

Civil-Military Relations in Post-Conflict Guatemala

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Resumen

Hacia finales de la década de los noventa, las Fuerzas Armadas en Guatemala no solo se habían dado cuenta que una solución negociada al conflicto armado era inevitable, también entendieron que una redefinición de sus funciones al interior del Estado era un asunto vital en el contexto de la nueva realidad política del país. En este artículo, Bernardo Arévalo analiza tanto las transformaciones militares como la consolidación democrática a la luz del pacto de fortalecimiento del poder civil y el rol de las fuerzas armadas en una sociedad democrática firmados en 1996.

Palabras Clave: Guatemala, Democratización, Fuerzas Armadas.

Abstract

By the end of 1990s, the Armed Forces in Guatemala had not only realized that a negotiated solution to the armed conflict was unavoidable, but understood that a redefinition of its function within the state was also inevitable in the context of the new political reality of the country. In this essay, Arevalo analyze both Military transformation and democratic consolidation on the light of the 1996 Part-Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society.

Keywords: Guatemala, Democratization, Armed Forces.

I. THE MILITARIZATION OF GUATEMALAN SOCIETY: POLITICAL CRISIS AND COUNTERINSURGENCY 1954-1996

All along most of its history, Guatemala has been an authoritarian state. From its pre-Hispanic origins, and in configurations that vary following the specific structural and conjunctural modifications of each period, the political, economic and social structures of the country have been organized following highly hierarchical and exclusionary patterns. This almost uninterrupted collective experience with non-democratic forms of government have informed political culture and institutions in Guatemalan society, and find expression not only in formal political processes, but in most realms of everyday life: from the inter-personal and social, to the political and institutional. Therefore, current efforts to build a democratic society beyond electoral rites have to be understood in the context of such a challenging background: democratization implies a thorough transformation of cultural, political and social structures.

The counter-revolutionary state that was established in Guatemala in the mid-fifties and that lasted until 1986 was just a new expression of such basic authoritarian foundations. It emerged from the reaction of oligarchical sectors to the social reforms promoted by the democratic revolutionary governments that ruled between 1944 and 1954, and took the form of a regime characterized by anti-communism as state ideology and political repression as the strategy for governance. It was not a regime in which the military suspended from the beginning and permanently formal democratic norms, establishing a de-facto rule. During most of this period, basic democratic formalities – regular (although rigged) presidential, congressional and local elections; formal separation of state powers; competing political parties; etc.- were maintained in order to create a “democratic façade” to an authoritarian reality.¹

At the beginning of the anti-communist regime in 1954, the military was part of a wider alignment of social, economic and political interests: the traditional economic elites, the catholic church, right wing political parties and the U.S.- were all partners in the establishment of the counter-revolutionary state. But as governance became progressively dependant on the state’s capacity to exert raw coercive power, the military progressed from being a trusted guardian, to an influential partner and finally becoming the

¹ Solórzano Martínez, Mario. *Guatemala: Autoritarismo y Democracia*. EDUCA-FLACSO, San José de Costa Rica, 1987, pp. 73-100.

dominant actor within the ruling coalition. The degree of military intervention in political life developed gradually following the needs of the state to contain political dissent. The gradual transformation of the regime into a Counter-Insurgent State starting in 1963 led to the accumulation of political prerogatives in the hands of the military.² By the mid-seventies, the Guatemalan Armed Forces were already the dominant sector within the counter-insurgent alliance. The scope and type of decisions that were left to the military hierarchy transcended by much the sphere of the specific counter-insurgent effort and included issues of public sector administration, inter-institutional coordination, and direct intervention in the executive and legislative branches of power. To many national and international observers, authoritarianism and military rule became synonymous, with its –supposedly– practical corollary: de-militarization of state and society will automatically lead to democratization.³

The Guatemalan counter-insurgent state was the result of the tragic coincidence of two factors: a weak state and an authoritarian regime.⁴ The development of an exclusionary and discriminatory political system that attended to the interests of a small minority elite in the face of widening social protest condemned the state to a deep crisis of legitimacy that threatened its capacity to reproduce itself as political order. Its chronic inability to deal with this situation through non-coercive methods –negotiations and dialogue– resulted in a spiral of violence: the appearance of armed insurgent movements that were met with even more violence by the state apparatus.⁵

² Torres-Rivas, Edelberto. “Construyendo la Paz y la Democracia: El fin del poder Contrainsurgente”, en Aguilera, Gabriel y Torres Rivas, Edelberto. *Del Autoritarismo a la Paz*. FLACSO, Guatemala 1998, pp. 25-46.

³ For detailed analysis on civil-military relations during the Armed Conflict years, see: Delli Sante, Angela. *Nightmare or Reality: Guatemala in the 1980's*. Thela Publishers; Amsterdam 1996. Jonas, Susanne. *The Battle for Guatemala: Rebels, Death Squads, and U.S. Power*. Boulder, Westview Press, 1991. McClintock, Michael. *The American Connection: State Terror and Popular Resistance in Guatemala*. Vol. 2. London, Zed Press, 1985. Schirmer, Jennifer. *Las intimidades del proyecto político de los militares en Guatemala*. FLACSO, Guatemala 1999.

⁴ Torres-Rivas, *ibid.*, pp. 28-30. Also “Marco Conceptual: Bases para la consideración de la cuestión militar”, en Arévalo de León, Bernardo (Editor). *Hacia una Política de Seguridad para la Democracia*. Tomo I: Documentos Finales. FLACSO-WSP-IGEDEP 2002, pp. 88-99.

⁵ For an analysis of the origins of the conflict, see Comisión para el Esclarecimiento Histórico. *Guatemala: Causas y orígenes del Enfrentamiento Armado Interno*. F&G Editores, Guatemala 2000. For a description of its different phases, see Aguilera Peralta, Gabriel. “La Guerra Interna 1960-1994”, en *Historia General de Guatemala*. Tomo VI. Asociación de Amigos del País. Guatemala 1997.

Between 1960 – when a group of military officers began a revolt that eventually led to armed insurgency⁶ and 1982, the absence of a political strategy for re-legitimation aiming to complement armed counterinsurgency with the development of a social support basis, led to progressively increasing levels of state violence to the point in which the security interests of the state came into direct contradiction with the security interests of society. Repression and violence were exerted not only against the actual political groups that had resorted to armed struggle, but against ever-widening concentric circles of “active” and “potential” threats, from non-violent political dissent to civilian population in the areas of insurgent activity. The *Historical Clarification Commission* established as result of the Peace Accords identified more than 250,000 victims, 63 massacres, and several instances of genocidal violence between 1963 and 1996.⁷

The politicization of the armed forces; the militarization of state and society; the alienation of population from political institutions; and the routinization of violence that characterized civil-military relations in Guatemala throughout the internal armed conflict years, were sanctioned by a politico-military doctrinaire corpus that established the military institution as an arbiter of political life in Latin-American societies: *National Security Doctrine*. Originally developed in the United States as a strategy for the defense against communist infiltration and de-stabilization in the Cold War context, *National Security Doctrine* proposed that in frail democracies there was a need to establish measures of political control over the population in order to prevent successful subversive agitation, and that the military had a protagonic role to play as the sole national institution with the necessary organizational capacities and coercive power to undertake this challenge. Under the security

⁶ During the democratic decade of 1944-1954, the Armed Forces splinted into revolutionary and conservative factions that supported competing political projects. Friction between these groups continued after the U.S. intervention in 1954. In 1960 a military revolt is crushed by the Government, but several of the military officers that led the movement go into clandestine activity creating different movements. On February 1962 four of these movements join to create the Rebel Armed Forces (FAR). Gramajo Morales, Héctor Alejandro. *De la Guerra...a la Guerra*. Fondo de Cultura Editorial. Guatemala 1995. McClintock, Michael, *op. cit.*

⁷ The Historical Clarification Commission was established in 1997 as a result of the Peace Accords, with a mandate to make an official report on the use of violence and the violation of human rights throughout the armed conflict. Its final report in: Comisión para el Esclarecimiento Histórico. *Guatemala, Memoria del Silencio*. Tomes I to V. UNOPS, Guatemala 1999. Further and detailed analysis of human rights violations during the internal armed confrontation in Ball, Patrick; Kobrak, Paul and Spierer, Herbert F. *State Violence in Guatemala, 1960-1996: A quantitative reflection*. American Association for the Advancement of Science. Washington D.C. 1999. Also Sanford, Victoria. *Violencia y Genocidio en Guatemala*. F&G Editores, Guatemala 2003.

umbrella provided by the armed forces, civilian state institutions could pursue social and economic development policies and political consolidation strategies that would increase the level of political cohesion to the degree in which the state would become immune to subversive agitation.

But in the case of Guatemala, as in many other cases in Latin America and the world, the second component of this strategy –development and consolidation– was abandoned, as strategic alliances were forged with local elites whose clearly conservative and authoritarian interests made them unlikely partners for democratization. In the absence of this “modernizing” component, *National Security Doctrine* reinforced traditional non-democratic and militaristic role perceptions that were founded in Iberian and colonial traditions, and in more recent exposures to European non-democratic military doctrines.⁸

Militarization of politics was accompanied by a militarization of society: particularly in those regions of the country in which insurgents were active, the Armed Forces developed a strategy that required the creation of specific mechanisms through which it could implement the social control it esteemed necessary for its counter-insurgency plans. Networks of informants –headed by the Military Commissioners– and of paramilitary forces – the Civilian Self-Defense Patrols – were established throughout the country. Regions in which the state had never established a permanent presence – through justice, education or health services– saw the establishment of military bases or outposts that became the sole expression of state authority. In places where other state representatives operated, political authorities – appointed governors, elected mayors, ministerial officers, and judges– were subordinated to the political authority of the local army commander. National Security became the excuse for military domination.⁹

But by the early eighties the counter-insurgent state had entered into a deep crisis: concentration of administrative and military functions in the

⁸ For an analysis of military thinking in Latin America before and after the Cold War, see Loveman, Brian. *For la Patria: Politics and the Armed Forces in Latin America*. SR Books, Wilmington, Delaware 1999. For an analysis of National Security Doctrine in Latin America, see Arriagada, Genaro y Garretón, Manuel Antonio. “Doctrina de Seguridad Nacional y Régimen Militar”, en *Estudios Sociales Centroamericanos*, N° 76. Also Tapia Valdés, Jorge, “La Doctrina de Seguridad Nacional y el Rol Político de las Fuerzas Armadas”, en *Nueva Sociedad*, N° 47. On the establishment of National Security Doctrine in Guatemala, see Gramajo Morales, Héctor Alejandro, *op. cit.*, and McClintock, Michael, *op. cit.*

⁹ Comisión de Esclarecimiento Histórico, *op. cit.* 1999. Also Rosada Granados, Héctor. *Soldados en el Poder: proyecto militar en Guatemala 1944-1990*. Thela-Tesis. San José de Costa Rica, 1999. And Torres-Rivas, Edelberto, *op. cit.*

armed forces and chronic corruption at the higher military echelons had created deep resentment in younger military officers that bore the brunt of the counterinsurgent effort in the field. Chronic mismanagement and corruption by the military administrators of the state alienated the private sector and political classes, eroding its political alliances and further delegitimizing their rule. Uncontrolled violence and brutality led to a serious deterioration of the country's image and to international isolation, with even the United States distancing itself from the military rulers, limiting military cooperation and imposing economic sanctions. Within army ranks, young officers began to understand that the counterinsurgent effort would be unsustainable under such conditions: insurgent activity in the indigenous highlands had already become a serious threat –insurgent success in Nicaragua was a sore reminder- and the Armed Forces would not be able to control it in conditions of international isolation and growing internal illegitimacy.

Finally, in 1982 a Coup d'Etat organized by young military officers prevented the victorious candidate in the last rigged elections – the Minister of Defense at the time– to take office. The Junta appointed as Chief of State a charismatic retired officer, General Efraín Ríos Montt, to lead the country in what was conceived as a transitional period in which the Armed Forces would restore democratic rule. When by 1983 Gen. Ríos Montt strayed from this institutional strategy the army replaced him with General Mejía Víctores, who proceeded to convene a Constitutional Assembly in 1984, national elections in 1985, and effectively handed over formal political authority to elected authorities in 1986.

This process was not the result of political pressure from civil society or political parties over the army to relinquish power –as in many cases in other parts of the continent–, but a strategic decision of the military to retreat from political administrative functions in order to concentrate in the internal armed confrontation: democratization as a tool for counterinsurgency.¹⁰ It did not mean to terminate military intervention in politics, either: the Army pretended to retain effective political control in many critical areas and even de facto power of veto regarding counterinsurgent policy, in a classical pattern of asymmetric accommodation.¹¹

¹⁰ The degree to which political liberalization ran hand in hand with counterinsurgent repression during this period can be observed in the dramatic rise in human rights violations that took place during the years of 1982 to 1985. Ball *et al.*, *op. cit.*

¹¹ Varas, Augusto. "La autonomía militar en América Latina". In Varas, Augusto (Coordinador) *Autonomización castrense y democracia en América Latina*. Editorial Nueva Sociedad, Caracas 1988. Also Kruijt, Dirk. "Politicians in Uniform: Dilemmas about the Latin American military", in *European Review of Latin American and Caribbean Studies* 61, December 1996.

But the co-existence of a process of democratization –with its inherent drive for political legitimation– with a counterinsurgent process still founded in authoritarian perspectives resulted in conflicting and competing logics within the political system. Through the decade between the arrival in office of the first elected civilian Government in 1986 and 1996 –the year in which the Peace Accords were signed and the armed conflict ended– these conflicting logics operated throughout the system and gave place to a myriad of ambiguities and contradictions. Eventually, national social and political dynamics and the transformation of the international context operated in favor of the democratic forces. The army began to gradually lose political ascendancy within the system. Civilian authorities were progressively able to exert political authority, successfully questioning and challenging some military decisions, and most notably, overcoming the military “prohibition” to initiate political contacts and negotiations with the insurgency. Formal negotiations between the state and the insurgency took place in which army representatives fully participated, and the initial military resistance to political contacts with the “enemy” was reduced thanks to the development of a “modernizing” cadre of officials that understood the need to adapt to the new national and international political context and became key players in the peace negotiations.¹²

By the end of that decade, the Armed Forces had not only realized that a negotiated solution to the armed conflict was unavoidable, but understood that a redefinition of its function within the state was also inevitable in the context of the new political reality of the country. The Agenda established by the parties to the peace negotiations clearly identified military transformation as one of the key substantive issues, and the Army prepared for it in advance. When actual negotiations came, the Army had already implemented on its own some measures that it knew would be part of any arrangement, like the demobilization of paramilitary groups and the suspension of forced levy in the countryside. Although it had gradually throughout the years lost its veto power and even its position of political dominance within the state, it had still retained sufficient political influence and operative ability to be able to negotiate its retreat and avoid giving the impression that the result of the negotiations was a political defeat for the institution.

¹² For an analysis of civil-military dynamics between 1986-1996, see Arévalo de León, Bernardo. *Sobre Arenas Movedizas: Sociedad, Estado y Ejército en Guatemala, 1997*. FLACSO, Guatemala 1998. Also Gramajo Morales, Héctor Alejandro, *op. cit.* Schirmer, Jennifer, *op. cit.*

It was a complex process, in which the original intention of the Armed Forces to redefine its role in a way that would enable it to retain de-facto control over the political system was superseded by the political dynamics of a transitional period: The need for democratic legitimacy of the elected political authorities led to the development of political negotiations with the insurgency, against the original intentions of the military, which were not only unable to exert its supposed veto power but were not even capable of avoiding full integration into the peace negotiations. The substantive nature of these negotiations reinforced in turn the drive for further democratization and made re-definition of the role of the armed forces in society, and of its values and structure, a central issue. The military initiated a process that led to its own institutional transformation, well beyond its original intentions.

II. THE PART AGREEMENT ON THE STRENGTHENING OF CIVIL SOCIETY AND THE ROLE OF THE ARMED FORCES IN A DEMOCRATIC SOCIETY: A BALANCE ON ITS IMPLEMENTATION

A blueprint for action

As an agenda for institutional transformation after the signature of the Peace Accords, the *Part Agreement on the Strengthening of Civil Society and the Role of the Armed Forces in a Democratic Society* (AFPC, for its Spanish acronym) dealt not so much with the end of armed struggle as with the advent of democracy in Guatemalan society.¹³

¹³ “Acuerdo sobre el Fortalecimiento del Poder Civil y Función del Ejército en una sociedad democrática”, en Universidad Rafael Landívar / MINUGUA. *Acuerdos de Paz*. Guatemala 1997, pp. 315-336. The AFPC is part of a larger body of agreements that were negotiated between 1991 and 1996 and that collectively constituted the Peace Accords. These include part agreements on Human Rights, on resettlement of Displaced Communities, on the establishment of a Commission for Historical Clarification, on Rights and Identity of Indigenous Peoples, on Socio Economic and Agrarian Issues, on a Definitive Cease Fire, on Constitutional Reform and Electoral Regime, on the reintegration of the Guatemalan National Revolutionary Unit to legal political life, and a Chronogram for Implementation of the Part Agreements, that were signed between 1994 and 1996. The Agreement on Firm and Lasting Peace, the final act of a long negotiation process and the one that officially ended the conflict, was signed on December 29, 1996. The Guatemalan Peace Accords stand in contrast to most similar agreements in that they were not limited to issues of the immediate finalization of armed struggle (DDR) but included ambitious issues of social, economic, political and cultural development. Also, processes of political liberalization and transition were not the result of the peace negotiations, but preceded and enabled a negotiated solution to the conflict. For an analysis of the negotiations, see Aguilera

Out of eight parts, only one –part VII– deals with operative issues of demobilization, disarmament and reintegration directly derived from the end of armed confrontation. Another one –the largest part, number IV– deals with institutional transformation of security sector institutions in order to guarantee democratic control. The rest include commitments on other necessary components for the strengthening of what is called “civilian” –democratic– power: the nature of the state (Part I); the Legislative branch (Part II); the Judicial branch (Part III); establishment of a professional civil service (Part IV chapter F); and social participation with explicit reference to the role of women (Parts V and VI).

Part VII establishes very concrete commitments on DDR issues: a. The demobilization of paramilitary groups –*Comités Voluntarios de Autodefensa Civil*– that had been created by the Armed Forces as assistants in the counterinsurgent effort, and that had been involved in grave human rights violations (§ 61). b. The demobilization of a military unit –the *Policía Militar Ambulante*– that had a record of systematic involvement in political repression (§ 62). c. The reduction by 33% in the size and budget of the Armed Forces, and their re-deployment following the new defense needs (§ 63). d. The reform of counterinsurgent military training programs (§ 64). And e. the development of reintegration programs for demobilized soldiers and officers (§ 65).¹⁴

Part IV deals with institutional transformation of security sector institutions in the Executive branch, ranging from Constitutional Reforms on the role of the military, to the elimination of military monopoly of intelligence operations. It begins with *Chapter A: Security Agenda*, which includes a conceptual definition of security from a democratic perspective that –although without explicit mention– follows the *Democratic Security* concept established in the *Central American Framework Treaty on Democratic Security* (§§ 18, 19), and agrees on the creation of *Security Advisory Council* integrated by civil society representatives (§ 20).¹⁵

Peralta, Gabriel. “Realizar un Imaginario: La Paz en Guatemala”, in Aguilera Peralta, Gabriel and Torres-Rivas, Edelberto, *op. cit.*, Also Azpuru, Dinorah. “Peace and Democratization in Guatemala: Two Parallel Processes”, in Arnoson, Cynthia J. *Comparative Peace Processes in Central America*. Woodrow Wilson Center Press, Washington, D.C. 1999. And Rosada Granados, Héctor. *El lado oculto de las negociaciones de Paz*. Fundación Friederich Ebert, Guatemala 1998.

¹⁴ Disarmament, demobilization and reintegration of insurgents was dealt with on a separate Part Agreement: the “Acuerdo sobre bases para la incorporación de la Unidad Revolucionaria Nacional Guatemalteca a la legalidad”. Universidad Rafael Landívar/ MINUGUA, *op. cit.*, pp. 359-374.

¹⁵ The “Democratic Security” concept was developed in the context of the Central-American integration process, building upon the work developed by the “South American Peace

It follows with *Chapter B: Public Security*, which deals mainly with the establishment of a new National Civilian Police to substitute the discredited and dysfunctional National Police (§§ 21, 22), with the corresponding provisions for constitutional (§ 23) and legal (§§ 24, 25) reforms, organizational (§ 26) and functional definitions (§ 30), and the establishment of a Police Academy and the development of a professional police career (§§ 27, 28, 29).¹⁶ Two additional issues complement this re-structuring of public security: a commitment to enact and enforce arm ownership regulations, including the transfer of the registry from the Ministry of Defense to the Ministry of the Interior (§§ 33, 34); and the regulation of private security companies (§ 32).

Chapter C: Armed Forces deals with a series of legal, budgetary and organizational reforms that intend to clearly define the basic parameters for the military function in a democratic society. It begins by committing to constitutional and legal reform in order to revert three specific mentions that enshrined the political function of the Armed Forces in the 1985 Constitution, and that were the result of military imposition over the Constitutional Assembly:¹⁷ institutional responsibility of the Armed Forces over internal security, the impossibility to judge members of the armed forces in civilian courts, and the obligatory appointment of an active military officer as Minister of Defense (§§ 35, 36). These reforms aimed to ensure military subordination to constitutional authority, including legislative and judicial control, an effort complemented by the corresponding reform of subordinated legislation –like the *Ley Constitutiva del Ejército* (§ 37)– and the definition of a new Military Doctrine to substitute the existing *National Security Doctrine* inspired norms (§ 38).¹⁸

Commission”, a group of democratic academics opposing militarization of the State and of international relations. It’s an integral security concept that recognizes that threats to the security of societies and institutions are not limited to political-military issues, and thus require a political approached, as opposed to a military or policial one. The intention of was to develop a concept and a regional architecture that would substitute National Security Doctrine and its regional embodiment: the “Central American Defense Council” (CONDECA), which took the form of the “Central American Framework Treaty on Democratic Security”.

¹⁶ The existing National Police was completely integrated into counterinsurgent operations. It had been fully under de facto military control, had been involved in human rights violations and was rife with corruption. Government and insurgents agreed that instead of attempting to reform the existing structure, it would be better to create a completely new institution.

¹⁷ These impositions looked to preserve military autonomy and its arbitral role in the context of the democratic institutional framework established in the new Constitution.

¹⁸ The democratic control rationale of these reforms is made explicit in the “Part Agreement on Constitutional Reform and Electoral Regime” (Part I, paragraphs 20 to 27), which contains and reaffirms constitutional reform commitments developed throughout the substantive Part Agreements. Universidad Rafael Landívar/MINUGUA, *op. cit.*, pp. 351-352.

This Chapter includes also: a commitment to maintain the size and budget of the military institution in accordance with its external security functions and the economic capacities of the country (§ 39) (a prevision complemented with the 33% reduction in personnel and budget mandated in Part VII); a commitment to reform the military educational system (§ 40) –also complemented with the mention on the reform of counterinsurgent training mandated in Part VII–; a commitment to develop a *National Civic Service Law* regulating Military Service on a voluntary basis that included the establishment of a Social Service option (§§ 43, 44); and a commitment to re-organize a series of military – related services so that would be compliant with norms applied to comparative governmental services, including arms and ammunition procurement (§ 41, &42).

Provisions ensuring democratic control over the Armed Forces continue on *Chapter D: Presidency of the Republic*, with the establishment of norms regulating the use of military forces in internal security matters by the President, including the corresponding legislative control over Presidential authority (§ 45), and the decision to create a *Presidential Security Service* fully independent from the Armed Forces (§ 46), in order to de-mobilize the *Estado Mayor Presidencial*, a military unit originally responsible for presidential security but that in the course of the armed conflict became the center for counterinsurgency operations.¹⁹

Security Sector institutional reform is rounded in *Chapter E: Information and Intelligence*, which aims to circumscribe military intelligence to the newly defined military functions (§ 47), and creates two new civilian intelligence outfits: an *Intelligence and Information Analysis Department* in the Ministry of the Interior to assist in fighting organized and common crime (§ 48) and a *Presidential Secretariat for Strategic Analysis*, with a mandate to provide advise to the President on risks and threats to the democratic institutions (§ 49). Strict separation of functions between the abovementioned intelligence units (§ 50), prohibition for the existence of any other intelligence groups or networks (§ 51), the esta-

¹⁹ The decade between the arrival in presidential office of freely-elected civilians and the finalization of the armed conflict was one of gradual transfer of political power from the military to the civilians. The first civilian President, Vinicio Cerezo, has recognized that at the beginning of his mandate he had only 33% of actual political power, with the rest in the hands of the military. The *Estado Mayor Presidencial*, that during previous years had turned into a key counter-insurgency control unit and developed its own intelligence and operative capacities –coordinated with but autonomous from the army’s Directorate of Intelligence– became the main mechanism through which the military monitored and controlled the new political authorities. Arévalo de León, Bernardo, *op. cit.*, 1998.

ishment of a Congressional Committee specifically in charge of intelligence supervision (§ 52a) and a Law establishing as a crime the creation of illegal archives and registries with political information on the population (§ 53a) complement this section.

It is evident that the AFPC dealt not so much with the necessary redefinition of military functions as a result of the end of armed conflict and the disappearance of internal military threat to the state, as with the need to ensure the development of a military institution that responds to the security needs of a democratic political community. And in order to do so, it proposed an integral transformation of the security apparatus of the state - military services, public security, intelligence services, and presidential security – that include functional, organizational, and legal provisions for democratic control. Even if some of the proposed reforms were sketchy or ambiguous –i.e. the establishment of the Congressional committee for intelligence activities or the creation of the new presidential security apparatus– the AFPC managed to establish a basic agenda for institutional reform that, if fully implemented and subsequently developed, would effectively transform the way in which the State thinks and performs its security functions.

More than eight years after its signature, it is possible to make a balance on the scope of its actual implementation: its successes and shortcomings in terms of the actual transformation of the security sector institutions of the state.

TABLE I.
Main DDR and SST provisions in the Part Agreement.

VII Demobilization, disarmament and reintegration	
§ 61	Demobilization of paramilitary units (<i>CVDC</i>)
§ 62	Demobilization of <i>Policía Militar Ambulante</i>
§ 63	33% reduction in size of the Armed Forces
§ 63	Redeployment of army for external security purposes
§ 64	End of counterinsurgency training
§ 65	Reintegration of demobilized soldiers
IV.A Security Concept and Agenda	
§§ 18, 19	Substitution of <i>National Security Doctrine</i> by <i>Integral Security</i> concept
§ 20	Creation of security council for civil society participation in an advisory function (<i>Consejo Asesor de Seguridad</i>)
IV.B Public Security	
§ 21, 22	Substitution of <i>National Police</i> by <i>National Civilian Police</i>
§ 23	Constitutional reform: role of the new <i>NCP</i>
§ 24, 25	Legal reforms: new police Law, and reform of the Public Order Law
§ 26, 30	Organizational and functional definitions for <i>NCP</i>
§§ 27, 28, 29	Establishment of the professional Police Career and of the <i>Police Academy</i>
§ 32	Regulation of private security companies
§§ 33, 34	Regulation of private arm ownership and transfer of the national arms registry from the Ministry of Defense to the Ministry of the Interior (<i>DIGECAM</i>)
IV.C Armed Forces	
§ 35	Reform of the Armed Forces: limitation of its mission to defense of sovereignty and territorial integrity.
§ 36a	Constitutional reform: definition of mission and function of the Armed Forces
§ 36b	Constitutional reform: elimination of military autonomy from civilian courts and limitation of military jurisdiction
§ 36c	Constitutional reform: allowing a civilian to become Minister of Defense
§ 37	Reform of the Armed Forces Law
§ 38	Reform of Military Doctrine
§ 39	Limitation of budget of the Armed Forces to 0.66 of GIP
§ 40	Reform of the military educational system
§ 41	Reform of weapons procurement system
§ 42	Reorganization of various military services
§§ 43, 44	Abolishment of compulsory military service and creation of a voluntary civic service system

IV.D	
Presidency of the Republic	
§ 45	Constitutional reform: definition of presidential authority to mobilize the Armed Forces for internal security issues and establishment of congressional oversight
§ 46	Demobilization of the military presidential security apparatus (<i>Estado Mayor Presidencial</i>) and creation of a civilian service Presidential Security Service (<i>SAAS</i>)
IV.E	
Information and Intelligence	
§ 47	Limitation of military intelligence operations to military issues
§ 48	Creation of a civilian intelligence service at the Ministry of the Interior (<i>Departamento de Inteligencia Civil y Análisis de Información</i>)
§ 49	Creation of a strategic information analysis service at the Presidency (<i>Secretaría de Análisis Estratégico SAE</i>)
§ 50	Separation of operations among intelligence services
§ 51	Prohibition for the establishment of unauthorized, new intelligence units
§ 52	Creation of a legislative commission for parliamentary oversight of intelligence services, and a Law regulating access to classified information, a definition of national security military and diplomatic secrets, and protocols for classification and declassification.
§§ 53, 54	Prohibition for the creation and use of archives with information on political activities of citizens

Appendix:

TABLE II
Main DDR and SST provisions in the Part Agreement: Challenges and Opportunities.

		Main challenges and opportunities	Balance
	VII Demobilization, disarmament and reintegration		
§ 61	Demobilization of paramilitary units (<i>CVDC</i>)	Armed Forces began demobilizing committees before the signature of the Peace Accords, and process was completed. During the Portillo Presidency, political interests in which retired and possibly active military officers participated succeeded in mobilizing the former CVDC's around demands for monetary compensation from the State for services rendered during the armed conflict. Paramilitary leaders remain active and linked to different political parties.	Completed under the Arzú Presidency
§ 62	Demobilization of <i>Policía Militar Ambulante</i>	Limited resistance by unit members, controlled by Armed Forces.	Completed under the Arzú Presidency
§ 63	33% reduction in size of the Armed Forces	Size reduction under the Arzú Presidency formally completed, but left untouched officer corps. Balance achieved under the Portillo Presidency. Further reduction under the Berger Presidency.	Reduction beyond original AFPC goal.
§ 63	33% reduction in budget by 1999	Gradual reduction advanced during the Arzú Presidency, increased to conflict levels under the Portillo Presidency, to be cut to half the AFPC target under the Berger Presidency.	Reduction beyond original AFPC goal.

§ 63	Redeployment	Resistance under the Arzú Presidency and attempts to deceive UN verification. Variation between resistance and advancement during the Portillo Presidency, ending with advancement. Further advancement under the Berger Presidency.	Completed
§ 64	End of counterinsurgency training	Counterinsurgent training courses terminated	Completed
§ 65	Reintegration of demobilized soldiers	Strong support from the international community; clear political will from Governmental authorities.	Completed
IV.A			
Security Concept and Agenda			
§ 18, 19	Substitution of <i>National Security Doctrine</i> by <i>Integral Security</i> concept	Initial resistance in the Armed Forces. Pressure from civil society and open discussion has facilitated acceptance. Democratic Security and Integral Security now part of official discourse.	Formally adopted; unclear extent of actual internalization by the military and civilian security personnel.
§ 20	Creation of security council for civil society participation in an advisory function (<i>Consejo Asesor de Seguridad</i>)	Resistance from Government under Arzú Presidency. Portillo Presidency initiates the process in negotiations with civil society organizations in last year of the Administration, and leaves implementation to the next Presidency. The Berger Presidency accepts civil society recommendations and establishes council.	Council established and initiating functions. Actual impact will depend on success on implementation of work plan and institutional legitimacy vis-à-vis the security apparatus.
IV.B			
Public Security			
§§ 21, 22	Substitution of <i>National Police</i> by <i>National Civilian Police</i>	Implemented with strong support from international community under the Arzú Presidency. Constant budget increase. Deep problems of corruption and disorganization under the Portillo Presidency. Military Advisors under the Berger Presidency.	Completed formally, but inefficient and unable to contain common and organized delinquency.

§§ 23, 24, 25	Constitutional reform, new Police Law, and Public Order Law reform	Constitutional reform not approved in Referendum. New Law of the National Civilian Police approved under the Arzú Presidency. Under the Berger Presidency civil Society has presented a draft proposal for a new Public Order Law.	Partial completion.
§§ 26, 30	Organizational and functional definitions for <i>NCP</i>	Budgetary and organizational changes implemented but with serious deficiencies; territorial-numeric presence not achieved; lack of coordination with the Public Prosecutor's Office; deficient crime investigation units.	Partial completion.
§§ 27, 28, 29	Establishment of the professional Police Career and of the <i>Police Academy</i>	Under Portillo and Berger Presidencies laws have been altered to adjust to political appointments. Corruption and bad management under the Portillo Presidency have affected Police Academy. No courses for officers.	Initial progress under the Arzú Presidency have been redressed under the Portillo administrations.
§§ 33, 34	Regulation of arm ownership	Three draft laws in Congress, two presented by political parties and one with the support of civil society. Some initial resistance to transfer registry from Ministry of Defense to Ministry of the Interior.	Pending
§ 32	Regulation of private security companies	Three draft laws in Congress, two presented by political parties and one with the support of civil society.	Pending
IV.C Armed Forces			
§ 36a	Constitutional Reform: External security functions	Constitutional reforms not approved in popular referendum. Limitations on Armed Forces participation in interior security achieved at lower levels of legislation and on policy, but threatened by civilian institutions' weaknesses.	Actual reform pending. De facto limitation threatened by institutional void.

§ 36b	Constitutional Reform: Military Tribunals reform	Constitutional reforms not approved in popular referendum. Military resistance to reforms to Military Code with attempts to ratify through Congress military autonomy from national court system	Pending
§ 36c	Constitutional Reform: Civilian Minister of Defense	Constitutional reforms not approved in popular referendum.	Pending
§ 37	Reform of the Armed Forces Law	Initial resistance. Advances in dialogues on issues like Military Doctrine and Defense Law.	Pending
§ 38	Reform of Military Doctrine	Resistance under the Arzú Presidency. Resistance and advancement under Portillo. Revision of axiological elements of military doctrine carried out in consensus with civil society.	Completed.
§ 39	Limitations of budget of the Armed Forces to 0.66% of GIP.	Advances during the Arzú Presidency. Increase during the Portillo Presidency to conflict years level. Budget reduced by the Berger Presidency to 0.44% in 2004, and to 0.33% as of 2005.	Beyond original target
§ 40	Reform of the military educational system	New military unit in charge of reform created under the Arzú Presidency, but no concrete advancements in design or implementation of new plans.	Pending
§§ 41, 42	Reorganization of various military services, including weapons procurement.	Reorganization of some units implemented during the Arzú and Portillo Presidencies. The Berger Presidency announced changes in weapons procurement in consonance with military modernization.	Partially completed
§§ 43, 44	Abolishment of compulsory military service and creation of a voluntary civic service system	Compulsory military service suspended before the signature of the Peace Accords, and voluntary recruitment registered since. New Law on Civic-military and social-Service approved by Congress in 2003 but not implemented. Recruitment continues on voluntary basis.	Completed

IV.D Presidency of the Republic			
§ 45a	Constitutional Reform: definition of presidential authority to mobilize the Armed Forces for internal security issues and establishing congressional oversight	Constitutional reforms not approved in popular Referendum. Norms implemented at other levels (presidential decrees). Advancement at this level imperiled by weakness of civilian security apparatus	Partial completion. Threatened by institutional void.
§ 46	Demobilization of the military presidential security apparatus (<i>Estado Mayor Presidencial</i>) and creation of a civilian service	Resistance from the Presidency and from specific military officers to demobilization of EMP under the Arzú Presidency. New civilian presidential security service (SAAS) created and partially implemented under the Portillo presidency, who kept the EMP and demobilized it under at the very end of its Presidency. SAAS full in charge of presidential security under Berger.	Completed
IV.E Information and Intelligence			
§ 47	Limitation of military intelligence operations to military issues.	Absence of civilian intelligence capacities drawing back military intelligence into public security problems.	Pending.
§ 48	Creation of a civilian intelligence service at the Ministry of the Interior (<i>Departamento de Análisis de Información e Inteligencia</i>)	Draft Law on the issue presented under the Arzú Presidency for the creation of a civilian intelligence unit (<i>DIGICIVI</i>), approved by Congress under the Portillo Presidency, but was declared unconstitutional by the Constitutional Court in an appeal presented by civil society. The Government tabled a Draft Law proposal consensuated with civil society which was approved at Committee level; new Congressional authorities sent it back to revision by new committees after the elections. Civil society promoting	Pending.

§ 49	Creation of a strategic information analysis service for the Presidency (<i>Secretaría de Análisis Estratégico SAE</i>).	issue in Congress, as well as discussion on the need to create a national intelligence system by the Government. Established under the Arzú Presidency. Subjected to hostility –including a severe cut of budget– from the congressional representation of the ruling party under the Portillo Presidency. Still weakened under the Berger Presidency.	Completed
§ 50	Separation of operations among intelligence services.	No legislation or regulation on this issue. Ministry of Defense attempted to create its own “Strategic Analysis” Department on 2003, a decision canceled under the Berger Presidency.	Pending
§ 51	Prohibition on the establishment of unauthorized, new intelligence units.	No legislation or regulation on this issue. Weakness of the state intelligence capacity for public security issues has led to the reported creation of private intelligence units to protect the private sector against kidnappings, extortion, car theft. Etc.	Pending
§ 52a	Creation of a legislative commission for parliamentary oversight of intelligence services.	No legislation or regulation on this issue.	Pending
§ 52b	Creation of a Law defining national security military and diplomatic secrets, and establishing norms for classification and declassification.	No governmental initiative on this issue under the Arzú Presidency. Under the Portillo Presidency, civil society and SAE worked on a consensuated Draft Law that was approved at committee level, and was being discussed at plenary level, but failed to give the final push. New congressional authorities returned the draft proposal for revision by new committee. Civil Society advocating the issue in Congress.	Pending
§§ 53, 54	Prohibition for the creation and use of archives with political information on citizens, and limitation of archives for interior and exterior security purposes.	Discussed in the context of the above cited Law.	Pending

A mixed record

On its Final Report on the implementation of the AFPC, the *Advisory Unit for the Strengthening of Civilian Power* of the U.N.'s *Verification Mission for the Guatemala Peace Accords* (MINUGUA), issued upon the termination of the Mission's mandate in the country in November 2004, attempts to establish such a balance.²⁰ The document, a thorough revision of each and every commitment adopted under the AFPC, is structured along two main analytical perspectives: issues relating to the process of de-militarization –which refers mostly to commitments adopted under chapters C, D and E of Part IV, and to DDR commitments contained on Part VII–, and all issues relating to public security included in chapters A and B of Part IV.

The re-grouping and sequencing of these sections is not arbitrary: it illustrates the development of security concerns in Guatemala in the last eight years according to two clearly distinguishable agendas: the one that deals with the legacy of conflict (de-militarization) and the one that deals with the new security concerns (public security). But as the report effectively argues, no easy distinction between agendas “*of the past*” and “*for the future*” can be established, for the capacity to effectively deal with the new public security concerns depends on the State's ability to constructively resolve the legacies of militarization. And in both counts, the record is mixed; with very concrete advances in certain areas while serious gaps emerge in others, and with an irregular pattern of progression and regression throughout the years.

The transformation of the military

The first months after the signature of the Peace Accords, under the administration of President Alvaro Arzú Irigoyen (1996-2000) of the *Partido de Avanzada Nacional* (PAN), were of concrete and evident progress. Commitments on de-militarization, disarmament and re-integration adopted under part VII began to be effectively implemented. Demobilization of specific military units –like the *Ambulatory Military Police*– and paramilitary groups –like the *Voluntary Committees for Civilian Self-Defense* and the *Military Commissioners*– were successfully concluded.²¹

²⁰ MINUGUA. *Informe Final. Asesoría de Fortalecimiento del Poder Civil*. Guatemala, November 2004 (a). Mimeo.

²¹ The CVDCs were de-mobilized between August and December 1996. Although “voluntary” in name, many if not most of them were the result of a coercive mobilization by the army of civilian population residing in the areas in which the insurgent groups operated. As the intensity of conflict was reduced in certain regions, many had already

New problems began to appear shortly after, though. Personal confrontations between key high-ranking officers led President Arzú to an abrupt decision in 1997 to remove them, replacing them with a group of officers that had developed good political links with the Presidential entourage. This decision had important institutional implications: it displaced a cadre of military officers that had taken active part in the peace process, that publicly professed commitment towards implementation of the Accords in general and the AFPC in particular; and that were perceived by the military as legitimate institutional representatives of the Armed Forces, in favor of a group of officers that had little institutional legitimacy and –as their actions would evidence– little commitment to the peace process in general and to the implementation of the AFPC in particular.²²

Between 1997 and 2000, these new military authorities developed a level of resistance towards implementation of the AFPC beyond what had already been achieved, with a procrastinating strategy that included an uncooperative attitude towards MINUGA. Implementation of the AFPC commitments began then to show limitations: while the 33% reduction in the military budget was effectively achieved by 1999,²³ the parallel reduction in personnel was achieved only formally, as the demobilization affected almost only soldiers, maintaining the officer corps basically intact. As a result, a disproportionate number of officers remained in service creating an imbalance in the hierarchical structure of the army.²⁴

been de-activated although formally still existing. A total of 270,906 “patrulleros” were demobilized in this process, and 14,000 guns, originally provided by the army, were handed over. The CVDC’s were to regain notoriety later, in reference to their demand for compensation from the State. The social network that they represented even after demobilization was used by retired –and possible some active– military officers in the context of electoral politics, and after social mobilizations and protests, the Portillo Administration accepted to compensate them for “services to the State during the armed conflict”, but only paid about half of those that were supposedly entitled. Problems regarding financial limitations of the new Administration and doubts about the Constitutional viability of this compensation have diffculted compensation for the rest, with ensuing social protests. *Ibid*, §§ 10,19-26.

²² This fact in itself evidences the degree in which by 1996 there had been an actual transformation of the relations between the military, the State and society: since 1986 and until the Government of Ramiro De León Carpio there was a limited selection of candidates, based upon criteria of rank and experience, from which the President could select key military positions like Minister of Defence, Chief of the Army’s Staff, and Chief of Presidential Staff, with hardly any deviation from these institutional (military) choices. Arzú was able to exercise his Presidential authority making appointments that were clearly against the Army’s established institutional interests, ignoring the official military proposals. Ver Arévalo de León, *op. cit.*, 1998.

²³ MINUGUA, *op. cit.*, § 59.

²⁴ Re-integration programs were effectively implemented that included economic compensation, technical and professional training, and advisory services. *Ibid*, §§ 27-29.

After initially de-mobilizing some military units and outposts without altering the basic strategy of territorial control developed for counterinsurgency, the military authorities attempted to re-name and dress it up in an unsuccessful attempt to convince military experts in MINUGUA that it responded to external defense needs.²⁵ The revised Military Doctrine presented by the Ministry of Defense at the very end of the Arzú Administration was a confused collection of texts elaborated almost in secrecy by a military ad-hoc command in an attempt to formally comply with the Peace Accords' commitment and give lip service to the idea of reform, while justifying the military role in recent history.²⁶ The Civilian Affairs unit of the Army continued conducting political surveillance activities at the local level, issuing regular reports on activities of social and political actors.²⁷ And through systematic resistance to grant access to military archives, to outspoken –although unofficial– accusations of political bias, the army assumed a completely un-cooperative attitude towards the work of the *Historical Clarification Commission* that was in charge of investigating the record of violence and human rights violations committed during the armed confrontation.

A political setback for the Government in 1999 reinforced the resistance of the military to institutional reform. As established in the Peace Accords, all commitments for Constitutional Reform agreed upon in the negotiations would have to be presented for popular approval through a national referendum. Manipulation of the process by political parties in Congress, though, led to the delayed organization of a referendum that not only dealt with the 12 reforms derived from the Peace Accords –including 5 reforms referring to the military accorded in the AFPC– but that added 38 proposals for reform that responded to diverse political interests mostly unrelated to the peace process. The ensuing confusion on the scope and meaning of the proposed changes led to the resounding rejection of the proposals. This result, explained by reason of the prevailing popular mistrust of the political class and a clear mismanagement of the process by Congress and Government, was used by opponents of the peace process to discredit the Accords and interpreted as a rejection of all its content, and not just of the proposed reforms. This interpretation was rapidly picked up by military hardliners as a justification for their resistance to “illegitimate” impositions

²⁵ *Ibid.*, §§ 34-40.

²⁶ The text was publicly presented by the President as a definitive work, but MINUGUA accepted it only as a draft. *Ibid.*, § 68.

²⁷ *Ibid.*, §§ 50-51.

on the military. Most importantly, the Army retained constitutional responsibility over internal security, and the Ministry of Defense continued in military hands.²⁸

The resistance on the side of the military was coupled by the absence of a military policy clearly formulated by civilian authorities in terms of the re-definition of the role of the armed forces, beyond the more evident return to the barracks that followed the signature of the Accords. President Arzú and his Government quickly became indifferent to institutional military transformation issues and left in the hands of its appointed military officers –the Minister of Defense and his entourage– the definition of corresponding policy. The few civilians that within the Government clearly understood the need to pursue military transformation as a deeper change of the ways in which the State conceives and performs its security duties were not able to muster enough political power to confront a Minister of Defense that had become very close to the President, particularly over an issue to which the President and the rest of their colleagues did not assign sufficient importance. By the end of the period, resistance to implementation of the Peace Accords had become entrenched in the armed forces and the military, through the personalized leadership of the Minister of Defense Espinoza, seemed to have retained a degree of autonomy from, and of political influence over, civilian authorities.²⁹

But the Presidential elections of 2000 and the failure of PAN to get re-elected led to a significant change in the military hierarchy. President Alfonso Portillo (2000-2004) –who was elected as the candidate of the *Frente Republicano Guatemalteco* (FRG), a political formation organized around the figure of the former military dictator Efraín Ríos Montt– appointed as his first Minister of Defense a military officer with the rank of Colonel. The decision forced the retirement of all the military officers of superior rank

²⁸ For a full analysis on the Popular Referendum and its implications for the different Part Agreements and the Peace Process in general see Azpuru, Dinorah (Editor). *The Popular Referendum (Consulta Popular) And the Future of the Peace Process in Guatemala*. Working Papers. Latin American Program Woodrow Wilson International Center for Scholars, Washington, 1999. For an analysis focusing on the AFPC, see Arévalo de León, Bernardo. *Demilitarization and Democracy: Implications of the Popular Referendum for the Agreement on the Strengthening of Civilian Power and the Role of the Army in a Democracy* in the same text.

²⁹ For an analysis of civil-military relations during Alvaro Arzú's presidential administration see Arévalo de León, Bernardo. "Oportunidades y estancamientos. El contexto de las relaciones civiles-militares al inicio del proyecto POLSEDE", en Arévalo de León, Bernardo; Beltrán Doña, José y Fluri, Phillip H. (Editores), *Hacia una Política de Seguridad para la Democracia en Guatemala. Investigación Acción Participativa y Reforma del Sector Seguridad*. DCAF-LitVerlag, Münster 2005.

(Generals and Admirals), and evidenced the limits of the military as an institution to resist resolute civilian authorities.

Implementation of the Peace Accords figured high in the new Government's Agenda as formulated by President Portillo in his Inaugural Speech. He also appointed to key positions in his Administration some personalities with an academic and civil society background who had expressed their commitment to a full implementation of the Peace Accords, including the AFPC. Quickly, though, it became evident that these public officers were unable to mobilize Government in an unambiguous manner: some of their colleagues in Cabinet and in key bureaucratic positions did not share their interest and enthusiasm, and some even openly opposed it. Portillo's Government was an uneasy alliance of three profoundly dissimilar groups: the President's political allies, a group of persons recruited on a personal basis from the ranks of left-of-center groups, movements and parties; the President's personal and business cronies, key personalities whose motivation for public service was—as facts later evidenced—personal gain; and FRG core members, loyal to the former Dictator Rios Montt—who became President of Congress—and of a clearly right-of-center populist ideology.

This heterogeneous mixture produced an administration that was rife with internal conflicts and contradictions, with different groups gaining ascendancy over different issues at different moments. As a result, the ambiguities and contradictions in the implementation of the Part Agreement continued in a pattern that responded to the success of the contending groups within Government to get a friendly military officer or civilian politician appointed to key positions in the emerging security structure: Minister of Defense, Minister of the Interior, Secretary of Presidential Security, Secretary for Strategic Analysis.³⁰

In the case of the Armed Forces, four different officers led the Ministry of Defense during Portillo's Presidency: Col. Juan de Dios Estrada Velásquez (January 2000 - January 2001); Gen. Eduardo Arévalo Lacs (January - November 2001); Gen. Alvaro Leonel Méndez Estrada (December 2001 - August 2002); and Gen. Robin Macloni Morán Muñoz (August 2002 - January 2004).³¹ During the first period, a joint working group was established between the Ministry of

³⁰ Appointment of the Director of the National Civilian Police was in the hands of the Minister of the Interior.

³¹ In June 2000 Minister Estrada Velásquez and Chief of Staff of the Armed Forces Arévalo Lacs, among other officers holding the rank of Colonel at the time, were promoted to the rank of General. Upon departure from the Ministry of Defense, Gen. Arévalo Lacs was appointed as Minister of the Interior, formally retiring from military service.

Defense, the General Staff of the Armed Forces, and MINUGUA, with the purpose of establishing a focal point for technical discussions on continued implementation of pending commitments. This collaboration led to a revision of the Armed Forces' deployment, effectively de-activating an operative unit and more than 30 outposts throughout the country between February and September of 2000. But at this point, the process was stopped without apparent reason, and it was not until mid-2002 when the new military authorities decide to continue re-organizing military deployment in a significant manner, promoting a new round of voluntary de-mobilization, on this occasion focusing on high-ranking officers.³²

The period also began with a more open attitude of the Armed Forces regarding participation of non-governmental social and political actors in the definition of the new general guidelines for post-conflict civil-military relations. In a process that was formally launched in the ending months of the previous administration, with clear support from key Governmental officers but with veiled resistance by the out-going military authorities, civil society organizations –led by the local chapter of the *Latin American School for Social Sciences* (FLACSO) and with the support of *WSP International*– had organized a research and dialogue process on issues of the necessary transformation of the security apparatus after the signature of the Peace Accords. The new political authorities reaffirmed Governmental support and participation in the effort, including that of representatives of the Ministry of Defense and of the Armed Forces in each and every working group. In 2001, the Ministry of Defense itself began developing a project that proposed to draft a White Paper on Defense Policy in a participatory process with political and social actors, building in the process a “Defense Policy Community” that would constitute a multi-sector reference group for these issues.

But the changes in the military hierarchy reversed the flow and resulted in growing institutional resistance to the idea –and the practice– of civilian participation in the discussion of military issues. In the case of the civilian led process, which had already produced consensual policy recommendations after two years of work, the military authorities attempted to dissociate the institution from results that had already been formally subscribed by high-level civilian Government representatives. In the case of the White Paper project, the new Minister of Defense cited a lack funds as the reason why it would be necessary to defer implementation of a process that his predecessor

³² MINUGUA, *op. cit.*, §§ 30, 41-42.

had designed and for which there was full Presidential support. The autarchic attitude of the new military authorities was reflected in the way in which they attempted to comply with the commitment on Military Doctrine established at the AFPC: a military task force in charge of producing a report without any participation by non-military actors. After months of work in conditions of secrecy, the resulting draft was presented to MINUGUA, who pointed to its doctrinaire deficiencies and expressed its preoccupation with the non-participatory process under which it was formulated.³³

It was not until a new change in the military hierarchy that the Armed Forces opened up again to the idea of dialogue, re-affirming its subscription of the policy recommendations reached in WSP-FLACSO's project, and effectively producing a White Paper on Defense Policy through a dialogue process supported by the international community.³⁴ At the same time, a new Law of Civic Service approved by Congress modified the traditional and indiscriminate forced levy practices developed through the conflict years, providing an alternative between military and social service to the citizen.

On the other hand, implementation of commitments on military expenditure deteriorated constantly throughout Portillo's period. Although budgetary allocations as approved yearly by Congress remained within the 0.66% of GIP established in AFPC, extraordinary transferences of funds by the Government raised actual military expenditure to the level it had during the conflict era: 0.83% in 2000, 0.96% in 2001, 0.70% in 2002 and 0.72% in 2003. The Ministry of Defense rejected attempts by Congress to question this practice and inquire about the use given to the funds under the argument that disclosure of such information could imperil national security and thus it had "*Official Secret*" status. Indeed, article 30 of the Constitution grants confidentiality to military and diplomatic expenditures related to national security, without any secondary regulation that defines the scope of this

³³ *Ibid.*, § 71.

³⁴ Final Recommendations from the POLSEDE project were on: Conceptual Framework for the study of the military question; Society, State and Army in Guatemala at the beginning of the XXIst. Century; Security Concept and Agenda; Intelligence System; Notes for a reform of the Security System in Guatemala; Role of the Armed Forces on a Democratic Society; and Military Doctrine. For the full final texts and analysis of the process and its implications, see Arévalo de León, Bernardo; Beltrán Doña, José y Fluri, Phillip H. (Editors) *Hacia una Política de Seguridad para la Democracia en Guatemala. Investigación Acción Participativa y Reforma del Sector Seguridad*. DCAF-LitVerlag, Münster 2005. The White Paper process took place in the context of a larger dialogue effort between civil society and Government on different issues, supported by UNDP and several bilateral cooperation agencies. See Gobierno de la República de Guatemala. *Libro Blanco de la Defensa Nacional de la República de Guatemala*. Guatemala, 2003.

prevision. In these conditions only the President, in his dual role as President of the Republic and Commander in Chief of the Armed Forces, could have qualified the extent to which national security was actually imperiled by disclosure to Congress of information about these funds. President Portillo failed to intervene and the Army successfully evaded Congressional scrutiny.³⁵

In terms of the implementation of commitments established in the AFPC for the transformation of the Armed Forces, two contradicting trends were clearly in place by the end of the Presidential period of Alfonso Portillo. On one hand, issues of deployment of military forces, demobilization, and the involvement of non-military actors in policy discussions evidenced progress. But military expenditure had returned to wartime levels even in the face of public criticism and its refusal to submit to congressional scrutiny reaffirmed the limits of its subordination to civilian authority.

The new Government of President Oscar Berger, elected in January 2004 through an ad-hoc alliance of new political parties (*Gran Alianza Nacional*, GANA), provided a further impulse to substantive transformation. The need to adjust the Armed Forces to the economic conditions of the country led to a decision by the new political authorities to introduce budgetary and personnel cuts that went beyond the targets established in the AFPC. 11,714 elements were demobilized in the first semester of the year, establishing the new size of the Armed Forces at 15,500 elements, an effective 66.95% reduction from the number of troops it had in 1996.³⁶ The military budget was reduced to an amount equivalent to 0.44% of GIP, an effective cut of approximately 50% in reference to total military expenditures in 2003 and well below the 0.66% of GIP target established in the Accords.³⁷ The ensuing re-organization of military units consolidated a deployment that responded to external defense needs, instead of the territorial control logic that was implemented during the armed conflict years.³⁸ And a new Military Doctrine, incorporating key axiological elements that had been ignored by previous versions, was elaborated in a process that included consultations with social and political actors.³⁹

³⁵ MINUGUA, *op. cit.*, §§ 58-66. For an analysis of post-conflict military expenditure in Guatemala, see de León Escribano, Carmen Rosa, and Sagone Aycinena, Miguel Angel. *Social Audit: Defense Budget in Guatemala*. IIEPADES-IDRC, Guatemala 2004. Also Sagone Aycinena, Miguel Angel, and Trujillo Alvarez, Pedro. *Fortalecimiento de la Participación Ciudadana y Control Civil de la Asignación y Supervisión Presupuestaria del Sector Defensa*. FOSS-IIEPADES, Guatemala 2004.

³⁶ *Ibid.*, §§ 31-32.

³⁷ Total military expenditure for 2005 should be of 0.33% of GIP, according to Governmental projections. *Ibid.*, § 66.

³⁸ *Ibid.*, §§ 45-48.

The crisis of Public Security and the weakness of the civilian security institutions.

But a clear understanding of the scope of the transformation of the military institution has to take into consideration transformations in other realms of the security apparatus of the State, and in particular, the police corps and the intelligence services. Military pre-eminence in an armed conflict that lasted more than 30 years effectively subordinated the police corps to the Armed Forces, turning the National Police into an appendix of its counter-insurgent apparatus more than into a national institution responsible for public security matters. By the end of the conflict, the National Police was an institution mined by corruption, involved in the systematic violation of Human Rights during the conflict, and highly inefficient to the point it was considered as irrecoverable. Military monopolization of all security functions through out the conflict –internal/external; defense/public; strategic/tactic– also prevented the development of adequate civilian intelligence capacities at the Ministry of the Interior –responsible for public security– or at the Presidency. Whatever intelligence was necessary for public security matters was provided by *Directorate of Military Intelligence*. Information needs of the Presidency were attended by a special intelligence unit at the Estado Mayor Presidencial (a military unit) or by the Army’s *Directorate of Military Intelligence*.

The country emerged from armed conflict without the legal and institutional infrastructure required for effective separation of security functions and responsibilities, and with a dependency on military capacity that needed to be addressed. The development of effective civilian police and intelligence services would preclude the need for military intervention in internal security matters, enabling it to concentrate in its external security functions and contributing to de-militarization of the state and of society.

A new National Civilian Police was thus established in 1997 in compliance with the AFPC. Between 1997 and 1999, –during the Arzú Administration– considerable effort was invested by the Government, with the political, technical and financial support of the international community, in establishing a professional and efficient police force. The basic legal framework was developed, a Police Academy was established to train the new recruits, budgetary allocations went above the targets established in the AFPC, and new equipment was purchased for the institution. Even while still in the process of gradually expanding in terms of territorial presence

³⁹ *Ibid.*, §§ 74-77.

and number of elements, the new police force stood up to the challenge as evidenced, for example, in the reduction of violent deaths between 1997 and 1999, reversing a raising trend established in previous years.⁴⁰ As a result, the participation of the Armed Forces in internal security issues was limited to collaboration of intelligence and operative units in an anti-kidnapping joint task force.

But this period of incipient institutional strengthening was followed by one of deterioration during the Administration of Alfonso Portillo. The absence of a structured and coherent public security policy that integrated clear crime-prevention strategies, the constant change of Ministers and Directors of the National Civilian Police—four Ministers and 7 Directors in four years—, the encroachment of corruption at all levels of the new National Civilian Police and the chronic inefficiency of some of its specialized structures, weakened the young institution even in the context of raising budgetary allocations.⁴¹ The National Civilian Police became unable to effectively face the mounting challenge of common and organized crime: the trend of violent deaths, for example, began to raise again as of 2000, and society began to develop a deep perception of vulnerability.⁴²

As a reaction to this crisis, the new Governmental authorities decided to call upon the Armed Forces to support the civilian structures in the fight against crime: a Presidential Decree in 2000 (*Decree 40-2000*) ordered the Ministry of Defense to cooperate with the Ministry of the Interior—responsible for the National Civilian Police—in internal security issues. Combined Civilian Police - Army patrols began to operate all over the country in an effort that not only failed to contain criminality, but that introduced contradictions to the process of redefinition of institutional responsibilities in the security sector. The failure to create civilian intelligence capacities as agreed upon in the AFPC created further dependency on the military. Due to an absence of political will in both Arzú and Portillo's Administrations, the development of the Directorate for Civilian Intelligence in the Ministry of the Interior was continuously deferred even though concrete proposals were being developed in collaboration between Governmental institutions and civil society groups.⁴³ By the end of Portillo's presidency, the level of dependence on military capacities for internal security

⁴⁰ *Ibid.*, §§ 101-106.

⁴¹ Two successive verification efforts by MINUGUA in 2001 and 2002 clearly diagnosed the level of institutional deterioration and made concrete recommendations to strengthen institutional capacity. *Ibid.*, §§ 150-152.

⁴² *Ibid.*, §§ 117-119, 125-152.

matters had actually increased due to institutional weaknesses –or inexistence– of the civilian institutions.

The trend for continued involvement of the military in internal security issues has been reaffirmed in President Berger’s Administration. Upon the legal basis provided by Decree 40-2000, intelligence and operative collaboration between the National Civilian Police and the Armed Forces has been strengthened. In the context of its efforts to combat corruption and inefficiency in the police force, the Government has appointed military advisors to the National Civilian Police. And a rising level of social protest over socio-economic issues has been met with the mobilization of military forces in support of police operations, in confrontation –once again– with social organizations.

Additional pressures for military involvement in public security matters stem from the international context: specially after the terrorist attacks against the United States of September 2001, the absence of adequate civilian operative and intelligence capacities for the fight against perceived threats of transnational crime and terrorism has given the military a heightened relevance as national coordinators for international efforts in these areas, and as international representatives of the state for such issues. The trend is again one of securitization of the international relations, and of militarization of regional responses to transnational security threats –whether real or perceived–, a situation that, in the context of weak democratic controls, might strengthen autonomist tendencies in the military.⁴⁴

Unfulfilled Commitments: the pending Agenda

Even if in certain areas there have been significant advances in the

⁴³ *Ibid.*, §§ 106, 116, 143-144. An original proposal prepared by the Arzú Government and approved by Congress under the Portillo Administration contained unconstitutionality and was successfully challenged by civil society groups. The Ministry of the Interior established a High-Level Commission with participation of civil society groups and consensuated a new draft which was sent for congressional approval, went through committee work, but failed to be tabled for final approval at plenary level due to lack of interest on the side of the Government party. The draft law was returned to committee level revision by the new congressional authorities after the elections.

⁴⁴ On the September 2001 implications for security issues in Latin America, see Eguizábal, Cristina and Diamint, Ruth. “La Guerra contra el terrorismo y el futuro de las democracias latinoamericanas”, in *Foreign Affairs en Español*. Primavera 2002.

implementation of the AFPC –in some cases, beyond what was originally agreed on the Accord– it is evident that its implementation is partial, incomplete, and in some areas, even precarious. The coherence and sustainability of the advances reached until today in issues like the transformation of the military institution will depend on the capacity of the State and society to advance towards an integral implementation not only of the letter but also of the spirit of the Accord, and on the development of a coherent and integrated security sector framework that effectively serves the security needs of a democratic community. From this perspective, several issues remain in the Agenda as pending commitments that need to be promptly addressed both in the military and public security areas.

In the first case, there is a huge gap in the development of the regulatory framework of the military function. Outdated laws that reflected the needs and perceptions of an authoritarian and militarized political structure have to be substituted by modern legislation that allows the development of a military institution fully integrated and compliant with the democratic principles of the State, complementing and incorporating the work already done on Doctrine. In this respect, two pieces of legislation should have to be immediately addressed in order to ensure continued institutional transformation: the *Ley Constitutiva del Ejército* (the Army's Constitutive Law) and the *Código Militar* (Military Code).

The first one, dating from 1965, was the instrument in which the Counter-Insurgent State legalized military autonomy from, and tutelage of, the political structure. It stands in full contradiction with the Peace Accords and prevents the development of civilian control over the military, particularly considering the lack of change at the Constitution as a result of the defeat of the Popular Referendum on Constitutional Reforms. The elaboration of a draft proposal for a new Law is in the agenda of the ongoing dialogue between State and society on military issues, which is currently working on a *National Defense Law*.

The second one, regulating military justice, dates from 1878 and sanctions full autonomy of the military from the justice system. In this case, the Armed Forces continue resisting the attempts to bring military jurisdiction fully under national civilian authority, and as recently as may 2005, introduced in Congress, by proxy, a draft proposal that establishes that military personnel can only be judged in autonomous military courts, even in the case of faults of non-military nature. The proposal has generated a public outcry and formal rejection by the judicial authorities of the country.

An additional piece of legislation emerges as necessary for effective civilian control: laws regulating access to Governmental information, and classification and de-classification of state secrets that were identified in the AFPC. A draft proposal elaborated between Governmental institutions and civil society organizations has already been approved at Commission level in Congress, but has not been introduced for consideration by the plenary. Finally, although some preparatory work has already been carried out by the Armed Forces, the reform of educational and training programs was found by MINUGUA to be still incipient and insufficient.

In the realm of public security, the most evident need is for the creation and regulation of a civilian intelligence capacity, and the integration of all intelligence services –civilian and military– under a Framework Law. Draft proposals on the establishment of the civilian intelligence capacity and for a Framework Law have been already consensuated between Governmental institutions and civil society organizations, but still remains to be presented for consideration by Congress. Two additional laws, one regulating private security companies and one regulating possession of firearms, have been approved at commission level in Congress, but have not yet reached the plenary. In both cases, civil society organizations have played a key role, presenting or commenting draft proposals and providing members of Congress with technical input.

But the biggest challenge in this respect will be the strengthening of the National Civilian Police, starting with the containment of the institutional deterioration it has undergone in recent years and fully developing the specialized units that would enable it to become truly operational and independent from military cooperation or, as it begins to appear, tutelage.

III. THE ROAD AHEAD: DEMOCRATIC GOVERNANCE AND MILITARY SUBORDINATION.

As MINUGUA states in its final area report, the role of the army in Guatemalan society has changed substantively in the last years. Military tutelage over state and society has been dismantled. The Armed Forces' structure and organization no longer responds to the counter-insurgent strategies developed through the years of conflict. It has been gradually opening up to substantive interactions with other political and social actors and, in this process, has begun to overcome ideological and attitudinal barriers that stood in the process for effective transformation.⁴⁵ But the scope

of this transformation is still insufficient for the development of an effective model of democratic civil – military relations. Effective military subordination to civilian authority in Guatemala has to be understood in the context of the general process of democratization of the State and the challenges for the establishment of effective democratic governance in a country marked by the exercise of authoritarian practices throughout most of its history. And the irregular path towards implementation of the AFPC by three different Governments evidences many of these challenges.

Subordination of the military requires the development of a professional, politically neutral military institution, which submits to civilian authorities capable of providing political guidance and control, as well as effective political and technical supervision. Two institutional dimensions come into play in this formula: the military apparatus and the civilian political structures. And problems in the process of establishing effective subordination patterns might arise at any of these: problems in the development of a professional, apolitical military; or problems in the development of adequate political and technical guidance, control and supervision structures. In the case of Guatemala there have been –and still remain– serious challenges in both dimensions.

Military resistance to a redefinition of the role of the military in Guatemalan society and to the corresponding institutional transformations has found expression at different moments, on different issues, in different ways and with different strength. It has not been a process of gradual progression from high to low levels of resistance, but an alternation of positions that is explained by the disarray in which the Armed Forces entered following the signature of the Peace Accords as a result of civilian mishandling of military leadership issues. As a result, groups that responded to different positions and interests struggled for institutional control in a competition in which the defining factor was the relationship with the political actors. Advancements and stagnation on the issue of re-deployment of military forces during the last eight years, for example, are explained in part by the “modernizing” or “resisting” nature of each particular Minister and his immediate entourage. The oscillating nature of institutional positioning on such a key issue evidenced the absence of clearly defined institutional policy frameworks in the Armed Forces, and allowed for abrupt and unpredictable changes.⁴⁶

Even though in the last years institutional resistance has been clearly giving place to more cooperative and less insular attitudes, it has by no

⁴⁵ MINUGUA, *op. cit.*, §§ 158-160.

⁴⁶ *Ibid.*, § 33.

means completely disappeared: refusal to submit to congressional scrutiny of extraordinary transferences as late as 2004, and the attempt to introduce a clearly non-democratic Military Code in may 2005, evidence that the military –or at least some of them– would like to implement a limited interpretation of the principle of subordination that fails to comply with democratic norms. In such a limited interpretation, the army might accept the need for institutional adaptation to the new security environment and to Presidential executive authority without necessary submitting to other institutionalized forms of civilian democratic control, like parliamentary and judicial supervision.

As the process of progression – regression cycles on the issue of deployment illustrates, the change in attitudes and mentalities is –in the military institution as in general in society– gradual and uncertain: it would seem now that the finalization of the armed conflict in 1997 should have made re-organization of the military structure and deployment following external defense hypothesis a self-evident conclusion, specially for military professionals. Nevertheless, the military authorities at the time went into a great deal of effort to prevent these changes and justify maintenance of a structure whose rationale had already disappeared. It appears that similar mechanisms could explain today the refusal to relinquish institutional privileges.

But as already mentioned, military resistance explains only in part the irregular pattern of implementation of the AFPC previsions on deployment, the example we are using to illustrate the general issue. Another explanation resides in the second dimension of this equation: the quality of the guidance, control and supervision of the process by the civilian authorities. Three important factors qualify this issue: the degree political will; the degree of conceptual and technical understanding of the issues; and the degree of the operative capacity to implement policy decisions.

Often, civilian politicians lack the necessary political will to embark on the full, integral and sustained process of transformation implicit in the re-definition of the role of the military in society. Different reasons might stand behind such attitudes: identification with the military and its historical role, usually due to ideological or pragmatic alliances; lack of understanding on the scope of the necessary transformations (i.e. confusing a return to the barracks with the end of military intervention in politics); an unwillingness to assume the political or personal cost of reforms, or sheer lack of interest in the issue. Even if political will is granted, problems might arise in the level of conceptual and technical command of the issues at stake. Particularly

in situations in which there has been military dominance over the political system, there are not enough –if any– civilian politicians and bureaucrats with sufficient conceptual and technical command to establish a comprehensive institutional platform for civilian control. And finally, a deficient capacity for policy implementation and supervision might derail even the best of wills and the most comprehensive understanding of the issues, particularly when policy execution takes place in the context of the complex and shifting political environment of a transitional democracy.

All these elements came into play in reference to the issue of deployment. Ideological and pragmatic alliances with key political actors enabled the military authorities at key moments to successfully argue their case against a substantive re-organization. Neither in Government, political parties, academic circles or in civil society organizations was there sufficient technical command to engage the military in a substantive discussion on the implications of any given deployment and effectively question their positions. The memory of not too distant brutal military repression and the perceptions of possible repercussion for those who confront the institution inhibited political activism on the issue. And for many, once military control over politics is dismantled, the issue loses importance in the context of a society facing a myriad of political, economic and social problems.

The way in which these factors interacted was different at different times: the level of political will changed not only with the alternation in power as a result of the elections, but within each Government –specially in the more heterogeneous ones, like Portillo’s– depending on the alignment of its internal forces; some key political actors with enough conceptual command to engage the military on the issue did not have sufficient political backing or inhibited from pressing on the issue for political considerations; most of the political class –and particularly in political parties– did not assign sufficient importance to the issue. And these factors interacted with variations in the positions of the military in different ways: resistant tendencies found more political space under some circumstances, and in others fruitful alliances were forged between more modernizing elements in the military with political counterparts that had sufficient will and understanding.

The scope of this variations evidence a central factor in the process of implementation of the AFPC: the absence of a clear, sustained State policy on the issue. Even if the AFPC established a basic blueprint for transformation, it was never translated into a coherent policy that would guide successive Governments in the implementation of an Agreement that was clearly a matter of State more than of particular Governments. This

problem is not exclusive to the AFPC: implementation of the other Part Agreements has been victim, to different degree, of the same problem.⁴⁷ And beyond the Peace Accords, the Guatemalan State is particularly weak in its capacity for coherent policy formulation and implementation: Government at practically all levels operates more through ad-hoc reaction to short-term political stimuli than upon long-term objectives and sustained strategies.

Problems, setbacks and regressions in the implementation of the AFPC commitments on military reform find more explanation in the limitations in the quality of civilian guidance, control and supervision, than in the success of the military in mounting an effective strategy for resistance. Whenever the civilian authorities took resolute decisions that affected key military interests –either those of the institution as such or the personal ones of the incumbent hierarchy– the military were not able to resist them. President Arzú ousted the three highest military officers in the country and replaced them with officers that were not perceived by the army to be institutional representatives. President Portillo sent into retirement the full military highest hierarchy the day he assumed the Presidency in order to appoint an officer of lower rank to the highest commanding position in the Army. President Berger decided to cut the budget and size of the military to a degree that went well beyond the targets established at the AFPC and that implied a 50% reduction from the previous year's expenditure. And in all of these instances, each of them of the highest political and military importance, the Armed Forces had no other option but to obey, even if grudgingly. But the full potential of these measures, and of the degree of political power that the Presidency enjoys over the military, is lost without the context of a comprehensive policy framework.

It is evident that the model of military domination that characterized civil-military relations in Guatemala at the apex of the armed confrontation has been long left behind. Guatemala is no longer a militarized State: the Armed Forces do not enjoy political control over the system, nor their societal presence has the scope it developed during conflict. But full military subordination to civilian authority has not been yet achieved: their capacity

⁴⁷ For a comprehensive analysis of the implementation of the Peace Accords, see: Pásara, Luis; *Paz, Ilusión y Cambio en Guatemala: el proceso de paz y sus actores, logros y límites*. Universidad Rafael Landívar. Guatemala 2003. Also MINUGUA. *Informe del Secretario General de las Naciones Unidas sobre la Verificación de los Acuerdos de Paz de Guatemala*. Mimeo. Guatemala, septiembre 2004 (b).

to exploit weaknesses in civilian leadership and control with the intention to retain autonomy, and Governmental dependence on military capacity for public security issues, evidence the limits of de-militarization. To ensure effective subordination, additional efforts are necessary in two dimensions: in the military structure and its will to obey, and in the civilian structure and its capacity to command. In the meanwhile, a situation of relative autonomy prevails, characterized by the abovementioned limitations and marked simultaneously by opportunities and risks: opportunities for the advancement of an integral sectoral transformation, and risks of a reversion of the trend.

Knowing that there are many factors of opportunity and risk in the complex reality of a young democracy such as Guatemala, I'll refer to two factors, an opportunity and a risk, that explain many of the advances –on the one hand– and the regressions –on the other– of the process so far, and that will continue to have a defining role in the future.

Opportunity

As MINUGUA's report cites, civil society has played a positive and important role in the process of implementation of the AFPC. In the absence of sufficient initiative and capacity in the State bureaucracy and in the political parties, civil society organizations have played a key role in defining the Agenda on security issues, promoting an open and informed debate on relevant policy issues, and of late, in providing technical advice to Congress and to the Executive to the point of getting its own proposals as the basis for technical discussions for policy formulation in issues that range from regulation of private security companies to the draft Framework Intelligence Law. This capacity has been gradually developed by several organizations –research centers, universities, non-governmental organizations– that decided to specialize in specific issues of the security agenda and established a network of institutions and individuals that regularly interact and co-ordinate. Capacity building at the conceptual and technical level has been coupled with the development of political strategies that combine auditing, lobbying and cooperative tactics in a way that has led to the institutionalization of mechanisms of collaboration at the different levels.

The installation in early 2004 of the *Security Advisory Council* (CAS), a State body integrated by civil society representatives with the function of advising the Presidency on security policy issues, implied not only the fulfillment of a pending AFPC commitment, but the establishment of a permanent channel of communications between civil society and the

Presidency and the possibility for civil society organizations to participate in policy discussions with high Government officials. Also in that year, the President of Congress signed a four-year agreement by which specialized civil society organizations, coordinated by an ad-hoc mechanism, will provide technical advice on security issues in the legislative agenda.⁴⁸ And at the Ministry of Defense, the “Community of Defense” in which civil society organizations participate together with Governmental representatives continues to develop an agenda on different aspects of defense policy that has resulted in concrete inputs in issues like military doctrine and defense policy. The more institutionalized niches in which civil society is already organized will enhance its capacity to participate in the definition and the debate of the security Agenda and policies of the country, an important challenge given the serious risks for continued transformation in civil-military relations that lie ahead in the immediate future. As MINUGUA recognizes:

“Among the general considerations regarding the advancements on the process of demilitarization and the setbacks in public security, it is worth mentioning the positive work developed by civil society on security issues. During decades these issues were the exclusive competence of the armed forces. The active social participation and the projects implemented by civil society organizations that developed an interest in defense and security issues served as instrument and support for active interaction with members of the Ministry of Defense and the Ministry of the Interior, generating dialogue spaces, increasing trust among parties and moderating historic ideological conflicts.....it is hoped the continuity of the effort and specialization of civil society so that it might continue proposing to and collaborating with State authorities.”⁴⁹

The Guatemalan experience evidences that in the context of weak state institutions and ambiguous or contradictory transitional settings, civil society can play a key role in security sector transformation. Academic institutions, universities, research centers and non-governmental organizations may become not only advocates of reform –thus filling the void that often the lack of interest of the political parties in these issues creates– but valuable resources for the technical discussion of issues in which the State bureaucracy

⁴⁸ Collaboration between these organizations and members of the parliamentary commissions of Interior and of Defense allowed consensus at this level on specific draft legislation, like the proposals on Penitentiary System; on the creation of the General Directorate for Civilian Intelligence; on the regulation of Private Security Services; and on Control of Arms and Ammunition. These proposals have not been yet introduced for plenary consideration. Proposals for a law on Public Information Access and a bill with Reforms to the Law on Public Order are being discussed in the Interior Commission.

⁴⁹ MINUGUA, *op. cit.*, 2004 (a), §§ 6, 166-167. Our translation.

might have serious limitations.⁵⁰ Investment in technical and political capacity building of these organizations might result in an enhanced societal capacity to deal with the ambiguities and changes implicit in transitional settings, generating better chances for sustainable interventions.

Risk

From the moment in which the process of implementation of the AFPC began, the way in which civilian authorities tried to resolve the gap between the dimension of the crisis and the capacity of civilian security institutions to confront it generated a contradiction between the long-term interests of security sector transformation and the short-term need for effective response. The involvement of intelligence and operative military capacities in a joint anti-kidnapping unit with the emerging civilian police force during President Arzú's period contradicted one of the most important goals of the AFPC: the exclusion of the Armed Forces from internal security functions. Establishment of joint patrols and sanction of the principle of cooperation through Decree 40-2000 under President Portillo expanded the scope of involvement. And the appointment of military officers to command and advisory posts in the National Civilian Police under President Berger suggests the beginning of military tutelage over what was supposed to be totally civilian outfit. In terms of effectiveness, military involvement in public security has evidently failed, as MINUGUA cares to point out. The crisis of common and organized delinquency has gotten progressively worse through the years, without any evident positive effect resulting from growing military involvement. Nevertheless, the inability of civilian authorities to contain violent criminality and their lack of a clear understanding of the conceptual and technical underpinnings of the issue lubricates the slippery road for greater military involvement.⁵¹

The problem is not so much military collaboration in support of incipient civilian structures: given the dimension of crisis and the public demand for effective governmental response, it is a rational option. The problem is that this involvement happens without the context of a coherent

⁵⁰ For an interesting analysis on the role of civil society on intelligence reform in Guatemala, see Ugarte, Manuel; "La reforma de inteligencia en Guatemala - el aporte de la sociedad civil a solucionar problemas fundamentales del Estado", in Arévalo de León, Bernardo; Beltrán Doña, José y Fluri, Phillip H. (Editors) *Hacia una Política de Seguridad para la Democracia en Guatemala. Investigación Acción Participativa y Reforma del Sector Seguridad*. DCAF-LitVerlag, Münster 2005.

⁵¹ MINUGUA, *op. cit.*, 2004 (a), §§ 113-116; 159.

and integral policy that understands the risks such a decision might have for security sector transformation and in consequence designs and implements concrete measures to contain it: establishing temporal limits; programming phased disengagement; increased and effective investment in civilian police capacity building, etc. Such measures could have turned military participation into a necessary and temporal concession of limited impact to long-term goals. In practice, expansion of military involvement in 2000 coincided with the beginning of a serious institutional deterioration of the National Civilian Police, and a progressive decline in effectiveness. As a result, the country is today more dependent of military capacities while the strategic distinction between internal and external security functions and responsibilities gets ever more blurred -without any concrete effect in criminality. The same Government that audaciously reduced military expenditure and placed in its political agenda further military professionalization, proposes to resolve the crisis of rising common and organized crime through increased military involvement in civilian security structures.

An additional challenge emerges from the changing security environment in the region and in the world as a result of the terrorist attacks to the United States on September 2001. The securitization of the international agenda that followed the attacks, and the militarization of responses to the perceived threats implied a dramatic change in the environment in which the national efforts for security sector transformation were taking place. Intelligence and operative regional coordination in the context of weak –or non-existent– civilian security institutions implied that the military had to be brought back into the picture for issues that are not military in nature. Loose and ambiguous definitions of terrorism –including drug trafficking and other forms of organized crime– make the scope of their intervention greater still.⁵²

The issue of the interaction between the international context and national processes is complex, and in the case of security sector transformation

⁵² The Portillo Government appointed a General as National Coordinator against Terrorism shortly after the terrorist attacks to the USA. Military Intelligence involved in all regional co ordinations on the issue, and military officers are regularly involved in regional and hemispheric meetings. In the last weeks, there have been discussions on a proposal to establish a regional security force to face international crime cartels operating in the region and youth-gang problems that have a transnational dimension, with a strong military component.

in Guatemala this complexity is expressed in contradictory tendencies: on the one hand, incentives and pressures for security sector transformation with an emphasis in functional and democratic security structures; on the other, incentives and pressures for short-term policy decisions that imperil long-term transformation goals. These contradicting tendencies find expression in the different formal and informal settings of international relations at the regional, bilateral and multilateral level. In example, the adoption of a multi-dimensional security concept by the OAS and the debate on a new security architecture generate positive reinforcement to internal security sector transformation efforts, allowing for an open discussion of the basic assumptions and principles of the security function of the State. But concrete trans-national security operational needs –from training to planning to implementation– often stand in the way of these efforts by relying on the existing security institutions and –often– their unreformed methods, regardless of national SST priorities.

Clear national security policy frameworks and efficient security institutions would enable the State to deal more effectively with these challenges, optimizing the positive tendencies and containing the negative pressures in the process of implementation of its own strategies. In their absence, state institutions react to the short-term stimuli of material or political reward implicit in these regional or hemispheric co-ordinations, without consideration to long-term effect. The way in which international terrorism begins to appear as a national priority for many countries in the region, without any substantiated indication on the concreteness of the threat, is a clear example. Moreover, the proliferation of declarations and treaties reaffirming democratic security principles and methods at regional and hemispheric levels are important, but not determinant: in Guatemala, as in many other Latin American countries, the gap between the letter of the law and reality can be huge. The State often enters into international arrangements that, as reality later evidences, it is unable –and sometimes unwilling– to implement. The challenge lies in the articulation of these international principles and co-ordinations with solid, efficient policies that respond to actual needs at the national level.

These –and more– risks and opportunities happen in the context of a young democracy. Already an electoral democracy, the challenge for Guatemala lies now in the expansion of democratic principles from the electoral system more deeply into the political sphere and into the social, economical and cultural realms of the country: democratization.⁵³ But a weak state, a superficially democratic political culture,⁵⁴ and serious socio-economic

constrains, define the context and the possibilities for its democratic consolidation. As recent Latin American history evidences, these combination of factors might give place to problems of political instability: Venezuela, Bolivia and Ecuador –just to mention some– evidence this trend. In these situations, the temptation to recur to coercive power as the only solution for stability problems leads to the full restoration of the political function of the military and precludes effective military subordination. And an already unsubordinated military will make this turn of events more probable.

The large scale processes of pacification and democratization of the country that started in 1986, and the implementation of precise institutional reform measures through the AFPC since 1996, have allowed civil-military relations in Guatemala to advance significantly towards the de-militarization of society and subordination of the military to legitimate political authority. But limitations in the nature of the country's democratic institutions and political culture have prevented these goals to be fully achieved yet. Thorough democratization requires full and effective military subordination: a failure in this respect will render Guatemalan society more vulnerable to authoritarian restorations and the military more vulnerable to renewed politization.

REFERENCES

- Agüero, Felipe and Stark, Jeffrey. 1998. *Fault lines of Democracy in Post-Transition Latin America*. North-South Center Press, Miami.
- Aguilera Peralta, Gabriel. 1997. "La Guerra Interna 1960-1994" en *Historia General de Guatemala*. Tomo VI. Asociación de Amigos del País. Guatemala.
- Arévalo de León, Bernardo. 2005. "Oportunidades y estancamientos. El contexto de las relaciones civiles-militares al inicio del proyecto POLSEDE", en Arévalo de

⁵³ There is an open and rich debate on the challenges of democratic rule in Latin America. A good reader on the subject is Agüero, Felipe and Stark, Jeffrey. *Fault lines of Democracy in Post-Transition Latin America*. North-South Center Press, Miami 1998. We are using here democratization in the sense of the continued process of extension of democratic rights into the different realms of social life. See Varas, Augusto, "Democratization in Latin America: A Citizen Responsibility" in that book. Also Garretón, Manuel Antonio. "Problems of Democracy in Latin America: on the process of transition and consolidation" in *International Journal*, XLIII, summer 1988.

⁵⁴ Public opinion polls evidence a limited or conditioned support for democracy. For detailed analysis see Azpuru, Dinorah. *La cultura política de la democracia en Guatemala*. ASIES, Guatemala 2005.

- León, Bernardo; Beltrán Doña, José y Fluri, Phillip H. (Editores) *Hacia una Política de Seguridad para la Democracia en Guatemala. Investigación Acción Participativa y Reforma del Sector Seguridad*. DCAF-LitVerlag, Münster.
- _____, (Editor). 2002. “Marco Conceptual: Bases para la consideración de la cuestión militar”, en *Hacia una Política de Seguridad para la Democracia*. Tomo I: Documentos Finales. FLACSO-WSP-IGEDEP, pp. 88-99.
- _____. 1997. *Sobre Arenas Movedizas: Sociedad, Estado y Ejército en Guatemala*. FLACSO, Guatemala.
- Arriagada, Genaro y Garretón, Manuel Antonio. “Doctrina de Seguridad Nacional y Régimen Militar”, en *Estudios Sociales Centroamericanos*, N° 76.
- Azpuru, Dinorah. 2005. *La cultura política de la democracia en Guatemala*. ASIES, Guatemala.
- _____. 1999. “Peace and Democratization in Guatemala: Two Parallel Processes” in Arnoson, Cynthia J. *Comparative Peace Processes in Central America*. Woodrow Wilson Center Press, Washington, D.C.
- _____, (Editor). 1999. *The Popular Referendum (Consulta Popular) And the Future of the Peace Process in Guatemala*. Working Papers. Latin American Program Woodrow Wilson International Center for Scholars, Washington.
- Ball, Patrick; Kobrak, Paul and Spirer, Herbert F. 1999. *State Violence in Guatemala, 1960-1996: A quantitative reflection*. American Association for the Advancement of Science. Washington D.C.
- Delli Sante, Angela. 1996. *Nightmare or Reality: Guatemala in the 1980's*. Thela Publishers; Amsterdam.
- Eguizábal, Cristina and Diamint, Ruth. 2002. “La Guerra contra el terrorismo y el futuro de las democracias latinoamericanas”, in *Foreign Affairs en Español*. Primavera.
- Garretón, Manuel Antonio. 1988. “Problems of Democracy in Latin America: on the process of transition and consolidation”, in *International Journal*, XLIII, summer.
- Gramajo Morales, Héctor Alejandro. 1995. *De la Guerra... a la Guerra*. Fondo de Cultura Editorial. Guatemala.
- Gobierno de la República de Guatemala. 2003. *Libro Blanco de la Defensa Nacional de la República de Guatemala*. Guatemala.
- Jonas, Susanne. 1991. *The Battle for Guatemala: Rebels, Death Squads, and U.S. Power*. Boulder, Westview Press.
- Kruijt, Dirk. 1996. “Politicians in Uniform: Dilemmas about the Latin American military” in *European Review of Latin American and Caribbean Studies*, 61; December.
- McClintock, Michael. *The American Connection: State Terror and Popular Resistance in Guatemala*. Vol. 2. London.

- MINUGUA. 2004 (a). *Informe Final. Asesoría de Fortalecimiento del Poder Civil*. Guatemala, November. Mimeo.
- León Escribano, Carmen Rosa, and Sagone Aycinena, Miguel Angel. 2004. *Social Audit: Defense Budget in Guatemala*. IEPADES-IDRC, Guatemala.
- Loveman, Brian. 1999. *For la Patria: Politics and the Armed Forces in Latin America*. SR Books, Wilmington, Delaware.
- Rosada Granados, Héctor. 1999. *Soldados en el Poder: proyecto militar en Guatemala 1944-1990*. Thela-Tesis. San José de Costa Rica.
- . 1998. *El lado oculto de las negociaciones de Paz*. Fundación Friederich Ebert, Guatemala.
- Sanford, Victoria. 2003. *Violencia y Genocidio en Guatemala*. F&G Editores, Guatemala.
- Sagone Aycinena, Miguel Angel, and Trujillo Alvarez, Pedro. 2004. *Fortalecimiento de la Participación Ciudadana y Control Civil de la Asignación y Supervisión Presupuestaria del Sector Defensa*. FOSS-IEPADES, Guatemala.
- Solórzano Marínez, Mario. 1987. *Guatemala: Autoritarismo y Democracia*. EDUCA-FLACSO, San José de Costa Rica, pp. 73-100.
- Tapia Valdés, Jorge. “La Doctrina de Seguridad Nacional y el Rol Político de las Fuerzas Armadas”, en *Nueva Sociedad*, N° 47.
- Torres-Rivas, Edelberto. 1998. “Construyendo la Paz y la Democracia: El fin del poder Contrainsurgente” en Aguilera, Gabriel y Torres Rivas, Edelberto. *Del Autoritarismo a la Paz*. FLACSO, Guatemala, pp. 25-46.
- Varas, Augusto. 1988. “La autonomía militar en América Latina”. In Varas, Augusto (Coordinador). *Autonomización castrense y democracia en América Latina*. Editorial Nueva Sociedad, Caracas.
- Zed Press, 1985. Schirmer, Jennifer. *Las intimidades del proyecto político de los militares en Guatemala*. FLACSO, Guatemala 1999.

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