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**Sustainable Peace  
Through Democratization:  
The Experiences of Haiti and  
Guatemala**

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by  
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## Executive Summary

This comparison of international efforts to encourage and sustain peace in Guatemala and Haiti derives from the heavy involvement of the international community in peacebuilding in both countries during the 1990s. Civil conflict in both countries has resulted from a combination of exclusionary politics and domination by predatory economic elites. The conclusions advanced below should assist in the assessment of international strategies for addressing political and economic turmoil in similarly distressed countries in the future.

Guatemala and Haiti have embarked on processes to build peace over the past two decades that seek to end years of civil strife and human rights abuses against a backdrop of systemic inequality, weak state institutions, and political violence. This comparative study examines the history, actors, outcomes and prospects of the processes. In both cases, peace has been sought through a deliberate and at times forced process of democratization. The assumption has been that building formal democratic institutions—political parties, legislatures, and elections—is the best guarantee of sustainable peace. The study analyzes the success of this approach, examines the challenges that face newly democratizing countries emerging from violent conflict, and asks to what extent the formally democratic institutions in these countries are capable of managing the numerous tensions evident in both societies before further conflict erupts.

## Key Conclusions

- Institution-building and Extra-Institutional Development – Both Haiti and Guatemala face the challenge of building

democratic institutions without many of the precursor conditions on which such institutions rely. Meeting this challenge may require the use of extra-institutional – albeit inclusive and participatory – means, such as national dialogues and consensus-building exercises, to generate these conditions. Where national institutions are weak, smaller scale initiatives such as informal arbitration of land disputes (practiced in both Haiti and Guatemala), micro-credit for small businesses, civil society dialogues, and attempts to bring the informal economy into the mainstream, are helpful in fostering a sense of popular participation and forward momentum, which facilitates peacebuilding.

- Dialogue - The ability to create and sustain broad-based, multi-sectoral dialogue is crucial to peace building. Guatemala was fortunate in being able to seize a moment – the 1993 *autogolpe* - when all sectors were able to see some benefit in a consensus centered on democratic participation. Dialogue built momentum such that, despite setbacks in reform, the majority remain committed to the peace process. In Haiti, comparable opportunities – such as the 1987 Congress of Democratic Movements – were lost and political dialogue has broken down. The international community can foster negotiating skills and democratic impulses at both national and local level. In Guatemala, dialogue should now become a routine, decentralized, and institutionalized part of the policy-making process. In Haiti, a group of civic organizations, ‘the Civil Society Initiative’, has proposed policy dialogues and instruments, such as a Center for Democratic Pluralism, that deserve support.

- Role of Military Elites – In both Haiti and Guatemala, the military historically has been a key political actor, using extensive repression as a political tool. Guatemala's more sophisticated armed forces have traditionally had both entrepreneurial skills and vested interests in civilian politics, and have helped to build the national infrastructure. This may explain the contradictory phenomenon of the 1999 election results, whereby a popularly elected government emerged from the very military responsible for egregious human rights violations during the civil war. Continuing re-alignments within the military, which have enabled some parts of the army to support progressive politics, are important for further democratic evolution in Guatemala. Haiti's less sophisticated armed forces, were abolished by President Aristide in 1995. Filling with effective civilian authority the space previously occupied by rudimentary military authority remains a key challenge.
- Role of Civilian Elites – In both Haiti and Guatemala, a small socio-economic elite has historically controlled a parasitic state based on harsh taxation of the rural majority. While these elites are responsive to international pressures, their commitment to change is often superficial. The participation of the Guatemalan elite with other sectors in the peace process augurs well; by contrast the Haitian elite has stood aloof from change. A small group of progressive businessmen who want to rid Haiti of both oligarchy and monopoly has devised a number of creative initiatives—ranging from micro-credit initiatives supported by major banks to initiatives for parliamentary reform—to change this situation. They, and similar groups, need consistent support.
- Police and Judiciary – National policing in Guatemala has proved problematic. One solution may be a decentralized community approach to policing, which utilizes existing local mechanisms and skills. In Haiti, the newly created National Police, trained under UN auspices, initially performed well under harsh circumstances, but is increasingly open to political manipulation and corruption. The international community can help by offering training and support. Both Haiti and Guatemala are hobbled by a weak judicial system. One interim solution, proposed by members of Haitian civil society, may be to establish travelling courts that can draw on a mixture of local law and custom to provide alternate dispute resolution at the community level.
- Civil Society Groups - In Guatemala, the demographic weight and cultural cohesion of the indigenous population aided the formation of civic groups, which mobilized participation in the political process and provided a positive model and conduit for dialogue. Active civil society participation, from which Haiti could benefit, is an important step in building democratic institutions. Guatemalan civic groups should now be encouraged to form full-fledged lobbying groups with concrete policy objectives.
- Constitutional Rule – The 1984 constitution formed a blueprint for Guatemala's emerging social contract. The 1987 constitution was less successful in Haiti: quickly undermined and never enacted. Among the reasons for this divergence may be that the Guatemalan constitution

- was prepared by an elected, rather than appointed, Assembly; that the ruling elite participated in its formation; and that it retained a strong executive. In Haiti, a broad-based dialogue launched by autonomous civic groups to revisit or amend the 1987 constitution might provide one means of resolving the current deadlock.
- Role of International Intervention – Historically, foreign intervention in Guatemala has been based on the national interests of those countries benefiting most directly from its cash-crop economy. Post-Cold War realignments have led to interventions on behalf of democratization. In this context, the peace accords and their aftermath represent a success for the UN. In Guatemala and elsewhere, UN, regional, and NGO actors have often performed best in the modest but vital role of facilitation and confidence-building within the ambit of ongoing local processes. In contrast, in Haiti the international community failed to support the historic moment of consensus represented by the Congress of National Democratic Movements in 1987. Instead, it backed the then military ruler as the guarantor of the electoral process. Subsequently, in the aftermath of Aristide's election and his overthrow by the army in 1991, it employed force to re-establish democratic institutions. This muscular intervention did not, however, build the confidence or dialogue necessary for these institutions to function.
  - Reform Implementation– The implementation of the peace accords in Guatemala has been uneven, with progress on rehabilitating participants in the war and increasing political participation, especially for indigenous peoples, but setbacks in fiscal, constitutional, and land reform. While broad-based accords signed by the presidency were perhaps the best platform for Guatemala's early peacebuilding effort, future reforms must be based on discrete, concrete policy proposals to gain legislative and popular support. Traditionally conservative attitudes and distrust of state intervention, shared by most Guatemalan sectors, must be acknowledged in designing further reforms. While Haiti's peacebuilding effort is not guided by the implementation of a negotiated, comprehensive accord, the crawling pace of reform of both state institutions such as the judiciary, and of the economy, have generated widespread apathy. Creative ideas to hasten the reform process should focus on directly involving civic organizations.

## Peace and Democratization

The experiences of Guatemala and Haiti test a proposition, which the US espoused as the Cold War waned and which has since gained international currency, that peace can be promoted within a society by building formal democratic institutions. This proposition has formed the basis of practically every accord or agreement to end civil conflict that has been signed under international auspices since 1990, beginning with the Cambodian accords. Elections to these institutions have been seen as the primary vehicle for transforming conflict-ridden polities to peaceful ones, and for providing formerly warring groups with a constructive terrain in which to play out their differences. Over the past decade, election monitoring has become a growth industry, with both international and non-governmental volunteers deployed in many democratizing countries in the same numbers and with the same zeal as promoters of development in past decades. Even where violence has been ended incompletely, through the heavy hand of international intervention rather than any changes in attitude on the part of the antagonists—as in Haiti and Bosnia—elections leading to formally constituted institutions have been seen as providing the primary means for the constitution of post-conflict polities, and for “exit strategies” for those doing the intervening.

Critiques of this proposition, which are now legion, have centered on the notion that elections and well-functioning democratic institutions are the primary effect, rather than cause, of democratic evolution. In this paper, we establish that while both Guatemalan and Haitian models support the contention that lasting peace in a post-conflict society is tied to the ability of its political process to

engage and handle discord, the existence of democratic institutions is by itself no guarantor of such engagement. The tools of democratic participation – elections, referenda – may even be potentially divisive in the absence of both a wider inter-sectoral consensus on the broad parameters of peaceful change, and of a framework for alternative forms of dialogue and decision-making to augment nascent and weak institutions.

## Peace Through Democratization in Haiti and Guatemala: Basis for Comparative Study

Guatemala and Haiti historically have had similar social and political parameters that have made them vulnerable to conflict: a vast gulf between the ruling elite and the masses; the domination of the state by small elite groups; the exclusion of the majority of the population from political processes; and widespread repression.

In both countries, recent violent conflict has resulted from the inability of traditional political processes and institutions to handle the consequences of social and economic change—urban drift, a reduced but vocal rural populace, environmental degradation, land disputes - as well as the legacy of colonial and post-colonial exploitation.

Both Guatemala and Haiti have experienced extensive international interventions, in which the United Nations and hemispheric states have played prominent roles. In Guatemala, regional countries, the UN, and international NGOs helped to mediate a protracted process of negotiations and dialogue that had, by 1996, produced a series of accords between the government and the left-wing guerillas

fighting to overthrow it. The UN has led in verifying the implementation of these accords.

In Haiti, the traditional oligarchy's fear of being overwhelmed by a mass upsurge prompted a violent coup against the country's first democratically elected government in 1991. Over the next three years, the Organization of American States (OAS) and the UN took a series of increasingly tough actions against the military regime. When these measures failed, the United States, which had borne the brunt of the refugee wave, led a Multinational Force into Haiti in 1994 to restore the democratically elected government. Since then, the UN, with the assistance of the OAS, the European Union, and hemispheric states including the US, Canada, and Argentina, has undertaken various measures to stabilize democracy.

While conflict may have resulted from similar circumstances in both countries, and while they face similar challenges in building lasting peace, there are also key differences. The conflict in Guatemala has an ethnic dimension missing in Haiti: the majority of poor Guatemalans are Mayans. Additionally, the Guatemalan conflict took the form of a civil war between two organized entities, the military and the rebel forces; whereas violence in Haiti, has been general and disaggregated, albeit with sporadic moments of organization.

International intervention in the Guatemalan conflict resulted primarily from a broader post-Cold War movement in the region towards promoting democratization and economic development; intervention in Haiti resulted primarily from the stress caused on Haiti's neighbors by refugees fleeing internal violence. Also, recent international intervention in Guatemala has assisted in the implementation of a series of

longer-term accords reached between the government and the rebels; the intervention in Haiti began with the forceful restoration of the legitimate government, and not with the securing of a negotiated accord. In fact, international involvement in Haiti since the flight of the Duvalier dictatorship in 1986 has seen no concerted attempts by the international community to promote broader dialogue and engagement between different social sectors; even Haitian attempts to do so have been largely ignored. The comparative strength of the Guatemalan peace and democratization process reflects the greater degree of multi-sectoral ownership and commitment, the more abiding support of the international community, and hence a stronger socio-economic basis for growth and change.

## History of Conflict in Guatemala

Guatemala's political economy is historically based upon taxation of indigenous production by the settler mercantile class or *criollos*, rather than long-term capitalization of land.<sup>1</sup> While indigenous communities were exploited, they also entered into a feudal relationship with Church and State in which forced labor and tributes were partially compensated by protection. Uniquely in Central America, indigenous communities were not atomized, retaining demographic weight, cultural cohesion and social organization.

Liberalization of the economy, with a focus on coffee production, in the nineteenth century did not substantially alter this dynamic. Indigenous people were forced to rent land and labor, thus embedding their racial and economic division from *criollos*

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<sup>1</sup>David McCreevy, *Rural Guatemala: 1760-1940* (Stanford: Stanford University Press, 1994), pp.50-51; p. 326.

and *ladinos* (people of mixed race). Subsequently, the state developed along paternalist and interventionist lines: its primary objectives were maintaining stability and control. To this end, Church powers were revoked by the State and the military was split into an army, which indigenous people could join, and a militia, designed for internal repression, from which they were excluded.

### The Civil War

Early 20<sup>th</sup> century US agribusiness in Guatemala developed a compact with the mercantile elite and a vested interest in sustaining the political-economic status quo: production and export of primary cash crops such as bananas and coffee. US commercial interests, therefore, allied themselves directly against those elements that might have sought further industrial and economic diversification and modernization in Guatemala. US and domestic mercantile capital, however, aided the army in conducting public works and infrastructure-building to facilitate export outflow. This legacy gives Guatemala perhaps the best infrastructure among the smaller Central American states.

By 1940, 90% of all Guatemalan export products were sold in the US. A repressive government was unseated in a coup of 1944, which generated a minor revolution led by the middle-class. The Arbenz administration of 1950 proposed a major reform package involving the expropriation of non-productive land stockpiled by US corporations to support prices and discourage competition.<sup>2</sup> In 1954 the US government, alarmed by a prospective break in the Western front during the Cold War, and

protective of business interests, backed a coup against Arbenz, which was supported by the coffee oligarchy.<sup>3</sup> Under the post-coup administration all agrarian reform laws enacted under Arbenz were reversed, confiscated lands were returned to their previous owners, restrictions on foreign investment were lifted, left-wing parties and unions were outlawed, and many political and agrarian reformers were executed.

The primary outcome of the coup, dubbed by some the “counterrevolution,” was to consolidate the army’s growing role as the guarantor of the coffee-based political economy and the repressive regime that accompanied it. Pro-reform, union and peasant leaders were subject to systematic persecution, including arbitrary arrest, torture, and extra-judicial killing. Extra-institutional military rule remained the mode of national politics. The repressive policies of the army, which included both *ladino* and indigenous persons in its rank and file, were guided not so much by ethnic concerns as much as a resolute dedication to maintaining the coffee economy no matter what the wider social or economic costs. Hence, the army’s repression and the insurgency that would soon arise to counter it, did not constitute an ethnic conflict.<sup>4</sup>

In 1962 the Rebel Armed Forces (FAR) was established, comprising middle-class *ladinos*, army dissidents, students, and left-wing political activists. They espoused the ideologies of Che Guevara, Marxism, and liberation theology. Construed as a threat to the regime, they were largely eliminated by

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<sup>3</sup> For more on the political economy of this episode, see Victor Bulmer-Thomas, *The Political Economy of Central America Since 1920* (Cambridge: Cambridge University Press, 1994), pp.33-35.

<sup>4</sup> David Stoll, *Between the Two Armies in the Ixil Towns of Guatemala* (New York: Columbia University Press, 1993), pp. 308.

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<sup>2</sup> Gabriel Aguilera Peralta and Edelberto Torres-Rivas, *Del Autoritarismo a la Paz* (Guatemala: FLACSO, 1998), pp. 14-15.

the late 1960s through a counter-insurgency campaign. President Montenegro's 1966 administration felt secure enough to take a more moderate stance, uniting US and middle-class support with that of the army and the coffee oligarchy. It offered an amnesty to the guerrillas, which they rejected. Guerrilla activity was again stepped up, with greater mobilization in some rural areas.

The military responded to this guerrilla resurgence with massive human rights abuses from 1970-4 and 1978-82 that claimed some 40,000 lives.<sup>5</sup> During this period, however, the army also developed complex organizational, infrastructure-building and entrepreneurial skills, unusual for the region, and dominated economic and political life. At the same time, the various guerrilla groups coalesced into the URNG (Guatemalan National Revolutionary Unity). In 1982, General Efrain Montt led a coup by young reformist officers against the military oligarchy, overthrew the government, and assumed the presidency. He then implemented a 'scorched earth' policy of blanket repression that, according to the report of the truth commission established in the aftermath of the 1996 peace accords, caused an estimated 100,000 civilian deaths and displacements. The military occupied the countryside, enforcing compulsory enlistment in civil defense patrols (PAC) and setting up 'model villages' of refugees.<sup>6</sup>

Horrible military abuses, particularly in the decade from 1974 to 1984, mobilized the indigenous population, and drove a rift between the oligarchy and their military allies on the one hand, and the more

progressive business class and reformist military officers on the other. The report of the Catholic Church's "Recovery of Historical Memory" project points out that while the latter had supported the Rios Montt coup, they later disavowed the abuses committed under his regime, and even claimed that the atrocities were committed largely by rival factions in the armed forces. Critically, the abuses discredited the Guatemalan military regime internationally and generated a sea-change in policy amongst the international community.

### The Guatemalan Peace Process

By 1983, the Reagan administration had concluded that further counter-insurgency support for the Guatemalan government was untenable without some democratization and moderation of the regime. In August 1983, Montt was overthrown in a coup that reportedly enjoyed US sympathy. The new leadership, under international pressure, pledged to restore the country to civilian rule. In the mid-eighties, the URNG also decided to switch tactics by strengthening links with civilian organizations and by highlighting human rights abuses through international organizations. General Mejia Victores, who had succeeded Montt, began the drafting of a new constitution, despite continuing military violence in rural areas.

From 1983-93 Guatemala experienced four mutually reinforcing processes. First, there was a formal transition to civilian and then democratic rule. Second, renewed efforts were launched to seek peace with the URNG and brought to fruition. Third, a growing movement for the revival of Mayan cultural identity began to be accorded both domestic and international legitimacy and support. Fourth, Guatemala experienced growing economic diversification, particularly on the back of a dramatic rise in

<sup>5</sup>Patrick Costello, *The Guatemalan Peace Process: Historical Background* 1999.

[http://www.c-r.org/acc\\_guat/background.htm](http://www.c-r.org/acc_guat/background.htm)

<sup>6</sup>Aguilera Peralta and Torres-Rivas, *Del Autoritarismo a la Paz*, p. 81.

tourism as the world discovered the Mayan cities of Peten. These inter-linked processes helped to create an increasingly unified constituency in support of a peaceful and democratic Guatemala.

In 1984, Gen. Mejia Victores organized an election, judged to be free and fair, for a National Constituent Assembly.<sup>7</sup> The Assembly drafted a new constitution on the basis of a dialogue with all sectors, which formally recognized the multi-ethnic composition of Guatemalan society, established a Constitutional Court, created the office of a Human Rights Ombudsman, and reaffirmed the autonomy of the Supreme Electoral Council, which had conducted the elections for the Constituent Assembly. The first presidential elections in 30 years were won by Vincio Cerezo, a Christian Democrat.

During his election campaign, Cerezo had promised radical land reforms, demilitarization, and a solution to the refugee problem created by the army's pogroms. Once in office, however, his power was limited by the military's continuing political control. Cerezo failed to challenge military or oligarchic interests and to continue the practice of dialogue initiated by the Constituent Assembly. He alienated the private sector<sup>8</sup> and presided over a period of renewed bloodshed. Cerezo's presidency was thus a disappointment for those hoping for national reconciliation and diminished military dominance.

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<sup>7</sup> Dinorah Azpuru, "Peace and Democratization in Guatemala," in Cynthia J. Arnson ed., *Comparative Peace Processes in Latin America* (Stanford: Stanford University Press, 1999), pp. 102.

<sup>8</sup> Rachel M. McCleary, "Guatemala's Postwar Prospects," *Journal of Democracy*, April 1997, pp. 131.

However, the mid-1980s brought promising regional efforts – the Contadora initiative and the Esquipulas process - to resolve conflict in El Salvador, Nicaragua, and Guatemala. These drew international attention and encouraged a new US approach to Central America in the last years of the Cold War.<sup>9</sup> In Guatemala itself, a final attempt by the military to eliminate the remnants of the insurgency ended in stalemate, further discrediting the 'old guard' and strengthening younger 'constitutionalist' voices amongst the officer class. The Guatemalan National Reconciliation Commission (CNR) was formed in 1987, and facilitated the first meetings between the URNG and representatives of the state.<sup>10</sup> These dialogues were continued in 1988 and 1989, facilitated by international church groups and by Norway. Meanwhile, human rights violations decreased, reflecting pressure from international NGOs and the government's desire to develop tourism.

The CNR also convened the Gran Dialogo Nacional, attended by 80 civil society organizations. The dialogue was a forum for many new civic organizations to articulate Mayan political rights. Participants also included a host of "popular organizations" representing labor and the peasantry, founded during the democratic upsurge of the late 1980s.

The CNR met the URNG in Oslo in 1990, resulting in a Basic Agreement on the Quest for Peace through Political Means, which laid out the methodology and timetable for further multi-sector negotiations. The venue reflected the significant role that international NGOs, backed by Norway, had

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<sup>9</sup> Aguilera Peralta and Torres-Rivas, *Del Autoritarismo a la Paz*, pp. 90-95.

<sup>10</sup> On the peace process see James Dunkerley, *The Pacification of Central America* (London: Verso, 1994), pp. 76-88.

played in facilitating the hitherto informal dialogue.

The first democratic and peaceful transfer of civilian power in Guatemala took place with Jorge Serrano winning the 1990 presidential elections. The Serrano government created a new peace commission, COPAZ, to deal formally with the URNG. The army, relinquishing its quest for a total victory, also decided to negotiate directly with the guerillas through COPAZ. Despite resistance from military hard-liners, the URNG and COPAZ met in Mexico in 1991, with witnesses from the UN and civil society, and signed the Procedural Agreement on the Quest for Peace by Political Means. The UN observer would later moderate the talks from 1994-96, and serve as a Special Representative until 2000, providing valuable continuity. With the accord in Mexico, the Guatemalan peace and democratization processes merged.

It is important to note that reform in Guatemala was not catalyzed by a formidable guerrilla threat, as in El Salvador. Rather, an emerging coalition of government reformers, progressive business, and new civil society organizations grasped an opportunity for effecting political and economic change, which had previously been blocked by existing institutions. The Guatemalan Congress, seesawing between conservatism and populism, and political parties, under heavy oligarchic pressure, had proved unequal to the challenge of reform. Progressive members of the Guatemalan elite used the peace process to bypass unworkable formal institutions, particularly the legislature, in an attempt to legitimize a set of processes and actors that, in their perception, would generate conditions for a better democracy. The national dialogues fostered participation among previously marginalized groups, and the peace process

formalized and regularized this participation. The consensus reached on reform through the various national dialogues occurring under the umbrella of the peace process, and the accords signed over the next five years, were blueprints for Guatemala's future economic and political development. Several international participants in the process have informally noted that this was democracy-creation through extra-institutional—albeit consensual—means.

The accord in Mexico in 1991 extended this consensus by temporarily allaying right wing apprehensions, reaffirming that negotiations had to be carried out within the framework of the existing constitution, and establishing the basic principles for democracy in Guatemala. It won sufficient multi-sector support to permit substantive dialogue on human rights violations. In late 1992, the URNG and the government reached two substantive agreements: regarding the terms of the return of refugees from Mexico, and the freezing of the civil patrols and an investigation of their conduct. Civil unrest continued, however, as organizations representing the indigenous and the poor clamored for change and the far right responded with violence.<sup>11</sup>

President Serrano unexpectedly jeopardized consensus, when, buoyed by local electoral wins for his party, he suspended the Congress, the Supreme Court, the Office of the Human Rights Ombudsman and other national institutions on May 25 1993—the so-called *autogolpe*—ostensibly to hasten the reform process. Ten days later, on June 5, he left the country in disgrace and Congress appointed the Human Rights Ombudsman as President. Those ten days

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<sup>11</sup> In 1992 alone, the Human Rights Commission reported 1,111 violations, including 373 extra-judicial killings.

constitute a transformative moment in Guatemala's recent history. Practically all sectors—business, labor, indigenous organizations, peasant organizations, human rights groups, and both conservative and reformist wings of the military—came together in an Instancia Nacional de Consenso to demand the reinstatement of democratic institutions. Clearly, all sectors saw some distinct advantages in supporting the country's constitution and nascent democratic institutions. This collective stance in favor of democracy radically altered Guatemala's political landscape. Significantly, however, the URNG refrained from participating in the Instancia, even though it was one of the parties to the peace process.

The post-autogolpe President appointed a new membership of COPAZ, which, however, was unable to generate sufficient consensus to advance the peace process. With UN assistance, the impasse was broken and a new framework was created and signed in Mexico in January 1994.<sup>12</sup> Previous civic sector dialogues on the peace process were formalized in the Assembly of Civil Society, which was authorized to develop and propose substantive plans to the moderator and negotiating parties. The UN, which had hitherto played a vital observation role, now became the primary facilitator of the peace effort. This gradual evolution of the UN's role in Guatemala is significant, as it allowed greater local ownership of, and participation in, an internationally-backed process.

The UN, moreover, involved international financial institutions—primarily the World Bank and the UN Development Program—in key discussions on the future parameters of the Guatemalan economy. As UN participants in this process have repeatedly

pointed out, the consensus among these actors on the course of the economy was perhaps as significant as that among the domestic actors.<sup>13</sup>

A human rights agreement in March, 1994, created the basis for a UN human rights observation and verification mission—MINUGUA—which played a critical confidence-building role over the next six years. In June 1994, agreements on the resettlement of both external and internal refugees, and the creation of the Historical Clarification Commission were signed.<sup>14</sup> The Human Rights Commission had no judicial authority and could not authorize arrests of specific individuals or even name them. This was heavily critiqued by international and Guatemalan human rights groups. Nevertheless, the fact of a commission of this nature preparing a report on war-time atrocities appeared a tremendous advance at a time when the military remained a strong political force.

In March 1995, the Agreement on the Identity and Rights of the Indigenous Peoples, one of the most significant achievements of the peace process, was signed. The agreement, which reflected a new level of indigenous participation in political life through the Assembly, envisioned a multi-ethnic Guatemalan national state.

Remarkably, all the candidates in the 1995 presidential elections stated their commitment to the peace process. The parties fielding front-running candidates reflected a realignment of social and economic sectors. The Guatemalan left

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<sup>12</sup> For an overview of the 1994 Accords see *Chronology of the Peace Talks*.  
[http://www.c-r.org/acc\\_guat/chronol.htm](http://www.c-r.org/acc_guat/chronol.htm)

<sup>13</sup> A similar consensus was not, for instance, reached in El Salvador.

<sup>14</sup> *Guatemala—Memory of Silence (Tz' inil Na 'tab'al): Report of the Commission for Historical Clarification, Conclusions and Recommendations*, Guatemala City: 1999.

formed the FDNG coalition, and the URNG urged voters to support this group. This was significant, for the URNG had now given up revolution as a modus operandi for political change. In the ideological center was the Partido de Avantada Nacional, which represented the new business and middle class, and advanced the “free-markets and democracy” formula in Guatemala. To their right, crucially, were no longer the traditional parties that had represented the oligarchy and past hierarchical compacts. Instead, the leading right-wing contender was former junta leader Montt of the FRG, with a message that blended civic virtue and personal and social discipline with a populist anti-poverty and pro-community platform.<sup>15</sup>

The 1995 Guatemalan elections were meticulously conducted. The PAN candidate was narrowly elected ahead of the FRG and, keeping his small majority in mind, created an administration that reflected multi-sectoral participation in the peace process. The URNG declared a formal cease-fire on March 30<sup>th</sup> 1996. In May, the Accord on Socio-Economic Aspects and the Agrarian Situation was signed, with the support of the commercial sector and civil society.

In September 1996, the Accord on Strengthening Civilian Power and the Role

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<sup>15</sup> Rios Montt and his allies in the army claimed to represent a new class of military populists emerging in Central and Latin America. Key elements of their response to the new political environment included support for economic choice, but with a strong anti-corporate and anti-oligarchic streak; a heavy emphasis on security and the rule of law; pro-community libertarian platforms opposing centralized welfare programs; short-term anti-poverty measures; and a focus on moral virtue, drawing on Church loyalties. The continued roles of the military class in countries including Peru, Venezuela, and Guatemala confirms that military rule in the recent past did not merely represent political and economic dysfunction, but deeper social and class orientations.

of the Army in a Democratic Society was signed and formally ended the counter-insurgency structure established by the army in the countryside. The Accord also formalized the army’s role as subservient to civilian institutions and the Constitution – although, in practice, the military remains a key political actor. Leaving this accord to last may have been critical to securing the military’s acquiescence to earlier reforms. Reformist elements, reassured partly by the fact that previous accords did not present a direct threat, had gained sufficient influence within the military to enable this sequencing.

In December 1996, accords were signed formally ending military activities on all sides; converting the URNG into a legal political actor and disarming and demobilizing the remaining guerillas; and specifying further reforms to the Constitution and electoral process. With the Accord on a Firm and Lasting Peace activating the timetable for implementing all previous accords, the period of post conflict reconstruction began.

The PAN government, while able to bring the peace process to a successful conclusion, was not able to deliver fully on its promise of reform. A general complaint was that privatization and other aspects of the reform program were not implemented transparently. Relations of patronage between an earlier generation of oligarchic businessmen and their military allies were partially replicated between a new generation of businessmen and military officers. Without reliable and autonomous national institutions to implement the reform program, this replication was perhaps inevitable. While the PAN government provided a greater degree of political and economic stability than previous governments, it was also perceived as corrupt.

## Actors

### *The Army*

The Guatemalan military has historically played a critical role in national economic and political life. It has sophisticated entrepreneurial and infrastructure-building skills and continues to perceive itself as a torch-bearer of national economic enterprise. It has also been an intermediary between the state and the indigenous population, a role that has involved violent repression but also, at times, the provision of basic order and security.

These at times contradictory roles were much in evidence at the height of the military's repression in the early 1980s. The internationally funded Commission for Historical Clarification, established under the human rights accord between the government and the URNG in 1994, found that under Generals Garcia and Rios Montt between 1980 and 1983, whole villages suspected of harboring insurgents were massacred.<sup>16</sup> Others were converted into "model villages," where locally recruited vigilante patrols kept out the insurgents. Racism was one factor behind this brutality, as was, perhaps, the end of the informal compact between oligarchy and peasantry that had prevailed throughout most of Guatemala's history.

The report of the Catholic Church's Human Rights Commission's "Guatemala, Never Again!: Recovery of Historical Memory (REMHI)" project points to important splits within the military leadership during the war and in the post-war period that facilitated the emergence of Guatemalan democracy. Rios Montt's coup

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<sup>16</sup> See Larry Rohter, "Guatemalan Commission's Report Is Searing Indictment on Military," *New York Times*, February 27 1999.

against Garcia in 1982, and Mejia Victores' counter-coup in 1983, marked factional struggles within the armed forces between traditional and reformist elements.<sup>17</sup> The period preceding the election of Arzu as President in 1995 saw an intensified power struggle between the 'constitutionalist' or 'reformist' army officers, allied with modernizing businessmen, and the commercial oligarchy and its traditional military allies. Not all reformist officers were nobly motivated: younger officers saw the potential to acquire business holdings previously monopolized by their superiors.

This partnership between a new class of military officers and an equally new class of businessmen was perhaps the driving factor behind Guatemala's political reform. An argument could be made that Guatemala has consistently been run not by its formal governmental bodies but by a military-business commercial project. Hence, to the extent that a fundamental democratic transformation took place in Guatemala in the 1980s and 1990s, it was less an institutional than an attitudinal transformation, altering the objectives of key elements of the country's power elite. An important contributory factor was the altered post-Cold War US attitude towards the country's military-commercial compact. US ire increased both over the military's violence and over its failure to halt the transshipment of drugs through Guatemala, and the complicity of Guatemalan officers in the narcotics trade.

Unlike the Salvadoran military, weakened by the near-success of the FMLN insurgency, the Guatemalan military has

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<sup>17</sup> See *Guatemala—Never Again!: REMHI, Recovery of Historical Memory Project* (Maryknoll, New York/Guatemala City: Orbis Books/ Human Rights Office of the Archdiocese of Guatemala, 1999), p. 269.

retained much of its power and influence in the post-accord period. Given the strong Western Hemispheric regional consensus against non-constitutional transfers of power, however, it is unlikely to mount an overt challenge to Guatemalan democracy. More likely, factions within the military will continue to struggle among themselves over the extent of the government's reform program. Hence, the degree to which Guatemala's elected civilian government can effect meaningful change will depend on the type of military-commercial alliance that predominates at a given time. Also, the degree to which political institutions can be autonomous of the military and of the commercial sector will depend on the extent to which the type of broader multi-sectoral consensus that prompted the Instancia in 1993 can be maintained.

### *The Guerrillas*

The Commission for Historical Clarification, and REMHI, both found that the guerillas, despite their fight for Guatemala's poor, had in fact also caused tremendous suffering, often by occupying towns to garner support, only to withdraw and leave the civilian population vulnerable to army massacres.<sup>18</sup> According to an anthropological study, many indigenous people perceived themselves as being 'caught between the two fires' of the URNG and the military.<sup>19</sup> In popular memory the guerillas were sometimes perversely equated with chaos, and the army with order and security, albeit of the most brutal kind. This may help to explain the relatively significant

levels of indigenous support for Rios Montt's party, FRG, in the most recent Guatemalan elections.

### *Civilian Elites*

International delegitimization of the Guatemalan regime during the period of massive military repression prompted the more progressive among the country's civilian elites to seek partial democratization and a dialogue with the guerrilla movement. Unlike their Haitian counterparts, the Guatemalan elites participated in a multi-sectoral dialogue and developed a commitment to the peace process. However, the elite is politically deeply divided, with negative consequences for policy consensus, including repeated failures to implement a progressive tax structure. A four-way division among the elite is identifiable: the remnants of the traditional oligarchy; the centrist progressive reformers, represented through PAN; the populist reformers, including the populist right, represented through the FRG;<sup>20</sup> and the left, including the former political leadership of the URNG, represented through the ANN coalition.

A modest, internationally-supported fund to train party activists in articulating platforms at the local and national level, selecting party functionaries through democratic processes, and exploring policy alliances across factional boundaries, could both strengthen the parties themselves and make it easier for them to seek pragmatic compromises across factional boundaries on discrete issues such as taxation.

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<sup>18</sup> Operating largely from a narrow ideological base, they did not attempt to substantively engage the day-to-day concerns of the population that they claimed to represent: a fact reflected in their subsequent failure to do well in free-and-fair elections.

<sup>19</sup> David Stoll, *Between the Two Armies in the Ixil Towns of Guatemala* (New York: Columbia University Press, 1993), p. 20.

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<sup>20</sup> This camp has now further split among those who want further accountability for human rights violations in the past, and those who do not.

### *Indigenous Communities*

The indigenous communities did not play a major role until the 1960s and 1970s - a period of increased political mobilization. Dissidents from the FAR created the Guerrilla Army of the Poor (1972) and the Revolutionary Organization of the People in Arms (1979). The leadership of these organizations was made up of ladinos, but indigenous persons were recruited in large numbers.

Subsequently, during the peace process, participation by indigenous groups was a key factor in the success of the multi-sector dialogues that accompanied the peace process, and augurs well for their future political participation. The 1995 Agreement on the Identity and Rights of the Indigenous Peoples enshrines Guatemala's multi-ethnic commitment. However, while the concerns of the indigenous populations have acquired a significant national profile and are a part of the political mainstream, indigenous persons still experience considerable difficulty in joining the elite ranks of government and administration, particularly in areas such as the foreign service. An even greater issue for the indigenous leadership is that many of the progressive economic and political reforms agreed in the various dialogue processes have not yet been implemented.

The conservatism of indigenous groups has often placed them at odds with liberal reformers. However, their strong political emphasis on security, and on economic and cultural self-sufficiency, leads them to favor policies centered on political and economic decentralization, particularly those involving local enterprise and alternate dispute resolution.

### *International Actors*

The US has been and remains the most important international actor in Guatemala. Since the Cold War, US emphasis on maintaining both political and economic freedoms has provided an important basis for the domestic consensus that supports Guatemala's peace process. This consensus is bolstered both by regional commitment to democracy, enshrined in the OAS' Santiago Declaration, and by more specific initiatives by the OAS to strengthen Guatemalan democracy. Apart from providing more specific forms of assistance, both the US and OAS should continue to maintain a strong position against any resort to violence by parties in Guatemala and to support dialogue and consensus-building.

The role of the United Nations in Guatemala differs from many other instances of UN intervention in that it took the form of a limited facilitation with significant political outcomes, whereas in most other cases, large peacekeeping operations with heavy footprints have been accompanied by modest outcomes. The Guatemala peace accords and their aftermath represent a success for the UN peace-and-security system. The UN system performed at its best in Guatemala when playing a modest, but critical, facilitation and confidence-building role within the context of ongoing local processes.

Both in the peace process that it moderated from 1994 onwards, and its human rights observation mission, the UN reinforced a broad consensus on change among the progressive sectors. However, this consensus was neither fully inclusive nor held the force of law. Where the Presidency signed agreements with specific Guatemalan actors to perform certain tasks, it was obliged to fulfil them. Otherwise, the accords

only obligated the government to prepare legislation based on their provisions; they did not guarantee the adoption of this legislation by the Congress. This provided numerous opportunities for those who opposed specific provisions of the accords subsequently to pressure or lobby the Congress against their approval.

There are, nonetheless, strong grounds for arguing that a consensus on a wider set of non-mandated accords was the best achievable outcome of the peace process. Firstly, all parties to the accords did not hold equal power: the oligarchy and its military allies saw themselves as victors and, had they been the primary negotiators, might have conceded only an armistice and an amnesty for the guerillas. Secondly, the accords did not ratify an agreement between two negotiating partners representing a bipolar political divide between elites and masses, as in El Salvador. The variety of political groups and affiliations implied that wider consensus-building dialogue was more valuable than two-way negotiation.

### Outcomes: Implementation of Accords

The implementation of the accords has been uneven. The three areas where the greatest progress was made between 1996 and 2000 were: (i) the demobilization of the guerillas and their re-integration into society; (ii) the return and reintegration of refugees; and (iii) the incorporation of indigenous issues and concerns into the national political agenda. These were the three areas where reformist groups within the military broadly agreed with the moderates and the progressives. On other critical issues, however—land disputes, economic reforms, the depoliticization of the army, and

constitutional reform—progress has been limited.

Perhaps the most significant challenge for the Guatemalan state is to achieve a non-violent resolution of the land question. A key factor driving the indigenous population to insurgency during the past three decades was the state's failure to manage the increasing pressure exerted on them by land-and-labor-hungry coffee oligarchs. Where large landowners achieved no modus vivendi with the resident communities, they increasingly allied with the military to grab land or labor illegally. Land seizures, monopolies, the division of inheritances, and ecological damage caused worsening shortages of land among small and indigenous farmers. The absence of mechanisms for the peaceful resolution of these disputes led to violence.

The consensus reached during the Guatemalan peace process was clearly in favor of addressing the land needs of the rural population. The PAN government created national commissions to investigate methods of resolving the land question, including the rationalization and titling of land tenure to reduce disputes. It established a Land Trust Fund to make low-cost land available to the most deprived. These innovations had a limited impact. Neither the oligarchy nor reformist business interests favored a radical program of redistribution, and raised the specter of a flight of foreign investment should the government start to nationalize or redistribute private property. They presented the issue of land-related violence as a legal one, and urged the government to resolve land disputes through the judicial process. This position, however, was at variance with the peace process which, conceptually at least, presented the land issue as being one of social justice and redistribution.

**Figure 1: Setbacks and Successes of Guatemala's Peace Process**

<b>Successes</b>	<b>Setbacks</b>
War ended.	Slow progress on settling land disputes.
All former guerillas moved to demobilization camps by 1997 and reintegration underway.	Rejection of constitutional, and tax and economic reform, by sections of the population and by entrenched interests.
Restoration of social services and physical infrastructure in the war-affected interior of the country.	Assassinations (albeit reduced in number since the civil war) and continued impunity for perpetrators of political violence.
Citizen, especially indigenous, participation in government broadened at national and local level. New National Civil Police includes indigenous officers. Efforts made to incorporate indigenous languages in education system.	Continued weakness of the National Civil Police in maintaining basic law and order. Growing rates of crime. Continued weakness of the judicial system, including susceptibility to political interference.
Some foreign investment and economic development. In 1999, Guatemala had a GDP of US\$17.3 billion, the largest in Central America except Mexico. Evidence of diversification and growth in new industries and sectors e.g. financial and social services, construction and commerce.	

The private sector's wish to see the land question addressed through legal means cannot be fulfilled in contemporary Guatemala, which has only the rudiments of a credible and impartial judiciary. Meanwhile, there continues to be debate between the progressive members of the business community, who support case-by-case but systematically implemented arbitration as a pragmatic method of settling local disputes that is preferable to lawless squatting, and those from the organized left, who argue that, since most land was originally illegally grabbed from indigenous communities, negotiating its return legitimates the primary theft. Micro-credit and self-help schemes are also viewed with suspicion by some peasant organizations, which doubt that they benefit the poor.

CONIC, one of the biggest peasant organizations, favors large-scale redistribution. Both sides of the debate have indigenous supporters.

Implementation of accords on economic reform, particularly the creation of a badly-needed state tax structure, has also lagged. In contrast to the peace process in El Salvador, where the UN agencies and international financial institutions (IFIs) differed on the extent and nature of economic reform, all international donors and lenders concurred that the Guatemalan tax system needed rationalization. The IFIs, the Consultative Group of donor countries, MINUGUA, and sections of the country's progressive elite all encouraged Congress to approve significant tax reform measures to fund employment

and social welfare projects. The country's largest business association, CACIF, and the FRG, with some backing from indigenous communities, opposed these measures, arguing that further tax revenues for the state would hobble the private sector, which they viewed as a better engine for growth than the state. The oligarchy opposed any new taxes. In February 1998, the President abandoned a progressive property tax that was challenged in the Constitutional Court by populists from both the left and the right. This tax, which Congress had already approved, drew a strong reaction from many sectors, including the indigenous population, which viewed it as increasing rather than lessening its burdens. This underlines the oligarchy's and the indigenous population's shared dislike for state intervention.

An important coda to the failed tax reform was the URNG's proposal to engage all Guatemalan sectors in a dialogue on a fiscal pact to be formulated by 2002 to address the tax question and other issues of fiscal reform. This proposal indicated that the URNG had learned lessons in mediation and consensus-building from the peace process. In the 1999 elections, the ANN coalition, with the URNG at its core, captured 12 seats in the parliament, 6 more than in the previous legislature. This change may reflect the gradual emergence of better articulated policy platforms through participation in civilian politics.

The fiscal pact proposed by the URNG was completed in 2000 with the help of a dialogue process called the National Forum. Its proposals, however, were again blocked from implementation in 2001 by an alliance of political and civil leaders from both the left and the right, who demanded that the government first institute a package of reforms to fight corruption, to ensure that the new taxes collected under the pact would not

be squandered. At the time of writing, demands had grown for the Forum to be reconvened to discuss both elements of the fiscal pact and the peace accords themselves. The government seemed on the verge of responding positively to these demands.

In May 1999, the Guatemalan government held a referendum on a package of constitutional reforms that would have enshrined in law the depoliticization of the military, the formalization of the newly-won rights of the indigenous population, and political decentralization. As with the tax reforms, this package had already been approved by Congress. Surprisingly, the package, comprising several complex and controversial measures, was presented to the people as a dichotomous option—they could either vote "yes" or "no." Only 20% of Guatemalans voted, and the majority rejected the package.

Many national and international commentators viewed the result as a disappointing setback to peace. Yet a post-referendum poll showed that nearly 84% of Guatemalans continued to favor the peace process.<sup>21</sup> A variety of factors, including the mixed nature of the package, poor referendum publicity, and fear of state interventionism may explain this apparently anomalous result. Shortly after the referendum, members of both the progressive ladino elite and the Mayan leadership expressed their determination to institutionalize the same set of reforms through a series of smaller legislative steps.

After this failure, the results of the presidential election at the end of 1999 generated more gloomy prognoses. The

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<sup>21</sup> Susanne Jonas, *Of Centaurs and Doves: Guatemala's Peace Process* (Boulder: Colorado: Westview Press, 2000), pp. 210. Jonas also provides a detailed analysis of the referendum and its implications.

election was won by Alfonso Portillo, the candidate of Montt's FRG party. Many activists in Guatemala and in the international community, who vividly remembered the atrocities committed under Montt's rule, were mystified. Unlike the referendum, the vote for Portillo showed no clear rural-urban divide; the turn-out was also relatively large.

The first actions of the Portillo administration also surprised commentators. The government reiterated its commitment to the peace process. It made appointments—a reformist officer as Minister of Defense, a Mayan Minister of Culture and women provincial governors—that reflected more inclusive politics. It made plans to devolve key decision-making powers to provincial and community level. Despite the suspicion in which it had been held by military and oligarchy, MINUGUA was invited to extend its presence. Military archives, containing names of many shadowed by death squads, were declassified. Lastly, two officers were arrested and tried for the 1998 murder of archbishop Gerardi – the first time that officers had been tried for murder in Guatemala's modern history. These officers were convicted and sentenced in 2001, despite numerous threats to the presiding judge.

Although some distrusted these apparent reform initiatives, several factors pointed to a degree of genuine commitment. First, the locus of Guatemala's national political economy, its biggest export and tourism market, was still the US. It was thus unlikely to deviate from the continued US emphasis on democratization. Second, the army, while perhaps the only Latin American military to have retained much of its pre-democratization influence and power, was no longer a unified entity. Reformists like the new Defense Minister were at odds with the

allies of the old oligarchy. Any consensus for renewed repression by the armed forces among the ranks of the army itself was correspondingly weakened. Third, while Rios Montt and his allies purveyed a highly conservative and nationalist line, they had also consistently espoused a political and economic vision of Guatemala, familiar in its themes to North American conservative ideology, which called for far-reaching decentralization and the minimization of state intervention.

## Prospects

### *Democratization and Peace*

Elections in imperfect environments that typify post-conflict situations can result in governments that enjoy imperfect legitimacy. This issue is less acute in Guatemala than in other post-conflict societies, despite Rios Montt being president of the Congress, the primary legislative body. Multi-sectoral dialogue, which produced a post-military constitution, narrowed the gaps between different sectors on the fundamentals of democracy and constitutionalism. UNRG participation in the electoral process marked an irreversible moderation of its program.

While the pace of positive change has been rapid in Guatemala, it has not been fast enough. This has generated what a leading Guatemalan social scientist has termed a crisis of 'social patience',<sup>22</sup> where Guatemalan belief in democracy as a desirable form of government is wearing thin. While the peace accords provided broad policy agreement on the need for reform, practical ways to implement these reforms

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<sup>22</sup> According a survey conducted by *The Economist*, support for democratic government in Guatemala had fallen from 51 percent in 1995 to 33 percent in 2001. See "An Alarm Call for Latin America's Democrats," *The Economist*, July 28 2001.

have lagged. Until the land issue is fundamentally addressed, pragmatic initiatives for resolving land disputes and for encouraging micro-enterprise that have been instituted by the business community and by some of the indigenous communities should receive active support and encouragement from international donors. The provision of roads and electricity can also act as harbingers of change, in that they provide the basis for local capacity and initiative. Indeed, in the absence of consensus on other policies, both the Arzu and Portillo presidencies have continued to emphasize infrastructure projects. Renewed dialogues and consultations towards a fiscal pact should also create a sense of direction and momentum.

Despite the success of several dialogue processes in Guatemala, it is important for international donors to continue actively to support such dialogues at other levels of society, and, particularly, to use these dialogues as forums for building skills for peaceful dispute-resolution. Several Guatemalan leaders have proposed the creation of local analogues of SEPAZ, the national peace secretariat created to implement the accords, in all of Guatemala's districts. These mini-peace offices could combine informal dispute resolution and arbitration with human rights monitoring and community policing functions, relieving the over-stressed judicial system.<sup>23</sup>

Shortly after his election, President Portillo launched an initiative for developing

a national pact on governance. While this laudable initiative has subsequently stalled, its launch included a promising conference of national mayors and local civic leaders that aimed to bring governance down to the community level. The revival of this initiative should be encouraged.

An appropriate approach to the development and implementation of reform measures in Guatemala, supplementing and supporting existing institutions, should therefore involve the following two steps: first, instead of being conceived as large, composite packages like those subjected to referendum in 1999, reform measures should be undertaken as a series of discrete and specific steps; and, second, instead of attempting to design further national pacts, Guatemala's leaders should take a more decentralized and routine approach to dialogue. In this new approach, the objective would be to ensure that specific measures for providing specific goods such as education and credit to the population are developed with the participation of the affected communities. Dialogue should become institutionalized as a regular part of the policy-making process. This institutionalization could be achieved through several mechanisms—including the local analogues of SEPAZ. An important step would be for the plethora of Guatemalan civic groups to move from advocating broad issues and approaches to developing specific policies and bargains that directly benefit their constituencies. A second important step would be for these groups to constitute themselves into lobbying groups, to undertake the political bargaining so essential to democratic public policy formulation.

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<sup>23</sup> Promising models exist for this elsewhere. For a tiny fraction of its development budget, India has supported a very successful experiment called "panchayati raj" in village communities, where the reach of the formal legal system is often tenuous. Closer to Guatemala, the Organization of American States successfully promoted a similar experiment in community-level governance in post-war Nicaragua, combining human rights monitoring and dispute resolution functions.

*Social Justice*

The Guatemalan judicial system remains weak, politically partisan, and logically deprived. Political violence has been greatly reduced, but occasional political killings continue to take place with relative impunity.

In July 2000, a Guatemalan court issued warrants for the arrest of five members of the Guatemalan army accused of a massacre in 1982 in Petén province. Despite repeated threats against the judges involved, those arrested for the assassination of Bishop Gerardi were tried and convicted. These events notwithstanding, justice has eluded the thousands that were killed, or disappeared, at the hands of previous Guatemalan regimes. The work of the Historical Clarification Commission, while aimed at truth rather than justice, has had a considerable cathartic impact. Its report has been widely disseminated, and has received international attention. Despite this limited success, the overall situation in Guatemala is still fragile. The recent furore caused by a leaked plan to grant blanket military amnesty for all actions committed during the war is proof of lingering grievances.<sup>24</sup>

The international community has provided assistance in the training of a new national civilian police force. The results

have been uneven in terms of improving police effectiveness in basic law enforcement. The problem may be partly that policing has been conceived as a national function in Guatemala, rather than a community responsibility as in the US. While the national format may arguably suit smaller countries such as Guatemala, the weak national institutional context of the post-conflict environment also means that such police forces are vulnerable to corruption and political manipulation. A national format may need to be supplemented. The cohesion of rural communities presents many possibilities for instituting effective policing. Such policing could also be more participatory, and lead to greater public confidence in law enforcement. However nefarious their origins and purpose, the civil defense patrols created by the army in the 1980s point to possibilities, in a less repressive environment, for communities to manage their own security.

Further attempts in Guatemala to bring policing closer to the communities and increase popular confidence in law enforcement should take place in the context of local inter-sectoral dialogue. Once again, international organizations with community-level programs could widen the space for such dialogue to take place. In the same manner that community-level policing could support national police forces, local mechanisms could also support the formal judicial system. Such mechanisms might provide alternatives to fines and imprisonment as methods for punishing criminals. Focusing on rehabilitation, they could also become important forums for addressing disputes in a manner geared towards reconciliation.

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<sup>24</sup> One possible remedy could be for outsiders committed to the cause of human rights in Guatemala to work with all Guatemalan sectors to draw up a list of individuals implicated in crimes against humanity during the years of authoritarian rule. Other countries might then declare that, should they encounter these individuals on their territories, their visas would be revoked and they would be subject to trial on the principle of ‘universal jurisdiction’. While this would not ensure the arrest and trial of the individuals concerned, it might provide some solace for their victims.

## History of Conflict in Haiti

Haiti was the second independent nation in the Western hemisphere; it is also its poorest country. Uniquely, through two hundred years of independence, its economic product has slipped steadily downwards. Like Guatemala, Haiti historically has had an economy ruled by self-serving elites, who used regressive taxation to skim off rural production, rather than invest directly in commercial development. As in Guatemala this caused a chronic lack of investment, but permitted rural communities some autonomy.<sup>25</sup> The sixty-year post-independence trade embargo imposed by foreign powers on Haiti may also have contributed to this negative economic growth.<sup>26</sup>

While Guatemala eventually developed a coffee-based export economy, through directed investment and infrastructural growth, Haiti continued to be economically disaggregated. It was also deeply divided on socio-economic lines between a French-speaking mercantile elite, comprising both mulatto families and a black officer class, and the Creole-speaking peasantry. Rural labor was often indentured, and ranked below all other forms of service. Puppet leaders and a veneer of republicanism masked systemic inequality and periodic violent uprisings. Since the root of Haiti's plight is an extractive state that has never organized itself to lead or facilitate a productive enterprise,<sup>27</sup> contemporary Haiti's primary need is for political processes that can generate such leadership

and ameliorate continuing violent conflict over power and resources.

In 1915 increasing instability and political violence, and the desire to protect its financial interests, led to US intervention. The intervention's primary objective was to marketize the country's economy and create an outlet for US investment. US strategy in marketing the Haitian economy was ill-judged as the elite lacked sufficient incentive for change, the previously loose relationship between government and rural districts swung towards authoritarianism, and the peasantry, forced into work gangs to build roads, was stung to revolt. The army was transformed into a tool for internal repression, which mounted after the US departure in 1934. Basic infrastructure such as roads and communications was created and expanded; however, the larger objective of creating a market economy failed.

US military and economic projects also spawned a small, predominantly black, middle class whose views often clashed with those of the traditional elite. In the 1950s, this group generated a nationalist movement: Les Griots. Riding a wave of black nationalism, Francois Duvalier became President in 1957. Under Duvalier, Haiti's economy sank even further and social inequities deepened. After his death in 1971, Duvalier was succeeded by his son Jean-Claude Duvalier, who received nearly US \$400 million in humanitarian and development assistance. These programs had little impact on Haiti's poverty. Foreign donors then conceived a new economic strategy for Haiti, based on its strength as a cheap labor pool for assembling consumer goods, primarily for the US market. Flourishing assembly industries would act as an engine of wider economic growth.<sup>28</sup>

<sup>25</sup> Michel-Rolph Trouillot, *Haiti-State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990), pp. 49-50.

<sup>26</sup> Ibid., pp. 50-58, 64-69.

<sup>27</sup> Ibid., pp. 44-48.

<sup>28</sup> For arguments in support of an assembly manufacturing-led growth strategy for Haiti, see Clive

International assistance would then contribute towards creating state institutions that could guarantee a stable and free market for the assembly manufacturers, and towards providing infrastructure such as power plants and feeder roads for the assembly plants.

This development strategy failed.<sup>29</sup> First, since it was not founded on consensus among different sectors of Haitian society, it could not mobilize the majority of Haitians. Second, the Duvalier state, like its predecessors, lacked roots that reached into the economic life of the majority.<sup>30</sup> Third, Haitian elites who subcontracted and worked for the assembly manufacturers transferred all their earnings abroad and did not reinvest in Haiti to create a sustainable indigenous dynamic of savings, reinvestment, and new production.

This attempt to develop industry in Haiti also paralleled new attempts to marketize the rural economy that sent surplus rural labor streaming towards the cities. It was assumed that rural migrants would be absorbed by the new industries, but as these industries never fulfilled their potential, the unabsorbed migrants congregated in large slums, which grew throughout the 1970s and 1980s. Encountering the state that was

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Gray, "Alternative Models for Haiti's Economic Reconstruction," and Mats Lundahl, "The Haitian Dilemma Reexamined," in Robert Rotberg ed., *Haiti Renewed: Political and Economic Prospects*, (Washington, D.C.: Brookings Institution Press, 1997).

<sup>29</sup> Alex Dupuy, "Free Trade and Underdevelopment in Haiti: The World Bank/ USAID Agenda for Social Change in the post-Duvalier Era," in Hilbourne A. Watson ed., *The Caribbean in the Global Political Economy* (Boulder: Lynne Rienner), 1994.

<sup>30</sup> Robert Maguire et al., *Haiti Held Hostage: International Responses to the Quest for Nationhood, 1986 to 1996*, Thomas J. Watson Institute for International Studies and United Nations University: Occasional Paper #23, 1996, p. 8.

the historical root of their problems, the migrants turned angrily against it, generating political upheavals that continue today. Those remaining in rural areas continued to have little contact with the state and little access to services.

The failure of the development projects adopted by Haiti in the 1970s and 80s underlined the need for a strategy centered on the fullest possible political engagement between the state and its people, even if, economically, such a strategy made only partial, short-term sense.<sup>31</sup> Engagement might have prompted a more resilient political process, better able to deal with internal tensions generated by economic change. In fact, in the context of a failing state and economy, urban migration further disempowered the peasantry and splintered the Haitian polity.<sup>32</sup>

### The 1980s Crisis

In the early 1980s, a movement grew in both urban and rural areas, seeking the sometimes violent overthrow of the 'failed system'.<sup>33</sup> Liberation theology Catholics first led this movement, winning increased

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<sup>31</sup> A review article by Peter M. Lewis surveying several recent volumes that draw lessons from the experience of promoting development and economic reform in Africa points to the nature of governance in a society - the institutions of the state, the relations between these institutions and the people, and the social coalitions that engender these relations - as key variables in determining the path of economic reform. "Economic Reform and Political Transition in Africa: The Quest for a Politics of Development," *World Politics*, 49 (1996), pp. 92-129.

<sup>32</sup> According to Trouillot, "By ignoring the problems of the rural world and the relationship between it and the urban classes, the light industry strategy in the end complicated them." Trouillot, *Haiti-Nation Against State*, p. 210.

<sup>33</sup> Alex Dupuy, *Haiti in the New World Order: The Limits of the Democratic Revolution* (Boulder, Colorado: Westview Press, 1997), pp. 97-98.

support among the small but growing middle class. The state responded with violence. The US, which, as the Cold War thawed, found the anti-Communist credentials of the Duvalier dictatorship less persuasive, reacted to this violence by easing the exit of the Duvalier regime into exile in 1986. General Namphy then took control of the government. Then, in the four years following Jean-Claude Duvalier's departure, Haiti saw a succession of coups and ineffective governments as the elite sought to fend off the popular upsurge. Haiti's political process proved itself incapable of managing neither the economic development program of the 1980s nor the consequences of its failure.

A critical opportunity to generate the national consensus necessary for the parameters of a functioning state was lost in 1987, when a National Congress of Democratic Movements (CONACOM) representing Haitians of all stripes was convened to assist in drafting a post-Duvalier constitution. The Congress concluded with support for a new Constitution and for a Provisional Electoral Council to conduct the next elections, as well as a plan to keep the various sectors mobilized and coordinated in support of democracy. Unfortunately, regional and international actors largely chose to ignore the Congress and, possibly, a real chance to promote both a freer market as well as democracy in the country. They instead supported the promises of General Namphy that he would guarantee a stable democratic transition and hold fair elections. When those elections were eventually held, Namphy's thugs carried out a massacre at a polling station and the remaining elections were annulled. Violence ensued. The lack of strong external support for the Congress at a critical moment was a costly failure of preventive action.

The failed elections of 1987 were followed by rigged elections in 1988, which prompted the international community, with monitors from the UN, OAS, CARICOM and the US, to intervene to guarantee free and fair elections in 1990—the first of their kind in Haitian history.<sup>34</sup> A former World Bank official, Marc Bazin, headed a coalition of progressive parties and was viewed as a likely winner. Instead, to the elite's chagrin, he lost to the popular priest, Jean-Bertrand Aristide. Aristide proposed a popular upsurge or 'Lavalas'—literally "flood"—against corrupt governance. His promise of transformation attracted many bourgeois intellectuals and technocrats who had fled Haiti during the Duvalier regime. On his election, they acquired significant positions in the new government. More conventional politicians retained control of parliament.

The loose movement that coalesced under Aristide's leadership during this period under the "Lavalas" banner offered a comprehensive cross-section of pro-democracy trends in Haiti. It included venerable peasant movements such as the Hinche-based Mouvman Papaye de Paysan; the remnants of the 1987 CONACOM; some representatives of a still small, but growing and progressive, middle class; a wide range of human rights and pro-democracy organizations; and a host of discordant "popular organizations" constituted primarily of slum-based and unemployed migrants. Since the divergent elements comprising Lavalas were overshadowed by Aristide's fiery rhetoric and messianic persona, to which they

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<sup>34</sup> For an account of the international community's role in these elections, see David Malone, *Decision-Making in the UN Security Council: The Case of Haiti, 1990-1997* (Oxford: Clarendon Press, 1998), pp. 50-54.

deferred in order to win victory in the 1990 elections, Lavalas was viewed as monolithic by many in the international community. The primary political split in Haiti, and hence the basis for dialogue, was, unfortunately, perceived to be between Lavalas on the one hand, and a handful of small opposition parties representing the traditional elite on the other.

In the nine months of the first Aristide government in 1991, clashes between the parliament and the presidency were frequent, with street battles between government supporters and opponents. Many among Haiti's traditional elite interpreted Aristide's demands to uproot the old system as a call for their assassination. Technocrats in the Aristide government originated an economic plan that won the approval of international financial institutions.<sup>35</sup> The plan sought to streamline government, collect taxes efficiently, and redefine the role of the state as a net provider of services rather than a net extractor of value. However, the government failed to put this plan to public debate, thus foregoing the opportunity to build consensus around its key tenets. Instead, rowdy demonstrators called for compliance with the Lavalas agenda.<sup>36</sup> Fearing extinction, Haiti's elite and the armed forces allied with it responded with a coup in September, 1991.

The international community must bear some of the blame for not working adequately with the Haitian government to promote multi-sectoral ownership of non-violent reform during this period.

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<sup>35</sup> Donald E. Schulz and Gabriel Marcella, *Reconciling the Irreconcilable: The Troubled Outlook for US Policy Toward Haiti*, US Army War College: Strategic Studies Institute, March 10 1994, p. 12.

<sup>36</sup> Schulz and Marcella, pages 9-11.

### The 1991 Coup and the International Response

After taking power, the military regime embarked on campaign of systematic slaughter of Lavalas activists. This campaign, and the resulting outflow of refugees, prompted a concerted international response. The response of the two regional organizations of which Haiti is a member—the Organization of American States (OAS) and the Caribbean Community (CARICOM)—was especially vigorous, spurred both by the OAS' firm post-Cold War commitment to the consolidation of democracy in the Western Hemisphere<sup>37</sup> and the crucial role played by both organizations in facilitating and monitoring the election won by Aristide. The OAS rapidly suspended all aid to Haiti except humanitarian assistance. When the OAS delegation negotiating with the military regime was ordered to leave the country, the organization called on members to impose a trade embargo.

In Autumn 1992, the UN authorized a joint OAS/UN envoy to negotiate with the military government.<sup>38</sup> The coup leader,

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<sup>37</sup> The increasing vigor of the OAS' commitment to democracy was dramatic: in 1985, the Protocol of Cartagena de Indias incorporated democracy-promotion in the OAS charter; in 1989, the Organization began to observe elections in Member States when requested; in 1990, it created a "Unit for Promotion of Democracy" and launched additional programs to bolster democratization; in 1991, its General Assembly adopted a mechanism to respond when democratic order is interrupted in any Member State; and in 1992, it strengthened its several instruments for promoting democratic government in the Protocol of Washington.

<sup>38</sup> David Malone's authoritative and detailed work, *Decision-Making in the UN Security Council: The Case of Haiti, 1990-1997*, provides the best available account of the complexities of international decision-making on Haiti in the aftermath of the overthrow of President Aristide in 1991.

General Cedras, accepted a proposal to establish a joint OAS/UN civilian mission (MICIVIH) to monitor human rights in Haiti and agreed to work under the leadership of the OAS/UN Special Envoy toward reviving Haiti's fledgling democratic institutions.

Efforts to engage the Haitian military in dialogue with Aristide, however, made little overall progress. On June 16, 1993, the Security Council placed an oil and arms embargo upon Haiti. Cedras then indicated a willingness to negotiate. The resulting agreement, signed at Governors' Island in New York, committed Cedras to retire from government and allow Aristide's return to Haiti. In the interim, Aristide was to work with the Haitian parliament to restore the normal functioning of Haiti's institutions, while the UN was to provide a small peacekeeping force to help modernize the armed forces and assist in the creation of a new civilian police force.

Initial signs were promising, with the Haitian parliament ratifying Aristide's appointment of Robert Malval as prime minister and the Security Council lifting the embargo on Haiti and authorizing a United Nations Mission in Haiti (UNMIH). The promise quickly turned sour, however, when an UNMIH deployment was met by hostile demonstrations, prompting the withdrawal of the deployment and the flight of most members of the OAS/UN mission—MICIVIH—already in Haiti. The Security Council rapidly reimposed the arms and oil embargo and instituted a naval blockade.<sup>39</sup> On October 15, the Justice

Minister in the Malval cabinet was assassinated. By early 1994, the few remaining MICIVIH personnel reported an alarming increase in human rights violations. Facing intransigence from the military government, the Security Council imposed further sanctions, to which the regime responded by appointing a 'provisional' president, who formally expelled MICIVIH from the country in July 1994.

By 1994, the deteriorating situation in Haiti had loosed a surge of refugees on American shores, putting domestic pressure on the Clinton Administration. The upshot of resulting US activism was a UN Security Council resolution authorizing the formation of a US-led "multi-national force" (MNF) to facilitate the departure from Haiti of the military leadership and the restoration of the legitimate authorities.

In mid-September 1994, President Clinton finally declared all diplomatic measures exhausted and ordered the MNF to use force to remove the military regime. Faced with this impending invasion, the Cedras regime appealed for a last-minute intercession. After skillful negotiation by a distinguished American team, Haiti's military leaders agreed to resign subject to an amnesty from the Haitian parliament. As a result, the MNF was able to move into Haiti on September 19 without opposition.<sup>40</sup> President Aristide returned to Haiti on October 15, 1994.

In 1998, after three years of peacekeeping, the UN Security Council reduced the UN role in Haiti to supporting

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<sup>39</sup> The most comprehensive and critical analysis of these sanctions and their impact is offered by Elizabeth Gibbons in *Sanctions in Haiti: Human Rights and Democracy under Assault* (Washington D.C.: The CSIS Press, 1999). For another comprehensive review of the initial impact of these sanctions on Haiti, see *Sanctions in Haiti: Crisis in Humanitarian Action*, Harvard Center for Population and Development

Studies: Program on Human Security Working Paper Series, November 1993.

<sup>40</sup> A critical assessment of the role of the Multinational Force in dealing with insecurity in Haiti is provided in Bob Shachis, *The Immaculate Invasion* (New York: Penguin Books, 1999).

the further development of a civilian police force. In 2000 the OAS/UN human rights monitoring mission, and UN peacekeeping in Haiti ended. A new civilian mission, MICAH, commenced, with a mandate to assist Haiti in the areas of justice, security, and human rights.

Despite numerous criticisms, both the initial international response to Haiti's immediate crisis and the subsequent peacekeeping operations accomplished their key goals. Haiti's democratic government was restored and a civilian police force created to replace the repressive army, all without losing a single peacekeeper.<sup>41</sup>

The key deficiencies in the international response to Haiti that became manifest shortly thereafter were not in the conduct of the peacekeeping operation in Haiti, but in the international strategy for understanding and dealing with Haiti's long-term political impasse. When Aristide was restored, so was the deadlock that had characterized his previous government. Part of the package for his restoration should have been the institution of a comprehensive multi-sectoral dialogue, chaired by him as the President, but facilitated by Haitian civil society and observed by the international community, on key elements of political and economic reform. In the absence of such an effort, Haiti's weak political institutions remained deadlocked along class and factional lines. The international community did not apprehend that the real divisions in Haiti are not between political parties: the political process does not accurately or substantively

represent and embody the country's interest groups. There are no precedents or entities for facilitating gradual change through consensus; this was neither the focus of Aristide's rhetoric nor that of his opponents in the military and the oligarchy.

### Actors

#### *The Army*

The Haitian army led the country to independence, but then became part of the parasitic elite. When the US intervened in Haiti in the early twentieth century, it disbanded the old army, and created the more interventionist Garde Nationale d'Haiti, whose primary function was to control the rural labor force. After US withdrawal, the Garde Nationale became the Forces Armee d'Haiti, a still sharper tool for internal repression. While the FADH shared the Guatemalan army's ability to effect repression, it lacked its talent for productive organization and economic enterprise. President Aristide abolished this army in 1995. Its rank-and-file blended into the new Haitian National Police, or into private security firms. While there is little short-term prospect for a return of the army in its old form, the oligarchy, which it protected, remains aloof and disengaged from the Haitian polity. Initiatives to engage this elite with the rest of the country, or to break and marginalize the economic monopolies that have sustained it, are essential to further political and economic reform.

#### *Civilian Elites*

As long as they were assured of their monopolies and freedom from taxation, the few mercantile families that have traditionally dominated Haiti's economy have preferred to remain disengaged from

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<sup>41</sup> The successes of both MNF and UNMIH are detailed in David Bentley, "Operation Uphold Democracy: Military Support for Democracy in Haiti," Institute for National Strategic Studies, National Defense University: Strategic Forum, no. 78, June 1996.

daily politics and to manipulate the political leadership from behind the scenes. Through practices tantamount to racketeering, the state apparatus has continued to reap benefits for those in authority. The line between the private and public sector has been blurred, with both sectors often controlled by the same elements.<sup>42</sup> Even in contemporary Haiti, debates over privatization mask narrower factional disputes over control of a few state-owned enterprises. Corruption is rife, and the Haitian elite, deeply threatened by the discourse of reform, feels insufficiently secure to participate in dialogue on political change.

In the context of elite disengagement and intransigence, Aristide was catapulted to power in the 1990 elections not on the basis of a popular desire for the institutions and norms of democracy, but as the vanguard of a new regime that would transform the polity in a radical fashion. These expectations, reflected in Aristide's 'flood' rhetoric, contradicted the gradualist approach of both those members of the "Lavalas" alliance who belonged to the small but growing middle class and the few progressive elements among the traditional political and economic elite. The elected government of 1990-91, therefore, embodied a fundamental contradiction. It sought to address popular demands for overwhelming social and economic change through the forms and institutions of electoral democracy, which traditionally postdate such change and are ill-adapted to rapid and radical transformation. This contradiction was perpetuated in 1994 when Aristide was restored to power.

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<sup>42</sup> See Jean-Germain Gros, "Haiti's Flaggging Transition," Journal of Democracy, 8, 4 (October 1997), p. 104.

Haiti's small middle class remains apprehensive of runaway populism. Aristide won the popular vote in the parliamentary and presidential elections of 2000, but lacks the confidence of the business and middle classes, a minority whose entrepreneurial and managerial talent is essential for Haiti's economic revival. Elections are not the central issue; the underlying problem is the different social sectors' near total lack of confidence in each others' objectives and intentions.

A starting point for confidence-building would be to work towards consensus, with Haiti's small but increasingly active civil society as the intermediary, on a few pragmatic issues whereby the state can direct its limited resources and energies towards providing security and primary capital such as roads, education and micro-credit lending. The provision of such goods should benefit all classes and sectors, and allow for real growth in the Haitian economy. Discourse centered on such public goods may also allow for Haiti's national debates to move from the divisive discourse of wealth redistribution to that of more equitable opportunities for wealth creation.

### *The Rural Population*

While Haiti lacks an indigenous population like that of Guatemala, its rural population historically has been divorced from political life. It has also borne the brunt of Haiti's political and economic mismanagement. Lack of investment and reform in agriculture means that Haiti has never had a system for adjudicating disputes over land titles or for long-term efforts to conserve the soil. Little protection or incentive was provided to the peasantry to promote land development. The state has provided no services to enable farmers to capitalize on the phenomenon of voluntary

work-gangs or *konbite*,<sup>43</sup> which are convened by rural communities during times of particular stress. *Konbite*, while they may not have led to cooperative land ownership, augured well for cooperative investing, marketing and even profit-sharing, and might helpfully have been fostered by the state as a means to rural development.

The absence of agricultural investment, combined with shrinking land holdings, environmental degradation, and elite parasitism had created a crisis already at the beginning of the twentieth century whereby the state competed with its own people for scarce resources. This crisis continues unabated today, and is primarily evidenced by the fact that between one and two out of every seven Haitians lives abroad. Vast swathes of Haiti have been de-populated, with the former peasants living in urban slums. However, appropriately targeted credit, the conversion of informal holdings to formal titles, and other international and national efforts aimed at the rural population have led peasants in parts of the country both to revive and expand market production. International donors are encouraging cooperative farming in order to eliminate the inefficiencies of scale generated by smallholder farming.

### *The International Community*

Having responded primarily to the military coup in 1991, first by sanctioning the rulers and then through military intervention, the international community has subsequently invested heavily in the reform of the Haitian security sector. The primary outcome of this investment—provided mainly by the UN,

and by key bilateral actors such as Canada, the United States and France—has been the Haitian National Police (HNP), whose performance so far has been uneven. During a political crisis in early 1999, the police did remain neutral and maintained public order. Subsequently, however, protracted political deadlock and the ensuing suspension of international aid have badly affected the police force. Some officers have become involved in drug traffic as Haiti has become the favorite transshipment point for Colombian traffickers, handling 18% of all drugs entering the US. Drug-related corruption extends through all levels of government and drug-funded construction has become the capital's predominant economic activity.

The dismantling of the old army and absence of widespread civil conflict represent progress. However, the lack of effective government has created the threat of runaway criminal and drug-related violence. The considerable economic and infrastructure-related assistance provided by the international community since 1994 has done little to ameliorate this situation and the window of opportunity it created is closing fast.

The international community—led by the European Union and the United States in this instance—has provided some assistance for building democratic practices into Haiti's nascent institutions. Political parties as well as parliamentarians have received training programs targeted at building their understanding of democratic political processes. Civic education programs targeted at inculcating democratic civic virtues have also been launched among the population-at-large. These tutelary approaches, however, have had little lasting impact. The population demands the radical redress of its more immediate plight and sees little gain from

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<sup>43</sup> *Haiti--Building Democracy*, Catholic Institute for International Relations: "Comment," February 1996, page 23.

gradual democratization, while the political elite focuses on maintaining control of the limited state institutions.

Recently, the Organization of American States has resumed, through its Secretary-General Cesar Gaviria, its political role in the country, whereby it has been attempting to mediate between Aristide, who was re-elected president in 2000 in controversial elections, boycotted by the opposition, and an umbrella grouping of opposition parties. However, these and other international attempts at mediation, while laudable and partly successful, have rarely sought to engage the full spectrum of Haitian society with a view to challenging the primary political protagonists and holding them accountable for their words and actions. To the extent that all political actors in Haiti make their claims on behalf of the Haitian population, the Haitian people, rather than the international community, may be best placed to interrogate and regulate their conduct.

## **Outcomes: Elections and Reform Initiatives**

Haiti's 1987 constitution bars two consecutive presidential terms. Hence, in accordance with his promise at Governors' Island to assist in building Haiti's frail institutions, Aristide agreed to step down as President at the end of his first term in 1996. His supporters, however, argued that since he had spent most of this term in exile, he should be allowed a second term. The international community informally backed the constitutional position. It helped to finance and monitor the presidential elections in 1995 that led Rene Preval to

succeed Aristide as president, and has assisted with subsequent national and local elections. While the peaceful, democratic transfer of power from Aristide to Preval through elections was a historic accomplishment, as the first of its kind in the country's history, Haitian institutions subsequently became deadlocked.

The governments of both Aristide and Preval had agreed to implement the economic plan first conceived at the beginning of the Aristide presidency, with the support of international financial institutions, in 1991. Key elements of this plan were a restructuring and privatization of the small and corrupt public sector and a series of other economic reforms designed to boost the confidence of both Haitian and international entrepreneurs. Aristide argued that this reform package would only benefit a small elite and cause great suffering to the majority of the population. His opposition to this plan from mid-1995 onwards halted key components of the reform process. Neither Aristide nor his newly formed La Fanmi Lavalas party sought to promote a multi-sectoral dialogue on an alternative path to economic reform that could have addressed what might have been genuine concerns regarding the stringent demands made by international financial institutions. The pre-coup "Lavalas" movement had, by contrast, displayed a talent for generating creative solutions and compromises through dialogue. A key difference was that many talented negotiators and functionaries in the "Lavalas" movement had grown disillusioned with Aristide's assumption of a messianic persona and had either formed splinter parties, or moved into the private or non-profit sectors, leaving Haiti altogether.

**Figure 2: Successes and Setbacks in Haiti's Attempts to Build Lasting Peace**

Successes	Setbacks
Restoration of democracy in 1994. First ever democratic changeover of presidency in Haiti's history in 1996.	Failure on the part of the political elite to reach consensus on the overall form or purpose of Haiti's democracy. Continued political deadlock.
Creation of a new civilian police force, the Haitian National Police. The first time in the country's history that uniformed authority had been neutral.	Continued institutional weakness of the police. Failure to check growing political interference in police work, and inability of police to control rising crime, including drug-related offences.
Emergence of autonomous civil society—unions, peasant organizations, human rights groups, and trade and professional associations.	Reluctance on part of elite to allow civil society to play autonomous role.
More proactive role by elements of traditional elites—Catholic and Protestant church hierarchies, Chamber of Commerce—in supporting the development of democratic political culture.	Electoral disputes, and worsening of the political deadlock, in the parliamentary and presidential elections of 2000.
Rise in numbers of international and domestic efforts to make economic assets available to the peasantry and the informal sector, i.e. the largest section of the Haitian population. Greater investment by Haitian diaspora in Haiti in aftermath of restoration of democracy.	Virtual absence of foreign investment in Haiti due to continued political instability and high crime rates. Inability of political system to absorb and use bilateral and multilateral foreign investment.

Complicating the stand-off over economic reform was a dispute over the legislative and municipal elections of April 6, 1997. The electoral process was halted before the second round of voting.<sup>44</sup> In June 1997,

Prime Minister Rosny Smarth resigned in frustration over the ensuing deadlock, further paralyzing the government.<sup>45</sup> Successive

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suspends election aid in Haiti," Associated Press, August 22, 1997.

<sup>45</sup> An interesting explanation for disputes among current Haitian politicians, many of whom supported Aristide at one point, has been offered by Andrew Reding, who suggests that Haiti's winner-take-all electoral system, as opposed to the kind of proportional representation system that prevails in South Africa, is

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<sup>44</sup> On August 19, 1997, the United Nations suspended electoral assistance to Haiti until the Provisional Electoral Council could establish that it was capable of holding a free and fair elections. Michael Norton, "UN

attempts to appoint a Prime Minister foundered over differences between the two major factions into which Lavalas legislators in parliament had divided over Aristide's policies and persona—the anti-Aristide Organization of People in Struggle (OPL) and the pro-Aristide La Fanmi Lavalas. In March 1999, after concerted facilitation efforts by international mediators and some civic organizations, certain opposition parties reached an informal accord with the President for appointing an interim prime minister and a new Electoral Council, and for holding new legislative elections. The costly consequence of this political wrangling was to delay large amounts of international development assistance. The deadlock also caused an almost complete dissipation of the popular energies and enthusiasm generated by the democracy movement of the late 1980s. Despite international peacebuilding efforts, the Haitian political process thus appeared largely incapable of preventively addressing issues and tensions before they led to violence.

In May and June 2000, legislative and municipal elections were finally held to break this deadlock. In the first round between 55-60% of the electorate voted, the majority for La Fanmi Lavalas, perhaps in the hope that having the presidency and parliament under the same party would break the political deadlock. A dispute quickly arose over electoral procedure. International observers demanded a recount for certain seats in the Senate before second round voting. The Haitian government refused, saying that it could not control the decisions of the Provisional Electoral Council. The latter defended its vote-count formula, saying that it had improvised under highly

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putting heavy stress on a nascent democracy.  
"Exorcising Haiti's Ghosts," *World Policy Journal*,  
Spring 1996, p. 21.

imperfect circumstances. Controversy grew with the flight to the US of the Council's chairman, who claimed that his life had been threatened. When the Haitian government decided to proceed with the second round of voting without recounting the first round, the OAS withdrew its observer mission. Shortly thereafter, the US suspended assistance to the country's police force. The opposition parties declared the onset of authoritarianism.

After several failed attempts by the international community to resolve the issue of the vote count in a manner that both La Fanmi Lavalas and the opposition parties would find satisfactory, the Haitian government proceeded to conduct the presidential election in November 2000, despite international reservations. All opposition parties boycotted the election, and, as the same flawed Provisional Electoral Council conducted it, the international community did not recognize its results. Haiti's donors declared that they were suspending all official aid to the country until a solution to the political impasse had been found that was acceptable to all parties involved, and that future aid would be disbursed through NGOs.

This cyclical dynamic of Haitian obstinacy and international reaction could have been arrested at a much earlier stage, when political deadlock first ensued in 1996-97, through a more creative application of international facilitation efforts to encourage Haitian civil society, particularly the Catholic and Protestant Churches, to play a more active role in bridging political divides. Instead, international mediators undertook informal efforts to negotiate between Aristide and the primary breakaway "Lavalas" faction, the OPL, and left aside both other political actors and key elements of civil society. These mediation efforts did

not yield significant or quick results, and often left all parties pointing at external actors as unnecessarily meddlesome in Haitian affairs.

### Prospects

#### *Peace*

While initial efforts by the new Haitian National Police to maintain law-and-order were relatively successful, Haiti has recently experienced a surge in decentralized social violence. Disputes over land and property have increasingly been resolved, in the absence of a functioning judiciary, through violence. In an effort to build non-violent dispute resolution skills, the government's land reform agency, INARA, has tried to incorporate informal arbitration in its programs, with modest results. Jacques-Edouard Alexis, until recently the prime minister of Haiti, has expressed his interest in a national conflict resolution program to develop appropriate skills among the leadership. Civil society organizations of all stripes have joined a growing chorus for administrative and political decentralization, so that the endless deadlocks among the elite in Port-au-Prince do not stymie creative energies at the community level.

#### *Democratization*

The best long-term prospects for democratization in Haiti may lie with civil society. For instance, the informal 1999 accord that paved the way for elections in 2000, and which also produced an interim government with ministers drawn from both La Fanmi Lavalas and opposition camps, arose partly from small-scale efforts towards multi-sectoral dialogue supported by the International Peace Academy. This dialogue also assisted in the formation of an autonomous civil society group, the National

Council for Electoral Observation, which successfully promoted voter education before the parliamentary elections in 2000, and then performed credibly its primary function of electoral observation. It also convened La Fanmi Lavalas and its opponents in informal meetings prior to the elections to obtain guarantees from all sides to ensure a peaceful electoral process. Given the overall level of political tension, the elections were remarkably free of violence. Subsequently, this dialogue also yielded the Civil Society Initiative, which facilitated negotiations to end the deadlock between Aristide and the opposition in January 2001 and which, for the first time, involved both the mainstream Catholic and Protestant Churches in a joint facilitation role. While these negotiations became deadlocked (with some opposition politicians misreading the advent of Republican administration in the US as portending the imminent demise of the Aristide government), civil society groups were able to ensure that when they did restart, the protagonists resumed discussions from their last known positions rather than reinventing the game all over again. Members of the Initiative have shuttled, with modest success, not just between politicians of various stripes, but also between the Aristide camp and key sectors such as business and the middle class. As a result, Aristide is now backing, for instance, key private sector initiatives to marketize the informal economy. Members of the Initiative have also started, with backing from the European Union, a number of multi-sectoral policy dialogues aimed at generating concrete proposals for government action.

Another hopeful sign is the continued resilience of some long-standing grassroots organizations, which provided the original backbone for the "Lavalas" movement. These include the Mouvman Papaye Paysan, Haiti's oldest peasant movement, and the

Assembly of Popular Organization Power (PROP) that had first organized slum-dwellers into a political force on behalf of Aristide. These groups have begun to develop issue-specific agendas, critical of the policies of La Fanmi Lavalas. Church movements are also reconfiguring their political alignments. A growing evangelical movement, which subscribes to populist right-of-center values similar to those held by their Guatemalan counterparts, has begun to challenge both the political establishment and the Catholic Church. The Catholic Church's Commission for Justice and Peace, one of the strongest defenders of human rights in Haiti and long a standard-bearer for "Lavalas," has begun to take an increasingly independent stance against human rights violations by all sides. Although the industrial and professional sectors remain small, unions such as the National Federation of Haitian Educators (CNEH) and the Organization of Haitian Industrial Workers (OGITH) have begun to take more consistent and independent positions on key issues. This political activity augurs well for wider democratic participation and representation.

Focused discussion on ways to achieve pragmatic compromises between different sectors is necessary to develop and implement a process of economic and political reform. Several steps can be taken to promote this. The policy dialogues developed by the Civil Society Initiative may assist political discourse in moving beyond grievances to an articulation of concrete policy differences and options. They may also serve to build trust and confidence between the various sectors. Haiti clearly demonstrates that, in an atmosphere of fear and recrimination, inter-sectoral relations must improve before elections or other trappings of democratic governance can be devised, or else electoral or other democratic

outcomes will not win the support of those sectors that feel threatened. This does not imply that newly democratic governments should not be launched through electoral means. Elections, however, are only one element in a wider process to alter inter-sectoral relations and create genuine participation.

Haiti, like Guatemala, faces a crisis of "social patience"; belief in democracy as a desirable form of government is wearing thin. The government has proved unable to undertake a substantive plan for reform. In the meantime, localized schemes have helped to bring parts of the country's sizeable informal economy into the economic mainstream, by giving informal entrepreneurs titles to their assets and registering them so that they are eligible for assistance, such as small loans and credit, on easy terms. Prominent examples include a plan developed jointly by the Aristide government and by the Center for Free Enterprise and Democracy with the assistance of economist Hernando de Soto to formalize informal property holdings, and the significant expansion of its loan portfolio by one of the country's largest commercial banks, Sogebank, to include micro-entrepreneurs.<sup>46</sup> These experiments suggest that, in the short term, the answer to the problem of 'social patience' may lie less in complex macro-economic policy at the national level than in harnessing economic energies at the local level. Economic purists may argue that this is an inefficient, small-scale approach to poverty reduction – but micro-entrepreneurialism has proven to be a workable approach to long-term growth, and

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<sup>46</sup> The bank, which currently has as clients 700 street-side sellers of a variety of goods, plans to raise its roster to 10,000 by 2002, a sign of the commercial success of this program. See David Gonzalez, "Port-au-Prince Journal: A Haitian Bank Takes to the Streets," *New York Times*, April 17 2001.

may be a more realistic option in a post-conflict economy than schemes for attracting large industry. Haiti could also benefit from encouraging rural cooperative commercial enterprises.

Widespread dispersal of economic skills provides only a partial solution to the profound problem of the national leadership's failure to serve national over parochial or personal interests. Recently, members of the Civil Society Initiative have proposed the establishment of a Center for Democratic Pluralism with international support. The center could assist politicians and political parties in acquiring and deploying some of the basic tools of democratic political discourse, including coalition building and cooperative drafting of legislation.

In Haiti, as in Guatemala, alternative forms of political participation that aid the process of institution-building are needed until the formal institutions acquire the desired capacity. These alternative forms of participation can be generated within the context of existing policies. For instance, the implementation of specific international initiatives to address the problems of development and the environment in Haiti could be accompanied by broad-based dialogues among the sectors most likely to be affected by them.<sup>47</sup> A process of identifying common gains and of mutual guarantees could be a very powerful tool for building lasting interaction. Such interaction could eventually form the basis for consensual national frameworks for social and economic action. Several international

projects of this kind have recently unfolded. A USAID project in Fond Jean-Noel, has constituted a federation of 18,000 farmers into 25 cooperatives to grow and directly market Haitian Bleu coffee for export to US markets, a scheme which has fostered both enterprise and environmental conservation.

### *Social Justice*

In early 1999, the UN Secretary-General reported to the Security Council that the Haitian National Police developed under MINUVE and UN auspices had, despite tremendous odds, displayed a satisfactory level of competence in maintaining public order at a time of great political stress and continued to be led by highly capable civil servants with a reputation for integrity. However, political factions now increasingly see the police as an important tool in fighting their opponents. Partisan behavior by the police, often under political pressure, has grown. In the aftermath of the first round of parliamentary elections in 2000, a number of opposition candidates were arrested on dubious charges of fomenting political violence. After local and international protest, they were released. The continuing high crime rates and increasing politicization of the police have undermined confidence in the possibility of a democratic and neutral state that is able to provide all sectors with basic security. As a result, the popular yearning for a return to stronger, possibly authoritarian, government has grown.

In an effort to reduce police corruption and bring policing closer to the communities, a number of hemispheric states, particularly Canada, have sought to institute community policing practices. However, tense social and inter-sectoral relations, land disputes, and vigilantism hamper the potential for such policing.

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<sup>47</sup> Some USAID projects in recent years had begun to show a laudable trend towards more participatory project implementation in Haiti. See Mimi Whitfield, "Clean water, garbage pickup slated for Cite Soleil slum," *The Miami Herald* November 3, 1997.

Haiti's inept and insufficient judicial system compounds failures of the rule of law. One idea for improving the system involves traveling courts, whereby judges and clerks spend a day in a locality dealing with disputes before moving on to the next district.

Perhaps the greatest threat to law and order remains the increasing use of Haiti as a transshipment point by drug traffickers for drugs flowing from Colombia to the US. The narco-economy provides both a disincentive to legitimate state activity and an incentive to illegitimate activity – supporting a web of civic corruption.

Given the overall dereliction of the Haitian state and the political system, and also the international consensus on withholding official aid until the political impasse is broken, the only short-term solutions to controlling the problem lie among Haiti's neighbors. One possibility is to engage private professional security firms from among Haiti's neighbors to perform interdiction duties immediately outside Haiti's territorial waters. Another, less politically cumbersome, proposal might be to make an exception to the general policy of withholding official assistance by training and resourcing Haiti's small customs force, which has reputedly performed heroically in daunting circumstances.

Political violence has caused some of Haiti's most promising talent to flee the country. Some have suggested creating a special security force, drawn from the police, for protecting senior government officials, leaders of political parties, and other high-profile political personalities. However, this carries the risk of becoming a 'praetorian guard'. One short-term tactic for combating political impunity could be the revival of a domestic version of the type of human rights

monitoring and observation carried out by international groups, including MICIVIH, in the early 1990s. Representatives of civic organizations could accompany personalities considered at particular risk because of their views or political affiliation, as a deterrent to attack.

Both Guatemala and Haiti saw the formation of post-conflict truth commissions to establish the truth about political crimes during the period of violence, and to enable national catharsis. In contrast to the highly visible work of Guatemala's truth commission, however, the work of Haiti's truth commission has already dropped out of sight. Its report was neither as widely disseminated as the Guatemalan report, nor did it receive the same degree of international attention. Many Haitians saw it as window-dressing to enable those who had committed crimes to slip out of the country. Importantly, while the Guatemalan commission arose out of a peace process based on dialogue, the Haitian commission was created and completed its work after little consultation with victims.

### *Conclusions and Policy Recommendations*

One of the key differences between the Haitian and Guatemalan post-conflict democratization efforts is the extent to which the latter was rooted in broad-based consensus. Haitian attempts to create consensus and dialogue during the similar period—from the mid-1980s to mid-1990s—were brief and abortive. This difference is best illustrated by the responses to the two countries' constitutions, Guatemala's enacted in 1984, and Haiti's in 1987. The Guatemalan constitution has proved a durable and respected framework for political and economic change. The Haitian constitution has been observed

mostly in the breach. There could be several reasons for this difference. Both constitutions resulted from national dialogues and international pressure on the ruling military elite. The Guatemalan constitution, however, was prepared by an elected Assembly; the Haitian body was appointed. Whether this was a critical difference or not may be difficult to tell. Both drafting bodies were considered to be balanced and autonomous. One possibly significant factor is that the Guatemalan ruling elite participated, both implicitly and explicitly, in the dialogue on the Constitution. The Haitian elite, on the other hand, watched the process with disdain. In addition, the Haitian constitution was prepared in reaction to the Duvalier dictatorship, and also in opposition to its military successors, whereas the Guatemalan dialogue was seen as being one of all sectors, including the representatives of the military and the oligarchy. Another, possibly key, difference was that while the Guatemalan constitution retained a strong executive, the Haitian constitution, based almost entirely on the rejection of Duvalierism, hobbled the executive to the point where national politics became a series of ever more complex and nuanced deadlocks between the elected president and the parliament, with the years of the coup from 1991-94 providing the only, violent, interregnum.

Another difference between the Guatemalan and Haitian situation is illustrated by the 1990 Agreement to Resolve the Conflict Through Political Means, signed by the Government of Guatemala and URNG in Oslo. The dialogue leading to this Agreement provides an interesting counterpoint with Haitian negotiation, where repeated political deadlocks in recent years were not resolved despite months of urging by the international community. In private, Haitian leaders often expressed their lack of

knowledge of basic principles and techniques of negotiation and compromise. In contrast, the Guatemalan peace process, particularly the 1990 Agreement, clearly demonstrated both. Several factors might explain the greater Guatemalan facility for constructive negotiation. Certainly, far greater advice and assistance on negotiation technique was provided by the international NGO sector to Guatemala than to Haiti. In Haiti, NGOs either supported the “Lavalas” rhetoric against all other sectors in the country, or developed a considerable vested interest, and hence sacrificed their ability for facilitation, in acting as the primary conduits for international humanitarian assistance during the country’s years of upheaval.

The international community played a carefully thought through and strategically appropriate facilitation role in Guatemala. In Haiti its role varied between forceful intervention and benign neglect, not just in response to the 1991 coup, but in its dealings with Aristide and his predecessors. If Guatemala’s democratization process had paralleled Haiti’s in being enacted through international pressure on formal political institutions alone, it is possible that, as in Haiti, it would only have replicated intractable inter-sectoral divisions.

Finally, throughout their history, many Haitians had either avoided the state—*marronage*—or encountered it only through violence. While some Guatemalans had a similar experience, informal historical compacts between the indigenous population and the state had also generated cultural precedents of compromise and accommodation. The reaction to the 1993 *autogolpe*, which brought all Guatemalan sectors together, reaffirmed the national commitment to democracy in the context of ongoing local dialogues, and provided

momentum to overcome subsequent deadlocks.

These differences demonstrate that there must be change at the level of inter-sectoral relations before the formal processes of democracy can be stabilized. The mere existence of such processes does not guarantee the success of democracy. Such a change in inter-sectoral relations can be brought about by means of dialogue, as happened in Guatemala and as is being proposed by some for Haiti, or it can be externally enforced, as is the case in Bosnia-Herzegovina. However, without this change, the results of elections and other apparently democratic outcomes will not enjoy legitimacy with those sectors that feel threatened.

The Haiti and Guatemala cases provide some specific pointers towards how the international community can foster appropriate inter-sectoral relations in a society in order to stabilize the formal processes of democracy:

- First, while the primary political factions clearly need to be an important focus of efforts to build and sustain peace in any society, they cannot be the only focus. Work with political actors must be embedded in a broader process of dialogue and consultation with representatives of different social sectors, to generate a consensus on policy parameters that can withstand the calculations and oscillations of primary factions.
- Second, no post-conflict society can deliver immediately on the high expectations that its members may have of the peace process and its results. As attempts are made to stabilize the situation, crises of “social patience” may disrupt the fragile peace. In this context, in addition to ensuring that the most elementary needs of the war-affected population are satisfied, local and international authorities should ensure maximum participation by civic and community representatives in the development and implementation of initiatives designed for their benefit. This participation will not only engender a sense of forward momentum and hope, partially alleviating the crisis of “social patience,” but also create a sounder basis for democracy by encouraging local organization centered on such participation.
- Third, the rule of law, and the availability of security and justice for the common person, are clearly important determinants of the degree to which democracy can emerge and be stabilized in a post-conflict situation. Should wartime political factions continue to dominate the political discourse through fear and impunity, then politics will be deadlocked along the lines of their often contradictory interests. The emergence of other voices, however, will open new spaces for compromise. Hence, the establishment of the rule of law, including interim efforts such as community policing and alternate dispute resolution, should be a top priority for international and local actors.
- Fourth, in a post-conflict situation the type of economic strategy that may support the emergence of viable local political processes may not coincide with conventional understandings of sound strategies. The demands of fiscal discipline,

- and rapid inflows and outflows of capital, may generate stresses and competition of the type that immature political systems are unable to handle. On the other hand, development schemes that are not initially capital intensive but centered on providing the simple means (title, credit, etc.) through which common persons can engage in entrepreneurial activity may generate greater longer-term wherewithal for political stability. Persons engaged in sound productive activity may be less susceptible to the short-term blandishments of various factions.
- Fifth, international efforts should take into account the possibility of significant variation between local and international understandings of the factors that may lead to sustainable peace, both before and after conflict. If local understandings have emerged through open and participatory processes (as has happened on several occasions during recent years in both Haiti and Guatemala), or reflect agreement between key sectors, then they should be honored, even if they differ from preferred international courses of action. Only through a genuine process of interaction and learning will the key local actors internalize and own the elements of democratic participation.
  - Sixth, the ideological polarization generated by extended periods of conflict can significantly erode the ability of key actors in a society to bargain concretely around specific policy issues. Great emphasis should be placed on reviving or strengthening this ability.

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