de los Idiomas Indígenas de Guatemala." Report. Guatemala City.
- Comisión Nacional Permanente de Reforma Educativa (CNPRE) (1998). "La reforma de la educación: un breve informe del trabajo realizado por los delegados indígenas en la Comisión Paritaria de Reforma Educativa - COPARE." Report. Guatemala City.
- Comisión Nacional Permanente de Reforma Educativa (CNPRE) (1999a). "Información General sobre CNPRE-COPMAGUA." Proposal. Guatemala City.
- Comisión Nacional Permanente de Reforma Educativa (CNPRE) (1999b). "Informe de actividades de la Comisión Nacional Permanente de Reforma Educativa Junio 98-Junio 99." Report. Guatemala City.
- Comisión Nacional Permanente de Reforma Educativa (CNPRE) (1999c). "Balance y posición actual de CNPRE/COPMAGUA sobre el proceso de Reforma Educativa, a la luz de los acuerdos de paz." Report. Guatemala City.
- Comisión Nacional Permanente de Reforma Educativa (CNPRE) (1999d). "Información

- Básica para conocer PRONADE.” Report. Guatemala City.
- Comisión Nacional Permanente (CNP) de Reforma y Participación a Todo Nivel (1998). *Reforma al Código Municipal*. Proposal. Guatemala City.
- Comisión Nacional Permanente (CNP) de Reforma y Participación a todos los Niveles (1999). “Propuesta Preliminar: Institucionalizar la participación y representación de los pueblos indígenas a todos los niveles.” Proposal. Guatemala City.
- Comisión Nacional Permanente de la Tierra (CNPT) (1998). “Informe Investigación sobre Demanda de Tierras de Organizaciones Miembros de la Comisión Nacional Permanente - Tierra.” Report. Guatemala City.
- Comisión Nacional Permanente de la Tierra (CNPT) (1999). “Qué es la CNP-Tierra? Acciones y Proyecciones para el Desarrollo en el Campo.” Guatemala City.
- Comisión para la Definición de los Lugares Sagrados (1997). “La Preservación de los Lugares Sagrados.” Proposal. Guatemala City.
- Comisión Paritaria de Reforma Educativa (COPARE) (1998). *Diseño de Reforma Educativa: Runuk'ik jun K'ak'a Tijonik*. Guatemala: COPARE.
- Comisión Paritaria de Reforma y Participación (1999a). “Acta 57-99.” Minutes. Guatemala City.
- Comisión Paritaria de Reforma y Participación (1999b). “Acta 58-99.” Minutes. Guatemala City.
- Comisión Paritaria de Reforma y Participación (1999c). “Acta 66-99.” Minutes. Guatemala City.
- Comisión Paritaria sobre Derechos Relativos a la Tierra de los Pueblos Indígenas (COPAT) (1999). *Ley del Fondo de Tierras: Decreto Número 24-99*. Guatemala: Proyecto Q'Anil B.
- Consultoría sobre el Documento “Definición, Preservación y Reglamentación de los Lugares Sagrados de los Pueblos Mayas, Garífuna y Xinka” (1998).
- Coordinadora de los Sectores Civiles de Guatemala (CSC), Mesa Sindical y Popular (1993). “Planteamientos y Propuesta sobre el Tema: Reformas Constitucionales.” Manuscript. Guatemala City.
- Coordinadora Nacional Indígena y Campesina (CONIC) (1992). “Coordinadora Nacional Indígena y Campesina (CONIC).” Pamphlet. Guatemala City.
- COPMAGUA (1995). “SAJB'ICHIL - The League of Organizations of the Maya People of Guatemala - COPMAGUA.” <http://avavala.nativeweb.org/maya/copmagua.html>, accessed on 2000/03/03.
- Córdova Macías, Ricardo (1996). “Executive-Legislative Relations and the

- Institutionalisation of Democracy” in *Central America: Fragile Transition*. Ed. Rachel Sieder. London: Macmillan Press. 137-168.
- Cuellar Betancourt, Raúl, and Carlos E. Peralta Chapetón (2000). *La crisis de intermediación de los partidos políticos en Guatemala*. Guatemala: INCEP.
- Cullen, Michelle, and Johanna Mendelson Forman (1998). “Conflict Prevention and Post-Conflict Reconstruction: Perspectives and Prospects.” Conference Report, April 20-21, 1998. Washington, DC: World Bank.
- De Vos, George (1975). “Ethnic Pluralism: Conflict and Accommodation” in *Ethnic Identity: Cultural Continuities and Change*. Eds. George De Vos and Lola Romanucci-Ross. Palo Alto, CA: Mayfield Publishing Company.
- Department of Foreign Affairs and International Trade (DFAIT) (1999). “The Canadian Peacebuilding Initiative Strategic Framework.” http://www.dfait-maeci.gc.ca/pe...g/cpi_strategic_framework-e.asp. Accessed on 2000/05/29.
- Diamond, Larry (1992). “Introduction: Civil Society and the Struggle for Democracy” in *The Democratic Revolution: Struggles for Freedom and Pluralism in the Developing World*. New York, NY: Freedom House. 1-28.
- Diamond, Larry (1999). *Developing Democracy: Towards Consolidation*. Baltimore: John Hopkins University Press.
- Ehrenberg, John (1999). *Civil Society: The Critical History of an Idea*. New York, NY: New York University Press.
- Galtung, Johan (1964). “An Editorial” in *Journal of Peace Research*. Vol 1. 1-4.
- Gálvez Borrell, Víctor, et al (1997). *Qué sociedad queremos? Una mirada desde el movimiento y las organizaciones mayas*. Guatemala: FLACSO.
- Groom, A.J.R. (1986). “Problem Solving in International Relations” in *International Conflict Resolution: Theory and Practice*. Eds. Edward E. Azar and John W. Burton. Brighton, Sussex, UK: Wheatsheaf Books. 85-91.
- Gurr, Ted Robert (1995). “Transforming Ethno-political Conflicts: Exit, Autonomy or Access” in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin’s Press. 1-30.
- Harvey, Paul (1997). “Rehabilitation in Complex Political Emergencies: Is Rebuilding Civil Society the Answer?” IDS Working Paper 60.
- Haynes, Jeff (1997). *Democracy and Civil Society in the Third World: Politics & New Political Movements*. Cambridge, UK: Polity Press.
- Hernández Alarcón, Rosalinda (1998). *La Tierra en los Acuerdos de Paz: Resumen de la Respuesta Gubernamental*. Guatemala: Inforpress Centroamericana.

- Hernández Alarcón, Rosalinda (2000). *Problemática de la tierra reclama soluciones efectivas (Deuda histórica, capacidad de propuesta, negociaciones y participación social)*. Guatemala: Inforpress Centroamericana.
- Holiday, David, and Tania Palencia (1996). *Towards a New Role for Civil Society in the Democratization of Guatemala*. Montreal, PQ: International Centre for Human Rights and Democratic Development.
- Inforpress Centroamericana, "Consulta Popular: rechazo a las reformas constitucionales." No. 1320 (May 21, 1999). 1-2.
- Inforpress Centroamericana (1999). *Los acuerdos de paz y sus compromisos: Avances de la Investigación*. Manuscript. Guatemala: Inforpress.
- Instituto de Antropología e Historia (IDAEH) (1998). "Opinión del IDAEH al Documento del 14.5.98." Manuscript. Guatemala City.
- International Peace Academy (1984). *Peacekeeper's Handbook*. New York, NY: Pergamon Press.
- Jonas, Susanne (2000). *Of Centaurs and Doves: Guatemala's Peace Process*. Boulder, CO: Westview Press.
- Lawson, Stephanie (1995). "The Politics of Authenticity: Ethnonationalist Conflict and the State" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 116-142.
- Lederach, John Paul (1995). "Conflict Transformation in Protracted Internal Conflicts: The Case for a Comprehensive Network" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 201-222.
- Lederach, John Paul (1997). *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington, DC: United States Institute of Peace.
- Lijphart, Arend (1995). "Self-Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems" in *The Rights of Minority Cultures*. Ed. Will Kymlicka. Oxford, UK: Oxford University Press. 275-287.
- Majawil Q'ij (undated). "Identidad de la Mujer Maya: La mujer maya, la comunidad y nuestra cultura maya." Manuscript. Guatemala City.
- Malloy, James M. (1974). "Authoritarianism, Corporatism and Mobilization in Peru" in *The New Corporatism: Social-Political Structures in the Iberian World*. Eds. Fredrick B. Pike and Thomas Stritch. London: University of Notre Dame Press. 52-84.
- Malloy, James M. (1977). "Authoritarianism and Corporatism in Latin America: The Modal Pattern" in *Authoritarianism and Corporatism in Latin America*. Ed. James M. Malloy. Pittsburgh: University of Pittsburgh Press. 3-22.
- Matul, Daniel (1997). "Crítica a la nueva Ley Para la Protección del Patrimonio Cultural de

la Nación.” Fax. Guatemala City.

McDonald, Geraldine (1996). *Peacebuilding from Below: Alternative perspectives on Colombia's peace process*. London, UK: Catholic Institute for International Relations.

Mesa Nacional Maya de Guatemala (MENMAGUA) (1998). *Situación de pobreza del pueblo maya de Guatemala*. Guatemala: MENMAGUA.

Miall, Hugh, Oliver Ramsbotham and Tom Woodhouse (1999). *Contemporary Conflict Resolution: The prevention, management and transformation of deadly conflicts*. Cambridge, UK: Polity Press.

Nordstrom, Carolyn (1995). “Contested Identities/Essentially Contested Powers” in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 93-115.

North, Liisa L., and Alan B. Simmons (1999). “Concluding Reflections: Refugee Return, National Transformation, and Neoliberal Restructuring” in *Refugee Return and National Transformation in Guatemala: Journeys of Fear*. Eds. Liisa North and Alan B. Simmons. Montreal & Kingston: McGill-Queens University Press. 272-300.

O'Donnell, Guillermo (1997). “Corporatism and the Question of the State” in *Authoritarianism and Corporatism in Latin America*. Ed. James M. Malloy. Pittsburgh: University of Pittsburgh Press. 47-88.

Palencia, Tania (1996). *Peace in the making: Civil groups in Guatemala*. London, UK: Catholic Institute for International Relations.

Palma Murga, Gustavo (1997). “El Acuerdo sobre aspectos socioeconómicos y situación agraria y la problemática de la tierra en Guatemala” in *Guatemala 1983-1997: ¿Hacia dónde va la transición?* Eds. Jeremy Armon et al. Guatemala: FLACSO.

Paris, Roland (1997). “Peacebuilding and the Limits of Liberal Internationalism” in *International Security*. Vol. 22, No 2 (Fall 1997). 54-89.

Peck, Connie (1998). *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict*. New York, NY: Carnegie Corporation.

Poitevin, René (1999). “Reflections on the Problems of Democracy in Guatemala” in *Refugee Return and National Transformation in Guatemala: Journeys of Fear*. Eds. Liisa North and Alan B. Simmons. Montreal & Kingston: McGill-Queens University Press. 31-39.

Ponciano Castellanos, Karen (1996). *El rol de la Sociedad Civil en los procesos de paz de Guatemala y El Salvador: Procesos de negociación comparados*. Guatemala: INCEP.

Proyecto Estado de la Región (1999). *State of the Region: A Report on Sustainable Human Development in Central America: Summary*. San José, Costa Rica: Proyecto Estado

de la Región.

- Ronen, Dov (1995). "Ethnic Conflict and Self-Rule: On a New Approach to the Study of Conflict Transformation" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 31-50.
- Rupesinghe, Kumar (1995). "Introduction" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. Viii-xiv.
- Rupesinghe, Kumar (1995). "Conflict Transformation" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 65-92.
- Rutherford, Blair (1997). "Civil (Dis)Obedience and Social Development in the New Policy Agenda: Research Priorities for Analysing the Role of Civil Society Organizations in Social Policy Reform, with particular attention to Sub-Saharan Africa and Latin America." Ottawa, ON: IDRC. <http://www.idrc.ca/socdev/pub/documents/civilsociety.html>, accessed 1999/11/08.
- Ryan, Stephen (1995). "Transforming Violent Intercommunal Conflict" in *Conflict Transformation*. Ed. Kumar Rupesinghe. New York, NY: St. Martin's Press. 223-265.
- Schmitter, Philippe C. (1974). "Still the Century of Corporatism?" in *The New Corporatism: Social-Political Structures in the Iberian World*. Eds. Fredrick B. Pike and Thomas Stritch. London: University of Notre Dame Press. 85-131.
- Secretaría de la Paz (SEPAZ) (1998a). "Comisiones Creadas por los Acuerdos de Paz." List. Guatemala City.
- Secretaría de la Paz (SEPAZ) (1998b). "Comisiones Establecidas en los Acuerdos de Paz." List. Guatemala City.
- Secretaría de la Paz (SEPAZ) (1999a). "Secretaría de la Paz - Gerencia de Asuntos Indígenas." Table of Commissions. Guatemala City.
- Secretaría de la Paz (SEPAZ) (1999b). "Comisión Paritaria sobre Derechos Relativos a la Tierra de los Pueblos Indígenas." Table. Guatemala City.
- Sindicato de Maestros de Guatemala (SMG), Comisión Nacional Permanente de Reforma Educativa (CNPRE) and Sindicato de Trabajadores de la Educación de Guatemala (STEG) (1999). "Análisis de los puntos críticos del Diseño de Reforma Educativa." Manuscript. Guatemala City.
- Smith, Anthony D. (1981). *The Ethnic Revival*. Cambridge, UK: Cambridge University Press.
- Speth, James Gustave (undated). "UNDP & Civil Society Organizations: Building Alliances for Development." New York: United Nations Development Programme.
- Subcomisión Regimen de Preservación de los Lugares Sagrados (1997). *Subcomisión*

- Regimen de Preservación de los Lugares Sagrados*. Proposal. Guatemala City.
- Taylor, Harvey (1999). "Sociedad Civil e Incidencia en Guatemala." Manuscript. Guatemala City.
- United Nations (1999). *Guatemala: el rostro rural del desarrollo humano*. Edición 1999. Guatemala: United Nations.
- Universidad Rafael Landívar et al (1998). *Acuerdos de Paz*. Guatemala: Universidad Rafael Landívar.
- Van Dyke, Vernon (1995). "The Individual, the State, and Ethnic Communities in Political Theory" in *The Rights of Minority Cultures*. Ed. Will Kymlicka. Oxford, UK: Oxford University Press. 31-56.
- Warren, Kay B. (1998). *Indigenous Movements and their Critics: Pan-Maya Activism in Guatemala*. Princeton: Princeton University Press.
- Wiarda, Howard J. (1997). *Corporatism and Comparative Politics: The Other Great "Ism."* Armonk, NY: M. E. Sharpe, Inc.
- Wiberg, Hakan (1988). "The Peace Research Movement" in *Peace Research: Achievements and Challenges*. Ed. Peter Wallensteen. Boulder, CO: Westview Press. 30-56.
- Wilson, Richard (1997). *The People's Conscience? Civil Groups, Peace and Justice in the South African and Guatemalan Transitions*. London, UK: Catholic Institute for International Relations.
- World Bank (1998). "The Nexus Between Economic Management And Civil Society In Countries Emerging From War In Southern Africa." Conference Report, October 11-13, 1998. Washington, DC: World Bank.
- World Bank and Carter Center (undated). *From Civil War to Civil Society: The Transition from War to Peace in Guatemala and Liberia*. Washington, DC: World Bank.