# Decentralization in Guatemala:
# Searching for Democratic Local Government

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# Contents

## Tables

## Figures

## Introduction


Decentralization is a process which has been undertaken by governments of wealthy and poor nations all over the world during the past several decades. Many claims have been made that decentralization provides for more accountable democratic governance[1], though supporting evidence is still lacking. This study aims to use the case of Guatemala to examine a particular decentralization process in order to reveal whether the possibilities for democratic local governance have been enhanced by the recent moves towards decentralization, or, particularly given Guatemala's history of a centralized unaccountable state, if the rhetoric of democracy has outpaced its reality.

These are important questions to ask at this point in Guatemala's history. Nearly 200 years after independence from Spanish rule, Guatemala is still taking shaky steps towards the consolidation of a fragile democracy. Indeed, "consolidated" and "stable" are not adjectives typically used to describe Guatemalan democracy. As will be discussed in this paper, "low-intensity", "shallow", and "monster" have been claimed to be more accurate. Critical to this study, the decentralization process in Guatemala has become intertwined with the effort to incorporate civil society, especially the indigenous population, into a project of participatory democracy, which has been for so long lacking (Bland, 2002: 1). In addition, and perhaps because of the failure of democracy to create an effective state, Guatemala continues to face grave problems, such as violence, poverty and social exclusion. Only through incorporating the entire citizenry will these problems

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[1] Though "democratic governance" is used here and in the title, throughout this investigation this term will be used along with "citizen participation" and "participatory democracy", to refer to democratic participation in decision making.

be tackled effectively.

In the worlds of Guatemalan social researcher and former development minister Nelson Amaro, "The triad of decentralization, local government and citizen participation is intimately connected to democracy and the development process" (2001: 83). It has become increasingly apparent that the processes of democratic consolidation and sustainable development are not nearly as linear as was once thought, thus it is even more important to chart a county's progress and regression. This investigation hopes to shed some light on Guatemala's recent experience, specifically in regards to its experiment with decentralization, which could be a step in the right direction or a further stumbling block.

This study will start by examining the nature of decentralization and factors contributing to its widespread adoption by national governments throughout the world. Decentralization will then be examined in its relation to civil society and democratic governance, with special attention placed on the role of the state in any democratization which occurs. Subsequently, the recent history of decentralization in Latin America will be introduced, focused on the cases of Mexico and Bolivia, to provide context and comparison to the Guatemalan case. Turning to Guatemala, the recent history of political participation will be outlined, along with a brief analysis of the state of Guatemala's democracy. Finally, the history of decentralization reforms will be presented, followed by a discussion of the spaces for democratic participation which have resulted, emphasizing progress made and obstacles which remain. A conclusion will summarize the findings.

## What is decentralization?

Since the 1980's dozens of countries throughout the world have attempted some sort of state decentralization. Decentralization refers to the transfer of power to different subnational levels of government by the central government (Oxhorn, Tulchin, and Selee, 20004: 7). However, these processes have been as varied as the countries which have undertaken them. No two decentralization schemes are exactly alike, nor two countries' experiences with similarly designed reforms. This makes discussing and comparing decentralization difficult. Thus, before proceeding it will be necessary to specify what exactly decentralization is and some of the variations commonly encountered throughout the world.

The first division is between administrative, political and fiscal decentralization. Limited decentralization reforms often begin and end with administrative decentralization. Administrative decentralization entails the operating of services, programs, and projects at a local level, though without local participation in programmatic decision-making processes or control of funding. Centralized bureaucracies are often more willing to let local authorities carry out programs they design and whose purse strings they control. More in-depth decentralization involves the political and fiscal elements, wherein local governments are led by elected rather than appointed officials and granted more decision-making responsibilities, as well as more control over the collection and spending of financial resources. Despite these divisions it is important to note that in many cases a given decentralization program contains mixed elements of all three aspects. The central government might grant localities more

autonomy, including fiscal and decision-making, in the areas of education and health, while granting little power in the areas of infrastructure and natural resources. As mentioned above, the variations are limitless.

Besides these three aspects of decentralization, experts have noted a division in the extent to which autonomy is granted by decentralization projects, categorizing them as deconcentration, delegation, and devolution. Deconcentration refers to the implementation of programs at the local level, with policy decisions being made at the central level. Delegation involves some decision making at the local level, but with some decisions being reserved as well as veto power. Finally, devolution is the maximum level of autonomy for subnational governments, with full decision making at the local level and limited oversight at the centralized level. Again, it is common to see a mixture of these three levels across different policy areas.

| | Administrative | Political | Fiscal |
|---|---|---|---|
| Deconcentration | | | |
| Delegation | | | |
| Devolution | | | |

**Figure 1: Matrix of Decentralization Aspects**

In sum, decentralization entails increasing responsibilities and resources of subnational units of government, but there is no standard template. Each decentralization reform contains a mix of administrative, political, and fiscal elements, as well as deconcentration, delegation, and devolution. The final matrix determines the boundaries of the powers of local governments; where they have control and where they are still

directly subservient to central government policies and priorities.  This investigation of decentralization in Guatemala deals most principally with the political aspects of decentralization, those which allow for a more democratic participation in local governance.

## Why Decentralize?

The scope of decentralization reforms worldwide begs the question of why exactly the undertaking of decentralization is, in whatever form it may be, so widespread. There must be compelling reasons to carry out such a difficult political project.  Indeed, regimes of many stripes have a number of motivating factors, internal and external, which play a part in decisions to move towards decentralization.  Additionally, there are many theoretical benefits offered by decentralization reforms in the areas of public management, economics, and politics.

Circumstances often play a role in the decision to pursue decentralization.  These circumstances can be internal or external to the state and ruling regime.  One study found that most decentralization reforms came about because of challenges to political elites at the national level (Bardhan and Mookherjee, 2006: 32).  These challenges could be the need to gain or restore the legitimacy of national governments or ruling political parties, the need to accommodate regional elites, or to quell separatist factions.  Other studies of decentralization have also noted many cases of ruling political elites using decentralization reforms as a means to maintain their power and block more far-reaching political change by defusing demands away from the central apparatus and towards the

7

myriad of local governments (Oxhorn, Tulchin, and Selee, 2004: 12-13). In these scenarios, decentralization has been a political strategy pursued by central government authorities in order to maintain or increase their power. Thus, any actual benefits from decentralization to other actors must be seen in this light.

Other circumstances can precipitate decentralization reforms as well. Significant changes in the state structure (such as towards or away from democracy), external crises, dominant state ideological positions, and pressure from donors and multilateral institutions can all lead to decentralization reforms (Bardhan and Mookherjee, 2006: 32). Additionally, real or perceived policy failures by the central state can create demand for decentralization (Oxhorn, Tulchin, and Selee, 2004: 15). As can the perception of central bureaucracies as top-down and hierarchical, and thus unresponsive, unaccountable, unproductive and non-innovative (Andrews and Shaw, 2003: 155). Decentralization reforms often claim to remedy such flaws and others as well.

Indeed, proponents of decentralization point to a number of benefits that such reforms should bring about. In terms of public management, it has been thought that bringing services "closer to the people" will bring about positive changes. Local governments would be induced to higher quality services and more accountability by the pressures of competitive elections (Bardhan and Mookherjee, 2006: 8). Furthermore, corruption would be more visible at the local level and citizens would be more apt to complain or demand improvements if there was a local "face" behind service provision, and not some distant bureaucrat (Grindle, 2007: 8).

In the arena of economics, further benefits have been identified. When citizens are paying for local services with local tax dollars there will be even greater incentive to

hold local authorities accountable and demand high quality (Grindle, 2007: 7). It has also been proposed that limiting the size of the central government would decrease corruption and rent seeking behavior (Manor, 1999), though this would be perhaps somewhat offset by increases at the regional and local levels.

Needless to say, all of these benefits seem to make decentralization a win-win choice for national policy makers and political elites. However, many experts are more enthusiastic about the potential benefits of decentralization reforms than the actual results which have been achieved (Bardhan and Mookherjee, 2006: 49). In addition, many of the benefits attributed to decentralization have no a priori basis when scrutinized by careful logical analysis (Treisman, 2007). Furthermore, even as the benefits have not always materialized, new problems associated with decentralization have emerged, such as profligate local spending and increased local corruption (Grindle, 2007: 8-9). In general, decentralization has led to divergent outcomes based on a host of factors, from the design and motivations behind decentralization reforms, to the historical context in which those reforms played out. Thus, while in many cases the benefits have been realized, new problems and complications have often accompanied them.

## Decentralization, Civil Society and Democratic Governance

One commonality among the political motivations and theoretical benefits of decentralization described above is they all refer to the interaction between the citizen and the state. When ruling political parties in even marginally democratic systems use decentralization as a political strategy, it is to influence the vote of citizens. When

political scientists speak of the increased accountability of bringing services closer to the citizenry, it is those citizens who enforce such accountability (in theory). In this investigation both citizen and state are central, as the focus is on spaces for the participation of citizens in local governance which have opened up as a result of decentralization.

Over the past decades, new thinking about citizen participation in the democratic spaces of governing has emerged. This idea of democratic governance grew out of the renewed interest in democracy, as well as the pushes for decentralization and the increased use of participatory techniques in development. There was also a search for a concept broader and more inclusive than government, one that would refer to the relationship between the government and the governed (Stren, 2003: 16). Democratic governance came to be seen as a pillar of 'good governance' as promoted by the World Bank and other development organizations (Barten, Montiel, Espinoza, and Morales, 2002: 132). Participation in governance, as an evolution on the thinking about democracy, seeks a citizenry which is more than an "occasional legitimator" of existing power structures (Poitevin, 1992: 27), but instead directly involved in the making and carrying out of decisions (Booth, 1995: 5). Thus, for many, the presence of a more democratic governance structure is a prerequisite of moving beyond a procedural democracy to something deeper.

While there are many factors which contribute to the democratizing success or failure of decentralization, an essential aspect is the framework of interaction between citizens and the state. Often, this interaction is best seen through the lens of civil society. Decentralization, as it moves responsibilities toward the local level, theoretically invites

the increased participation of civil society in the decision making process. Thus, national and local civil society groups are often important players in the decentralization process. But this is complicated, as the state is a strong influence on the shape and nature of civil society (Booth and Richards, 1998) and it is primarily political institutions that determine whether or not civil society participation will or will not strengthen democracy (Elliot, 2003: 17). Even in a formal democracy, many times civil society has an adversarial relationship with political actors and is thus shut out of the process of crafting decentralization reforms and has limited access to subsequent decision making processes at the local level. Additionally, often decentralization reforms are undertaken without the demand or the expectation from civil society, in which cases undemocratic practices can actually be enhanced by a transfer of power to local and regional authorities without commensurate oversight by civil society (Oxhorn, Tulchin, and Selee, 2004: 15). Indeed, increased participation by civil society threatens established interests and thus neither bureaucrats nor political elites have much incentive to encourage it (Andrews and Shaw, 2003: 155). For this reason, while including language about increased participation is common in decentralization reforms, the nature of such participation is often superficial.

Often, local governments receiving new powers through decentralization reforms remain "insulated and disengaged from local citizens, to whom their development policies seem increasingly remote, even irrelevant" (McCarney, 2003: 43). Yet citizen participation is what does or does not make local governance, and culture, democratic. Democratic decentralization is not simply a shifting of authoritarianism to a more local venue, rather it brings decision making within the physical reach of ordinary citizens and validates their participation, such that they are not participating simply to participate, but

rather to achieve their goals and obtain real benefits (FUNCEDE, 29-30). Furthermore, the ability of citizens to participate in local governing and decisions that directly impact their quality of life is thought to develop civic awareness and ongoing engagement that can bring about more of the kinds of benefits of decentralization theorized by economists, political scientists and others above (Selee, 2004: 18). This ongoing engagement and involvement by citizens can build social capital, which is thought to be an important underlying factor in democratic government and institutional success (Putnam, 1993: 182). An active and participatory citizenry, with real access to decision making, then, is what makes democracy work.

Clearly civil society, the state, and democracy have a complex and interdependent relationship. That decentralization will play a positive intermediating role between these elements should not be a foregone conclusion. For while decentralization is often viewed as an important part of participatory democracy (Bardhan and Mookherjee, 2006: 4), increased democratization is rarely a goal of political elites engaged in the decentralization process (Oxhorn, Tulchin, and Selee, 2004: 10). Indeed, there can be no general presumption that decentralization and increased democratic governance go hand in hand, as decentralization of the administrative variety accompanied consolidation of undemocratic forces at the national level in several cases (China, Pakistan, Uganda) (Bardhan and Mookherjee, 2006: 45). Thus, any democratization which accompanies decentralization depends heavily on the design and context of the reforms (Bardhan and Mookherjee, 2006: 48). And, even when increased democratic governance is an explicit goal of decentralization reforms, there is still no guarantee that it will be realized, as a myriad of complications can arise as undemocratic forces push back to keep their powers

(Oxhorn, Tulchin, and Selee, 2004: 15). Even in the best circumstances, strengthening democratic governance is a process in which decentralization reforms can play a key role, but only if crafted and implemented with full consideration of the context and challenges involved.

## Decentralization in Latin America

Guatemala is not the first country in Latin America to undertake some kind of decentralization reforms. For while Latin America inherited a legacy of centralism from pre-colonial empires, Spanish colonial rule, and *caudillo* strongmen, most of the countries of the region have attempted some kind of decentralization reform during their history. Some of these reforms have lasted, while others have not. During the 1980's and 1990's another wave of decentralization touched nearly every country in the region. It has been during this wave that many have argued that decentralization could help deepen the chronically fragile Latin American democracies and reconnect citizens long estranged from the states which govern them (Selee, 2004: 17).

Given the influence of the international financial institutions (IFI) on public policy in Latin America starting in the 1980's, it would be logical to assume that the decentralization reforms undertaken by Latin American countries during this period were precipitated by the structural adjustment programs imposed by the IFIs. However, decentralization did not enter into the discourse of the "Washington Consensus" until 1988 and was not mainstreamed until the 1990's, long after decentralization was underway in most countries of the region (Montero and Samuels, 2004: 16-17). Thus, while the advice coming from the IFIs would have been supportive of moves to shift

13

power and responsibilities away from the central government, they were not the principal drivers of the decentralization reforms in Latin America, as the following two cases will demonstrate.

The cases of Mexico and Bolivia will be examined in order to have a point of comparison with Guatemala.  Mexico, while much larger than Guatemala, has a number of similarities in its decentralization journey, specifically in the transfer of powers to its municipal governments.  Bolivia, on the other hand, is a country which has a complicated geographical and cultural makeup similar to Guatemala; both are mountainous with large indigenous populations, making its decentralization reforms a useful comparison as well.

These cases highlight that decentralization reforms are a product of multiple micro and macro influences and are ultimately political choices which depend on perceived gains to important political elites, both at the national and sub-national level (Montero and Samuels, 2004: 11-13).  Additionally, they confirm that Latin America has historical factors which have been barriers to decentralization, but that nevertheless, decentralization is the only route which will lead to the improvement in quality of life for the majorities in this region (Puentes Alcraz, 2006: 8-9).

Mexico, though possessing a federal national model, has had a heavily centralized state from the days of the Aztec empire through colonialism and reaching its pinnacle with the long ruling PRI party in the 20th century.  However, starting in the 1980's Mexico began a cautious journey towards decentralization.  This experiment had a political motive, however, which, as noted above, is a common occurrence.  The PRI government, struggling with economic and political crises, introduced decentralization reforms as a way to secure legitimacy and continue its hegemony (Mizrahi, 2004: 35).

The PRI, while looking for increased efficiency and efficacy in service delivery at the local level, was not intent on a change in the balance of power between the federal government and sub-national units of government, thus the reforms were focused on the administrative, rather than the political or fiscal, aspect of decentralization (Mizrahi: 34, 41). Nevertheless, any reforms which moved any power away from the central government represented a significant break with the past.

Despite some bold reforms, nothing could stave off the erosion of the PRI's power. As the party lost control of municipalities and states, followed by congress and the presidency, decentralization picked up pace, driven by the opposition parties that saw it as a means of increasing their power. In 1996 and 1997, further reforms were introduced assigning new responsibilities and channeling financial resources to the states and municipalities (Grindle, 2007: 31-32). Finally, during the administration of Vicente Fox (2000-2006), a reform-minded state governor, even more focus was put on increasing the capacity of local governments, promoting citizen participation, and improving the relations between the different levels of government (Grindle, 2007: 33).

In addition to being seen as agents of social development, municipal governments were increasingly viewed as sites for the promotion of democracy. Municipalities became increasingly competitive politically as parties alternated power and PRI strongholds faced increasing pressure from minority parties. Some municipalities even experimented with innovations such as citizens planning councils and participatory budgeting (Selee, 2004: 22). Furthermore, local civil society groups became increasingly active and while they did not press for much accountability and transparency, they did make demands on local governments for resources and attention (Grindle, 2007: 174-

175).  As both civil society and local political elites become more accustomed to interacting, there is hope that civil society can play an important role in decision making and oversight and escape the clientelistic bonds which have often constrained it.

Bolivia presents another case of a historically centralized state which undertook even more dramatic decentralization reforms than Mexico.  As in Mexico, there were important political motivations which precipitated such reforms.  While the ruling political party instituted decentralization reforms in order to increase the efficiency and responsiveness of the state, it was also a move to increase its popularity with rural voters (Faguet, 2006: 127).  Specifically, rather than a result of pressure from sub-national actors, it was a strategy by a ruling party that had fluctuating national support but steadily increasing support in the rural areas outside of the departmental capitals (O'Neil, 2004: 52-53).  This impacted the shape of the decentralization reforms, increasing the powers of the municipal governments where the ruling party was strongest, rather than departmental governments, where it was not.

What makes Bolivia's case unique is that the reforms were not undertaken over time, but rather instituted in one package.  Prior to this package, Bolivia had historically weak or non-existent municipal governments (Faguet, 2006: 126).  The Popular Participation reform of 1994, however, gave these local governments (after having formalized them in areas where they existed in name only) increased resources and responsibilities.  Whereas before the decentralization reforms the central government concentrated investment in the major urban areas, afterwards the decentralized state spread money more evenly and focused more on education, urban development, and water and sanitation, issues most pressing to poor communities (Faguet, 2006: 129-131).

In this sense the allocation of resources was subject to more democratic pressure as local politicians, seeking to win reelection, assigned funding along popular priorities. Furthermore, civil society was given an official oversight role of municipal funds and can cut off central fund transfers if it feel that corruption or unrepresentative investment practices are occurring (Faguet, 206: 133). Thus, through the decentralization process some important democratic principles and safeguards, as well the resources to pursue development objectives, have been brought to municipalities previously lacking in all of these areas.

The above two cases showcase both the often political motivations which have led to decentralization reforms and also some of the promise of these reforms in Latin America. In the area of citizen participation in governance, both examples show that new spaces have opened for citizen involvement at the local level. The results have been mixed, with some localities exhibiting vibrant local democracy and others being solidified as authoritarian strongholds. This is representative of Latin America's overall experience with decentralization, which has brought more political competition to local governments and generated innovative democratic practices, but also solidified authoritarian elements in certain regions and localities (Selee, 2004: 4).

Obviously, each country's journey through the decentralization process was influenced by historic, social, and political factors, but certain commonalities remain. Similar motivations led to the reforms and similar benefits and obstacles have been encountered. Guatemala has also had a unique experience, with similarities and differences to those of Mexico and Bolivia. In order to better understand why Guatemala undertook its decentralization reforms and why they took the shape they did, it is

17

necessary to understand some key elements of Guatemala's political history and the

events and circumstances which preceded the decentralization process.


**A Long and Winding Road: Participation in Modern Guatemala**


This section will explore Guatemala's history with a focus on the participation of

the Guatemalan citizen in public life, the spaces for this participation, and the extent to

which participation was allowed or encouraged.  Before Guatemala's democratic opening

in 1985, Guatemala had only one brief experience with any significant participation, that

being the democratic period of 1944-1954.  Prior to this, liberal dictators, some more

enlightened, many less so, had ruled since a revolution in 1871.

It is often said that Guatemala entered into modernity with this liberal revolution

of 1871 and the rise of coffee growing, which would come to dominate the economy and

structure the government and society.  This is significant, because the rapid expansion of

coffee came at the cost of the expropriation of lands belonging to the church and

indigenous Mayan communities.  It has been argued that the strengthening of the military

and the expansion of the Guatemalan state into rural areas it had once ignored was a

direct result of the need to safeguard new coffee estates and suppress unrest which had

resulted from the takeovers (Jonas, 2002: 255).  Thus, the first direct interactions that

many Guatemalans of Mayan descent, the majority of the population, had with the

"modern" Guatemalan government were violent repressive ones.  This pattern, set during

colonization, would continue, with a brief exception, for many years more.

That exception, the 1944 revolution and 10 years of democracy which followed it,

was indeed exceptional in many ways. Yet, as the liberal revolution before it, the 1944 revolution also set out to modernize Guatemala. However, the revolutionary government took a completely different trajectory from that of previous governments. In order to create a capitalist agricultural system, democratically elected presidents Juan Jose Arevalo (1945-1950) and Jacobo Arbenz (1951-1954) set out to organize union and peasant groups. Over 500 peasant unions and 300 peasant leagues were formed during the Arbenz administration alone (Booth, Wade, and Walker, 2006: 117). Also during this time period the first steps towards decentralization were taken, though the government still remained very centralized. One of the most important steps in this limited decentralization was affirmation of municipal autonomy and, for the first time in 1945, election, rather than appointment, of municipal leaders (though since 1935 there had been in place some form of municipal council to consult with the appointed mayor, allowing for some local political participation) (FUNCEDE, 2002: 4-5). Yet active participation was encouraged more in the economic sphere and politics was still the affair of the elites, punctuated by occasional elections. However, occasional elections are better than none at all and these new openings represented the first opportunity many rural people had had to participate in decisions that were affecting their lives and many future leaders had their political awaking during these years.

Tragically, this was not to last. In the immediate aftermath of the US backed overthrow of Arbenz in 1954 by elements of the military, peasant and labor leaders were specifically targeted for jail, murder, and disappearance and unions and peasant leagues were either declared illegal or had their activities severely curtailed (Brocket, 1998: 106). During the 36 years of civil war and military dictatorship, almost all political

involvement by citizens was prohibited. Although some peasant organizations continued to operate, many in a clandestine manner, their numbers would never approach those of the 1944-54 period.

Despite the curtailing of political liberties, people still found possibilities, albeit dangerous ones (for any kind of participation could be perceived as guerrilla sympathy), for local participation through Catholic Action. This organization of the Catholic Church was active in evangelization and also carried out some social projects. Through Catholic Action some leaders got involved in the Christian Democratic Party, one of the few parties not constantly repressed by the military, which allowed some participation in local politics (Brocket, 1998: 111). The final form of participation, and that of last resort, was the guerrilla organizations. While these were military organizations, they had explicitly political and social goals. Thus, they did participate in the shaping Guatemalan society. But in all these cases the long shadow of military repression hung heavy over any and all involvement by citizens, and the scope of participation was drastically limited for decades.

After decades of violence and repression, Guatemala, on December 29, 1996, began a new chapter in its history with the signing of peace accords which ended 36 years of civil war. The accords made explicit reference to decentralization and political participation. In Article 5 of the Accord on the Strengthening of Civil Power and the Function of the Army in a Democratic Society, commitments were made to facilitate a full and organized participation in decision making and promote political and administrative decentralization in order to mobilize the full capacity of the state for the benefit of the population. The arduous process of coming to agreement on the accords

20

also opened a space for unprecedented participation by civil society, with significant participation by NGOs, including many women's and indigenous groups, in the Asamblea de la Sociedad Civil (Booth, Wade, and Walker, 2006: 127). Despite this good news, however, the momentum gained by the signing of the accords was dealt a harsh blow when a referendum in 1999 to institute constitutional changes necessary to carry out parts of the accords was defeated. The vote was marked by a well financed last-minute "no" campaign and extremely low (19%) turnout rate among eligible voters (Jonas, 2000: 199-202). This sent many peace activists and social organizations back to the drawing board and left it very clear that the process of democratization in Guatemala would certainly be an uphill climb.

### Whither Guatemalan Democracy: Towards Consolidation or Stagnation?

Guatemala entered a new chapter in the 1980's and 90's with the return to formal democracy and the signing of the Peace Accords, respectively, as mentioned above. The diminishing of explicitly state-sponsored violence was obviously a welcome change and opened many doors for participation which had long been firmly shut. Hope for radical improvements in Guatemala, however, would prove to be false. For it has been noted that the democratic project in Guatemala has been carried out by undemocratic forces and that it was not a rising tide of democratic demands which brought down the dictatorial regime, but rather external pressures and internal weaknesses (Torres Rivas, 2001: 122-123). Furthermore, it has been proposed that "democracy promotion" was a strategy adopted by Guatemalan elites in order to co-opt those forces among the guerrilla and civil

21

society movements which sought more significant changes in the structure of the

Guatemalan state and society (Robinson, 2001: 195). These critiques notwithstanding,

Guatemala has entered into a new phase of its history and the opportunity for democracy

is the greatest now than at any other time in the last 50 years.

But what is the real state of Guatemalan democracy? Classic democratic theory

sees democracy as citizen participation in the rule of society. Thus, in the strict

procedural sense of basic political rights and essentially free and open elections,

Guatemala would then qualify as a democracy. However, commentators inside and

outside of Guatemala have referred to Guatemala as a partial democracy at best. If this is

the case, can Guatemala really hope to have healthy citizen participation in a sick

democracy? Further, is weak citizen participation the cause or effect of Guatemala's

democratic deficit? Or is there a more complex interplay involved? These are questions

that must be asked, even if the answers remain elusive, in order to work effectively at

enhancing citizen participation.

The facts of the matter are that Guatemala has consolidated a procedural

democracy, which is impressive given that the last attempted coup was only 15 years ago

and military governments ruled for decades before that. But that does not mean that

Guatemala has achieved a healthy democracy. For while democratization in Latin

America has historically referred to the transition from authoritarian to elected

governments, it has become obvious in Guatemala and elsewhere that elected

governments do not ensure a true democracy.

In his critiques of many Latin American democracies, William Robinson has

described the term polyarchy as a system in which a small group rules and mass

participation in decision making is confined to leadership choice in elections carefully

managed by competing elites who seek to legitimate state power.  At the same time the

elites act to marginalize any political alternatives which might threaten their position or

change the configuration of society, particularly in the direction of giving power to the

poor and exploited classes (Robinson, 1997: 308-310).  Robinson has used this term

polyarchy to describe the political situation in Guatemala (Robinson, 2003).  Further, the

poverty and inequality which has remained constant in Guatemala despite the transition

to democracy has created conditions for what Adam Przeworski calls "monster"

democracy, wherein democracy exists without citizenship, which is to say: "without the

minimum conditions necessary for citizens to exercise their rights in practice"

(Przeworski, 1996).

Does this view of "low intensity democracy" bear out in the facts?  How do

Guatemalan citizens view and exercise their rights?  One survey carried out in 1992

found that less than one Guatemalan in 20 belonged to a political party or community

organization, only one in five supported participation in political parties, 72% believe that

community organizations accomplish nothing, and over 50% believe that it is a better use

of time to stay home rather than join a political party or community organization (Portes,

2001: 235-236).  These are grim statistics for those trying to build stronger and more

authentic citizen participation.  By 2004 these statistics had improved yet a survey found

that Guatemalans still had the lowest participation in voting and lowest support for

political participation rights as well as the political system in general in Central America.

However, Guatemalans had comparatively high levels of group involvement (though

much of this was church related, which is generally removed from politics or

development), with almost a third of the population involved in some communal activism, and efforts to contact public officials, particularly local ones (Booth, Wade and Walker, 2006: 154-155).  Contacting local government officials makes more sense in a decentralized environment where those officials have more access to resources and more responsibilities.  The same survey found that factors which increased democratic participation, such as education, lack of political violence and access to civil liberties, were low but slowly improving.  This information presents a mixed bag, with support for the governing system being low, no doubt due to its dysfunctional nature, but community involvement becoming much more popular (though much of this is religious in nature).

The picture painted thus far is alarming, but with some hopes for the future. Guatemala's democracy is indeed in trouble and the people of Guatemala are well aware of it.  Their belief in the political system is low, as is their involvement in it, but at the same time they are getting more involved in groups at the local level.  Thus, while elite interests dominate Guatemalan political society, causing the majority of Guatemalans to turn their back on it, civil society is still contested ground and perhaps represents the principal hope for positive social change and the creation of authentic democracy and development, which would finally allow the excluded majority of Guatemalans to take part in the decisions which affect their lives (Robinson, 2001: 201-202).

**Twenty Years of Decentralization Reforms: Where have we been?  Where Are We Now?**

Our investigation now turns to the actual process of decentralization in

Guatemala.  This process has entailed a number of specific reforms dating back to the 1985 constitution.  First we will examine the factors and motivations which contributed to the decentralization process.  Then the specifics of the institutional arrangement which resulted from various reforms will be elaborated.  Finally, the progress made and the obstacles which still remain will be discussed.

As noted above, Guatemala's transition to democracy was a decision made by elites in the military government in the face of multiple crises.  Facing the confluence of increasing conflict with the private sector, a critical loss of legitimacy at home and abroad, and a growing economic crisis, the military government was forced to cede some political power to a civilian government (McCleary, 1999).  The first steps of Guatemala's decentralization processes happen to coincide with this return to democracy, sharing the same timeline and foundational documents.  Does this make it likely that the motivations for decentralization were increased democracy (or conversely that the objective of democracy was to further decentralization)?  This seems highly unlikely.  As will be seen below, democracy is not mentioned alongside decentralization until the documents of the 1996 Peace Accords (which made many ambitious statements about justice, equality, and development which have remained unrealized over a decade later).

In fact the motivations for Guatemala's decentralization are somewhat less obvious than in other cases.  Nevertheless, understanding the motivations and circumstances surrounding the decision to decentralize has been identified as important for understanding the scope of possibilities presented by decentralization.  Thus, while definitive answers may elude us, there is light that we can shed on the origins of decentralization reforms in Guatemala.

Unlike the examples of Mexico and Bolivia described above, Guatemalan decentralization was not undertaken by a ruling political party. Thus a bid to strengthen a party's national legitimacy (Mexico) or popularity in rural areas (Bolivia) does not fit with Guatemala's circumstances. For while the members of the assembly that wrote the decentralization reforms into the constitution were members of political parties, given that it had been over two decades since that last legitimate election, it's not at all clear how decentralization would have fit with any electoral strategy. Additionally, there was likely very limited room to maneuver due to the power wielded by the military government and the private sector over the whole process. However, that decentralization was not the political project of a given party or faction may have been instrumental in its widespread acceptance. Given the nature of Guatemalan politics, if decentralization had been fundamentally the project of one political party or tendency, it would have long ago been abandoned.

I would seem then that decentralization was, rather than being the project of one or more political party or actor, a response to a lack of confidence throughout Guatemalan society in the most centralized institution in Guatemala, the military. There was a desire to see its power limited in order that economic development might resume (Robinson, 2003: 109). And as will be seen below, decentralization was seen primarily as an administrative reform which would promote effective and efficient development. Indeed, it has been suggested that a truly decentralized state was never the intention of the process; it was instead the goal was to decentralize certain limited functions of the state (Fernandez, 2008). These factors are reflected in the nature of the reforms themselves, as we shall see below, and on their possibilities for enhancing local

democracy.

The first concrete step on the road to decentralization in Guatemala was the new constitution adopted in 1985. The constitution, in Article 119, sets out to promote "administrative economic decentralization" in order to achieve development goals. In its discussion of the functions of the executive administration in Article 4, it specifies that they should be carried in agreement with, among others, the values of decentralization and citizen participation. Finally, the constitution conceives of national, regional, and departmental, but specifically not municipal or community, urban and rural development councils (which will be discussed in detail below), but does not organize them into a coherent system (Amaro, 2001: 84). Thus, the ideas and principals of decentralization are woven into the central piece of the Guatemalan legal framework.

The constitution also discusses the role of the municipality. In articles 254 and 257 it gives to the municipalities authority over social services provision and to issue ordinances and regulations, as well as assigning them 10% of the central government's revenues. While prior to the new constitution NGOs and other organizations and associations had to be registered with the Ministry of Interior, Article 53 allows them to register with the municipal civil registry, a move which lowers one of the significant barriers to the formation of such entities. The constitution envisions the municipalities as strengthened political and administrative entities and assigns them new powers, responsibilities, and resources.

However, the constitution, while it outlined many new ideals about citizen participation, was short on the details in a number of areas, and was thus followed by several new laws. The 1987 National System of Urban and Rural Development Councils

law, hoped to enshrine the principal of decentralization in the development process of the country by putting into place development councils from the level of the community up to the national level (though not at the municipal level, for it was argued that they would infringe upon the rights of the elected municipal councils). These councils were to decide development priorities and administer projects. Communities, granted the legal right to organize for the first time in over 30 years, began to organize these development councils. Over 1,500 such community councils were organized by 1988, when the Constitutional Court declared them to be an illegal infringement on municipal authority and had them struck from the law, leaving the already organized councils in legal limbo (Amaro, 2001:85). Thus, while municipal autonomy was being zealously guarded, it came at the expense of citizen participation.

| Year | Event | Legislation |
|------|-------|-------------|
| 1985 | Return to Democracy | New Constitution |
| 1987 | | First Development Councils Law |
| 1988 | Development Councils Law Removed | First Revised Municipal Code |
| 1996 | Civil War Ends | Peace Accords |
| 1999 | Constitutional Reforms Voted Down in Referendum | |
| 2000 | President Portillo Promises New Decentralization Reforms | |
| 2002 | | Law of Decentralization, Second Revised Municipal Code, Second Development Councils Law |

**Table 1: Events and Legislation in the Decentralization Process**

There were other problems with the development council system in addition to the dismembering of the municipal and local levels. For while the system was supposedly designed to promote decentralization, power emanated from the president, who headed

the national development council, outward and too much emphasis was put on the planning of development, and not on the execution (Amaro, 2001: 85). Soon a lack of political support and the dismantling of its overseeing ministry saw the council system even more crippled, though continued funding saw it remain somewhat active at the departmental level, but with much less participation by civil society and the private sector than had been originally intended (Amaro, 2001:86-87). Thus, while a seemingly important step in the decentralization process had been implemented, the critical weakening of the system by political forces before it could become an institutionalized part of the development process, ensured that this was a missed opportunity.

Over the next several years a number of other important pieces of legislation would further the principals of administrative and economic decentralization. The revised Municipal Code of 1988 further strengthened municipalities by defining their responsibilities in the areas of government, financial matters, administration, planning and public services (Puente Alcaraz and Linares Lopez, 2004: 235). In an effort to strengthen community representation at the municipal level, the Electoral and Political Parties law mandates that municipal councils include two to three permanent community representatives (Puente Alcaraz and Linares Lopez, 2004: 236). Laws of 1991 and 1997 brought decentralization to the administration of education and health programs, respectively, stating that the education system should be "participatory" among other things (Puente Alcaraz and Linares Lopez, 2004: 237). In the financial arena, various laws enacted during the 1990's shared revenue from taxes on vehicle circulation and fuel, as well as the value added tax, with the municipalities and additionally gave them exclusive control over property taxes (Puente Alcaraz and Linares Lopez, 2004: 243-

244).  Decentralization reforms now covered many aspects of the Guatemalan state and the municipalities were becoming important sites of decision making and service provision.

As mentioned above, in 1996 the signing of the Peace Accords began another chapter in Guatemala's fledgling democracy.  In the Accord on Socio-economic Aspects and the Agrarian Situation a commitment was made to the decentralization of decision-making power and resources in order to encourage efficient development and close interaction between state entities and the population (FUNCEDE, 2002: 27).  Specifically, the constitutional reforms package put to referendum in 1999 again put forward the idea of municipal and community development councils.  The rejection of these reforms once again left the development councils system crippled.

The disappointment of decentralization supporters at this setback would soon be ameliorated to some extent.  For in his inaugural speech (January 14, 2000), President Alfonso Portillo announced his commitment to promote "the creation of a Framework Law for the Decentralization of Public Authority and the Modernization of the State (Puente Alcaraz and Linares Lopez, 2004: 240).  And indeed, in 2002 not only was the Law of Decentralization passed, but also newly revised versions of the municipal code and development council system, with the long hoped for municipal and community level councils included.  These laws will be discussed as they relate to citizen participation and democratic governance below, but it is important to note that they systematized and formalized many key aspects of the decentralization process which had remained ambiguous through the previous patchwork reforms.  Not only this, but they also represented the latest step in nearly 20 years of legislation promoting decentralization.

This is an impressive feat given the political fragmentation of Guatemalan politics, showcased in the fact that no political party has yet managed to be reelected to the presidency since the return to democracy in 1985. But somehow, the consensus among political, business, and social actors has remained solidly in favor of more decentralization.

Though no new legislative items related to decentralization have emerged since the 2002 laws, the topic is still very much a part of the politics of the country. Recently, policies of decentralization have been formulated for the ministries of education, health, the environment, infrastructure, and citizen security (Secretaria de Coordinacion Ejecutiva de la Presidencia, 2007). Additionally, the recently elected government of Alvaro Colom has instituted a program called *Gobernando con la Gente* (Governing with the People), which brings central government functionaries to different departments to meet with municipal and local authorities. While the central government has claimed that this represents a new style of governing based on listening to what is not functioning and collaboratively reaching agreement on solutions, many authorities from municipalities governed by opposition political parties have complained that nothing has resulted from these encounters (Fernandez, 2008). Regardless of the real results which come from these sessions, their very existence does show that municipalities do matter in national politics and governing.

Despite a significant period of steady advances, the results of the decentralization reforms have been seriously called into question. A two-time congressman and current second term mayor of the second largest city in Guatemala has stated "with total security" that the advances in the process of decentralization during his twelve plus years

in public office have been "almost nothing" (Vasquez, 2008). Other experts share a similar outlook. The administration of Oscar Berger (2003-2007) was to be one of advances in the decentralization process, as Berger was himself a former mayor of Guatemala City. However, aside from the creation of a sub-secretariat of decentralization (which was never fully funded) and a national policy of decentralization, there has been frustration on the part of mayors and others pushing for a deepening of the decentralization process by the lack of political will and funding from the Berger administration (Fernandez, 2007). Other experts have found fault with the fact that all the responsibility for advancing decentralization is found within that one sub-secretariat (Weatherborn, 2008) and that the Colom administration more than seven months into office had still not assigned anyone to head it (Fernandez, 2008).

What may be at issue is confusion about the concept of decentralization. Many who have high hopes for decentralization see it as a completely different model of the state, in stark contrast to the centralized state concept which has dominated Guatemala's history. However, the vision of decentralization held in the central government is the decentralization only of activities and responsibilities, not municipal autonomy (Fernandez, 2008). Ultimately, even after many specific reforms, the preponderance of state power has remained in the hands of the central government.

Nonetheless, decentralization reforms have given municipal governments important tools and responsibilities. However, there is a distinct lack of personnel at the municipal level with technical, financial, and administrative capability, such that these responsibilities can be carried out competently (Amaro, 2001: 88). One of the issues is that municipal positions are not high paying enough to attract the few qualified

candidates available.  In fact one investigation in 1998 found that 89% of municipal employees were earning less than 2 times the national minimum wage of $172 per month (Galvez Borrell, Mack, and Camposeco Hurtado, 1998).  Furthermore, when a new municipal administration starts its term (over 70% of municipalities had a new mayor after the 2007 elections), it does so by bringing in all new staff comprised of supporters from the electoral campaign and thus much institutional knowledge is lost.  Thus, when the new municipal governments took power in January of 2008, 45% of municipal staff members were replaced (Giron, 2008).  Now, this does not necessarily mean that incompetence is rampant at the municipal level; however, it is difficult to believe that should the decentralization process continue, there is much municipal capacity to handle any new resources or responsibilities.

These problems with the conceptualization and implementation of the decentralization process are real.  But even given the obstacles and weaknesses identified here, there are two key institutions which bear much of the responsibility for the success or failure of the decentralization process.  The role they have and continue to play is critical to understanding what obstacles and opportunities lie ahead for Guatemalan decentralization.

The first is the *Instituto de Fomento Municipal* (INFOM), the Institute of Municipal Promotion, founded in 1957.  For many years INFOM seemed unable to adapt to the many changes which have occurred since its inception.  In an expert evaluation carried out in the early 1990's INFOM was found to be neglecting the task of mediating between municipal and national development plans and agendas, not engaging in any socioeconomic promotion in municipalities, favoring urban municipalities and physical

infrastructure projects, and to have a centralized decision-making process which left it unequipped to meet the expanding needs of municipalities (Amaro, 2001: 90). In 1996, it underwent reforms and internal reorganization to grant it more autonomy and to help it meet the increased needs it faced. Yet even after these changes 291 of its 340 personnel were still centralized in the capital and it was focusing on its service packages rather than looking to offer what local institutions really needed (though admittedly most municipal authorities were more interested in getting infrastructure projects from INFOM than receiving training for themselves or their staff) (Amaro, 2001: 90). Today, there is discussion of further reforming the institute, with a reform proposal on the president's agenda for the first time since the 1996 package (Fernandez, 2008). Deep reforms will indeed be necessary if INFOM is to be an effective player in strengthening municipal institutions, as it is still seen largely as the central government's "instrument of control over the municipalities" (Puente Alcaraz and Linares Lopez, 2004: 259). INFOM has not kept up with the changing central-municipal dynamics which the decentralization process has produced, but could, given the proper orientation, play a significant role in increasing the capacity of municipal governments to fully carry out the role assigned to them. This would give municipal authorities and other proponents of decentralization more legitimacy as they press for the deepening of the decentralization process.

As it stands, there does exist an institution which serves as a vehicle for municipal authorities to press demands upon the central government. It is the *Asociacion Nacional de Autoridades Municipales* (ANAM), the National Mayors Association. The ANAM was, since its inception in 1960, itself very centralized. In fact, the mayor of Guatemala City was, until 1992, automatically assigned leadership of the organization and it was

housed in the offices of INFOM and relied almost exclusively on that institution's resources. As a forum where mayors can come together and lobby the central government in defense of the interests of local government, ANAM has had very mixed results. While it did submit proposals during the updating of the municipal code and, more recently, reforms to INFOM, it was silent when in 1990 the central government did not turn over the constitutionally mandated amount to the municipalities, nor did it participate in the negotiations over how much of the value-added tax should go to municipalities (Amaro, 2001: 91). ANAM has recently received support from several donors for specific projects and to increase its capacity, and its hand may have been strengthened by negotiations with the two presidential candidates over their proposals on local government and by an alliance with similar groups representing women and indigenous mayors (Fernandez, 2008). However, the organization continues to show serious internal weaknesses. Many mayors do not see ANAM as an important institution which represents their interests. They are uninformed about ANAM's activities, do not pay their dues, and twice since 2005, when ANAM has called national meetings in order to vote on long-overdue reforms to its internal statutes, have failed to attend in sufficient numbers to achieve quorum (Fernadez, 2007). The paradox is that ANAM needs to show that it can have an influence at the national level and advance the municipal agenda in order for more mayors to participate, yet without full participation ANAM will not be viewed as a legitimate voice at the national level and thus, not be able to push its proposals. If the organization can overcome this critical challenge, it could indeed be a strong force in the national dialog on decentralization and other important issues.

While national laws and institutions are critical to the decentralization process, it

is important to also look at the successes which have been achieved on the ground.  As has been discussed by experts in the field (Grindle, 2007; Oxhorn, Tulchin and Selee, 2004), decentralization reforms have often opened up spaces for democratic innovations at the local level.  Guatemala has been no exception.  A major political innovation has been the rise of *comites civicos*, municipal political movements not connected to any official political party.  These independent political groups have been elected to govern 19 or more municipalities in each of the 4 recent national elections going back to 1995, including several departmental capitals and Quetzaltenango, the second largest city in Guatemala (Fernandez and Medina, 2007).  These *comites* have "allowed citizens to develop new forms of political action at the margin of clientelistic politics" (Selee, 2004: 20).  Additionally, a USAID funded program has helped seven associations of municipalities improve the mechanisms of citizen participation and achieve financial transparency (Wetherborn, 2008).  Other innovations have included specific cases of more horizontal relationships having been established between municipal governments and civic organizations, leading greater involvement in the planning and execution of projects (Puente and Molina, 2000).  The package of laws passed in 2002, which will be discussed below, is an attempt to institutionalize these practices, rather than having them be pet projects of specific local administrations.

However, for every case of democratic innovation at the municipal level, there are cases that showcase the opposite.  Corruption and ineffective management continue to be critical threats to good municipal governance.  In fact, as of the late 1990's, almost two thirds of elected municipal councils were under investigation, as well as over half of mayors, for misconduct or misuse of funds and over 200 municipal functionaries have

been taken to court or received threats (some of which having been acted upon) from the local population for similar reasons (Amaro, 2001: 93). Some of this is due to the lack of capacity among municipal employees mentioned above. But much of it is due to corruption and the persistent idea that political office is as much about personal enrichment as public service. Indeed, increased dispersal of resources without guidelines, oversight or technical competence can erode governance rather than promoting efficiency and effectiveness (Wiesner, 1997: 240-241). Thus, in many cases, increased powers at the municipal level have only served to strengthen the hand of authoritarian local leaders who are only casually interested in the real needs of their communities and who are not likely to look favorably on proposals to share power through increased citizen participation.

These problems are set against a backdrop of continuing political violence and instability at the municipal level. Practically all of Guatemala's municipalities have suffered from political or electoral protest and violence during the last decade, much of it due to a lack of confidence in local politicians (Puente Alcaraz and Linares Lopez, 2004: 267). Some popular mayors have not run for reelection due to threats, and *campaña negra* - local political campaigning based on rumors, accusations and lies - is commonplace (Fernandez 2007). Given this situation, is the weakening of the central government in order to put increasing power in the hands of corrupt and unstable municipal governments in any way justifiable?

Obviously, many of these issues (corruption, political violence) exist at the central level as well. Furthermore, the decentralization process in Guatemala does not mean weakening or dismantling the central government, rather leaving to the central

government those functions which it can best carry out (FUNCEDE, 2002: 29).

What is needed for this decentralization process, according to one expert, is a more

holistic vision of decentralization, especially on the part of municipal authorities,

encompassing legal reform, institutional modernization, and transparency, rather than the

simple increase of funds to the municipalities (Fernandez, 2008).  Decentralization has

put more tools in the hands of local authorities, but the next phase of decentralization

must focus on encouraging local governments to be inclusive and transparent in order to

win back the confidence of a citizenry with every right to be skeptical.  This study will

close with an examination of the opportunities, challenges, successes and setbacks which

Guatemala has experienced in its attempts thus far.


**Democratic Local Governance: Progress and Obstacles**


Now, more than twenty years into Guatemala's democratization and

decentralization processes, it is appropriate to ask, what are the prospects for authentic

democratic governance at the municipal level?  This final section will attempt to answer

that question.  The focus will be the content and implementation of the three

decentralization laws of 2002.  These laws, more than any of the reforms which

proceeded them, have created formal spaces for participatory democratic decision making

at the local level, and thus will be the focal point of our discussion.

As noted above, in 2000, then-president Alfonso Portillo promised a new

decentralization framework law.  With the congress controlled by his party (and former

dictator Efrain Rios Montt), the Portillo administration was able to follow through on that

promise in 2002 with the General Law of Decentralization.  Updates of two key pieces of legislation, the Municipal Code and the Law of Urban and Rural Development Councils, were carried out and approved by congress to be promulgated simultaneously with the new law on decentralization.

The General Law of Decentralization sets out the powers and responsibilities transferred to municipalities and other organs of the state from the executive branch.  The underlying principles of this process include: municipal autonomy, the elimination of discrimination, social exclusion and poverty, and citizen participation, among others. Among its objectives is improving the efficiency and effectiveness of public services, but also to facilitate participation and social control of public management and to reinforce the identity of communal and municipal organizations.  In Articles 17 and 18, the law envisions participation as the involvement of communities and organizations in the planning, execution, and control of management at the municipal, departmental and national level.  In Article 19 the concept of social auditing is introduced, wherein communities have the authority to audit projects and programs which are carried out in their communities or in which they are involved.  In sum, these articles seek to involve and give oversight to communities in all phases of the development activities undertaken at the municipal (and theoretically departmental and national) level.  This is a radical break from the past.  Less than 15 years before this law was signed such oversight by communities was deemed an unconstitutional infringement on municipal autonomy and only 3 years prior it had been rejected in the national referendum on the reform of the constitution.

The Law of Urban and Rural Development Councils passed in 2002 was

essentially the same law which was passed in 1987, but as the law was originally intended: with the inclusion of community and municipal level development councils. The community development councils (COCODES in their Spanish acronym) are given the responsibility and authority described above, to collaborate in the planning and execution of development in their communities. Members of these COCODES also form part of the municipal development council (COMUDE), which will be discussed below.

The new Municipal Code defines all aspects of the municipality, including the structure of the municipal government, the role of the mayor, municipal administration, and citizen participation. The Municipal Code establishes the rights of citizens to information and participation (Articles 60 and 62), to carry out *consultas populares* (Articles 63-66), to be involved in the creation of the budget (Article 132) and informed about its execution (Article 135), and also discusses the role of the COMUDE in relation to municipal governance. The *consultas populares*, participation in the budgetary process, and COMUDE are all mechanisms which greatly expand the role of citizens in municipal governance and each will be considered.

*Consultas Populares*

A *consulta popular* can be convened in a municipality when important issues which affect the whole municipality are at stake. The *consulta* can be called with a two thirds vote of the elected municipal council (not the COMUDE) or with a petition signed by 10% of registered citizens of the municipality or according to the traditions of indigenous communities. The results are official if 20% of registered citizens participate

40

and the majority vote for or against the proposal presented.  This mechanism gives communities, either with or without the consent of the mayor and elected municipal council, a powerful way to take matters into their own hands and address significant issues which affect them.

Indeed, many municipalities have undertaken a *consulta popular*.  And there has been remarkable consistency in their outcome: the rejection of mineral extraction or large scale hydroelectric dam projects.  However, this has caused problems.  According to the Guatemalan constitution, all subsoil mineral rights and renewable resources belong to the central government, to be used as deemed appropriate.  Thus, the Constitutional Court has rejected the legitimacy of these *consultas*, urging that a law be passed to clarify the legal boundaries involved (Fernandez 2008).  However, neither the Berger nor, to this point, Colom administrations have addressed this issue.  In one of the latest *consultas*, a municipal act citing the Municipal Code, the Guatemalan Constitution, and the ILO's convention 169 on the Rights of Indigenous Peoples was rejected by the minister of energy and mines who claimed that all the proper legal procedures were being carried out in awarding a mining concession in the municipality (Inforpress 2008).  Clearly the central government did not foresee that the *consultas* would be used to reject their activities.  The refusal of two administrations to clarify the issue has demonstrated that the government's commitment to citizen participation will not be allowed to infringe upon national economic objectives.

*Municipal Finances*

Citizen oversight of local finances, while something taken for granted in many developed countries, was, until very recently, a foreign concept in Guatemala. Given the Guatemalan proclivity to use public office as a vehicle for personal advancement (Trudeau, 2000: 502), the wide discretion given mayors in the use of municipal funds allowed for personal enrichment, the building of political networks based on patronage, and the building of "signature" projects, rather than necessary ones. These practices would be put to an end with the implementation of the citizen oversight envisioned in the new Municipal Code. For in Article 132, the mayor is obliged to create mechanisms to allow the participation of community organizations in the proposal of the budget. Furthermore, Article 135 stipulates that every 3 months a progress report on municipal spending will be presented to the COMUDE and transmitted to the communities. These two measures provide for active citizen participation in the creation and oversight of the municipal budget.

This would be a welcome change for a country ranked 96th out of 180 by Transparency International in their latest Corruption Perception Index, with a 3.1 out of 10 rating. Prior to these new mechanisms in the Municipal Code there was little accountability at the municipal level. Perhaps now the benefits of decentralization, many of the based on the accountability of local governments, will begin to be realized.

Unfortunately, there is no real system which obliges municipalities to comply with these regulations. The National Office of Accounts and the Ministry of Public Finances, to whom the municipalities must also send quarterly reports, do not have any effective sanctions for non-compliers. Thus, even a four-time reelected mayor, known for the transparency of his municipal administration, admits to rarely reporting on the

municipal budget more than once a year (Fernandez 2008). For those mayors who would rather control the municipal purse-strings without any public oversight, the option is obviously available to them. Yet, some fault lies with citizens and community organizations, for they have not been active in demanding inclusion in the formulation and oversight of the budget, likely because of a lack of understanding of their rights (FUNCEDE, 2002). In addition, some 40% of public investment goes through channels such as social funds and NGOs which are not subject to any auditing measures (Inforpress 2006), opening up even more avenues for corruption and graft, or incompetence. Thus, the Guatemalan case supports the premise of Veron et al (2006) that even participatory decentralization has an ambiguous relationship with reduction in corruption. Veron et al. emphasize the effects of elite capture, but also the likelihood of increased local corruption in the absence of strong central government institutions and parties (both of which are particularly weak in Guatemala).
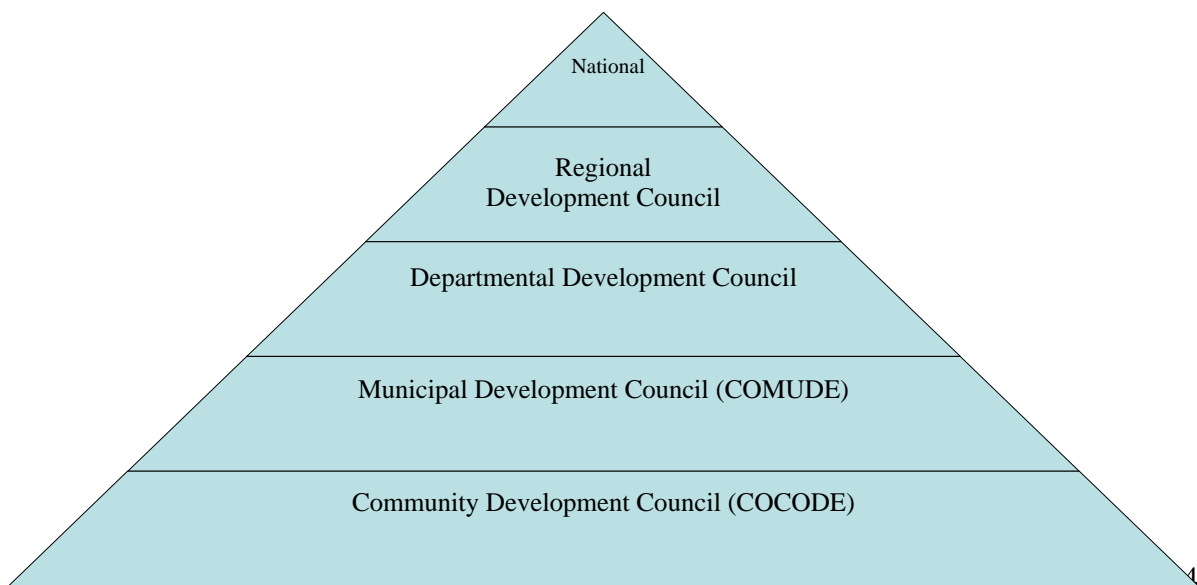
Furthermore, given the low (relative to many other countries) mayoral reelection rates (33-50%) over the past several elections, there is a lot of pressure on mayors to dip into the municipal coffers early and often, given that they will not likely have a second term during which to continue their self-enrichment. Conversely, among those mayors who have won reelection several times, the promotion of citizen participation, especially in the municipal budget, has been one of the keys (Medina 2007). Thus, while there are very few tangible incentives for compliance with requirements for public participation in the oversight of the budget and decision making, one of them may be popularity and reelection. Another might be that, as mentioned above, misuse or perceived misuse of funds has led to legal action, threats, and violence against municipal officials. In a

country were mob justice in rural areas has become increasingly common and to some extent condoned (Puente Alcaraz and Linares Lopez, 2004: 267), mayors who flagrantly misuse municipal funds may increasingly do so at their own risk. But without the enforcement of measures to ensure the public oversight of funding, it is a risk many will likely continue to take.

*Development Council System*

Certainly the key space for democratic local governance in Guatemala is the multi-tiered development council system, the structure of which is shown in Figure 2. The objective of the five level development council system, as stated in the Law of Urban and Rural Development Councils, is:

> ...to organize and coordinate public administration through the formulation of policies of development, budgeted plans and programs, and the promotion of inter-institutional coordination, public and private...(Article 3)

National

Regional
Development Council

Departmental Development Council

Municipal Development Council (COMUDE)

Community Development Council (COCODE)

**Figure 2: National Development Council System**

Thus the role of the system is to, at each level, plan, coordinate and implement development activities. But more than just involvement in development decisions, the law of development councils includes among its principles "the promotion of processes of participatory democracy, in conditions of equity and equality of opportunities" (Article 2). This indicates how closely development and democracy are intertwined in the minds of many Guatemalans; participatory development is seen as participatory democracy.

While the national, regional, and departmental levels theoretically offer spaces for civil society participation in decision making, the community and municipal levels are more pertinent to our current investigation. At the base of this pyramid exist the COCODES, one for each legally organized community in the municipality. These COCODES are, as the other levels, to be involved in planning and executing local development, principally by developing development priorities and participating in their implementation. While individual communities had for some time been participants in the development process, it had been primarily by forming a committee around a certain issue or project and brining petitions to the mayor, which he would then agree to or reject, according to his own political calculation or criteria. The COCODE system, on the other hand, mandates that all communities prioritize several projects and submit them to the municipal government where they will be evaluated and budgetary decision will be made with the participation of the COCODES and COMUDE. The formalizing of the process and the participation of communities would break those shackles of patronage and clientelism in which communities had been held.

Communities have indeed formed COCODES with these hopes in mind. By the end of 2007, less than five years after the implementation of the law, twelve thousand

COCODES had been legalized (out of 17,000 legal communities in Guatemala) (Fernandez 2007). And while this was nearly the same number as had been in existence one year earlier, thus indicating a sharp tapering off of the growth of COCODES, it is still remarkable how quickly communities have seized on this mechanism. However, the breadth of coverage of the COCODE system does not mean the stated objectives of the system are being achieved. Due to Guatemala's low levels of human development, many members, and even leaders, of COCODES possess little education and may very well not understand their rights and responsibilities according to the law. Indeed, the head of one E.U. funded project has stated that it would take five or six projects like his working simultaneously to be able to educate people such that they could fully participate in their COCODES (Fernandez 2008).

Another threat to the COCODES system is that it is becoming ensnared by the same patronage practices it was meant to break. When COCODES have clashed with municipal or departmental authorities, COCODE leaders have been threatened or worse and parallel COCODES have been formed, all with the goal of bringing the COCODES into the orbit of influence of local political elites (Inforpress 2008). The leader of one NGO which works with COCODES sees this process of the politicization of COCODES by national parties as a critical threat to what could be a revolutionary instrument for local development (Fernandez 2005). Similarly, it has been noted that structural spaces for democratic governance can be appropriated by clientelistic relations if dense and quality horizontal relations among actors are not established or if the structure or lack of incentives leave ambivalent or antagonistic parties outside the process (Boschi, 2003: 138). In Guatemala such horizontal relationships have been truncated by civil war,

inequality, and racism.  There are also clearly parties who are antagonistic to the system.

Thus, that a new system should be threatened by old vices ought not to be surprising.

One of the main findings of Robert Putnam's Italian case study (which was overshadowed

by the mania over social capital) was that new institutions tend to adapt themselves to the

underlying culture (Putnam, 1993).  Thus, while the COCODES do offer communities a

legal path to potential independence and empowerment, that path runs through the maw

of centuries of authoritarian tradition.  Some COCODES will be able to overcome this

obstacle, many will not.

One step up the development council pyramid, at the municipal level, the

opportunities and challenges are very similar.  According to the law, the municipal

development council (COMUDE) is to be headed by the mayor and the elected municipal

council members, but is to also include representatives of the COCODES, public

institutions with a presence in the municipality, and members of civil society groups.

The COMUDE is legally mandated to carry out numerous functions including supporting

the COCODES system, promoting inter-institutional cooperation, and participating in the

formulation and monitoring of the budget.  Essentially, the COMUDE performs the same

functions as the COCODES, but at the municipal level.  They also provide a space for

participation in municipal decision making and a means of information exchange

between the municipal government, community leaders and civil society representatives.

COMUDES typically meet every one to two months, though this is not stipulated

in the law.  These meetings provide a mechanism for the dissemination of information

from the municipal government to communities through the COCODES (Fernandez

2008).  A meeting where the mayor and elected municipal council sit down with

members of public and civic organizations, community representatives, and members of the public is certainly a powerful opportunity which can support transparency, access, and accountability. Though the idea of optional open municipal council meetings was first instituted in the 1988 version of the Municipal Code, it is strengthened and institutionalized through the meetings of the COMUDE.

While the COMUDE is not itself an elected body, and therefore decisions made by the COMUDE are not legally binding, the participation of the municipality's elected officials ought to provide continuity from decisions made in the COMUDE to legal actions carried out by the municipal government. This continuity is best established by the sectoral committees of the elected council and the COMUDE. The elected municipal council is obligated by article 36 of the Municipal Code to form committees devoted to education, health, infrastructure, finances, economic development, women, citizen participation, and any other committee that is deemed appropriate. The COMUDE is allowed (though not legally mandated) to create committees as well. These committees, with the aid of municipal technical staff, are charged with offering plans, policies, and projects within their specialty to the elected municipal council. Specialists in municipal development have suggested that the committees of the COMUDE be the same as those of the elected council (education, health, etc.) and that an elected member of the municipal council be president of each committee of the COMUDE to provide a direct link between the two (Inforpress 2005). The other members of the COMUDE committees would then be drawn from public and private institutions and organizations, members of the COCODES and the public at large who would bring knowledge or interests relevant to the committee's assigned area of specialty.

When the COMUDE and associated committees are functioning well, it allows for participation in decision making by a wide variety of actors. Good practices which have resulted from this situation include the formulation and implementation of municipal development plans coordinated with civil society, the approval by the COMUDE of policies on children and adolescents, and strengthening of tourism, among others (Wetherborn 2007). These collaborations, through the medium of the COMUDE, are examples of the positive synergies between the state and civil society which can result in the increased development effectiveness noted by Peter Evans (1996, 1997). It also provides an example of how the state can encourage the growth of civil society by institutionalizing mechanisms for state-society interaction (Oxhorn, 2006: 65).

However, theoretical benefits rarely match up with practical realities. The reality is that a handful, if that many, COMUDES are operating in a truly effective and democratic fashion. In fact, in over 50 of Guatemala's 333 municipalities, no COMUDE exists whatsoever (Fernandez 2007). While the creation of a COMUDE is legally mandated, there is seemingly no way to force a mayor to comply. Additionally, aside from explaining the structure and functions of the COMUDE, the law does not (as mentioned above) dictate how often a COMUDE should meet nor the nature and functioning of its committees. Each individual COMUDE must create internal rules to dictate the manner in which it shall function; many have no such rules. Thus, these COMUDES may provide a forum for citizen and civil society concerns and input, but will be not be a site of democratic decision making. This scenario has emerged among other attempts at democratic local governance in Latin America as well (Duhau and Schteingart, 2003: 262). In a recent survey of 16 COMUDES, only seven were

determined to have even basic organization, only three had formalized internal rules, and none had functioning committees (Fernandez 2008). A lack of organization cripples the ability of a COMUDE to carry out its role and functions.

This lack of organization has different causes depending on the circumstances. According to one NGO leader some mayors are simply ignorant of the laws and functions of the COMUDE, but others see the COMUDE as a threat and infringement on their power, thus have no incentive to assure that it functions properly (Fernandez 2005). As this leader further points out, without a well functioning COMUDE, the COCODES are left in limbo. They have no mechanism to propose their projects and programs and no way to audit the progress of those projects and the expenditures of the municipal government. It is the COMUDE that is the site for these critical pieces of participation and oversight. It is almost better that it not exist at all, than, as in the words of one community representative, for it to be "like a caterpillar without legs: it's alive, it moves, but it doesn't go anywhere" (Fernandez 2008).

### Democratic Local Governance in Practice: The Case of Uspantán

In order for a clearer picture to emerge of the progress and obstacles to creating democratic local governance, it will be useful to examine a case study. As a Peace Corps Volunteer working in municipal development in the rural municipality of Uspantán, I had the opportunity to participate in and observe one municipality's attempts at participatory governance. What follows then are some of my observations of participatory processes in Uspantán.

The municipality of San Miguel Uspantán lies in mountainous north-central Guatemala. This rural municipality is large by Guatemalan standards in terms of total land area and number of individual legal communities, of which there are 163. Uspantán is also a culturally diverse municipality with major populations from the K'eqchi and K'iche Mayan language groups, as well as a significant ladino (mestizo) population, and smaller groups of several other Mayan linguistic groups including Uspanteko. All this means that there are physical, cultural and linguistic barriers which divide this unit of government and which would seem likely to impede contact and cooperation between different communities as well as between communities and the local government and other organizations. Yet there are a number of associations and organizations active in Uspantán working in diverse fields such as education, health, tourism promotion, microcredit, human rights, and others. Furthermore, the mayor of this municipality has made a demonstrated effort to, within the legal framework, allow spaces for the participation of many of these groups, not to mention the often-ignored communities, in the decision-making mechanisms of the government. While he is certainly not going above and beyond what is legally required under Guatemalan law (and we shall see that he often stops short of the law as well), he has shown much greater commitment to collaboration than the great majority of his fellow mayors.

The decentralization reforms in Guatemala have put significant power into the hands of Uspantán 's mayor and municipal council.  Thinking in terms of the matrix of decentralization described earlier in this paper, Uspantán has significant autonomy in the political, administrative, and fiscal realms.  In the political realm, Uspantán is formally autonomous, with the mayor and municipal council being elected by citizens of the

municipality.  In terms of finances, the devolution of some specific financial instruments, as noted in the section on the Guatemalan decentralization process, has given the municipality some of its own streams of revenue.  And while the bulk of the municipality's funds still come from transfers from the federal government, the municipal government has significant discretion as to the spending of all funds it receives.  Finally, on the administrative side of the equation, there are elements of deconcentration, delegation and devolution.  Some administration of projects and programs come has been deconcentrated to local or departmental branches of central government agencies and development funds, over which the municipal government has only limited influence.  In the areas of health and education, while the municipal government has been delegated day-to-day control, the respective central government ministries still wield veto power and make most of the important decisions.  But in the area of development and service provision, full control has been devolved to the municipality to plan and execute projects and programs.  Thus, Uspantán is subject to some limitations, but has extensive room to maneuver in decision making, particularly regarding development activities.

While Uspantán has not held a *consulta popular*, there has been a good deal of public discussion surrounding the issues of community control over natural resources, the same issue which has led to *consultas* in other municipalities.  A recent study found that the department of El Quiche, in which Uspantán is located, contains 40% of hydroelectric capacity of all of Guatemala. The central government has allowed private companies to pursue projects in a number of municipalities, one of which being Uspantán. The voices of communities throughout Uspantán and environmental organizations working in Uspantán have been united in rejecting the idea of any mining or hydroelectric projects.

52

The topic has been brought up several times in the COMUDE and many community leaders have had the chance to speak out against such projects.

According to the vice mayor, this has shaped the municipal government's stance and that the municipal government has notified the central government of the communities' position on the issue. However, the municipal government itself does not reject the idea of a hydroelectric project outright. Rather, they demand that if such a project is to be undertaken, there must be two preconditions.  First, that the company pays a tax to the municipal government, in order to fund projects in the affected regions, and second that the infrastructure be constructed so that electricity is available in regions which do not currently have access.  According to the vice mayor, the most important thing is continued development, but an equitable development, not as in the past when such projects were undertaken and communities paid the price without seeing any benefits.

The government authorities clearly see the situation from a different perspective than that of the communities. But the government and civil society have not arrived at a consensual democratic decision. Rather, civil society has been given the space to express their ideas and opinions, and the municipal government has continued on a course which does not correspond completely with the will of the public. Clearly, there is a limit to how far municipal authorities are willing to go with participation in decisions which affect the development of the municipality.

Another area of potential participation is the municipal budget.  As previously noted, the municipal code stipulates that the mayor will give the opportunity to communities and other organizations to discuss and comment upon the budget and that a

quarterly summary on the budget will be given in the COMUDE.  In Uspantán, the municipal government gives an annual summary of projects and their costs, but not a quarterly report on the full budget.  Aside for this reporting, the direct mechanism for community input on the budget ought to be the finance commission of the COMUDE, which is headed by the vice mayor. However, the vice mayor claimed to be doing independent supervision and investigation on the budget because no other organization in the finance commission showed up to meetings. He saw the role of civil society more in prioritizing projects for the budget, rather than in strong oversight of its execution. This position was confirmed as, upon investigation, it turned out that of the 12 listed commissions of the COMUDE, those of finance and social auditing were the only two of which did not have members listed and had seemingly not been organized. Furthermore, of the civil society representatives spoken to, only one community leader and one NGO representative was aware of the legal mandate to include civil society groups in the oversight of the budget. All, however, expressed interest in contributing to budgetary decisions.

From discussions which I had with many actors, both from civil society and the government, it was noted that civil society participation in Uspantán in development, through the prioritization and management of projects via the COCODE system, is strong.  However, the inclusion of civil society actors in important decisions and municipal processes has been limited.  Hesitance has come from civil society and the municipal government, as both seem to struggle to conceive new roles for civil society, despite rhetoric which broadly supports civil society inclusion in decision making.

In the two examples above, it can be seen that the COMUDE has been an

important tool, but has still not been fully utilized. In the case of hydroelectric projects, the COMUDE has been used as a forum in which communities and other organizations have been able to express their opinions. It has not, however, become a site of discussion and consensual decision making which some government representatives, including the mayor, have claimed to want it to be. Furthermore, there exists on paper (and in the law), a finance commission in the COMUDE. Yet it has not been convened and does not function. An annual report on projects is given to the COMUDE by the municipal government, but not a quarterly report on the complete budget. If not for the COMUDE there would likely be no space for communities to raise objections about government policy and receive information about projects and the budget, but more opportunities exist through the COMUDE than are being taken advantage of. Thus, while the municipal government has provided new opportunities for participation, it has not kept pace with its own rhetoric in terms of encouraging full participation of civil society in all the mechanisms available.

Despite these limitations, Uspantán has a much more open system of decision making than it had five or ten years ago. Any involvement of communities and other organizations in decision making at the local level is out of the ordinary in Guatemala, and a survey of municipalities in Guatemala would likely find only a few dozen (of 333) where truly democratic governance is taking place. Uspantán has taken strong steps in that direction, though there are obviously areas in need of improvement. Most critically, the view must be shared by civil society and governmental leaders that the role of civil society goes beyond development and includes involvement in all the decisions which affect communities and citizens in Uspantán.

In Uspantán, there is a vision and the political will to allow further participation by civil society in governance, but it may well require a more proactive civil society with knowledge of its rights and responsibilities. While much responsibility lies with the state, civil society must bear up its side of the bargain. Any government which must push civil society into the spaces for collaboration will quickly tire. That being said, clearing away the last obstacles to civil society participation in important decisions, such as about hydroelectric projects and the budget, as described above, might provide the enticement necessary to encourage more and deeper participation from civil society.

Uspantan's struggles fit within a scenario of a country and a culture accustomed to hierarchical authority systems, patron-client political relationships, and largely excluded masses, but which is taking the first steps towards citizen participation and collaboration with the local government. Civil society in Uspantán is not necessarily strong or inclusive, but it is starting to find its voice and expect more from the government, particularly in terms of inclusion in decision making, than ever before. This is clearly a positive step which goes against the historical grain of Guatemalan politics. It is a step taking Uspantán, and perhaps, eventually, much of Guatemala, towards a deeper democracy. For a civil society with spaces to act will become healthier, just a state giving spaces for civil society will also become healthier. As Michael Walzer sees it, "Only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state" (Walzer, 1991: 79).

## Conclusion

One recent study of democratic decentralization in Latin America concluded the

56

following about attempts to increase democracy through decentralization:

> The causal link between decentralization and democratic governance, however, appears tenuous, based on the evidence provided in this volume. Like many other approaches to state reform, decentralization alone is unlikely to produce the expected results for democracy if it is not accompanied by complementary policies that implement the rule of law, encourage the flourishing of civil society, ensure an equitable investment of resources, and coordinate policies effectively among levels of governments. Where this is happening, at least in part, decentralization appears to be facilitating a more fluid link between citizens and the state. In others, the promise that decentralization holds for democracy remains as yet unrealized. (Selee, 2004: 27)

Guatemala's experience with promoting democratic local governance provides as good an example as any that decentralization alone does not strengthen democracy. Michael Reid, in his new book about Latin America, *Forgotten Continent:The Battle for Latin America's Soul*, makes this point as well. He quotes Lawrence Whitehead, saying, "like a plant in inhospitable soil, a democratic regime may be able to adapt and survive, but only by accommodating to local realities" (p. 274). Both Reid and Whitehead are referring to undemocratic practices and institutions which continue to haunt Latin America's procedurally democratic countries. As this investigation has demonstrated, Guatemala's attempts to decentralize state powers towards more democratic structures are also accommodating to local realities: principally to a population unaccustomed to real participation and to local elites unused to sharing power. This could either lead to the erosion of authentic democratic governance by clientelism and patronage or replacement of these authoritarian traditions with new more democratic ones. Most likely, there will be multiples outcomes. Many local governments will continue to utilize previous systems of authority. Many others will brave new territory, encouraging and promoting

57

democratic participation utilizing all the tools the decentralization reforms have given them. But the majority will remain somewhere in between. Some institutions will be put into place, but will remain un- or under-utilized. Many community leaders will make use of new spaces, but only to make demands on local governments, not to collaborate in the making of decisions and the solving of problems.

This highlights the need for further research in order to fully understand the Guatemalan situation. In successful cases of democratic governance, what have been the driving factors for success? In the case of Uspantán, political leadership took the first steps towards opening new spaces for citizen participation. In other cases, demands may arise from community leaders and civil society. Or there may be historical legacies of more open governance. The role of outside organizations, particularly those which are working to implement the decentralization laws and strengthen civil society, is not well understood either. The Uspantán case also sheds light on the limitations of democratic governance. In the case of Uspantán, those limits arise from both civil society and the political leadership, but investigation of other cases may reveal new dynamics. Finally, it is important to understand how and why local elites ignore or co-opt these new spaces. Some of these motivations and mechanisms have been discussed in this study, but others surely exist within the Guatemalan context. Only with further research which reveals the tapestry of social, political, cultural, and historical dynamics of local situations will we fully understand the possibilities and limitations of the new opportunities for democratic local governance in Guatemala.

Despite the limits to our understanding of all of the factors involved in successful democratic local governance, this study has revealed several steps forward which must be

taken in order for truly democratic governance to emerge in municipal decision making. First, the national government has shown enthusiasm for decentralization and participation. However, it has, in the case of the *consultas populares*, not shown that it can make tough decisions about the extent of participation. The national government must make a stand on community control over national resources. In the best case, it would officially delegate power over resources to each community, or barring that, to the municipality. This would fit into the rhetoric which has been espoused since the Peace Accords regarding respect for communities and their decisions. It would also be a clear sign that the national government does support community participation even when it does not fit with their agenda.

Secondly, while the central government has instituted various new tools of participation, it has left the municipalities to implement the new laws at their own convenience. It has become clear that the lack of enforcement of the laws has crippled their effectiveness. The central government must use carrots and sticks to ensure that the laws are being carried out my municipal authorities. The central government has the ultimate carrot and stick: money. Most municipalities rely on central government transfers for the bulk of their budget. Funding could be contingent on meeting the transparency requirements in reporting on the municipal budget and certification of the functioning of COCODES and the COMUDE in the municipality.

There are also a number of lessons which have been learned for municipal authorities and civil society members who are trying to make democratic governance work in their municipalities. It is clear that campaigns should be undertaken to increase knowledge among all actors in the government and civil society of the content of the

three laws which explain the rights and responsibilities of the municipal government, the COCODEs, the COMUDE and the spaces for participation by different groups. Additionally, municipal governments should work with civil society groups to organize and train the commissions of the COMUDEs. These commissions would bring together persons with technical experience from inside and outside the government to propose and review policy related to their field. It would also build up relationships between many actors which would facilitate future collaboration on projects, programs, policies and other decisions.  The municipal government, as well as NGOs and associations, should work with community leaders to help them see their role in municipal affairs as more than managing development in their communities and protesting unfavorable government policies, but rather to see themselves as full citizens and partners in the governance of Uspantán. While changing peoples' self-perception is a difficult process, the more the municipal government treats its citizens as partners and gives them spaces for participation, the easier the transition will be.  Finally, the government and civil society should support the formation and strengthening of cooperatives, community associations, and other forms of authentic collaboration and partnership between citizens. This would help balance the associational ecosystem of municipalities, such as Uspantán, which are currently tilted towards professional NGOs and government organized COCODEs. Contact between these citizens associations and regional and national social organizations would bring the voices of these groups into the nation dialog as well as connecting them with new information and resources.

This is good news for Guatemala's besieged democracy.  For, to borrow from Reid again, the pendulum between democracy and dictatorship has stopped swinging in

Guatemala, and it is pointed at democracy. However, it remains to be seen what kind of democracy will emerge. Various adjectives have been used to describe Guatemala's democracy, none of them complimentary. But a democracy with no adjectives would not do either. Guatemala's most recent decentralization reforms seem to want to fashion Guatemala as a participatory democracy. This is a good start, but only so long as that participation is held to a high standard, for participation can not only be empowering but also a means of cooptation. Yes, Guatemala must be a participatory democracy, but even more so a democracy of authentic empowering participation. Thus, much work remains, but if a new generation of leaders, in local government and civil society, can create new opportunities to strengthen democracy and tackle problems collaboratively, then there is hope for Guatemala's future.

## References

Amaro, Nelson. 2001. "Decentralization, Local Government, and Citizen Participation: Unsolved Problems in the Guatemalan Decentralization Process" in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development*, Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers.

Andrews, Matthew and Anwar Shah. 2003. "Citizen Centered Governance" in *Brining Civility in Governance*. Shah, Anwar (ed). Washington, D.C.: The World Bank.

Bardham, Pranab and Dilip Mookherjee. 2006. "The Rise of Local Governance: An Overview" in *Decentralization and Local Governance in Developing Countries: A Comparative Perspective*, Bardham, Pranab and Dilip Mookherjee (eds). Cambridge, MA: MIT Press.

Barten, Montiel, Espinoza, and Morales. 2002. "Democratic Governance: Fairytale or Real Perspective? Lessons from Central America". *Environment and Urbanization*. Vol. 14, No. 1. 129-144.

Booth, John, Christine Wade and Thomas Walker. 2006. *Understanding Central*

*America: Global Forces, Rebellion, and Change*.  Boulder, CO: Westview Press.

Booth, John. 1995. "Introduction: Elections and Democracy in Central America: A Framework for Analysis" in *Elections and Democracy in Central America,* Booth, John and Mitchell Seligson (eds).  Chapel Hill: University of North Carolina Press.

Booth, John and Patricia Bayer Richard. 1998. "Civil Society and Political Context in Central America". *American Behavioral Scientist*. Vol. 42, No. 1.

Boschi, Renato.  2003.  "Democratic Governance and Participation: Tales of Two Cities" in *Governance on the Ground: Innovations and Discontinuities in Cities of the Developing World*, McCarney, Patricia and Richard Stren (eds).  Washington, D.C.: Woodrow Wilson Center Press.

Brocket, Charles.  1998.  *Land, Power, and Poverty: Agrarian Transformation and Political Conflict in Central America*.  Boulder, CO: Westview Press.

Duhau, Emilio and Martha Schteingart.  2003.  "Governance and Municipal Management in Mexico and Colombia: Between Clientelist Practices and New Forms of Democratic Government" in *Governance on the Ground: Innovations and Discontinuities in Cities of the Developing World*.  McCarney, Partricia and Richard Stren (eds).  Washington, D.C.: Woodrow Wilson Press.

Elliot, Carolyn. 2003. "Civil Society and Democracy: A Comparative Review Essay" in *Civil Society and Democracy: A Reader*, Elliot, Carolyn (ed). Oxford, UK: Oxford University Press.

Evans, Peter. 1996. "Government Action, Social Capital and Development: Reviewing the Evidence on Synergy". *World Development*. Vol. 24, No. 6.

Evans, Peter (ed). 1997. *State-Society Synergy: Government and Social Capital in Development*. Berkeley: International Area Studies.

Faguet, Jean-Paul.  2006.  "Decentralizing Bolivia: Local Government in the Jungle" in *Decentralization and Local Governance in Developing Countries: A Comparative Perspective*, Bardham, Pranab and Dilip Mookherjee (eds).  Cambridge, MA: MIT Press.

Fernandez, Eddie.  2008.  Diferentes Visiones de *Gobernando con la Gente*. *Inforpress Centroamericana Boletin Municipal*, October 15, 2008.

Fernandez, Eddie.  2008.  Entrevista con Orlando Rodas.  *Inforpress Centroamericana Boletin Municipal*, September 1, 2008.

Fernandez, Eddie.  2008.  Entrevista con Luis Fernando Pena.  *Inforpress Centroamericana Boletin Municipal*, July 15, 2008.

Fernandez, Eddie.  2008.  Entrevista con Rene Vicente Osorio.  *Inforpress*

*Centroamericana Boletin Municipal*, June 15, 2008.

Fernandez, Eddie. 2008. Entrevista con Walter del Cid. *Inforpress Centroamericana Boletin Municipal*, April 1, 2008.

Fernandez, Eddie. 2008. Sistema de Consejos: Un Gusano sin Patas. *Inforpress Centroamericana Boletin Municipal*, March 15, 2008.

Fernandez, Eddie. 2008. Entrevista con Caryl Alonso Jimenez. *Inforpress Centroamericana Boletin Municipal*, February 1, 2008.

Fernandez, Eddie. 2007. Especialistas Reconocen Pocos Alcances en Descentralizacion. *Inforpress Centroamericana Boletin Municipal*, December 15, 2007.

Fernandez, Eddie. 2007. Como Afrontar la Inminente Conflictividad electoral a Nivel Local? *Inforpress Centroamericana Boletin Municipal*, April 15, 2007.

Fernandez, Eddie. 2005. Entrevista con Ignacio Ochoa. *Inforpress Centroamericana Boletin Municipal*, October 1, 2005.

Fernandez, Eddie and Emanuel Medina. 2007. Elecciones 2007: Menos Alcaldesas y Menos Autoridades Indiginas. *Inforpress Centroamericana Boletin Municipal*, September 15, 2007.

FUNCEDE. 2002. "La Descentralizacion en Guatemala". Guatemala City.

Galvez Borrell, Mack, and Camposeco Hurtado. 1998. *Descentralizacion y Movimiento Municipal en Guatemala*, quoted in Amaro, Nelson, "Decentralization, Local Government, and Citizen Participation: Unsolved Problems in the Guatemalan Decentralization Process" in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development*, Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers. 2001.

Giron, Wilberth. 2008. Despiden a la Mitad del Personal Municipal Presupuestado. *Inforpress Centroamericana Bolitin Municipal*, April 15, 2008.

Heller, Patrick. 2001. "Moving the State: The Politics of Democratic Decentralization, South Africa and Porto Alegre", *Politics and Society*. Vol. 29, No. 1 quoted in Hordijk, Michaela. 2005. "Paticipatory Governance in Peru: Exercising Citizenship". *Environment and Urbanization*. Vol. 17, No. 1. 219-236.

Inforpress Central America Report. 2008. "Popular Consultation: In Search of Participatory Democracy". June 16, 2008.

Inforpress Central America Report. 2008. "Strong Resistance to Citizen Participation". June 16, 2008.

Inforpress Central America Report. 2006. "Informe Especial: Corrupcion". November 24, 2006.

Inforpress Central America Report. 2005. "Cómo hacer de las Comisiones vínculos efectivos entre COMUDES y Corporaciones". December 1, 2005.

Jonas, Susan. 2002. "Guatemala" in *Politics of Latin America: The Power Game*. Vanden, Harry and Gary Prevost (eds). Oxford: Oxford University Press.

Jonas, Susan and Christopher Chase-Dunn. 2001. "Guatemalan Development and Democratization: Past, Present, and Future", in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development*, Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers.

Manor, James. 1999. *The Political Economy of Democratic Decentralization*. Washington, D.C.: The World Bank.

McCarney, Patricia. 2003. "Confronting Critical Disjuctures in the Governance of Cities" in *Governance on the Ground: Innovations and Discontinuities in Cities of the Developing World*, McCarney, Patricia and Richard Stren (eds). Washington, D.C.: Woodrow Wilson Center Press.

McCleary, Rachel. 1999. *Dictating Democracy*. Gainsville, FL: University Press of Florida.

Mizrahi, Yemile. 2004. "Twenty Years of Decentralization in Mexico: A Top-Down Process" in *Decentralization, Democratic Governance, and Civil Society in Comparative Perspactive*, Oxhorn, Phillip, Joseph Tulchin and Andrew Selee (eds). Baltimore, MD: Johns Hopkins University Press.

Montero, Alfred and David Samuels. 2004. "The Political Determinants of Decentralization in Latin America: Causes and Consequences" in *Decentralization and Democracy in Latin America,* Montero, Alfred and David Samuels (eds). South Bend, IN: University of Notre Dame Press.

O'Neil, Kathleen. 2004. "Decentralization in Bolivia" in *Decentralization and Democracy in Latin America,* Montero, Alfred and David Samuels (eds). South Bend, IN: University of Notre Dame Press.

Oxhorn, Philip. 2006. "Conceptualizing Civil Society from the Bottom Up: A Political Economy Perspective" in *Civil Society and Democracy in Latin America*, Feinberg, Richard, Carlos Waisman, and Leon Zamosc (eds). New York, NY: Palgrave MacMillan.

Oxhorn, Phillip. 2004. "Unraveling the Puzzle of Decentralization" in *Decentralization, Democratic Governance, and Civil Society in Comparative Perspactive*, Oxhorn, Phillip, Joseph Tulchin and Andrew Selee (eds). Baltimore, MD: Johns Hopkins University

Press.

Poitevin, Rene. 1992. "Los problemas de la Democracia" in *Los Problemas de la Democracia,* Aguilera, Gabriel (ed). Guatemala: FLACSO.

Portes, Alejandro. 2001. "Theories of Development and their Application to Small Countries" in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development,* Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers.

Przeworski, Adam. 1996. *Studying Democratization.* Manuscript. Quoted in "Democratization through Peace", Jonas, Susanne in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development,* Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers. 2001.

Puente Alcaraz, Jesus. 2006. "Resistencias y Obstaculos a los Modelos Descentralizadores en America Latina: Variables Analizadas en Guatemala y Republica Dominicana". Paper presented at the 12th Encuentro de Latinoamericanistas. Santander, Spain.

Puente Alcaraz, Jesus and Luis Felipe Linares Lopez. 2004. "A General View of the Institutional State of Decentralization in Guatemala" in *Decentralization and Democratic Governance in Latin America,* Tulchin, Joseph and Andrew Selee (eds). Woodrow Wilson Center Report on the Americas #12. Washington, D.C.: Woodrow Wilson International Center for Scholars.

Puente, Jesus and Juan Fernando Molina. 2000. "Guatemala. Descentralización y Democracia: Gobierno Local y Participación Ciudadana, Estudio de Caso," in *Descentralización, municipio y participación ciudadana: Chile, Colombia y Guatemala,* María Antonieta Huerta Malbrán, Carlos Gabián Pressacco Chávez, Consuelo Ahumada Beltrán, Marcela Velasco Jaramillo, Jesús Puente Alcaraz, and Juan Fernando Molina Meza (eds). Bogotá: CEJA.

Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.

Reid, Michael. 2007. *Forgotten Continent: The Battle for Latin America's Soul*. New Haven, CT: Yale University Press.

Robinson, William. 2003. *Transnational Conflicts: Central America, Social Change, and Globalization*. New York: Verso.

Robinson, William. 2001. "Neoliberalism, the Global Elite, and the Guatemalan Transition: A critical Perspective" in *Globalization on the Ground: Postbellum Guatmalan Democracy and Development, Chase-Dunn, Christopher, Susanne Jonas and*

*Nelson Amaro (eds.). Lahnam, MD: Rowman and Littlefield Publishers.*

Robinson, William. 1997. "Promoting Polyarchy: Globalization, U.S. Intervention, and Hegemony". *Mershon International Studies Review*. Vol. 42, No. 2.

Secretaria de Coordinacion Ejecutiva de la Presidencia. 2007. Meeting Minutes from May 7, 2007. Guatemala City, Guatemala.

Selee, Andrew. 2004. "Exploring the Link between Decentralization and Democratic Governance" in *Decentralization and Democratic Governance in Latin America,* Tulchin, Joseph and Andrew Selee (eds). Woodrow Wilson Center Report on the Americas #12. Washington, D.C.: Woodrow Wilson International Center for Scholars.

Stren, Richard. 2003. "Introduction: Toward the Comparative Study of Urban Governance" in *Governance on the Ground: Innovations and Discontinuities in Cities of the Developing World*, McCarney, Patricia and Richard Stren (eds). Washington, D.C.: Woodrow Wilson Center Press.

Torres Rivas, Edelberto. 2001. "Democracy and the Market in Guatemala" in *Globalization on the Ground: Postbellum Guatemalan Democracy and Development,* Chase-Dunn, Christopher, Susanne Jonas and Nelson Amaro (eds.). Lanham, MD: Rowman and Littlefield Publishers.

Treisman, Daniel. 2007. *The Architecture of Government: Rethinking Political Decentralization*. Cambridge: Cambridge University Press.

Trudeau, Robert. 2000. "Guatemala: Democratic Rebirth?" in *Latin American Politics and Development*, Wiarda, Howard and Harvey Kline (eds). Boulder, CO: Westview Press.

Vasquez, Edgar. 2008. Entrevista con Jorge Barrientos. *Inforpress Centroamericana Boletin Municipal*, April 15, 2008.

Veron, Rene, Glyn Williams, Stuart Cornbridge, and Manoj Srivastava. 2006. "Decentralized Corruption or Corrupt Decentralization? Community Monitoring of Poverty-Alleviation Schemes in East India". *World Development*. Vol. 34, No. 11, pp 1922-1941.

Walzer, Micheal. 1991. "The Idea of Civil Society: A Path to Social Reconstruction" in Elliot, Carolyn (ed) *Civil Society and Democracy: A Reader*. Oxford, UK: Oxford University Press. 2003.

Weatherborn, Joanna. 2008. Comunas Se Comprometen con Transparencia. *Inforpress Centroamericana Boletin Municipal*, April 15, 2008.

Weatherborn, Joanna. 2008. Entrevista con Jorge Balsells. *Inforpress Centroamericana*

*Boletin Municipal*, March 1, 2008.

Weatherborn, Joanna.  2007.  Guia Para el Funcionamiento de las Comisiones de un COMUDE.  *Inforpress Centroamericana Boletin Municipal*, October 1, 2007.

Weatherborn, Joanna.  2007.  Creacion, Integracion y Funcionamiento de las Comisiones de un COMUDE.  *Inforpress Centroamericana Boletin n Municipal*, September 15, 2007.

Wiesner, Eduardo.  1997.  "Descentralizacion Fiscal y Desarrollo Institucional" in *Descentralizacion Fiscal en America Latina: Nuevos Desafios y Agenda de Trabajo*, Aghon, Gabriel and Herbert Edling (eds).  Santiago de Chile: CEPAL/GTZ.