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Curbing Corruption after Conflict: Anticorruption Mobilization in Guatemala

By Walter Flores and Miranda Rivers



Indigenous leaders stand in support of Ivan Velasquez, commissioner of the International Commission Against Impunity in Guatemala, on August 29, 2017. (Photo by Moises Castillo/AP)

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Summary

- Guatemala has a long history of violent conflict, and corruption has been a key driver of that violence, with organized crime and clandestine security groups being closely tied to politicians and government institutions.
- The movement to advance transparency, accountability, and democratic governance in Guatemala peaked in 2015, when the country's president and vice president were forced to step down, but many civil society groups continue to promote an anticorruption agenda.
- Since then, the movement has been met with backlash from politicians and members of Guatemala's economic elite, and efforts to root out corruption have been hindered by increasing ideological polarization within both the movement and Guatemalan society as a whole.
- In 2019, President Jimmy Morales expelled the International Commission Against Impunity in Guatemala. It is unclear whether the new administration of President Alejandro Giammattei will obstruct or support anticorruption efforts.
- Despite these challenges, external actors, including international donors, can help bolster the work of those combatting corruption.



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ABOUT THE REPORT

This report analyzes civic mobilization to combat corruption in Guatemala, with a focus on the movement that emerged in 2015. It was based on a comprehensive literature review and a series of focus group discussions and forty in-depth interviews with social movement actors and organizations in Guatemala between December 2018 and November 2019. The report was supported by the US State Department's Bureau of Democracy, Human Rights, and Labor.

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The views expressed in this report are those of the authors alone. They do not necessarily reflect the views of the United States Institute of Peace. An online edition of this and related reports can be found on our website (www.usip.org), together with additional information on the subject.

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A boy waves the Guatemalan flag during a vigil in front of the Supreme Court in Guatemala City on July 22, 2015.
(Photo by Luis Soto/AP)

Introduction

In 2018, Guatemalan president Jimmy Morales abruptly announced that he would terminate the mandate of the International Commission Against Impunity in Guatemala (known by its Spanish acronym CICIG), an independent body established through a 2006 agreement between the Guatemalan government and the United Nations. The commission was mandated to assist the state's institutions with the investigation and dismantling of illegal security groups and clandestine security organizations that had long threatened democracy and peace in Guatemala. For over a decade, CICIG worked alongside the Guatemalan Attorney General's Office, expanding its focus to include a range of high-profile corruption cases, with its most notable investigation leading to the 2015 resignation and jailing of Morales's predecessor, President Otto Perez Molina. After Morales himself became a target of a CICIG investigation, his administration began a series of attacks against the commission before ultimately expelling it in September 2019.

The government's targeting the anticorruption commissioners prompted nationwide mass action, with widespread protests, rallies, and road blockades. JusticiaYa, a nonviolent social movement, mobilized citizens around the country to participate in these efforts. Indigenous groups organized highway blockages involving thousands of people and engaged in other forms of direct action. A range of foreign governments and multilateral institutions voiced their concern about of Morales's actions. But the president was undeterred, and his administration went forward with CICIG's expulsion from Guatemala. CICIG released its final report on August

20, 2019, and ceased its activities the following month. The commission's demise represented a major setback for efforts to counter corruption and impunity in Guatemala, a country ranked 146th out of 180 countries on Transparency International's 2019 Corruption Perceptions Index.¹ It is a sobering example of pushback by political elites against widely supported efforts to combat corruption. It also illustrates both the power and limitations of nonviolent action to foster transparency, accountability, and, ultimately, democratic governance.

This report analyzes the fight against corruption in Guatemala by social movements over the past five years, homing in on their major successes and challenges. For this report, social movements are defined as comprising a wide range of entities that act collectively in pursuit of change-oriented goals. Movements often include fluid groupings of different actors, including individuals, organizations, coalitions, and networks that deploy extrainstitutional methods, such as protests, boycotts, and demonstrations to achieve social, political, and economic change. This report also details the effects of donor support for such entities on citizen mobilization. It argues that while the movement focused on transparency, accountability, and good governance (TAGG) in Guatemala has suffered significant setbacks, including its failure to prioritize structural reforms, such as changes in the country's political and judicial systems, there is still an active civil society sector advancing the TAGG agenda—a sector that can benefit from international engagement. Guatemala, having been ravaged by civil war from 1960 to 1996, continues to be characterized by organized crime, state capture, poverty, and violence. Thus, the lessons drawn from social movement efforts to effect positive change in Guatemala can be applicable for other movements around the world operating in similar contexts. The lessons also have larger bearing for international actors helping states build peace and democratic governance following prolonged violent conflict.

The report is based on an extensive review of documents and fifteen interviews with key informants who were directly involved in Guatemala's unprecedented mass mobilization of 2015. These interviews took place between December 2018 and January 2019. Additionally, twenty-five interviews were conducted in the capital, Guatemala City, and the countryside departments of Quetzaltenango and Alta Verapaz with activists, representatives of civil society organizations (CSOs), and other social movement actors, each of whom had at least five years of experience working on TAGG issues in Guatemala. These interviews took place between May and November 2019. The report also draws on findings from four focus group discussions that took place in Guatemala City with CSO representatives and members of municipal commissions in May, June, and July 2019.

Historical Background

Social movements and citizen mobilization have a long history in Guatemala. Deep inequality, entrenched in the country since colonial times, has resulted in the oppression and exploitation of the indigenous population. Indigenous people have responded by forming movements to demand greater access to land and respect for their culture.² Social movements around workers' rights have also been influential at different points in Guatemala's history, particularly during the so-called democratic spring that bloomed between 1944 and 1954 and the mobilization against the neoliberal policies of the 1990s and early 2000s.³



An observer from the Office of the Human Rights Ombudsman, center, joins a police line separating demonstrations for and against Ivan Velasquez, head of the CICIG, outside the UN office in Guatemala City on August 28, 2017. (Photo by Moises Castillo/AP)

The early roots of civic mobilization specifically around TAGG objectives lie in Guatemala's devastating civil war, which lasted from 1960 until 1996. The Historical Clarification Commission (Comisión de Esclarecimiento Histórico, CEH), established in 1994 as part of a peace agreement between the warring parties, estimated that 200,000 people were killed or disappeared during the conflict, most of whom were indigenous. The country's truth and reconciliation commission reported that state forces and related paramilitary groups were responsible for more than 90 percent of the documented violations. The massacres and destruction of villages gave rise to the forced displacement of the civilian population internally and abroad. According to the CEH, as many as 1.5 million people were displaced during the most violent phase of the armed conflict.⁴ In all, more than one-quarter of the country's total population was affected by the political violence—through assassination, forced disappearance, kidnapping, or coerced displacement from their homes.⁵

Social mobilization largely led by indigenous and peasant groups and including trade unions, students, teachers, and others peaked at the same time as the violence, from around 1978 until 1982. One influential group was the Mutual Support Group (GAM). This organization was formed by a group of women, both indigenous and nonindigenous, whose relatives had been disappeared and who dedicated themselves to taking action against human rights abuses

The human rights movement achieved major successes during and immediately after the war, with its mass mobilization and commitment to nonviolent action tactics playing a key role in the creation of the CEH and public institutions.

being committed during the war. In 1984, they organized a 100,000-strong march on the National Police headquarters and the Metropolitan Cathedral in Guatemala City.⁶ GAM also led occupations of Congress and the Justice Ministry, calling for the creation of a commission to investigate tens of thousands of disappearances. Along with other groups, GAM played a key role during the conflict by monitoring military abuses. Other prominent groups at the

time included the Committee for Campesino Unity, a labor organization that organized strikes, marches, highway blockades, and other nonviolent demonstrations to protect and promote the rights of people living in rural areas. After the peace talks and subsequent signing of the Peace Accords in 1996, many human rights groups shifted roles from monitoring and documenting acts of violence to assisting with the administration of war reparations.⁷ The National Coordination of Human Rights in Guatemala, a confederation of human rights groups, identified mechanisms to define victims and ensure funds were transferred to the neediest communities after the war.

The movement for human rights that emerged during the war's most violent period remains active today and includes internationally recognized leaders such as Helen Mack, Rigoberta Menchú, Rosalina Tuyuc, and Maria Elena Farfán. The movement demanded actions against war crimes and led efforts to bring such cases to the Guatemalan judicial system.⁸ However, after the conflict, state institutions had limited capacity and resources to conduct investigations, and there was a lack of political will to do so. Citizens stepped up to form their own groups to conduct investigations, "generating intelligence" for the movement to be able to build strong legal cases and make concrete demands for accountability, according to a human rights defender interviewed for this study.⁹ The movement later expanded its focus to include the elimination of impunity after it became clear that this was a major barrier to advancing human rights demands.

The movement's focus on truth and justice concerning military and civilian personnel accused of human rights violations was fundamentally a demand for government accountability, aligning with the TAGG agenda in Guatemala today. That demand was linked with efforts to promote structural reforms of the security and intelligence apparatus. The human rights movement achieved major successes during and immediately after the war, with its mass mobilization and commitment to nonviolent action tactics playing a key role in the creation of the CEH and public institutions such as the Office of the Human Rights Ombudsman, the Presidential Human Rights Commission, and the Presidential Commission against Racism and Discrimination.¹⁰ Indigenous peoples' and peasants' rights groups had also combined nonviolent action with institutional mechanisms to demand the return of stolen territories based on accountability and transparency principles, using both the law and judicial system with litigation against industrial landowners and extractive industries. Several interviewees acknowledged the prominent role that indigenous leaders and movements played in advancing human rights and setting the foundation for today's mobilization around TAGG and anticorruption goals. "The anti-corruption movement took attention in recent years, but we should not ignore that there were social movements before us with longer history and with social and political demands," said a youth leader of JusticiaYa.¹¹ Another interviewee agreed, saying the indigenous authorities throughout

the country today are part of the “first postwar branch that put the fight against corruption and transparency on its agenda. There [has been] a reconstruction of the social fabric in the postwar period that generated important possibilities to act politically, socially, and culturally.”¹²

The postwar period was characterized by citizens mobilizing and organizing for TAGG goals. When the CEH was restricted from accessing government documents during its investigation into abuses committed during the war, civil society—frustrated by government intransigence and silence—began advocating for legislation that would increase access to information in Guatemala. In the early 2000s, more than a dozen CSOs joined forces to pressure legislators to pass the bill. They engaged in various monitoring, advocacy, and lobbying efforts and were ultimately successful when the Guatemalan Congress approved the Law on Access to Public Information in 2008. Several interviewees identified this as a major achievement.

In 2006, the fight against impunity and the struggle for TAGG goals culminated in the establishment of CICIG. A few years earlier, human rights groups had proposed the creation of an independent commission that would investigate and prosecute illegal bodies co-opting the state and fueling corruption. They made the case that a commission providing third-party oversight was desperately needed, because organized criminal enterprises with established ties to political and security sector actors were rampant and the judicial system had become “synonymous with impunity.”¹³ These criminal networks, known as “illegal clandestine security apparatuses” (or by their Spanish acronym, CIACS), spawned from state intelligence and military services during the war and continued to operate in its aftermath. They are still operational today. They have contributed to the development of large-scale organized crime and, with their ties to government officials and elites, have wielded significant political influence and created a culture of impunity.¹⁴ CIACS have been responsible for brutal repression and violence against human rights defenders, union leaders, student activists, journalists, and political leaders.

In 2006, human rights groups worked with civil society, progressive politicians, the government of then President Alfonso Portillo, and different sectors of the international community to fashion the agreement between the United Nations and Guatemala that established CICIG.¹⁵ The commission began its activities in 2007 and increasingly confronted established power and networks of corruption across a variety of state and nonstate sectors.

2015: A Civic Reawakening to Curb Corruption

Corruption is a feature of many governments around the world, but countries making the transition from war to peace are particularly vulnerable. The detection of corrupt practices and the enforcement of anticorruption laws are particularly challenging in postconflict states, which are often left with weak or nonexistent legal and institutional frameworks. The legacy of wartime corruption is likely to result in the “carry-over of agents, networks, and practices of corruption” that continue to pose challenges for reconstruction and democratization long after conflict ends.¹⁶ The impotence of the state to monitor and exercise oversight over various sectors can also make the state more “prone to capture by the privileged elite with access to power and resources.”¹⁷



Guatemala's President Otto Perez Molina (left) shakes hands with CICIG commissioner Ivan Velasquez after the commissioner's speech at the National Palace in Guatemala City on April 23, 2015. (Photo by Moises Castillo/AP)

Countries coming out of civil war in the 1990s as geographically diverse as Mozambique, Cambodia, and Bosnia are still perceived as being among the world's most corrupt nations.¹⁸

In the Guatemalan context of widespread social and political violence, commonplace graft was considered a less serious problem and did not provoke the same level of indignation among

the population. The wealthy and powerful rarely faced consequences for corruption.¹⁹ Ineffective state institutions combined with a prevalence of impunity created an environment in which political and economic elites evaded accountability while citizens faced the everyday consequences.²⁰ However, a significant shift occurred in 2015 as several factors came together to change this dynamic and set the stage for a revitalized TAGG movement, building on the legacy of Guatemala's long-standing human rights movement. Newly mobilized actors, particularly urban youth, were ready to engage in the struggle. One interviewee described these young people as "kids who were born before the peace accords but in a time where no bombing was taking place"; they saw past "the silence of previous generations" and wanted to understand their role beyond the war. Other major factors included CICIG's new leadership—Ivan Velasquez, a former Colombian Supreme Court judge who was appointed chief of the commission on August 31, 2013—and the work of two highly effective prosecutors. One of the prosecutors was Claudia Paz y Paz, a former human rights activist who served as Guatemala's attorney general from 2010 to 2014. She was replaced by Thelma Aldana, an experienced jurist and former president of the Guatemalan Supreme Court. An anticorruption agenda was also at the forefront of concern for many international organizations at the time. The US embassy and other embassies were considered to have played a key role in pressuring Guatemalan leaders to heed citizen and CICIG demands.²¹

The 2015 movement ignited when Aldana, in collaboration with CICIG, brought forth evidence of a widespread customs fraud ring known as "La Linea" (The Line), implicating then President Otto Perez Molina and Vice President Roxana Baldetti, as well as other politicians and high-ranking officials from the tax authority. The detailed evidence uncovered about La Linea brought long-standing corrupt practices out of the shadows and left no room for doubt about the extent of this issue at the highest levels. "We knew there were very high degrees of corruption in government—what we didn't know was just how high they had reached," said

an activist from Alta Verapaz. A human rights defender based in Guatemala City similarly reflected on the impact of the revelation: “People managed to see how cheeky these politicians were. . . . [The investigators] demonstrated with evidence—testimonial and documentary evidence—how corruption affects everyday life.” The large-scale investigation by the public prosecutor and CICIG had incorporated modern investigative forensic techniques and wiretap recordings, showing how businesses in the massive La Linea network paid bribes in exchange for financial kickbacks, defrauding taxpayers of millions of dollars annually.²² Evidence showed Perez Molina and Baldetti oversaw the network’s operations.

The probe spurred Lucía Mendizábal, a professional woman with no prior community organizing experience, to take action. She decided to use social media to organize a protest. “It doesn’t matter if only four people come. I’m going to live with myself OK because I know I did something about it,” she recounted.²³ Her call to mobilize using the #RenunciaYa (Resign Now) hashtag quickly snowballed into the RenunciaYa movement, whose key demand was for Perez Molina and Baldetti to step down.²⁴ Every Saturday from April to August 2015, tens of thousands of citizens engaged in a variety of nonviolent tactics, from protests, chanting, flag-waving, and wearing national colors to singing the national anthem, shutting down roads, and engaging in digital resistance. Slogans and Twitter hashtags included #YoEstoyPorGuate (“I Am for Guatemala”) and #YoNoTengoPresidente (“I Don’t Have a President”).²⁵ The movement organized a national strike, with many universities and small businesses supporting the shutdown. The Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF), a powerful business association, did not support the strike initially, arguing it was counterproductive for the country’s economy. However, some businesses affiliated with the organization soon broke ranks, and CACIF announced it was joining the national strike the morning it was scheduled to begin.²⁶ The various citizen-led actions eventually prompted Baldetti to submit her resignation in May, and Perez Molina stepped down in September. Both leaders were subsequently jailed on corruption charges.

Most interviewees and focus group participants agreed that the social eruption in 2015 marked a significant shift in the TAGG landscape, with one saying it represented a “citizens’ awakening” for Guatemalans. The movement garnered both national and international attention, prompted public conversations around transparency and accountability, and inspired people to mobilize and demand change. This was based on the understanding that, as a participant said, “all of the poorly executed public policies and corruption will affect us all as citizens. . . . There was already an interest, and the citizens awoke and said, ‘Well, how can we be a part of the movement?’” Whereas indigenous groups and rural peasants (*campesinos*) had been the vanguards of previous movements, RenunciaYa was spurred by youth and the urban middle class. One interviewee described the work of the previous generations as “fertiliz[ing] the soil” for the new activists to see results. Those who took to the streets in 2015 “were human rights defenders—not only anti-corruption protesters. If we looked at their banners, they said corruption was the reason why there wasn’t any health or education. These were people that came from elite universities.” Guatemalans who had been silent for decades about corruption became protagonists of nonviolent action, shocking old institutional elites invested in the corrupt status quo.²⁷



Indigenous leaders stand in support of CICIG commissioner Ivan Velasquez, facing a police line in Guatemala City on August 29, 2017.
(Photo by Moises Castillo/AP)

Setbacks and Backlash since 2015

Although the *RenunciaYa* movement generated awareness of the entrenched and widespread nature of corruption in Guatemala and brought down the country's top leadership, progress on reforms since 2015 has been slow and beleaguered by setbacks. A representative of a Guatemala City-based NGO said the mass demonstrations in 2015 "made the criminal networks withdraw but when they saw that the protests were gone, they became operative again." Another interviewee noted breakdowns in the judicial system: "The whole battle is already a bit broken, and the judges are already beginning to let those accused of corruption go free."

What led to this failure to consolidate the gains from the mobilization peak in 2015? One key reason was that, despite their notable achievements, the newly activated segments of society that constituted the 2015 movement were unable to strategically connect with long-standing indigenous and *campesino* movements. This weakened their potential to demand broader structural changes to overcome corrupt practices and reforms in the judiciary and electoral systems. Three factors help to explain this missed opportunity.

First, although indigenous and peasant organizations participated in the protests, their historical demands (restoring historical land and defense of existing territories and indigenous rights) were not integrated into the anticorruption platform. Second, many of the newly mobilized youth did not have prior experience reflecting on or analyzing the underlying structural determinants of social and economic inequality in Guatemala. Nor did they collaborate closely with the human

rights activists who initiated the postwar human rights movement. The anticorruption demands of the youth in 2015 were therefore restricted to calling for the resignations of accused officials and did not include reforms designed to impact entrenched systems of corruption and inequity. According to one focus group participant, the movement had few plans for what to do after the resignations of Perez Molina and Baldetti: “[The situation] got complicated because there was no agenda anymore, so people began to lose interest. . . . We were like, ‘Well, what do we do now?’” Third, the 2015 general elections were scheduled for later in the year and many protesters assumed that electing new leaders and legislators would be sufficient to clean up government and state institutions.²⁸ While the urban youth movement represented a rejection of traditional political parties and social leadership, it did not have a spokesperson or a leader or coordinator who could help counter politicization of the movement’s demands or avoid the risk of being co-opted by traditional politics.²⁹

The movement’s shortcomings became increasingly apparent as activists and CSOs pushing a TAGG and anticorruption agenda faced familiar challenges under the newly elected president, Jimmy Morales. Morales had campaigned on a promise to fight graft, and he had adopted the slogan “Not corrupt, not a thief,” yet he soon became mired in allegations of illicit campaign financing. In August 2017, CICIG commissioner Ivan Velasquez announced that Morales had allegedly failed to report anonymous contributions to his 2015 election campaign. Velasquez sought to strip the president’s immunity from prosecution. Morales responded by ordering Velasquez expelled from Guatemala, but the decision was voided by the Constitutional Court. The move by Morales sparked national and international outcry but it proved to be only the beginning of a series of attacks against CICIG.³⁰

The anticorruption crusade led by Attorney General Thelma Aldana and CICIG was widely supported across Guatemalan society at the time. A national survey from 2017 showed 71 percent of the population trusted CICIG—a significantly higher level of trust than that enjoyed by other state institutions, including the Public Ministry (the ministry responsible for law enforcement) and the Constitutional Court.³¹ However, as CICIG’s investigations expanded beyond members of the political elite (such as President Morales’s brother and son) to include bankers, private corporations, and members of powerful families within the economic elite, support for the commission began to erode.³² The middle class, which had initially been supportive of the movement’s anticorruption agenda, began to retract their support, at least publicly, when they realized that the owners of the private corporations they worked for were being indicted.³³ CACIF, the business association, began trying to push back against CICIG after several of its affiliates were targeted in multimillion-dollar corruption investigations.³⁴ Powerful industrial and financial figures, such as sugar exporters and private bankers, launched a campaign accusing CICIG and the public prosecutor of harboring a leftist political agenda.³⁵ Guatemalan government officials, politicians, and businesspeople were part of a plan to hire a Washington, D.C.-based lobbying firm to persuade US lawmakers and government officials to view with suspicion the work of CICIG and the US ambassador to Guatemala, Todd Robinson, who had been a champion of anticorruption efforts.³⁶

In May 2018, Aldana and CICIG leveled additional allegations against Morales after determining that the president had participated in the illegal financing of the political party that brought him to power.³⁷ Shortly thereafter, Morales announced he would not renew CICIG’s mandate,

Anticorruption mobilization is now viewed by critics not as an apolitical issue of good governance but rather as a leftist political activity that is part of an agenda of international interference in domestic politics.

which was set to expire in September 2019. The president began expanding his efforts to neutralize the commission, aiming to weaken the broader anticorruption agenda. These efforts were jointly implemented by government officials and powerful members of the economic elite, many of whom had business associates or relatives indicted in corruption cases. The campaign against CICIG plunged

the country into a constitutional crisis, in which the state's executive and legislative branches were openly disobeying the orders of the Constitutional Court.³⁸ Some analysts argued that the president and his allies were pursuing a slow-motion coup.³⁹ Morales's administration also pushed back against the United Nations and countries that expressed support for CICIG and its anticorruption agenda, which adversely affected international support for TAGG movement actors in Guatemala. According to one activist who worked with international actors and who was interviewed in early 2019 for this study, "We have been told by several [international donors] that they receive pressure from the current government authorities about not getting involved and not supporting civil society organizations that flag anticorruption themes."

In addition to prompting a backlash from the political and economic elites, the TAGG movement has revived patterns of ideological polarization that were visible in Guatemala in the immediate aftermath of the civil war. Anticorruption mobilization is now viewed by critics not as an apolitical issue of good governance but rather as a leftist political activity that is part of an agenda of international interference in domestic politics. Newly registered CSOs have helped pushed this politicization process forward, implementing actions contrary to the anticorruption, anti-impunity, and good governance agenda.⁴⁰ For example, a group called #Guatemalainmortal has used social media to protest against CICIG and speak out against proposed constitutional reforms aimed at strengthening the judicial system.⁴¹ An interviewee said that polarizing discourse in the media has sought to downplay the public visibility of citizens working to address transparency and accountability issues. A focus group participant described how increasing polarization impacted their organization's ability to collaborate with others, saying it "has been fatal for us because we do not have an ideological flag. We work with many people, but we have found some who are close-minded. [It is] as if we were not from the same club, we cannot work together; that has been very harmful."

The increasing polarization stands in contrast to what was seen in 2015, when various sectors of society—urban youth, members of the middle class, indigenous groups, peasants, and business associations—were united (albeit temporarily) in demanding that leaders be held accountable for abusing their authority at citizens' expense. It is also important to note that whereas social media and digital technology were crucial to mobilizing people during the massive protests of 2015, these same tools are now widely used to instill fear and spread misinformation. They have been deployed as part of smear campaigns launched against judges, civil society leaders, journalists, state prosecutors, and CICIG.⁴²

Another significant setback for Guatemala's TAGG movement has been the departure of CICIG, although it leaves behind an inspiring legacy for future anticorruption and anti-impunity efforts in the country. Headed by an appointee of the UN secretary-general with funding from the United States, Canada, and several European countries, the commission worked hand in

hand with the prosecutor's office on investigations to help boost the legitimacy and capacity of Guatemala's state institutions. The CICIG model has been touted as an example for other corruption-ridden governments in Latin America.⁴³ During its twelve years in Guatemala, CICIG assisted in the filing of more than 120 cases in the state justice system, resulting in charges against 1,540 people and more than 400 convictions.⁴⁴ As of July 2019, about 660 people were facing charges. The commission helped identify more than 70 highly complex criminal structures and prosecute over 120 high-impact cases, involving "subjects with great potential for social damage."⁴⁵ In addition to its most notable cases against President Perez Molina and Vice President Baldetti, CICIG assisted with the prosecution of dozens of other top government officials, including a Supreme Court magistrate, two other former presidents, congress members, and government ministers. The commission also supported the ouster of more than a dozen judges and thousands of police officers, as well as the detention of drug traffickers.⁴⁶ Although best known for its high-impact cases, CICIG was also instrumental in promoting reforms to Guatemala's justice system, assisting with the creation of special courts to better protect judges from organized crime, separate units for special investigations and criminal analysis, and a witness protection program. According to an International Crisis Group report, CICIG also played a role in bringing down Guatemala's homicide rate, which fell by about 19 percent between 2009 and 2017, and the country's impunity rate for violent crimes, which dropped from 98 percent in 2008 to 87 percent in 2016.⁴⁷

Several interviewees and focus group discussion participants noted how significant CICIG's contributions were to their anticorruption work and reflected on the commission's legacy. One focus group participant said that CICIG, through its investigations and the manner in which it exposed and presented corruption in ways not seen before in Guatemala, contributed to a major cultural change within civil society: "There are collectives that exist that did not exist before. There are efforts that exist that did not exist before. And there are issues that will persist, continue to persist through the collectives." However, the departure of CICIG has diminished optimism about the mitigation and prevention of corruption and led some to despair, especially social movement actors operating in the countryside: "Even though CICIG didn't have a presence in Alta Verapaz, and despite the fact that we didn't have any support from CICIG, we saw that they had a good backing and we noticed public servants were a little afraid of them. But since CICIG's exit, I believe that today, the 'mafia' is even stronger." Another activist, working in Quetzaltenango, said, "I am not optimistic about the future without CICIG. I do believe that CICIG . . . must be reconsidered and the return of CICIG must be from external pressure. . . . There are many things still to be done to end impunity."

It was clear that many interviewees attributed CICIG's success to it being an internationally backed institution, with some questioning how progress in battling corruption could continue without an external presence. Others, however, focused on how they will chart a way forward. "I believe we are currently at a time in which we're looking for more effective mechanisms through civil societies and specialized organizations for better monitoring and auditing," said one interviewee. "They are as effective as a protest . . . maybe [we need] more sophisticated mechanisms with clearer tools, and with strategic international alliances, in order to continue with the operation that CICIG brought to the table."

The Anticorruption Movement Today

Despite facing a backlash from the political and economic elites, contending with increased polarization, and adjusting themselves to the absence of CICIG, many activists, organizations, and movements are continuing to push forward the TAGG agenda on several fronts. Some of the groups that emerged from the 2015 mobilization are not only still active but also expanding and pursuing strategic goals. For instance, JusticiaYa, which was formed by organizers from RenunciaYa, has evolved into a collective engaging in activism, mobilization, and political education in the capital and other urban areas.⁴⁸ JusticiaYa consists mainly of young people and students in Guatemala City who are organizing for political transformation in the country. “I think not all that came out of the 2015 mobilization is lost,” said one JusticiaYa leader. “There is now an association of professionals who were students in 2015. This group is promoting the strengthening of public institutions and public services, and they see that as young professionals, that would be their main contribution.”

In 2017, JusticiaYa led a second wave of mass mobilizations across Guatemala. The events occurred as CICIG investigations related to campaign financing zeroed in on President Morales, his family members, and political associates. When Morales declared CICIG commissioner Velásquez persona non grata in August 2017, citizens rallied in support of the commissioner and JusticiaYa filed a protective measure for him at the Constitutional Court.⁴⁹ Citizens took to the streets in protests reminiscent of 2015 after the National Assembly in September 2017 approved a decree that minimized penalties for illegal election financing and reduced prison sentences for those convicted of the crime.⁵⁰ The move was seen as shielding Morales and other political elites from prosecution and a blatant abuse of power. JusticiaYa and other groups called for national protests, and an estimated 205,000 people responded. The main march took place in Guatemala City but massive protests were also reported in Quetzaltenango, Alta Verapaz, Huehuetenango, Ixcán, and other areas in the interior.⁵¹ The marchers were diverse and included trade unionists, members of indigenous peasant federations, students, members of the urban middle class, and some businesses. La Alianza por las Reformas (Alliance for Reforms), a group that includes dozens of CSOs and that formed in 2016 to promote constitutional reforms in Guatemala, presented a petition at the Supreme Court of Justice to withdraw the immunity of lawmakers who approved the controversial legislation, saying their actions constituted an obstruction of justice.⁵²

The mass action nationwide prompted Congress to revoke the legislation, and several lawmakers who had voted in favor of it issued public apologies to their constituents.⁵³ JusticiaYa, La Alianza, and other groups issued a raft of demands: the resignations of Morales and other members of Congress, electoral reforms to end impunity, CICIG’s work to continue unimpeded, and the creation of a national constituent assembly to draft a new constitution.⁵⁴ The expressions of public outrage from various sectors in society, combined with a range of citizen demands calling for fundamental changes to the political system, appeared to have an impact. They prompted the resignations of the finance, labor, governance, and interior ministers, and CICIG at that time was temporarily saved. The renewed energy in response to abuses of power had shown that there were new organizations and movements committed to the anticorruption fight and ending impunity.

The number of activists and organizations working to strengthen the TAGG movement and advance its agenda would likely be higher were there more optimism within the field.

A JusticiaYa leader described how the TAGG movement had learned from its shortcomings in 2015 and reflected on how the group's work has been informed by the long-standing indigenous and peasant movements. "When we realized that corruption and impunity are the result of historical processes, we started to understand the demands from peasant, indigenous, and women's movements. We now understand that our organization should be part of a wider social demand to transform the Guatemalan state." Similarly, one interviewee from the indigenous community who works with a human rights group to promote transparency in public management said he believes there have been advances in the movement for TAGG goals because, after the defining year of 2015, "people have realized that the problem is bigger than they expected, but they keep demanding to stop the corruption."

La Alianza por las Reformas has continued its work at the national level, promoting reforms within the justice sector, demanding transparency from lawmakers in discussions on constitutional reform, and working to hold lawmakers accountable for alleged abuses of the constitution. La Alianza monitored the 2019 election and the assignment of new judges and officials in the justice system. It has used the courts to challenge the election and appointment of Guatemala's top judges, a process that has historically been influenced by organized crime, to ensure fair competition. The alliance of about forty organizations has also sought to diversify its membership to include both longtime human rights defenders and a younger generation of activists.

Outside of Guatemala City, civil society actors are focusing on issues of transparency and accountability at the local level. Another coalition that emerged after the 2015 protests is Pacto Ciudadano ("Citizen Pact"), which works on anticorruption issues within public services. The coalition includes several indigenous and peasant organizations. Other major players in the TAGG sphere working at the departmental level include Guatemala's local commissions on transparency and probity. These commissions mainly focus on social audits and work directly with local government officials to address issues of transparency and accountability. They also have inter-institutional agreements with public agencies such as the Public Ministry and the Comptroller General of Accounts. One interviewee noted that the work is "purely voluntary" and that some departmental commissions are more active than others.

The number of activists and organizations working to strengthen the TAGG movement and advance its agenda would likely be higher were there more optimism within the field. Even among those who are active, a sense of pessimism is evident. In light of the various events that led to CICIG's departure, and the election of President Alejandro Giammattei, many interviewees, toward the latter half of 2019, felt they were witnessing political regression toward a more repressive and intolerant regime and away from the ideals of transparency, accountability, and democratic governance.

Giammattei took over from Morales and assumed office in January 2020. Before he became president, Giammattei expressed a lack of support for CICIG, but he did pledge to tackle corruption in Guatemala. Shortly after taking office, Giammattei created his own Presidential Commission Against Corruption, whose membership, unlike that of CICIG's, is limited to state government

officials. The commission's work resulted in the April 2020 firing of two deputy health ministers following investigations into an alleged corruption ring inside the ministry.⁵⁵ Although this is a sign of progress, many citizens have yet to be convinced that the presidential commission is fully independent and are waiting for it to investigate complaints in other ministries. Furthermore, sectors of civil society are concerned about recent legislation that threatens to undermine the independence of NGOs and freedom of assembly in Guatemala and that resembles laws put in place in recent years in Russia, Nicaragua, and Venezuela.⁵⁶ The Guatemala Congress approved the controversial bill in February 2020 that would allow the Interior Ministry to deregister an NGO if it considers the organization to have violated the public order and would give the government control over funds provided by international donors to NGOs. Critics say it targets CSOs working to promote greater government accountability and defend citizens' rights.⁵⁷ Given the worrisome shifts in the TAGG landscape, Guatemala's civil society could benefit from the help of international actors in creating opportunities for successful anticorruption initiatives.

Recommendations for External Actors

Nearly all interviewees and focus group participants in this study are members of organizations that receive some form of external support, primarily financial assistance or training. Much of that support comes from the US Agency for International Development, the European Union, and the Swedish International Development Cooperation Agency, with international NGOs and private foundations, such as the Open Society Foundations, also providing assistance. Interviewees identified a wide variety of areas in which international actors have helped push forward the TAGG agenda: funding for research and public events; help in designing strategic plans; the provision of legal assistance; institutional support for organizations to pay staff; help in drafting proposals for legal and procedural reforms; and assistance in building public support for the TAGG agenda and improving the public image of CSOs.

Several interviewees also cited international support for civil society partnerships with state institutions as being critical support for TAGG efforts. "I would say that 'direct impact' with institutions and government officials is the key," said a representative of an anticorruption and transparency CSO. "We cannot expect any changes if we don't have the government's involvement or even private institutions. . . . This is one of the tactics that needs to be used because it facilitates dialogue within the people and government institutions." However, many activists and CSOs question officials' commitment to anticorruption efforts and thus see partnerships with the government as futile. Several Guatemalan CSOs receive international funding to participate in the Open Government Partnership (OGP), an initiative that brings together civil society and government representatives to advance transparency and fight corruption. But Acción Ciudadana, El Instituto Centroamericano de Estudios Fiscales, and several other prominent CSOs withdrew from OGP discussions in June 2018, publicly declaring that the government was not serious about its OGP commitments and was using the initiative purely as a public relations exercise.⁵⁸

Representatives of CSOs lamented that donors often request proposals for one- or two-year projects, reflecting a simplistic understanding of social change and an unrealistic expectation.

Other CSOs opted to stay involved in the initiative to “maintain the space where they can express their discontent with the government’s decisions.”⁵⁹

External support for Guatemala’s public institutions and, most notably, for CICIG has helped to create an enabling environment for CSOs and other TAGG movement actors. CICIG helped make anticorruption and anti-impunity a prior-

ity on the political agenda and in the news media, opening up space for democratization and civic participation. However, it is important to note that people began questioning US support for CICIG in the years leading up to its closure. The United States was one of CICIG’s primary financial backers and Ambassador Todd Robinson had provided key diplomatic support during the peak of the 2015 movement. But after a series of meetings with the lobbying firm hired to discredit CICIG, US lawmakers began speaking out against the commission, and in May 2018 Senator Marco Rubio suspended US funding for CICIG based on seemingly unfounded allegations of Russian influence within the commission.⁶⁰ The US financial contributions were later restored but President Donald Trump’s administration was criticized for not openly condemning Morales’ decision to shut down CICIG.⁶¹

Many interviewees and focus group discussion participants also mentioned the challenges domestic social movement actors typically face in working with international actors—challenges that have been documented by TAGG activists and CSO representatives in places as varied as Kenya, Ukraine, and Nigeria.⁶² In the first place, representatives of CSOs lamented that donors often request proposals for one- or two-year projects, reflecting a simplistic understanding of social change and an unrealistic expectation that grantees will be able to document behavioral change in both citizens and authorities in such short time frames. Second, interviewees mentioned that donor support has fueled divisions among some TAGG actors as they vie for well-funded projects and the various educational, training, and travel opportunities that can come from international donor engagement. “We enter a network where we compete for resources and see others as competitors, and not as collaborators or possible partners to achieve common goals,” explained one interviewee. This competition can undercut efforts to build the kind of strong, collaborative relationships that can drive major social, political, and economic change. A third challenge mentioned by Guatemalan activists and CSO representatives was the administrative requirements that some donors have for grantees. These requirements, which often include having a financial and accounting system in line with international standards, can exclude informal or unregistered grassroots groups from international support. A fourth concern voiced by interviewees was a perceived decline in foreign (and especially US and European) assistance to TAGG actors in Guatemala over the past few years, with bilateral donors either significantly reducing their financial contributions or eliminating them altogether. The environment is much different now from just a few years ago, when “it felt like [donors] were competing among each other to provide funding for the anticorruption movement,” said one member of JusticiaYa. A key interviewee noted that some Guatemalan CSOs “have very much linked their survival and their impact to the fluidity of international cooperation,” therefore triggering a “significant reduction in the impact of the organizations” when the external support dissipates.

So how can international actors better support Guatemala's still-active civil society at this crucial juncture as it battles corruption and strives to promote democratic governance? Interviewees expressed a desire for support that was flexible. They specifically called for less project support and more general core support for CSOs to build their institutional capacity to respond to changes in their operating environments in real time. Interviewees also wanted support based on a mid- and long-term vision of social change, reflecting a more realistic understanding of social and political reform processes.

The decline in support from international actors in recent years has negatively impacted the sustainability of movement organizations. Movement actors have been overly reliant on outside funds, and this dependence has left them vulnerable to shifts in donors' priorities and to crack-downs on foreign-funded organizations, which many activists anticipate under the Giammattei administration's proposed NGO law. When providing financial support, external donors could use models that are less likely to generate dependence and that help CSOs develop survival strategies for coping with the termination of foreign support. Although interviewees were uncertain what such a model might look like in practice, they had no doubt that it would be valuable. Donors can also help by being explicit about when support will start and end so as not to "develop unhealthy paternalism and dependencies" and by helping CSOs identify other potential sources of support.⁶³ Overall, the activists and CSO representatives interviewed for this report were critical of aid given by external actors with predefined, externally determined objectives and goals.

Four comments from separate interviews help shed light on the different needs of movement actors in Guatemala and the specific ways that external actors can better support their efforts to promote transparency and accountability:

We know that in addition to our street marches, we need to engage with the judiciary system, to bring cases to the courts. We are now doing that, but we feel our legal arguments are not as good as they could be. For instance, we would like to know more about the international treaties addressing anticorruption that we could use in our legal arguments before a legal court. I feel we need training and support in this area.

We need support to strengthen our communication both within our movement and also to the outside audience. I feel we do not have such skills and often we end up using not clear messages or repeat the way in which the corporate media communicate, which is very poor and incomplete. We need to use alternative methods of communication that also promote critical thinking.

The most important barrier to expanding the social movement work is the high centralization of all activities in Guatemala City. Organizations that provide training and even funding support are all in the capital city and they want to have all activities here. We have met small organizations from other parts of the country that need support, but they cannot travel to the city to attend workshops and other events. I think there must be a decentralization of all activities to support the many small organizations outside Guatemala City.

I believe more and more donors should be able to finance partnerships where members of such partnerships are not legally registered and where legal responsibility over the execution falls to an organization that is also a member of this partnership. And that a part of the resources can be used for activism, another part for the technical support of such activism, and another part for litigation or any other situation that derives from such activism . . . [such as the need for] protection and security. For me, this is the ideal model.



Guatemala's long history of activism around human rights and accountability peaked with the emergence of the massive anticorruption movement of 2015. This movement was effective in forcing the resignation of several corrupt political leaders through methods of nonviolent action. However, these changes were mostly cosmetic and failed to address underlying, systemic causes of corruption and impunity. In addition, the new, urban movement failed to connect with preexisting movements with deeper organizational roots, particularly the indigenous movement. This failure to consolidate the gains of the 2015 activity was both symbolized and underlined by the eventual expulsion of CICIG, a major blow for the TAGG movement and for Guatemala.

However, while CICIG's departure is a definite setback, significant grounds for optimism remain. The 2015 social movement facilitated the emergence of a rich, new civil society space focused on TAGG issues. Many of these organizations remain active today. They carry the potential to continue pushing for broad, structural changes in the legal, electoral, and judicial systems and are working with reformers in government to root out the corruption that permeates many of Guatemala's state institutions. At the local level, transparency and probity commissions are carrying out social audits and working with government officials to address issues of corruption in different municipalities. Ideological polarization has threatened the operations of many CSOs in Guatemala and the broader TAGG movement, but there are young activist and grassroots organizations such as JusticiaYa and Alianza por las Reformas that reject such divisions and refuse to let them hinder their work.

These organizations could benefit from various kinds of financial, technical, and training support from international actors, especially support to help movement actors better tackle the underlying causes of corruption and the systems that perpetuate it. As the interviewees urged, such support should be *flexible*, allowing movements to adapt and better respond to changing dynamics on the ground; *long-term*, to ensure the sustainability of the movement's work and allow it to plan well into the future; and *responsive* to the stated needs of movement actors. This sort of assistance would help form the foundation of productive local-international partnerships that are based on deep contextual knowledge, respect for local needs, and a commitment to sustainability. Such partnerships could ultimately strengthen efforts to root out corruption and to introduce reforms that are both effective and enduring.

Notes

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