CASE STUDY OF IDRC-SUPPORTED RESEARCH ON SECURITY SECTOR REFORM IN GUATEMALA

On behalf of the:
Peace, Conflict and Development Program

(With specific reference to projects:
RP101067,RP101471,RP102608)

Final Report

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TABLE OF CONTENTS

1. EXECUTIVE SUMMARY

This evaluation study develops a key framing question out of a review of academic and policy literature on security sector reform as a post Cold War agenda of many multilateral and bilateral agencies. That question is:

"The weak point of the global security sector reform initiatives is local embeddedness, effectiveness and sustainabilty. How have these deficits been addressed in the Guatemalan case and what contribution has IDRC sponsored research made?"

The study uses IDRC's commissioned paper (Lindquist, 2001) on *Discerning Policy Influence:Framework for a Strategic Evaluation of IDRC-Supported Research* to develop an approach to assessing how IDRC-supported research has contributed to policy influence in the SSR process in the Guatemalan context. It notes the long term character of policy change particularly in 'emergent' decision making arena such as Guatemala and the need to constantly look for and revise *intermediary goals* rather than expect completed circuits.It makes two additions to Lindquist's approach:

- The problem of weak State contexts (such as Guatemala), where coercive power often resides outside formal State structures. In such contexts increased capacity amongst civil society organisations in security sector and justice reform policy formation does not necessarily translate into implementation possibilities.
- Weak state structures are often mirrored by fragmented, often deeply divided and even polarised social structures.

This presents a double challenge. On the one hand the institutional capacity of the State needs to be strengthened at the same time as policy frameworks are challenged and influenced. On the other, societal capacity to influence the State must be strengthened without concentrating such capacity in just a few organisations. Research must, in other words, influence policy **and** practice, policy makers and the wider society. It must co-construct norms and values in the society around which social actors at all levels can press for change. In Guatemala, 'society' is multi-ethnic and complex, with deep social and territorial cleavages in a context of extreme poverty for the majority ethnic groups. SSR is both distinct from but at the same time deeply connected to broad state and nation building tasks.

Pressure from the international community and its support for Guatemalan civil society organisations has been essential for the limited reforms which have occurred in the security sector in Guatemala. But the capacity to progress further requires greater local appropriation of the reform agenda. Significant strides in that direction took place paradoxically as the Guatemalan state was further weakened by the corrupt Portillo administration of 1999.IDRC supported the POLSEDE process which helped to conceptually clarify an alternative vision of 'security' and opened up a space for civil society –State dialogues.There are indicators that a policy community around security sector and judicial reform issues is now emergent in the country, with considerable research and policy formulation capacity, despite differences in values and tactics. This policy community has enhanced the quality of debate, acted as an important source of counter discourses to the State and created a civil society infrastructure in this policy arena with good sustainability prospects unless State repression resumes.

This policy community, however, is much weaker in its connections with the wider society and the world of practice rather than policy. Its outputs tend to be lengthy books, reports, conferences and media coverage, and often lacks reflection on appropriate forms of communication with different audiences within and outside the State. In particular, the emergent policy community needs to develop new forms of connecting with the indigenous majority of Guatemala, to be more sensitive about the dissemination strategies it uses in order to reach non literate populations and to consider its rural as well as urban outreach. Donors such as IDRC could provide incentives for these changes by reconsidering the kind of outputs they expect from research. Books and long reports are only one means of influencing debate and policy and in the context of Guatemala can be quite limited. Turning research into policy and practice in contexts such as Guatemala needs new, creative and appropriate mechanisms. Research methodologies which involve people in the co-production of knowledge can be both ethically positive and contribute to a more inclusionary policy community. Where the political will for serious change is lacking, research must widen its net of influence and impact, building up capacity within society as well as the State in order to make the strengthen implementation prospects.

2. TERMS OF REFERENCE

The aims of this consultancy are:

- To help IDRC **take stock** of research it has supported into the area of Security Sector Reform in Guatemala since 1999 in terms of

  - ➢ **Results achieved in influencing dialogue and policy discussions or actual policy making processes** on issues of SSR or actual policy making processes on issues of SSR in Guatemala
  - ➢ Gaining insights into **if/how IDRC has helped to build or support research capacity for influencing policy or democratic auditing capacities** in SSR

  Together, the above are intended to provide IDRC with a more nuanced understanding of **the particular challenges and requirements** for carrying out research in this area

- To better understand current trends in the field of SSR in Guatemala, specifically in terms **of relevant policy developments since the project was completed**

- To use two projects in Guatemala (RP101067 Analysis of the Security and Defense Budget, and RP 101471/102608 Judicial Observatory Phases 1 and 2) as a central focus of the study

3. METHODOLOGY

Ten days were allocated to field interviews, and this is a limited time to cover the spectrum of security sector actors and reform-related capacities in Guatemala today. The field work was composed of an intense round of interviews and some participant observation and informal conversations with key state and non state actors. It does not represent an in-depth study. However, additional depth is provided by the author's prior and ongoing work around peace-building challenges in Guatemala (including an ongoing detailed regional case study of peacebuilding in Huehuetenango, originally funded by IDRC in 1999) and elsewhere in Latin America. This enables this focused study on SSR to take into account the broader intentions of the Peace, Conflict and Development (PCD) Programme of the IDRC and the need to understand how PCD-supported projects can be the 'means through which, state, non-state and extra-state actors can engage with each other in informed debates….**and contribute to the building of domestic ownership of peace processes**, and to civil society's ability to socially audit and hold accountable state and international peacebuilding actors' (my highlight)[1]. The methodological tools on which this study are based are outlined below:

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[1] PCD Prospectus, p. 20, quoted in TOR p.1. The author's work on peacebuilding in the Central American region has been particularly focused on the relationship between the external and local

1. The IDRC commissioned paper (2001): Evert A.Lindquist, *Discerning Policy Influence:Framework for a Strategic Evaluation of IDRC-Supported Research* was used to help construct the conceptual framework. The insights in this paper together with a range of academic and policy papers on SSR at the international level were applied to the contextual specificities of public policy construction in Guatemala.
2. A questionnaire incorporating the three key areas outlined in Annex 1 of the terms of reference. This was sent in advance to the two projects and was used as the basis for interviews with project partners[2].
3. Primary literature provided to the consultant prior to field trip (mainly project history documentation)
4. Newspaper cuttings which were collected for the duration of the field trip and provide a field visit context. August 2005 was a key month for various issues around SSR
5. Secondary literature provided by the two projects and by organisations visited during the field visit
6. Interviews with a range of governmental and non-governmental actors involved in SSR, selected by the project partners in discussion with Colleen Duggen, and supplemented during the visit by the field researcher. A list is provided in Annex 2. And below a matrix is provided of those interviewed according to their role in the State or 'civil society'.Interviews with multilateral agencies, academic observers and informal conversations, were added as far as time allowed. All interviews were taped, except when this was too sensitive for the interviewees[3]
7. Field visits to the new Centre for Regional Justice in Quetzaltenango and to Huehuetenango
8. Participant observation experience with law students in the Universities of San Carlos and Rafael Landivar, Quetzaltenango; and on a patrol with the police of Quetzaltenango
9. The parallel case study by Sam Amoo of IDRC supported research on Africa. (In Annex 4 I comment on some potential learning for Guatemala from that study).

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dimensions of the process, and the question of 'local appropriation' is one of the underlying normative principles, which the author has taken towards this study, for reasons of sustainability and effectiveness as well as desirability. See Pearce (1998, 1999, 2001,

[2] This did not turn out to be a very effective instrument. One of the key figures in the ICCPG project was away prior to the field study visit and had not accessed email. The interview timetable made it difficult to invest the time in systematically using the questionnaire, and in the end the researcher has filled in most of the questions based on the interviews.

[3] This was only the case with the members of the internal police disciplinary officers.

STATE ACTORS	CIVIL SOCIETY ORGANISATIONS			INTERSECTORAL ORGS.(State-CSO)	MULTI-LATERAL ORGS.	ACADEMICS
	Non Governmental Organisations	Social Movements	CSO alliances/ networks			
Departamento de Finanzas del Ejercito y Ministro de Defensa Nacional (Coronel Fredy Gonzalez, 5/8/05) **Policia Nacional Civil** Comisario Lizardo Estrada Conde, Oficial Tercero Jorge Ernesto Aldana Chavez**,** (9/8/05) **Local Police Patrol Quetzaltenango** (11/8/05) **Judges in the Quetzaltenango Regional Justice Centre** (10-11/8/05) **Procuraduria de los Derechos Humanos** (Jorge Mario Castillo et al, 8/5/08)	**Asociación para el Estudio y Promocion de la Seguridad en Democracia** (**SEDEM**) (Iduvina Hernandez, 16/8/05) **Fundacion Mirna Mack** (Carmen Aida Ibarra, Fernando Giron Soto**,** Coordinador Adjunto del Area de la Reconversión Militar 4/8/05) **Movimiento Nacional por los Derechos Humanos** (Claudia Samayoa,)16/8/05) **Instituto para el Desarrollo Sostenible, IEPADES** (Carmen Rosa de Leon et al, 8/8/05 and 9/8/05) **ICCPG** (various programmes, several meetings) **Lawers of the Observatorio Judicial Occidente** (Erick Juarez, Quetzaltenango, 10-11/8/05; Rodolfo Ramos, Huehuetenango(25/8/05) **War Torn Society Project WSP**, Guatemala (Patty and Bernardo	**Grupo de Apoyo Mutuo** (**GAM**)(Estuardo Galeano, 5/8/05) **Familiares y Amigos Contra la Delincuencia y el Secuestro , FADs** (Margarita Castillo, 8/8/05) **Madres Angustiadas** (Ana Maria de Klein, 10/5/08)	**Fortalecimiento de Organizaciones Sociales en Temas de Seguridad** (**Javier Monterroso,** Congressional Comisión of FOSS 8/8/05; **Instancia de Monitoreo y Apoyo a la Seguridad Publica IMASP** (Fernando Gonzalez et al 10/8/05)	**Red Guatemateca de Seguridad** (Francisco Jimenez et al, 9/8/05)) **Comision Nacional para el Seguimiento y Apoyo al Fortalecimiento de la Justicia** (Arnoldo Ortiz Moscoso, 5/8/05) **Consejo Asesor de Seguridad, CAS** (Enrique Alvarez, 8/8/05)	**Projecto De Estado De Derecho USAID** (Alvaro Fernandino8/8/05)	Edelberto Torres Rivas (16/8/05)

INTERVIEW MATRIX

4. CONCEPTUAL FRAMEWORK: EVALUATING POLICY INFLUENCE IN CONTEXT

This section outlines the three sources of the conceptual framework for this study:

1. Global discourses and action on security sector reform (to relate the Guatemalan case to the SSR debate but also to identify some key problems which have arisen in converting global discourses into action)
2. The background context of SSR in Guatemala
3. The framework for evaluating the policy influence of IDRC is taken from the paper commissioned by IDRC by Evert A.Lindquist (2001);

The conclusion sets out the key research questions which emerge from this framework to apply to the field study.

1.1 Security Sector Reform: From Discourse to Action

1. SSR as Discourse in the Post-Cold War World

The debate on security sector reform dates from the end of the Cold War. Prior to that, the role of state armies and intelligence, of defence budgets, of police forces and judicial systems, tended to be off-bounds to populations and civil organisations. National security real politik was used to justify lack of transparency and lack of human rights or human development considerations in decision making.

The end of the Cold War made it difficult to sustain these arguments. In the course of the 1990s the need for greater accountability of the security sector everywhere and fundamental reforms in some countries has been recognised. Many governmental, non-governmental and intergovernmental organisations have turned their attention to the field. The shift in global discourse from 'government' to 'governance', has played a key role also in the nature of the emergent field. Whereas 'government' focused on the nation state, 'governance' recognises the weakening of this idea of centralised, territorially based power (and the fact that in many countries this had not been established by the late 20th century) and the multilevel and multi sectoral relationships which are needed to ensure effective decision making processes in a globalised world. The recognition of an autonomous arena, 'civil society', between state, market and family, despite contesting normative understandings (Howell and Pearce, 2001) has also established that decision making processes must in some way involve non-state actors, complicating governance but opening up new possibilities, spaces and levels of participation to 'the governed'.

SSR, like many fields, has a national dimension but this is strongly complemented by the global dimensions generated by the new understanding of governance. Any particular country-specific action on SSR is thus also today part of evolving global discourse and action on SSR and will be influenced in some way by the multiplicity of governmental, intra-governmental, non-governmental and global non-governmental actors, organisations and networks who have recognised its importance. Seminars, conferences, publications, web-sites abound in this field.Lindquist's 'policy community' framework and the networks which cross-

cut each policy domain could be applied to what is an 'emergent' regime at the global level, whose legitimate decision making and enforcement capacity is also under evolution.

Recognition of the centrality of SSR by all concerned to the challenges of governance at the global and national level was given urgency by the eruption of intra-state wars, particularly in the global South, since the end of the Cold War. An estimated 7 million deaths occurred, 75% of them civilian between 1993 and 2003 (Smith and Braein. quoted in Hurwitz and Peake, 2004:1). Whereas the 'Third World' was a proxy battlefield for super power rivalries during the Cold War, and the 'heat' of its wars did not alter the conceptualisation of the epoch as a 'cold' war, in the 1990s, for a range of reasons[4], the rich countries have taken the instability on their borders very seriously. At the same time, numerous civil society organisations have emerged within the wealthier countries to influence the direction of their government's policies as well as to work transnationally to protect and promote humanitarian norms.

As a result, the 1990s have seen some very important new discourses around security emerge, which have pushed security sector reform high up on the agenda of governmental and intergovernmental agencies involved in development and the relatively new field of peacebuilding. As the complex challenges of post war reconstruction have emerged, the critical importance of SSR has been recognised and a shift is discernible from security of the 'state' to security as protection of individuals and communities Ball et al,(2003:.6) . The key discursive shifts include the following:

a) A broad consensus (used also by IDRC for this study[5])concerning what constitutes the security sector and which was summed up by the OECD Development Assistance Committee in 2001 (OECD/CAD, 2001:22-24 quoted in Ball et al 2003:7) as:

'…..the security forces and the relevant civilian bodies and processes needed to manage them and encompasses: state institutions which have a formal mandate to ensure the safety of the state and its citizens against acts of violence and coercion (eg the armed forces, the police and paramilitary forces, the intelligence services and similar bodies; judicial and penal institutions) and the elected and duly appointed civil

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[4] Duffield (2003) has argued that instrumental reasons are paramount in the way the rich countries have responded to intra-state post Cold War wars. Fears, for instance, of contagious destabilising processes as transnational illegal as well as legal commercial, financial and human trafficking proliferate, has led, he argues to the 'securitising of development'. This includes a range of intrusive political interventions to mould state and civil society in ways which enable the powerful nations to keep some control while passing the burden of development back onto the local states. Peacebuilding has become, in his framework another component of 'securitising'.

[5] The TOR for this study (p1)defined the SS as:the armed forces, the police and gendarmerie, intelligence services, judicial and penal institutions, and elected and duly appointed civil authorities responsible for control and oversight'. SSR 'focuses mainly on the governance-related and democratic oversight dimension, including a potential role for civil society, as opposed to strengthening the operational capability of security forces and related institutions'.

authorities responsible for control and oversight (eg Parliament, the Executive, the Defence Ministry etc)'

To this definition, non- state armed actors, militias and private security firms are often added.

b) An acknowledgment that the security sector must be subject to the same kind of accountability as any public service. In a 1999 lecture to the World Bank, the Secretary General stated:

'Good governance, of course, means much more than democratizaton in a formal political sense. Another very important aspect is the reform of public services – including the security sector which should be subject to the same standards of efficiency, equity and accountability as any other public service' (Annan, 1999:5, quoted in Ball et al, 2003:5)

c) The recognition that security should not just focus on the state has been widened by the UNDP into the concept of 'human security' or 'human centred security' (UNDP, 1994). The report of the Independent Commission on Human Security (2003) further enhanced this widening of the security agenda Ball et al (2003) identify two approaches to the 'human security' paradigm:

- One the one hand, it expands the idea of human security to include the goals of sustainable human development, ie democracy, equity, social justice, and sustainable poverty reduction. This has built linkages between the traditional concerns of development agencies and the idea of security. Unaccountable security forces limit the achievement of human development goals and thus reform of the security sector is a legitimate concern for all concerned with those goals. Its weakness for some lies in its dilution of the concept of security to include all the problems of development.

- Another line of reasoning, sees human security and human development as 'distinct yet complementary' (Ball et al, 2003:6) and concerns protecting individuals and communities from all forms of violence.

d) A recognition that SSR can make a significant contribution to development, conflict prevention and peace-building:

'An unaccountable and un-impugned security sector impinges directly upon development: it disenfranchises communities, contributes to poverty, distorts economies, creates instability and stunts political development. Consequently, reform to security sector institutions is a critical element of conflict prevention and peacebuilding strategies. It provides the opportunity to make a clean break from repressive

traditions and provides a safe and secure environment to give political institutions and the economy space and opportunity to grow' (Hurwitz and Peake, 2004:5)

e) A shift away from security as delivered by the 'military' and meaning defence from external aggression but in many contexts also an internal role of protection of elite groups and governments, to restoring the role of the police as the public security agency for communities, particularly the poorest and most vulnerable.

f) A widespread recognition that economic development will be prejudiced if there is no rule of law and that impunity erodes the heart of any peacebuilding enterprise:

'While strictly speaking neither a development nor a security issue, rule of law programs have been embraced by both sets of actors. On the development side, UNDP, the World Bank (WB) and bilateral agencies are heavily involved in rule of law programming, but the restoration of the rule of law has also become an integral element of UN peacekeeping in the last few years. Beginning with police reform, this has expanded to include wider judicial reform and human rights protection such a in Timor-Leste, Kosovo and Afghanistan' (Ibid:7)

The UNDP updated its development strategy for crisis and post-conflict countries in 2000 and emphasised four key risk factors in fueling violent conflict:inequity, inequality, justice and insecurity (UNDP, 2003:5)

g) Increasing acceptance that the security sector must be subject to democratic, civil control in order to prevent security forces acting with impunity and undermining the goals of human development. The need to involve civil society actors in the process of monitoring and accountability is a significant departure from the past and is in tension with the secrecy and lack of transparency which has traditionally shrouded defence expenditure, for instance, and other key security issues. SSR discourse on civil control puts forward the need to include a broad range of actors, and many argue that this should include the poorest. This is particularly important as wealthier classes tend to opt of out of public security if it does not deliver them protection and to buy private security.

h) In their study of voice and accountability in the security sector, Ball et al (2003:9) place participatory democratic decision making and acceptance of a key role for civil society organisations at the heart of their conclusions:

'participatory democratic decision-making processes are a fundamental precondition for the proper functioning of security sectors. This means that decisions about the content and implementation of security policy must be the result of government-wide consultative processes, not just

the responsibility of a handful of individuals in the security forces and the executive branch. It also means that civil society must be allowed to fulfil three critical roles: demand change, if required, act as watchdogs, and provide technical input. Where governments do not tolerate democratic participation, security sectors cannot reflect the will of the people'.

2. *From Discourse to Action*

The shifts in global discourses are clearly important, but 'the challenge is to align national laws with basic principles and norms and to progressively adjust "accountability on the ground" to the national legal framework and the guiding principles enshrined in the international norms' (Ball et al 2003:31) Important advances in international legal norms (based on international treaties and UN General Assembly resolutions) and customary law have been made, as well as in accepted but not legally binding cultural norms.

One example which has been well documented and systematised is that around the behaviour of security forces (ibid). A body of international human rights law is now in place obligating police and military to observe human rights. Significant efforts to investigate human rights violations in wars, and the adoption of the statute of the International Criminal Court in The Hague in 1998 at least establishes a mechanism for bringing high level decision makers and commanders to answer for severe human rights violations.

The division of labour between police and military (Ball et al 2003:34) is an example of an increasingly accepted good practice, in which the police is used to deal with unarmed or lightly armed civilians who break laws, while the military with heavy weapons should only be used legitimately against enemies who are commensurately armed. The management and composition of the security forces, and in particular the chain of command which can guarantee civil control, depends on national constitutional principles. But Ball et al discern the emergence of a large set of norms concerning the relationship between the civil sector and the security forces in democratic societies. Acceptance of civil supremacy has been recognised by regional bodies such as the OAS when it passed resolution 1080 of 5 June 1991, the 'Santiago Commitment to Democracy and Strengthening of the Inter-American System', which pledges consultations in the event of any irregular interruption of legal democratic process in a member country.

Moves towards greater transparency about the strategic plans of the defence sector are apparent in the fact that as of 2003 over 40 governments have published white books or white papers on defence. There is no international standard for the appropriate level of military expenditures or what might be considered 'overarming'. (ibid). However, there is increasing awareness that more spending on the military than development should be a source of great concern. Work has been done on defence budgets and fiscal transparency methods[6] opening up the principle of scrutiny of one of the most

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[6] See for instance the paper prepared by Ball and Holmes for the DFID in the UK (2002) on *Integrating defense into public expenditure work*, and which argues (p.5) that in the past, 'the World Bank and other donors have tended to focus on the need for restraint in defense expenditure in or order to increase resources available for accepted development purposes. Governance issues such as

secretive and least transparent areas of public expenditure. Some general principles of good governance in the security sector have emerged, promoted by but in turn strengthening the strategic role of civil society organisations in this field.

Many countries in the global south now have a number of mostly externally funded civil society organisations working in the SSR area. But the relationship between external discourses and interventions and the development of local practice which is contextually driven, embedded, sustainable and effectiveness-gaining is a much more complex challenge. This relates to some of the problems which have emerged in the global peace building agenda. Elsewhere the author has argued (Pearce 2005) that the global peacebuilding enterprise might be divided into three phases.:

i. The first is the initial period of optimism as the UN began to build a new role in peace mediation and follow up processes and which is encompassed in *The Agenda for Peace*, of then UN General Secretary, Boutros Boutros Ghali.

ii. A second phase began around 1996 and involved the professionalizing of the peacebuilding, post conflict reconstruction field. The establishment of the World Bank's Post war Reconstruction Unit is emblematic of a period which saw many development agencies extend institutionally into security, peacebuilding and conflict prevention fields. At the same time, non governmental organisations and civil society organisations turned their attention to the peacebuilding field

iii. A third phase began with the turn of the millennium, and the impact and consequences of 9/11 is a continuous thread running through it. This is phase of critique and centres on the recognition of the limitations of the enterprise so far. On the one hand, there is a critique about whose interests are being met through the global initiatives; on the other there is the effort to understand the technical difficulties and failures; a third element is the push to focus much more on threats (ie terrorism, international organised crime etc) than on democratic process, a push that could potentially undermine the heart of the new SSR discourses.

The outcome of the third phase is not yet clear. But one contribution of this case study is to suggest that if SSR is to gain strength within the peacebuilding agenda, the local appropriation issue must be confronted. While 'local appropriation' is a policy objective in the discourse of many external agencies, many find it difficult to turn this into practice. This conclusion emerges out of the author's field observations over many years in conflict-driven Colombia and post conflict Central America. However, the conclusion is supported by the work, for instance, of the International Peace Academy, which in April 2004 brought together a panel of specialists to discuss the security-development nexus and to assess international policy and practice since the 1990s. A common theme emerged from the panels which echoes the previous reflections:

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accountability to democratic, civil authorities, strengthening systems for resources management in the defense, or broadening the policy debate on identifying and meeting security needs were overlooked. In consequence, systems for allocating and managing resources in the defense sector have deviated, often in significant respects, from the principles of sound public expenditure management'. The authors go onto to outline how Public Expenditure Management should and can be applied to the defense and security sector without violating confidentiality.

'…in spite of significant improvement in devising innovative strategies for conflict management, there remains a real disconnect between what is envisioned in international assistance programs and what transpires on the ground. Shared problems confront would-be reformers across the sectors. Some are structural but others are self-made and self-perpetuated. Operating in the least propitious of environments, powerful structural factors inhibit programming. Achieving and embedding reform in any of the sectors requires disentangling thick Gordian knows of management, leadership, political will, set attitudes, established behaviours and lack of public trust. At the same time, however, systematic blockages alone are not enough to explain poor programming outcomes' (Hurwitz and Peake, 2004:9)

The panellists identified four mains sets of reasons:

- Lack of coordination between agencies, leading to duplication and large gaps in programming and an absence of knowledge generation across programmes. High staff rotation and reliance on short term consultancies is another weakness, together with inter-institutional competition aimed at 'levering advantages'
- The gap between policy and practice. Policy designed in headquarters does not permeate down to field offices. Often 'policies are too utopian and unreflective of the prevailing reality on the ground' (ibid:9)
- The absence of real local involvement: 'although often couched in idioms such as 'participation' and 'partnership', little more than mere lip service is often paid to local ownership….The reluctance to develop relationships results in rushed programming that, precisely because it is bereft of local agency, lacks foundations that are either legitimate or sturdy enough to last once the international agencies depart' (ibid)
- Insufficient resources/capacity are assigned to sectoral programming yet funding allocated to the sectors is often unsustainable under local ownership

Our brief review of global discourses and action on security sector reform generates a mixed picture, with progress in some areas, but with implementation still poor. Our key research question for this case study arises out of this observation:

What are the conditions for strong and sustainable local capacity to emerge?

This, it is argued, should form the basis for a fourth peacebuilding phase, based less on the debates in the international institutions, roundtables and seminars, and more on systematic learning from the field, and on values and practices generated by local activists and professionals committed to tackling their particular society's security and democratic deficits. This is not to deny a role for external cooperation, nor the legitimacy of the pursuit of universal principles. But in the end such universal principles must have the chance to interact with local needs and demands, a conflicting, plural and long term process.

In Latin America, this discussion is beginning. An example is the work of Alberto M. Binder and Jorge Obando on Judicial Reform in the region. This review of judicial reform analyses processes in Latin America since the mid 1980s. It offers an

insightful commentary on the relationship between the external and the internal process. Recognising that there are criticisms that external agencies are imposing judicial reform, the authors remind the reader of the evidence of the demand for reform originating in the region[7]. But they do suggest that there are some dangers when the external actors look for a unifying thread to judicial reform which suggests that there is one common movement throughout the region. Rather:

> 'This regional convergence does not constitute a uniform, but rather an asystemic and almost erratic process, which mixes moments or actions of growth with action of contraction as nations turn inwards on themselves. The Latin American political phenomenon, the economic problems of the region, the neurotic evolution of the institutional crises, the approaches and distancing amongst national groups of the region, mark the judicial reform process and the influences, indifferences and rejections amongst the different national movements. Judicial reform is a live and varied process, it cannot be encapsulated in a simple nor even coherent process…' (Binder and Obando, 2004:53, my translation)

The authors do not consider that international cooperation is negative in itself or an imposition, but:

> 'international cooperation becomes negative and consultants prejudicial when there is an imbalance and national voices are not heard or when such national voices are limited to those of the judicial authorities. The coexistence of different visions on the process of judicial reform enriches the discussion. With time, there has been a progressive integration of those visions, although there is still a lot of disagreement (for example between the perspectives which give weight to the structural and political dimension and those who do so with management and administration). If each one of these perspectives claims to convert its own vision of judicial reform into the 'model', then probably it loses not only in terms of richness and complexity, but also and much more importantly, in terms of effectiveness, of reliability, of sustainability. It is appropriate, then, to insist in the primacy of problems over models, without that preventing, at the same time, insistence on the need to know experiences in other countries and the ways they have confronted the same problems across history…..The process of judicial reform has not even reached an adequate point of maturity in the discussion around problems – and sometimes, it hides behind superficial, comfortable, partial or self-interested discussion around claimed "models" (Ibid:66-67)

Binder and Obando remind us, then, both of the ebbs and flows of justice reform (and they could be talking about the security sector as a whole), of the importance of a plurality of ideas as long as the national ones are not submerged, and of addressing the problems rather than debating models. With this reminder, we turn to the Guatemalan context and assess the problems of the security sector and the challenge

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[7] 'It if is true that foreign influence – often through cooperation – has been necessary to implement or begin the work of judicial reform, it is true that the necessity is so self evident that one can confirm that a meeting point between external influence and national necessity has been produced. In almost every country of the region, opinion polls have included questions on the judicial system and they have shown the poor opinion citizens have of the functioning of the judicial institutions' (Binder and Ocampo, 2004:61

of reforming it, and how far local actors had come by the time this evaluation study took place in addressing this challenge.

1.2 The Guatemalan Context

The analysis will be divided into four sections which briefly describe the historical background to security sector issues in Guatemala until the Peace Accords of 1996 which marked an historic moment to reform the Guatemalan state in a favourable international moment. The next two sections deal with the frustrated efforts to implement the Accords between **1996 and 1999**, and the strong resistance to demilitarisation from the armed forces as well as some advances. The election of a government of the extreme right led by Alfonso Portillo in alliance with the FRG, the party of army General and former President, Rios Montt opens up a **second phase 2000-2004.** During this phase the armed forces begin to open up to civilian and international pressure but at the same time individuals connected with mafias and criminal enterprises penetrate the state via the President. The FRG meanwhile strengthened its rural base through its connections to the former civil defence patrols. By the end of this administration, people are talking about 'hidden powers', informal armed groups which have close ties to organised crime, and which have penetrated the state, displacing the influence of the traditional economic elites. The **third phase** (**2004**-)takes us up to the case study. The traditional economic elites win back the state, and some reformers enter it, creating a divided, malfunctioning and weaker State than ever before. The hidden powers remain as strong as ever as evidenced by failure to win prosecutions against serious crimes committed under the previous administration. From their connections to political parties they resist the effort, backed by the UN to establish a commission to investigate them; efforts are made in Congress to reverse proposed new security legislation in favour of more authoritarian approaches; attacks on civil society organisations increase and social violence and organised crime reach unprecedented levels which in turn impacts on societal attitudes towards 'security' in authoritarian rather than democratic directions.

1.   Guatemalan Nation State Formation and the Security Sector

Guatemala, it is widely recognised, has a history of incomplete, authoritarian and exclusionary nation state formation. As elsewhere in Latin America, despite the new and often enlightened constitutions which were drawn up in the wake of Independence struggles in the early nineteenth century, the colonial legacy on the character of independent states was never overcome. As Blinder and Obando express it in their efforts to grapple with the ongoing influence of this legacy on the judiciary:

> 'The subsequent institutional development, traumatic and discontinuous, produced a slow "dissolution" of sectors of that (colonial) State, in a permanent dialogue with *caudillismo* or authoritarianism willing to use or activate the monarchical structures of the political system, which prevented the full construction of a democratic republic. *The structures of the colonial State survived not so much in the written constitutions, but in the real constitutions, in the practices, in the culture* (*my italics*). Independence of the institutions and society from this "collective mental state" which is the colonial State, is

what defines the political and social dimensions of judicial reform'(Blinder and Obando, 2004:76)

A brief period in the mid century (1944-54) saw an attempt to interrupt this historical legacy, democratise the state and reform if not transform socio-economic structures. The US-inspired coup which put a stop to this effort was followed by a counter-revolutionary political process which brought the military into greater and greater control of the state in close alliance with an oligarchic elite of powerful landowning families who now diversified into new economic activities, such as agro-industry and some manufacturing. The armed forces extended its powers throughout the period 1954-1986, into the administration of public companies, for example, and even setting up economic enterprises of their own. As challenges to this entrenchment of oligarchic/army control mounted during the Cold War, the repressive and political function of the army increased and its repressive presence in the interior of the country, including areas where the state had never bothered to institutionalise itself, grew and deepened. The armed opposition movements evolved from limited presence in the East of the country in the 1960s, to a stronger, though not necessarily very deep, presence in the indigenous Western highlands by the end of the 1970s. A systematic counter-insurgency campaign under President Rios Montt in 1982-83, halted the march of the armed resistance by the mass slaughtering of mostly indigenous peasants and the forcible recruitment of all men aged between 16 and 60 into civil defence patrols[8].

Armed repression by the State in these years became, therefore, the main form of government and the only way to preserve elite rule. But repression and violence were 'not only against the actual political groups that had resorted to armed struggle, but against ever-widening concentric circles of "active" and "potential" threats, from non-violent political dissent to civilian population in the areas of insurgent activity' (Arévalo de León, 2005:3). The State had to confront a crisis of international and national legitimacy. During the Cold War, *National Security Doctrine,* sought to justify the internally repressive role of the armed forces ('guardians of constitutional integrity') against the so-called internal subversive capacity of communism. However, even the United States, which had been behind the dissemination of this Doctrine and increasing the capacity of Latin American armies to deal with the 'communist threat', found that congressional opinion would not sanction the atrocities of the Guatemalan army. Mismanagement of the economy and evidence of corruption alienated sectors of the Guatemalan elite, and the question of military withdrawal from direct control of the State was on the agenda by the early 1980s.

Rios Montt was replaced in 1983 by General Mejía Victores, and a Constitutional Assembly called in 1984 which prepared for national elections in 1985 and the first civilian elected government since 1954 took office in 1986. Between 1986 and 1996, two processes competed against each other. On the one hand, social organisations, including several Mayan organisations emerged for the first time independent or semi-independent of the historic opposition forces. This renewed and renovating action in

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[8] While this was obligatory for most, the commanders of these patrols and some of the members were usually willing participants. The Commission for Historical Clarification (Comision de Esclarecimiento Historico) in which reported in 1999, found that 93% of all human rights violations were carried out by the armed forces of the state and the civil defence patrols associated with them. 83% of victims were Mayan indigenous.

the social sphere represented a challenge from below which begins to receive unprecedented attention and some protection from an international community alerted to the dreadfulness of the Guatemalan experience At the same time, the counterinsurgent forces in state and army remained intact and intent on shaping the civilian order which was established in 1986. The counterinsurgent enterprise had been partly funded by illegal transactions of all kinds, such as control of customs etc. The army, through the Estado Mayor Presidencial (Schirmer:1998) had a solid force within the apparently civilian controlled state[9]. During these years, human rights violations remained high, but were more selective than in the 1982-85 period. The end of the Cold War helped turn the historic tide away from ongoing military and authoritarian state control, and despite ongoing efforts to prevent it, the correlation of forces turned against the military and towards a peace agreement. The signing of this agreement was historic, but it did not represent a change of attitude of much depth within the security establishment or amongst the traditional economic elite. The army understood that its future required economic power, and it expanded its economic tentacles and alliance with business groups. Jennifer Schirmer has argued that the military had in fact merely adapted their understanding of themselves as the guarantors of the country's institutionality and:

'Perfectly cognizant of the substantial risks for the military institution if a military-led government repeats itself, officers are entering the twenty-first century with a self-conscious sense of autonomy from oligarchic and US national security interests and a highly articulated, strategic vision to maintain the military's institutionality and protect the State from opponents. Despite fears and insecurities with regard to democracy, officers loyal to the Thesis of National Stability believe that a protected democracy must be attained through the largesse of the armed forces as the ultimate constructors of the state and as the final arbiters of the boundaries of lawful opposition' (Schirmer, 1998: 259)

2. The Peace Accords and the Security Sector Reform Challenge 1996-1999

The Peace Accords represented an effort to modernise and transform the Guatemalan State. The Accords themselves, signed in 1996 after a process of negotiation and discussion dating from the beginning of the 1990s, went beyond a peace agreement in terms of an end to hostilities, and attempted to tackle some of the fundamental social, economic and political deficits in the country.

Reform of the security sector and judiciary were critical elements of the Peace Accords . International attention was on Guatemala and the space for action and donor support gave Guatemala's emergent civil society organisations a legitimated voice through the Civil Society Assembly to influence the armed actors who negotiated the Accords.

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[9] Guatemala's first civilian President since the 1954 military coup, Vinicio Cerezo, had recognised that at the beginning of this term he had only 33% of actual political power and the armed forces held the rest. The Estado Mayor Presidencial had become a central counter insurgency control unit which liaised with but was independent from the army's Intelligence Directorate but which was the means through which the miltiary monitored and controlled the new civilian authorities.(Arévalo de Leon,. B, 2005)

The Agreement for the Strengthening of the Civil Power and Function of the Army in a Democratic Society' (known as the AFPC, Acuerdo sobre Fortalecimiento del Poder Civil) formed the basis of the attempt to demilitarise Guatemalan society and introduce mechanisms of accountability and respect for human rights in a State historically geared towards counter-insurgency rather than democracy. This Accord tried to redefine the military institution in a way that could enable it to respond to the security needs of a democratic political community (Arévalo de Leon: 2005). It included a wide and integral transformation of the entire state security apparatus: the armed forces, the police and public security, intelligence services and presidential security, and 'if fully implemented and subsequently developed, would effectively transform the way in which the state thinks and performs its security functions' (Arévalo de Leon:2005). The reduction of the military budget was a critical element in the modernisation of the Army, and the AFPC established that the reduction should take as its base the military expenditure of 1995, which was 0.99% of GDP. An Advisory Security Council (CAS) was to be created to support the Executive power in the implementation of a new integral approach to security. It would be named by the President but include important individuals from distinct sectors and would do research and present agreed strategies in response to the risks facing the country. A new Directorate of Civil Intelligence would be created under the Ministro de Gobernacion (Interior) to deal with organized crime, and a law would regulate State Intelligence services.

Between 1997 and 2000 a body of army officers rose to power with little interest in the peace process or the AFPC. Although there had been a 33% cut in the military budget by 1999, this had not reduced the officer corps nor the territorial control of the armed forces which was an ongoing legacy of their counter-insurgency strategy (MINUGUA 2004). At the end of 1999, the Ministry of Defence produced a revised Military Doctrine, which most saw as a cosmetic and formal exercise. In the meantime they continued surveillance of the population and blocked the efforts of the Historical Clarification Commission to investigate past human rights violations (Arévalo de Leon, 2005). By the end of this period, the military were actively resisting efforts by civilian authorities to control them. Nor had the CAS been set up.

Military resistance also impacted on police reform. A new National Civilian Police force was set up in 1997 under the AFPC. The police had historically been subordinated to the Armed Forces and their counter-insurgency strategy, and was deeply corrupt. Progress was made in the last two years of the Arzu administration to delink them from the armed forces and in turn separate the armed forces from internal security issues. But this was a very fragile and incipient process and could not withstand the policy weakness and political vacillations of the next administration. It is interesting to note the drop in violent deaths which began in 1998 and continued in 1999, and which coincides with a period when the Executive Power took up the leadership of the police reform (MINUGUA, 2004:26)[10]. This situation was reversed under the following administration, when the army through the Ministry of Defence intervened once more in public security issues.

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[10] Violent deaths reached 3998 in 1997, dropped to 2,655 in 1999 and rose to 3,630 in 2002 and 4,147 in 2004

As critical as the question of demilitarisation was judicial reform, and indeed, it depended on the former. The Peace Accords put forward a minimum agenda for the transformation of the judicial sector, which included constitutional reforms to guarantee judicial independence, recognition of indigenous customary law, professionalisation of the judicial career, reforms to the Penal Code, greater resources for the Judiciary, Public Ministry and Public Defence Institute, and a Commission to Strengthen the Justice System which would propose changes to the legal system agreed through a wide debate, including around a dozen civilians linked to civil society organisations and roles. This Commission was established and remains active.

3. The Security Sector from the Portillo government to the departure of MINUGUA, 1999-2004

The Portillo government was accompanied by the penetration of the State, via the President himself, of corrupt mafias, some with links to army intelligence and counterinsurgency structures of the war period and representing the emergence of a 'new elite' in Guatemala characterised by its illegal and violent techniques of capital accumulation[11]. At the same time, the President, once a known member of the left, brought in some of his former friends and paradoxically some new spaces for dialogue and action emerged. The government portrayed itself as the 'enemy of the old oligarchy', but rather than defend and empower the poorest, it manipulated them while enabling criminal groups to gain footholds in key territories and spaces. The FRG party, headed by Rios Montt, now President of the Congress, developed its rural base further with a promise to compensate former civil patrollers for their years of civil defence work for the State, creating a new element of instability. Its aim was to build support for an electoral victory for Rios Montt, an option only just prevented when the Supreme Constitutional Court voted against his application for a second presidential term.

The heterogeneity of the Portillo government led to contradictory policies which reflected the ascendancy and descendancy of certain army officers and their civilian allies and key Ministerial appointments (Arevalo de Leon:2005). The early period of the Presidency saw an opening up to dialogue between the army and civil society organisations. This enabled the WSP/FLACSO project known as POLSEDE and supported by IDRC (see below) to begin an important process of policy formulation around security issues involving representatives of the Ministry of Defence and the Armed Forces in all working groups. This was reversed when a change of military authorities took place and the armed forces disassociated themselves from outcomes, which high-level civilians in the government had accepted (ibid). A renewed opening took place following another change in the hierarchy, and a new White Paper on Defence Policy was produced through dialogues with civilian groups to replace one heavily criticised by Minugua for its lack of such participation[12]. To complete the contradictions, however, the Ministry of Defence throughout the Portillo government was able to increase military expenditure despite the Peace Accords and to avoided Congressional scrutiny on the grounds of 'national security'. As Arevalo de Leon (2005) expresses it:

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[11] During the counterinsurgency period, for example, the army had controlled customs and other key economic areas as a means of financing their operations against the guerrillas but also to enhance the institutional power of the military and the personal fortunes of key actors within it.

[12] Personal Interview Coronel Fredy Gonzalez, 5/8/05

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

In the meantime, the Portillo government saw an escalation of repressive action against human rights defenders. According to Minugua, 48% of the denunciations they received between 1 January 2000 and 22 May 2002 affected human rights defenders, a total of 613 victims (Minugua, 2004:12). A new wave of threats took place in 2003, involving journalists and social communicators, and even the official Human Rights Procurators's office. In its 13th human rights report (MINUGUA, 2002)Minugua recorded that clandestine groups which had emerged during the internal armed conflict had now regrouped and were pursuing illegal business activities and exerting political influence. Measures in the Peace Accords aimed at controlling and dismanteling these groups by improving civilian intelligence and police and judicial investigative capacities had not been effective.

In October 2002, Otto Reich, Assistant Secretary of State for Western Hemisphere Affairs, acknowledged this before a congressional committee on the threats to democratic stability in Guatemala (Peacock and Beltran, 2003:8):

'There were increased signs of the participation of clandestine groups in illegal activities linked to employees of the Public Ministry, military intelligence, justice system and police. These groups appear to act with relative autonomy, and while there was no evidence that they were a part of government policy, they did operate with impunity'

These clandestine groups also penetrated the judicial system, interfering in legal cases where human rights or corruption charges had been brought against high ranking officials. A 1997 opinion poll found that 88% of Guatemalans considered the judicial system inadequate (ibid:45)

Many now openly questioned whether power resided in the formal institutions of the State in Guatemala. An additional challenge for civil society participation is that while it puts pressure on the government around key demands, the formal structures of power will not guarantee implementation. International pressure, through for instance the Consultative Group of donors, sent strong messages in its February 2002 meeting to the Guatemalan government that ongoing economic assistance would depend on a serious approach to the clandestine groups, impunity, human rights and corruption. In January 2003, the country's Human Rights Ombudsman issued a resolution calling on the government to establish an international commission to investigate the clandestine groups and illegal security apparatuses in the country and their possible links to the State. He also requested the participation of the OAS and the United Nations. Congress, arguably for short term electoral reasons, supported the proposal and in mid March 2003,an agreement was signed to set up a Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatusses (Comision para la Investigacion de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad, CICIACs) (Peacock and Beltran, 2003:70). The UN agreed to send a UN technical team to assess the viability

of the proposal. It concluded, that CICIACs could only work if it had 'sufficient authority to overcome the structural deficiencies of the current criminal justice system of Guatemala' (ibid:71). The fate of CICIACs, which was finally scuppered in Congress in 2004 after a virulent right wing campaign against it, is discussed later in this report. It is an example of both the capacity of the security sector reform policy community, but also of their limitations faced with the entrenched power within civilian and military structures, legal and illegal, of organised crime in Guatemala today. Despite their investigative skills, lobbing capacity, and international support, the proposal was unsuccessful. Yet, the 'readiness' of this policy community should a new window for promoting this Commission arise, remains an important legacy of the preparatory work to establish the Commission.

The clandestine, shadowy and illegal groups remained powerful if only semi-visible under the Berger government. While under Portillo, the state was a means to advance their interests in exchange for the personal enrichment of the President and his circle, under Berger, the State was more closed to them and had less interest for them, and they went further 'underground'. This made them even more dangerous. The Berger government took steps to assert more civilian authority over the Armed Forces, and some 11,714 troops were demobilised in the first part of the new government's administration, a 67% reduction from the number of troops in 1996. It also reduced the military budget to 0.44% of GDP (Arevalo de Leon, 2005), well below the 0.66% target in the Accords. This weakening of the Armed Forces needs to be set against the rise of clandestine armed groups and the ongoing weakness in the development of an effective civilian intelligence and investigative capacity. Dependence on the military for internal, public security has always been high in Guatemala and despite the provisions in the Peace Accords, a counterveiling civilian capacity had not been built. This together with the growing levels of violence and crime, provided a reason for the Armed Forces to argue for the recovery of its powers. President Arzu had paved the way for this, by sanctioning the establishment of joint army/police patrols and President Portillo expanded the scope of these through Decree 40-2000. President Berger then gave military officers command and advisory posts in the National Civilian Police (Arevalo de Leon: 2005).

In contextual interviews for this study, various opinions were put forward about the current role of the Armed Forces, and the issue of civilian control. Advances have been made, and MINUGUA (2004)notes these in its final report. The counter insurgency structure of the armed forces no longer exists as it was in the war. But the institution is far from bowing to civilian control. The question of the Constitutive Law of the Army (*Ley Constitutivo del Ejercito*)and Military Code (*Codigo Militar*) remain part of an outstanding agenda for institutionalising civilian control over the armed forces. The armed forces continue to resist efforts to remove the autonomy built into the military justice system for instance, and in May 2005, they indirectly introduced a proposal to Congress that establishes that military personnel can only be judged in autonomous military courts, even in the case of non military crimes (ibid). However, a sign of a changed environment is the capacity of civil society organisations to mobilise a public outcry against this and the rejection of the proposal by the judicial authorities.

The question of modernisation of the armed forces is clearly on the agenda, but this can take a variety of directions. The ongoing economic influence and power of the

institution should not be underestimated[13]. The armed forces do appear to have lost some political clout in the State (although the clandestine networks with which many retired officers are connected and some serving ones, give another form of political influence) and logistical capacity. Some dialogues with civil society organisations have opened up interesting channels of communication, around for instance Defence Policy and the Defence Budget (see discussion of IEPADES below). MINUGUA claimed these as one of the major achievements of the post war years:

'From the year 2000, the military institution began a process of greater opening up in terms of the discussion of military affairs and progressively adapted to the mechanisms of discussion and consensus within civil society. This new situation contributed positively, deepening (dialogue) on military themes such as defence policy and military doctrine. As a direct consequence, a stage of modernisation, reduction and professionalisation of the armed forces began and there were significant achievements in the demilitarization of the country. At the moment when MINUGUA closes its operations in Guatemala,the process is advanced, although the government authorities must continue to implement new measures in order to strengthen civilian institutions in their specific roles' (MINUGUA, 2004:7)

I could confirm in an interview with Colonel Fredy Gonzalez, that sectors of the army had indeed opened their horizons through dialogues with civil society organisations.[14] But a new danger following 11 September, is that the United States is renewing its linkages with the Guatemalan army and offer of support. It sees the armed forces as the best hope against 'terrorism' or 'international crime' in Guatemala. Just when the armed forces are looking for a new manifestation of their role as guardians of the country's stability, the US have come along to offer it. Already, it is rumoured that an anti-terrorism training centre for Central America has been set up by the US in Coban. These developments take place before civilian control has been consolidated and when impunity remains a major obstacle to democratisation.

The rise of social and other violences and the weakness and corruption of the new police forces are used as justifications for the Armed Forces renewed involvement in internal public security. The authoritarian culture of Guatemala where the rule of law has never been established, helps support the calls for a repressive approach to crime and violence. However, this has been mostly directed against the youth gangs or *maras*, responsible for many robberies and murders. Organised criminal groups and parallel powers in the meantime, exploit these gangs. At the same time the gangs deflect attention from the much higher order of criminal activity they are involved in and the territorial control they are beginning to exercise in key areas of the country, such as the Peten. The number of violent deaths in the Department of Guatemala alone reached 2,251 between January and August 2005, 1,853 men, 750 of whom were killed by guns, and 398 women, 70 of whom killed by guns[15]. This violence is the subject of every daily newspaper, with weekly body counts and gruesome stories. The high number of lynchings (over 600, not all resulting in deaths) since MINUGUA

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[13] Personal Interview Arnoldo Ortiz Moscoso, of the Comision Nacional para el Seguimiento y Apoyo al Fortalecimiento de la Justicia, and former Minister of the Interior under the Serrano government, 5/8/05

[14] 5/8/05. It is difficult to assess how representative Colonel Gonzalez is, but he does confirm that a shift has taken place amongst some officers.

[15] Prensa Libre 29/8/05 These are figures released by the Public Ministry, and do not include the violent municipalities of Mixco, San Juan Sacatepequez, Villa Nueva and Amitlan, which have their own Public Prosecutors (*fiscalia*) and hence their own statistical record.

began recording them in 1996, reflects the way private justice has become a common practice in Guatemala (MINUGUA; 2004b). Lynchings are the private justice of the poor; the rich buy private security and the security agents mete out their own 'justice'.

A draft Framework Law on public security was going through Congress during the field visit for this report. It included the creation and regulation of a civilian intelligence capacity, a law to regulate private security companies and another on the possession of firearms. The passage of these laws which had been drawn up through a very important process of consensus between government and security sector civil society organisations was notable for two things. On the one hand the increasing sophistication of the security sector policy community in dealing with Congress. A Congressional Commission of FOSS (*Fortalecimiento de Organizaciones Sociales en Temas de Seguridad*, or Strengthening of Social Organisations in the Theme of Security,) was working all hours to penetrate the complex and shifting alliances amongst political forces in Congress, and to resist the role of the Ministro de Gobernacion in trying to erode the agreed Draft Law[16]. On the other, the power of the political forces, many with connections to the parallel and clandestine groups, to use the fears in a society with no trustworthy means of State security to foster authoritarian and violent solutions.

Guatemalan civil society organisations were in general fragmented and weak by 2005. Mayan organisations in particular had failed to build a capacity to articulate the indigenous voice in the post war years, for a variety of reasons. When Minugua, the UN Verification Mission, left Guatemala in 2004, there was a widespread feeling at the final conference that Guatemalan civil society organisations had not been sufficiently strengthened to sustain the peace-building effort. However, as we discuss below, some organisations managed to reorganise, restructure and develop new frameworks for work, and the human rights and security sector and judicial reform groups stand out in this respect.

4. Conclusion: Security Sector Reform in Guatemala. The Unfinished Agenda

There is a broad consensus amongst international observers, civil society organisations in Guatemala and academics of the seriousness of the security and justice problems of Guatemala and the failure to implement more than a small part of the agenda in the Peace Accords. MINUGUA's (2004a and 2004b) end of mission reports offer very good summaries of the pending issues in Security and Justice.

It would be incorrect to argue there have been no advances, as has been discussed above. Some of these are due to the growing capacity of civil society organisations working on a variety of security issues to articulate ideas, develop policy and be willing to sit down and talk with members of an institution which has been responsible for serious atrocities. International pressure has undoubtedly helped to keep spaces open for these groups. However, the weakening of the Guatemalan State raises many questions about what can and cannot be achieved, even with increased research and policy forming capacity. Complementary strategies are required to

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[16] Personal Interview Javier Monterroso, Congressional Commission, FOSS, 5/8/05

further pressure the State and enable it to deal with the myriad sources of insecurity outside its control.

1.3 Assessing Policy influence: the Lindquist Approach

What are the key challenges for a local capacity for security sector reform in the Guatemalan context outlined above? How could we assess this capacity?

The value of the Lindquist's paper lies in its non prescriptive character, its flexibility and adaptability to context while offering the guidance of key concepts and ideas. It stresses the complexity, contingency and fluidity of policy influencing processes. As a result of this, it needs distilling into the key elements which might be applied to this case study. I distill and summarise the key reflections made by Lindquist in Annex 3. Below I suggest some additional points which need to be taken into account in applying his ideas to the Guatemalan case study, and this is followed by a summary of how Lindquist's ideas have been used for this evaluation study:

6. Adapting Lindquist's Approach to the Guatemalan Context

In the Guatemalan case, but arguably elsewhere in the global south in an epoch when the main axis of accumulation in many of those regions is illegal (drugs, and other natural resources), reforming the state security sector is *much more* complex than the construction of a more effective and influential policy community and networks. In other words there are factors which make it particularly difficult to translate increased effectiveness into actual policy change. Below are key issues which have to be taken into account:

- In Guatemala, the state is being 'mined' from within and without by illegal armed groups with no interest in building the state.
- The emergent 'policy community' is divided, by such as issues as: Will influencing and even entering/dialoguing with the State make any difference given the essential weakness of the State and the fact that even when its key actors are in conflict with the illegal mafias, they are unlikely to be allies of the reform movement? Some argue it is preferable not to dialogue with the State in such circumstances. Others prefer to keep dialogue going as infinitely preferable to the polarisations of the past, and with the potential of winning some allies.
- Fragmentation also occurs around who participates in the policy community. Lobbying and advocacy require educational levels not present in the society at large; legacies of class, ethnic and gender inequality permeate the policy communities which emerge. This creates not only divisions but also resentments and if there is inadequate communication, social organisations who are poorly or non funded see the policy community as a privileged set of actors who are unable to really influence state outcomes. The time scales are against rapid policy influence, and impatience and anger is deep in the society.
- Lindquist's approach assumes a State structure which functions at some kind of minimal level. What if the State is not only weak in 'infrastructural' terms and territorial control, but is also mined or penetrated by illegal mafias, who

ensure that whatever the formal and legal evolution, power resides outside the state?

- Lindquist's work is mostly concerned with the impact of policy change at the State level. However, it does not deal with the relationship between the policy community/policy networks and the broader society, both organised (eg social movements) and privatised/atomised individuals. How does the policy community ensure that the rest of the society is brought into the discussion, particularly when that society is mostly illiterate, poorly educated and lacks resources to access the internet let alone books? Should the reaching out to this broader community wait till the civil society organisations in the policy community have gathered strength? Or will an elite non State group of actors become the acceptable 'insiders' while the rest of the society remains oblivious to the debates?

7. *Key themes and questions derived from Lindquist for assessing the impact of IDRC supported research on SSR in Guatemala:*

Below is a summary of key themes and questions derived from Lindquist's approach which will be used in the analysis of the current action of civil society organisations in Guatemala with respect to SSR and the importance of IDRC funded research in contributing to this action:

- The state of decision making around SSR in Guatemala is **emergent**. We are therefore looking at a **long term project of policy change**
- To what extent has a **policy community** emerged around the policy domains of SSR in Guatemala? Can we map the range of actors in the SSR policy domains? What is the particular role of our two projects within these domains.? Can we distinguish between those with access to levers of power (sub governmental) and those without (attentive public)?
- We need to treat the policy community around SSR (if it exists) as evolutionary and unpack the differences and the reasons for the differences amongst the communities associated with it.This leads us to the idea of an **advocacy coalition framework**, in which certain shared values and beliefs create more dominant organisations within a policy community.
- The relationship of **research to the advocacy coalition** needs to be unpacked.
- What **policy networks** have emerged around the SSR policy community(ies)? We need to encompass actors in the policy community who focus on more than one domain.
- What **policy windows** exist at present?
- Are the organisations funded by IDRC gaining in '**readiness**' to use those windows?
- Is the **quality of debate improving**?
- Research can influence policy indirectly by altering 'language and perceptions of policy-makers and their advisors' and promoting '**enlightenment**'.
- How does the research impact on **social actors outside the 'policy community'** and networks and who are vital to state and nation building that is democratic and inclusionary?
- What can an SSR 'policy community' achieve **when the State is not the source of legitimate and effective security?**

4.4 Conclusion

Our discussion of the global discourse and action on SSR highlighted the shift in discourse around security and the limited translation of this shift into change on the ground. It led to the formulation of a core question for this evaluation:

"The weak point of the global security sector reform initiatives is local embeddedness, effectiveness and sustainabilty. How have these deficits been addressed in the Guatemalan case and what contribution has IDRC sponsored research made?"

This question echoes the emphasis of IDRC's PCD programme on promoting the 'domestic ownership of peace processes and civil society's ability to socially audit and hold accountable state and international peacebuilding actors' (PCD Prospectus, p. 20, quoted in TOR, p.1) and suggests that this is indeed the key problematic for exploring security sector reform in the global South and particularly in those countries in the midst of or recovering from conflict. The contextual discussion of Guatemala analysed the evolution of this local capacity and suggested that as we look to a fourth peacebuilding phase, able to take on the critiques and greater realism which emerged in the third, we need to refine our understanding of how local actors manage to reform this key sector of the State, where power is entrenched and which often acts to inhibit pro-poor change. The tools for refining our analysis have come from Lindquist's work on assessing the policy influencing capacity for research, but adapted to a context where the weakness of the State and its inability to guarantee security implies that wider dimensions than enhanced policy influencing capacity are needed.

5. Lindquist's review and Assessing local capacity for influencing SSR in Guatemala with special reference to IEPADES (Civil Control over the Defense Ministry Budget) and the ICCPG (Judicial Observatory)

a) The Guatemala SSR policy domains, policy community and networks

Guatemala has gone through almost a decade of painful post war transition towards peace and democracy and is evidently far away from both. A great deal of external funding went into NGOs and 'civil society organisations', particularly in the years immediately after the war. A great deal of this was poorly conceptualised and implemented (Howell and Pearce, 2001: 147-175). The number of urban based NGOs proliferated, but were not necessarily rooted in the country's social reality or able to address the needs of the poor and marginalised majority and/or involve them in change processes. It was difficult to overcome the distinct positioning between more politicised NGOs/CSOs and more technical ones, and between organisations founded and led by prominent individuals and efforts to build more horizontal forms of leadership, or the tensions between social movements and the growing community of funded NGOs. Two critical events in 1999 marked a turning point:

'In May 1999, the referendum on constitutional reforms that would have ratified and institutionalized the changes agreed in the Peace Accords resulted in their rejection by a turnout of only 20 per cent of registered voters. Later in the year, the governing PAN party was voted out of office, with the right-wing Guatemalan Republican Front (FRG) voted in…These events drew attention to the uneven and complex process of change in Guatemala. The donors sought to strengthen the capacity of national NGOs and popular organizations in order to influence public policy and create a "civil society sector". In the hinterlands of the country, residents focused on a different set of concerns. Here for instance, the rise of the price of electricity in the wake of privatization was of much more significance than constitutional reform, and, for many undermined the 50 per cent rise in access to electricity that the PAN government had provided but which they could not then afford' (Ibid: 171)

The difficulty of influencing a State dominated by an extremely right wing government with roots in divided and traumatised rural communities through the Civil Defence Patrols dating from the counter insurgency years, may have stimulated some re-thinking on the part of some NGOs. In a context when some NGOs collapsed, or fractured, and many social movements (with some exceptions) floundered, there were others who adapted to the new situation and survived with new approaches and programmes. Human rights and security sector reform organisations seemed to have been amongst the NGOs most able to survive and reformulate their proposals. The further weakening of the State under the Portillo government may have been one catalyst for this process, forcing the non-governmental sector to take on a greater protagonism. International interest in the security sector in the South undoubtedly also played a role and provided key funding opportunities.

The security sector organisations in Guatemala benefited from a project which began precisely at this moment, and which would, it is argued, contribute to an emergent 'policy community' in Guatemala around security sector reform. Between 1999 and 2002, the project known as POLSEDE, supported by IDRC[17], developed an action research experience. This experience was about building 'a security policy for democracy' and aimed at bringing a range of state and non state actors together to develop a consensus based approach to reforms in the security sector. The project represented a recognition by various international (MINUGUA, the Geneva based War Torn Societies Project) as well as national organisations that the 'Agreement for the Strengthening of the Civil Power and Function of the Army in a Democratic Society' (known as the AFPC, Acuerdo sobre Fortalecimiento del Poder Civil) was far from implementation. As the final report of the POLSEDE project put it ' The same authorities which negotiated and signed the Peace Agreements, amongst which is the AFPC, did not make an institutional effort to develop political orientations, normative frameworks, and those procedures, which founded on clearly democratic values and principals, would systematically substitute security policies, structures and operational procedures whose origins were in the counterinsurgency State' (Arévalo de Léon 2002:14)

It was notable that this Accord was even weaker than the others in terms of the institutional and legal monitoring necessary for accountability and supervision. Unlike

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[17] POLSEDE included FLACSO's Guatemala Section, War Torn Societies International, and the Guatemalan Institute for Peace and Development, IGEDEP

other Accords, for instance, there were no spaces for dialogue between political authorities and society, nor between the military institution and other sectors of civil society (ibid). A proposed Advisory Security Council to the President which had been agreed in the Accords had never been set up.

POLSEDE set out to create dialogue and give impetus to the security sector reform process, involving state institutions, (including representatives of the Ministry of Defense and of the armed forces)), civil society organizations and academic institutions and civil and military personalities invited as individuals. It identified certain weaknesses in the post War context and which could act as a benchmark for assessing the progress made since the POLSEDE process(ibid:15):

- Weaknesses of the civil political leadership – government authorities, political parties – in the design, negotiating and implementation of public policies necessary for the reform of the State Security sector
- Lack of confidence, misinformation, disorientation and different levels of resistance to the transformation of the military institution
- Difficulties in achieving intersectoral political dialogue due to fractioning and social polarisation and the crisis of the political parties
- Weakness in the capacity to make proposals of civil society organizations, as a result of the scarce formation and information available and the difficulties of articulating positions before State authorities.

Multisectoral groups worked on six themes and held over 202 meetings. The process itself was important for (ibid:11):

- Generating dynamics essential for civil military collaboration within a democratic framework
- Facilitating intersectoral dialogue
- Reciprocally legitimating participant actors
- Establishing shared parameters for the analysis of the security problematic

This was undoubtedly an historic and controversial encounter for Guatemala. A minimum achievement was bringing people together to discuss a subject which was previously taboo and even dangerous for civil organisations to take up. The fact that it could take place reflected some changes in Guatemala. In 2002, another intersectoral project known as POLSEC, was set up to look at the issue of citizen's security in the face of rising crime and violence (Hector Rosada-Granados: 2004) The Ministry of Defence also began in 2001 to develop a project for a draft White Paper on Defence policy and invited political and social actors into the process. However, this 'window' was short lived. It was very dependent on changes in the military high command and ebbed and flowed with these changes[18]. The draft White Paper was in the end produced in secrecy without civil input and deeply questioned by the UN verification mission.

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[18] The Ministry of Defense was led by four different officers during the Portillo government (Arevalo de Leon: 2005)

The POLSEDE project led to a number of conceptual advances on a range of issues around the army, intelligence and the meaning of democratic security.A number of organisations I subsequently interviewed often referred to some aspect of collaboration with POLSEDE as a turning point. Francisco Jimenez[19] of the Guatemalan Democratic Security Network (*Red Guatemalteca de Seguridad Democrática*) an organisation set up in 2002 to disseminate the operative recommendations of POLSEDE argued that:

'The interesting experience of POLSEDE was in its two great threads. First, that it permitted an open discussion on a major theme, that of the security sector . Secondly that it generated confidence between intermediary actors of the institutions. Perhaps the higher level cadres, of the State, for instance, were a little delinked, they were a political support but never involved themselves directly. The success of the project was the contact between intermediary cadres'(personal interview 9/8/05)

The effort to re-conceptualise security was a major contribution of POLSEDE. Key actors in the process recognised the need to shift the paradigm of security drastically away from its traditional meaning of 'State' security. No longer could the idea be permitted that the 'security of the people could be sacrificed for the security of the State'[20]. Security, it was argued, should be seen in a holistic and integral way and include the welfare of the population. The injection of this new idea helped build a different language around security. That does not necessarily mean all the participants in the POLSEDE process came to accept this language. But the alternative language and the participatory process which built the shared meanings gave new impetus to a range of organisations and networks around security sector reform issues. The idea, for instance of 'democratic security' became a minimum point of common reference, as Iduvina Hernandez, co-founder of SEDEM and key participant in the POLSEDE process expressed it:

'We participated in POLSEDE and POLSEC throughout the process. From the beginning when they began to talk of democratic controls, we moderated the Table 4 on Intelligence. For us it (POLSEDE) meant, among other things, to position ourselves as an organisation which knows the subject, to enter into contact with others working the subject. We learnt a lot, many analytical tools and conceptual tools around security and democratic security.As an organisation we gained a lot. We entered into contact with government officials, in particular Ministry of Defence. We had never done so so systematically. The transfer of decisions from the academic to the political was very complicated. The government actors did not stay all the time…There was more permanent presence amongst the social organisations. You could note the conceptual development amongst the civil society organisations. There are still differences but there is at least a common language. You cannot find an organisation which is against democratic controls, although not all are totally on top of the subject and how to reach it. Even the army mentions it. As a minimum they refer to it. All speak of democratic security, some of security in democracy'[21].

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[19] He himself had previously worked for the State intelligence organisation, Secretaria de Análisis Estrategico (SAE), demonstrating some novel fluidity and boundary crossing between State and Civil Society actors within the Security Sector Reform process.

[20] Personal Interview Bernardo Arevalo, WSP Guatemala, 9/8/05

[21] Personal Interview 16/8/05

In the course of POLSEDE and its aftermath, we could argue that something approaching Lindquist's 'policy community' had emerged amongst civil society organisations, and as Iduvina put it, it now claimed an 'expertise' in the subject of security. This gave the 'community' confidence, so that entering into dialogue with the State became less risky. The development of a body of ideas on Democratic Security(Arévalo de León, González, Vela:2002) also acted as a new impetus to set up the Security Advisory Council (CAS) in March 2003. Enrique Alvarez [22]became Coordinator of the Advisory Security Council. He is Director of Incidencia Democratica a research organisation specialising in security issues and had participated in POLSEDE. He explained that there was an agreement with the President before the Donors Consultative Group, that the Council should have 'security specialists' from social organisations. The existence of an emerging policy community had enabled those social organisations with a sense of their expertise in the field to make a proposal which would ensure that CAS was a process not a 'given thing'. In other words, it was possible to ensure genuine participation from civil society organisations, including IEPADES and the *Instituto*. A preparatory commission was agreed, and six people had a mandate to discuss five proposals, around the conceptualisation of CAS, the mission, the goals, the functions, and an operationalising system. The preparatory commission decided to delay negotiating its recommendations till the Berger government took office in 2004, but protagonism from civil society organisations was a vital component in pushing a window of opportunity (which international donors and Minugua, helped lever, given their mandate re. the implementation of the Peace Accords).

Improved capacity to generate security sector reform policy is also apparent in the legislative agenda around democratic security which was taken up in the wake of the POLSEDE process. The Programme of Strengthening Social Organisations in Security Themes (FOSS) has been important for bringing several civil society organisations together to draw up legislative proposals for a Law of Free Access to Information, a Law of Private Security Services, and a Public Order Law (ASIES et al:Undated, circa 2003).

In relationship to our main research/evaluation aim, the significance of POLSEDE lies in its contribution to *local* capacity. A great deal of the state security and judicial modernisation programme hitherto had been promoted by external agencies, in particular the UN Observer Mission in Guatemala (MINUGUA) and USAID on the question of the judiciary. Despite considerable investment in technical support, it is evident that external actors have very limited capacity to generate a locally embedded institutional culture in favour of reform. Nor do the international norms they advocate necessarily cohere with local appropriation of such norms in the light of national history and culture. POLSEDE was, of course, only one factor in the beginnings of a locally embedded approach to security sector reform and it should be seen alongside other political and social developments. However, it generated some important processes which would enhance local embeddedness, and its participatory ethos was particularly important.

The diagram below tries to illustrate the domains in which this community works, and the networks which crosscut it and makes apparent that 'communities' are not always

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[22] Personal Interview 8/8/05

cleanly bounded and focused but rather interacting groupings, engaging with overlapping policy domains and seeking out the advocacy coalitions where shared values strengthen the capacity of the group as a whole. In the SSR policy domains, we find a wide range of policy networks around each domain. Some organisations within these networks overlap across the issues. The Instituto de Estudios Comparados en Ciencias Penales de Guatemala (Institute for Comparative Studies and Criminal Law in Guatemala, ICCPG in its Spanish acronym, henceforth referred to as the *Instituto*) covers Justice, Prison Reform, Public Security, Police Reform, Gender and Prison Reform etc) ; others (eg Madres Angustiadas) focus on a single issue (public security) but are part of the IMASP network on Public Security Monitoring, which also includes the *Instituto*. These organisations form an emergent security sector policy infrastructure within the civil society arena, with a range of research, investigative, policy formulation, advocacy, lobbying and protest capacity. It has an increasingly professional outlook and approach, although it includes a range of types of organisations, some of which are more political than others, and some more grass roots based than others.

However, we still need to explain the limitations as well as sources of strength of this policy community and its networks. While a weak state can make it possible for civil society organisations to fill policy vacuums, it does not necessarily enable them to build State capacity. If one looks carefully at the organisations listed in the infrastructure, they are nearly all based in Guatemala City. This will reflect some limitations in the compilation process and it is not complete. Nevertheless, these are the major organisations associated with this policy domain, and while others exist they have much less influence on the State.They are also mostly *ladino* led, with some exceptions. The lack of linkages with the majority indigenous communities and the rural and urban hinterlands of the capital is a serious weakness of the community and its networks. Such linkages which would extend the language and meaning of state security sector reform to communities living in great anxiety from violence, could also act to pressure politicians and State officials or offer counter pressure points from those exercised by illegal and clandestine groups.

Policy Domain	Human Rights	Justice	Security Sector/armed Forces	Prison Reform	Police Reform/Citizens Security
Policy Community	Accion Ciudadadana CALDH Movimento Nacional de Derechos Humanos CIEPRODH CONAVIGUA Defensoria Maya Fundacion Rigoberto Menchu GAM ODHAG	Fundacion Mirna Mack Familiares y Amigos Contra la Delincuencia y El Secuestro (FADS) ICCPG Sociedad de Derecho Penal Observatorio Quetzaltenango and Huehuetenango	SEDEM Fundacion Mirna Mack Familiares y Amigos Contra la Delincuencia y El Secuestro (FADS) ICCPG Instituto de Estudios para el Desarrollo Sostenible (IEPADES) Incidencia Democratica	Familiares y Amigos Contra la Delincuencia y El Secuestro (FADS) Asociación Multisectoral Penitenciaria Guatemalteca, AMPEGUA ICCPG.	Madres Angustiadas ICCPG

| **Research Focused Organisations** | | Centro de Investigacion y Estudios Sociales (ASIES) Asociación Para El Avance de las Ciencias Sociales en Guatemala (AVANCSO) | Centro de Investigacion y Estudios Sociales (ASIES) Facultad Latinoamericana de Ciencias Sociales (FLACSO) IRIPAZ Centro de Estudios de Guatemala (CEG) | | |

Professional Associations		Asociacion de Defensores Publicos del Instituto de Defensa Publica de Guatemala Asociación de Jueces y Magistrados del Organismo Judicial (AJMOJ) Asociación de Fiscales del Ministerio Publico de Guatemala Colegio de Abogados Notarios de Guatemala Red de Jueces Fiscales y Defensores por la Democratizacion de la Justicia en Centroamérica			

Universities		Universidad Rafael Landivar, Facultad de Ciencias Politicas y Sociales; Facultad de Ciencias Juridicas Universidad de San Carlos, Facultad de Ciencias Juridicas	Universidad Rafael Landivar, Facultad de Ciencias Politicas y Sociales Universidad de San Carlos, Escuela de Ciencias Politicas		Universidad Mariano Galvis

Policy Networks	Alianza contra la Impunidad(15 human rights and justice organisations)	Grupo Pro Justicia (ICCPG, Fundacion Mirna Mack, Madres Angustiadas, FADS) Instancia Coordinadota de la Modernizacion del Sector Justicia	FOSS (Fundacion Mirna Mack, ICCPG,	Mesa del Sistema Penitenciaria (ICCPG, AMPEGUA, CALDH, Asociacion Cristiana de Jovevnes, ACJ, Liga de Higiene Menta, Universidad de San Carlos de Guatemala, CICAM, PDH, MINUGUA, UNDP, IADB, lawyers, judges, prosecutors, defense lawyers	IMASP (Instituto, Madres Angustiadas, FADs) Alianza Para la Prevencion del Delito (APREDE) FADS, CALDH, Instituto, AMPEGUA) Movimiento Social Para la Ninez y Juventud

Intersectoral Organisation (civil society and state)		Comision Nacional Para El Seguimiento y Apoyo al Fortalecimiento de la Justicia	Consejo Asesor de Seguridad		Politica de Seguridad Ciudadana (POLSEC)

The emerging civil society infrastructure around Security Sector Reform in Guatemala[23]

[23] This does not claim to be complete. It has been compiled from the field visit and from ICCPG , 2003.

b) *Advocacy Coalition Frameworks, Values and Beliefs*

Guatemala's history of authoritarian rule has impacted in various ways on the civil society organisations which began to emerge with the return to civilian rule and opening of fragile democratic spaces. Part of this legacy has been mistrust, polarised political differences and social differentiations and inequalities around ethnicity, gender and class amongst civil society organisations. The Peace Accords opened up a number of new participatory and dialogue spaces between the government and civil society organisations. But the deep ambivalence amongst power holders in Guatemala towards the transformatory challenges have affected these dialogue spaces and the extent to which groups think they offer real potential for change. The Portillo administration maintained the spaces, but at the same time corruption within the State grew exponentially. The Berger administration has represented a return to oligarchic power, and for many this has closed spaces and opportunities. As discussed above, attacks on human rights organisations and social protest have grown under the Berger government.

 Civil society organisations have responded in different ways to these obstacles. They tend to feel more comfortable in alliance with some groups than others, and underlying tensions within the policy community and networks is palpable. The divisions sometimes relate to political history, past membership of radical guerrilla organisations of the left, for example, against greater affinity with the Christian Democrat or some other Party; divisions within a much weakened left itself have grown in the post War years. Some of the tensions and differences are tactical and others are fundamental.

One source of fragmentation is around what kind of relationship to build with the State. Should representatives of civil society organisations go into the government for instance, as some notable individuals have?[24] How should lobbying be conducted? At what point do you withdraw from dialogue? What is the appropriate balance between building relationships within the State in order to influence policy from within and preserving autonomy and principled positions on all issues. One of my interviewees who I will keep anonymous put it this way:

'I think that the differences amongst some organisations is in the value they give to the lobbying and influencing process with the government. Some see it is a working tool, as a strategy, a road to achieve something. Others see it as the end in itself, and sacrifice, at least we have seen that happen in our experience, principles and content in terms of democratic security in order to have contact with the government.   We think it is possible to keep principles and ensure a good lobbying and influencing process. We think that in practice, even though one is relatively isolated from the government at times, the process of influencing is more respected by keeping principled positions'[25]

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[24] An example would be Margarita Castillo, who from her position in FADS working on prison reform, was invited to play a role in running the prison system, partly because of the lack of policy ideas in the State. She used this to the best of her ability until she was finally forced out. But she has gained a lot of inside knowledge of the prison system.Personal Interview Margarita Castillo
[25] Personal Interview

Another interviewee gave a particular example of where these differences matter, but made clear that while it would not join an advocacy coalition on all issues with a particular organisation, it might continues to work with it around others:

'*We have relations with IEPADES, the Instituto and Fundacion Mack in its work on military reconversion. But the latter is the organisation with whom we have had differences with respect to lobbying in the recent period. We have been against lobbying in favour of the Guatemalan army to liberate funds from the US Senate, for instance. But we coincide in practice on many issues. Other organisations with whom we identify closely are the Centro de Estudios de Guatemala and Incidencia Democratic, the organisations of civil society that are part of the Red Democratica de Seguridad, We are founders of the Red, and part of its executive committee in the early years. These are our links around security. And we have a strong link with human rights organisations, with the GAM around military budget and human rights*[26]

Some organizations see substantive differences around the meaning of Democratic Security ; they share the discourse but it does not necessarily mean the same to everyone. Those who work more closely with the government (take government contracts, for instance) are viewed with suspicion by others, arguing that it weakens their autonomy and willingness to speak out. ASIES and IEPADES are seen as too close in their dialogues with the armed forces, although those organisations would argue that they have opened vital spaces of dialogue. They are a wing of the policy community which acts as a bridge to the power holders who would be unwilling to listen to other wings.

An example of intersectoral space which has led to divisions between organisations working in the security sector is the CAS, as SEDEM explained:

'*CAS is an organisation with which we committed ourselves from the beginning. We were part of the preparatory commission which unified all the proposals into one and built a consensus around it with all the actors first of civil society. We helped set up the Council and I was appointed as a Councillor. There were many internal problems, the diversity of personalities has to do with that, but basically I came to the conclusion that the President had agreed to CAS in order to silence civil society but with no intention to consider it and give it a space. We started in June 2004, but by January of this year (2005), not one of the institutions of security had sent CAS its budget for CAS to review, according to the agreed remit of CAS. CAS was mostly a decorative thing. With the change in the Ministerio de Gobernacion, the National Civil Police began to intervene in civil processes, it did so with violence and aggressions. When they intervened there were wounded and even dead in extreme cases, in evictions from farms for example. This was behaviour which contradicted democratic security principles. CAS did nothing. After the death of two people in Colotenango who were demonstrating on 15 March this year, I felt I couldn't stay in this space where they justified police action and blamed the demonstrators. I resigned from CAS because the government had opted for a vision of security which contradicted democratic security. I think that CAS as a collective could have taken a*

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[26] Pesonal Interview

position of political strength and questioned the President.Instead it fell silent in order to keep the relationship open[27].

Another related difference is between those organisations wishing to impact on State policy and those wishing to mobilise a social and political constitutuency. The example of IEPADES and GAM, who both produced work on the military budget. The GAM's focus was a working tool for activists to lobby and pressure and their material on the budget is short and accessible. IEPADES aimed to influence at a much higher level, and their publications are lengthy and detailed, but have more academic strength and credibility. The armed forces remain extremely sensitive to the demands of the popular movement. They are much less likely to respond to GAM than to IEPADES, and IEPADES has used its less radical political positioning and professional profile to say things more directly to them 'We must say things in front of the army rather than accusing from the outside'[28] . However, not every organisation can gain that level of access or feel comfortable with it. This creates suspicion, but in fact there are complementary roles which could benefit from mutual communication and support, although history and politics can make that difficult.

Last but not least, there are key policy differences. An example is the position of *Madres Angustiadas*, a group of upper middle class women deeply concerned by the inability of the State to deliver security and who support the death penalty. Interestingly, this has not stopped them working with the *Instituto*, who are opposed to the death penalty, on other issues of public security through the IMASP policy network. Some members of FADs had similar differences with the *Instituto,* but again work closely with them on police and prison reform. It is a sign of maturity of the policy community that such differences can be accommodated. But also the social composition of the *Madres* group would have clashed in the past with that of the social change movements which tend to represent the poorest sectors of society. The contact of the *Madres* with the broader policy community has evidently impacted on the *Madres* and how they understand the State and the need for civil society organisations to monitor and challenge it[29]

c)   *The Role of Research in Advocacy: Analysis of the Security and Defence Budget; Judicial Observatory*

'The Guatemala experience evidences that in the context of weak state institutions and ambiguous or contradictory transitional settings, civil society can play a key role in security sector transformation. Academic institutions, universities, research centres and non-governmental organizations become not only advocates of reform – thus filling the void that often the lack of interest of the political parties in these issues creates – but valuable resources for the technical discussion of issues in which the State bureaucracy might have serious limitations. Investment in technical and political capacity building of these organizations might result in an enhanced societal capacity to deal with the ambiguities and changes implicit in transitional settings, generating better chances for sustainable interventions' (Arévalo de Leon:2005)

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[27] Personal Interview Iduvina Hernandez 16/8/05
[28] Personal Interview, Carmen Rosa de Leon 8/8/05
[29] Personal interview *Madres Angustiadas,* 9/8/05

IEPADES and the *Instituto* are good examples of the enhanced technical research capacity in Guatemala and the potential for using research to influence government and the wider society which have opened up since the Peace Accords. In that sense, Arévalo, is correct to point to the enhanced societal capacity to deal with the challenges of transition and modernization in Guatemala, although there are serious questions about how extensive this capacity is within society as well as the barriers posed to change by a weak State undermined by 'parallel powers'. In this section, two IDRC funded research projects are offered as contrasting examples of local capacity to address the security sector reform challenge in Guatemala.

a) *Instituto de Estudios Comparados en Ciencias Penales de Guatemala: Judicial Observatory*

In its *Memoria* (ICCPG, 2003a:5) the *Instituto* divides its history into three phases:

1992-1995: Formation of Base Human Team
1995-2000: Positioning in the academic and political world of civil society
2001-2003 Institutional Consolidation

These phases reflect a generational evolution of the Guatemalan NGOs which first emerged in the late 1980s and early 1990s. In the early part of the 21st century many went through institutional restructuring, and in the ICCPG and some other organisations, the incorporation of a new generation of activists and researchers is apparent. This has opened the way for more horizontal forms of organisation, less focused around a key individual with strong personal ties to external donors.The ICCPG has an impressive clarity of purpose and combination of commitment to social change with ongoing emphasis on building its capacity along the spectrum of all its activities. It sees itself as an academic institute with a focus on Criminal Justice Policy, Human Rights and Security through research, training, advice, lobbying and dissemination. It has strategies at the national, Central American and Latin American level. It focuses on six areas: Children and Violence, Detainees, the Death Penalty, Public Security, Alternative Dispute Resolution, Judicial Reform and Judicial Independence.

The Judicial Observatory

The Observatory project grew out of a small scale project funded by USAID to develop a set of indicators for the performance of the Justice Administration Centres (CAJ, Centros Administrativos de Justicia). The Observatory was seen as a tool for ongoing analysis and recording of judicial processes which could be used to push forward reform. The broad aims of the ICCPG are to strengthen the rule of law and contribute to the implementation of the judicial reform process as articulated in the Peace Accords and in the recommendations of the Commission for Historical Clarification. This reform process was widely felt to have ground to a halt in key areas as was discussed in the contextual section. Prior to the funding of this project with IDRC, correspondence reveals a sense that key external donors, such as UNDP and USAID would be winding down their support to

judicial reform processes[30]. Stephen Baranyi wrote in his response to the Observatory proposal on 12/6/2002 about his concerns around this scaling down:

'As I understand it, this is due to a pervasive frustration at their inability to make a significant dent in the wall of impunity (on most of the indicators suggested in the proposal) despite several multi-stakeholder commissions, millions of dollars and hundreds of well-meaning programs/projects over the past decade. MINUGUA's reports are quite clear on this score. How will this project make a difference? – ie what is it about the project that was missing from earlier sectoral reform strategies and that might, as a result , contribute to significantly different outcomes.'

Baranyi's question is a legitimate one and should be a benchmark for assessing the Observatory. This evaluation study will argue that it is something new but in a context which is very adverse to change. I will attempt to clarify what outcomes might be realistically expected from this project that might differ from past initiatives. I will relate these to the research into policy framework adapted from Lindquist and our framing question around local capacity for taking security sector reform agendas forward.

Observatory Phase One
A first phase of the project (September 2002-August 2003; an extension was granted to February 2004) was to develop the groundwork for the Observatory with technical support from the Chilean based Justice Studies Centre of the Americas (CEJA), an autonomous inter-governmental body set up in 1999 by a resolution of the General Assembly of the Organisation of American States. There was also a dissemination strategy of the conclusions of the review of Justice Reform in Guatemala which included meetings in Quetzaltenango and Guatemala City. The project included collaboration with the Central American Justice and Security Network (Red Centroamericana de Justicia y Seguridad REDCEJUS). It aimed to articulate research, lobbying and information exchange experience with other participants of this network, especially El Salvador (FESPAD) with its history of conflict and post conflict reconstruction. In Costa Rica it has built a partnership with the UN Latin American Institute for Crime Prevention (ILANUD). Building partnerships in the region could enable mutual learning and strengthen ties across a region with similar challenges albeit in different contexts. In the past, Guatemalan civil society organisations have not reached out to the region in this way; an outward looking approach could challenge historic introspection and strengthen local capacity in all countries of the region[31]

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[30] This assessment was later revised. It was felt that 11 September had led to a renewed interest in judicial and security sector reform as they are viewed in a new light against international events. IDRC 102608 Judicial Observatory Phase 11, Document d'Approbation May 2004

[31] Luis Ramirez, who runs the Observatory project explained the importance of these regional partnerships as part of his strategy of accumulating the political strength to press for judicial reform. A regional vision of justice reform he suggests is based on three arguments (Ramirez, 2005:4) 'The first has historical connotations, in the sense that Central America in its origins was a unitary administrative space, which meant in many aspects, but specifically with respect to justice, the incorporation of the inquisitive model which shaped bureaucratic and authoritarian judicial practices, which despite normative changes still persist. The second reason is that during the republican period, for different reasons and in different ways, there has been an impetus to regional integration, unsuccessful since the beginning of the Central American Federation, but nevertheless, it persists with ever greater strength but now in the economic and commercial sense, which shapes the small political steps of coming together in terms of security and justice, as expressions of a globalised world and therefore an

The first phase of the Observatory was founded on the need to revitalise the Peace Agreements on justice and security and to go beyond compiling information. It aimed to 'design an intervention methodology' where research and transparency are linked to lobbying and building articulation between civil society and sectors of the State (ICCPG: 2002). Progress indicators would be developed which would allow for the monitoring of change. The research which would lead to these indicators would take place in Guatemala City and Quetzaltenango. An infrastructure around the justice question had been developed in this second city of Guatemala, which the Observatory could build upon.

The dissemination strategy was rather vague in the project proposal for the first phase. But in the course of the 18 months of the project, it began to grapple with many concrete problems in the judiciary and to build interesting connections with local lawyers and judges particularly in Quetzaltenango. The strength of the process seems to be in the alliance with key actors in Quetzalenango within the Judicial sector and in particular with a young lawyer and university teacher who had a reforming mission and who found important support and connections to the capital through the Observatory. The Observatory enabled an evolution in the relationship between research and advocacy. It led to more concrete focusing on deficits in the judicial system rather than just the big and generic questions; it opened up a relationship between the capital and a region, something still very limited in Guatemala and it built new relationships outside the circle of the NGOs and state officers. The Observatory began to involve judges and lawyers in the process of reflection and debate. In this way it created an opportunity for an important shift in the relationship between research and advocacy: a means to build linkages to practitioners not just policy makers and politicians.

An IDRC memo on 23 July 2003 of a meeting between IDRC, the Guatemala and Quetzaltenango teams of the Observatory and ICCPG captures something of these changes:

'We then shifted our attention to a presentation of the Guatemala and Xela (NB, Quetzaltenango is commonly known by its shorter indigenous name, Xela) studies (three hours!!) The Guatemala study was first presented on 28 March and the Xela study on 12 June. Participation at both events was plentiful and active. The Xela presentation in particular was well-attended and succeeded in generating a significant level of debate (and denial!!)amongst the 30 trial judges who attended. ICCPG is now organising follow-up workshops with judges in both regions in order to discuss the research findings in more detail. I was very impressed by the breadth and depth of both studies. The methodology used –active, on-site observation and documentation by researchers of ongoing trials over a pre-established period of time – has produced stellar – but sobering results. For example, in the Xela only 2.3 cases per month result in sentencing. Detainees can wait up to 366 days between the time that charged are filed an a sentence is emitted. Case load is not prioritized by seriousness of the offence (eg the robbery of three pairs of pants is assigned the same priority as a homicide). In most cases the judge does not actually read the sentence to the accused and in Quetzaltenango where 60% of the population is indigenous, trials are not conducted with the services of a translator.

interdependent one. Lastly, the existence of diverse organizations which participate in the reform process which are one of the examples of exchange of experiences due to the similarity of the problematic and proposed solutions'

Guatemala's Public Defender for Indigenous Peoples does not speak any Mayan language. Both studies have done a remarkable job in highlighting some of the major bottlenecks in the administration of justice; evidently, the vast majority are structural and indicate systematic problems which will need to be focus on ongoing reform in the years to come'

The Observatory: Extension Phase

This phase involved the final editing of two reports, one on Guatemala City and one on Quetzaltenango which incorporated up to date information on the judicial reform process aimed at legal and political actors within and outside the State. It also involved promotion of '*acciones de incidencia' (*advocacy actions) around the key structural problems which prevent the effective continuation of the reform (ICCPG:2004a). Three workshops were held with sentence judges on the question of the excessive sentencing time. This resulted in a set of proposals to the Penal Chamber of the Supreme Court of Justice in 2004. There was a special workshop in Quetzaltenango with the sentence judges there to develop a concrete proposal which could relate to the town's context.

The Observatory also worked with the CAS and POLSEC on the problem of criminal investigation procedures. A proposal on the problem of juvenile delinquency was presented to the Security Cabinet. There were two discussion spaces with civil society organisations in the two cities to discuss both questions, ie criminal investigation and crime prevention. Another key question for the Observatory is access to justice, where it has worked with the Comision Nacional de Fortalecimiento y Seguimiento de la Justicia to generate debate on the question of the Peace Judges and their role in local conflicts. This has resulted in a decision to work in Ixcan, Quiche, with a particularly conflictive community. This will enable the Observatory to work more closely with indigenous communities.

A third aim was to develop a permanent monitoring model on justice reform, based on the structural indicators of the sector, which would enable the short, medium and long term measurement of impact of policy changes around Judicial Reform. The Observatory has worked closely with CEJA and FESPAD in El Salvador, as well in other Latin American countries to refine this monitoring instrument.

The Observatory Phase 2
The second phase of the Observatory which is a 36 month project[32] is the critical phase of bringing together the various threads which make up the Observatory and building a systematic tool for monitoring, alternative policy formulation, and working with practitioner change agents (lawyers, judges etc), policy makers (State officials and politicians) and social change agents (communities and groups most affected by insecurity and poor performing judicial processes). At the same time, the Observatory is building important connections with processes outside Guatemala City, and partnerships in Central American and Latin America. This is a broad agenda with a great potential for building synergies between the municipal (urban centre level), the national (Guatemalan State) and regional Central America and international Latin America levels. Strategic focus and management is critical

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[32] This part of the project is 345,610 Canadian dollars; the first phase was 100,000.

to ensure that there is no dissipation of content given the multiple levels of engagement, tasks and outputs envisaged.

Some important processes began in the first phase. But some tensions are also apparent in terms of the range of objectives. The Observatory has to develop and refine its monitoring tool at the same time as it acts to influence policy makers and practitioners through research, data collection and reports. There is a danger that the monitoring tool will be bypassed as **the** key mechanism for ensuring social participation in the Observatory and building social capacity to influence the judicial reform debate, rather than relying on 'experts' in the field.

The philosophy behind the Observatory on the role of civil society participation and on its tasks re. judicial transition are laid out with great clarity in the Second Phase Project Proposal, a clarity which reflects the importance of the systematisation effort in the first phase of the project[33] (ICCCPG, 2004b:5, ICCPG emphasis) :

'……there is a wide variety of aims, common in all the countries of the (Central American) region, which the change actors must inescapably consider and which frame the content of their (judicial) transition: To ensure that judicial systems **are accessible** to receiving complaints and demands from everyone, especially the most vulnerable; that they **are rapid in resolving** the problems they are presented with, that they are **predictable in their decisions**, **that they are effective in the control of** crime, **that they are respectful of** judicial guarantees and repress those who violate human rights, **that they are efficient in the administrative management**, **that they are effective in determining property rights, that they control corruption and are transparent**. This range of aims lead us to the conclusion, that definitively, judicial reform is a central element for the legitimation of the democratic system. The participation of civil society within this process is fundamental, not only as a legitimating factor for change, which in itself is a central contribution which strengthens democracy, but also because State institutions responsible for (judicial) transformation have until now, shown themselves incapable of transforming themselves. In this way, civil society, apart from being the entity with capacity to monitor the process, must provide viable proposals which enrich and accompany the structural changes needed to satisfy its demands for justice. The defined normative models which have led the way in the last ten years in the beginning of the judicial reform of the region, implicitly include the possibility of making this content real, but there is the risk that the variables discussed only allow a superficial installation without any real change. One of the possibilities of reducing these risks,is the accumulation of political strength to support the changes begun. This can be constructed by identifying the social sectors motivated to transform the judicial system through the content changes described (above), by giving them the information they need and convoking them to lobby on the bases of their sectoral interests without losing the vision of the whole: academics, professionals, human rights movements, business groups, social movements of vulnerable sectors and judiciary officers'

This strategic vision behind the Observatory requires a strong implementation methodology tailored to the distinct constituencies. The ICCPG has begun to build the relationships, and to organise encounters and debates. Guatemalan culture tends to dictate that these are quite formal, which is not always conducive to participation in terms of active engagement of everyone in a debate. Nevertheless,

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[33] Although it does not differentiate within 'civil society', between for instance, NGOs and other social organisations.

their worth at this stage of Guatemalan public debate should not be underestimated. In a brief attendance I made to a seminar in Guatemala City , the importance of these regional/City encounters was evident. A group of lawyers and judges involved in the Observatory project in Xela and beginning to emerge in Huehuetenango came to the City to engage with national level representatives of the judiciary. They wished to persuade them, amongst other things, of the importance of 'orality' in the legal process, a major change which has now been adopted in Xela and which has made trials more transparent and speedier[34]. Despite a reluctance to accept that Xela had progressed more rapidly in this area than the capital, gradually the arguments, persuasively put by Erick Juarez of the Xela Observatory, gained ground.

However, efforts to break the formalism of discursive encounters could facilitate the appropriation of new ideas. The process in Xela is extremely interesting and dynamic in this sense. Erick Juarez has acted as a catalyst for change with the support of the Observatory, that has evidently had a palpable impact on the judicial reform process there and on linking the Xela developments with those in Guatemala City. I observed this through:

1. Participation in the Justice Study Group in Quetzaltenango. This is a very interesting space which brings together a range of actors in the judiciary to discuss topics of mutual interest and build shared agendas. There was a sense of energy and commitment in this forum which suggested deep appropriation of the change agenda and willingness to give voluntary time by professionals to deepen their understanding of key problems

2. Interviews with a wide range of actors at all levels of the judicial process in the new Regional Justice Centre in Quetzaltenango. A body of lawyers and judges has begun to build a shared approach to what judicial reform should consist of and the implementation challenges.

3. Attendance at two of Erick Juarez' lectures at two Universities. One of these in the San Carlos, showed that there is a new intake of indigenous students to the study of law.Erick's commitment to getting them to think critically for themselves rather than repeat the content of text books was a powerful example of a change process in gestation at a very fundamental level. The second directly concerned the Observatory. Here Erick was enlisting final year law students to focus their dissertations on the monitoring tool. He spent some time in helping the students understand the challenges of research methodology. This was the beginning of turning the monitoring tool into a reality, but it also threw up the many issues around who will use it? And how will they use it? And what obstacles might emerge?

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[34] The shift from the 'inquisitorial' tradition based on secrecy and written judgements in all phases of the legal process is one of the essential components of judicial reform in Guatemala (ICCPG,2004c). I attended a trial in Quetzaltenango, and was able to observe the speed and transparency which the shift to orality has brought with it.

My visit to Huehuetenango , where I interviewed Rodolfo Ramos, another member of the Observatory team, showed how important the monitoring tool could be when it becomes an active instrument. He had just completed a two week observation exercise of the Tribunals of Huehuetenango with students from the Rafael Landivar University and he recounted the outcome:

'Here in Huehue, what we want to achieve with the Observatory is to improve the quality of the service (of Justice) and that the Justice system gets used to the fact that society has the right to see what is happening. Through the observing process, improvements in the service will come about. In the methodology of the process we saw that the Justice system doesn't like to be observed. During the methodological process of observation, the administrators of justice did not like the students observing them. The students went to the Tribunals with observation forms, they observed when the Judges arrived, left, how long they lunched, and how they treated people. In that process, they couldn't warn the judges in advance that they would be observed as that would have led them to change their normal behaviour. The students arrived before 8.00 in the morning and entered the different Tribunals. In the First Instance Family Tribunal of Huehuetenango, two students with their indigenous dress were observing, and they had the first obstacle. The Secretary of the Tribunal asked them what they were doing, but because they were indigenous. They rang me to ask me,and then the situation changed. The Judge understood the scientific nature of the work. That was resolved in that Tribunal. But in the Peace Court, the Peace Judge (Juez de Paz)met with all the Peace Judges, and we had to go and inform them of what was happening. They were all upset that we were observing, including the Public Prosecutor. In the afternoon the Peace Judge asked the police to eject one of the students and even put the complaint to the Supreme Court of Justice, saying there were suspicious people there noting when they came and went. It was an incident which was then clarified. And then things improved, because there had been problems with that particular Judge and he was transferred. The research then continued, and they realised that they couldn't stop it….We are now systematising the results with Erick and the Observatory team. It was a two week exercise. It involves analysing the cases through documentation,, filling in the observation forms, and in depth interviews with judges etc. There were 26 instruments to carry out the research. The students were intermediary level, and that has lit in them the importance of addressing the real problems of justice'

The Observatory has the capacity to be an enormously powerful tool and will challenge deeply vested interests. This is the 'difference' it could make, which Baranyi rightly asked in his comment on the proposal, ie that it could through an innovative methodology and locally usable tool enable, practitioners in many parts of Guatemala, to involve themselves in the monitoring of judicial reform, learning practical and real ways to make the judiciary accountable. While the involvement of law students does not involve the poorest of Guatemala's communities, it can involve a new generation of *ladino* and indigenous scholars and future professionals and in that way reach a constituency still ignored by many Guatemalan city based projects.

The Observatory is a very important and worthwhile project which needs, however, to keep focused:

- The monitoring instrument of the Observatory project is its most important tool for building societal involvement around justice sector reform, beginning with law students. Through this tool, law students begin to see the law as a live not formal process, and to uncover its flaws. A new generation of lawyers and judges may well see the system through very different eyes in the future change it 'from within'.

- Strengthening the regional dimensions of the Observatory, the Quetzaltenango, Huehuetenango and possibly San Marcos Departments, would be an excellent pilot for moving the judicial reform process outside the Capital and the State-focus, and building local capacity and indigenous involvement. This has great potential to spread to other Departments.

- The instrument is labour intensive and its real time cost should be acknowledged if it is to be done properly.

- Gender considerations should be more clearly articulated in all aspects of this project. Women experience the judicial system differentially to men. The monitoring tool methodology should articulate this so that it is taken into account 'naturally' rather than and 'add-on'.

- The time for the monitoring tool needs to be balanced against the other aspects of the Observatory project. Some re-prioritization may be needed. A more strategic and clearer set of objectives and priorities between the monitoring tool, the production of reports, the Central American and Latin American regional objectives might avoid the potential for dissipation of energies.

- The development of creative dissemination methodologies and co-production of research (the Observatory is planning the latter with an indigenous group in the Ixcan) are important innovative features of this project, but again, are time consuming if done properly.

- The work on the ground in Xela and Huehue, shows the importance of working with very concrete and clear aims. Practitioners like to see outcomes to the time they invest. Researchers and donors who fund research often underestimate the importance of practical approaches and outcomes. These are not always as tangible or visible as books and reports but often have a longer term impact on change

b) *Instituto de Ensenazna para el Desarrollo Sostenible (IEPADES):Analysis of the Security and Defence Budget*

IEPADES was a recipient of a year-long grant of 147,900 Canadian Dollars between March 2002 and March 2003, which was subsequently extended for six months till March 2004, with a supplementary budget of 8,700 Canadian Dollars.

IEPADES is an NGO which has played a very active role in reform and change processes in Guatemala, particularly in the arena of local power, gender and

participation, micro credits in rural areas and security and defence. It has been particularly prominent in the latter, and its Director Carmen Rosa de Leon-Escribano, has an individual standing which gives her access to many policy arena and communications media. She was one of the individual nominees for the Security Advisory Council, CAS. IEPADES played an important role in the POLSEDE process and in civil-military dialogues.

The general objective of this project was to :

'Build a critical mass of understanding of budgetary policy and procedures and the execution of public expenditures in the security and defence sector in order to facilitate citizen participation in the oversight in these processes, promote transparency in public spending and encourage the formulation of policy proposals based upon the aspects for security sector reform and military conversion, as codified in the Peace Accords'. The project marked the first phase of a five year plan to monitor military budgeting and expenditure.

The project also had five specific aims:

- To design and implement an empirical tool for civil society oversight of public spending on security and defence.
- To follow up on security sector reforms by analysing the budgets of the relevant institutions
- To put together a team of civil society representatives who have an in-depth understanding of the budgeting procedures used by the Ministries of the Interior and Defence.
- Through the dissemination of research results build public opinion and generate inputs for the formulation of policy proposals that will re-orient public spending and implement remaining commitments on security and defence codified in the Peace Accords
- To raise the consciousness and inform key policy and decision-makers on issues of SSR and military conversion, particularly members of Congress who participate in the sub-committees on Finance, Interior and Defence.

Military expenditure was still a major issue of concern, despite the reduction of the yearly allocations made in Congress to the 0.66% of GDP established by the AFPC. In practice, there were extraordinary transferences of funds by the Government of Portillo, which raised the level of expenditure in practice up to the level of the conflict years: 0.83% in 2000., 0.96% in 2001, 0.70% in 2002 and 0.72% in 2003 (Arevalo de Leon: 2005). The Ministry of Defence blocked attempts by Congress to question this on the grounds of national security. The Berger government, however, introduced significant cuts, beyond even the targets of the AFPC. The military budget was reduced to 0.44% of GDP and the size of the army reduced also.

IEPADES is clear that their role around security sector reform should be to contribute to the strengthening of the State, not to speak 'for the State'. It is evident that this small team have managed to nurture important contacts within the armed forces which I was able to verify with an interview with the Colonel responsible for army finances. IEPADES feel that their relationships are now much more institutional than personal, particularly at the middle command level. While some might argue the relationship

can be 'too cosy' (see previous), there is value to such a dialogue in the context of Guatemala with its history of polarisation and fragile State. However, it is not easy to know how much influence there really is. The civil society-armed forces conversations which IEPADES have helped open up, with others, are difficult to evaluate in the short term. The main point that can be made is that such contacts at least enable civil society organisations and the armed forces to get a sense of each other.

The cost of these relationships, however, is to sacrifice some trust amongst social movements and to make it difficult to build the relationships needed for dissemination of the military budget monitoring tool. IEPADES has published two volumes (IEPADES 2004a, IEPADES 2004b), a Manual for Analysing Security and Defence Budgets and A Social Audit of the Defence Budget in Guatemala. The GAM's tool for monitoring the budget, is a more lightweight but 'everyday' tool , which feeds into Congress through Nineth Montenegro, an outspoken leader of the left and one of the few to speak out on many controversial issues.

IEPADES, have produced a more rigorous study, which has uncovered the way the Defence budget is made, the different steps involved and therefore the points at which civil society organisations can begin monitoring and controlling. The difficulty is in making the information accessible and usable. IEPADES has managed to get considerable press coverage. They have also worked with students at the National University, which is an important social group to involve in this kind of work. They have held seminars and invited the armed forces to reflect on the issues. But the tool has not been converted into something widely used and accessible to a range of civil society organisations.

IEPADES demonstrates some of the dilemmas between producing studies for particular educated publics, which must be rigorous and convincing and turning those studies into accountability mechanisms at the societal level. There is clearly value in the former, but for building up sources of pressure for change, a wider and more creative dissemination process is required, with clear targets and follow-up. This is the major recommendation of this evaluation study. Dissemination and communication methods must be thought through at the beginning of a project, and different audiences considered when devising these strategies. Working with those audiences through the course of the project rather than presenting results at the end may ensure greater interest and using the results.

d) SSR, Policy Windows and 'Readiness'

Security sector and judicial reform is not part of a State policy objective. Guatemala still suffers from the political culture whereby each new government redefines governmental goals and abandon those of their predecessors; in other words no institutional governmental culture is built. This underlines the importance of a policy community outside the State which is ready to respond when political opportunities emerge. Knowledge of policy making processes has grown enormously within the security sector reform policy community. They are aware the problems of management and administration, the lack of professional officers in the police and

prison service for instance[35]. They are better able to see where incremental changes could make a difference rather than a sweeping 'anti-State' discourse. On the other hand, where the problems are deep and structural, there is also enhanced analytical and tactical capacity to confront those problems, although they are even more intractable and potentially dangerous than the former. The role of the SSR policy community around CICIACs is an interesting case of attempts to get to the deeper structural obstacles to change in Guatemala, even though it failed. The story of CICIACs is a poignant reminder of the deeply embedded relationships and tentacles of power between business, professional and military elites. The civil society policy community were ready to take this on, but even they underestimated the character of the response. Strong international commitment is still needed to push through processes that challenge the heart of power in contemporary Guatemala. Some civil society protagonists argued in interviews that it was not as consistent and resolute as is needed.

e) Promotion of 'Enlightenment': Altering Language, Perceptions, Public Debate

An evaluative mission to assess PNUD's contribution to the security sector and justice reform noticed the enhanced capacity within society to deal with these themes, particularly in the justice reform area. This mission which reported in September 2003, noted in particular the improvement in the quality of the participation and the quality of debate on themes associated with the rule of law[36]:

'The different sectors of society had improved the extension and quality of the debate on the Rule of Law, as much in the quality of the arguments as in the expansion of the themes' (Yujnovsky and Binder, 2003: 33). It pointed to the much greater volume of bibliographic publication today.

There are indeed many books, press conferences and such forms of formal dissemination to the policy community and the press. These have impacted on the language of the public debate and are vital to registering alternative visions and counter arguments to the elite. This was demonstrated during the course of this evaluation study when Congressional laws on security were being discussed on a daily basis and there was always a voice from one or other of the NGOs of the policy community in the media.

 However, the links between the policy community and the indigenous population remain limited, and the outreach to rural Guatemala, to rural women and men, is very underdeveloped, despite the fact that these are the populations which most negatively experience the weaknesses in both justice and security. The same evaluation reinforces this point:

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[35] Personal Interview Margarita Castillo

[36] In the case of justice administration, new non governmental organizations had assumed the problem of the judicial system or had increased their capacity of research, dissemination and the formulation of proposals. Specialist organisations at the national level are participants in work commissions, discussions, debates in the mass media, meetings with international cooperation or activities ab raod. In the same years, the same phenomena has take place with respect to the security policy organisations, although the capacity of these organisations and the quality and extension of the debate does not have the same level as in the case of justice administration (Yujnovsky and Binder, 2003:38)

'The organisations which specialise in security and justice reform have difficulties in extending their work into the interior of the country and establishing alliances with other organisations in the interior, for operative and financial reasons. The transference of knowledge and capacities towards other weaker organizations and the debate and influence at the local level is limited. The number of organisations of the Mayan people itself who have taken on these themes is still very small and their capacity to discuss national themes not directly linked to the themes of recognition of their own authorities and norms is limited' (ibid:39). The authors point out (p. 37) that there are only 40 Mayan language speaking lawyers and a very small number of students about to graduate, which means that '*the majority of Guatemalans have to relate with officers (judges, prosecutors, police and defenders) who do not understand them*'(Yujinovsky and Binder's italics)

The ICCPG has begun the outreach through their work in Quetzaltenango (which had already begun to develop its own process around the reform questions) and Huehuetenango. The involvement of students in the observatory is a very important step. But new and creative dissemination methods are needed in the Guatemalan context.

f)   Policy Impact in a Weak State environment

Civil society organisations have greatly improved their research capacity and influence with the help of donors such as IDRC. However, just as the armed forces begin to accept some modernisation, in part propelled by their weakening institutional capacity, coercive power has gone underground. Organised crime with links to many retired army officers has extended its tentacles and established itself in many territories where the State has little presence. It has corrupted the local police and taken advantage of illegal trafficking opportunities in drugs, arms and human beings. These transnational trades require transnational as well as local responses. Ironically, they could be the rationale, particularly under current US policy, for re-strengthening the armed forces as the 'only' means to control them given the weakness of the civilian police.The danger that the armed forces will regain protagonism in Guatemala is ever present, and the efforts to develop a different approach to security and to institutionalise it in new legislation is pressing.

In this context, it is important to ask how civil society organisations in the security sector should be adapting to the evolving and highly dangerous environment. A great deal of research is duplicated, and there are many publications which review the reform process and its achievements in the security sector. In the meantime, a society living in fear and poverty accepts increasingly authoritarian solutions and has no access to these debates. Security sector reform continues to require societal capacity to change State policy and to institutionalise new procedures. The multisectoral dialogues, congressional lobbying, intersectoral commissions, have all proved valuable mechanisms for trying to build State capacity. But they are not enough. Serious security sector reform will require an active, informed and engaged citizenry, beyond urban-based and *ladino* professionals. This it is argued is one of the important agendas for future research in the security sector: its transfer in to practitioner useful knowledge. This does not invalidate rigorous study aimed at particular policy arena, such as IEPADES work on the military budget. Nor that certain subjects are better worked through with particular groups capable of working with complex information such as budgets. However, a wider view is also necessary to complement these more

limited approaches with others which can reach a people at a wider societal level, in particular the indigenous majority. The dangers involved, however, should not be underestimated. This is a sensitive arena and the risks can never be underestimated.

6. CONCLUSION: FUTURE CHALLENGES FOR IDRC-SPONSORED RESEARCH IN SECURITY SECTOR REFORM

'Ultimately, whether in developed or developing countries, supporting policy inquiry is an act of faith: we build policy capacity not because we believe that there will be measurable and unambiguous impacts on government policy, but rather, because we believe that having more rather than less policy inquiry is better for furthering dialogue, debate, and the sharing of ideas from elsewhere…Assessing policy influence, then, is typically about carefully discerning *intermediate* (Lindquist's italics) influences, such as expanding capacities of chosen actors and broadening horizons of others that comprise a policy network' (Lindquist, 200: 23)

The long term nature of policy change in contexts of emergent decision making processes and weak State implementation capacity or political appropriation must be taken on board as a back cloth to funding in this area.. We cannot measure a linear outcome between investment in research and policy outcome. Lindquist's challenge to identify the *intermediate* influences is thus very important.

This does not mean we cannot assess rigorously efforts to change a policy domain. In the case of Guatemala there are particular challenges. The particular policy domain under review cannot possibly succeed outside a range of other social, political and economic changes, and in turn, those changes cannot succeed without change in the security sector field. We are dealing with the evaluation of incremental changes, which we have demonstrated have:

- Enhanced confidence of local NGOs and other civil society organisations that they have the 'right' to comment on this area through evidence based research and policy formation capacity.
- Contributed to the construction of a policy community, capable of being recognised by government as having policy expertise.
- Enhanced dialogue and contact between State security forces and civil society organisations
- Greater knowledge (through research and also through the dialogue processes)of how state institutions work, the challenges of public policy formation and ability to identify everyday as well as structural obstacles to change.
- Greater understanding within some State institutions of civil society organisations and their role
- Enhanced the public debate on the chosen issues, ensuring new ideas percolate into the wider society through the media and other channels
- Not resulted in an harmonious and fully coherent policy community, but one that is pluralistic with different values, beliefs and world views and distinct strategies and tactics. However, it has been capable of forming cross cutting alliances in particular domains, creating networks which have strengthened civil society capacity and the building of minimum shared platforms.

- This has enhanced readiness to take advantage of windows of opportunities in terms of reinforcing a more receptive political wing of the government or legislature, for instance, when they are in the ascendant, or building relationships with middle ranking officers of the army.

Guatemalan civil society organisations in the security sector and judicial arena have enormously strengthened their policy influencing role and improved the research capacity to enable them to do this. IDRC has played an important role in building the research capacity and policy influencing skills of this sector, and thus has contributed to locally embedded and more sustainable change processes. This is a major finding of our study with respect to our key evaluation study question:

"The weak point of the global security sector reform initiatives is local embeddedness, effectiveness and sustainabilty. How have these deficits been addressed in the Guatemalan case and what contribution has IDRC sponsored research made?"

The iterative process of knowledge construction has meant that this has not been a linear process of evolution, but one of leaps and setbacks and constant learning. However, technical capacity alone is not sufficient for serious reform to happen in the Guatemalan context. There are characteristics which distinguish southern States in general and the Guatemalan State in particular, from highly institutionalised and procedure driven States of the North. Two factors are particularly important in the Guatemalan case:

4. A highly unequal and ethnically divided society, with lines of fracture horizontally across non *ladino* groups as well as between them and the *ladino* minority. Differential socio-economic and educational levels, very high levels of poverty and the additional inequalities and discrimination experienced by women of all ethnic groups, creates a society which cannot easily be mobilised for a shared change project.

5. The policy weakness and fractured nature of the Guatemalan State and the clandestine powers and organised criminal groups which have arisen in its bowels and now in key territories of the country, mean that however strong the capacity of civil society organisations to develop policies and lobby the State, they might still miss the point where real power lies. And if they get close to it, they themselves will be threatened.

In these circumstances, it is wise to think constantly of the way to address these external limitations while building the technical capacity and overcoming some of the internal limitations of the existing policy community, which we might identify as:

- Unimaginative dissemination strategies, which involve formal seminars and presentations, books and reports, which focus too much on influencing literate and urban sectors of the population.Creative knowledge transfer processes should be encouraged,. Donors might offer incentives for new kinds of outputs other than books and long reports.

- A Guatemala-city focus which is failing to seek allies in the regions and build local and regional capacity (The ICCPG Queztaltenango and Huehuetenango processes are exemplary, but need to be developed taking into account the poorer educational and skills base of some other Departments)
- A failure to work with indigenous groups and build common network platforms in the domains. The indigenous community of Guatemala is not yet part of the security and judicial sector policy community although they are the most adversely effected by the weaknesses of both
- The need to constantly reflect on the gender component of all work and to ensure that exploring the differential impacts of security sector and justice system failure on women are not seen as 'add ons' but integral to reform processes. Similarly that women are seen a co-subjects in the reforming process.
- The need to constantly reflect on when dialogue with the government or engagement in multisectoral dialogues can legitimise the State without providing opportunities for real change.

In turn, the international donor community must realise that building local capacity for reform in this field cannot be done overnight, might not fit into over rigorous measurement based on linear expectations of outcomes which are only appropriate for certain kinds of States. 'Intermediate' goals which see research knowledge as iterative and recognise that policy influencing experience is often gained through failure. Giving value to research into practice as well as policy would also ensure that donors do not just look to 'state influencing' but also to 'society influencing' strategies. Research methodologies which involve people in the co-production of knowledge can be both ethically positive and contribute to a more inclusionary policy community. It is also critical that the international community takes on the external factors which fuel the instability and insecurities of a country such as Guatemala, directly in the fields of drugs, small arms, and indirectly in the economic field of trade and investment. Ultimately, research in the field of security sector and judicial reform must be able to impact on State policy change and implementation capacity. Both remain very weak in contemporary Guatemala.

7. KEY RECOMMENDATIONS

- IDRC has contributed to the building of a policy community on security sector reform in Guatemala which has demonstrated increasing expertise in the field and capacity to dialogue with government and security officials, produce reports and books, access the media, monitor processes, lobby Congress, and influence debates.This work should continue as it is long term, and still fraught with risks, given the power of parallel and clandestine armed groups in Guatemala. Until the State can deal with these, ongoing violence and impunity will negatively impact not only on individual lives but on development and democracy.
- The emergent policy community represents a significant locally embedded capacity and addresses a major deficit in externally funded security sector reform processes. However it remains fragile, both from internal divisions and the risks from State and non State repression. It is important for IDRC to maintain its support given these difficulties and uncertainties.

- The key recommendation of this study is that one way of strengthening the policy community is to assist it in developing more creative dissemination methods which reach out to the broader society and to indigenous and rural communities in particular. The *Observatorio Judicial* which is now training local observers of judicial processes is one example of how research can be taken outside of professional, urban based and mostly *ladino* environments. IDRC could encourage other research into practice experiments.
- IDRC could also encourage a move away from the predominance of books and reports as the main outputs of research, into more participatory dissemination methods which involve the targeted groups in the research process.
- More research oriented members of the policy community supported by IDRC could also be encouraged to contribute their research capacity to more activist groups rather than taking on all these tasks themselves.
- While some members of the policy community might be receptive to such ideas, others might need training and encouragement, and IDRC could offer support in that direction.
- IDRC could also encourage the organisations its supports to take the ethnic and gender dimensions of security sector reform more seriously.
- The emergent policy community needs external links and networks to strengthen its national lobbying and build more regional capacity. This point I have taken from the Sam Amoo's African case study which explored this regional research capacity. This has begun in Guatemala but IDRC could support more Inter-american research networks with a view to influencing regional bodies and putting pressure on national States.
- I also take from Sam Amoo's study the idea that security sector research and advocacy organisations could offer training to State officials as well as dialogue and workshops. This relates to my emphasis on the need for more creative communication strategies which enable the policy community to build more long term alliances and common agendas with state officials as a way of strengthening State capacity as a long term goal.

ANNEX ONE: BIBLIOGRAPHY

Annan, K. (1999) 'Peace and Development – One struggle, Two Fronts' Address to the World Bank Staff Oct.19
http://www.worldbank.org/html/extdr/extme/kasp101999.htm

Arévalo de Léon, B (2002) Investigación-acción participativa para la reforma del sector seguridad: la experiencia del proyecto POLSEDE in Arévalo de Léon B (ed) *Hacia una Política de Seguridad Para la Democracia. Documentos Finales, Tomo 1* Magna Terra Editores:Guatemala

Arévalo de León, B, González, P, Vela, M. (2002) *Seguridad Democrática en Guatemala: Desafíos de la Transformación* Guatemala:FLACSO

Arévalo de León , B(2005)*Civil-Military Relations in Post conflict Guatemala* Guatemala City:draft, mimeo

ASIES, PESD, IGEDEP, FOSS et al (undated, circa 2003) *Implemenatción de la Agenda Legislaiva de los Acuerdos de Paz en el Ámbito de la Seguridad Democrática* Guatemala: ASIES,

Ball, N, Brzoska, M, with Klingma,J, and Wulf, H. *Voice and Accountability in the Security Sector* Bonn: Bonn International Centre for Conversion, Paper 21

Ball, N and Holmes, M, (2002) *Integrating Defense Into Public Expenditure Work* , paper commissioned by UK Dept of International Development, mimeo

Blinder, A. M and Obando J.(2004) *De las Republicas Aereas al Estado de Derecho* Buenos Aires: Ad Hoc

Duffield,M (2003) Global governance and security London:Zed Press

Kingdon, J. W. (1984)*Agendas, Alternatives, and Public Policies* New York:Harpers Collins

Rosada-Granados, H (2004) *Aproximaciones a una Política de Seguridad Ciudadana* Guatemala:Magna Terra

Hurwitz A. and Peake, G (2004) *Strengthening the Security-Development Nexus: Assessing International Policy and Practice since the 1990s* New York:International Peace Academy

Howell, J and Pearce,J. (2001) *Civil Society and Development: A Critical Exploration* Bo.Colorado:Lynne Rienner

Human Security Commission (2003)*Human Security Now* NewYork:UN

IDRC (2004) Judicial Observatory Phase 11, Document d'Approbation de Projet Mimeo

ICCPG (2002) *Observatorio Judicial (Primera Etapa)* ICCPG: mimeo

(ICCPG (2003a) *Memoria 2001-2003* Guatemala:ICCPG

2003b) *Documentos de Trabajo para la Incidencia Politica* mimeo

ICCPG (2004a) *Proyecto Observatorio Judicial,Informe Narrativo, Actividades y Resultados de Setiembre 2003 a Febrero 2004)* mimeo

ICCPG (2004b) *Observatorio Judicial (Segunda Etapa*, ICCPG: mimeo

Lindquist, Evert A. (2001) *Discerning Policy Influence: Framework for a Strategic Evaluation of IDRC-Supported Research* http://web.idrc,ca/en/ev-12177-201-1-DO_TOPIC.html

ICCPG (2004c) El Juicio Oral en el Proceso Penal Guatemalteco, Una Valoración a partir de su Funcionamiento *Judicial, Mayo-Junio 2004, Edicion Especial*

MINUGUA *(2002) Thirteenth Report on Human Rights of the United Nations Verification Misión in Guatemala*
www.minigua.guatge.net/informes/INFODDHHINFO13oDDHHEnglish.doc
MINUGUA, 2004a *DerechosHumanos en la Administración de Justicia*Tomo 11 Guatemala:Minugua Enero
MINUGUA, 2004b *Informe Final, Asesoria de Fortalecimiento del Poder Civil* Guatemala:Minugua, 15 Noviembre
MINUGUA, 2004c *Los Linchamientos en Guatemala* Tomo 111, Guatemala:Manigua, enero
Peacock, S, and Beltran, A (2003) *Hidden Powers in Post-Conflict Guatemala* Washington: WOLA
Pross, P. (1986) *Group Politics and Public Policy* Toronto:Oxford University Press
Ramirez, L (2005)*Informe de la Situacion de la Justicia en Guatemala, 2005* Guatemala:mimeo
Sabatier, P.(1988) An Advocacy Coalition Framework of Policy Change and the Role of Policy-oriented Learning Therein *Policy Sciences 21: 128-168*
Schirmer, J. (1998)*The Guatemalan Military Project, A Violence Called Democracy* Philadelphia: University of Pennsylvania Press
Weiss, Carole H. (1977) Research for Policy's Sake: The Enlightenment Fucntion of Social Research. *Policy Analysis,* 3,4:531-545
Smith, D. and Breain (2003) A. *Atlas of War and Peace*, New York:Penguin
UNDP (!994) *Human Development Report*
UNDP (2003) Security Sector Reform and Transitional Justice: A Crisis Post-Conflict Programmatic Approach, New York, mimeo
Yujnosky O and Binder, A (September 2003) *Evalucion de Efecto: Consolidación del Estado de Derecho en Guatemala,* PNUD:Guatemala Mimeo

ANNEX 2: INTERVIEW SCHEDULE
4-16 AUGUST 2005

4 August

1. **Claudia Paz and staff,** Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG)
2. **Claudia Samayoa** Movimiento Nacional por los Derechos Humanos

5 August

3. **Arnoldo Ortiz Moscoso,** Comision Nacional para el Seguimiento y Apoyo al Fortalecimiento de la Justicia
4. **Javier Monterroso,** Congressional Comisión of FOSS
5. **Estuardo Galeano,** Grupo de Apoyo Mutuo
6. **Coronel Fredy Gonzalez,** Departamento de Finanzas del Ejercito, Ministerio de la Defensa Nacional

6 August

7. **Luis Ramirez,** ICCPG

8 August

8. **Carmen Rosa De Leon and Miguel Angel Sagone Aycinena,** Instituto para el Desarrollo Sostenible, IEPADES
9. **Margarita Castillo,** Familiares y Amigos Contra la Delincuencia y el Secuestro, FADS
10. **Jorge Mario Castillo DIaz,** Procuradia de los Derechos Humanos, Defensor del Debido Proceso y Recluso
11. **Enrique Alvarez,** Consejo Asesor de Seguridad

9 August

12. **Francisco Jiménez,** ,Red Guatemalteca de Seguridad
13. **Comisario Lizardo Estrada Conde, Oficial Tercero Jorge Ernesto Aldana Chavez,** Policia Nacional Civil
14. **Alvaro Fernandino,** Programa Estado de Derecho, USAID
15. **Patty Gonzales, Bernardo Arevalo,** WSP Internacional Officina para America Latina
16. **Carmen Rosa De Leon and Miguel Angel Sagone Aycinena,** Instituto para el Desarrollo Sostenible, IEPADES

10 August

17. **Ana Maria de Klein** Madres Angustiadas
18. **Fernando Gonzalez ,** Instancia de Monitoreo y Apoyo a la Seguridad Publica (IMASP)

Field Visit Quezaltenango

19. **Erick Juarez,** Abogado y ICCPG
20. **Reunion con Grupo de Estudio de La Justicia en Quetzaltenango**

11 August

Visit to the Centro Regional de La Justicia de Quetzaltenango, (Quetzaltenango Regional Justice Centre) Observation of a court hearing (Audiencia) and interviews with various officials of the court, judges and magistrastes.
21.   Justice Administrator
22. **Silvia Cajas,** Judge
23. **Eugenia Villaseñor,et al**Magistrate and two vocales (one indigenous) of the Sala Quinta del Ramo Penal (criminal appeal court)

Field visit with the Quetzaltenango police, Comisario 41, discussions with the administrative section, observation of road operation, visit to sub station of Cantel
24. **Agente**
25. **Erick Juarez**

12 August

26. **Luis Ramirez,** ICCPG

15 August

27. **Frank La Roux** , COPREDEH, **Helen Mack,** Fundacion Mack,**Tani Adams,**CIRMA, (informal conversations)

16 August

28. **Carmen Aida Ibarro**, Fundacion Myrna Mack
29. **Fernando Giron Soto,** Coordinador Adjunto del Area de la Reconversión Militar Fundacion Myrna Mack
30. **Edelberto Torres Rivas** PNUD
31. **Iduvina Hernandez** Asociación para el Estudio y Promocion de la Seguridad en Democracia , SEDEM

25 August

32. **Rodolfo Ramos,** lawyer Huehuetenango

ANNEX 3: THE LINDQUIST APPROACH TO ASSESSING POLICY INFLUENCE OF RESEARCH

This annex summarises some of Lindquist's key points which have been used to evaluate IDRC –funded research on SSR in Guatemala.

1. Research and Policy Influencing: What should we expect?

- There must **be reasonable** expectations about research and policy influence
- Reasonableness means taking on board the fact that there is unlikely to be a linear progression from research output to policy influence. **Research can influence policy indirectly by altering 'language and perceptions of policy-makers and their advisors', promoting 'enlightenment'** through the 'circulation and "percolation" of ideas and concepts, as opposed to timely, hard facts and robust theories to guide policy interventions' (Weiss quoted in Lindquist 2001 p.3)
- The importance of the **relationship between research and 'advocacy coalitions' in each policy domain**, ie whether it is associated with or independent of those coalitions.Research can, for instance serve as a **moderating force on policy conflict**
- The observation from Sabatier (1988, quoted by Lindquist,2001, p.3) that it is 'difficult to assess the role of research or analysis in the policy process unless **observers monitored a policy domain for at least a decade**.
- The need to distinguish between the kind of information that could be produced or sponsored by an organisation (Lindquist, 2001 p. 4), ie data, research and analysis**. Publications should not be taken at face value and their actual value added should be scrutinised.** It should also be born in mind that web sites and electronic exchange offer new possibilities for dissemination.
- Projects which result in publications (ibid p. 4) may not support new research **but build capacity to conduct research sometime in the future**. Many research-related organizations are in fact **promoting the exchange and dissemination of ideas**.

2. Policy Communities, Policy Domains, Policy Networks: Key Concepts

- The importance of taking into account the multiplicity of policy actors and the 'larger milieu' (Pross 1986, quoted in Lindquist, 2001, p. 6) in which groups try to influence policy or the '**policy communities'** operating in a **policy domain**.
- Lindquist's literature review provides a number of helpful insights into how to understand a 'policy community':

  - ➢ Within the concept of ' policy community', we could make a distinction (Pross 1988 quoted in Lindquist, 2001 p. 6) between the **'sub-government'** composed of influential government departments and strong interest groups with access to those departments, as well as

relevant international organisations, and the **attentive public**, comprising all other actors with a long term interest in monitoring and criticising prevailing policy and outcomes. (NB luis and the personal friendships across the ideological divide deriving from weak state capacity which leads to openings, also FADs)

➢ Those in the 'sub government' may be inclined to be protective of the status quo and form '**policy monopolies'**, (ibid) and the 'attentive public' might be a better source of creative ideas for new policy approaches (are some IDRC partners becoming sub-gov? danger that they are sucked into this, so how the attentive public wins influence but retains autonomy is important, and therefore, relationships with broader social actors and some normative parameters is important)

➢ The importance **of familial ties** in some Southern Countries (see above)

➢ As well as multiple actors in the policy community, there can **be multiple audiences and consumers for policy inquiry** and many competitors for attention.(who is the policy research most aiming to influence, eg. Ministry of Defence?(IEPADES), Congress, Judiciary, Interior Ministry, Public Opinion. In Guatemala, many publications lead to press conferences, and many in our policy domain of SSR are quoted in the press)

• The policy community approach involves **mapping the range of actors in a policy domain,** distinguishing between those with (sub government) and those without (attentive public) access to levers of power. However, there is also a need (Lindquist, 2001 p. 9) **to unpack the differences and the reasons for the differences amongst the communities associated with different policy domains and to assess the evolutionary potential of the policy communities**. The concept of **policy network** enables us to account for how the structure of policy communities changes in different policy areas in the same jurisdication or how policy communities associated with the same policy domain (eg SSR) differ across jurisdictions. As I interpret this, it means that policy networks enable us to encompass actors in the policy community who focus on more than one domain, and how policy communities differ across domains ie networks complicate the idea of 'policy community' but enable differentiations to be made and movement and change to be traced (the role of intersectoral and multisectoral spaces in Guatemala is relevant here; which actors choose to engage with which spaces, and does engagement between state and non state actors, and amongst non state actors around the same or interrelated themes enhance the policy change process?).

3. Values and Capacities: The conflictive character of policy networks and communities and the 'advocacy coalition framework'

• **We could either focus on the relative capacities of networks, and members of networks, or on the beliefs and values**. In fact**, competing values and beliefs must be put alongside the interest and capacities of policy actors in policy networks.** . Alliances are formed for different reasons, but the networks are often not 'clean'**. The capacity of these actors to coordinate and develop coherent strategies across actors and across different levels of**

government and to sustain action are important indicators of the strength of the network

- An **advocacy coalition framework** suggests Lindquist, might enable us to analyse the competing belief systems in policy networks and how that impacts on policy change over time. Advocacy coalitions **'flow from the bonds and relationships of actors who share similar values and beliefs'** (Lindquist, 2001,p. 10)**. Within policy communities, two to four advocacy coalitions might be present, with some emerging as dominant**, eg certain think tanks and academics (We might look at accusations that the CAS is about hand-picked individuals by the President, which gives greater weight to some over others and delinks individuals from institutions); rather than strengthen the policy community this can weaken it through division around 'insiders/outsiders')

- The important point about advocacy coalitions (Sabatier 1988 quoted in Lindquist, 2001 p. 12) is that they are formed '**around a core set of beliefs and values that are very stable and not easily shaken'.** This can lead to conservatism, but potentially open up movement around secondary issues in the face of careful studies or strong anecdotal evidence Researchers can indeed facilitate **policy learning** and '**while conflict is pervasive in policy communities, research findings can have a moderating influence on what otherwise might be shrill and non-productive debates Research can assist advocacy coalitions to produce better arguments, and conversely, can be used to test the claims of opponents'** (ibid)

- In this sense, Lindquist's argument (p. 13)seems particularly compelling that '**the goal of funding may not be to directly influence public policy, but rather to improve the quality of debate and evidence, or more specifically, to strengthen the analytic capabilities of a particular non-dominant advocacy coalition by supporting certain individuals or organizations'**

- It is important not to forget the influence of informal networks of leaders and researchers in policy networks . 'Epistemic communities' which cross policy domains, and create powerful personal and professional networks up to the international level, can affect policy networks and governments In that sense, rather than sponsor new research, IDRC might be building relationships and capacities amongst key individuals and opening them up to new ideas outside their immediate area of concern. The idea of '**policy inquiry**' takes us into this realm and beyond the research only focus.

- The importance of **external influences on policy networks** needs to be taken on board, from changes in government, changes in economy and technology, policy change pressures from one domain can force change in another

- Chances can also be generated within policy networks. **Competition and conflict within the networks can drive the search for new evidence and arguments**

4.Policy Change: Chance and 'Readiness'

- **There can be many reasons why alternatives to existing policy regimes get serious attention and new policies get adopted** (eg at the moment in Guatemala, the dire situation of violence, and the failure of existing policies is strengthening those sectors of the government who want change and enabling them to open spaces to policy networks and policy communities pushing for

change; this needs to be counter balanced by the way Congress operates, the short term electoral considerations, appeals to 'popular' ideas, that Deputies are using to push changes in the security laws going through Congress)The idea of **policy windows** (Kingdon, 1984, quoted in Lindquist, 2001, p.18) draws attention to the contingent confluence of different pressures which open up readiness for policy shift, eg government crises, international agreements.

- **Timing and chance** are therefore important and the idea of '**readiness**' (p. 19) As Lindquist argues:

  > 'Readiness, rather than achieving impact with each event or study, may be a more important goal, For those sponsoring policy inquiry and building capacity in developing countries, and objective is to increase chances so that supported individuals and organizations can take advantage of policy windows, or to identify ways to create windows'

- The role of **policy entrepreneurs** becomes relevant with respect to creating policy windows. These are advocates inside or outside government who are committed to certain causes or solutions and can analyse the context and conjuncture well. The identification of key individuals is, therefore, important in assessing the opportunities for change in a policy domain.

5.Distinguishing between Decision Making Modes: Routine, Incremental, Fundamental and Emergent.

- Linquist (2001, p.19) draws our attention to different decision making modes –**routine, incremental, fundamental and emergent**. In the case of Guatemala this is a very helpful distinction and one around which the policy networks revolve. Routine decision making is about relating programmes to existing and evolving conditions rather than questioning their basis; incremental deals with selective issues as they emerge but not the issues in the policy domain, and fundamental decisions are 'relatively infrequent opportunities to re-think approaches to policy domains, whether as result of crisis, new governments , or policy spillovers'. The fact that most decision making in a policy area is routine or incremental mitigates against the use of research by policy makers. There will be interest in data and analysis, but research influence is mostly through 'enlightenment' and 'percolation'. Demand for research and receptivity to it, is in anticipation of fundamental policy decisions or follows sharp regime shifts (here the importance of **readiness** comes into play) This form of analysing the modes of decision making, leads us to ask of IDRC sponsored projects: when were the 'defining moments' or fundamental decisions on the cards, (and were the projects able to take advantage of those moments? One could argue, for instance, that the Peace Accords were such a moment but capacity to build new policy instruments was weak at that time), or what mode of decision making existed as the project was designed? (the particular projects under focus for this study, take place in a new context best described as 'emergent'). However, if as is the case in Guatemala, policy networks and decision regimes are fragile, IDRC's role maybe more about identifying and building new capacities or networks where none existed. There may therefore only be an '**emergent decision making regime'** (Lindquist 2001, p. 21)

ANNEX 4: COMPARATIVE REFLECTIONS ON THE CASE STUDY OF IDRC-SUPPORTED RESEARCH ON SECURITY SECTOR REFORM IN KENYA, SOUTH AFRICA, GHANA AND NIGERIA

The terms of references suggested that some dialogue between the two commissioned case studies could be fruitful. This took place to a certain extent at the IDRC workshop in November 2005. Since then, I have read Sam G.Amoo's draft and the following reflections are aimed to review any common issues which emerge from our two studies or any potential for Guatemala to learn from the African experience. There are many differences between the countries and regions, of course. A common thread is the high levels of poverty and inequality, the fragility of the State structure and what Sam Amoo calls the 'misgovernance' of security institutions, many of which have been responsible for systematic human rights abuse which have triggered conflict and further state disintegration.

From Sam Amoo's paper I found the following points of interest (page numbers refer to the final draft version of the paper):

1. There are many points in common between the papers, although Sam Amoo was looking at regional and continent wide research projects often involving multiple partners from different countries in the region.

2. Some of the research projects were similar to the Guatemalan ones, and involved opening dialogues and attention to defence budgets. The core findings of the latter mirrors many of the problems of the security sector in Guatemala, including the lack of transparency in budgeting and the fact that the agenda for this largely originates with donors.

3. The need to 'create' not 'refresh' capacity (p.12) is a challenge shared across our regions. Neither region has a history of accountability or tranparency in the security sector

4. Amoo's paper is also concerned with ensuring local ownership of the reform process (p.12) and to prevent a perception that it is externally imposed. His conclusions suggest that the building of a locally embedded policy community is generally less advanced than in Guatemala, but is in construction, with IDRC paying an important role in supporting research which will build local capacity to gather data and analyse as well as lobby and influence.

5. The paper also emphasises the importance of 'indigenous expertise' in security issues (p.9), but with less emphasis on the wider societal engagement with the theme that has been an important theme for the Guatemala study. Amoo emphasis is on the training of civil authorities. This is however an interesting point for my case study. In Guatemala there has been a lot of emphasis on dialogues with civil authorities, but this is not

thought of in terms of systematic training. Could local NGOs in Guatemala take on such a role? The emphasis in Guatemala is much more on universities as sources of education and training, but it might be worth exploring how the security sector reform policy community could offer courses for civil servants.

6. There is much more emphasis on the development of a regional and continental security architecture in Amoo's study, which reflects the rather different terms of reference and distinct character of the African processes. In the Guatemalan case, civil society organisations are reaching out to regional and continental bodies and building civil society networks. Perhaps the latter is more advanced than the former, and that might be another point to take from the African case. In the light of weak national response to civil society pressure, trying to create regional and continental wide pressure on states might be a strategy which needs strengthening.IDRC could promote research in that direction.

7. Amoo's study makes an important point that 'human security cannot be secured without state security' (p.20), and this resonates with Guatemala. The ongoing and deepening poverty deeply impacts on issues of security sector reform. The poorest are often most vulnerable to authoritarian offers to impose security. Building support for a democratic approach to security must not be counterposed as distinct from the economic and human development issues.