



Mandating Participation: Evaluating Guatemala’s Top-Down Participatory Governance System¹

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Increasing citizen participation in policy decision-making is one of the most striking trends of 21st century Latin America. Almost every country in the region has institutionalized mechanisms for increasing citizens’ voice in issues surrounding development policies, local and regional budgeting decisions, and the performance of their elected officials. The institutions that are emerging—called participatory institutions—are varied in form and in function. For example, in Brazil hundreds of cities undertake participatory budgeting processes every year. In Ecuador, Rafael Correa created a Council of Citizen Participation and Social Control (*Consejo de Participación Ciudadana y Control Social*)—called the “fourth branch of power”—which serves as a trans-

parency and oversight mechanism for every level of government. Peru's 1993 Constitution gives citizens the right to recall elected officials in order to hold them accountable. These are just a few of the hundreds of examples of participatory institutions that now exist in the region.

Scholars discuss these participatory institutions in terms of two broad (and overlapping) "processes" (Mansuri and Rao 2013, Wampler and McNulty 2011). First, some have emerged from the bottom-up, are mostly promoted by local actors, and are more flexible and context-specific. The participatory budgeting experience that takes place in Brazil, begun by civil society activists and elected officials from the Workers' Party in Porto Alegre, Brazil—which has been replicated around the world—is a good example of a bottom-up process.² Others are mostly top-down in nature. They are mandated by national elected officials through constitutional reforms and legislative packages that provide blueprints for institutional processes that exist in all municipalities and/or intermediate governments. An example is Peru's 2002 Participatory Budgeting Law, passed by Congress, which mandates participatory budgeting in all cities and states in the entire country (McNulty 2012). Of course, this distinction, while analytically useful, is blurred in practice. Brazil's participatory budgeting processes were facilitated by a participatory constitution, passed in 1988 and often called the "citizen's constitution" (Avritzer 2009). And, Peru's top down participatory budgeting law was promoted in Congress by former mayors from towns who had implemented local processes (McNulty 2011). However, it is useful to distinguish processes that are mostly top-down in nature to begin to identify some of the factors that explain the emergence and outcomes associated with these wide reaching and *mandated* institutions.

At least eleven countries in Latin America have mandated participatory institutions from above in an effort to increase citizen participation in politics. This article is about one—Guatemala's top-down efforts to mandate citizen participation in development policy decisions. As Guatemala slowly emerged from its thirty-six year civil war, national reformers created an interesting yet under-studied participatory institution—the Urban and Rural Development Council System. These councils are made up of civil society representatives who make decisions about and oversee development project spending and development

policies. On paper, councils exist at the community, municipal, departmental, regional, and national levels of government. In practice, their existence and implementation varies greatly around the country.

This article explores several aspects of this system, such as the institutional design of the council system, the origins of this design, and the system's effectiveness in achieving its goals. Much of the data stem from my 2011 fieldwork in Guatemala, where I conducted 30 interviews with scholars, activists, elected government officials, members of community councils, and public policy experts. I also observed several council meetings at the community level. The paper argues that the system has engaged some actors but mostly failed to effectively channel interests and produce a participatory national development policy. This is mainly due to three factors: a complicated design, the legacy of military rule, and a political culture of clientelism and strongman politics (*caudillismo*). These findings serve to warn us that it may be more difficult to mandate citizen participation from above than many reformers currently assume.

Two Phases of Institutional Design

The design of Guatemala's council system emerged in two phases, both directly tied to the country's 36-year civil war and genocide. While space does not permit a full discussion of the war, two aspects are important to note in light of the council system. First, it is important to recall the brutal nature of the violence in many rural areas. Guatemala's Commission for Historical Clarification (1999) reports that:

the Commission for Historical Clarification (CEH) registered a total of 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and seventeen percent were Ladino. The CEH has noted particularly serious cruelty in many acts committed by agents of the State, especially members of the Army, in their operations against Mayan

communities. The counterinsurgency strategy not only led to violations of basic human rights, but also to the fact that these crimes were committed with particular cruelty, with massacres representing their archetypal form.

Second, it is important to understand that during this period the military established a system for controlling the far reaches of the country called Inter-institutional Coordinators (IICs). Jennifer Schirmer describes these institutions well in her 1998 book *The Guatemalan Military Project*. She notes that one of the key aspects of the Guatemalan military counterinsurgency project in the early 1980s was to undertake development projects in the already “massacred highlands” as well as “institutionalize the military’s permanent presence throughout the country” (1998, 65). Schirmer (1998, 65) continues:

With the massacre campaign over, the military’s national strategy was now centered on the reorganization of production and rural life for security-qua-development purposes: in the military’s mind, to promote forms of “modern production” and private ownership among the indigenous peasant population was a form of “insurance” against any future threats of insurgency.

The IICs became one of the main means toward achieving these goals (Schirmer 1998). Created in 1983 (Decree 772-83), the IIC system had four levels, including: 1) Committees of Local Development, with subcommittees that undertook work projects; 2) the Inter-Institutional Municipal Coordinator, led by the municipal military commander who would approve local work plans; 3) the Inter-Departmental Coordinator; and 4) the International Coordinator, with representatives from most of the state agencies. These institutions would pave the way for the development council system.

Phase One: The Restricted Transition

The first phase of institutionalizing the council system emerged during the democratization process in the 1980s. In response to the high levels of repression, Guatemalans began to mobilize in support of a more democratic regime (Reyes Illescas 1998). The military, realizing that

the international tide was also moving in this direction, called for a constitutional assembly and general elections in 1984. The Assembly passed a new constitution in 1985 and the Christian Democratic party, led by Vinicio Cerezo, won the national elections that same year. Thus, a restricted democratic period began.

The transition to civilian rule is considered restricted because the left was not allowed to participate and the military played a very active role in all aspects of the transition. A former governmental official, active in the transition process, confirmed this in an interview when he recalled that the president told him privately that, after the transition “30% of the power lay in the military, 30% in the oligarchy, and 30% in all of the rest.” At the same time, the centrist Christian Democrats also realized that the military needed to be managed carefully. According to Jennifer Schirmer (1998, 188) the Christian Democrats never meant to “send the military to their barracks, but rather was very much committed to making them equal partners in a democratic project.”

The development council system is outlined in the 1985 Constitution, which states that “for the organization and coordination of public administration, a National Council for Rural and Urban Development will be created, coordinated by the President of the Republic... These councils will be responsible for formulating urban and rural development policies” (Article 225). It mentions the need for these councils at the national, regional, and departmental levels of government.

To clarify and expand on these provisions in the constitution, Congress passed the Law of Rural and Urban Development Councils (*Ley de Consejos de Desarrollo Urbano y Rural*, Decree 52-87) in September 1987.³ Article 1 of the law states that the council system serves to develop policy and “organize the participation of the population in the development of the country.” This law moves beyond the constitutional language by setting up a council system with five levels: national, regional, departmental, municipal, and local. The development council system is set up like a pyramid structure (see Figure One) and is meant to channel policy decisions from the grass-roots level to the national level of government. Each level has the following membership:

The National Council (*Consejo Nacional de Desarrollo Urbano y Rural* or CONADUR), is made up of the president (coordinator), vice

president, the Minister of Urban and Rural Development (MINDES in Spanish), who would serve as the executive director, representatives from other ministries deemed important by the president, the person at the head of the State Planning Ministry (who would serve as secretary), regional coordinators, one mayor from each region, and one representative from several kinds of organizations (cooperatives, industrial, fishing, commercial and financial associations, labor, development NGOs, San Carlos University, and private universities).

The Regional Councils (*Consejo Regional de Desarrollo* or COREDES), made up of a regional coordinator (appointed by the president of the country), the governor from each department in the region, a mayor from each of the departments in the region, the head of the regional office of the national planning ministry (who would serve as secretary), the region's representative from the Ministry of Urban and Rural Development, two representatives from the regional cooperatives, two representatives from the regional fishing, industrial, commercial and financial associations, representatives from the regional labor organizations, and representatives from the regional development NGOs.

The Department Councils (*Consejo Departamental de Desarrollo* or CODEDES) are led by the governor of the department and also include the mayors from each municipality in the department. Like the regional level, they also include the head of the departmental office of the National Planning Ministry (who would serve as secretary), a representative from the Ministry of Urban and Rural Development, two representatives from the departmental cooperatives, two representatives from the departmental fishing, industrial, commercial and financial associations, representatives from the departmental labor organizations, representatives from the departmental development NGOs, and general secretaries of all registered political parties (who have voice but no vote).

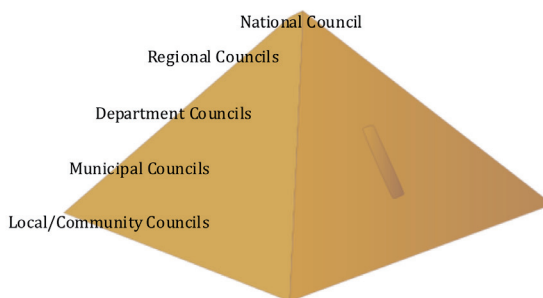
The Municipal Councils (*Consejos Municipal* or COMUDES) are made up of the mayor and the municipal corporation (like a city council).

Finally, the Local Councils (*Consejos Locales*), which can be formed in communities with at least 250 adults, are made up of an assembly of neighbors and an executive committee.

The law does not dictate any more details—such as the exact number of organizations that can be invited in each level of government—beyond these parameters. Membership is left up to the leaders who would need to convene the council at the municipal, departmental, and regional levels.

After the law passed, the Ministry of Urban and Rural Development—the agency in charge of implementing the council system—immediately set to work. In less than a year, 320 municipal councils and 850 local councils were formed (Gibson nd). However, at the same time opposition to the system emerged. The most visible and vocal opposition came from the right wing led by Jorge Serrano, who had run against Cerezo and lost. Members of the opposition in Congress argued that a municipal council system with organized sectors of society was illegal as it reduced the municipal autonomy guaranteed in the constitution (Amaro 1990). At the same time, Serrano and other members of the opposition filed complaints about the constitutionality of the local development councils with the Constitutional Court.⁴ In May 1988, the court agreed with the opposition that the local tier of the system diminished municipal autonomy (Amaro 1990, Ramos Muñoz and Sosa Velásquez 2010). The local level councils were banned and the system stayed in place with no local mechanism for channeling citizen policy preferences.

Figure One: Guatemala’s Urban and Rural Development Council System⁵



Most interviewees noted that the legalistic argument presented to the court reflected a more political concern about the system: the right-wing opposition feared that the development council system could be used as a way for the Christian Democrats to stay in power. Furthermore, there were other sources of opposition – the army *and* the left.⁶ Luis Linares López (2009, 12) describes the varied sources of opposition well in this passage:

the opposition to the development councils was fundamentally due to the connection with the social participation model that the Christian Democrats put forward in the 1960s and the assumption that they would be used by this party to stay in power. For the left, the councils were a new version of the Inter-institutional Coordinators, established by the military government in 1984 to coordinate the public administration for the counterinsurgency effort. For its part, the Army feared that the local councils would be co-opted by... the guerillas.

Thus, after the courts struck down the local level, the other levels remained in place, but the council system had, as one interviewee noted, “no head” (due to the lack of elite support) “or feet” (the local level).

Phase Two: The Peace Accords

After the partial transition to democracy, the war dragged on. As peace began to emerge in neighboring countries, a peace process slowly gained momentum. In 1996, under the administration of Álvaro Arzú, the final peace accords were signed.⁷ During this time, new social actors, such as the indigenous and women, also started to gain a stronger voice in politics (Instituto Interuniversitario de Iberoamérica 2005). Many of the themes of the peace process and eventual peace accords included the need to revive participatory democratic institutions.⁸

For example, the Agreement on Socio-Economic Aspects and the Agrarian Condition, signed in 1996, stressed the need for greater participation in local development. Susanne Jonas (2000b, 78) writes of this agreement, “planning and implementation of development projects were to be decentralized through urban and rural ‘development councils,’ which would be reformed/reinvented from their past forms

during the last 1980s.” Other agreements, such as the Agreement on the Identity and Rights of Indigenous Peoples called for the reform of the Municipal Code to “to promote the participation of the indigenous communities in the decision-making process in all matters which affect them....” Finally, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society called for empowering municipal governments and the council system in general, and the revival of the local development council system specifically, in order to improve social participation. As such, the peace accords provided a new platform for reviving the withering council system.

Unfortunately, few of the promises in the accords were implemented. When Alfonso Portillo stepped into the executive office in 2000, a sense of dissatisfaction with the entire process had taken hold around the country. When several concrete reform proposals, approved by Congress, were put to a popular vote, 55% of the Guatemalan population voted “no.” For many, this signaled the failure of the peace process (Holiday 2000).

As a result, the council system continued to exist but remained relatively weak. It was given a push when the national government increased Guatemala’s Value Added Tax (VAT) from 7% to 10% (see Decree 142-1998). The additional 3% (called IVA-PAZ in Spanish), which later increased to 5%,⁹ are now destined towards funding reforms related to the peace process, and, partly, the infrastructure projects approved by the development council system (Puente Alcaez and Linares López 2004). Another change that took place as a result of the peace accords is the founding of the Presidential Secretary of Executive Coordination (*Secretaria de Coordinación Ejecutiva de la Presidencia*, or SCEP in Spanish), which replaced MINDES in formally overseeing the development council system.¹⁰

More recently Congress empowered the system even more as part of a reform trifecta. In 2002, Congress reformed the three most important laws related to both local government and citizen participation: the Municipal Code (Decree 12-2002),¹¹ the Law of Urban and Rural Development Councils (Decree 11-2002 and its modifications 229-2003 and 241-2003), and the Decentralization Law (Decree 14-2002). As an international donor report states, “[w]ith the approval of these laws, the

Guatemalan government formally honored some of the commitments acquired through the peace accords” (ICMA 2004, 4).

The Law of Urban and Rural Development Councils highlight two goals of the council system. First, it should “provide the principle means of participation to the population – Maya, Xinca, Garífuna and nonindigenous—in public management to achieve a democratic development planning process, taking into account the principles of national unity, multi-ethnicity, pluriculturalism and multilingualism of the Guatemalan nation” (Article 1). Second, it should “organize and coordinate public administration through the formulation of development policies, plans and budget programs” (Article 3). The law reinstates the council system at five levels (replacing the “local” level with a “community “ level, now called COCODES), adding representatives from each of the indigenous groups in the particular region/department/municipality as well as a representative from women’s organizations. To avoid the claim that the COMUDE reduces municipal autonomy, the mayor remains the head of the municipal council. The COMUDE now includes the mayor (who is the coordinator), council members, up to 20 COCODE representatives, public agency representatives who are in the municipality, and “representatives from local entities that are convened” (Article 11). The law also establishes “Second Level” COCODES in communities with more than twenty COCODES that are made up of members of the first level COCODES (Article 15).¹² Again, details about the exact number of organizations that can be invited to participate in municipal, departmental, and regional councils are left up to local leaders and activists.

Interestingly, these laws did not engender the kind of backlash that the reformers experienced in the previous phase. Many interviewees noted that this law was not controversial because they reinstated almost the exact same system that existed before and with which the public was now familiar.¹³ Thus, the corporate council system continues to exist in Guatemala. The remaining part of this article explores two questions about the system: why did reformers choose this design and how effective has it been at meeting its goals?

Explaining the Emergence of Guatemala's Top Down Participatory Reform

To understand the reasons behind the system design, we need to go back to the two phases that led to codification of the system: the constitutional process and the peace accords. First, why did national actors originally codify the development council system in the 1985 Constitution? The answer is complex and political. During my fieldwork several interviewees noted that the ideological foundations of the Christian Democratic party partly explain the system design. This party was founded in 1955 after the CIA-sponsored coup as an alternative to the extreme left and right. It had its ideological basis in a centrist movement that was taking place in many countries in Latin America and, according to interviewees, was influenced by European models of centrist parties as well. In principle, the party is committed to state-led development processes, democratic institutions, and complementing representative democracy with participatory democracy (Schlotter and Amaro 1970). Its intellectual founders, such as René de León Schlotter and Roberto Carpio (both high level officials during Cerezo's administration) focused on imagining new ways to involve citizens in Guatemala's development process. In a party document called *El Reto de Desarrollo en Guatemala (The Challenge of Development in Guatemala)*, Schlotter and Amaro (1970, 10) write, "we have been developing our own idea related to the phases of development that we called 'popular promotion.' Popular promotion is considered to be the participation of the popular majority in development." Nelson Amaro, who was also actively engaged in the party, sums up the party's thinking when outlining three of the central factors lacking in Guatemala: 1) economic development; 2) adequate distribution of resources; and 3) citizen participation in decision-making (Amaro 1990, 37). Thus, a central tenant of the Christian Democratic party platform included increasing citizens influence in the public decision-making process, especially rural and indigenous poor.¹⁴ According to interviewees who were involved in the political party at the time, they took this idea to the constitutional assembly in order to institutionalize mechanisms of citizen participation in the new regime.

The military pushed back when the civilian politicians presented this idea. Institutions that allowed rural and indigenous political partici-

pation seemed too inviting for the leftist armed opposition. At the same time, the military was struggling to decide how to hand over the Inter-institutional Coordinators to civilians and how to avoid human rights prosecution. In private discussions an agreement emerged. An army official, quoted by Schirmer (1998), stated:

A delegate of Vinicio Cerezo came to speak with me...I told him what we [the army] wanted; he told me what Cerezo wanted, and it seemed adequate, so we emitted the Executive Order in early 1986, in which the IICs and Poles of Development were to be renamed Councils of Development...

Schirmer (1998) argues that this was acceptable to the military in part because Cerezo's development vision—a top-down controlled development process—was similar to the military leaders' who had set up the IIC system in the first place.

Of course, the entire constitutional and subsequent electoral process was restricted to the “legal” parties (i.e. centrist and right wing), and no leftist political parties were allowed to participate. This allowed these two actors – the military at the CD—to dominate the process. The resulting development council system, therefore, suited *both* the military and the Christian Democrats' interests. The IICs would be converted to civilian rule and renamed. The resulting system emerged as a controlled means of engaging some new actors in a narrow set of development decisions.

As noted above, the system never took off due to the constitutional interpretation that the local council reduced municipal autonomy. It was not until the peace process, which rhetorically emphasized participatory democracy, that the system regained strength. During the negotiations many social actors called for the need to reform municipal governance and increase means for citizen participation in the public sphere. Why did the negotiators decide to revive the council system instead of creating a new participatory institution?

Part of the response lies in pragmatics. Several interviewees noted that the system already existed in the constitution and reviving it did not necessitate a constitutional reform. Different parties also made pragmatic decisions to “bet on” the system instead of creating a new one.

For example, one indigenous activist noted: “although we could have insisted on relying on traditional indigenous means of participation or creating new institutions, we bet on the council system, which still existed on paper, to increase our participation in politics.”

At the same time, in a twist of fate, one of the key players from the Christian Democratic party in the 1980s, Amilcar Burgos, became a governmental representative in the negotiation process. He told me in an interview that he had been very involved in the original implementation process in the late 1980s and he wanted to “make sure that the system was in the peace accords.” He was able to do this because he was one of the very few governmental representatives that participated in the *entire* peace process, over six years and through a change of government. Thus, he was able to revive one of the central ideological tenants of the Christian Democrats’ party platform.

In sum, a combination of ideological, political, and pragmatic factors have led this unique system—top down in nature—to stay in place for almost 30 years. The next section explores the extent to which the development council system has been able to achieve its goals during this period of time.

Results

How successful has the council system been? Is the system meeting its goals? Is the system effectively increasing civil society’s participation in policy making and/or improving development planning? This section explores these two questions in turn.

1. Civil Society Participation?

As noted earlier, one of the key goals of this system is to engage new actors in development decisions around the country. The law states the members of specific organizations have the right to participate. Citizens can form their own council at the community level, and local leaders convene councils at the higher levels. No restrictions on the number or percentage of participants exist.

To what extent are new actors successfully engaged in development policy planning? To determine this, it is useful to explore the nature of participation in each level of the council system.

CONADUR: National Urban and Rural Development Council

The National Development Council, meant to formulate national development policies, is one of the weakest levels in the council system. For many years, the council rarely met. Official records do not exist, but scholars report that the CONADUR only met three times from 1988 to 2001 (Gibson nd, Puente Alcaez and Linares López 2004). According to a more recent study, in 2006 President Berger called three ordinary meetings and one extraordinary, during which several commissions were set up and internal regulations were passed. However, because it was an election year, it never met in 2007. President Colom reactivated the national council in 2009 and held one meeting in 2009 (Ramos Muñoz and Sosa Velásquez 2010).

In an interview one government official explained the lack of meetings as a result of budget constraints. She noted that “holding national meetings is expensive, we have to pay for people to come from around the country.” Irrespective of the lack of meetings, this council is heavily criticized by observers as lacking vision and failing to generate national debate (Ramos Muñoz and Sosa Velásquez 2010). As one government official told me in an interview, “the CONADUR tends to approve national policies but then there is very little follow-up.”

Another problematic indicator is the fact that in the past, most presidents created parallel mechanisms for engaging citizens in national public policy debates. For example, President Portillo created an Intersectoral Dialogue Roundtable to discuss rural development and President Berger created “moving cabinets” which traveled around the country getting feedback and opinions and policy issues (Linares López 2009). President Colom also created his own mechanism for consulting citizens about policy issues, called “Governing with the People.” This led Nelson Amaro (2008, 194) to declare that “[t]he highest levels of power do not see this structure as capable of resolving conflicts... instead of strengthening the system...the different administrations have created new agencies that live for four years.”

More recently, however, since 2012 under President Otto Pérez the national council has been meeting regularly. This reactivation is part of a national development planning process that is described later in this article. Thus, at least during the current presidential administration, the council system is meeting at its highest level and is undertaking some national development planning (see Morales 2014 and <http://www.scep.gob.gt/>).

COREDES: Regional Councils

The regional level councils are tasked with formulating development and investment strategies at the regional levels and serving as a conduit between the department and national levels. The regional level councils are also very weak, which is mostly the result of the fact that regions themselves are not very important to the logic of the Guatemalan state. As one member of the 1980 design team stated, “we were always uncomfortable about the regional level because it was hard to operationalize. There is no sense of the a ‘region’ in Guatemala, we sensed this from the beginning.” Further, this level of council does not have an actual budget to distribute, because the 2002 reforms took away its original budget. In their study of the system, Ramos Muñoz and Sosa Velásquez (2010, 19) write that “[a]lthough they exist in all regions, they do not really function in practice...they do not meet the objectives, functions, and responsibilities that are stipulated in the law.” Thus, while councils exist in all regions and do meet, they are relatively inoperational.

| Table One: Number of Department, Municipal, and Community Councils ¹⁵ | | | | | | |
|--|------|--------|----------------------|--------|--------|---------------|
| Council Level | 2003 | 2006 | 2009 | 2011 | 2013 | 2014 (May) |
| CODEDES (out of 22 Departments) | NA | 22 | 22 | 22 | 22 | 22 |
| COMUDES (out of 338 Municipalities) | NA | 286 | 296 | 300 | 334 | 126 |
| COCODES | 2802 | 12,819 | 14,689 ¹⁶ | 15,181 | 11,975 | N/A |
| SOURCES: Author's compilation using data from Ramos Muñoz and Sosa Velásquez 2010, personal correspondence with SCEP and SEGEPLAN staff, SCEP's online information (http://www.scep.gob.gt/), and SEGEPLAN's Development Council Online System, SISCODE (http://sistemas.segeplan.gob.gt/siscodew/ddpgpl\$modulo.indice). | | | | | | |

CODEDES: Department Councils

The department level councils have a higher profile because they receive direct funding from the national government for municipal development projects, also called investment projects.¹⁷ This led one observer to mention that “the CODODES are where the money is, this is where the real fighting takes place. They kill each other for project funding.” Most interviewees and scholars agree that the CODEDES do exist, as documented in Table One, and meet regularly (although not necessarily monthly which is the legal requirement). The CODEDES in each department is led by the governor and includes all departmental mayors. While civil society is represented, most of my interviewees noted that its participation is not very active. A 2009 study of civil society participation at this level found that 65% of the members of the CODEDES around the country were governmental officials. Again, this does not go against the letter of the law, which is silent about the number of civil society members, but does go against the spirit of getting more groups engaged in policy decisions.

There are several additional problems with the councils at this level. Ideally, the community councils (COCODES) would present projects

to the COMUDE and/or mayor, who would then take the proposals to the CODEDE for approval. However, several observers allege that projects are mostly hand picked by governors. Others noted that the projects are often contracted out to businesses with ties to the governor or his political allies (Linares López 2009). Interviewees also noted that some governors only fund projects for mayors who support their political party. Further, the congressperson from the district can change projects when congress reviews the final budget. All of these complaints led many interviewees to describe the CODEDES as spaces that have been co-opted by political forces, typified by clientelism, corruption, and political maneuvering.

A final critique of the CODEDES lies in the kinds of projects that are funded. There is a sense that most of the funding goes toward infrastructure projects, or what one interviewee called “grey projects” like roads, and are mostly urban in nature (Ramos Muñoz and Sosa Velásquez 2010). Research by Marroquín and de León (2011) on the list of public works funded through six departments from 2005 to 2010 support this argument. They find that 52% of the amount spent by the CODEDES in these departments is spent on “grey” infrastructure projects. Thus, much of the development spending is centered on infrastructure and not targeting longer-term development goals.

COMUDES: Municipal Councils

The municipal level development councils are also currently functioning in much of the country, as illustrated in Table One. However, two problems plague the COMUDES around the country: the lack of power to make funding decisions and the high level of power that mayors have over the council. In terms of the first problem, several interviewees noted that because there are no projects being funded at this level, the forum turns into an information session (see also Linares López 2009). Some have argued that this is partly due to the fact that the government representatives are more educated so civil society representatives do not speak up. Flores and Gómez-Sánchez’s (2010) research on the internal dynamics in six COMUDES in the northeast finds that while 90% of the community members had no more than an elementary education, 47% of the government representatives had

college degrees. As a result the governmental actors participate actively and involvement by the community is muted. In other words, internally the COMUDES demonstrate asymmetrical power relations.

COCODE: Community Councils

Data are hard to gather regarding the number and nature of COCODES around the country. As the table above illustrates, by the end of 2013, the best data available suggests that almost 12,000 groups of citizens had organized COCODES, which are formed when at least twelve citizens in a community elect members to participate in these councils. The implementation of the COCODES has varied around the country, and has strengths and weaknesses. Some of the strengths and weaknesses of the council system at the community level can be illustrated by the towns that I visited during my 2011 fieldwork. I observed several COCODE meetings in one zone of Ciudad Vieja, a medium-size city in the region of Sacatepequez. I also spoke to activists and COCODE members in several small towns around the municipality of Antigua, which is part of the same region. The region, which lies in the center of Guatemala, is not typical of most regions in Guatemala in that it has a mostly urban, relatively homogenous mestizo population with tourism and farming making up its economy. However, these COCODES do appear to be relatively typical of the system's varied experiences at the community level.

COCODE in San Miguel de Escobar, Ciudad Vieja

San Miguel de Escobar is a poor community in Ciudad Vieja in the rolling hills of Guatemala. It is also home to a successful coffee cooperative in the area, *Campesinos Unidos*, partly assisted by a European NGO and run by local campesinos. Over the course of several visits to this community's COCODE meetings, I realized that this particular COCODE is one of the more successful examples in the country.

San Miguel's COCODE formed in the aftermath of Hurricane Agatha in May 2011. In meetings with community groups and international donors, it became clear that the humanitarian assistance arriving to the city was not being distributed adequately. Further, community residents, who had witnessed the river rise in their zone of the city, creating a landslide that killed many of their neighbors, were angry

with the municipal government for ignoring infrastructure problems that could have prevented the deaths. Another NGO, based 30 minutes away in Antigua, suggested that they form a COCODE to pressure the mayor for some infrastructure changes. This NGO, Fundación Nahual, was working in other communities to form and train COCODES in partnership with the municipalities of Antigua.

At the time of my visit, this COCODE met once a week and had between six and fifteen members present. Some meetings took on an educational nature – for example, the fire department chief visited to talk about emergency preparedness. Others were more political. Because I was there during the electoral season, the COCODE had invited each of the mayoral candidates to listen to their demands and present his (all candidates were male) proposal. The COCODE had written up a list of their development project priorities (including a health clinic and improved draining system for the river) in a formal letter. They asked each candidate to sign the letter and they would then take this promise back to the members of their respective groups. I was struck as the president said to one of the candidates, “if you do win, we will be watching because we have the right to oversee your spending (*fiscalizar*).”

The members of this COCODE meet regularly, have a list of projects that they are fighting for, and know that they can pressure for funding as well as monitor municipal spending. In some ways, then, this is a COCODE success story. However, members complained about a major challenge that they faced: the current mayor’s opposition to the group. Participants told me that the mayor did not attend meetings and “is not at all interested in the COCODE.” This seemed true despite the fact that the law states that the COMUDE, led by the mayor, should inform COCODES about budgetary issues and that the COCODE should present project proposals to the COMUDE (Articles 12 and 14 of Decree 11-2002). They even complained about how hard it was to get the official COCODE seal—which made it a legal organization—from the mayor’s office. Thus, even this relatively successful COCODE had to overcome a lack of support from elected officials.

COCODES in Communities Surrounding Antigua

My discussions with community activists and COCODE members from smaller towns around the city of Antigua were not as positive as

my observation of the COCODE in San Miguel. Interviewees mentioned several problems with their experiences. One problem is that fact that mayors would create parallel COCODES in the same community. In two communities, interviewees reported that community activists formed one COCODE and the mayor formed another with his own supporters. One person from San Juan del Obispo noted:

We did everything as we should. We called an assembly and elected twelve representatives. Then, the municipal mayor chose another twelve people and made them the official COCODE. One of the mayor's relatives became the head of his COCODE and this was a way for him to get the projects (*obras*) that he wanted to be funded.

Another activist from San Pedro Las Huertas discussed a similar problem. In 2007, he and some community members formed a COCODE. He told me that "the mayor of Antigua did not like our COCODE because he wanted to do his own projects. So he created his own COCODE. We had two for some time, one elected by the citizens and another approved by the mayor." When I asked how this was possible, he responded "There is no oversight. Also there is a loophole in the law. The mayor could call this a second level COCODE and no one noticed."

Marcela Gereda, a Guatemalan journalist, published an opinion piece in early 2013 about the development councils that confirms these accounts. She writes (Gereda 2013):

Over the last months I have been getting to know the logic of the Development Councils in the community atmosphere of the central altiplano. In this political culture that does not understand the functioning of the council law, it is obvious that it will be difficult to see them become participatory and democratic....Observing these councils in the central altiplano I saw how the mayors "organize" the communities and invite them to participate to win votes. In this area (and perhaps in the entire country) clientelistic politics based on godfather-like relationships (*compadrazgo*) and fear...many mayors, governors, and congresspeople...organize, for their own convenience, COCODES to serve as a political platform and to endorse projects that are mostly executed by businesses linked to political power...Meanwhile, little by little, communities lose autonomy and legitimacy.

In sum, this discussion of the five council levels clearly demonstrates that there is variation around the country in terms of how effectively the system is engaging actors in policy planning. However, in terms of a net overall experience, most interviewees argued that the system has not effectively engaged new actors in decision-making processes. With some exceptions, the different councils are plagued by problems with funding, power dynamics, and clientelism.

2. *Development Planning*

To what extent is the council system producing a cohesive development policy? Interviewee after interviewee told me that the development council system has failed to achieve this goal. For example, in their study of spending patterns Ramon Muñoz and Sosa Velasquez (2010, 31) argue that “in general terms, the process of assigning, executing, and public investing through the development councils lacks systematic criteria for accomplishing development.” The department level councils mostly fund projects and there is no overall sense of purpose to the logic behind them. Instead, they are often chosen based on political criteria. One interviewee, a scholar of municipal governments, told me that this is mostly “pork barrel politics.” Moving down the system, the municipal and community councils are not debating development policies either. Thus, as a general rule the system is not working towards strategic policy formulation and development planning.

There is one exception. Under Colom’s administration, the governmental agency SEGEPLAN (which is tasked with overseeing all development planning) began a nation-wide processes to develop strategic plans at the municipal and department levels. In 2012, 321 municipalities and 19 departments completed strategic plans that linked concrete program objectives to the Millennium Development Goals (SEGEPLAN 2012), for example.¹⁸ SEGEPLAN then analyzed the plans and began a national development dialog. This culminated in the “National Development Plan K’atun: Our Guatemala 2032,” passed in 2013, which is a 20 year development plan to work toward improving security, justice, and peace. According to SEGEPLAN over 18,000 people, representing COCODES, COMUDES, and other civil society organizations participated in the 2012 process (SEGEPLAN 2012). As of March 2014, more than 13,000 people had participated

in consultations about the “National Development Plan K’atun” (Morales 2014).

When undertaking this process, SEGEPLAN made a strategic decision to re-engage the development council system. Why did they decide to work through the relatively dormant councils? According to an official involved in the process, one of the objectives of the planning process was to engage citizens. She elaborated:

One of our goals is to increase citizen participation in decision-making. At the same time, we did not want to recreate an instrument. Tell me, how many countries have the luxury of having the legal framework for citizen participation in place? It made sense to use that system to undertake this planning process.

With the development planning process in place, the government now needs to fund projects that work towards those goals.

Conclusion

When we look at the above evidence, it appears that the development council system is alive but not well in Guatemala. While it has had some successes, most scholars and interviewees agree that the council system is not meeting its two goals (Linares López 2009). What factors are preventing a more successful experience with citizen and civil society participation in development planning? Interviewees and scholars point to several inter-related problems.

One problem lies in the complicated design of the council system. For example, analyst Luis Linares López (2009, 10) argues that the 2002 trilogy of laws is not written in a cohesive way, writing that “[e]ven though they were approved almost consecutively, there is little ‘articulation’ between the three.” Further, two ministries oversee the system: SCEP and SEGEPLAN are both tasked with overseeing different aspects of the councils, which has led to the lack of coordination at best and competition at worst. Finally, the design has never been fully understood by the average citizen (Gibson nd). Having said that, very few scholars or interviewees signaled that this was the *main* problem.

Most indicated that the legal framework is sufficient, and although perhaps a few tweaks would improve it, new laws would not improve the system. The biggest obstacles to success in this case are additional deep-rooted, structural problems facing the country.

The legacy of military rule is a second barrier to the system meeting its goals. This plays out in several ways. As Nelson Amaro argues (2001) the national governmental actors who designed this system never really wanted to empower poor, rural, indigenous people in Guatemala. It was a way to hand over the IICs to civilians without disrupting their work. He argues that early reformers inherently distrusted those who would participate and for that reason, it was never truly participatory in nature. Miguel Reyes Illescas (1998, 256), a former guerilla, agrees, stating that since Cerezo, “the decentralization and participation that the state apparatus stimulated was fundamentally oriented towards ‘vertical’ participation, that is, towards the execution of infrastructure projects in conflict zones... local programs were converted into elements of the pacification policies.” Most citizens remember the IICs and associate them with the new councils.

Further, many of my interviewees noted that, because of the war, average citizens fear getting involved in politics. In the past, political involvement by rural poor actors led to death and destruction. Thus, some actors, such as the indigenous, may fear the act of attending a meeting that is political in nature. At the same time, elected politicians, including mayors, tend to reinforce distrust and exclusion. Thus, the legacy of the military affects both the design and the political culture surrounding this institution.

Another structural problem at work includes a long tradition of *caudillismo*, or strongman politics, and patron-client relations. Several interviewees argued that this system only reinforces these traditions in Guatemala. For example, one scholar noted in an interview: “The COCODE and COMUDE have become a tool to politicize projects, the mayor can call his people and decide upon projects based on political goals. It is not a bad idea, it just became too politicized.” She went on to say that “the idea of the system is marvelous, but reformers left some holes that allow for clientelism.” Another noted, “the mayors here like to be in charge, they are not going to let the community decide what to do.” An indigenous activist agreed, noting that “it has

become an instrument that is manipulated by the mayors.” Thus, the system is plagued by the same patterns of clientelism and *caudillismo* that typifies all political processes in Guatemala.

To conclude, this case provides insight into why reformers might opt for mandating participation as well as the factors that can impede the results after a top-down institution is passed. It suggests that institutions that are primarily developed by national politicians in countries with traditions of violence, military rule, and strongman politics may not have a hard time overcoming the entrenched legacies that these traditions can leave in place. On the other hand, the case also shows that, once created, these institutions will most likely stay around. To use a term commonly employed in the social sciences, they are “sticky.” This is worth remembering when we think about how many countries in Latin America have already set participatory institutions in top-down processes. Instead of eradicating the systems, the case suggests that reformers need to work hard to make these systems understandable and transparent so that the majority of citizens who continue to be left out of policy-making can effectively participate.

NOTES

1. The author wishes to thank the American Association for University Women and Franklin and Marshall College for their financial support for this research. Thanks also to the editors of this special issue, two anonymous reviewers, and Kent Eaton for their helpful suggestions.
2. For more on the spread of participatory budgeting see <http://www.participatorybudgeting.org/>
3. For a copy of the 1985 Constitution see <http://pdba.georgetown.edu/parties/guate/leyes/constitucion.pdf> . For a copy of Decree 52-87, see <http://docs.costarica.justia.com/nacionales/leyes/decreto-no-52-1987-sep-3-1987.pdf>.
4. See Amaro 1990, 2001 and Reyes Illescas 1998 for more on constitutional interpretation.

5. Please note that the first law for his system called the lowest level the “local level” and the later 2002 law called it the “community level.” This change is explained in the following pages.
6. For a nice statement of the leftist position, see Reyes Illescas 1998.
7. For more on the peace process see Brett and Delgado 2005, Holiday 2000, Jonas 2000a and 2000b, and Sieder 1998.
8. See Jonas 2000b and Ramos Muñoz and Sosa Velásquez 2010 for more on the substance of the accords. For the actual accords, see <http://www.guatemalauun.org/paz.cfm> (Spanish and English).
9. The VAT was raised again in 2002 to 12%, a portion of which also goes toward municipal spending and the CODODES (Decree 66-2002).
10. For more on this agency, see <http://www.scep.gob.gt/>.
11. Congress later reformed the Municipal Code in 2010 (see Decree 22-2010).
12. See SCEP’s website for a description of the current system at <http://www.scep.gob.gt/>
13. See Linares López 2009 for a more detailed analysis of the three laws and Marroquín and de León 2011 for more on the Law of Urban and Rural Development Councils.
14. For a leftist critique of this platform, see Reyes Illescas 1998.
15. Because data are so scarce, come from varied sources, and are hard to verify, it is not clear why the number of COCODES increased then decreased over time. More accurate data collection would be needed to better understand these trends.
16. According to Ramos Muñoz and Sosa Velásquez (2010), in 2009 there were 27,356 places with large enough population to have a COCODE.
17. See Ramos Muñoz and Sosa Velásquez 2010 for more on the sources of funding for development projects approved by the CODEDES as well as a more detailed analysis of funding patterns.
18. To review or download the actual plans, see <http://www.segeplan.gob.gt/2.0/> and click on “Planes de Desarrollo.”

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ABSTRACT

Mandating Participation: Evaluating Guatemala's Top-Down Participatory Governance System

As Guatemala slowly emerged from its thirty-six year civil war, national reformers created an interesting yet under-studied participatory institution—the Urban and Rural Development Council System. These councils are made up of civil society representatives who make decisions about and oversee development project spending and development policies. On paper, councils exist at the community, municipal, departmental, regional, and national levels of government. In practice, their existence and implementation varies greatly around the country. This article explores several aspects of this system, such as the institutional design of the council system, the origins of this design, and the system's effectiveness in achieving its goals. The arti-

cle argues that the system has engaged some actors but mostly failed to effectively channel interests and produce a participatory national development policy. This is mainly due to three factors: a complicated design, the legacy of military rule, and a political culture of clientelism and strongman politics (caudillismo). These findings serve to warn us that it may be more difficult to mandate citizen participation from above than many reformers currently assume.

RESUMEN

Participación obligatoria: evaluación del sistema de gobernanza participativa verticalista de Guatemala

A medida que Guatemala emergía lentamente de una guerra civil que duró treinta y seis años, los reformistas nacionales crearon una institución participativa que aún no ha sido analizada en profundidad: el Consejo Nacional de Desarrollo Urbano y Rural. Estos consejos están formados por representantes de la sociedad civil que toman decisiones sobre el gasto en proyectos de desarrollo y las políticas de desarrollo y los supervisan. Formalmente, hay consejos en los niveles de gobierno comunitario, municipal, departamental, regional y nacional. En la práctica, su existencia e implementación varía mucho en los distintos sectores del país. En este artículo se exploran distintos aspectos de este sistema, tales como el diseño institucional del sistema de consejos, los orígenes de este diseño y la efectividad del sistema en cuanto al logro de los objetivos que se plantea. Asimismo se postula que el sistema ha involucrado a algunos actores pero, en general, no ha logrado canalizar efectivamente los intereses y elaborar una política de desarrollo nacional participativa. Esto se debe principalmente a tres factores: su complicado diseño, el legado del gobierno militar y la cultura política de clientelismo y caudillismo. Estas conclusiones sirven de advertencia de que imponer la participación ciudadana puede ser más difícil de lo que muchos reformistas suponen en la actualidad.

SUMMARIO

Participação obrigatória: avaliação do sistema de governança participativa verticalista da Guatemala

À medida que a Guatemala emergia lentamente de uma guerra civil que durou 36 anos, os reformistas nacionais criaram uma instituição participativa que ainda não foi analisada em profundidade: o Conselho Nacional de Desenvolvimento Urbano e Rural. Este sistema de conselhos é formado por representantes da sociedade civil que tomam decisões sobre políticas de desenvolvimento e gastos em projetos de desenvolvimento, além de supervisioná-los. Formalmente, há conselhos nos níveis de governo comunitário, municipal, departamental, regional e nacional. Na prática, sua existência e implementação variam muito nos distintos setores do país. Este artigo aborda diversos aspectos deste sistema de conselhos, tais como o seu desenho institucional, as origens deste desenho e a efetividade do sistema quanto ao alcance dos objetivos propostos. Também afirma que o sistema foi capaz de envolver alguns atores, mas, de modo geral, não conseguiu canalizar interesses de forma efetiva nem elaborar uma política de desenvolvimento nacional participativa. Isto se deve principalmente a três fatores: seu complicado desenho, o legado do governo militar e a cultura política de clientelismo e caudilhismo. Estas conclusões advertem para o fato de que impor a participação cidadã pode ser mais difícil do que muitos reformistas supõem na atualidade.