

Statement of  
Anita Isaacs, Ph.D.  
Benjamin R. Collins Professor of Social Science  
Associate Professor of Political Science  
Haverford College  
June 9, 2009  
House Committee on Foreign Affairs  
Subcommittee on the Western Hemisphere  
Chairman Eliot Engel

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before this Subcommittee today to contextualize the current political situation in Guatemala and suggest how Congress might craft future US policy toward Central America.

As a professor of political science at Haverford College, I bring an outside-the-beltway and outside-Guatemala perspective to this topic. Nonetheless, my research has consistently focused on understanding the challenges of democratic governance in Latin America, and how the United States can most effectively contribute to democratic stability. For the past twelve years I have analyzed Guatemala's efforts to build durable peace and democracy following 36 years of brutal armed conflict, which claimed over 200,000 lives and which, according to the country's UN-sponsored truth commission, constituted a genocide against the country's majority Mayan population. My research takes me to Guatemala roughly five times a year, where I divide my time equally between poor, rural communities in areas hard hit by the armed conflict, and the capital city. Over the years, I have developed close ties to individuals from diverse sectors of society, including politicians, the military, the business community and civil society at the national, regional and community levels. I was in Guatemala conducting research most recently in March 2009, and also returned last month, a week after the assassination of Guatemalan lawyer, Rodrigo Rosenberg, to observe the popular protests sparked by his murder and to speak with political analysts, opponents and supporters of the Colom government.

Let me be blunt: Guatemala faces its most serious political crisis since the December 1996 signing of peace accords. Rosenberg's assassination reveals the fragility of a democracy, plagued by violence, impunity and polarized political mobilization, superimposed on a historically divided, unequal and unjust society. While the outcome is hard to predict, it is impossible to rule out renewed civil strife.

Innovative US policy, pursued through the Merida Initiative and support for the International Commission Against Impunity in Guatemala (the CICIG) acknowledges the challenges posed by violence and impunity. Yet the present political situation

argues for adjusting current initiatives, while pursuing an even more comprehensive response. Anchored in the need to preserve and strengthen democracy, a US policy designed to promote the citizenship rights of all Guatemalans would address the symptoms as well as the manifestations and consequences of current violence, curtailing Guatemala's relapse into renewed conflict and serving US interest in national security and in curbing illegal immigration.

Had I come before you two months ago I would have alerted you to a worrisome situation unfolding under the radar screen by highlighting the ways in which Guatemala is rapidly becoming a casualty of US anti-narcotic efforts in Mexico. The recent crackdown has pushed Mexican traffickers south into neighboring Guatemala. Their new operations center is located in regions destabilized by intensifying conflict pitting foreign mining corporations who seek to exploit subsoil resources against rural indigenous communities who insist on their right to be consulted on the use of land historically theirs. The mining companies have enlisted a clandestine security apparatus that includes former members of the police and the military to repress communal resistance, while the government continues to grant concessions, turns a blind eye to the escalating violence, and brands peaceful indigenous protestors as terrorists. This situation creates fertile recruiting ground for drug lords who promise to defend indigenous communities in their struggle against multinational corporations and their state allies. Survivors of a brutal armed conflict, indigenous resistance to a return to violence is slowly being eroded.

Because Guatemala finds itself in the midst of a political crisis that has captured media attention, I will instead center my analysis in the events surrounding the Rosenberg assassination. The posthumous release of a video in which the lawyer forecasts his murder and accuses President Alvaro Colom, his wife and members of his inner circle of the homicide and of acts of corruption linked to the recent assassination of his client, Khalil Musa and Musa's daughter and American citizen, Marjorie, have thrown Guatemala into weeks of political turmoil. This chronicle of a death foretold has generated sustained political mobilization. Some has been on a grand scale, involving two visible and sharply polarized sides -- characterized as pro and anti-government.

Both the rural and the current national political conflict bring into sharp relief key challenges and fault-lines of democratic governance in Guatemala, notably spiking levels of violence and insecurity, a weak judicial system, and a deeply divided society in which the rights of the country's poor and indigenous majority are either denied or politically manipulated.

**Violence:** Although the Rosenberg killing is particularly dramatic, murder is commonplace in a country where violence is spiraling out of control. Guatemala's homicide rate registered a 95 percent increase between 2001 and 2008, an all the more startling statistic given the fact that 3,230 murders were committed in 2001 and that the numbers have hovered around 6,000 a year since 2006, which

represents a daily average of 17 homicides. Killings are both targeted and indiscriminate. Their victims include human rights defenders, journalists, unionists and peasant leaders, as well as the newest sub-group -- public transit operators, their passengers and passer-bys. Organized criminal groups, private security agencies, gang members and the police are all presumed to bear some measure of criminal responsibility -- at times acting in concert with one another, their functions occasionally overlapping.

**Impunity:** Presuming is about the best one can do, however, in a country in which 98 percent of all crimes go unsolved. Lacking confidence and trust in both the police and the judicial system, rural victims rarely report crime. Those anti-government protestors galvanized by Rosenberg's murder, who have not already pronounced President Colom and his entourage guilty, are taking to Facebook and the streets insisting on what has long seemed beyond the reach of Guatemala's inefficient, corrupt and politicized judicial system. They are demanding an end to impunity, adamant that those responsible be found, brought to trial and punished. Differences aside, these groups share a cynicism about both the capacity of their legal institutions and the will of their political leaders to ensure the rule of law.

**Polarization:** The massive demonstrations organized the week after Rosenberg's assassination highlight how historical divisions that fueled the armed conflict remain close to the surface twelve years after the signing of peace. The anti-government protest rallied a crowd of some 30,000, distinguished by its urban, white and predominantly wealthy makeup. Political opposition members mingled among a crowd that paraded banners, some demanding peace and justice, others labeling Colom an assassin or superimposing his head upon the torso of a gang member. Speeches from the dais called alternatively for Colom's resignation, a general strike and even military intervention.

A five-minute drive away but a world apart, the government mobilized several hundred thousand supporters. Bused in from the less affluent parts of the city and rural areas; these beneficiaries of cash transfer programs that have solidified Colom's political base; these marchers were largely poor and indigenous. Their signs and chants expressed anger towards "the rich" for trying to unseat the "President of the Poor." Speeches delivered from the balcony of the presidential palace were tinged with an accusatory tone, warning of sustained popular mobilization to protect the regime from conspiracies by elite sectors intent on destabilization.

### **Political Crisis, Risk and Opportunity**

A swift, firm and unified international response has - if temporarily - defused the political crisis. To his credit, President Colom responded by requesting FBI assistance soon expected to be in place and by immediately turning the criminal investigation over to a willing CICIG. Both the US Ambassador and the Secretary General of the OAS have appealed for adherence to a democratic process respectful of the rule of law. For now, the political opposition has mostly backed off its demand

the President resign and turned its focus towards ensuring that the crime be solved. Furthermore, both Congress and the Executive have been jolted into approving a more transparent and, hopefully, meritocratic process for selecting members of the judiciary, legislation that had been sidelined because it threatened political interests and generated political infighting.

At the same time, international pressures cannot erase the significant political dangers highlighted by the tense interplay between violence, injustice and political mobilization on display over the past few weeks on the streets of Guatemala City, as it has for years off camera, in rural communities. The Rosenberg assassination could have afforded a moment of unity. Civil society could have come together to denounce uncontrolled levels of violence that target all Guatemalans and to collectively demand judicial reform from a leadership that has long prevaricated. Instead, Guatemalan society divided into two antagonistic camps. And rather than intervening to defuse the situation or to channel it through existing institutions, the political leadership encouraged mass demonstrations, calculating the political advantages to be gained by either weakening or propping up a regime through street mobilization and appeals for extra systematic action.

Herein lies the political risk. For starters, it reveals the immaturity and fragility of Guatemalan political institutions. Additionally, the visible differences dividing the two protesting groups are layered rather than cross cutting – mostly white, urban Guatemalans of economic means squaring off against a government seemingly aligned with a massive rural, poor and indigenous base at once grateful and dependent on its social programs. In such a context, it is not difficult to imagine how mobilization can become unhinged. It can produce violent confrontation that speaks to deeper fears as traditional elites seek to maintain a historical control over the levers of power perceived as threatened by this administration, while the historically excluded majorities acting on a populist government's behest, use the power of their numbers to resist elite opposition.

Fortunately, while the social and political landscape thus described may be the most visible, Guatemalan political and social structures are more complex. Neither the country's elites, nor its poor constitute an undifferentiated mass. Mingling among the anti-government protesters are human rights defenders who have long labored for judicial reforms that protect the rights of all Guatemalans. A younger, often foreign- educated elite has kept a careful distance but express an eagerness to contribute to a peaceful, institutional resolution to the current crisis. Large segments of Guatemalan civil society, urban and rural, representatives of poorer and indigenous sectors, appreciate the regime's social democratic commitment. At the same time, they also criticize the lack of transparency and the sloppiness of state-administered social programs, they denounce the government's populist ambitions, and they strive to maintain their own autonomy and gain political access.

These provide openings for a US response that builds on recent policy demonstrating resolve respect and resourcefulness in addressing a worsening

security situation in the region. US support for the CICIG and for including Central America within the Merida Initiative have been welcomed, especially by civil society but also by significant segments of Guatemala's political class. These actors understand the urgency of addressing untenable levels of violence and impunity. They also appreciate the focus on strengthening civilian institutions, through police and judicial reform. They endorse a changing mindset that displaces the military as the locus of US support, and concentrates instead on institution building, the rule of law and development as responses to security challenges. Even Guatemalans who felt lukewarm towards the CICIG and/or Merida, have extended a much warmer embrace over the past few weeks as they watch a grave political crisis unfold. The same can be said of attitudes towards the United States. Ambassador McFarland's firm yet respectful appeal for political calm and for the preservation of democratic processes and institutions, coupled with US willingness to assist the investigation, have cast the US in the role of honest broker, and provided tangible evidence of strong and unwavering US support for Guatemalan democracy.

Faced with crisis, risk and opportunity, therefore, the following recommendations address the three sets of interrelated challenges highlighted by the rural and national scenarios sketched out here: security, impunity and political polarization. Recognizing that a mix of firmness and caution are required, they are designed to build on the growing recognition within Guatemalan society that the country faces a serious political crisis, as well as the goodwill the US has cultivated over the past year. They affirm and tweak existing policy initiatives while also underscoring the significance of enacting policies that empower disenfranchised groups.

**Security:** The distinction between the police and the military as agents of security is losing its edge in the more violent and conflict-ridden areas of Guatemala. Citizens in these communities fear the police much as they once feared the military. They see their members as corrupt and violent, as predators rather than as protectors of citizen security. An ineffective and abusive police force, engaged in criminal activity, means that victims do not turn to the police to resolve crimes, but turn away from them, rightly fearing that they will be doubly victimized should the police be called upon to intervene.

This has also meant that both a younger generation which did not experience military repression during the war and a political leadership frustrated with the difficulties of creating an honest and efficient civilian police force, have fallen back on the military to provide security – and a redeployed military in many communities has in turn resorted to its tried and true repressive tactics in the guise of establishing order.

The focus on strengthening the police rather than the military is thus more urgent than ever, with the multi-pronged focus on police reform and community policing.

It is important that the US resist the frustrated appeals for a hard-line, military response as violence continues to escalate.

**Justice:** Judicial reform is absolutely critical to eradicating organized criminal networks, whether constituted by drug traffickers or by gang members. Current initiatives could be strengthened by an emphasis on capacity building. Additionally, the focus, reach and scope of justice must be broadened if it is to enhance respect for and adherence to the rule of law.

*Capacity Building:* The CICIG and Merida are rightly focused on strengthening core judicial actors and institutions -- the police, prosecutors and judges. The renewed emphasis on developing legal instruments, notably witness protection programs, is also much welcomed. Training in the use of these legal instruments by the actors who will employ them and by civil society members who will exercise oversight is a remaining missing ingredient, key to the effectiveness of judicial reform.

*Focus:* A violence not always the work of organized criminal networks must also be confronted. Individual citizens, private security agents, prison guards and members of the police, for instance, all perpetrate violent crimes. This is reflected in the nature of the victims, who include women, children and prison inmates, as well as the patterns of violence, which include lynching, social cleansing and femicide.

*Reach:* Special attention should be paid to the rural poor who, in the absence of a police force and a judicial system that they can access and trust, will continue to be victimized by criminals and resort to alternative, violent means of retribution. Additional resources could bolster the public defenders program, expand pilot programs involving mobile and 24 hour courts and increase the numbers of bilingual defenders, prosecutors and judges.

*Scope:* The widely touted claim that anti-government protestors are calling for justice, whereas government supporters favor impunity, misrepresents the differences between the two groups and underplay injustices in the judicial system. Many of those mobilized by the government are victim-survivors of the armed conflict whose appeals for accountability go unheeded. Furthermore, there do exist real biases in the administration of justice. Political repression of human rights defenders and peasant and trade union leaders, including assassinations that have followed Rosenberg's, do not generate much local or international interest.

If Guatemalans are to support the means and the ends of judicial reform, however, all citizens need to see justice as not only, to paraphrase a traditional saying in Latin America, serving the rich. By focusing diplomatic attention on the repression of peaceful protesters and by providing information and resources for the investigation of war crimes, the US could simultaneously enhance its image as an honest broker and secure buy-in for forward-looking efforts to build a society governed by the rule of law.

### **Strengthening Democracy**

Urgent attention should be paid to addressing the political challenges currently threatening Guatemalan democracy. Policy initiatives should promote adherence to democratic processes and institutions, strengthen civil society and enhance the citizenship rights of all Guatemalans.

*Political Leadership:* Building on the critical role they played in defusing the more confrontational and intransigent oppositionist stance, international actors should now seek to engage government and political opposition leaders in a constructive dialogue, designed to affirm a shared commitment to the preservation of democratic practices and procedures and to establish the basis of a common agenda and framework for addressing current political challenges.

*Civil Society:* Over the past decade, human rights and democracy NGOs have become increasingly active and outspoken political advocates. Although their members have common objectives, their effectiveness is at times compromised by disagreements and infighting. There may be a role for the US to play in partnership with other international actors (governmental and non-governmental) convening these organizations to discuss their differences and areas of agreement and to develop an agenda designed to preserve, strengthen and shepherd democracy through this crisis.

The US should also broaden its cast of Guatemalan civil society partners, by developing collaborative relations with rural and, especially, indigenous associations. There is an understandable tendency among donors to develop working relationships with a select group of civil society actors with a proven track record. In the Guatemalan case, this translates into support for Guatemala City-based organizations with a mostly non-indigenous leadership and constituency. This occurs, moreover, in the context of a society in which the deep ethnic divisions and racial mistrust that risk undermining democratic governance are mirrored in the composition and attitudes of civil society organizations.

### *Citizenship Rights:*

Some 91 percent of Guatemalans queried in a survey released in May 2009 consider their country to be racist, with just under half stating that racism has worsened in recent years, and over three quarters that the indigenous population as suffering the greatest levels of discrimination. These perceptions reflect a reality in which the citizenship rights of the majority Mayan population are regularly denied, sparking resentment, weakening the fabric of democracy, fueling immigration and threatening public security.

The indigenous population is excluded from positions of leadership. Having campaigned as the candidate with an indigenous face, Colom rewarded his Mayan

supporters with a single cabinet position, that of Minister of Culture and Sport. The Congress counts just 18 indigenous deputies, equivalent to 11 percent of the Chamber, and only one Supreme Court justice is Mayan.

The rural indigenous also constitute the bulk of the country's poor. Although Guatemala witnessed a modest decline in levels of poverty between 2000 and 2006, progress has been confined to urban areas and inequality levels remain virtually unchanged. Whereas roughly half the population continues to live in rural communities, 70 percent of Guatemala's poor are rural, and 75 percent are indigenous. The rural indigenous poor also have significantly less access to health care and education. On average the most educated member of an urban household has 4.78 years of education, as contrasted with 3.26 years for his or her rural counterpart. Given this scenario, it is hardly surprising that government cash transfer programs have generated a clientelistic base, easily mobilized to staunchly defend a Colom administration under attack.

Their support, however, is not unconditional. Mayan civil society activists denounce a government that both ignores their demands to be consulted on development projects that affect indigenous lands and is complicit in a campaign of repression targeting their leadership. Nonetheless, their ability to organize is sharply constrained by lack of education and poverty. Tellingly in this regard, given a free bus ride to the capital to show their support for the government, one group of community leaders brandished a sign praising the President of the Poor, while also seizing the opportunity to remind him of their petition for land rights and demand the release of a communal leader unjustly imprisoned.

Because rural communities are keen on avoiding becoming caught up again in the political crossfire, a policy response designed to enhance the political and economic rights of rural, indigenous Guatemalans could offset both the escalating rural violence and its attendant security threats. In that vein:

*Diplomatic pressure* should persuade the government to curtail rural repression and engage in dialogue with indigenous communities. Government respect for historic, cultural, economic and political rights, guaranteed by international treaties to which Guatemala is a signatory, would foster a more inclusive democracy, while also diminishing the likelihood that these communities will turn to drug traffickers for protection.

*Development assistance* should complement efforts to empower the rural poor in ways that serve intertwined democratizing and security objectives. Contemplated as part of Merida, Economic Support Funds should be swiftly released and carefully targeted. Consideration should be given to funding:

a) income-generating activities in violent or violence-prone rural areas. Government social programs seek to break the cycle of poverty by conditioning cash transfers on parental willingness to provide for the educational and health needs of their

children. Expanding upon a model enacted in urban areas to address gang violence, a rural-focused, income-generating program, long the mainstay of US development aid, could complement efforts to alleviate poverty, curbing further penetration of the drug trade.

b) educational opportunities for indigenous Guatemalans. Those programs could focus on improving literacy, and enhancing elementary and secondary school completion rates. As significant a contribution, however, which the Guatemalan government can ill afford, would target indigenous Guatemalans for post-secondary, graduate and professional training, the latter focused on particular fields, such as public administration and public policy, specialized legal training (criminal and constitutional law) and security studies. Such a program could contribute significantly to leveling social, economic and political playing fields, affording an entrée into leadership positions from which the Mayan population has historically been excluded.

These are ambitious proposals designed to confront a severe political crisis in which regional security and the future of Guatemalan democracy together hang in the balance. Thank you for your time and I would be happy to answer any questions that you may have.