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Report on the Proceedings of the Canadian Dialogue on Peacebuilding in Guatemala

October 9, 1997

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Sponsored by: Canadian Peacebuilding Coordinating Committee (CPCC), Peacebuilding and Human Development Division of the Global Issues Bureau of the Department of Foreign Affairs and International Trade (AGP, DFAIT), International Centre for Human Rights and Democratic Development (ICHRDD) and the Americas Policy Group of the Canadian Council for International Cooperation (APG).

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Introduction

Objectives

Canada is committed to supporting the peacebuilding process in Guatemala. The Canadian government and non-governmental organizations have a long history of work in, and support to, Guatemala. Over the past year, a series of workshops and seminars have taken place involving governmental and non-governmental actors in discussions on how Canada can most effectively support sustainable peace in Guatemala. These discussions led to a series of recommendations. The challenge left to all was to prioritize and act on these recommendations. The dialogue described in this report was seen as the first of a series of working sessions. It brought together key government and civil society representatives, with peacebuilding and/or Guatemala expertise, to identify and prioritize the necessary actions to best support this moment in Guatemala through peacebuilding efforts. This was an example of highly collaborative organization and participation and will, as a dialogue model, be an important contribution to future peacebuilding discussions both on Guatemala and other countries. Strengthening the Government/NGO consultative process on peacebuilding issues is a key objective of the Canadian Peacebuilding Initiative launched by Minister Axworthy in October, 1996.

Definition of Peacebuilding:

Peacebuilding is a long-term series of actions and ultimately an outcome of social and economic reconstruction, democratic development, justice, civil society and government institutional capacity building. The CPCC defines peacebuilding as: *Peacebuilding is the effort to promote human security in societies marked by conflict. The overarching goal of peacebuilding is to strengthen the capacity of societies to manage conflict without violence, as a means to achieve sustainable human security.*

Overview of Peacebuilding Context in Guatemala

Guatemala has a legacy of 30 years of dirty war. It is a country of extreme historical ethnic division which has never known real democracy. There is a lack of civic trust, lack of democratic culture, lack of organizing tools and no tradition of accountability. The fabric of society is rent through violence to remote corners of the country - widespread, deep down, continual violence. No preexisting common ground exists on which to rebuild society. Peace negotiations were largely forced along by the international community. There is no broad political and social consensus in Guatemala. The armed forces are still not convinced that the war is over- for many, the war still continues by other means. Although the government has committed itself to the peace process, actors outside the process and factors such as the government's economic policies, are undermining both the process and the Peace Accords themselves. The end of the war has created the political context for a variety of actors and political agendas to emerge within both government and civil society. The electoral dynamic has intensified this situation. The jockeying for political positions is influencing the ability of actors to work towards a common goal - the peace implementation process.

We have a short window, of perhaps 1 year to 18 months, within which either peace will be solidified or violence erupt. Within this timeframe several basic problems must be resolved or demonstrate significant progress. The peace agreements have demanding timelines with international pressures (such as the momentum towards hemispheric economic integration) and with the Guatemalan presidential elections scheduled for the year 2000, the electoral campaign is already underway. We need to look at how Canada can gear up to action - in a short timespan. We must step back to assess the long-term impact of our actions and interventions. While focusing on the short-term, we must take a long-term societal view on Guatemala, separate ourselves a bit from the immediate demands of our Guatemalan counterparts and develop a broader perspective. This is our current challenge.

Analysis: Peacebuilding Terrain in Guatemala

Key issues: Impunity, Socio-Economic Accord, & Consultative Mechanisms

Impunity in Guatemala

Definition of impunity: *Failure by the state authorities to discharge their legal duty/responsibility to prevent where possible, to investigate, to initiate and carry through appropriate legal proceedings against, and to punish those who commit serious human rights violations and other crimes.*

The elimination of impunity is necessary for peacebuilding. Impunity is a problem which would likely exist in Guatemala regardless of the Peace Accords.

Key issues:

- 1) **Impunity is broader than human rights, it covers all criminality.**
- 2) **Deeply rooted impunity undermines public confidence in government.** The government's lack of performance re: impunity seriously impedes their implementation of the Peace Agreements.
- 3) **The reform of the judicial system is the greatest need to confront impunity.**

Key Factors:

- 1) **Lack of institutional capacity within the police and judicial systems:** complete absence of judicial authorities in rural areas; insufficient numbers of police and slowness of police system reform and training; presence of a new code of penal procedure in 1994 was a major change from a written procedure directed by an investigating judge to an oral procedure undertaken by state prosecutors - resulting in confusion, lack of coordination, and conflict between the police, prosecutors and first-level judges.
- 2) **Lack of resources:** The Guatemalan government has committed under the accords to raise 12% of GDP by the year 2000. The government is chronically underfunded. The national police now total 7000 officers and should be 20 000 by the year 2000.
- 3) **Lack of political will:** The Peace Accords call for the abolition of the presidential military staff and its replacement by a civilian body. The Accords include the commitment to disband civilian self-defence patrols, "PACs". MINUGUA is critical that the government is not trying hard enough to ensure that former PAC members do not take justice into their own hands. The MINCHO case is the worst example of the government refusing to cooperate in a Minugua investigation. There are also examples of prosecutors not investigating, and refusing to lay charges, in human rights cases. Outside the government, there are cases of intimidation and murder of both judges and witnesses.

Positive trends on impunity in recent months:

The Guatemala political leadership understands that solving the problem of impunity is essential to their own success and know quite well what needs to be done at the institutional level to deal with impunity. MINUGUA reports that human rights violations have declined. The Law of National Reconciliation exists to bring the URNG back into society through amnesty. No one convicted of serious human rights violations has received amnesty. Legal proceedings on some of the worse massacres have started and a few individuals have been sentenced.

Role of Canada and the International Community:

The elimination of impunity and the necessary building of transparent institutions and trust within civil society takes years to achieve. It requires a long-term peacebuilding strategy: 1) assistance is needed to the police and judicial systems; 2) close monitoring of implementation and the promotion of full compliance with the accords; 3) support to Guatemalan civil society; 4) strong political level support to police and judicial reform; 5) strong support to MINUGUA; 6) support to the extension of police and judicial services to outlying rural areas with the capacity to understand indigenous customary law - this is an encouraging current initiative which requires more resources; 7) targeted assistance to the training of new national civilian police, contributing Canadian experience in community and aboriginal policing. The urgency of our support is very clear as a growing number of Guatemalans consider the need to call back their armed forces to ensure their security.

Discussion:

- An important role for Canada and the international community is to contribute new models for Guatemala in areas such as conflict-resolution. CIDA Bilateral is interested in supporting sustainable peacebuilding programs which propose such models. One example is contributing models for national dialogue, demonstrating how diverse actors within government and civil society can dialogue and work together. CIDA's Democratic Development Fund has been supporting such processes involving civil society capacity building and the opening of spaces for government-NGO discussion.

Socio-Economic Accord:

Canada's role in supporting Guatemala can best be described as *peace-nurturing*. This is not our process, this is Guatemalans' process but we can assist in and support their efforts.

Context:

- 1) **Lack of civilian structure:** There has never been a civilian structure outside of the capital, only a military or feudal structure. Now, civilian authorities must work to deconstruct and transform historic power structures based on military authority and other authoritarian militaristic, or feudal power structures which have existed for generations. These structures have affected and distorted people's approach and attitude to power.
- 2) **Distrust in social relations:** Building peace will be a long process.

- 3) **Perception and knowledge of Peace Accords:** Most Guatemalans (particularly those who live outside the capital) know very little about the content of the Accords and often hold inaccurate expectations of the Accord provisions (e.g. some rural poor are under the impression that they will be given land). The daily concern is security. On the other hand, those who have been involved in the Accord process are in danger of being captured by that process, seeing the Accords as the sole peace issue and mechanism. Peacebuilding in Guatemala is not only about the Accords. We need to be looking outside of the Accords yet see them as an essential part of the peace process.

Accords: Creation and Contents

There are 7 signed socio-economic accords which were negotiated by the Government of Guatemala and the URNG, neither of which represented the majority of Guatemalans. One civilian group, the Association of Civil Society (Asociacion da Sociedad Civil -ASC), actively negotiated, debated and made proposals to try to influence the Accord negotiation, but had no formal space in the process. Given the lack of broad based participation in the Accords, they must be seen as a base but must not be made to be, or accepted as, the limit to what can be achieved in the peace process. We need to focus on supporting Guatemalans to advance the spirit of the Accords without focussing excessively on the timelines set out in the Accords. A key element on the Accords is the promotion of national consultation and dialogue; this aspect should be encouraged to continue following the completion of the Accord process.

The Accords call for:

- 1) Increased citizen participation in socioeconomic development, a decentralization of decision-making in the social and economic area, and the strengthening of municipal authorities;
- 2) The active participation of women in socioeconomic development and the ending of all discrimination against women;
- 3) Promoting access of *campesinos* (rural poor) to property in land and sustainable use of the land's resources;
- 4) Protection of municipal and communal lands and limitation on their alienability;
- 5) Creation of a land bank from existing state owned land and acquired land;
- 6) A goal of increasing taxes as a proportion of GNP by 50% over 1995 levels by year 2000.

The Accord:

- 1) Set a government goal of 6% annual growth for the country;
- 2) Commits the government to an increase of 50% over 1995 levels in the proportion of GNP spent on health and education by the year 2000.
- 3) Commits the government to ensure that children aged 7-12 get three years of schooling by the year 2000 and sets a goal of increasing literacy rates to 70%.

The Socio-Economic Accord is seen as a minimal accord which has some use and potential if used as a base. It was supposed to have dealt with the fundamental issues which caused the conflict, but it leaves out stated transformational goals of the URNG. This has (almost?) caused a split in the URNG. Popular organizations were furious as none of the ASC proposals for structural reforms in agriculture, land tenure and tax reform are present.

Issues Affecting Accord Implementation:

1) **Lack of political will within government.**

The accords don't change the fact that Guatemala has been run for the few and have excluded the many. The legislature has been introducing laws on issues covered under the Accords without consultation with civil society as foreseen and established within the Accords.

2) **Lack of capacity on the part of all sectors to work towards the implementation of the Accords.** Both government and civil society actors are ill-equipped to deal with the complex issues involved in the Accords. The time needed to develop this capacity exceeds the timelines of the Accords. Civil society is at the table, but its participation is not strategic, and the playing field is uneven. The Government has a limited absorptive capacity for international support. There is a lack of mutually accountable follow-up to the work of the consultative mechanisms.

Implemented Measures:

- 1) **Land survey and registry:** There are currently four major laws under which one can hold land title. Therefore, there can be four land titles to one piece of land in addition to customary or traditional property use rights. A land registry that depends on formal legal titles and documentation will delegitimize ancestral land claims and reinforce inequity. CONTIERRA (Presidential Office on Legal Assistance and the Resolution of Land Conflicts), the entity created to settle land disputes, has identified almost 400 land disputes, yet the government is sending police out to evict thousands of people for the benefit of about ten wealthy landowners, rather than rely upon nonviolent conflict resolution. CONTIERRA can only deal with a limited range of cases which are: not in the courts; not involved in land occupancy; in the conciliation stage. Eligible cases total 45-65. The use of scarce police resources to force people off land when security is the key issue in the country, shows a clear lack of political will concerning land reform.
- 2) **Macroeconomic policy:** Privatization is a priority for the government. This year's budget was dependent on the revenue from the sale of several public entities. The government is also focussed on increasing the tax base. However, a comprehensive reform of the tax system is what is needed; wealthy people in Guatemala pay less tax than any other country in Latin America. The international financial institutions and the international community have focussed on increasing tax revenue to 12% of GDP by the year 2000, as established in the Peace Accords, without sufficient attention to the need for tax reform. This is an example of the international community looking at the letter, rather than the spirit of the Accords. There has been a lack of consultation with civil society over this aspect of the accords.
- 3) **Health and education budgets are low and underspent ever year,** owing to the limited absorptive capacity of the social sector and lack of programs. Guatemala has the lowest social spending per capita in all of Latin America. Spending will go up but the issue is how, and with what consultation, as specified in the Peace Agreements. The government is now proposing to contract out health care in rural areas to NGOs. There are similar measures in education. NGOs do not have the capacity to do this well.

Implication for Peacebuilding and Canada's Role:

We must focus on monitoring the implementation of the spirit of the Accords and not pressure the government excessively on the timeline or the letter of the Accords. We should focus on elements which will advance inclusive national consultation and dialogue in a way which will continue when the Accords run out. We must ensure that we have a complete understanding of the situation on the ground, and work in consultation with Guatemalans, while recognizing that they are not a united front and that we must make choices, ensuring that we listen particularly to marginalized voices. We should promote the construction of a shared stake in the country. Security, and its implications for the potential reemergence of political conflict is the main worry.

Discussion:

- The Guatemalan government can not use time as an excuse for slowness in increasing taxes, as the need has been under discussion in the country for a long time.
- We must recognize the influence of the URNG and community groups, even if they are disparate.
- Guatemalans have high expectations for the Accords. We must be sure to recognize that the context is very different in the capital and the rural areas.

Consultative Mechanisms:

The ARZU administration reports that there are 15 official consultative mechanisms with government and civil society to work on the implementation of the Accords.

- Indigenous Accord: 3 *Comisiones Paritarias* (joint government/civil society participatory commissions) on political participation, land rights, and education reform. The main civil society actor in the commissions is COPMAGUA, a broad-based coalition of aboriginal organizations.
- Uprooted Accord: 1 Technical Commission has existed since the Accord was signed in June 1994 and includes representatives of the uprooted and displaced, the Guatemalan government, and the international donor community as consultants (UNDP and EU).
- Civil Society Accord: Calls on the participation of women. One month ago the National Women's Forum was created to coordinate the input of women's groups into the consultative process on elements of the Accords which relate to women.
- The Accord on Socio-Economic Aspects and the Agrarian Situation has no consultative mechanism at a national level apart from CONTIERRA.

To What Extent are Consultative Mechanisms Functioning & Contributing to Peace Building?

The key concerns are: civil society and government capacity, timeline pressures and expectations, political will on the part of government, and representativity. There is a serious lack of capacity within civil society to participate meaningfully in the implementation proposals and decisions. Very technical issues are involved and both government and civil society are finding the task difficult. The leadership within civil society is limited and it will take generations to develop the capacity yet their participation is essential to the peace process. The government has limited capacity also, and financial absorption problems. The timeline for accord implementation is too ambitious given this lack of technical

capacity. But expectations are high among Guatemalans and progress is necessary to build hope and confidence in the government and civil society participants.

Another concern is that the Consultative mechanisms are Guatemala City processes, and do not involve the majority of rural Guatemalans. Also, there is the political problem of the power of negotiators to make decisions. Much of what is proposed now by government does not go to the commissions and decisions are made with no consultation (i.e. education reform bill presented to Congress by PAN deputies earlier this year). However, the commissions have a certain value in dealing with the political problem of how government and civil society work together - a very important element in the peace process. There is very little being evaluated and reported on the success of these mechanisms. One-way dialogue without mutually accountable follow-up is not worth much. It must be remembered that in the case of Guatemala no level playing field exists. The Peace Accords have not changed the balance of power in the country and the government effectively represents only a small elite .

What Support Can Canada Give to the Consultative Mechanisms?

If we do support these mechanisms we must support those that are working - not those which are not contributing to peacebuilding. Analysis and evaluation are necessary to determine whether they are effective or what other mechanisms should be developed. But, if the government is not taking the accords seriously, why would they take the consultative mechanisms more seriously? We must request more information from our partners. Mechanisms which should be supported are the newly created Women's Forum, The Indigenous Commission, and the Technical Commission. Finally, supporting the improvement of the human rights situation in Guatemala will create safer spaces for civil society participation as many still fear their lives.

Discussion:

- The coordination of different sectors in Guatemala is very difficult. Political pressure is needed on the Guatemalan government for harmonization of work on these issues. It is very difficult to evaluate the impact of consultative mechanisms. We need to be careful not to discourage this kind of approach, but to highlight the positive elements. Eg. The *Encuentros de actualization* (update meetings) did not result in much but did increase the participation of civil society actors.
- Canadian NGOs who have been involved in this process have examined their intervention and have determined there were both positive and negative aspects, but that the importance of dialogue and the self-coordination of civil society must be emphasized.
- Those who suffered the most in the war are not involved in the consultative process. Information is not getting to them. We should consider very carefully where we put our support, as many important participants in the consultative processes have left the table because they believe that what has been agreed is not being implemented. Perhaps we should focus on disseminating information about the process throughout the country.
- In the Technical Commission, several of the most competent advisors have resigned out of frustration due to the lack of resources, such as a phone system, leading to an inability to function. Only one person on the Commission currently represents the uprooted populations.

Key Strategies for Canadian Support:

Long-Term Strategies:

- 1) support alternative models for negotiation/dialogue between different sectors. (government, civil society, private sector);
- 2) support mechanisms that popularize the spirit of the accords, ensuring sustainability of their impacts re; peacebuilding and placating expectations;
- 3) ensure equity in reform process;
- 4) draw in social actors who are outside the process;
- 5) analysis of the impact of consultative processes;
- 6) supporting the building and maintenance of safe spaces for dialogue;
- 7) optimal distribution of resources.

Short-Term Specific Initiatives:

- 1) rural administration of justice (police, judiciary, etc);
- 2) enabling environment to support individual security;
- 3) equitable land negotiation system;
- 4) capacity-building within both government and civil society;
- 5) construction of a shared stake in society;
- 6) privatization: how and by whom should societal infrastructure be rebuilt;
- 7) support for the National Women's Forum; Indigenous Commission, Uprooted Commission, & the Technical Commission.

Discussion:

- Our discussions have been missing an important element which is key to the cessation of conflict - the very unequal distribution of power in Guatemala. We must explore how to support a shift in the balance of power to a broader sector of the population. No consultative process will change the balance of power but rather just help us to see where the balance is at. We need a countervailing force to make Accords realizable. How would the reform of the electoral system contribute to this goal?
- Our concerns break down into two major issues with the issue of power relating to both:
 - 1) construct a system where society is able to communicate with itself in a democratic, interactive society; and 2) lack of government and civil society resources.
- Decentralization and local power have not been raised as issues. We should make suggestions for the reform of Congress. There are currently only two parties, with a combined total of 6 or 7 representatives who represent the majority of Guatemalans - better representation in Congress is necessary. However, electoral politics is not the only, or perhaps the best space to look at government accountability in Guatemala as political parties are not very respected in Guatemala. It is still very common for landowners to pay workers to vote for a certain candidate. We should

support mechanisms that will lead to the ability of Guatemalans to hold their government accountable, perhaps through the Commissions. Efforts for local justice and human rights education are key in remote areas.

- *Short-term point:* Physical security is key to the participation of all. We should focus on physical security as the key to any short-term or long-term initiative. The police system really needs reforming, about 40% are illiterate. We must consider how can we can, in 1yr to 18 months, improve the security of the average rural individual. Within our short time window there is no point to explore broad political consensus unless the average person can feel secure in their home. This is the only way to keep the army in their barracks. If not, the armed forces will come back with the support of the population.

Current Canadian Peacebuilding Initiatives:

Department of Foreign Affairs and International Trade:

- There have been two civilian police human right monitors based with MINUGUA over the past two years. Requests have been made for Canadian support on community policing, train the trainers work, aboriginal policing, and the administration of justice.

Canadian International Development Agency:

- **Bilateral Division:** Support is aimed at longer term development. Specific aims include rebuilding social relationships and the economic and social fabric, primarily through the Democratic Development Fund (DDF). The DDF supports genuine national reconciliation through bringing together actors who do not normally work together. In addition, PADEL is in its second phase of support to productive activities in rural areas. CESO is contributing to the placement of the two police officers with MINUGUA. A new community development project will soon be starting in San Marcos. CIDA commissioned Jean Denis Archambault to conduct a study on the administration of justice which highlighted the need to support rural community access to rural justice. A participatory model of rural justice is being promoted by MINUGUA within its "New Model" concept. The Guatemalan Justice Commission is coming forth with ideas for reform. There may be opportunities for Canada to share models and ideas in this area. CIDA is currently developing the country program framework for Guatemala which will soon be shared with partners and NGOs, and likely brought for consultation around the end of November.
- **Partnership Branch:** This branch funds the implementation of projects by non-governmental (NGO) and non-profit organizations. In Guatemala projects focus on such areas as empowerment and education with about 60% of funding provided to professional associations. Currently 23 NGOs are funded in Guatemala. Proposals for peacebuilding projects are accepted within this branch and if it is determined that the project meets the Peacebuilding Fund parameters, they recommend that it be considered by the Fund and it then goes to a review committee and the Minister of Foreign Affairs. If accepted by the Fund, the money will be forwarded to and managed by CIDA's Partnership Branch. If it does not meet the Fund's criteria, yet is a good project, they will try to find the funds within their branch.

Peacebuilding Fund (DFAIT & CIDA):

This is a short-term fund which acts as a rapid response mechanism for ODA receiving countries in areas of ministerial priority. It is unique in that it intervenes over and above existing mechanisms for short-term and innovative projects in high risk regions in initiatives prior, during and after conflict. Projects must reflect locally defined peacebuilding needs. Currently approved projects are : 7 in the Great Lakes; 3 global; 2 projects in former Yugoslavia; the Historical Clarification Commission in Guatemala; 1 in Cambodia. Approx. 4 million has been committed - 6 million is still available for the fiscal year. Guatemala has not received many funds so far as much of peacebuilding is covered by CIDA bilateral funding.

Summary of NGO Activities:

Who? Canadian non-governmental organizations and Canadian NGO coalitions, primarily through partner work in Guatemala. 10-15 years of Canadian NGO work in Guatemala have resulted in effective partnerships with Guatemalan NGOs, and now, with the signing of the Accords, some new spaces have been created for peace-nurturing support.

What?

- human rights monitoring both in the field and of the Accords
 - human rights advocacy training in the field on socioeconomic, land and labour rights - all related to impunity
 - peacebuilding training in mediation, negotiation, local conflict resolution methods, traditional peace education work and curricula in areas such as home and work safety
 - information dissemination and public education (a little in Canada)
 - health and education through primarily infrastructure development work
 - agricultural projects
 - emergency assistance work for repatriated refugees and displaced persons
- *strong focus throughout on supporting women and indigenous peoples

Areas for Greater Collaboration of Canadian Support

Purpose of Collaboration

- 1) Coherence
- 2) Value-Added
- 3) Information Exchange and Analysis

Key Areas

- 1) Justice
- 2) Human Resources
- 3) Individual Security
- 4) Building Culture of Peace
- 5) Mitigating Economic Backlash
- 6) Support for Marginal Sectors
- 7) Reconciliation

Short Term Priorities:

- 1) Physical Security

How?

- a) Focus efforts on those living in the countryside
- b) Focus on the basics (education, health, etc..)
- c) Bring justice to the ground: police, judiciary
- d) higher education/legal education

Cross-Cutting Issues:

- 1) Historical and continued unprecedented unequal distribution of power.

How?

- a) Through support for the construction of a participatory society that approaches problem solving non-violently.
- b) Through supporting the equitable collection and use of resources which will support the construction of a participatory, non-violent society.

Proposed New Initiatives:

- 1) Action-Research Facility
- 2) Indigenous - Customary Law Justice Exchange
- 3) Support Public Education Facility around rights for the proposed legal and rural justice centres
- 4) Address models for citizen's security issues with community participation
- 5) Truth Commission follow-up: eg: compensation, alternative truth reconciliation processes to fill the gap of the truth commission

Discussion

- A lessons learned process with government and NGOs re: peacebuilding efforts could be useful for the Peacebuilding Fund to consider for Guatemala and other countries. This could potentially be an extension of CPCC work and funding.
- Action Research Facility for civil society capacity-building which could include building the capacity of civil society to participate effectively in the Consultative Mechanisms and the capacity of people to interface with the legal system in rural areas. We could start with a pilot for a longer term initiative.
- Diplomatic pressure by the Canadian government around land and tax reform issues.
- Diplomatic and NGO support to the Truth Commission is needed. Several key moments coming up where Guatemalans will be giving testimonies of their experience (human rights abuses, massacres) during the conflict. The Historical Moments Project requires support to translate their documents into French. The Truth Commission reports will likely require this support also. How can we support key moments and people around the right to Truth? Very careful monitoring of UN bodies on the ground is needed.
- Indigenous customary law exchange to explore the interface between traditional legal systems and customary law in Guatemala; also, the relationship between indigenous justice systems in Canada and in Guatemala.
- Rural justice service centres. These should include a public education component for human rights and justice education. (program already under development by CIDA)
- Ensure education on the rule of law and civil society in the police training which Canada is currently providing.
- Promotion of models for citizen security, with community participation. Perhaps a civil society project on civil disarmament, accompaniment, and small arms.
- Support to alternative reconciliation processes such as compensation issues and gaps that the Truth Commission does not address at a civil society level.

Further Development of Key Initiatives

Long-Term:

- 1) **Action Research Facility:** The initiative would bring together the expertise of Guatemalan think-tanks with popular organizations, and Canadian expertise. This project would be very valuable given the current lack of capacity within Guatemalan civil society to participate actively in the peace process, as they are called on to develop and debate legal proposals. The project would allow groups to access funds for research needed on technical aspects and at the same time participate in consultative forums. It would allow civil society groups to reflect on what they are doing while doing it, thus improving their long-term capacity for meaningful engagement in the peace process. Other similar initiatives which may guide us in developing this project are: the South Africa IDRC project with University of Western Cape of an independent research facility, and the civil society foundation recently announced by Minister Axworthy. A strong gender perspective would be essential and special priority could be given to supporting the work of the Women's Forum. Supporting Guatemalans in addressing the discriminatory nature of both customary and regular law would be key.

- 2) **Indigenous Exchange:** A history of this already exist with the Assembly of First Nations in Canada and some other Aboriginal organizations such as the Saskatchewan Indian Federated Colleges. Perhaps this could be a considered as a component of the local justice systems proposal, ensuring the interface between customary and legal law. The Institute of Environment and the Economy in Canada has some experience in indigenous knowledge systems. Bringing in someone with expertise on sentencing circles could be valuable. A gender focus must be ensured. One experience to share could be that of Canadian aboriginal women in 10 years of fighting Bill C-31.
- 3) **Models for Citizen Security and Community Involvement:** This was left for a follow-up sub-group to develop further.

** A gender perspective must be integrated in all of our peacebuilding activities. The AGP unit of DFAIT is launching a policy initiative on gender and peacebuilding and will be looking for input, collaboration and ideas. Theory and practice must inform each other and we must ensure that the Peacebuilding Initiative is a gendered initiative.

Short-Term:

- 1) **Follow-up to the Truth Commission:** In January, the REMI report will be presented and will require funding for its translation into French and the Mayan language. Minister Axworthy could consider going to Guatemala for its presentation, and the Canadian Embassy should be present. This report will give the names of individuals responsible for human rights abuses and deaths before the Peace Accords were signed. The Truth Commission can not do this. It is suggested that the Canadian Embassy and Canadian NGOs in Guatemala speak with the Archdiocese about providing protection to those involved in the project. There may be a role for Peace Brigades and Project Accompaniment in protection efforts.

The Truth Commission Report, to be completed in mid-1998, also requires diplomatic intervention to ensure that those involved in its preparation feel supported in presenting their recommendations. Compensation to the victims will likely require large international resources. Material compensation may be difficult but the Guatemalan government and army should be pressured to officially recognize their responsibility in the deaths.

- 2) **Role of Minugua:** Pressure is needed for an evaluation of how the consultative commissions are functioning. As the Guatemalan government takes legislative initiatives independent from these mechanisms, the people lose faith in the process, and the longevity of the consultative mechanisms is compromised.
- 3) **Pressure for a rapid increase in the size of the civilian police force:** Currently the selection is limited and some of the former police force (including bad elements) are being brought in.

- 4) **Education on the Accords for indigenous groups:** This is needed immediately, to increase understanding and realistic expectations of the Accords.

Discussion

- Once the police forces are improved we may want to look to the work of the BC Citizen Coalition for Public Security organization which focuses on community-based initiatives for creating public security. We should also look to lessons learned in initiatives of citizen security and the involvement of indigenous peoples in other Latin American countries (e.g. the ICHRDD meeting on indigenous and municipal mechanisms for citizen security held in Peru). Also, the OAS is working towards an hemispheric convention on illicit trafficking in firearms. This is an initiative of the Central American countries, but Canada could play an important supportive role. It is important to build up civil society support for this initiative.

Potential Resources

Peacebuilding Fund: It is difficult to determine the rationale for using this fund for support to Guatemala as it is a country with a high level of Bilateral funding. The political will of the Guatemalan government for initiatives must be clear. We must be certain that a lack of political will would not undermine the benefits of a project. Security issues in particular, must be government initiatives.

Comment: Studies on political will have demonstrated that international pressure is the most effective means of influence. The proposed action research project will improve the capacity of civil society to know their rights and to better hold their government accountable. This is another means to pressure government through the building of a countervailing pressure.

Information Gathering, Exchange & Coordination

- The Canadian government should formalize a coordination of Canadian initiatives which could include: 1) bringing Canadian groups in Guatemala together every year (potentially via the Canadian Embassy in Guatemala, 2) CIDA providing a snapshot of all the organizations funded in the current year, their funding level and project activities, 3) creating a website for the sharing of information through the Internet.
* Info exchange is a useful tool - but we must recognize that it is not coordination.
- Canadian NGOs should enhance their coordination and work towards deepening their analysis on Guatemala. The CCIC Americas Policy Group could potentially facilitate this process.
- We must not forget to consider, and gather information concerning, what is being done by other non-Canadian actors. We want to confirm that we are filling key gaps in our interventions.

Challenges:

- On the ground in Guatemala, people are looking at us trying to see how we are planning to support the country. People have concerns about the lack of respect shown by the international community through short term efforts. Is this what Canada is doing? Some Guatemalans are asking that international NGOs not play the roles that their government is responsible for. We must consider how Guatemalans feel about our support.
- We must be realistic and honest concerning our current capacity and needs (resources, information), within government and NGOs, to engage in ongoing collaboration and dialogue. For NGOs, the research and organizational preparations necessary to participate meaningfully in this dialogue were substantial and unsustainable. There is a clear lack of depth of analysis within the NGO community concerning Guatemala as no NGOs currently focus solely on this country. We must find ways to effectively obtain and distribute information coming out of Guatemala in order that it not take so much energy to achieve an adequate level of analysis. If government and NGOs are to work together towards an effective long-term peacebuilding strategy, we clearly must allocate additional resources to greatly enhance our level of analysis, to dialogue regularly among ourselves and periodically with Guatemalans on specific issues. We must think hard and strategically about how we will do this effectively, despite current government and NGO constraints.

Agreed Upon Follow-Up Actions:

Working Groups to Develop Projects:

- **Action Research Facility:** Nancy Thede, Jean Symes, Mark Fried, and DFAIT/AGP/Sarah Fountain Smith.
- **Local Justice Centres & Aboriginal Exchange:** Peter Taylor, ICHRDD, Suzanne Rumsey (AGP/Ginette Saucier offered to be a resource person on Canadian indigenous capacity)
- **Follow-up to the Truth Commission and REMI Reports:** CIDA, DFAIT and NGOs will explore follow-up strategies. ICHRDD will not take the lead but is willing to participate. ICCHRLA will also participate. The NGOs will keep Peter Taylor informed and he will engage the Canadian Ambassador in Guatemala to determine what action, if any is possible.
- **OAS initiative on small arms:** AGP/Ginette Saucier will do more research on this convention and get back to the CPCC. There is interest in this issue in Minister Axworthy's office.

Proposal Submission Process:

Short proposals should be developed and submitted to Ray Burzynski at CIDA Partnership Branch, who will, if appropriate, forward the project to the Peacebuilding Fund for consideration. NGOs may contact the Peacebuilding Unit/Caroline Lavoie to explore whether project proposals meet the criteria of the Peacebuilding Fund.

Info-Exchange and Collaboration Initiatives:

- 1) A regular meeting of representatives of Canadian projects in Guatemala should be organized by the Canadian Embassy for information exchange purposes.
- 2) CIDA Partnership Branch will develop a summary of NGO activities in Guatemala.
- 3) The CCIC - Americas Policy Group will identify a website for ongoing communication and information-sharing among Canadian NGOs working on Guatemala. CIDA will be approached for funding to support the maintenance of the site. (Sombrilla indicated willingness to maintain such a site.)
- 4) Our discussions will be continued either by extending the next ICHRDD consultative group on Guatemala, and select future meetings, if desired, for a broader discussion on peacebuilding. This discussion could also take place at the next CPCC consultation (likely January, 1998). Participants will be asked for their preference at a later date.
- 5) The CPCC will explore the possibility of coordinating a lessons learned and evaluation process of peacebuilding initiatives in Guatemala and other relevant countries. It may be useful to look at the model used in IDRC's War Torn Societies project. A discussion on lessons learned could be included in the annual government/NGO peacebuilding consultations. CPCC and DFAIT will follow-up on this.



- 6) CCIC's Americas Policy Group may be able to obtain an intern through CIDA or DFAIT's Youth Internship Program, to work in Guatemala and keep Canadian NGOs well informed of the situation. CCIC to follow up with AGP.

Future Coordination & Communication:

- CPCC will support the coordination of follow-up activities. The main coordinating committee will remain CPCC, DFAIT-AGP and LCR, ICHRDD and CCIC- Americas Policy Group.
- A second dialogue will take place in January, either as an expanded session of ICHRDD's Consultative Group on Guatemala or as a part of a CPCC meeting.
- All participants will receive the minutes of this meeting and a short questionnaire requesting their input on the content and time of the next dialogue.



