

Guatemala: Post-conflict and Development – 20 Years After the Peace Agreement

1. The experience of Guatemala demonstrates that a Peace Agreement is not sufficient to achieve sustainable development and peace. While the country is a product not only of negotiations and election processes in a formal legal framework, the evidence demonstrates another reality: development is still a dream for most Guatemalans who have historically been discriminated against and excluded from economic and political processes.
2. During our long armed conflict – it lasted 36 years – the country was controlled by the military and a private sector oligarchy who owned the land and profited from exports of products like coffee and sugar cane. We had strong state institutions, but their objective was to control the citizens through security agencies, and through economic dominance of an elite group that benefited from the exploitation of the workforce which was mainly indigenous. These two sectors – the military and a small number of wealthy families – exercised control based on accumulation of riches, exclusion and exploitation, and non-payment of taxes.
3. The Peace Agreement was signed by a government headed by a President representing the country's elite, accompanied by military leaders who had carried out one of the bloodiest wars on the continent. On the other hand, the guerrilla did not have enough popular support, as shown by the fact that as political parties they never achieved a great power in the congress through posterior electoral processes.
4. The organized civil society participated in the formulation of the Peace Agreement which established an integral agenda to develop the country. The bases were laid for the reform of the security and justice sectors, and also inclusive development. However, most of the goals have still not been fulfilled today. (Poverty Graphic)

To reinforce this idea, in this slide can observe the poverty line in Guatemala from 2000 to 2012, where the poverty level has deepened instead of improving, demonstrating that the goals of the peace agreements have not been reached. It also shows how difficult it is to achieve the objectives of the 2030 agenda today.

5. The explanation for this, from my point of view, can be seen in three main factors:
 - a. The repressive groups that emerged during the 36 years of conflict affected all the state institutions – especially the security and justice institutions. Once democracy was officially established, these groups converted into clandestine structures within the State, to control government processes and illegally benefit from this control. For example, they used our customs services to benefit from smuggling and later drug trafficking. At the same time, they continued to use repressive and illegal methods to terminate political adversaries, using assassinations and kidnappings for economic activity. As a result of these structures, we had a slow Police Reform and inadequate criminal investigation, generating impunity and absence of justice for most of the population. These illegal Groups and Clandestine Security Structures have been the principal forces of corruption and appropriation of resources within the country in the last decade.
 - b. The traditional economic elite took over the State to establish or finance political parties, so they could control the national Congress, and therefore, the creation of laws that would maintain their privileges and the exclusionary economic model. For example: the law that gives communication frequencies to telephone and tv companies for 50 years without paying anything to the State. Mining companies also barely pay royalties to the State. And the Constitution prohibits the tax office from publicly naming tax evaders.
 - c. Political parties in Guatemala are established around individual leaders or sectional interests rather than policies, and the legislators are loyal to their leaders rather than their constituents. This reinforces exclusion and makes it impossible for the population to influence policy decisions. Recently the political parties have been infiltrated by organized crime. The economic model has remained unchanged: the accumulation of wealth by a small number of individuals and organization, based on cheap labor. This is an important reason why so many Guatemalans emigrate to other countries, especially the United States.
6. The logic of political power never changed. The Peace Agreement contains objectives to transform the economy to an inclusive model and improve development, but it did not achieve change. The laws that were needed could not pass through a Congress that never was committed to this transformation. The exclusionary and discriminatory economic model settled within the “official” democracy, by co-opting political power and the State. The last government illustrated the confluence of the military and economic interests: the president who owned the ruling political party had come from Army intelligence, and he is now on trial for controlling one of the structures that

was routinely carrying out customs fraud. His office also created mechanisms for stealing public funds and evading taxes in the private sector.

7. The institutions that controlled the State during the conflict were strong, based on a logic of repression and exclusion. The Peace Agreement did not change this, because the groups in charge did not want to change a system that had benefited them during the conflict. In this post-conflict situation, it becomes even more challenging to make state institutions respect and act within the rule of law. It is a question of modifying the institutional logic in spite of the structures that are within it. The weakness of the police and justice system is not an accident. It is maintained on purpose, to enable the clandestine structures to continue exercising power.
8. The model of State control in Guatemala is almost impossible to change. Resistance to democratic changes, transparency and efficiency come from within the state itself. The Congress, which could use its authority to force change, is not interested in creating conditions to benefit development and the common good. The support of the United Nations during the process of peace consolidation was not sufficient to modify this tendency among public institutions. It became necessary to have an external actor that is not threatened or co-opted by other groups of power. Therefore, among the lessons learned through from Guatemala's peace is the creation of the CICIG –the International UN Commission Against Impunity in Guatemala. Thanks to protected criminal investigations by CICIG, it may possible to dismantle the illegal and corrupt structures rooted within the State apparatus. From my point of view, a mechanism like CICIG be an inherent component of the reforming of the security and justice sectors in peace processes of peace in countries like Guatemala – countries with formal election processes, State institutions based on exclusion and the use of force, and political parties that represent the pursuit of privileges for certain economic sectors.
9. It is absolutely impossible to achieve peace and sustainable development in the post-conflict period, if this process is not accompanied by the necessary changes in the security and justice sector and above all in political power. That is why one of the challenges is to engage the participation and commitment of political parties in the peace process. Another challenge is to ensure that political parties facilitate the inclusion and participation of the population. In Guatemala we started our justice and security sector reform a decade, which was very late. Now CICIG's investigations are revealing the complexity of the corrupt structures and the links between them, including two-thirds of our Congress and the president of the republic. It is difficult to see a solution, because there the truly democratic forces are too weak to achieve purification and change of direction from within the political system. Meanwhile the population has no avenues of political expression, except for protest in the public square.

10. In terms of local government, it may be possible for local power to change the economic and political model and become leaders of local development. In some ways this kind of governments respond more to local interests that are much more horizontal and inclusive, because the proximity of the population to the authorities can permit direct scrutiny and more active social monitoring. However, many local governments reproduce the corrupt model that exists at the central level, and they use political power for illicit enrichment at the expense of social investment. In a social context like the Guatemalan this situation can be aggravated by the territorial influence of the drug trafficking and organized crime.