Guatemala’s Post-War Development

The structural failure of low intensity peace

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Social and Political Fractures after Wars:
Youth Violence in Cambodia and Guatemala

Sabine Kurtenbach

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Dr. Sabine Kurtenbach is political scientist and Senior Research Fellow at the GIGA Institute of Latin American Studies (on leave). Currently she is Senior Research Fellow at the Institute of Peace and Development at the University of Duisburg-Essen.

Contact: skurtenbach@inff.unive-due.de or kurtenbach@giga-hamburg.de

More information on the project can be found at www.postwar-violence.de

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The present study is part of the research project on “Social and Political Fractures after Wars: Youth Violence in Cambodia and Guatemala”. The project is financed by the German Foundation for Peace Research and is located at the Institute for Development and Peace at the University of Duisburg-Essen. The project aims at explaining different levels of youth violence in two post-war societies whose processes of war termination are regarded as successful. However, both societies face serious problems of post-war development that are closely related to the experiences of war and war termination. While Cambodia’s democratisation process is considered more or less as a failure, Guatemala suffers from levels of violence higher than during most of the war. The differences between both countries in levels of violence and mechanisms of violence control are also visible in the incidence of youth violence.

The project aims to explain these differences through the contextualisation of youth violence. Thus the main focus is directed at the societal and political fractures war and war termination cause for youth and their life-worlds. The working hypotheses were related to differences according to a) the levels of social differentiation; b) the relationship between political and economic power; c) normative frameworks; and d) the sequencing of post-war developments (namely between liberalisation and stabilisation). This approach has methodological consequences insofar as different levels of youth violence are what we seek to explain. The perspective of the actors themselves is beyond our approach. After having identified the relevant fractures this would be the task of further research.

This working paper analyses continuity and change of violence in post-war Guatemala. Based on the conceptual framework elaborated in Working Paper No. 1, the interaction between external requirements and the societal basis as well as the changes introduced by the war and its termination process are investigated in the following. Four development areas in post-war Guatemala are analysed due to their relevance for the question of continuity and change of violence: organisation, operating mode and legitimacy of the public security sector; development of the political system; deficits in the establishment of civil forms of conflict regulation; and the use of material, natural and human resources. The capture of the Guatemalan state by criminal networks as well as the high level and the different forms of violence are interpreted as a result of the interactions between these areas.
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The internal war in Guatemala has not only been the longest but also the most violent of the Central America war system during the 1970s and 1980s. At the same time though, developments in Guatemala – contrasting the experiences made in neighbouring El Salvador and Nicaragua – have attracted only limited international attention beyond the international human rights and indigenous rights movements. International actors like the United Nations and the so-called “Group of Friends” began to support the efforts of mediation, reconstruction and peace-building in Guatemala in a more systematic manner not until the other wars had come to an end.

The war in Guatemala had different phases beginning in the 1960s in the country’s east with a military uprising of reform-oriented young military officers against obvious fraud during “elections” organised by the authoritarian civil-military regime. During the 1970s the – now openly military – regime succeeded in defeating most of the armed groups. The remaining cells moved to the western highlands where the majority of Guatemala’s indigenous Mayan population lives. The various guerrilla groups succeeded in reorganising resistance in part due to the regional setting at the end of the 1970s, characterised by the Sandinista victory in Nicaragua and a reform-oriented military and popular upheaval in El Salvador; moreover, this time they were able to include parts of the indigenous population in the armed resistance. Nevertheless, the guerrilla groups united in the Unidad Revolucionaria Nacional Guatemalteca (URNG) never reached a military strength to effectively endanger the existing status quo. The early 1980s were characterised by the military regime’s brutal reaction to the growing social mobilisation all over the country. Over 600 Maya communities in the highlands were destroyed, a million men forced into “civilian self defence patrols” (Patrulla Civil de Autodefensa, PAC), and military controlled settlements, so-called “development poles”, established. In 1985, the military induced a process of democratic opening on the basis of elections for a constituent assembly; elections for parliament and president followed in 1986. Despite these formal-democratic opening the military remained the dominant actor maintaining a series of authoritarian enclaves in a formally democratic political system until the end of the war. The various regional peace initiatives (Contadora Group, Plan Arias) and dialogue initiatives initiated by the Christian churches and the Catholic Bishops’ conference prepared the ground for direct negotiations between the warring parties. In 1993 the United Nations entered as mediator; on 29 December 2006, the URNG and the Guatemalan government signed a comprehensive peace accord thus ending 30 years of war.

The Central American peace processes have long been regarded as success stories of UN peace-building. Former UN Secretary General Kofi Annan has called the UN’s experience in Guatemala a successful example for multidimensional peace-building. Compared to the disas-
trous experiences in other war-torn societies this might be a reasonable conclusion given that there has not been a relapse back into war in Guatemala. Seen from a comprehensive peace-building perspective, however, Guatemala serves as an example of path dependent realignment of violent structures under a democratic façade rather than as a positive archetype of sustainable peace-building.

At least theoretically, the Guatemalan Peace Accords could have provided for a substantial change in Guatemala’s society that is (and has always been) characterised by historically ingrained structures of exclusion and discrimination of the mostly rural and indigenous population. Although each government in office since the war’s end promised to make the implementation of the peace accords a central issue, progress has been limited. While there has been significant progress in the implementation of the directly war related accords (demobilisation, return of refugees, reintegration of ex-combatants), the accords directed ameliorating at the war’s structural causes and triggering societal change remain unaccomplished. More than a decade after the end of war violence still results in around 5.000 people killed every year, although violence is not ubiquitous. While the capital holds a homicide rate (number of homicides per 100.000 inhabitants) of 101 (2007), other regions like Huehuetenango – bordering Mexico – exhibit levels of just 4.

### Table 1: Post-war homicide rates in Guatemala

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The following analysis seeks to explain violence in post-war Guatemala based on the analysis of the interaction of external pressures and influences with war-related changes and transformations of Guatemala’s societal foundations. Based on the conceptualisation of post-war contexts as a specific social space and a dual area of tension (see Working Paper 1), persistent as well as changing patterns of violence will be identified. This will serve as a necessary basis for the explanation of the causes of youth violence (Working Paper 5).

Chapter 1 will discuss the pre-war structures of the Guatemalan state, society and development model. This is important in order to identify not only the root causes of 30 years of repression and war but also to identify the main features of conflict and social change. Chapter 2 will focus on the changes introduced to Guatemala’s society due to the war and its termination. Direct consequences of war and widespread violence will be analysed as well as the cen-
ternal provisions of the peace accords and their state of implementation. Chapter 3 is dedicated to the causes, structure and dynamics of post-war violence and will relate these to four processes: the organisation, operating mode and legitimacy of the public security sector; the development of the political system; deficits in the establishment of civil forms of conflict regulation; and the use of human and natural resources. This will enable the identification of post-war violence in its different forms as a central mechanism maintaining the status quo in Chapter 4.

1. Guatemala’s state, society and development model

Guatemala is the largest of the Central American countries regarding territory and population. During the classical period of the Maya culture (300-950 AD) it harboured famous and powerful city states like Tikal; but even before the Spanish conquest during the 16th century the influence and power of these empires had declined. In the wake of Spanish colonisation, Guatemala became the administrative center of the Capitanía General Nueva Granada including the territory from Chiapas to Costa Rica. Independence was gained 1823 and after the break up of the Central American Union Guatemala was constituted as an independent state in 1839.

Guatemala’s history since independence is characterised by three patterns that have continuously adapted to changing environments but still were upheld in their essence: exclusion and discrimination of the country’s indigenous population, the use of violence in order to maintain the status quo and a resource extractive development model favouring the small and wealthy elite. While the colonial society was segmented under the dominance of the white Spanish colonialists, the division between the indigenous and ladino populations\(^1\) dates from mid-19th century. The following chapter will first analyse the construction of these identities because they are significant to the understanding of the causes of war-related violence as well as of some major patterns of post-war development. In the second paragraph the patterns of violence and domination in Guatemala’s pre-war society will be investigated and will make up the basis for the following overview on the different phases of war.

1.1. The construction of Maya and Ladino identities

The exact percentage of Guatemala’s indigenous population is unknown. On the one hand, this is due to deficits in national statistics that have historically underestimated the number of Maya, Garífuna and Xinca descendents.\(^2\) On the other hand, the difference between those being perceived (or self-identifying) as indigenous or non-indigenous is difficult to establish given that the main features rely on cultural patterns such as the everyday use of clothing (tra-

\(^1\) Ladino is a term not adequately defined. It is predominantly used in the sense of non-indigenous and non-white for the population sharing indigenous as well as Spanish ancestry.

\(^2\) Around half of Guatemala’s population is considered to be indigenous; most of them are descendents of the Maya culture, a small percentage is of Garífuna and Xinca origin. Maya are divided into 24 different language groups; Xinka is another Maya descendent language group, while Garífuna are descendents of Afro-Caribbean people living mostly on the Caribbean coast. For the following see Adams/ Bastos 2003 pp. 28 ff.
ditional or western style) and language (indigenous or Spanish). Thus, processes of social change and/or upward social mobility highly affect the relation between these two groups. Discrimination and exclusion have been a shared experience serving as important component for common identity. There is no equivalent in the Ladino population.

The basis of Maya identity, culture and social organisation has been the village community (comunidad). Land has not only been the main resource for survival from subsistence agriculture (mostly corn and beans), but simultaneously a collective good intimately connected with the symbolic order, culture and tradition. Shared possession of land is an important source of solidarity and has a decisive role for identity construction because it connects past, present and future (those working on the land today to their ancestors and descendants; Adams 1994).

The colonial regime dynamised and reinforced the isolation of Maya villages from each other motivated by the fear of indigenous revolts being a prevalent characteristic. Within the comunidades colonial rule was safeguarded through the recourse to traditional indigenous power structures, namely the cooperation with the village chief (cazique). This position was acquired through age, merit and wealth. The caziques had to collect tributes for the colonial administration and were responsible for the fulfillment of the community’s labour obligations to the crown. Inside the village the cazique administered the use of communal lands, settled quarrels and organised celebrations (a mechanism that also served to redistribute wealth). A new institution was introduced when the Catholic Church established lay fraternities called cofradías to promote Christianity and to organise celebrations. Cofradías were mostly based on traditional power and family networks; the close relationship of colonial administration and religious office established a network of civil-religious hierarchy quite similar to pre-colonial power structures (Riekenberg 1990:23). After independence and during the liberal reforms of the 19th century, the influence and power of the church drastically declined and the cofradías became relatively autonomous. Ultimately, like Catholicism itself they pose an interesting example of the mixture and absorption of externally induced innovations by indigenous traditions.3

While in the case of the indigenous population there is only little conflict between personal identity and external adscription, this is very different for the other half of Guatemala’s population. Ladinos have had no place in the colonial hierarchy but were discriminated by both – the indigenous communities as well as the white and colonial oligarchy. They either migrated to the country’s east where land was sparsely populated (and less fertile) or gained their living by working in small trade and handicraft in the urban areas. For Ladinos self-identification therefore does not depend on ancestry but primarily on local origin and social status.4 Thus, it is a misleading assumption to define the divisions within society along “ethnic” identities or an “ethnic” conflict in the case of Guatemala. The differences between indigenous people and Ladinos are a social construction emerged during the 19th century when Guatemala was pushed by liberal reforms towards a resource extractive development model (see below 1.2.).

3 Colonial Catholicism all over Latin America has been characterised by a high level liberalism given that it was adapted to indigenous traditions, rituals and systems of faith (see Veliz 1980 pp. 207f).

4 See Adams/ Bastos (2003 p. 38) and Solares (1993 pp. 25-46) for the different self-perceptions. At the same time, it is undeniable that the colour of the skin “pales” with social status.
Independence from Spain ended the existing paternalistic safeguards for Maya communities but left the power of the local white oligarchy untouched. Nevertheless, there was a single joint attempt to change the existing power relations with recourse to violence. In February 1838, the Ladino Rafael Carrera organised the first and only joint rebellion of Indígenas and poor Ladinos against the white oligarchy. The contemporary US explorer John L. Stephens (1841/1969:230/31) gives quite a vivid account of the rebels which resemble some features of today’s “new” wars:

“On Wednesday Carrera joined the rebels. He had sent his emissaries to the villages, rousing the Indians, and promising them the plunder of Guatimala (sic!); and on Thursday, with a tumultuous mass of half-naked savages, men, women, and children, estimated at ten or twelve thousands, presented himself at the gate of the city. … Among his leaders were Monreal and other known outlaws, criminals, robbers, and murderers. He himself was on horseback, with a green bush in his hat, and hung round with pieces of dirty cloth, covered with pictures of the saints. A gentleman who saw them from the roof of his house, and who was familiar with all the scenes of terror which had taken place in that unhappy city, told me that he never felt such consternation and horror as when he saw the entry of this immense mass of barbarians;…”

One year later, Carrera succeeded to become president (which he remained until death in 1865). Although re-establishing traditional landownership for the comunidades and the Catholic Church, at the same time Carrera’s presidency laid the foundation for the division between indigenous and Ladino population and the rapprochement process between the white oligarchy and the Ladinos. Since then, the relations have been asymmetric, though given that the small white oligarchy has stayed in control of most of the economy its political influence has been more indirect.

The division between the indigenous and the ladino population has not only persisted but even deepened during the following decades: To date, indigenous people still predominantly live in the rural areas of the western highlands based on a mixture of subsistence economy and seasonal migration to the coffee and sugar estates. Ladinos populate Guatemala’s east and the southern coast making a living either from food production, commercial agriculture or working on the plantations (see maps 1 and 2). This division translated into a deeply ingrained split between the rural western highlands on the one hand and the urban and eastern regions on the other. Data on social development indicators, economic development, and education reflect the division as well as existent modes of social cohesion and organisation (see PNUD 2005).

Besides the geographical and social differences cultural patterns are significantly diverse reflecting different perceptions, cosmologies and value systems. Clothing is a point in case: Even though the indigenous clothing has changed a lot during the last centuries, the wearing of traditional clothes is an important symbol of identification as Maya or Ladino (this is more pronounced in the case of women than in the case of men). The knowledge and daily use of the Spanish language is another example. It drives the population division in several ways: While indigenous people have long been excluded from the formal education system, this has changed profoundly in the second half of the 20th century holding important implications for the relations between Indígenas and Ladinos. The increasing ability to communicate with the
world beyond the comunidades made the people more independent from Ladino intermediation. These possibilities of indigenous participation reduced Ladino influence and thus provoked the migration of many Ladinos either to the cities or to the country’s east thus reinforcing the existing geographic division (Adams/Bastos 2003 pp. 70ff).

Map 1: Ethno-linguistical Groups of Guatemala

Map 2: Industry and agriculture in Guatemala (1983)

Source: www.lib.utexas.edu/maps/americas/guatemala_industry_1983.jpg

1.2. Violent patterns of domination

Guatemala’s history is a history of violence shaped by various actors and multiple forms of violence. While Maya culture had been regarded as a peaceful civilisation of traders and astronomers for many decades, progress in the decryption of Maya scripture during the last twenty years reveals a different image. The city states lived in continuous quarrels and wars with each other which thus constituted one of the central motives for the Maya culture’s decline before the Spanish entered the American continent. When the Maya empire broke apart, violent conflict and wars remained a common feature between the different tribes. While the Spanish conquest served as pacifying force with respect to the intra-Maya quarrels, it represented likewise a violent endeavour itself. Indigenous people were conquered and exploited for the benefit of the Spanish crown and its allies. At the same time, colonial rule provided at

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5 This is the argument in Riekenberg 1990 pp. 17ff.
least some safeguards for indigenous people and their communities which were not inherent in the hierarchy. Although the independence changed certain patterns, indigenous people remained excluded.

The introduction of coffee as main export product became the major driving force for social change in the second half of the 19th century. The need for fertile soil changed the existing schemes of land possession, the need for (mostly seasonal) labour drove the introduction of new or the re-establishment of traditional forms of forced labour. The increasing monetarisation of the economy and the pressure on people and communities to pay taxes made seasonal migration to the coffee haciendas a common feature of indigenous life and a mechanism that at least seasonally ended the isolation of the villages. This resulted in another wave of destruction of the traditional patterns of indigenous community life.\(^6\)

The expansion of coffee and the expansion of the Guatemalan state constituted two mutually reinforcing processes. Both provided a basis for upward social mobility for many Ladinos who did not only find work in the military and on the plantations but grew coffee themselves on the smaller farms that constituted 88 percent of the producers according to the coffee census of 1890 (Williams 1994 p. 123). At the same time, the Guatemalan state remained the central instrument of violent repression against the indigenous communities. The strengthening of state capabilities and institutions was a necessary requirement to establish and maintain the new development model, and taxes and royalties were a basis for this process. Despite the fact that the Guatemalan state played an active role in the promotion of the coffee economy, it had no say at all when Guatemala became a role model for the so called “banana republics” at the beginning of the 20th Century. The limits of state capacity were thus defined by external actors – a lesson the Guatemalan elite seems to have learnt by now.\(^7\)

The worldwide economic breakdown of 1929 meant a sharp decline in income for all of the agro-export economies of the Central American isthmus because international trade came to a standstill. Conflicts over how to react to the crisis spread all through the region but took rather different forms. In 1932 in El Salvador 12,000 people were killed in a massacre known as \textit{la matanza}; in Nicaragua the US had to resort to military intervention and occupation to counter revolutionary groups led by Sandino; the troops only left after the Somoza dictatorship was installed. In the case of Guatemala the conflicts remained restricted to the oligarchy. The dictatorship of Jorge Ubico (1931-1944) was the answer to these divisions due to his good relations to the US government as well as to the domestic coffee oligarchy.

\(^6\) Adams/ Bastos (2003 pp. 42 ff) observe that the villages had been small centralised societies with a shared “imagined community” extended to other indigenous \textit{comunidades}.

\(^7\) The famous United Fruit Company (UFCo) established a state within the state. It owned not only the territory of the huge banana plantations in the lowlands but also the only railway in Central America. It had monopoly use of the only Caribbean port Puerto Barrios as well as of the Guatemalan postal service. The main reason for the Guatemalan elite’s lack of interest in the banana trade was that the climatic conditions of the lowlands were so difficult (heat and a high level of humidity) that these regions were only scarcely populated. The price for this neglect was the loss of control over a significant part of the territory and the bypassing of the few legal mechanisms like parliamentary control through corruption and intimidation – a pattern of “informally influencing” administrative decisions that persists until today. On the banana sector and UFCo’s role see Schlesinger/ Kintzer 1985, Dunkerley 1988, Bulmer-Thomas 1987 among others. Another enclave was German coffee planters in the region of Cobán that were expropriated by the Ubico regime during the Second World War due to US pressure.
While the Ubico regime helped to unite the oligarchy, it simultaneously increased other conflicts, however, and sharpened tensions in two areas that became highly relevant for the war in the second half of the century (see McCrery 1994 pp. 295ff.): First of all, the social conditions of the indigenous as well as of the poor ladino population worsened substantially. The need for cheap labour on the coffee estates and the banana plantations was “solved” through the introduction of the so-called vagabond law that brought the system of forced labour to perfection. All indigenous men between the age of 18 and 60 had to work at least 150 days per year, those who possessed some land for 100 days. Proof for this had to be documented in the *libreta* they had to carry with them permanently; abuse and fraud by the responsible authorities was common. At the same time, the Ubico regime, the oligarchy and UFCo made use of the economic depression by cutting the wages and salaries thus further deteriorating living conditions not only of the indigenous population but of poor Ladinos, too. Ladinos living in the Western Highlands were negatively affected in a double sense: In the isolated and highland towns they lost their monopoly on labour recruitment, stores, cash and lending and were thus forced to migrate to the bigger cities to find new opportunities. The spaces they left were filled by indigenous people thus reinforcing the country’s “ethnic” and geographic divisions.

Secondly, the Ubico regime caused an increasing militarisation of the rural areas. Already in 1935 Ubico had strengthened the state’s control on the local administration, substituting elected mayors through “*intendentes*” named by the central government. Exclusively, army generals were named governors of the 22 administrative regions. A comprehensive road-building program enabled the state to directly control many areas which had been out of reach before. From 1938 onward, *comisionados militares* served as the military’s “civil” arm observing the implementation of the vagabond laws and serving as “eyes and ears” for the military. Another pillar represented the reorganisation of the national police that that was transformed into an elite group and an Ubico-loyal power instrument – exclusively recruited from the non-indigenous members of the military. This was supplemented by the establishment of a rural police to combat crime (see Karlen 1991 pp. 98ff).

Still the Ubico system was far from being stable. A heterogeneous and predominantly urban-based alliance of students, teachers, trade union members, small traders and – most importantly – reform-oriented young military officers overthrew the regime leading to elections in October 1944. The ideas of democratisation, human rights and social reforms promoted by the United States during the last phase of the Second World War found their Guatemalan echo. The following decade was an attempt to reform the existing system by the means of the abolition of forced labour and the increase of economic, social and political participation. The central reforms of the democratically elected governments of Juan José Arévalo and Jacobo Arbenz aimed at the initiation of a modernization and reform process promoting the progressive features of capitalist modernisation (i.e. expanding political and social rights, health insurance, education, etc.). In 1954, the reforms also aimed at modernising the relations in the rural areas but the attempt to touch the social and economic basis of Guatemala’s society and
to implement a land reform failed. The reform decade was ended by force through a military coup supported by the US Central Intelligence Agency.\(^8\)

The changing regional and international environment as well as the intensification of the Cold War enabled the status quo-oriented oligarchy to strengthen their alliance with the United States. Dominated by the traditional oligarchy and the military, a repressive regime was established which rested on the traditional features of Guatemala’s society: agro-export economy based on the exploitation of cheap indigenous labour force; political exclusion of the majority of the indigenous and ladino population; and violent repression of any forms of opposition.

This dynamised the already existing conflicts through another wave of social change and economic modernisation. The agro-export economy expanded geographically and was extended to “new” products like sugar, cotton and meat. The socio-economic situation of small and subsistence farming deteriorated accompanied by high levels of population growth and the division of parcels between children. Thus, between 1950 and 1975 the average farm size was reduced from 1.3 to 0.85 hectares (Davis 1983). Consequences for the indigenous communities were manifold: the traditional age-based hierarchy of the communities was destroyed because job opportunities depended on literacy and the knowledge of Spanish and the jobs provided young people with an economic option which made these independent from traditional family networks. The increase in wage labour produced new forms of dependency and displaced traditional forms of bartering. Ultimately, this brought the traditional unity of economic and political power and the clientelistic relations they were based on to an end. The religious monopoly of the Catholic Church was broken due to the increasing influence of Evangelical and Pentecostal churches. All this led to fractures within and between indigenous communities.

Change also affected the traditional scheme of relations between Indígenas and Ladinos. During the 1960s and the 1970s the remains of traditional relations like the ritual god-parenthood (compadrazgo) of mestizos for indigenous children ceased to exist (Adams 1994, p.194). Despite being a primarily hierarchical and asymmetric relationship, it also established important integrating or bridging bonds between the two social groups and thus was an important mechanism of bridging social capital.

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\(^8\) On the reform era in rural Guatemala see Handy 1994. The changes introduced until then (e.g. the expansion of the right to vote and the reestablishment of self-rule at the communal level) did not alter a lot for the majority of the indigenous population. At the same time the reformers – like the guerrilla later – did not provide for a concept for the autonomous empowerment of the indigenous population but rather wanted to “modernise” them.
1.3. A short analysis of conflict and war

Guatemala’s internal war (1962-1996) belonged to the category of protracted and long lasting as well as very violent wars.\(^9\) Four phases of war can be distinguished that were shaped by different dynamics and interrelations in the dual arena of tension (see conceptual frame in Working Paper 1).

The first phase of the armed conflict (1962-1966) began as a rebellion emanating from the inside of the military. Reform-oriented officers in the country’s east rebelled against the overwhelming influence of the U.S. government in general, and specifically the CIA (which had prepared the failed “bay of pigs” invasion of Cuba in 1961 in Guatemala) as well as against the increasing corruption within the Guatemalan army. After the rebellion was defeated some of the officers formed guerrilla groups which made their public appearance in 1962 after the fraud during elections the authoritarian civil-military regime had manipulated. In the same year other guerrilla foci appeared but were unable to establish a basis in the indigenous-dominated areas of the country. The regional and international environment of these years was shaped by two – in part contradictory – developments: While the US government as well as regional elites favoured modernisation and social change both wanted at least to stay in control of the process.

In the context of this structural background, the armed resistance was primarily directed against authoritarian and exclusive political regimes as well as against the economic and social marginalisation of the rural populations. The Cuban revolution (1959) served as a central reference point displaying that a violent change of power relations was indeed possible. But neither were most Latin American guerrilla groups able to gain much popular support nor were civilian actors strong enough to push for peaceful change. Guatemala was no exception. Here, the majority of guerrilleros were young ladino males with rural and urban middle-class background (see Wickham-Crowley 1993:29). The military was able to repress armed resistance rather without major difficulty.

During the conflict’s second phase (1966-1978) there was only little direct military confrontation between the remains of the guerrilla and the armed forces. A civil-military regime allowed for an increasing level of social mobilisation. At the same time though, selective violence by the military as well as by paramilitary death squadrons\(^10\) was used in order to maintain control. Violence was directed against the leaders of social organisations and the opposition in general. While the number of politically motivated murders was highest in the capital, on a per capita basis the departments most affected were Zacapa, Chiquimula, Jalapa and Izabal Morrison/ May 1994, p. 123)\(^11\). The remaining guerrilla cells moved to the western highlands trying to reorganise and integrate the indigenous population into their struggle.

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\(^10\) The Commission on Historical Clarification (CEH, Comisión de Esclarecimiento Histórico) states that 15 of the 35 death squadrons began to operate in 1966 (CEH 1999:81, 227).

\(^11\) These data reflect the developments between 1966 and 1976.
The regional and international environment of the Cold War was important serving as an ideological backing for repression. At the same time, in Guatemala (as well as in other Central American countries) the 1970s were a time of rapid social change, development and mobilisation of civil society organisations. Very different social sectors began to organise mostly around specific issues being important to marginalised social groups like landless campesinos, or workers in the trade union sector. Different church organisations (like Acción Católica) became active in development politics and education in the Maya communities (introducing new crops, supporting their merchandise, providing education, etc.).

The military regime lifted the state of siege in 1973 and organised elections in 1974. Nevertheless nearly 70% of the electorate stayed at home notwithstanding compulsory voting and the efforts of some political parties (namely Christian Democrats) advocating a change through elections. Thus, fraud was obviously necessary: The opposition’s candidate – General Efraín Ríos Montt running for the Christian Democratic Party – was a clear front runner in the capital city when the count was disrupted. The following day the regime declared the victory of the official candidate – General Kjell Laugerud. In the first years of his presidency he somewhat relaxed existing restrictions for the unarmed opposition thus enabling organisation and mobilisation. Nevertheless, each time the opposition gained strength the regime responded with repression.

In February 1976, two earthquakes took the lives of nearly 23,000 Guatemalans (mostly during the first quake lasting 39 seconds). Around one fifth of a population of six million lost their homes and many of them their livelihoods: the poor and marginalised sectors in the capital city and the western highlands were the most affected. The government used relief and reconstruction to cement the existing status quo putting the military in charge of aid distribution. At the same time, popular organisations began to organise resistance and radicalised their discourse. Liberation theology priests and nuns were at the forefront of victims’ organisations while Archbishop Casariego “declared the quake God’s just punishment for demonstrations, strikes and radical movements” (Levenson 2002:64). Thus, at the end of the 1970s there was a process of polarisation shaped by a growing mobilisation in favour of change (social inclusion as well as political participation) that was responded to with selective violence and repression. More and more social groups experienced that armed opposition was the only option for change.

The third phase of war (1979-1985) was the most violent one. The Guatemalan guerrilla reorganised into four groups, launching a series of attacks on military installations all over the country between 1980 and 1982. In 1982 a joint organisation, the URNG, was established. Indigenous participation was a decisive factor for the successful reorganisation of the guerrilla, and provided the conflict with an ethnic or (seen from the governing ladino or white elite perspective) racist component. The armed uprising of those that had been discriminated and marginalised over the last 500 years provoked a deeply rooted fear among all status quo-oriented actors and led to fierce repression. Besides these changes “on the ground” the regional environment seemed to favour the guerrilla due to the military victory of the Sandinista

13 On the earthquake and its consequences see also Adams/Bastos 2003 pp. 231 ff.
Liberation Front (July 1979) and a regime change in El Salvador where a reform-oriented civil-military Junta took over in October 1980. Although the Guatemalan guerrilla groups were far from achieving a regime change, these developments introduced a mood for change all over Central America but led to a fierce response by the traditional oligarchy and the military backed by the US administration. In Guatemala, the response was a campaign of scorched earth.\footnote{There are many accounts on the consequences of this campaign see among others Montejo1987, Carmack 1988.} In 1984, the guerrilla was not totally defeated but its influence declined to the level of “nuisance” as one military commander commented.

The fourth phase (1985-1996) was characterised by the militarily controlled process of political opening and various initiatives to start a peace process at first with participation of the Guatemalan Churches, then the United Nations after 1993. Again, due to the regional environment, Guatemala was put under pressure – this time in favour of a political opening and for a negotiated termination of the war. Solely the exertion of pressure would not have worked, however, given that the war in Guatemala had not been internationalised as was the case in neighbouring countries. Importantly, the alliance between the oligarchy and the military began to unravel for two reasons: First of all, the intensity of the repression provoked internal differences within the military. Concessions towards a more civilian façade aimed at the conservation of the military’s institutional unity and the safeguarding of the power to veto fundamental changes. Secondly, the oligarchy and the economic elite feared that the military might get too autonomous. This was due to the fact that it did not only control the repressive state apparatus but had gained financial and economic influence as well. This conjunction favoured a peace process where the asymmetrical power relations between the Guatemalan state and the guerrilla were in part balanced by the presence of the international community supporting and institutionalising the participation of different sectors of civil society.\footnote{On the peace processes see Jonas 2000, Kurtenbach 2003, Molkentin 2002, Ponciano 1996, on civil society peace-building Kurtenbach (forthcoming 2009).}
2. Changes due to war and its termination

Thirty years of widespread violence and war led to the death of 200,000 people. But although violence and repression were widespread, they had not been ubiquitous. During the war’s first phase, violence was mostly directed against potential guerrilla sympathizers in the Ladino dominated east. The period between 1978 and 1984 was the most violent with a regional focus in the western highlands, the victims being overwhelmingly Maya descendants. In the last decade of war violence was again mostly directed against members and leaders of social movements (campesino, unions, etc.), human rights groups or those urban sectors of civil society that form the core of critical public opinion independently of their ethnic-cultural background.16

Maya communities had few possibilities to cope with violence: They could collaborate with the military that reorganised the highland and resettled its inhabitants under military control establishing so-called development poles. This provided for a certain form of physical protection but likewise led to a climate of terror and suspicion destroying the central patterns of indigenous community life.17 Another possibility was migration, which happened on a large scale within the country to the capital or the coastal region while a small number of communities went to the upper mountains and founded “communities in resistance” (CPR, Comunidades de Población en Resistencia).

The displacement of more than one million Guatemalans within the country and migration of more than 250,000 beyond the borders had repercussions on the spatial distribution of the population. Rapid urban growth was one of the consequences, concentrated mostly in the capital city Guatemala-Ciudad (see map 3). At the same time, violence polarised the spatial ethnic-cultural division of the country because many of the remaining Ladinos left the highlands and other regions with an indigenous majority (see Adams/ Bastos 2003, pp. 74f). The social implications of displacement and migration varied according to the specific forms. Refugees to the city of Guatemala had serious problems to adapt to the new environment; they lived in extreme poverty and were neither integrated nor socialised to urban livelihoods even one decade after their initial arrival (see Bastos/ Camus 1994). Refugees in the Mexican camps as well as in the communities of resistance were characterized by a high level of organisation preserving, adapting or reconstructing forms of collective identity and action. In Mexico they received accompaniment, support and protection from the United Nations as well as from the international solidarity organisations.18

16 On more quantitative details see Ball/ Kobrak/ Spirer 1999 and CEH 1999.
17 In the development poles indigenous groups of different Maya languages were mixed, a strategy that destroyed the community’s identity structures further. See the reports made to the church-based project on historic memory (REMHI 1998) and the documentation of the CEH (1999).
18 Another form of migration (not primarily a consequence of the war but of the lack of survival opportunities) was to leave the country and try to reach the United States via México. This was mostly undertaken on individual basis. Quantification of the migration to the United States is difficult given that most of these migrants entered the US illegally. The U.S. census of 1999 showed that the Guatemala born population in the US tri-
In addition to these developments, war and violence changed the existing power relations in Guatemalan society. Three processes are important here: mechanisms of social control and repression; the political opening in the midst of war; and the creation or strengthening of an indigenous identity beyond the community or village level. These processes need to be analysed before the provisions of the peace accords and their implementation can be investigated adequately.\footnote{The majority of analyses of peace processes focus on the relationship between the root causes of war, the peace treaties and their implementation leaving out the war- and violence-induced changes. See Working Paper 1 for a more detailed discussion.}

**Map 3: Internal Migration in Guatemala 1973-83**

Source: www.lib.utexas.edu/maps/americas/guatemala_migration_1983.jpg

\footnote{pled between 1980 and 1990 from 63 to 225 thousand. The undocumented Central Americans (mostly Salvadorans and Guatemalans) were estimated to be around 200,000 during the 1980s (see Mahler 2000 p. 20).}
2.1. Structures of social control and repression

The redistribution of the population in the highlands led to the establishment of new structures of social control based on different forms of repression and intimidation. Selective killings of leaders of social movements, indigenous and campesino organisations as well as church lay personnel came first during the 1960s as they were perceived as the organisers of mobilisation. In the mid-1970s, the army started to use indiscriminate violence in order to pursue their economic interest and crush resistance against the army’s appropriation of the mineral- and oil rich Franja Transversal del Norte. The massacre of 150 Kekchi Mayas heralded the military’s turn to strategies of massive repression in 1978.

The second pillar of social control was the militarization of Guatemala’s society, namely the political regime and the Guatemalan state. This process bore quantitative as well as qualitative features. At the quantitative level three developments characterised this process:

- The man power of the armed forces tripled from 15,000 to nearly 50,000 men between 1981 and 1984. Compulsory military service was first introduced for 24, later for 30 months. Forced recruitment was common and included adolescents under the age of 18 years.
- Armament and systems of instruction for the armed forces were modernised and adapted to the necessities of counter-insurgency.\(^{20}\)
- A system of paramilitary forces was established in the rural regions in 1981. All over the country young and adult men were forced to join the so-called Civil Defence Patrols (PAC) that served as an intelligence and vigilante system for the army. At its peak, one million men were organised in PACs. Thus, excluding the elderly and children, one out of two adult men formed part of the paramilitary system\(^{21}\).

At the qualitative level militarization rested on social control and repression of the population.\(^{22}\) In the urban areas selective violence by the various death squads against real and perceived opposition leaders was a central tool of control and restriction to mobilisation. In rural Guatemala control was safeguarded via different mechanisms: The most totalitarian forms were so-called “development poles” where the population lived in absolute dependence of the local army installations. The provision with food was dependent on “work for food” programs; villagers had to construct economic infrastructure (roads) necessary for the military’s exploitation of natural resources (wood, oil, etc.).\(^{23}\) This system was not only a control mechanism but also aimed at the destruction of Maya identity through the loss of central

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\(^{20}\) Due to the Carter administration stopping military aid to Guatemala, Israel provided for advisors and armament. Another “side effect” was that the Guatemalan military began to produce light weapons and ammunition in the country to become independent from foreign supplies (see Goldblatt/ Millán 1984, Kurtenbach 1996 pp. 14-18).


\(^{22}\) For more detailed accounts of these processes at the local level see Avancso/ González (2002 pp. 375ff), Manz (1988 pp. 96ff) among others.

\(^{23}\) On the growing economic autonomy and wealth of the Guatemalan military see Brenes/ Casas 1998.
mechanisms of organisation of communal life (land use patterns, ceremonies, etc.) and the mixture of different language groups. According to Schirmer (1998 p. 73) this “…represents the most significant reorganization of the indigenous population since the Conquest”.

The establishment of the PAC served the same goal. It was based on experiences of counter-insurgency in the country’s east during the 1960s and was embedded in the army’s political and conflict analysis assuming that emergency and development programs were necessary to address poverty in the rural areas. New forms of social and political organisation had to be introduced to counter the mobilisation; and nationalistic anti-communism was advocated to confront the ideological questioning of the status quo. Thus, PAC members had to report and control the population of the villages as well as movements and activities of foreigners coming and going. While normal PAC members were part of the community, the leading positions were assigned to outsiders, a mechanism that served to ensure compliance. The outsiders were the *comisionados militares*, predominantly former soldiers or officers, employees of big fincas or members of right-wing political parties (see Saénz de Tejada 2004 pp. 37ff). The PAC served three functions:

a) to provide civil and political organisation of the population controlled by the army in order to quickly recover production;

b) to serve as a channel for governmental and international aid;

c) to defend the villages against guerrilla attacks.

Compliance was assured through repression and strict control. Food was rationed and only given on a day to day basis in order to impede transfers to the guerrilla. Punishment was executed on a collective level. This pattern destroyed trust and social relations in the communities and established a basis for personal enrichment for many commissioners.

„Military commissioners used their ill-gotten power to steal the lands of neighbours, rob livestock, extort money, rape women and commit other crimes. … they were often as feared in their own communities as the army officials.” (Sanford 2003 p. 403)

The report of the Guatemalan Truth Commission states that human rights violations by PAC members were most common in the departments of Quiché, Baja Verapaz, Huehuetenango, Alta Verapaz, Chimaltenango und Totonicapán.
2.2. Democratisation in the midst of war

While repression and social control were deeply rooted in Guatemala’s history as a mechanism to maintain the status quo, democratisation did not belong to the oligarchy’s or the military’s “tool kit” for conflict resolution. The main reasons for the political opening were internal conflicts between different factions within the military as well as between the military and the dominant economic groups. The most important factor primarily arose externally – mostly US and European pressure. Although this led to an opening of the authoritarian and repressive system and to an expansion of options for the non-armed opposition, it also implied a series of engrained restrictions:

- authoritarian enclaves were institutionalised,
- the military remained in charge of internal “security”, and
- participation remained restricted as long as the war was ongoing.

In 1984, the armed forces initiated elections for a constitutional assembly, followed by parliamentary and presidential elections in 1986. However, the spectrum of political actors in these elections remained limited, with the political left largely excluded. The elected civilian president Vinicio Cerezo from the Christian Democratic Party had no illusions regarding his range of power. In an interview at the end of his term he said, that he had around 30 percent of power when he was elected, and that this share had not grown in the meantime. Ultimately, his greatest success was to remain president for four years until the next elections.

The real power relations did not alter significantly. In fact, the economic and social model of exclusion and the violence and repression of leaders and members of the social movements, campesino and human rights organizations prevailed. Most of these gross human rights violations remained unpunished, or the legal proceedings prosecuting them at the national and international level are still ongoing today. Impunity and prerogatives of the armed forces were permanent issues in the reports of the United Nation’s Special Rapporteur on human rights in Guatemala. In 1990 even the U.S. Department of State called its ambassador home due to the rising levels of violence. On the other hand, formal democracy obliged the Guatemalan governments, at least on a rhetorical level, to respect fundamental provisions of international humanitarian law.

Mobilisation and organisation increased – as they had always done, when repression was lowered – and received a new impetus, e.g. when the Peace Nobel Price was awarded to indigenous activist Rigoberta Menchú in 1992. In a very traditional manner, President Jorge Elias Serrano tried to keep the situation under control by launching a self-coup trying to abolish parliament and to install a Fujimori-style autocratic regime. But surprisingly, not only external actors like the US and the European Union did protest but there was also a unified internal opposition to the return to authoritarian forms of government. The self-coup led to a unique alliance of different social forces, even including the Guatemalan entrepreneur organization

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24 In 1991 the Peruvian president had dissolved the parliament and changed the constitution in order to being able to stay in office and electable for a second term.
CACIF, one of the most conservative and status quo-oriented actors of the country. As one consequence the formal democratisation of the political system was converted into a minimal consensus at the national level. At the same time, this laid the basis for a temporary coalition of some of the more progressive parts of the economic elite and oligarchy politically organised in the PAN (Partido de Avanzada Nacional), as well as for civil society sectors and other reform oriented actors to resume peace negotiations and bring the war to an end.25

2.3. The creation of a Pan Maya identity without unity

There is a widespread discussion on the role indigenous people played in the armed struggle circulating around two interrelated issues: The first question discussed is related to the role of the indigenous population as the major victim of the war – not only enduring direct violence and repression from the Guatemalan state but also from the guerrilla forces. This is most prominent in research that focuses on the “neutral” Maya “caught between two armies”. Second, the discussion on the relations between the struggle for social and cultural rights. In the case of Guatemala this was an important debate on strategy and the relations between the indigenous people and the state. It came up as the result of the opening of political spaces the democratisation during the mid-1980s allowed. Another factor was the Nobel Peace Prize for Rigoberta Menchú in the context of the discussions on 500 years of domination and/or encounter since Columbus landing in the New World.26 Independently from the perspective one might adhere to, the important fact is that Guatemala’s indigenous people do not pose one homogenous group. Given that the main division lines are no longer constituted by language or village limits, there have been different forms of adaptation to violence and repression based on and leading to different perceptions and priorities for specific groups and organisations.

At the same time, war and violence did contribute to the growth of a Pan-Maya identity by the means of collective experience of violence and victimisation. It not only destroyed traditional forms of social cohesion but served as a collective context (re-)inventing a common identity as Maya People. There is no equivalent to this process in the Ladino population which lacks a group identity. This in turn leads to a crisis that has even deepened after the war and the acknowledgement in the peace accords that Guatemala is a multi-ethnic, pluri-cultural and multi-lingual society.

Nevertheless, within and between the indigenous organisations there have been serious disputes between groups favouring a “cultural” approach – e.g. demanding bilingualism – and those who advocate a comprehensive reform of the social, political and economic system. Despite integrating indigenous fighters, the guerrilla groups adhered and acted according to the perception that the ethnic-cultural conflict between the indigenous people and Ladinos

25 On democratisation and peace negotiations see Solórzano 2001 and Jonas 2000 among others. Despite being the most unified actor in Guatemalan society, the Guatemalan oligarchy is not homogenous but has rather internal conflicts and divisions. Nevertheless, when their social and economic dominance was endangered these differences have always played a minor role. See Casaús 2008, Segovia 2004, Valdez 2004.

was subordinate to the overarching socio-economic and political struggle. At the same time, due to its military weakness, the guerrilla was unable to protect indigenous communities. The indigenous peasant organisation CUC, having Rigoberta Menchú as one of its activists, poses an noteworthy example for the lack of options such organizations were facing: Repression forced many CUC members to go underground in 1980 and to align themselves with the EGP (Ejército Guerrillero de los Pobres). Hence, its autonomy and options for action were limited.

The consolidation of group identity became a major issue for the indigenous organisations. In the context of the cessation of widespread violence and the political opening in the mid-1980s, initiatives promoting Maya culture and indigenous rights as well as empowerment began to spread. Albeit being an obvious necessity, due to racism and the lack of indigenous people’s participation the existing divisions of Guatemala’s society along “ethnic” lines were reproduced and simultaneously divisions in the Maya organisations on strategy, alliances and priorities were produced.

### 2.4. Design and implementation of the peace accords

The immediate post-accord years (1996-1999) constitute the fifth phase of the conflict having been shaped by a huge presence of international organisations – the UN verification mission at its core, but other groups dedicated to international cooperation as well. The implementation of the peace accords was as complex and difficult as the negotiations had been. While the status quo-oriented actors considered the accords a demobilisation mechanism of the URNG – and nothing else – the reform actors as well as most of the international actors saw it as an effective basis for comprehensive change. This did not only result in difficulties with respect to the implementation process but also in a struggle over ownership and legitimacy of the reforms. Hence, it is not astonishing that there has been a relatively smooth process of implementation in relation to those peace accords that treated the direct consequences of war (demobilisation, return of refugees, elections) but that the provisions aiming at more fundamental reforms were difficult or impossible to implement. First signs for the prevalence of status quo and path-dependent resistance against externally induced reforms were obvious right from the beginning. Their dominance became evident in the context of the failed referendum on constitutional changes (necessary for the implementation process) marking a turning point in peace-building (see Jonas 2000 pp. 189-216).

The Guatemalan Peace accords consist of a series of eleven treaties covering different topics (see Universidad Rafael Landívar/ MINUGUA 1997). The most successful processes were related to the truce, the concentration of combatants in defined and internationally controlled zones as well as the following demobilisation and reintegration of the URNG. In 1997, 2,950 fighters handed over their arms and in turn received support for healthcare and reintegration. In December 1998, the guerrilla officially transformed itself (keeping its name) into a political party and got registered by the national election authorities. Nevertheless, demilitarisation beyond the guerrilla groups as envisioned in the agreement on the “Empowerment of Civilian Power and the Role of the Armed Forces in a Democratic Society” proved to be much more difficult. The military manpower and its budget were to be reduced by 33%; likewise the military police and intelligence units were to be dissolved. The national presence of the military
was to be re-structured, a new doctrine to be formulated and a civilian police force to be established. Although MINUGUA declared the quantitative provisions fulfilled by the end of 1999, many internal and international observers voiced serious doubts due to the different definitions of the starting point for the reductions: while the military put the peak time number of military personnel (50,000) as basis, at the time of the accord’s signature the armed forces numbered 38,000 soldiers and officials. Thus, a reduction of 33% would have left the military with manpower of either about 33,500 or just 24,500. Similar conflicts arose with regard to the military budget which was reduced in the formal budget that already had been passed in parliament. But ever since, there has been a budget increase due to unofficial transfers during the financial year (see MINUGUA 2002). A civilian police force was established using funds and technical assistance of international donors (mostly the European Union and Spain) but nevertheless was not able to confront the serious problems of public security (see chapter 3 below for details).

Another very controversial issue – closely related to the violence issue – presented the establishment of a truth commission (CEH, Comisión de Esclarecimiento Histórico). Although the military authorities accepted the idea of investigating human rights violations, they subjected this procedure to the condition of being “just, balanced, and non-partisan”. The commission’s mandate was restricted to name institutional responsibilities but not individual perpetrators (as the Salvadoran Truth Commission had done). Under the direction of Christian Tomuschat (a German professor for international law), the CEH presented a widely acknowledged report called “Memory of Silence” on February 25th 1999. The report documented 40,000 human rights violations holding the state security forces responsible for 95% of these crimes. The commission set up a series of recommendations for the rehabilitation of the victims, for joint memory and for a compensation program. As a preventive measure the CEH advocated the reform of the justice system, a change of the mandate of the armed forces, empowerment of the indigenous people for participation and a reform of the state’s financial basis. Most of these recommendations have not been converted into reforms.

The treaty demanding – at least theoretically – the most fundamental consequences for Guatemala’s societal status quo was the “Accord on the Identity and the Rights of the Indigenous People” (AIDPI, Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas). Although the Guatemalan parliament had signed ILO-convention 169 (on the rights of the indigenous people), which was the basis for many formulations of the AIDPI, the necessary constitutional reforms failed to receive the necessary support in a national referendum in May 1999. The referendum was not only a clear sign that the traditional division of Guatemala’s society had not been overcome yet. While the referendum received support in the departments with predominantly indigenous population, it was dismissed in the capital and the country’s east. The turnout was very low with only 18% of the electorate participating.

One reaction to these restrictions was the Catholic Bishop’s Conference own project of historic memory (REMHI, Recuperación de la Memoria Histórica) established to document gross human rights violations during the war; REMHI began its investigations immediately in 1995 making use of the infrastructure of the Catholic Church and international donor funds. Even though there were some minor rivalries, REMHI’s work was an important and substantial basis and supplement to the CEH. How conflict prone the issue of memory is, was shown by the murder of Bishop Juan Gerardi two days after he had presented the report of the other truth commission REMHI in April 1998.
The referendum marked a turning point in post-war development. While during the first three years at least some progress was registered – e.g. reduction in violence rates (see table 1 above) – the situation now deteriorated significantly. Violence increased in different forms and contexts and although every government proclaimed the implementation of the remaining peace accords to be a priority issue, they lacked the political will as well as the power to do so. Even the international actors, which had been the main driving force for reform and transformation until then, lost much of their impetus due to other conflicts in other regions standing on top of their agenda. Given that Guatemala did not relapse back into war most of these international actors adapted their approaches to “business as usual”.

2.5. Patterns of path-dependency and externally induced change

In order to identify continuity and change in Guatemala’s society, it is useful to depict the winners and losers of war and war termination. There is little doubt on who have been the major victims of war and violence. Indigenous people as well as civil society organisations and social movements were primarily affected during the violence periods. De-escalation and the formal end of the war enhanced the space for manoeuvre and political action; the political democratisation (although accompanied by a series of deficits) acknowledged the legal equality of all citizens independently from their cultural self-definition and background. Thus, the predominant observation was that “indigenous people have profited most from the end of the war”.

Nevertheless though, to date the major winners of war as well as of war termination are the status quo oriented actors; namely the traditional oligarchy and the economic elite. Despite making certain concessions in the field of political participation, they were able to maintain their dominant position. At the same time, they were able to modernise their economic basis by the means of trans-nationalisation and diversification processes.

The military, although being a long time partner of the oligarchy, faces a more ambivalent balance. The war reinforced the position of the military as one central pillar of the Guatemalan state and enabled many officers (on an individual level as well as collectively via the military’s pension fund) to become part of the economic oligarchy through the acquisition of and control over resources and the country’s borders. But in the wake of democratisation and the end of the war the military was displaced from the core state institutions and subordinated to civil government. Although the military has lost its institutional relevance, nevertheless it remains an important actor (and spoiler) on an individual as well as collective basis.

External actors (donors, the US government as well as the United Nations and international NGOs) played a crucial role in favour of change and served as an important protection umbrella for internal change agents. At the same time, the various external actors had differing reform agendas agreeing on political democratization as minimum consensus.

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28 Raquel Zelaya, former secretary of peace and director of the think tank ASIES, personal communication May 2007.
Thus, the main result of the war was that political authoritarianism had been replaced by a formally democratic regime while the social and the economic status quo and the structurally engrained disparities were sustained. At the same time, trans-nationalisation as economic and demographic phenomenon reduced the internal pressure for change. Table 2 reflects structural continuities and changes during the last decades.

Table 2: Indicators of Structural Change and Continuity

<table>
<thead>
<tr>
<th>Year</th>
<th>Urban population (in % of total)</th>
<th>Guatemala</th>
<th>Migration (Central Americans living in the United States, in thousands)</th>
<th>Coffee (in % of total exports)</th>
<th>Importance of agrarian sector (in % of economic active population)</th>
<th>Importance of informal sector (in % of economic active population)</th>
<th>Poverty rate (share of population living below the poverty line, in % of total population)</th>
<th>Population living below poverty line (in millions)</th>
<th>Remittances in mio. US-$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>36.7</td>
<td>1990</td>
<td>25.9</td>
<td>18.8</td>
<td>90</td>
<td>53.7</td>
<td>63</td>
<td>4.6</td>
<td>596</td>
</tr>
<tr>
<td>2004</td>
<td>46.8</td>
<td>2000</td>
<td>18.8</td>
<td></td>
<td>18.8</td>
<td>56.8</td>
<td>75</td>
<td>6.9</td>
<td>1,600</td>
</tr>
<tr>
<td>1970</td>
<td>17</td>
<td>1980</td>
<td>18.8</td>
<td></td>
<td>18.8</td>
<td>58.2</td>
<td>75</td>
<td>6.9</td>
<td>2,592</td>
</tr>
<tr>
<td>1980</td>
<td>63</td>
<td>1990</td>
<td>58.2</td>
<td></td>
<td>63</td>
<td>60.2</td>
<td>75</td>
<td>7.0</td>
<td>3,626</td>
</tr>
<tr>
<td>1990</td>
<td>226</td>
<td>2000</td>
<td>56.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>327</td>
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</tbody>
</table>


Hence, migration was the result of war and violence as well as of the lack of social and economic mobility and the high levels of poverty within Guatemala. The so-called remesas or remittances – money send home by (mostly illegal) migrants to support their families – is nowadays one of the most important income positions in foreign exchange for the national account and has surpassed the traditional export earnings. While this is an important basis for
survival for the most marginalised groups, it also leads to a significant brain drain given that the most qualified go north thus weakening the human resource pool for sustainable development in Guatemala. One of the consequences is that the establishment of stable reform alliances and a social basis for democratic change remains very difficult. These problems are reflected in the functional fragility of the Guatemalan state which is not able to fulfil central functions like the establishment of a monopoly of force or the delivery of basic social services to the population.

3. Guatemala after War – Low Intensity Peace

Since 1999, continuously increasing violence and the establishment of a violent order embedded into the basic structures of the state have characterised post-war Guatemala. While the number of violent deaths has significantly declined until 1999, it has more than doubled since (see table 1). UNDP has estimated the violence’s economic costs as high as US$ 2.3 billions for 2005 equivalent to 7.3 % of the nation’s GDP (PNUD 2006). However, not the entire Guatemalan state and society is violent. There have been a series of studies on post-war violence that agree on particular findings:29

1. Regional differences: Homicide rates are highest in the county’s capital and border regions, namely in Escuintla, Petén and Chiquimula and lowest in the western highlands, that is in Totonicapán, Quiché and Huehuetenango.

2. Ethnic-cultural differences: Regions and municipalities with a predominant indigenous population show a violence level significantly lower than in other municipalities (homicide rate of 15.78 per 100.000 compared to 58.21). At the same time, there is no direct relationship between poverty and violence.

3. Violence is a predominantly urban characteristic: The homicide rate in the city of Guatemala more than doubles the national average (108) The most violent municipalities are San Benito (Petén, 202), San José Acatempa (Jutiapa 162), Coatepeque (Quetzaltenango, 157) and San José (Petén, 151).

4. Victims and perpetrators are predominantly male: Although there has been an increasing attention on murder of women (called femicide by some organisations because it is accompanied by rape, abuse and mutilation), in 90% of the homicides the victims are male.32

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29 The most important studies have been MINUGUA 2002, CIEN 2002, PDH 2006, UNODC 2007 and PNUD 2007.
30 A study commissioned – but not published – by the Swedish development cooperation in 2007 confirmed the regional disparities and showed that 70% of the murders happen in just five departments (among others Guatemala-City and Escuintla) and that within these departments 70% of the murders happen in just 12 municipalities (personal communication SIDA May 2007).
31 All data for 2006, see PNUD 2007, p. 27.
32 The PNUD (2007 p.30f) study shows a non-proportional increase only for the year 2004, when 12.4% of the victims were female. On femicide see CALDH 2005, 2007, URNG 2005.
There are different sets of explanations for the high level of post-war violence varying according to the foci and scope of the different investigations. At least one assumption is shared, that there are no monocausal explications.

The first comprehensive study elaborated by the economic research institute CIEN (2002, pp. 57-66) has identified six sets of factors contributing to the high level of violence:

- Legacies of the armed conflict that destroyed the social fabric and debilitated the state apparatus (mostly those institutions responsible for providing security and justice).
- Poverty as a breeding ground for violent behaviour due to the lack of alternatives.
- Impunity leading to forms of private justice and a lack of state control.
- Organised crime like drug trafficking, kidnapping, robbery, among others.
- A cultural factor mostly in the country’s east due to the historical absence of state institutions there.
- Problems of cohabitation leading to violence in specific situations (e.g. being influenced by alcohol, private disputes, etc.).

PNUD (2007, pp. 10f) identifies two major causes for violence mutually reinforcing each other: social exclusion and the lack of application to existing laws. The study does not delve into more details, however.

Many other studies and papers focus on violence forms that (at least quantitatively) are of minor importance. Organised as well as non-organised forms of violent crime and the use of violence in private disputes are explained by many observers as a result of the dispersal of small armament and weapons all over the country. Thus, lynching has received high attention in and abroad Guatemala. The number of lynching incidents has increased after the war’s end. MINUGUA (2002a) documented the death of 235 persons due to collective violence in form of lynching, most of these murders happened in the departments of Quiché, Huehuetenango, Alta Verapaz, Chimaltenango, Baja Verapaz, Petén and San Marcos. This is in glaring contrast to the otherwise low violence level in these regions. Most discussions focus on two intertwined issues: the absence of state institutions providing justice and indigenous traditions. Usually, the collective character of lynching is related to the latter. There is an unresolved debate on whether lynching is a result of the absence of customary law and forms of conflict regulation or whether it forms part of its judicial arsenal. An important feature of lynching seems to be that it shows an instrumental similarity with war-related violence, namely massacres and public violence used by PAC for intimidation. Thus, lynching could be interpreted as a combination of self-justice and continuity of war-time violence.

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33 This is also the case with Zinecker (2006) who looks at political violence, maras and lynching as three “typical forms of post-war violence”. Existing data sets do not sustain this statement; moreover, subsuming maras and lynching under the label of violent crime is at least disputable, too. The UNODC (2007) study on crime in Central America cites Guatemalan police statistics and holds maras responsible for less than 15% of homicides. As the major violence causes Zinecker identifies regime hybridity, rent-seeking mechanisms and the lack of functioning mechanisms of violence control by the state as well as by civil society.

34 See IEPADES 2006 among others.

Ultimately, a very substantial part of the debate follows the lead of media and politicians focusing on youth and youth gangs as the main perpetrators of violence.\textsuperscript{36}

The following analysis will take a further look on post-war violence from a different and more comprehensive perspective using the concept of post-war societies as a dual area of tension which is defined by the decreasing influence of external actors and simultaneous resurgence of traditional structures. This focus allows for disaggregating different forms and causations of post-war violence. Four issues and their interrelations are important in this respect:

\textit{a) The organisation, operating mode and legitimacy of the public security sector:} The establishment of a legitimate and democratically controlled public security sector is a major prerequisite or the key variable for violence control and law-based conflict regulations. Guatemala exhibits fundamental deficits in this field.

\textit{b) The development of the political system:} A functioning political system is a crucial prerequisite for the establishment of a democratically controlled public security sector. The political system in Guatemala is volatile, fragmented and dominated by personalistic and clientelistic actors and networks. Despite violence control being an important component of the discourse of all actors, violence is predominantly instrumentalised.

\textit{c) The establishment of civil forms of conflict regulation:} It has to be based on a process of delegitimizing the use of violence in conflict situations and the introduction of the rule of law. High levels of impunity and grave deficits of the rule of law are important factors regarding the high level of violence in Guatemala. At the same time, the process of dealing with past gross human rights violations is highly politicised.

\textit{d) The use of natural and human resources:} While the Central American wars have not been discussed from a war-economy perspective yet, Guatemala is a case in point displaying that war economy structures are not a phenomenon specific of the late 1990s or the 21\textsuperscript{st} Century.

\subsection*{3.1. Public Security}

The peace accords provided the basis for a fundamental reform and reconstruction of the state’s capabilities to control and sanction violence. Thereby, the quantitative reduction of the military represented one pillar, the change of its territorial presence (namely reducing its presence in the western highlands) and the redefinition of its doctrine and tasks the second pillar. The military’s responsibility for internal security as well as for the maintenance of Guatemala’s “dignity” (Art. 244 of the Constitution of 1985) was abolished. The major strategy to provide public security after the end of the war was the establishment of a new police force (Policía Nacional Civil, PNC) that was entitled (and bound) to guarantee rights and freedoms as well as public order and internal security. The peace accords also called for the enlargement of the police forces and the recruitment of personnel taking into account the country’s multi-ethnic and pluri-lingual character. A newly established police academy became responsible for recruitment and training.

\textsuperscript{36} This debate will be analysed in Working Paper No. 5.
Two developments were counterproductive for the implementation of these structural changes and reforms: First, the reduction of the military proceeded very slowly and affected primarily field soldiers as well as conscripts while officers remained in their positions. The politically most relevant institution – i.e. the military intelligence – was not abolished until 2005, that is nine years after the war’s end (and some observers say that it is still functioning in the shadow). Second, as far as the establishment of the police academy and the training of police officers are concerned, in particular during the first years the new police lacked personnel as well as operating capabilities.

The result was a significant fragility of the state’s capabilities to control violence; an environment in which petty theft as well as organised and trans-nationalised forms of crime could flourish. The PNC was (and still is) poorly equipped and severely underfinanced – its budget has not been raised despite commitments made by the government (Pillay 2006, pp. 24-25). The various post-war governments’ efforts to combat crime rested on changes of the people in charge. For instance, the chief police commissioner was replaced 25 times between 2002 and 2006, the interior secretary five times. Another indicator for the state of affairs regarding public security is that President Oscar Berger confessed in an interview with the daily Prensa Libre (7.06.07, half a year before ending his term) that the public security forces were unable to confront the amount of violence Guatemala exhibits.

Thus, there was neither the capacity nor the political will to fight criminality which has lead to a negative cycle being disastrous for the establishment of a democratically controlled and legitimate public security sector: Governments of different political affiliations responded to crime by recurring to the military either to patrol in the streets or to strengthen the police. This is a process that can also be interpreted as a path-dependent adjustment, thus making Guatemala a negative example for the lack of necessary contextual conditions:

“Police reform depends on national political will: to advance and succeed, key political actors must ‘buy in’ to the idea of democratic policing. Reforms frequently face opposition from political, military and economic sectors with vested interests in old security arrangements.” (Neild 2001, p. 35)

In the case of Guatemala one could add: or in the lack of security arrangements that would limit their freedom of action.

One consequence was that Guatemala was confronted with the growth of criminal networks. This situation became public knowledge at the latest with the publication of WOLA’s (Wash-...
inton Office on Latin America) “Hidden powers” report in 2003 (Peacock/Beltrán 2003), which made the issue of the parallel networks in Guatemala and their capture of the state its focus.

Nonetheless, there is no consensus yet on which actors, structures and networks effectively constitute these powers. Wording goes hand in hand with perception. The concept of parallel powers is a rather broad one and includes all the actors (on the local, regional and national level) that act outside of formal participation structures to influence decisions of the government and state institutions. The term “obscure powers” suggests that these actors operate in the shadows, that is mostly the illegal sphere. Thus, the mechanisms “hidden powers” use to exert influence exhibit a wide variety including legal, but informal traditional forms of influence (e.g. personal connections, kinship) to the point of illegal and forbidden practices of corruption, intimidation and violence.41 While illegal activities are most prominently featured in many reports, the legal but informal activities pose an important factor as well undermining democracy and the rule of law and damaging accountability and transparency. At the same time, these promote asymmetric and vertical power relations that contradict the formal equality of all citizens on which democratic governance rests. Hence, in the following the broader term of parallel powers will be applied.42

The evolution of these parallel or hidden powers is highly interrelated with the processes of democratic opening and war termination. Three different actor groups can be distinguished:

1. Parts of the traditional oligarchy organising their influence through informal channels despite the change of the political regime.

2. Networks of former military and police officers that were displaced from central state institutions but still possess an independent economic basis within the war economy structures. At the same time, they are able to organise political pressure via the mobilisation of former PAC members in some regions and via connections to the Frente Republicano Guatemalteco (FRG).

3. Criminal groups and organisations profiting from Guatemala’s growing importance in the regional drug trade. Open and selected violence as well as corruption are their central mechanisms of influence. These networks captured part of the state apparatus under the FRG administration (2000-2004) and could maintain their influence due to the neoliberal and laissez-faire policies of the Berger administration.

These actors’ major interest is the maintenance of the political, economic and social status quo on which their influence as well as their economic profit rests. Recent developments in the PNC make this quite obvious: In 2005, 2,500 policemen were dismissed due to charges of corruption and connections to criminal organisations. The government replaced them with former soldiers, a process which was widely criticised by civil society groups due to the milli-

41 Independently of one’s position in this definition conflict, it is important to note that it is nearly impossible to make clear distinctions between legal and illegal behaviour given that this constitutes a vast grey area. Where does the businessman fit in that hires a non-registered private security company for the protection of his estate?

42 See the definition of the international commission against impunity in Guatemala CICIG (Comisión Internacional contra la Impunidad en Guatemala) that also applies to a rather broad concept.
tary’s record of human rights violations in the past. Observers in Guatemala say that only 5 (five) percent of the police officers are not corrupt.43

The lack of public security is primarily responsible for violence in post-war Guatemala. Everyday crime and organised crime as well as the growth of self-justice or privatised forms of justice are rooted in this nexus. The deficits of public security cannot be analysed on the basis of a sector-oriented approach, however, given that they are closely linked to and interrelated with developments in the political system, civil conflict resolution and the use of resources.

3.2. The Political System

It is undeniable that the peace process itself and the end of the war were the major contributions to Guatemala’s transition towards an at least formally democratic political system. While during the elections of 1995 a reduced participation of civil society organisations and left-wing political forces was allowed, the restrictions were lifted after the war’s end. Election results over the last decade show a very fragile and fragmented party system accompanied with a diffuse polarisation and a highly volatile electorate (see table 3).

Although the peace accords served as basis for general elections with the participation of all political forces including the former armed opposition, the political system suffers from a relatively low legitimacy level, and its central institutions (parliament, political parties) are the ones least trusted by the people as public opinion surveys have shown. While in other post-war countries – e.g. neighbouring El Salvador and Nicaragua as well as Mozambique or Angola – the political contest pattern reflects the structure during the armed conflict, in Guatemala politics are fragmented and organised on a highly personalistic basis. Thus, hardly any substantive differences among the various parties can be identified; most parties are established around personal relations and interdependence (mostly based on an asymmetric character) and not on the basis of a shared political program. The result is a lack of interest based on solidarities and a minimal anchoring in society.

Ultimately, the political system resembles the structure and the power relations which have been shaped by war, violence and international interventions. In none of the elections since 1996 the former guerrilla group URNG played a significant role; thus, its representation in Congress is negligible. Further, in contrast to the reform-oriented forces which are unable to agree on a joint agenda for change, the Guatemalan oligarchy is nearly unaffected by fragmentation. In contrast to the Salvadoran case, the Guatemalan oligarchy does not dispose of its own political party but finances and supports different parties that come up and disappear from election to election. The most powerful status quo-oriented actors – CACIF and the military – lobby for their interests predominantly through indirect and/or informal channels. Due to biographical, personal and family ties to the economic elite the governments of Alvaro Arzú (1996-2000) and Oscar Berger (2004-2008) – both proclaimed to lead “business governments” – prevented fundamental reforms of the existing political and socio-economic status quo in spite of pro-reform rhetoric in the run-up to each respective election.

43 Personal communication May 2007.
Table 3: Distribution of Parliamentary Seats and percentage of the vote 1995 – 2007 (main political parties)

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<td>PAN</td>
<td>rightist</td>
<td>1996-2000</td>
<td>43</td>
<td>37</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>FRG</td>
<td>rightist</td>
<td>2000-2004</td>
<td>21</td>
<td>63</td>
<td>41</td>
<td>29</td>
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<tr>
<td>GANA</td>
<td>rightist</td>
<td>2004-2008</td>
<td>-</td>
<td>-</td>
<td>49</td>
<td>37</td>
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<tr>
<td>PP</td>
<td>rightist (split off from GANA)</td>
<td>2000</td>
<td>-</td>
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<td>29</td>
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<tr>
<td>UNE</td>
<td>centrist</td>
<td>Since 2008</td>
<td>-</td>
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<td>30</td>
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<tr>
<td>FDGN**</td>
<td>leftist</td>
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<tr>
<td>ANN**</td>
<td>leftist</td>
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<td>9</td>
<td>7</td>
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<td>EG**</td>
<td>leftist</td>
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<td>URNG-Maiz**</td>
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*The PP was part of GANA until it split off shortly after the election.

**The FDNG was formed by political and social forces sharing a reformist agenda and participating in the ASC. ANN was a coalition of most of these forces with the – now legal – URNG; EG was a coalition between most of ANN and the political supporters of Rigoberta Menchú as a candidate to the presidency in 2007.


A relatively new feature of political representation is the FRG (Frente Republicano Guatemalteco) although Guatemala holds a historical record of political parties organised and dependent on military officers. During recent years, the FRG was the best-organised political force in the country based on loyalty to its founder and leader Efraín Ríos Montt, some clientelistic distributional politics in the regions being under their influence, and a populist law-and-order-discourse belying its own participation in criminal and corrupt networks.

At the same time, the ability of reform-oriented and civil society organisations to participate in politics has been limited to dialogue processes with the governments. Here, the FRG had a more inclusive policy than other governments. Reform-oriented parties and organisations generally address only isolated problems and are short-lived. Their capacity to form alliances is further limited by the fact that they, too, are fragmented along personality lines.

To date, no governing party has returned to office, although the FRG succeeded in remaining the best-organised political force in Congress after the 2003 elections. Despite the fact that in the run-up to each election there is a restructuring process of parties around the individual candidates, in the aftermath though many of these organisations dissolve. The weakness of the
existing party system thus represents one of the major problems not only for the stabilisation of the political system but also for the broadening of political representation. To date, the indigenous population has organised itself only at the municipal level, where no nation-wide party is necessary to propose candidates but where civic committees can form between elections.

The volatility of the party system is reinforced by two additional developments that favour continuity and path dependency of traditional politics: First, the domination of the informal sector restricts the establishment of a social basis for political organisation which would be necessary for democratic consolidation. A significant share of the population struggles for day-to-day economic survival (see table 1 above) thus making them susceptible for short term promises and not for strategies that promise change in the medium or long term. Second, the high level of everyday violence – which primarily affects poor and marginalised groups rather than the better-off who can afford private security – leads to the prioritisation of physical survival over other issues. The discourse of the mainstream media and politicians reinforces this by promising politics of “hard hand”, “super hard hand” or “total security”. Youth gangs are a commonly used as a scapegoat. Violence is sensationalised and scandalised which allows for the politicians to avoid addressing the pressing structural problems of the marginalised majority. The criminal networks and the high level of corruption are also important factors cementing the status quo of incomplete transformation and peace-building.

Hence, while the post-war political system has been liberalised and at least at the formal level the participation of the population has been institutionalised, this has not solved the structural problems that had effectively caused the war. At the same time, the war-related violence resulted in the depolitisation of social conflicts and of the population; this is exemplified by the very low levels of participation in elections as well as in other political activities. Guatemala exhibits the lowest levels of formal as well as informal political participation (engagement in public affairs, membership in political party, participation in political discussions, demonstrations, among others) in the Latinobarómetro survey (2006 pp. 35-36). This process was reinforced by developments at the international level that is currently characterised by the lack of alternative political systems or visions for the society’s future rivalling the mainstream liberal capitalist democracy. Thus, there is no reference point for oppositional social or political actors.

Despite the transformation of the armed actors into political actors, this process has not resulted in the establishment of viable reform alternatives. Democratisation has indeed helped to address just one of the country’s grievances but – at least to date – has failed to give a perspective for social change and inclusion. Hence, it becomes apparent that pressure by external actors aspiring for a formal democratic opening can be warded off by status quo-oriented ac-

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44 Guatemala is obviously left out by the wave of indigenous political organisation that can be observed in Bolivia and Ecuador. Rigoberta Menchú received only 4% of the vote in the presidential elections of November 2007. Some observers explain this was due to the “difficult personality” of Menchú. It would be worth while to look beyond personalistic and conjunctural explanations and to compare the experiences of indigenous political organisation in Guatemala and Peru (both post-war context) with those in Bolivia and Ecuador (no war experience). A hypothesis worth exploring would be that the use of violence (selective as well as widespread) caused a lack of organisation and a depolitisation.
tors and spoilers when the transition does not have a solid (or at least growing) social basis. The political system is an area where the developments of the last decades show a high level of path dependency. The lack of a social basis and the missing links between society and party system represent a major problem for the country’s governability as well as for the deepening of democracy. These are serious problems given that many times agreements between civil society and government are turned down in Congress. Guatemala’s parliament has been primarily responsible for the institutional gridlock; the basic bottleneck for various reforms. This became evident with respect to the central reform proposals that had to pass Congress as well as the constitutional reforms leading to the referendum in 1999 and the establishment of an international investigation of the criminal networks in 2003. The implications of this process will be discussed below.

3.3. Civil Conflict Regulation

The transformation from violence-based to civil forms of conflict regulation lies at the core of peace-building. The high violence levels in post-war Guatemala show the deficits in a very drastic way. Two concepts are usually discussed to explain rather diffuse and sparsely organised forms of violence: the establishment of a culture, that is the lack of individual psychosocial as well as collective mechanisms against the use of violence due to the experience of war and widespread violence; and the deficits within the judiciary apparatus to sanction violence which thus fuels the spreading of further violence. Both processes are influence by the existence (or the lack) of the rule of law as fundamental basis for civil forms of conflict regulation. Rule of law provides the central mechanism given that it sets the rules of the game as well as for the treatment of deviant behaviour independently of its anchoring in traditional, customary or codified law. In Guatemala there has been some progress in the state’s judiciary sector’s reform process; for instance, rudimentary forms of independence of the judiciary have been established, but nevertheless political pressure, intimidation and corruption remain serious problems. At the same time, there has been a vibrant discussion on indigenous law (see Sieder 1997).

In Guatemala like in other post-war societies the process of coping with past atrocities is a useful indicator for changes or continuities in the official treatment and legitimisation of violence as one way to “resolve” conflict. The dealing with past human rights abuses is not only important with regard to the rehabilitation of the victims and the punishment of the perpetrators; from a peace-building perspective, it should even be seen as a major mechanism for future violence prevention. The delegitimisation of violence is a necessary prerequisite for civil conflict regulation and the empowerment of rule of law. At the same time, the possibilities and limits of dealing with the past reflect the real power relations in post-war contexts. It seems that only where violent actors have been marginalised or where the international community plays an important role there is at least a chance to bring perpetrators to justice. However, to “build rule of law is to deconstruct impunity” (Sanford 2003:396).

The CEH and the REMHI projects have documented an important part of the human rights abuses but only in some very prominent cases based on substantial international pressure – e.g. the murder of Guatemalan anthropologist Myrna Mack – criminal convictions of the di-
rect perpetrators but not of its intellectual authors were achieved. The most prominent and representative figures of war and violence (e.g. General Efraín Ríos Montt) neither have been held accountable nor have been removed as powerful actors from the political system. The prosecution of the intellectual authors would be a necessary step for trust building as well as an important political statement showing that the Guatemalan state is extending the rule of law to the powerful and not only to the poor. The murder of Bishop Gerardi two days after he had presented the report of the REMHI project was a signal to all those fighting for memory, truth and justice that they endangered their life. The intent to make this murder appear a homosexual-driven crime is another disgusting example for the variety of instruments used by the status quo-oriented actors to stay in power.

Ultimately, the lack of dealing with past violence is both a reason for and a consequence of the existing deficits of the rule of law. The power structures shaped by war interact with a lacking tradition of law-based conflict regulation forms. Guatemala has a historically ingrained judicial culture enabling those who have economic, social or political power to change and twist existing rules to their benefit. Even after the end of the war, the rule of law is challenged and changed by violence, corruption or the politisation of the justice system by the political parties making decisions over personnel recruitment. An interesting example is the so-called “black Friday” in July 2003. After the attempt had failed to change the constitution in favour of Ex-dictator Ríos Montt, some 5,000 supporters took the streets of Guatemala City looting and rioting in front of the Supreme Court. As a consequence the court changed the current jurisdiction and allowed Ríos Montt to run as candidate in the presidential elections. Hence, interrelations between politics and civil conflict regulation (or the lack of it) are obvious and increase or cause other crucial factors and dynamics (e.g. the lack of implementation of ratified international treaties and conventions).

The deficits concerning the rule of law and the lack of delegitimisation of violence nourish various forms of criminal and social violence which the state’s security system is neither able nor willing to handle. From a peace-building perspective, these are the major obstacles for progress in the transformation of politics and economy being another reason for the upsurge of violence at the same time. This result is underlined by the fact that violence levels are significantly lower in regions with predominant indigenous populations. Thus, unlike some of the discussion on lynching would suggest, customary law works as a substitute for the lack of state-based mechanisms of civil conflict regulation. Another factor explaining these differences is that social cohesion seems to be stronger in the indigenous regions. Trust in institutions responsible to solve conflicts as well as in other humans, compatriots or neighbours is a constitutive factor and prerequisite for civil conflict regulation. Surveys show that while trust

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45 On the impacts of CEH and REMHI on the process of memory and coping with the past see Oettler 2004.
46 In Transparency International’s corruption index for 2007 Guatemala is placed number 111 (out of 179) with Eritrea, Moldavia among others (see www.transparency.org). 76% of public office holders are perceived as being corrupt in a Latinobarómetro survey (2006 p. 28).
47 In the years before, Ríos Montt had not been able to be a candidate because he had assumed power by illegal means (a coup) in 1982. The constitution of 1985 held a provision that denied those people the right to become president. The supporters of Ríos Montt argued that this was illegal retroactive legislation. Although allowed to run in 2003, he came in third and could not participate in the second round of the elections.
3.4. Use of Natural and Human Resources

The most path-dependent policy area in post-war Guatemala is the economic development model and the use of natural and human resources. Disparities remain high and the vast majority of the indigenous rural population lives below the poverty line (56.2% of the national population lives below the national poverty line, in indigenous departments the percentage is even much higher: UNDP: HDR 2006). The stable macroeconomic development of the last decade has helped to increase the Human Development Index slightly but has not transformed the historical exclusion patterns (HDI 1995: 0.617, 2004: 0.673). The economic model rests on the extraction of natural resources (gold, silver, copper, oil, etc.) with a low necessity of formal labour. Money transfers from migrants (remesas) to relatives in Guatemala alleviate social problems and are of increasing importance for the country’s economy. Informal and criminal segments of the economy are also increasing (see table 2). At the same time, international structural adjustment programs and the privatisation of state enterprises have favoured traditional elites and those actors that gained their fortunes during and via conflict, thus perpetuating and deepening existing socio-economic disparities and inequalities. One result of this development was the establishment of new monopolies partly based on criminal or violent networks.

War and generalised violence have perpetuated and in some aspects even deepened traditional development patterns. Although the awareness of the importance of economic development and globalisation in the context of armed conflicts has increased, the debate about the implications of these factors on peace is just beginning. Guatemala represents an interesting case because it has never been discussed with regard to the war-economy structures which had formerly been primarily perceived as results of the Cold War. While the wars in El Salvador and Nicaragua were externally funded Guatemala’s military regimes did not receive foreign aid due to the gross human rights violations that not even the Reagan administration could ignore. The establishment of war economy structures served as substitute. At the core of Guatemala’s war economy was the control over rural areas by the military as an institution as well as (on an individual and collective level) by active and retired officers acquiring land and converting themselves into big landowners. The most famous example is the Franja Transversal del Norte, a resource rich territory (oil and wood, among others) reaching from the Honduran to the Mexican border through the western highlands. While controlling the state apparatus till 1985, the military gained legal control of the emerging oil industry. The army’s bank (Banco del Ejército) and its social security institute (Instituto de Previsión Militar) are important financial corporations (see Brenes/Casas 1998 and Isacson 1997). The military’s involvement in the illegal economy is at least equally important. The controlling of borders made them a major player in different transnational illegal activities such as drug and arms trade, money laundering, smuggling of vehicles, child adoption, kidnapping and illegal log-

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48 In the following paper on youth violence this will be an important starting point for the questions on integration of youth and violence control in different life-worlds.
These structures have not been dismantled or destroyed after the war’s end but still constitute the economic and social bases of the military’s veto power as well as the basis for the establishment and growth of the illegal criminal networks during the past decade.

One of the areas where these deficits produce high levels of conflict is land tenure. Guatemala has had (and still has) one of the most unequal land distributions in Latin America where 1% of landowners control 75% of the soil (MINIGUA 2000). The accord on social economic and agricultural reforms bore regulations on the distribution of public lands as well as on the expropriation and distribution of fallow land. However, the implementation has moved on only slowly given the resistance of the traditional and new agricultural elite as well as for technical reasons (e.g. absence of a land register and tenure documents). International donors have tried to push for change, but finally resigned in front of staunch opposition. These conflicts are aggravated by the government’s economic policy of giving concessions to national and international companies on resource rich land. Notwithstanding the signature of ILO treaty 169 (on the rights of indigenous people), the Guatemalan state does assign concessions on natural resources in indigenous communities. This has been a major source of conflict in rural Guatemala during the last years.

At war’s end financial transfers from international donors and/or diaspora groups become another important factor influencing the access to resources. Although these transfers may help a lot of people to survive and improve their day-to-day living, they also relieve the government from its obligation to pursue inclusive policy approaches. This limits positive effects for democratic legitimacy and likewise leads to the establishment of rent seeking structures and the permanence of the social status quo.

One result is that social exclusion and inequality have not – or only marginally – declined during the post-war years despite impressive growth rates and macroeconomic stability. The informalisation and criminalisation of the economy and the related violence are symptoms of these underlying processes. At the same time, traditional economic elites and international enterprises favour the modernisation of the exclusionary development model. The majority of investments in Guatemala – as well as in most of Central America – are directed towards so-called “megaproyectos” in mining or energy sectors which only provide few job opportunities and where the profit is made by a small group of local or international entrepreneurs. At the same time, these groups pay only minimal royalties and taxes. Thus, natural resources are not used for the public good but for private enrichment, another process that can be interpreted as path dependency.

Hence, the particular developments in post-war Guatemala do not provide proof for the self-enforcing positive cycle that liberal peace-building implicitly rests upon, but rather show elements of a negative cycle that can be described as follows: The lack of social inclusion produces high levels of informality and criminality. This holds negative consequences for the necessary social foundation as well as for the legitimacy of the political system. In this context, spoilers or adversaries to reform are able to use corruption and (mostly selective) violence to impede effective changes. This in turn limits the capacity of reform-oriented actors (inside and outside of the state) to establish inclusive forms of development and government.
The following chapter will show in what way the intersections of these four intertwined areas cause the different forms and the high violence level enabling the capture of the Guatemalan state and many parts of society by the parallel or hidden power networks.

4. Violence as mechanism to maintain the existing status quo

All three post-war governments have had their fair share of responsibility for the capture of the Guatemalan state by the criminal networks or parallel powers. A short overview on their intended and maybe unintended failures will show this in the following. Afterwards, the different violence forms in post-war Guatemala will be disaggregated and related to continuity and/or change in the patterns of violence.

4.1. Capturing the Guatemalan State

The political opening and the peace accords were the major causes for the dismantlement of the authoritarian state. But although a certain amount of power vacuum is considered rather natural in such situations of change (when the old is gone and the new not yet established), this would not necessarily have led to the functional state-failure and high violence levels had it not been for the accumulation of three developments.

The Arzú administration (1996-2000) supported the signature of the peace accords but was at least hesitant (if not resistant) to a quick implementation of those accords favouring the structural transformation of Guatemala’s society. The handling of the necessary constitutional reforms in Congress and the referendum made this obvious.

The FRG administration led by Alfonso Portillo (2000-2004) is mostly responsible for the penetration of the Guatemalan state by the criminal networks. Evidence for this assumption became public when a close advisor to president Portillo was denied entry to the United States due to a warrant against him for drug trafficking. Between 2000 and 2002 the amount of drugs seized by Guatemala’s authorities was not only relatively low, in 2002 drugs under the state’s control were even stolen. In February 2003, the United States denied Guatemala the certification for cooperation in the combat of international drug trade.49

International pressure mounted due to the fear among most donors of a serious setback with regard to the little improvements during the years before. Thus, in March 2003, the Portillo administration admitted the existence of the “hidden powers” and grudgingly accepted the establishment of an international commission (Comisión para la Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad, CICIACS) to investigate these powers. The history of CICIACS is another didactic example for the limits of international pressure. While

49 In the certification process the U.S. reviews the willingness and effectiveness of foreign government’s cooperation. In case certification is denied, the country loses preferential access to the US market in bilateral trade. There were no immediate consequences for Guatemala except the threat of being excluded from the regional free trade agreement. This threat proved to be quite effective because the authorities seized vast amounts of drugs as early as April of 2003.
the international community was able to pressure for the establishment of such a commission the internal power play (and the cooperation of different factions of the reform resisters) within the government and in parliament led to a significant reduction of the commission’s mandate and scope.\(^{50}\)

Ultimately, the minimalist and neoliberal administration of Oscar Berger (2004-2008) neither attempted serious efforts to combat violence, nor cut off the influence of the criminal networks. Emphasising national sovereignty, it minimised donor coordination and their possibilities to press for change. Only when four Salvadorian parliamentarians as well as their assassins were murdered (the latter inside a high security prison in Guatemala) at least a public discussion was initiated and the government looked for civil society and international support to achieve reforms and changes in public security. At the time of this writing (September 2008), there is no evidence that this could be the beginning of serious change. While the government of Álvaro Colóm (come to office in January 2008) vowed continuity of some reforms regarding internal security, there is still little evidence of keeping that promise. The president’s announcement to nearly double the manpower of the armed forces in order to ensure a more effective combat of crime and violence resembles rather a “forward to the past” strategy.

The Guatemalan transformation experience shows in what way political fragmentation and the lack of a social basis for reform combined with the pressure from international actors established a certain duality within the Guatemalan state: While the political decisive ministries (interior, finance, economy) have always been under control of the change resisters, the so-called “peace cabinet” (secretaría de paz, some presidential commissions and external relations) has been staffed with reformists. These were either independent individuals or people with a civil society background.\(^{51}\) Despite having a lot of backing from the international community, these actors lacked influence on the governments’ decisions as well as resources for initiating reform projects. Nevertheless, they did play an important role as figureheads to the international donors.

The related power conflict is a major cause for the functional fragility of the Guatemalan state. As long as the economic elite and oligarchy are able to maintain their neoliberal and traditional concept of low-intensity state, path dependency will prevail. Only in situations when the criminal networks and violence seem to come totally out of control, a certain amount of reforms seems possible. Most international donors are either “tired” of the lack of political will, however, or simply withdraw their efforts while recurring to local ownership and partnership with elected governments. The specific space of the post-war will not end until this power conflict is solved either way. At the moment, it seems most probable that Guatemala has not yet reached the deepest point of “mal-development”.

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\(^{50}\) It was the referendum experience all again: Claiming that the treaty agreed on by the government and the United Nations was unconstitutional, the parliament denied ratification. This led to four years of arm twisting, muddling through and a lot of xenophobic rhetoric against external actors. In the end, the international community had to accept the limits of its influence, a process eased by the pull out of MINUGUA at the end of 2004 and the relatively good standing of the Berger government with the international community.

\(^{51}\) The most prominent example is Edgar Gutierrez who worked with the Myrna Mack foundation and the Human Rights Office of the Archbishop (ODHAG) on REMHI and other human rights issues before he joined the Portillo government at first as director of the civil intelligence office, later as minister of foreign relations.
4.2. Violence in post-war Guatemala

In addition to the high violence levels, there are different violence forms leading to a high complexity level. When disaggregating the different forms along the categories established in working paper 1, the following picture emerges:

Although political violence has declined since the war’s end, it is still used by the different reform adversaries against oppositional politicians, non-corrupt lawyers and prosecutors, human rights activists and defenders, and leaders of different social organisations (indigenous, campesino, etc.). Although the elections of 2007 represented the most violent phase after the war’s end, the “political message” of this violence was rather diffuse. Nevertheless, the reduction of political violence is the most prevalent structural change compared to other periods of Guatemala’s history.

Social violence (*limpieza social*) is a constant phenomenon and mostly directed against street children and youths, beggars and other marginalised people. Here, selective and political violence aligns with private justice and criminality. The PDH (2006) shows that behind the mechanisms of *limpieza social* (armament, extent, etc.) there is an organisational structure which is well aware that there will be no punishment and legal process. Reports from different human rights organisations suit this argument when they relate cases of corrupt policemen that murder young gang members because they refuse to pass on an agreed upon quota of blackmail or drug trade earnings. The local press talks about turf wars between youth gangs reporting on these murders leaving out the police’s responsibility.

Violence for personal enrichment is responsible for the largest share of violence. This is a new feature only with regard to its amount. The major causes have been analysed above; these are the debilitation of the repressive control capacities of the Guatemalan state (this is new) and the lack of political will on the dominant actors’ behalf to establish new accountable and democratically legitimised structures for violence control and sanctioning (a rather traditional pattern). On the collective level, criminal networks and transnational organised crime seem to be the main perpetrators. This is a rather new violence pattern caused by the war-related social change as well as by globalisation and transnationalisation.

Situational violence needs to be analysed in relation to the destruction of social relationships directly and indirectly caused by the war, widespread violence and rapid social change. Alcohol-related violence, in *cantinas* and during weekends would fit into this category. Even lynching could be interpreted as a form of situational violence in spite of some reports addressing a certain form of planning. The situational element is constituted by the lack of other forms of real or perceived “justice” as well as by (organised or spontaneous) forms of collective action.

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52 It would be interesting to analyse detailed statistics of homicides allowing for a differentiation according to days of the week. For Colombia as well as for the United States, these statistics show a clear climax on Friday and Saturday nights.
As far as ritual violence is concerned, femicide seems at least in parts to fit into this category. While some of these cases may be related to particular situations (alcohol, domestic conflicts) or personal enrichment (violent crime), a high percentage of the female homicide victims shows signs of mutilation, rape, and other symbols of destruction of the basic symbols of womanhood. Given that there are no historical data, continuity and change is difficult to assess here.

Hence, violence in post-war Guatemala seems to show a high level of continuity regarding the main structural causes and goals. Political violence is primarily used as a means to maintain the social status quo. Exclusion and marginalisation are the main drivers for everyday criminal violence. The transnational forms of violence seem to benefit from both, given that they are able to recruit supporters among those population sectors without other means of survival and profit from the fragile state structure, impunity and lack of political will for change. Thus, the high levels of post-war violence form part of a negative circle including the lack of civil forms of conflict regulation, lack of political will for a constructive change and the continuity of violence-based and exclusive power relations.

Under the perspective of post-war societies as a specific social space and a field of dual tension post-war violence in Guatemala can be analysed as

- a path-dependent adaptation of traditional violence patterns: high levels of social violence preserve the existent status quo and selective or widespread political violence contain the mobilisation of reform oriented actors;

- external influences aggravate violence for various reasons: first of all, there are competing agendas of different external actors; after the end of the war peace-building lost its priority on the agenda while the support for the exclusive, resource extractive development model deepens the structural causes of violence; secondly, external actors lack the political will as well as the capabilities to press for a rule of law approach towards organized crime. This enabled the capture of the Guatemalan state and the maintenance of the status quo.

- reform agents are too weak and lack a social basis within Guatemala’s society; this was counterbalanced by the support of external actors only during the negotiation process and the first post-war years; the lack of structural changes in the power relations and widespread violence lead to a relapse into path-dependent clientelistic patterns of social organisation.

- even twelve years after the war’s end the dynamics of war and violence interfere heavily with the fragile processes of reform frustrating the introduction of civil forms of conflict regulation.

In Guatemala up to today the conflict between the different social actors (inside the state as well as within society) and their contradicting agendas has not been solved. Peace-building and the reduction of violence will depend on the outcome of this conflict.
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