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Introduction

This working paper represents the collective product of the 2000, and final, cohort of Junior Scholars. From 1995-2000, the Junior Scholars Training Program provided a research and training opportunity in the United States to mid-level scholars or practitioners from Latin America involved in public policy issues. The objective of the program was to contribute to the design and practice of public policy in Latin America. Grantees spent one semester at a major university in the United States, under the guidance of a mentor known for his or her excellence in the chosen field of study. The grantees also were exposed to research facilities, international financial and policy institutions, and government bodies in Washington, D.C. Over its years of existence, the Junior Scholars Training Program provided support to close to two dozen researchers from throughout Latin American and the Caribbean.

The scholars whose work is represented in this document, as well as their respective placements and mentors, are:

Gonzalo Alcalde, FORO Nacional/Internacional, Lima, Peru: “International Cooperation for Social Development Objectives,” Professor Merilee Grindle, David Rockefeller Center for Latin American Studies, Harvard University;

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Trends in International Development from a Peruvian Perspective: International Cooperation for Poverty Reduction

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I. Introduction

This paper examines emerging trends in international development cooperation from a Peruvian perspective, focusing on key international actors and their changing approaches to aid. Based on these trends, it seeks to outline some of the main challenges that Peru faces in becoming a significant aid recipient that effectively uses aid as a catalyst for poverty reduction.

In the late 1990s, poverty reduction clearly became the main stated objective for development cooperation (German and Randel, 1997; OECD/DAC, 1999). The underlying motivations and actual policies of actors engaged in development cooperation may continue to differ significantly in each case, yet these institutions—from grassroots nongovernmental organizations to the World Bank—now similarly stress the importance of aid being directed to the poor and to their basic needs. At the same time, and as a result of a series of international agreements and shared agendas, spending on basic education and health has come to be regarded as the key indicator of how much donors are mainstreaming their aid efforts to poverty reduction (Eurostep and ICVA, 1998)

It is generally agreed that aid can be both a catalyst for change and a valuable complement to scarce national resources for poverty reduction, especially in terms of education and health spending. However, development cooperation programs are only successful under particular circumstances and, on the other hand, donors are generally still not living up to their financial commitments to aid for poverty reduction.

Peru has long been one of the main aid recipients in Latin America, and at the end of the 1990s was the top recipient of bilateral cooperation resources in the region (OECD/DAC, 2000, Table 34). While aid to Latin America as a whole has not increased significantly in recent decades, two subregions—the Andean countries and the nations of Central America and the Caribbean—continue to receive significant amounts of aid. Moreover, Peru has received substantial international funding for the education and health sectors in recent years.

And yet there are evident weaknesses in the Peruvian development cooperation system that cast a veil of doubt on the effectiveness of aid for Peruvian social development, and which

¹ This paper is based on research carried out between January and May of 2000 as Visiting Associate at the David Rockefeller Center for Latin American Studies (DRCLAS) at Harvard University. I wish to thank Dr. John Coatsworth, Steve Reifenberg and Jill Konz at DRCLAS for providing me with all the facilities necessary for research, as well as Professor Merilee Grindle of the Kennedy School of Government for her valuable guidance as mentor.

My stay at Harvard was made possible by a Junior Scholarship from the Woodrow Wilson International Center's Latin American Program. I especially wish to thank Joseph Tulchin, Cynthia Arnson, Kathy Morse and all the Woodrow Wilson International Center's Latin American Program for this exceptional opportunity and for their support.

may endanger Peru's position as a significant aid recipient in a changing context for development cooperation.

As the twenty-first century begins, some major characteristics of the emerging international context for development cooperation are:

- (a) Converging views on development and international cooperation among major international development actors
- (b) An expressed commitment to the reduction of poverty as the overarching goal of development cooperation.
- (c) Scarce financial resources for international cooperation and great contrasts between the discourse and the practice of development cooperation.

After briefly reviewing the general emerging context for development cooperation, this paper focuses on how approaches to development cooperation are changing in the international development actors that are of particular relevance to Peru. Attention is paid to their general approach to poverty reduction and to basic education and health services in particular—fields that are considered to have a major impact in the long-term goal of eradicating poverty.

Finally, general implications of this emerging context for Peru are suggested, bearing in mind its situation as a lower-middle-income country with extended poverty, and the need for significant change in Peruvian social policy in order to better address poverty reduction. In this regard, some key challenges and opportunities for Peru's international cooperation system are reviewed, if the country is to remain an attractive international cooperation partner that makes effective use of cooperation resources—financial and technical—in its fight against poverty.

What is international development cooperation?

In an era when a large and diverse flow of financial resources, goods and services from the North reaches the developing world, it is important to clarify what is referred to as “development cooperation.” First of all, a variety of resource flows to the developing world can be grouped under the general category of development finance. This category, however, includes many flows that, like private flows at market terms and some types of official flows, would not normally be considered aid or assistance specifically aimed at fostering the recipient's development objectives.

The notion of aid is better reflected in the Organization for Economic Cooperation and Development's (OECD) definition of “international development cooperation.” This includes any concessional transfer of financial resources, goods or services that aims at fostering economic and social progress in developing countries. (OECD-DAC, 1998) “Concessional” itself can be ascertained according to formulas defined by the OECD. Thus, international development cooperation primarily includes flows of Official Development Assistance (ODA) and nongovernmental assistance. It involves technical cooperation, funding for specific programs and projects, and also food aid and emergency or humanitarian assistance.

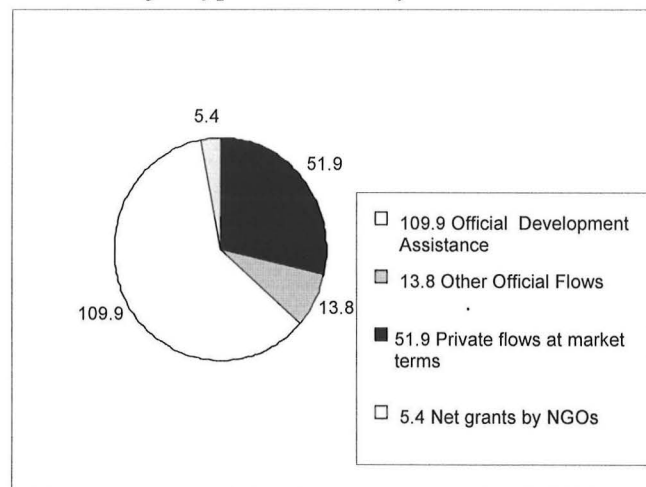
In most cases, resources are provided by the governments of industrialized nations or by multilateral institutions. Yet, even though development cooperation has traditionally been

identified with North-South official flows, a significant and influential part consists of private resources like those of Non Governmental Organizations (NGOs). Additionally, some technical and financial cooperation takes place among developing countries.

International cooperation between North and South can be *bilateral* –when it is established through agreements between two countries—, *multilateral* –when cooperation reaches the developing country through an international institution like the World Bank or the regional development banks—, or it can be *nongovernment* cooperation that involves NGOs and other private actors in the North or South, sometimes with practically no involvement on the part of national governments.

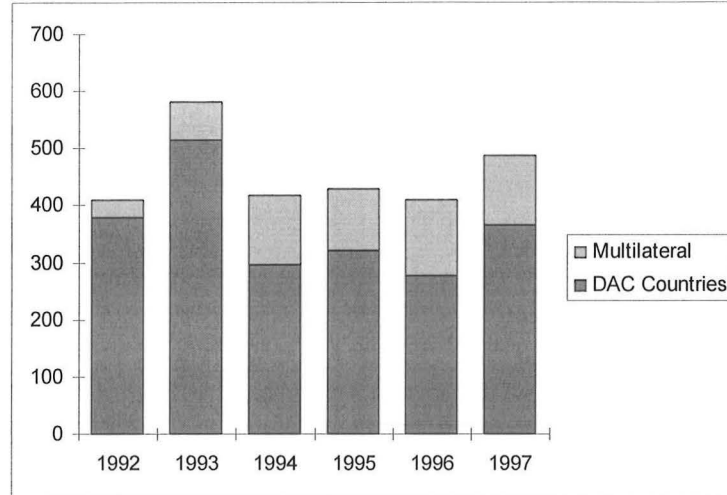
In the case of the main group of donors —the Development Assistance Committee (DAC) countries of the OECD—, Official Development Assistance (ODA) reached nearly US\$ 52 billion in 1998, of which Peru received \$502 million. The net contribution of NGO grants from these countries to the developing world amounted to over US\$ 5,000 million. To put these figures into perspective, it should be noted that total net flow of financial resources from DAC countries to developing countries and multilateral institutions amounted to nearly \$181 billion in 1998, although net resource flows from DAC countries *and* multilateral institutions to developing countries only amounted to around \$240 million (OECD/DAC, 2000). (See Figures 1 and 2)

Figure 1. Total Net Flow of Financial Resources from DAC Countries to Developing Countries and Multilateral Organizations:
Major types of flows by US\$ billion



Data from OECD/DAC 2000.

Figure 2. Net Official Development Assistance to Peru, US\$ million



Data from OECD/DAC, 1999.

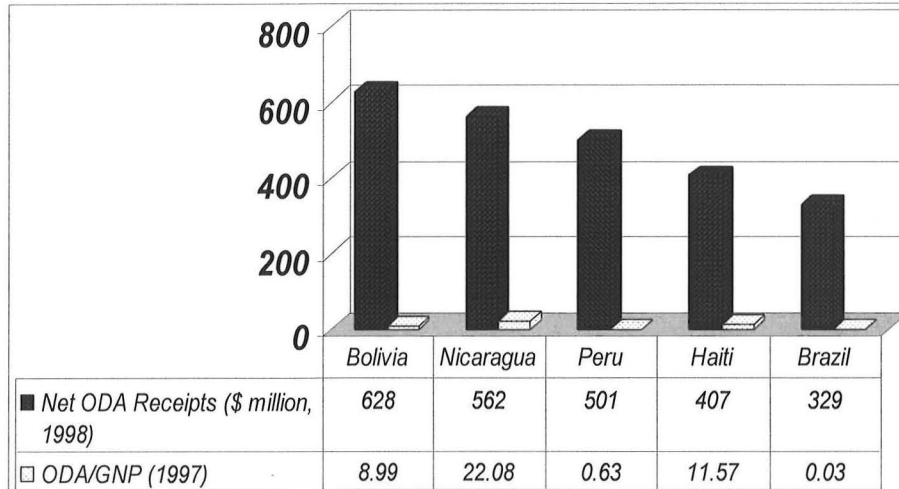
II. A new context for development cooperation in 2000

Peru as an international development cooperation actor in 2000

In the last decade, Peru has sustained its place as a major Latin American recipient of foreign assistance. In the period 1997/1998 it was the only Latin American country among the top 15 recipients of bilateral ODA, and was also the top recipient of United States bilateral aid in the region (OECD/DAC, 2000). However, despite the large volume of aid that has reached Peru, and unlike some other major financial aid recipients, it can hardly be said that Peru's economy is highly dependent on these financial flows, since ODA represents well under 1% of its GNP. (see Figure 3)

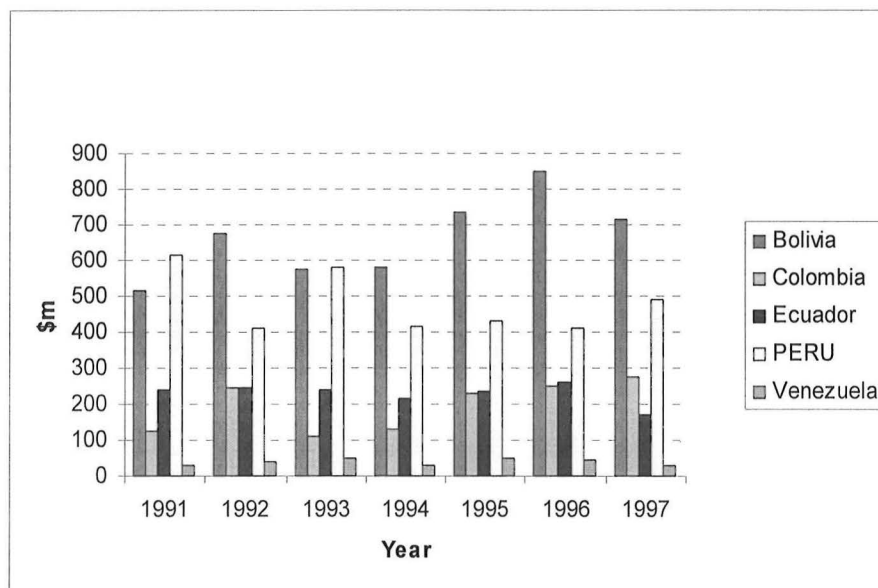
As in the case of Bolivia and other countries in the Andean region, high levels of poverty and inequality can explain the continued interest of donors throughout the 1990s (see Figure 4). In the case of Peru, drug trafficking and the internal war against guerrilla groups accentuated the interest of individual donors (especially the United States) and multilateral organizations in providing development cooperation, in large part out of concern for maintaining stability in the region.

Figure 3. Top five Latin American ODA recipients (1998) and their dependence on aid



Data from OECD/DAC, 2000

Figure 4. Net Official Development Disbursements from all Sources to the Andean Countries



Data from OECD/DAC, 1999.

As development cooperation becomes increasingly focused on certain categories or groups of countries, two key characteristics that define Peru's place in the international cooperation system are:

- Peru is a lower-middle income country in terms of its GNP, according to the classification system widely used by the World Bank, the OECD and other institutions. This middle

income status determines its access to generally *less* concessional sources of financial cooperation.

- At the same time, Peru has one of the largest populations of poor people in the world (It had the 12th largest according to recent UN estimates). This is particularly relevant as poverty reduction gains ground as the overarching objective of development cooperation. In terms of social conditions, Peru is also characterized by profound regional and ethnic inequalities and by inadequate access of the poor to social services of acceptable quality.

However, the magnitude of Peru's problems alone does not guarantee that international cooperation will be used effectively for development and poverty reduction objectives. Neither is Peru's place as a recipient of substantial amounts of aid guaranteed in the future. The state's international cooperation system is generally described in terms of its ineffectiveness (ALOP, 1999; Valderrama, 1995), and is characterized by the lack of an agency that coordinates cooperation efforts or even integrates information about programs or projects. Moreover, many international donors have noted that development coordination programs are not oriented towards well-defined national or even regional development objectives.

As Valderrama (1995) notes, this has not always been the case. In fact, from the 1960s until the 1980s Peru was recognized as a leader in the field of international cooperation. Particularly in the 1970s, development cooperation was well integrated into development objectives and there was ample coordination among different government sectors. However this system was disintegrated in the 1990s, and there is a noticeable lack of political will to manage international cooperation in a more efficient, coordinated manner. Beyond the high level of cooperation resources that Peru received in the 1990s, this clearly affects Peru's medium-term prospects as an effective development cooperation partner, as "it is clear that a country ... cannot engage cooperation without an integrated program of activities that defines priorities." (Valderrama, 1995, p. 83, our translation) This rings particularly true in light of the emerging trends in international cooperation after the 1990s, specially those responding to criticisms about the perceived ineffectiveness and misallocation of aid.

The 1990's: Development cooperation in transition

Although the international cooperation system has been subject to waves of criticism since at least the 1960s, and although ideas on how to bring about development and how to organize development cooperation have changed and evolved since the late 1940s, the 1990s nevertheless marked an era of particularly arduous transition for the international development cooperation system (Sagasti and Alcalde, 1999). At least two broad and closely-related sets of factors can be identified in order to explain the perceived crisis and to understand the emerging context.

a) Adapting to a new international context

In a period characterized by processes of globalization and by the disintegration of a longstanding political order, individual countries and multilateral institutions saw the need to adapt international cooperation to the rapidly changing context. Particularly after the end of the

Cold War, the world has changed rapidly and dramatically in many aspects, among them a shift in security priorities, growing economic and financial interdependence, and the rise of the “information society.” Thus the motivations for foreign aid have changed for donor governments, just as changes have had an impact on the availability of public funds and on foreign policy priorities.

Additionally, even as funds for ODA grew particularly scarce after the late 1980s, new issues came to the forefront of the public’s attention in both rich and poor countries and now coexist with traditional concerns of aid. Among them are persistent social inequalities at the global level, democratic governance, environmental sustainability, global financial instability, culture and ethnicity, and gender.

b) Addressing criticism about the impact of development cooperation.

It can be argued that development cooperation has had a mixed record of successes and failures in its five-decade history, often depending on whether aid is judged according to its own specific objectives or according to broader objectives such as relieving poverty (Cassen, 1994). However, multilateral and bilateral development institutions faced widespread criticism at home and abroad since the late 1980s, perhaps more so than in any previous period. Without exception, the main actors in international cooperation had to eventually reconsider their policies and practices.

After five decades of development cooperation, aid has been viewed by many in civil society and governments as ultimately ineffective in fulfilling the objectives of ending poverty and improving living conditions. Among the reasons given for this were wrong policy prescriptions and narrow, growth-oriented approaches to development, exemplified by the World Bank/ IMF structural adjustment programs and their negative effects on poverty.

Other factors include the perception of aid as motivated exclusively by self interest, of aid as an afterthought and used to mitigate the effects of structural adjustment, misuse of funds on the part of developing country elites, and a general lack of accountability, transparency and citizen participation in the system. Fueling such criticisms were documented cases of harmful social and environmental consequences of particular development projects in developing countries.

Characteristics of a changing cooperation system

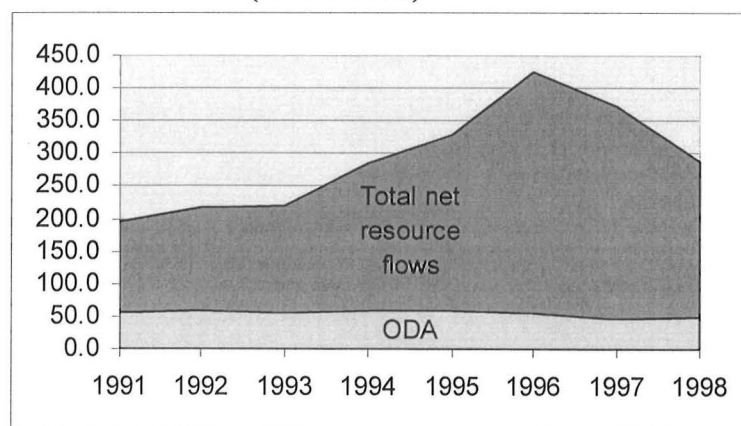
What are the general characteristics of the international development cooperation system after a decade of transition? On one hand, one can clearly see an *emerging international consensus* in the public positions of various governments, international institutions and NGOs; a broad convergence of views on development and international cooperation. Unlike previous decades, since the 1990s various governments and institutions seem to advance along similar lines in terms of development definitions, objectives, and priorities, and also in terms of the ways to improve the effectiveness and relevance of development cooperation. The DAC’s “Principles for effective aid” and “Shaping the 21st Century” documents were particularly influential in this regard, setting standards to be followed by the development agencies of the main donors and making poverty eradication the center of aid policy (OECD, 1996).

Furthermore, this emerging consensus involves an expressed commitment to the reduction of poverty as the overarching goal of development cooperation, and the formulation of shared goals in this respect—for example, the 20/20 Initiative, discussed in the next part of this paper. Particularly in the context of a series of UN-sponsored social summits—such as Copenhagen 1995 and its 2000 follow-up—and responding to pressure from international civil society, states and development institutions made joint statements to the effect that the eradication of poverty must be the main objective of international cooperation. Broad goals and time-frames have been set at international conferences for eradicating poverty and devoting resources to this objective.

Undoubtedly influenced by the concepts of “human development” and “human poverty” championed by the United Nations Development Programme, poverty itself is increasingly conceptualized as a complex phenomenon related to many facets of development, not just economic growth and personal income. From this more integrated perspective, factors such as health and education are as valuable as income as indicators of development and personal well-being.

Yet, on the other hand, financial resources for international cooperation are still at their low, post-1980s levels (Figure 5), and there are great contrasts between the discourse and the practice of development cooperation. There is an inadequate targeting of social services in aid expenditure, aid is not primarily aimed at benefitting the poor, and, in general, prospects for an increase in aid volume or for rapid improvements are not good in the majority of donor nations (Eurostep and ICVA, 2000).

Figure 5. Total Net Resource Flows from DAC Member Countries and Multilateral Agencies to Developing Countries (US\$ billion)



Data from OECD/DAC, 2000.

ODA as a percentage of donor nations’ Gross National Product reached its lowest point since the 1960s (0.22%) in 1997, at the same time that industrialized nations ratified their commitment to devote 0.7% of their GNP to development assistance (Eurostep and ICVA, 2000). Despite an encouraging increase in overall ODA in 1998 that was the first in many years, in

financial terms development cooperation in the late 1990s reached its lowest historical levels while the number of poor in the world reached its highest.

Cooperation for education and health

There is now a broad consensus that basic education and health services are key for long term impact on poverty and on development. Good health and, particularly, education increase the earning capacity of the poor, increase the competitiveness of a nation's workforce and, in terms of human development, constitute valuable assets for people to realize their personal objectives and live full, meaningful lives.

As previously mentioned, aid for basic education and health has come to be regarded as the main indicator of how much donors are mainstreaming their aid efforts to poverty reduction. In this regard, it should be noted that, in addition to cooperation resources not being mostly directed at the poorest, aid for basic education and health still rarely reaches 10% of individual donors' total ODA; in fact, only an estimated 1% of total DAC ODA in 1998 was devoted to basic education and 1.3% to basic health. (OECD/DAC, 2000)

In the 1990s, most major cooperation actors came to realize that inclusive and sustainable development and economic growth require improved performance in the delivery of health, education and other social services. Thus, the role of international cooperation in these social sectors is no longer restricted to providing complementary financial resources for infrastructure or for implementing current policies, but rather seeks increasingly to have an impact on policy design and on broader institutional change. Institutional reform in these fields can be conceptualized as second generation reforms, after the first generation of reforms related to structural adjustment programs and macroeconomic reform, which most Latin American countries underwent in the 1980s and 1990s.

External financial and technical support can facilitate reform once initial government commitment to reform is assured (Graham, 1998; Nelson, 1999). However, institutional reforms are complex and politically difficult endeavours that are often postponed by governments, who may instead concentrate on piecemeal change or on shorter-term solutions to poverty reduction, such as safety net programs. After all, providers of public services are usually politically strong and have significant vested interests in existing arrangements, while the users, who may push for better services, are poor and relatively weaker. (Graham, 1998)

In the 1990s, many significant programs in the Peruvian health and education sectors were financed by international cooperation, although integrated reforms have not been undertaken in either field. In education, for example, a World Bank loan financed the \$146 million "Basic Education Quality Project" between 1995-2000, the Inter American Development Bank financed the \$100 million "Special Program for the Improvement of Education Quality" between 1996-2001, and UNICEF financed \$11.4 million of the 1992-1998 "Basic Education" project, all of which were implemented by the Ministry of Education. (World Bank, 1999).

III. International institutions and development cooperation: Changing approaches

This section looks at the changing approaches to international cooperation that are being adopted by selected international development actors of particular relevance to Peru –the Inter-American Development Bank, the World Bank, the United Nations Development Programme, the United States Agency for International Development, and International Nongovernmental Organizations. A review of these transformations, combined with an understanding of the general characteristics of the emerging international context for development cooperation (Part II), can help to identify emerging trends in development cooperation. Identifying these trends can, in turn, help to understand the challenges and opportunities ahead for Peru in the field of development cooperation.

For each selected institution or set of institutions, the focus in this section is on their current approach to social development and poverty reduction, and to basic education and health services in particular, together with an overview of each institution’s place and significance in development cooperation.

Key reference points

Along with the particular characteristics of the international context of the 1990s, some specific landmarks –including international agreements and influential documents—explain common elements in many of the transformations underway in the institutions discussed ahead.

The OECD’s Development Assistance Committee’s (DAC) “Principles for Effective Aid,” published in 1992 reflected the work of DAC member agencies together with the World Bank, IMF and UNDP. Responding to the changing international context and to criticism from governments and civil society organizations, these actors sought to learn from lessons of previous decades of aid, and to outline principles in the key areas of aid management, including broad policy orientations and more specific operational guidelines to ensure a more effective use of aid. Members agreed to gradually adapt their current practices to standards set in these guidelines, and the implementation of policy principles by each member began to be reviewed by DAC.

Among the lessons identified from previous decades of development cooperation were:

- Aid can only be as effective as the policy environment in which it operates.
- There is a need for improvements in project appraisal, project selection, defining objectives, flexibility in design, and ability to adjust when necessary.
- There is a need to ensure commitment and motivation of local counterparts and targeted populations.
- Greater attention to technical cooperation is necessary; improvements could lead to substantial pay-offs.
- Aid must support broader sectoral and national efforts and policies, and not just specific projects.

- There is a need for policy and programming advice from donors that is accepted by other donors and takes into consideration various constraints faced by developing country.
- There is a need to strengthen international aid coordination and reach consensus on priorities.
- Donor competition for attractive projects must be avoided in order to enhance coordination and effectiveness.
- More flexibility regarding aid-tying is required. (OECD, 1992)

Consequently, DAC principles were outlined for such issues as aid coordination among donors, project appraisal, technical cooperation, programme assistance, women in development, environmental impact assessments, procurement for ODA, measures of tied aid, and aid evaluation. In 1996, DAC proposed International Development Goals for the international cooperation community. A further important contribution of DAC to changes in the 1990s was the concept of development cooperation “partnerships” in order to pursue such goals, involving such actors as the various “official” agencies (multilateral and bilateral), international and local civil society organizations, and developing country governments.

Additionally, DAC initiatives were important factors in the consolidation of what have been called the multilateral institutions’ “new mandates” in the 1990s: achieving greater accountability, transparency, and participation (Tussie, 1997). Indeed, the policy orientations of both bilateral and multilateral actors for the 1990s incorporated participatory development notions, especially regarding the populations affected by particular programs and civil society organizations, and stressed the need for greater accountability and transparency in all aspects of aid management. Along with these, a theme echoed in various institutions was that of policy coherence and consistency in development objectives, looking at impact of trade, financial, economic policies on developing countries.

Another key reference point for the emerging trends in international cooperation for poverty reduction in the 1990s is the series of United Nations-sponsored conferences on international development themes, notably the 1995 Social Summit in Copenhagen. As a result of the dialogue at this and other international fora, the 20/20 objectives were adopted by both developed and developing countries.

The 20/20 Initiative was originally a UNDP proposal for developed countries to devote at least 20% of their aid budgets to the basic social sectors—education and health—and for developing countries to commit at least 20% of their national budgets to these sectors. Fulfillment of the 20/20 objectives is beginning to be actively monitored at the international level; a recent ECLAC (Economic Commission for Latin America and the Caribbean) study regarding Peru concluded that the 20/20 were being met in the country in 1998 (Vásquez et al., 1999).

The Inter-American Development Bank (IDB)

Overview

Since its creation in 1959, the IDB's functions have been defined in terms of fostering economic and social progress in Latin America and the Caribbean. It has mainly been involved in project financing and in supporting investment flows to assist regional governments in achieving these ends. However, the Bank's current stated priorities —poverty reduction and social equity, modernization and integration, the environment, and support for the private sector—, along with an increasing emphasis on policy and systemic reform issues, suggest a widening scope of actions.

Latin American and Caribbean nations are shareholders in the Bank and its borrowing members, while the United States (with close to a third of the voting power), Canada and eighteen countries from outside the Western Hemisphere are also Bank shareholders and constitute the “lender” side. The borrowing members have significant input in the Bank's operations and policies, holding a majority of the voting power. These characteristics, along with the Bank's close relations with regional governments, clearly distinguish the IDB's development cooperation efforts from those of other multilateral institutions.

The IDB's significance as a development cooperation partner since the 1990s is illustrated by its status as the leading source of multilateral financing for the region. Financial flows consist generally of reimbursable loans rather than grants. The Bank had provided a total of \$95 billion in loans to Latin American and Caribbean countries by 1998, and it plans to provide a further \$40 billion in the period 1998-2003.

Although there is an ongoing emphasis on financial assistance related to development issues, in the 1990s the Bank has dedicated significant financial resources to “bail outs” in the context of financial crises and in emergency-related financial assistance. However, it sees itself as supporting development in the region not just through loans but also through policy research and analysis and through technical cooperation activities.

As the Bank underwent institutional change and its scale of operations grew in the 1990s, it began to shift away from its previous emphases on project investment financing, in a manner that somewhat parallels changes at the World Bank. It has gone from primarily dealing with economic and social-infrastructure related projects to incorporating and focusing on sectoral policy aspects and on long term social reform.

The IDB's lending program is guided by *strategies* for sectors, regions and countries, and these strategies seek to operationalize the *mandates* given to the institution by its Governors. The current mandates are those Bank practices and procedures corresponding to the Eighth Capital Replenishment of the Bank's capital base in 1994, which also reaffirmed mandates from the Seventh Replenishment (1989). These mandates are considered the single most comprehensive statement of the Bank's current priorities. The new mandates at the Seventh and Eighth Replenishments outline a new approach to development cooperation, an increased commitment to social reform and poverty reduction, and policy guidelines for involvement in the social

sectors. The new mandates also address in a general manner the need to strengthen participation and IDB accountability to member governments, affected populations and local NGOs.

IDB's work towards social development objectives is based on the design of program and process strategies (Lustig and Deutsch, 1998). *Program strategies* include, first, those related to the promotion of social and economic welfare (and individual capabilities and opportunities); second, those related to prevention of social problems; and, finally, the more short-term oriented remedial programs intended to correct or mitigate social and economic disadvantages. On the other hand, *process strategies* are those that seek to change the practice of development, fostering consultation and participation in policy and project design as well as decentralization and the promotion of local initiatives.

Trends in cooperation for social development and poverty reduction

Since the 1990s, the Bank has explicitly acknowledged that fostering economic growth is essential but not enough for achieving increased social equity and poverty reduction (Lustig and Deutsch, 1998; Morley, 1997). In the Bank's own terms,

“The nature of poverty and social equity calls for a wide range of activities closely linked to social reform and poverty reduction. They include initiatives in education, health, sanitation, nutrition and housing solutions as well as activities reaching beyond the traditionally defined social sectors, in the fields of urban and rural development, job creation, environment and the Modernization of the State ...” (IDB, Eighth Replenishment, Point 2.13)

Poverty has been defined as closely related to cultural, income-distribution, population, gender, and political factors. Nevertheless, the working conception of poverty at IDB does not yet seem to integrate multiple aspects as fully as UNDP's, for instance, and income is still the preeminent criterion when discussing the subject.

The IDB has paid significant attention to social sectors —health, education, urban development, water and sanitation projects—, since the 1960s. Poverty reduction has been a major stated objective since at least 1979, when the Bank began aiming to lend at least 50% of its resources to benefit low-income groups. In the 1990s, the Eighth Replenishment set a goal of 40% of its total volume of lending and 50% of loans to be devoted to projects promoting social equity and poverty reduction. The greater poverty reduction orientation is reflected most notably in increased lending in Education, Health and other social sectors —to over 40% of annual lending in the period between 1994 and 1997—, and in improvements in the poverty targeting of Bank loans in general, where a third of all loans between 1995 and 1997 were considered “poverty-targeted.”

IDB now holds that social reform and poverty reduction require policy approaches tailored to the needs of each country, as well as the adaptation of Bank instruments for lending and for monitoring and measuring impact. Nevertheless, this country by country approach in the social sectors is supported by a program strategy for “Supporting Reform in the Delivery of Social Services” that was approved in 1996, and a “Strategy for Poverty Reduction” was officially presented in 1997 (not yet approved by the Board of Directors).

The Bank's above-mentioned Poverty Reduction Strategy (1997) puts at center stage measures to improve the earning power of the poor, while also considering the need for additional non market-related measures in order to improve living conditions. First, according to this strategy, there is a need for interventions to make economic growth more beneficial to the poor, increasing their earning opportunities in such areas as agriculture, microenterprise, labor-intensive export goods, and the construction of infrastructure. The second component of the strategy, crucial to the long-term solution to poverty, is to “increase the earning capacity of the poor through *human capital formation*,” with an emphasis on education, health and gender-equity issues. A third component consists of government interventions in areas where the causes of poverty cannot be properly addressed through market-oriented measures (ie. focused on increasing the earning power of the poor). Included in the third component are: transfer programs which help the poor in the short run but also aim to make them more productive in the long run; social safety nets for those unable to care for themselves and for emergency situations; special policy considerations for indigenous groups and the linkages between poverty, ethnicity and cultural aspects; and public goods to improve living conditions of the urban poor, addressing basic services and the issue of violence.

As for the means to achieve these objectives, the strategy finds great potential in the Bank's policy analysis and reform capabilities, considering them essential for loan effectiveness and as influential factors on policy dialogue and decisions. A striking argument here is that, given the relatively small size of bank loans compared to public expenditures in the region, Bank activities such as poverty monitoring and assessment, country program formulation and policy research could have a greater impact on poverty than loans insofar as the former can influence government policy and make it more progressive. (Morley, 1997)

Loans and technical assistance are, nevertheless, the main direct channels by which poverty reduction is to be addressed. Thus, there is a perceived need to improve their impact. This entails living up to the general objectives set in the Eighth Replenishment of improving targeting mechanisms within projects and improving the measurement of the poverty impact of projects.

Emerging approaches to education and health

The IDB's emerging priorities in the education and health sectors in the 1990s include decentralization, citizen participation, stakeholder consultation, service provider incentives and accountability, indicating a shift in the IDB's approach to social sector lending and manner of operations and thus paralleling the World Bank's approach in many ways. (Nelson, 1999)

The strategy for “Supporting Reform in the Social Services” (1996) emphasizes the need to reform health and education service delivery systems—which are highly centralized and hierarchical in most cases in the region, and thus generally inefficient and ineffective—, and reflects the Bank's move towards assistance for systemic reforms.

The three key elements of the Supporting Social Services Reform strategy are related to, (i) supporting reforms that will ultimately generate incentives in each sector for “an efficient and effective allocation of resources consistent with stated sectoral objectives,” (ii), to realistically

appraise the institutional context of these service delivery systems and, (iii), to pay increased attention to implementation “given the added complexity of operations which support reform.” (IDB, 1996, p. 2) More specific objectives are to encourage multiple sources of supply, to strengthen regulation, to allocate funds to projects according to measured outcomes, to base decentralization on a definition of the most effective roles at each level, and to support country initiatives. (Nelson, 1999)

In order to achieve such goals, the IDB states a need for more flexible rules and schedules, on its part, in projects dealing with complex institutional changes. It also notes a need for better political and institutional analysis regarding change in the social sectors. The Supporting Social Services Reform strategy document also calls for IDB contributions to the social sectors to go beyond financial resources provided by loans. The basic reasoning behind the Bank's reform-oriented approach to health and education is clear in the following statement:

“The Bank's focus should ... be on increasing the return on total expenditures in (health and education), and this requires addressing the problems behind the misallocation of resources and inefficiencies and inequities in delivery.” (IDB, 1996, p. 5)

Outlook

A changing approach to the development process has translated into increased links to subnational government, civil society organizations and the private sector. This is also true of the IDB's poverty reduction and social sector work. Tussie (1997) finds reason to believe that institutions like IDB and the World Bank are seriously committed to implementing their broad new mandates of transparency, accountability and participation. However there are great differences in the progress achieved in each country in this respect. Overall, the participation mandate, in particular, appears to be in the early stages of implementation.

In the social sectors, this search for greater participation has resulted in the Social Policy Dialogue initiative, which has already fostered dialogue on education priorities in Honduras (McCulloch, 1999). NGOs have been significantly involved in the implementation of social sector projects, though, as in the case of Peru, not as often in designing them or in identifying potential projects. Moreover, the IDB has been observed to have a less active policy of involving NGOs in social projects than the World Bank. (Campodónico, 1997) On the other hand, the IDB has also engaged the private sector to a limited extent and actually financed private sector projects in health.

In terms of volume, social lending by the IDB seems set to continue at a significant level, combining traditional projects and new types of loans that have been introduced in the 1990s. However, it is not clear how long it will take for actual operations and procedures at the country level to fully reflect the IDB's new agenda. The changes in operating procedures and instruments have been slow and partial compared to the changes in the Bank's rhetoric and in the sectoral composition of its lending (Nelson, 1999; Tussie, 1997). As the new agenda affects both the sectoral and the process aspects of social development, it is to be expected that, when fully implemented, the new mandates introduced in the 1990s will result in IDB offering developing countries a significantly transformed array of assistance options.

The Bank itself admits that adapting its operations to a systemic reform orientation in the social sectors poses great challenges:

“... this new orientation represents a move into relatively uncharted territory where both technical design issues and project implementation pose new challenges. Social sector investments are intrinsically difficult and promoting reform adds an additional layer of complexity and potential problems.” (IDB, 1996, p. 24)

Nelson (1999) finds that the IDB has important advantages in promoting social sector institutional reforms, and they stem from its knowledge and traditional awareness of political constraints in the member countries. Although new policies and instruments take a relatively long time to approve at the IDB, they tend to be the result of a consultative, consensual process involving the borrowing members. Additionally, its country by country approach appears closer to the process mentality required for institutional reform, as opposed to the blueprint approach advocated in the past by other multilateral institutions.

Nelson also points out some challenges towards the implementation of the Bank's reform orientation. First, additional specialized staff may be needed for monitoring reform projects, as these efforts are qualitatively different from other projects. Also, it may be necessary to draw out specific strategies for each social sector, despite the IDB's emphasis on country by country approach. There is also a need for formal mechanisms for sharing information and experiences in different countries, as well as for bankwide coordination and guidance. As far as the structure of the Bank itself, Nelson points out that staff continuity and large country offices are positive in that they ensure familiarity with each country's particular set of problems, but there is a lack of expertise in social sector issues related to these characteristics. Moreover, she also finds a lack of familiarity with evolving goals and approaches at the Bank's central level.

These aspects are critical, as policy endeavors, and institutional reform in particular, are complex and often slow and subtle processes, and projects in these areas cannot be carried out using the same criteria as traditional types of projects if they are to be successful. Longer, flexible time frames and increased attention to monitoring and evaluation are fundamental in reform-oriented projects. The necessary changes in operating rules and practices will require changing some ingrained perspectives and institutional incentives at the IDB in order to effectively promote institutional reform in the social sectors.

Final comments

Further progress in implementing the new mandates appears likely, given the already significant changes at IDB during the 1990s and the current trends. Significant continued resistance to changes is to be expected from within the Bank and from borrowing countries. An overall challenge for the IDB is for it to maintain its advantages relative to other development institutions (its close relations to governments and attention to particular country characteristics) through a process of significant change in policy and procedures. For instance, it should be able to improve its image of being slow (in approving projects, etc.) without damaging its tradition of careful consultation without borrowing governments and other actors.

International Bank for Reconstruction and Development (The World Bank)

Overview

In terms of lending volume and visibility, the World Bank is the most influential multilateral development institution. Its development assistance activities address the economic and social development of 181 member countries. While the World Bank's concept of development has evolved in the past 50 years and has recently come to include cultural, environmental and other factors, the Bank itself considers that its greatest contributions to development will continue to be in the economic and social development fields. (World Bank, 1998)

In the 1990s the World Bank underwent major adjustments in its operations, organizational structure and product line. On one hand, these changes can be seen as motivated by strong criticism from the outside, regarding both the style—accountability and transparency—and effectiveness of its development assistance and the social and environmental consequences of its policy conditionality on the people of developing countries. At a more general level, the Bank is still the subject of intense criticism regarding its leading role in the global economy as an advocate of export-led growth models and financial and trade liberalization, which are perceived as undermining more equitable and environmentally sustainable development.

On the other hand, changes also reflect the Bank's effort to adapt to a new context of mostly private financial flows to the developing world, a knowledge-oriented world economy, diversified sources of development assistance, new organizational paradigms for business, and a broadening paradigm of development.

The Bank's 1997 two-year Strategic Compact sought to redirect the Bank's operations in order to meet new challenges and to improve effectiveness, and one of its four key elements was the refocusing of the development agenda on issues of social and environmental sustainability and the changing role of the public and private sectors. Moreover, one of the basic overall goals was to achieve a more networked, partnership-oriented institution in order to improve the effectiveness of aid. Some of the results of these changes are a variety of new Bank products (including lending instruments), more comprehensive assessments of each country's development needs, and the pursuit of new development partners such as nongovernmental organizations.

In terms of the broader mandates of participation, accountability and transparency that characterize multilateral institutions since the 1990s (Tussie, 1997), the World Bank has taken some important steps that suggest a lasting commitment to these issues. Staff serving as liaisons with civil society now have an active role in country offices. Designing its Country Assessment Strategies, once strictly an internal undertaking, not only involves developing country governments but has in some pilot cases involved civil society. In Latin America, this has taken place in Peru, Colombia and El Salvador. *Recent trends in approach to development and social policy*

In the 1980s and into the 1990s, the Bank generally focused on development problems as economic growth problems, and carried out highly conditional, policy-based lending that

responded to the so-called “Washington Consensus.” These types of loans came to be seen as constituting the “first generation” of structural adjustment programs; such programs were generally applied to a variety of countries according to an often inflexible “blueprint.” However, the perceived ineffectiveness of such policies in addressing issues like persistent poverty, inequality and low quality of life has led to increased attention to other overlooked aspects of development. These include the social sectors, but also environmental, human rights and cultural factors.

By the late 1990s, the Bank openly acknowledged the importance of directly addressing people's needs and moving beyond economic growth measures, and began fostering Comprehensive Development Frameworks in a number of pilot countries. These integrate social, economic and cultural objectives across sectors.

In general, there has been a growth in World Bank awareness of governance issues and the importance of effective institutions, country-ownership of programs, and sound, coherent policies for development assistance to work. In the 1990s, Bank documents and statements called increasingly for enhanced participation of populations affected by Bank programs and for partnerships with governments, NGOs, civil society groups, bilateral agencies and other multilateral institutions. These new priorities, together with a number of specific measures, were ostensibly aimed at increasing not just effectiveness and efficiency, but also the accountability and transparency of World Bank operations.

The World Bank has a rather complex, multi-layered structure that has recently been adapted to new priorities. In order to better address the many facets of development, the World Bank has set up a number of thematic networks within the institution that cut across sectors and regions. Of particular relevance are the Human Development Network and the Social Development Family that is part of the Environmentally and Socially Sustainable Development (ESSD) Network. These social development networks include staff from all regions working on social issues, and are divided into thematic groups.

Focus on poverty reduction, education and health

After the emphasis economic and financial issues in the 1980s, poverty reduction has again become a major stated objective of the World Bank since the mid 1990s. Addressing its causes and effects is presented as the major concern of its social and economic development endeavors. Poverty Assessments have been carried out for a large number of its member countries in the 1990s, and their findings are included in the Country Assessment Strategies that guide assistance to each member.

The key components of the Bank's poverty reduction strategy are (i) investing in human capital (education and health), (ii) improved economic policies for growth, (iii) rural and agricultural economic development programs, and, (iv), debt relief. (world bank, human rights, p. 6) The steps for developing a poverty reduction strategy include understanding the nature and locus of poverty, choosing public actions that have the greatest poverty impact, and selecting and tracking outcome indicators. (World Bank, www.worldbank.org/poverty)

At the same time, the underlying principles for building poverty reduction strategies include ensuring country ownership of the strategy, orienting the strategy towards goals and measurable results, integrating institutional, structural and sectoral interventions for a comprehensive strategy, partnerships with governments, other multilaterals, NGOs, and other actors, and adopting a long-term perspective for reducing poverty.

The Bank's stated priorities in building human capital, together with its background and capabilities, highlight its involvement in the education and health sectors as part of poverty reduction strategies. These have undergone an evolution towards broader sectoral issues and "second generation" institutional reform. While there has been substantial criticism of the Bank for pushing "blueprint" approaches to institutional reform in both health and education, often ignoring political constraints and significant differences among countries, recent sectoral strategies recognize the need for a "process" approach and greater attention to national and other differences. Moreover, new types of loans such as LIL (Learning and Innovation Loan) and APL (Adaptable Program Loan) that were introduced in the late 1990s appear to increase the Bank's ability to support reform projects and display characteristics such as rapid approval and flexible time frames.

Lending for entirely health-oriented projects began only in 1979. The approach has evolved from a focus on infrastructure and equipment for improving diverse primary care activities and government services, until the late 1980s, to an increasing emphasis on capacity building and broader sectoral issues. The current approach based on systemic reform of the health sector was clearly stated in the 1993 World Development Report: Investing in Health. Projects identified with the earlier approach, aimed at more specific actions, still account for about one half of World Bank health lending, while the other half has reform objectives. (Nelson, 1999)

In education, the Bank began to pay attention to improving policy and institutions as far back as the late 1970s, in addition to its infrastructure and equipment-oriented projects. However, education lending was generally at a low level until the 1990s, and basic education was not given the top priority. The Bank's strategy in education (World Bank, 1999b) assumes the long-term goal of ensuring basic education of adequate quality for all, by reaching for international goals on basic education and improving the quality of teaching and learning. Its four global priority areas are basic education—focusing on education for girls and basic education for the poorest—, early interventions (including health aspects), innovative delivery of education and training, and some selected areas of system reform. Those selected areas are, (i), standards, curriculum and achievement assessment, (ii) governance and decentralization (of the education system), and, (iii), encouraging financiers and providers outside of government.

Furthermore, beyond the global strategic guidelines, the Bank is committed to designing regional strategies (for Latin America and the Caribbean, for instance) and country action plans for education. Although priority areas are to be determined on a country by country basis, some overall operating principles are to "focus on the client," "analyze comprehensively, act selectively," "use knowledge well," "concentrate on development impact," and "work with others in productive partnerships." (World Bank, 1999b)

Finally, it should be noted that the World Bank has a very significant capacity for research and analysis that complements its lending activities. This should be very important in evaluating reform projects and in comparing the experiences of different countries in the complex field of social sector reform. While changes in the Bank's approach to development cooperation have in many ways paralleled those in regional development banks like the IDB (which often follow the World Bank's lead), its significantly larger research and analysis capacity is a distinguishing factor of the World Bank regarding those and other development cooperation actors.

Outlook

For developing countries, the importance of the World Bank as a partner in reducing poverty and improving social sectors is illustrated by the fact that, in 1998, it was their single largest external source of finance for education. A continued leading role for the Bank in the international development is assured in the foreseeable future due to its annual lending volume of over \$ 20 billion, together with very significant capacities for technical cooperation and research, and with some innovative programs that begin reflect a new approach to development.

The current poverty reduction strategy and the sector strategy guidelines for health and education all incorporate to a significant extent such overarching priorities as partnership and participation, increased transparency and accountability, country ownership of development policies, improvement of impact-measurement and policy coherence across different sectors that are relevant to poverty reduction. Thus these are issues that the Bank's development partners will increasingly have to deal with.

On the other hand, broad criticism of the Bank's role in development and the global economy translates into constant pressure from civil society organizations for the Bank to speed up reform and adopt new approaches. Campaigns for change at the Bank are often effective because they involve networks of Southern and Northern NGOs that lobby national governments that fund the World Bank, such as the U.S., which in turn have a very real power to influence Bank policies and activities. Moreover, many campaign forcefully for eliminating the World Bank (and its Bretton Woods sister institution, the IMF) altogether, which can be seen as an important motivation for clear progress in improving the Bank's effectiveness.

The perceived mistakes of the past, plus its visibility and lending volume ensure that the World Bank will continue to be a prime target of pressure for the reform of development cooperation. While this may not be enough to quickly overcome levels of institutional inertia or change the mindset of everyone at the institution, changes in its practice of development cooperation may be bolstered to a degree unlikely in other, less visible institutions.

Overall, while there is an undeniable shift in the Bank's rhetoric towards a new conception of development and an emphasis on social sector reform as a crucial aspect of poverty reduction strategies, there are still important obstacles to overcome for this to fully translate into its operations.

There have been significant and rapid changes in the volume of social lending, and reform-oriented loans in particular, during the 1990s. However, as Nelson points out, a range of

problems within the Bank itself hamper progress in promoting social sector reforms. For instance, social sector loans are still being evaluated utilizing criteria developed for assessing infrastructure-type projects that are much more straightforward and predictable. Similarly, greater monitoring and evaluation is required in social sector reform endeavors than in traditional types of projects.

An overtly “economics” perspective still prevails among staff even though social sector reform requires an appreciation of political variables at different levels of government. Also, the need for better understanding of each system's characteristics before undertaking reform projects is sometimes overshadowed by an ongoing perception of staff that high spending levels should be sustained. “Moving money” is still regarded in some levels as an indicator of efficiency (Nelson, 1999).

United Nations Development Programme (UNDP)

Overview

Managing around \$2 billion in funds each year, UNDP is the largest source of grants for development cooperation within the UN group. Its efforts, which include development and humanitarian assistance, are mainly oriented towards low-income countries and those countries that are home to the greatest number of the world's poor. UNDP has a strong field presence with around 85% of staff in program countries, and has a relatively long history of focusing its activities on the national priorities of developing countries it works with (UNDP, www.undp.org).

The overarching objective of UNDP is the promotion of Sustainable Human Development (SHD), with poverty eradication as its stated central priority since 1995. UNDP assistance concentrates on four areas of development: Promoting an enabling environment for sustainable human development (which includes governance issues); poverty eradication and sustainable livelihoods; gender equality and advancement of women; protection and regeneration of the environment.

Recent trends in approach to development and social policy

In the last decade, UNDP has led the way for the mainstream of development institutions to adopt a broader, more holistic concept of development and of poverty. Gradually, other institutions like the World Bank began their shift towards similarly broad perspectives. The first Human Development Report (HDR) in 1990 spurred much debate as it introduced an approach to the improvement of human well-being that transcended economic development and income considerations, and put emphasis on enlarging people's choices by “expanding human capabilities and functionings.” (UNDP,1999) Well-being is seen as related to an individual's adequate income, education and health, and also to a series of freedoms and rights—cultural, political, social. Enjoying such conditions (by achieving a number of capabilities) makes possible an enlargement of choices (human development), and it is important that all people have opportunities to achieve capabilities in basic areas

Human development is defined as “an integrated, multidisciplinary approach to development, which places people at the centre of the development process and advocates the protection of life opportunities for present and future generations while respecting the natural systems upon which all life depends.” (UNDP, 1999b, p. 9) UNDP also introduced the Human Development Index, which considers income, education and health. It has gained acceptance as a summary measure of development, not quite embracing all the aspects of human development but more adequate than income or per capita GNP (UNDP, 1999).

Besides the influence of HDR on development thinking, UNDP —as a part of the UN system—, has been fundamental in sponsoring a series of global conferences during the 1990s. These have helped to foster a growing international dialogue and the building of consensus on development, development cooperation. In some instances they have resulted in a number of general agreements and shared goals in poverty eradication and social indicators. For example, the 20/20 initiative adopted at the Copenhagen Summit on Social Development was originally a UNDP initiative found on the 1992 HDR.

Since its creation in 1965, UNDP has followed many of the guidelines that have gained relevance in the past decade. For instance, programming of assistance based on national plans. Its focus on national execution of UNDP-sponsored projects and on viewing its activities in terms of outputs and results dates from the 1970s. However, UNDP also underwent significant changes in the 1990s, and it sought to more clearly define its mission and enhance effectiveness, issues that had raised serious questioning —particularly in a context of diminishing resources for the UN group.

In 1989 it formally adopted the “programme approach” that seeks to foster integrated national frameworks for development and objectives in terms of which UNDP and other development institutions can make a contribution. A programme is defined as “a coherent set of policies, strategies, activities and investments designed to achieve a specific time-bound national objective or set of objectives.” This approach stresses many of the issues that now dominate the international development cooperation agenda, particularly the forging of partnerships with a variety of actors. It involves integrated national programmes that are generally multisectoral and have a variety of funding sources (UNDP, 1998).

Among the principles that guide the programme approach are national ownership of development activities, sustainability of cooperation, development partnerships and coordination with other donors, capacity building throughout society, and greater accountability through monitoring and evaluation. Implementation of this approach has taken place during the 1990s on a “modest but significant scale.” UNDP expects its use to increase sharply in coming years. (UNDP, 1998)

Focus on poverty reduction, education and health

Poverty eradication has been adopted as a central priority since the 1990s. UNDP sees poverty as a complex phenomenon and as a process rather than a condition, and as a phenomenon of human deprivation involves as many dimensions as human development does. It has introduced the concept of human poverty, which sees poverty as a denial of opportunities and choices most basic to human development.

UNDP sees effective action against poverty as resulting from the convergence of, (a), macroeconomic policy, especially with regard to the character and content of growth, (b), institutional change, especially to promote poor people's access to and control over assets, and (c), micro-level interventions that promote self-empowerment and improve livelihoods. UNDP has taken some actions within the organization to narrow its institutional focus—and become more effective—in poverty eradication.

In order to implement its new emphasis on poverty, UNDP introduced guiding principles for focusing country programmes on poverty eradication which all country offices and resident representatives have to apply. As of 1999, they must be applied in the formulation, review and evaluation of country cooperation frameworks. These principles are:

1. Build programme country capacity for SHD, especially poverty eradication, and ensure national ownership of development ...
2. Promote participation, dialogue and choice in decision-making.
3. Provide additionality while complementing the work of other providers of development services.
4. Support aid coordination.
5. Support the mobilization of additional resources for development.
6. Use the programme approach to the maximum extent possible.
7. Build on lessons learned and on best practices.
8. Ensure the programme design is results oriented and allows for impact measurement and evaluation.

(Executive Board of UNDP and UNPF, 1997)

Rather than outline sectoral guidelines for the many dimensions of poverty (such as education and health), UNDP's approach to assistance in this area is geared towards helping countries design strategies for poverty eradication and to engaging other development actors in a variety of efforts. This includes policy research aspects. However, its general guidelines imply that it pursues assistance in education and health projects that are part of a larger strategic framework for poverty reduction and which aim at sustained improvements. Additionally, it has a particularly strong emphasis on partnerships, with other development institutions and with civil society organizations, that is translated into their poverty eradication efforts.

It should be noted that the 20/20 Initiative, originally a UNDP proposal and whose implementation UNDP supports, places a strong emphasis on basic education and basic health as fundamental sectors for long term poverty eradication. UNDP has supported national studies on

social expenditures in health and education in the wake of the 20/20 agreements after Copenhagen, 1995.

Moreover, UNDP has helped over 90 countries in the design of national anti-poverty strategies, and 100 countries in preparing national human development reports that complement the former.

Current trends and outlook

UNDP has led the way among the major development institutions in implementing a new, broader approach to development, and has played a leading role in the formation of basic consensus on development issues in recent years. It seems to be more advanced in integrating its various activities within a broader development framework that puts priority on national objectives, all the while focusing on poverty eradication. In individual programme countries this translates into country cooperation frameworks that consider the activities of multiple development partners.

In very general terms, UNDP can be seen as oriented towards technical cooperation rather than lending or grant-making, particularly in regards to middle-income countries like Peru. Its general comparative advantage, in relation to other development institutions, lies in areas such as policy dialogue, coordination, brokering, acting as a catalyst, and supporting “sensitive governance and gender issues” (Executive Board of UNDP and UNPF, 1997). In the technical cooperation field, it perceives its main assets as stemming from “over 40 years of development experience,” “its central role in the United Nations,” and its “special approach to development cooperation.” In poverty eradication, UNDP sees itself as “well-suited to play a coordinating and catalytic role in this area, particularly in the integrated follow-up to the global conferences.” (Executive Board of UNDP and UNPF, 1997, p. 17)

Like other institutions, however, some challenges lie ahead for UNDP. For instance, being particularly focused on technical cooperation and in broad partnerships, it may have difficulties in measuring impact of its contributions to national objectives and in showing the value of the role it plays in developing countries.

Also, as partnerships are increasingly sought, it is yet to be seen if UNDP's programming tools—and the programme approach in general—are fully accepted by other institutions and by governments. If they are not, some degree of flexibility will be necessary in order for UNDP to keep an important role as a development catalyst and coordinator.

Finally, limited or diminishing resources may continue to be a problem in the UN group, as has been the case when the United States (the major contributor to UN financing) has made its payments conditional on policy changes. Unforeseen shortages could, among other things, endanger UNDP efforts to strengthen country missions.

From the perspective of a developing nation, it should be noted that to take full advantage of UNDP's assistance governments should have a certain degree of political will to work towards integrated national development frameworks and establish clear objectives. As the programme approach is more strongly emphasized in coming years, this should become ever more apparent.

In the case of Peru, although studies on human development and social expenditures have been carried out, the UNDP found the government unwilling to work in the context of its “programme approach” and planning process, and this limited the contributions that UNDP could make in the sectors included in its groups of projects. The tools of the UNDP planning process remained an internal tool and could not be applied to coordinating technical cooperation with other donors and government.

United States Agency for International Development (USAID)

Overview

The United States is the single largest provider of bilateral Official Development Assistance to Peru and to the Andean region as a whole. It has maintained this position despite the marked drop in its total ODA since the 1980s. Founded in 1961, USAID is the main government agency in the United States' foreign assistance program. It handles around 65% of total US foreign aid (which includes bilateral assistance and contributions to multilateral institutions).

USAID seeks to promote “sustainable development” in developing and transitional countries, doing so under the express mandate of contributing to U.S. national interests. In 1997, USAID issued a Strategic Plan which defined six major goals for the next ten years. A framework of objectives and program approaches has been outlined for each goal. USAID aims at achieving the following goals:

1. Broad-based economic growth and agricultural development encouraged.
2. Democracy and good governance strengthened.
3. Human capacity built through education and training.
4. World population stabilized and human health protected.
5. The world's environment protected for long-term sustainability
6. Lives saved, suffering associated with ... disaster reduced, and conditions necessary for political and/or economic development reestablished.

Additionally, as a management goal, the agency identified five core values that should drive its organization and methods. They include customer (beneficiary) focus, results orientation, empowerment and accountability, teamwork, and diversity.

Recent trends in approach to development and social policy

USAID's strategy refers to sustainable development as the main objective it seeks in developing countries. It is understood as development which “leads to a lasting increase in the capacity of a society to improve the quality of life of its people.” (USAID, 1997, p.1) Alternately, it refers to this objective as “sustained economic and social progress.” Social policies that “increase human capacity and opportunities for individuals to better their lives” are among the conditions for sustainable development to occur, along with economic, political and environmental factors.

The 1997 Strategy follows the OECD-DAC guidelines in terms of giving priority to such issues as partnership, policy coherence and, especially, results-orientation. The Strategy admits that, “USAID's success depends on the quality of its many partnerships.”

A long-term perspective of development assistance is being adopted as strategic planning takes the place of a project implementation approach of previous decades. Participation, accountability and transparency are also addressed as values USAID seeks to pursue within its organization, and in the emphasis on partnerships with civil society organizations, subnational government, and other aid providers.

Focus on poverty reduction, education and health

Rather than focusing on “poverty,” the overarching objective of USAID's programs in developing countries is sustainable development. This contrasts the centrality of poverty reduction programs at the World Bank, the IDB, and in several European countries' bilateral agenda. Achievement of USAID goals is not measured in terms of broad poverty indicators.

Nevertheless, education and health—two of the critical sectors for long-term poverty reduction—are the key elements of two of the six goals in the agency's Strategy. General objectives are stated for these sectors. Although the importance of building institutional capacity is stressed, there is not a clear call for focusing the agency's efforts on achieving institutional reform or on policy issues.

In these two sectors, as in others, the related performance goals and indicators are very broad ones that far transcend the possible impact of any single development agency (for instance, net primary enrollment ratio as an indicator of impact on education). This can be interpreted as a result of USAID's emphasis on the impact of broad partnerships and coordinated efforts in terms of country priorities, rather than on the impact of individual projects.

In education, basic educational skills are given special consideration, and the two objectives in human capacity building are “access to quality basic education, especially for girls and women, expanded,” and “the contribution institutions of higher education make to sustainable development increased.” Health and population objectives refer to “unintended and mistimed pregnancies reduced,” “infant and child health and nutrition improved and infant and child mortality reduced,” among others referring to protecting women in pregnancy and child birth, HIV and AIDS, and reducing the threat of infectious diseases.

Currently, USAID's Peru program addresses health issues as one of its primary goals. Although education is not one of the primary goals at the country level, some health projects have significant education components.

Outlook

USAID has sought to strengthen its impact as a development agency, and its actions in education and health increasingly reflect its pursuit of new priorities like forging partnerships—illustrated in its New Partnerships Initiative—and promoting participation in social policy. Such

trends suggest that, while USAID is not explicitly adopting the institutional reform-oriented approach to health and education, its actions may complement that of actors which are heading in that direction.

Beyond its commitment to the goals expressed in its strategy, certain factors may affect the potential for increased USAID impact in social development. With regards to its position as a government agency, USAID's recently increased subordination to the US State Department may result in less independence to manage and plan its programs. The agency may also be hindered by the US Congress' relatively high degree of control over details of its operations (compared to agencies in other DAC countries), which could cause shifts in its strategic directions or affect particular programs.

USAID's effectiveness will also be limited by the predicted continuation of a declining trend in the United States' ODA contributions as a proportion of GNP (Eurostep and ICVA, 2000), which directly implies decreasing resources for the bilateral ODA that USAID manages. Moreover, its emphasis on social aspects of development may be challenged by what has been described as a certain resistance to aid for social development from the US government. (Eurostep and ICVA, 2000) Indeed, the United States has been slow in beginning to report the proportion of ODA devoted to basic health and education, an aspect of the DAC countries' new commitment to poverty reduction.

Other factors relevant to USAID's effectiveness in social sectors and poverty reduction include, (i), the possible increase of relief (or any largely "non-developmental") operations in its budget, and, (ii), the degree of importance assigned to short term results of projects, which may restrict the agency's involvement in projects of qualitative, long term change.

International Nongovernmental Organizations (INGOs) in Development Cooperation

Overview

A significant amount of international development cooperation involves actors other than the "official" institutions (national governments, their cooperation agencies, and multilateral organizations). International Nongovernmental Organizations (INGOs) have become particularly important in the last two decades, both in terms of the financial resources they manage and of their influence in the development cooperation dialogue. Research centers, international firms, and private foundations, among other actors, also participate to a varying degree in cooperation efforts, yet the impact and volume of resources handled by INGOs makes them clearly stand out among the non official actors.

INGOs —and nongovernmental organizations in general— can be seen as part of a "third sector" of institutions (also variously defined as a "voluntary" sector or as civil society) that is fundamentally different from the government and commercial sectors where official and business institutions operate. Shared values and expectations, rather than political or profit motives, drive NGOs within this third sector to mobilize financial resources and "social energy" at the national and international levels (Brown and Korten). This fundamental difference may point towards a

complementarity of three sectors (state, market, and civil society) for national and international governance.

Most INGOs are Northern-based organizations that channel financial and other resources for development from Northern countries to Southern ones, although Southern NGOs are increasingly significant partners at the national and international level. The resources channeled by INGOs to the South amount to thousands of millions of dollars each year and are often not subject to government control.

Northern NGOs working at the international level—like, for instance, CARE, Oxfam, Amnesty International—can be described as “intermediate organizations” that are distinct from fully voluntary and membership-based grassroots organizations working in developed and developing countries. In the early 1990s there were over 2,500 Northern NGOs involved in development cooperation with the South (Berro, Barreiro y Cruz, 1997). Such INGOs are often identified with relief work, although they increasingly seek lasting impact in development work, including work in health, education and other social sectors. Their activities are funded both by private resources that they raise from individual citizens and other organizations—mostly in the developed countries—, and by official resources channeled through them. Their influence on multilateral institutions and national governments has grown in recent decades.

INGOs perform various functions in development cooperation. Among them are disaster relief and prevention, provision of services, technical and educational assistance, grant making to other organizations, training and technical assistance, and advocacy—influencing the opinions of decision-makers and the public. Issues that these organization work on include economic and social development, and the environment. A general distinction can be made between advocacy-related activities and operational ones, with many INGOs being involved in both lines of action.

The increased role of NGOs in international development is not only related to INGO's influential campaigns for policy reform, greater accountability, transparency and participation at official development institutions (such as the “50 Years is Enough” campaign aimed at the Bretton Woods institutions). Since the 1980s, there has been a growing recognition by governments and multilateral institutions of the importance of NGO work in poverty and social sector-related work. INGOs can be seen as directly involved in these activities and, increasingly, as partners and funders of local NGO work.

Among the advantages often attributed to NGO work in these fields (relative to public or for-profit organizations) are their ability to reach the poor—including those hardest to reach—, their ability to facilitate local resource mobilization and the development of grassroots organizations, their ability to deliver services at low cost, and their ability to find innovative solutions to social problems. (Brown and Korten, 1998)

In terms of the volume of financial resources handled by NGOs, their significance from the perspective of a developing country is quite clear. In 1998, net grants (excluding subsidies from the official sector) by NGOs from the DAC countries to the developing world amounted to \$5,375 million. (OECD-DAC, 2000)

If we compare that amount to the net ODA from individual DAC countries in that same year, we find that only four donors (Japan, the United States, France and Germany) would come ahead of the NGO sector's development assistance effort. While this amount is equivalent to over 10% of total net ODA in that same year, it must also be taken into consideration that much bilateral and multilateral ODA is channeled through NGOs. For instance, about 30% of the United States' ODA is estimated to have been programmed through NGOs in 1996. (Eurostep and ICVA, 1997/98) Altogether, between 10-20% of ODA passes through NGOs (Dichter, 1999), meaning that an amount equivalent to 20-30% of total ODA is managed by NGOs each year.

Moreover, NGOs in general are increasingly participating in programs and projects financed by multilateral institutions, sometimes from the project's design stages. In 1997, 60% of the World Bank's population, health and nutrition projects had NGO involvement, as did over 50% of education projects (World Bank, 1998b). These figures include grassroots, national ("indigenous") and international NGOs.

INGOs in Latin America and Peru

INGOs generally engage local, nongovernment partners that are able to "formulate projects, monitor their execution, and give account of their finances." (Fernandes, 1994, p. 37) As opposed to financing by official agencies, INGOs have been generally allowed to directly deal with civil society groups in Latin America. In fact, "... nearly all European NGOs operate via their Latin American counterparts." (AIETI, 1998, p. 36)

That NGOs have become such a massive phenomenon in Latin America since the 1970s is partly due to international cooperation and funding by INGOs (Fernandes, 1994). Thus one would expect a connection between the areas of concentration of INGOs working in the region and those of local civil society organizations

Latin American NGOs are very much oriented towards poverty and social sector work. In fact, education is the leading area covered by Latin American NGOs (Salamon y Anheier, 1999). Health is also important in that over a fifth of Latin American NGOs perform some sort of health service (Fernandes, 1994). It has been said that, "the major thrust of NGO activity in Latin America can be summed up as education for development with emphasis on social justice." (Fernandes, 1994, p. 35)

Peru is considered to have a large and vibrant NGO sector within Latin America, and, as in the case of official development, Peru's many problems and social challenges have attracted a number of INGOs. While hunger-relief work by such organizations as Caritas and ADRA-Ofasa is perhaps the most visible, and benefits hundreds of thousands of poor Peruvians, these and many other INGOs have been supporting more development-oriented projects.

Among current examples of such work is that of CARE International, an organization focused on economic and social welfare of the world's poor. CARE supports a diverse portfolio of projects in Peru which benefit an estimated one million people, and these projects involve work with the public, private and civil society sectors (CARE, website). Health and education are among the organization's four areas of work in Peru, and at least two of its health related projects

involve coordination and work with both the Ministry of Health and local NGOs. Its “New Horizons for Girls' Education” project is an example of work with a long term perspective as it “supports advocacy and increased awareness of the education of girls and women and builds networks to further educational reform in Peru,” while engaging public and private sector leaders. (CARE, website)

For its part, the United Kingdom-based Save the Children is also involved in health and education projects in Peru. They include child-to-child community health work, training on HIV/AIDS and the establishment of an information network on education policy. Another INGO, Oxfam, is involved in projects dealing with empowerment of the poor and with health care aspects. Many other examples can be found throughout Peru.

Outlook

NGOs have become an integral part of most aspects of development cooperation, and they continue to consolidate their presence. Many international and multilateral institutions require the participation of NGOs in development projects where national governments are the main partners. And developing country governments, including Peru's, already work to a significant degree with local NGOs and in some instances collaborate with INGOs.

The experience, resources and innovation of international and indigenous NGOs in poverty reduction, and education and health services in particular, become increasingly relevant as international cooperation efforts begin to focus on such topics. After all, NGO activity in Peru and Latin America has long concentrated, even if not exclusively, on working with the poor. And it is important to remember that advocacy by INGOs is part of the reason why official institutions are beginning to give great attention to these areas.

However, to an even greater degree than ODA, international nongovernmental cooperation to Latin America is not coordinated to pursue broad national objectives in each country nor is there necessarily always interaction among INGOs or among their local counterparts. In general, “... the multiplicity typical of social movements found its match in the segmentation of international cooperation, generating an open field of alliances and disputes that extended from the local plane to the most distant and diversified international connections.” (Fernandes, 1994, p. 39)

How to effectively approach the flows of NGO cooperation for development from an official perspective, and the prospects for relating them to official efforts in terms of broader development frameworks and objectives, are issues that will have to be dealt with not just by international agencies and Northern governments, but also by developing country governments. These are often complicated issues, as any government policy that is seen as threatening to the autonomy of the NGO sector would likely have counterproductive effects.

Besides the inherent value of NGO resources and experience for solving social problems that governments must also deal with, some emerging trends in international cooperation also point towards the need for new government approaches to NGO cooperation. First, as integrated frameworks for coordinating development at the national level are increasingly sought, any truly

integrated perspective will have to consider the advances towards national objectives that are made possible by NGO cooperation.

Second, bilateral and multilateral institutions more and more frequently require the participation of NGOs in projects and programs that they finance, which also implies that INGOs will be dealt with directly or as partners to local NGOs. And, finally, the scarcity of ODA resources and of government funds, when combined with the growing involvement of public institutions with NGOs, may gradually increase awareness of possible complementarity—or even synergy—between official and NGO cooperation resources.

The outlook for INGOs in development cooperation also depends to a great extent on how they deal with some emerging challenges, some of which are common to the NGO sector as a whole. One of them is the relation between Northern and Southern NGOs. Developing country NGOs are increasingly seeking a stronger voice in the international arena, and are becoming more independent of their Northern partners; often they are competing for funding.

Another important issue is that of the relation between INGOs and official institutions. It is yet to be seen if INGOs, like NGOs at the national level in their work with government, can collaborate with official institutions in joint projects and maintain a critical and independent stance that has helped to produce much change in international cooperation. critical cooperation. Also, as NGOs gain prominence in international development, they are being held more closely accountable to the various actors who have a stake in their work, including grassroots organizations, beneficiaries of development projects, official agencies, national governments in the North and the South, and other NGOs.

A host of other issues that NGOs now face have been outlined, but perhaps the most relevant to our discussion are the ones relating to their work in poverty and the social sectors. Perhaps because it had not been analyzed very closely until relatively recent years, the work of NGOs in poverty and development has often been seen in an excessively positive light. However, some limitations have now become apparent, related to their lack of technical capacity for complex projects, difficulties in “scaling up” (replicating on a larger scale) successful projects, lack of strategic perspective and linkages, as well as managerial and organizational weaknesses. (Brown and Korten, 1998) Recent studies have found that, “unfamiliarity with the NGO community has sometimes led to over-optimism about what NGOs can realistically contribute.” (World Bank, 1998, p.13)

IV. Conclusions: The outlook for Peru in development cooperation for poverty reduction

The general characteristics of the international context (Part II), the common guiding principles and shared goals established in the 1990s, and the transformations in the individual development cooperation institutions (Part III), provide us with valuable clues as to what will be some significant trends in development cooperation in the next decade. Although implementation of ambitious agendas may prove slow and problematic at the national or organizational levels, the changes already registered in many of these issues during the 1990s suggest further progress in coming years.

Emerging trends in international development cooperation

- Continued **scarce financial resources** in relation to goals set by official actors, as NGO resources remain a significant part of aid. Financial resources devoted to international cooperation are scarce in comparison with pre-1990s levels, and this situation will not likely change in most developed countries. Therefore, financial goals agreed for ODA may not be met in the next decade.
- A more **long term, integrated approach** to cooperation for each country; tailoring cooperation to each country's needs and constraints. This implies a move towards cross-sectoral approaches and away from an emphasis on isolated projects, and a gradual adaptation of cooperation instruments and policy recommendations to different realities, rather than blueprints or “magic solutions” applied indiscriminately.
- A **partnership** approach to all types of programs and projects, pursuing joint efforts with official agencies, governments, NGOs, and the private sector.
- Implementation of **new mandates**—higher standards for accountability, transparency, participation—in multilateral and bilateral actors' practices. These affect all sectors and types of activities in which these institutions are involved, as well as all partners in cooperation activities—including developing countries and NGOs.
- Emphasis on **developing-country ownership** of all cooperation activities, to ensure sustainability and relevance. This also means that ultimately each country assumes responsibility of all aspects of its development process, including the design of development objectives.
- **Results orientation**, focusing on measurable goals to relate financial inputs and results, including poverty-related programs.
- Greater **concentration of cooperation resources** on poverty eradication, and on the poorest countries and countries with largest number of poor. Even if the total amount of aid does not increase, it seems that there will be growing pressure—particularly from international civil society—for resources for poverty reduction and social sectors to reach levels established in international agreements.
- Emphasis on **technical cooperation and policy design and research** as alternatives to financial assistance. Several institutions strengthen their capacity in these areas as they stress the importance of better policies and institutional reform.
- **Basic health and education** targeted as key sectors for cooperation. The monitoring of progress towards 20/20 and OECD goals primarily pays attention to health and education indicators.

- An emphasis on **institutional reform** and policy design in health and education for poverty reduction, rather than infrastructure and equipment financing as in the past.

Implications of emerging trends for Peru: Key challenges

The above-mentioned trends imply a series of challenges for Peru as a development cooperation actor, if it is to maintain its place as a significant aid recipient and credible cooperation partner in a changing context, and if it is to effectively utilize cooperation for development objectives. Some of the necessary changes in the Peruvian approach to development cooperation are:

- To develop the capacity to constantly evaluate cooperation options with international actors that are both diverse—from major multilaterals to INGOs—and changing, in order to be able to choose the best arrangements in terms of its social policy objectives.
- To coordinate cooperation activities in terms of a national development strategy with clear, integrated objectives.
- To actively monitor the results of cooperation activities, through internationally comparable instruments. In this way, results can be presented to current and prospective partners that justify their interest and efforts.
- To design a government policy towards international and local nongovernmental cooperation, in order to coordinate efforts and to benefit from the experiences of the NGO sector.
- To view the significance of international cooperation funds to national social policy more in a qualitative than quantitative way. In quantitative terms, international financial cooperation is an important but relatively small complement to national resources devote to poverty reduction. These additional technical and financial resources will not make the difference between relatively low social expenditures and higher levels; they are better viewed as catalysts for a more effective use of national resources.
- To consider non-financial cooperation as often more valuable to social policy objectives than financial assistance, especially in terms of institutional reform and improving policies. Current high levels of indebtedness are also a strong reason to look carefully at alternatives to non-grant financing.
- To improve management of cooperation funds in a way that reflects new standards of accountability and transparency at the major international cooperation institutions.
- To more fully incorporate NGOs and the private sector in the implementation *and* design stages of development cooperation projects and programs.
- To continue to improve information on the education and health sectors, in order to evaluate conditions for institutional reform programs or for more traditional cooperation efforts.

- To establish a single voice for dialogue and negotiation with both international institutions and with nongovernment counterparts at the local level. A reform of the current cooperation system would be necessary to make possible a single official counterpart to international cooperation partners.

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Differences and Similarities in the Processes of Urban Gentrification in Argentina and the United States

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1. Introduction

In this paper, I analyze the process of urban renewal currently taking place in a poor neighborhood, La Boca, in the city of Buenos Aires. I compare the most important features of this process to those in other cities in the United States and other developed countries in order to highlight similarities and differences among cities.

The data pertaining to the case of La Boca come from a study that I, along with other researchers, am doing on processes of urban renewal in Buenos Aires, Argentina.² First, I will give a brief description of the plan of revitalization, which is currently occurring in La Boca. Second, I will examine the characteristics of the low and middle-income population that still lives in this barrio and is beginning to suffer the consequences of gentrification without the aid of any government policies (such as housing subsidies) to mitigate the impact of the urban renewal process or to prevent their eviction or displacement from the barrio. By considering the characteristics of this population we may define what makes these families most vulnerable in the face of urban renewal. Finally, I focus on long-term barrio residents' perceptions of government actions, since these perceptions shape, in part, their likelihood to organize collectively and resist possible displacement.

2. Theoretical background

Since the 1970s, inner city neighborhoods in the United States, Great Britain and Canada have undergone processes of revitalization and renewal aimed at making "better use" of distressed residential areas. As a result of these processes, the city centers began to attract small and large private and public entrepreneurs, causing a serious problem for most of the low-income residents of these areas (Muñiz, 1998).

Gentrification involves basically two processes: (1) the reclaiming of inner city residential areas by the middle or upper classes and (2) commercial revival. Both contribute to an

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² This study is directed by Professor Hilda Herzer under the Department of Urban Studies of the *Instituto Gino Germani*, University of Buenos Aires. Other researchers involved in the project include Máximo Lanzetta, Adriana Redondo and María Carla Rodríguez. I would like to thank them for allowing me to present the data that we produced and constructed collectively.

The objective of the project is to comprehensively study the program of urban renewal in La Boca, which began with the building of seawalls to mitigate flooding. The seawalls are part of a process of transformation of the entire river coast of the city being undertaken by national and local governments and by private enterprise. This process is reviving an area until recently largely ignored by the city.

increase in property value. In some cases, residential and commercial gentrification occur together. However, commercial gentrification may occur without residential renewal. These processes lead to increased maintenance expenses for property owners and also higher rents and property taxes. Some residents are able to afford the increases. But others, both owners and renters, are forced out—including poor families who are long-term residents of these areas (Wilson, 1992; Smith, 1996; Marcuse, 1986 & 1998). Gentrification processes entail the transformation of the physical environment, the emergence of new local services, and the presence of new inhabitants who share certain consumer preferences or a certain lifestyle that differs from that of the original residents (Zukin, 1989). The transformation of the environment is accomplished through investment in the inner city neighborhoods by private households and small business owners, supplemented directly or indirectly by the local authorities. However, in recent years, cooperation between large private investors and local government has become common (Carmon, 1999).

As Muñiz and others show, neighborhood changes are most associated with:
“(1) Demographic-ecological factors and the rise of the new middle class (the baby boom generation), seen to be the initiator of neighborhood conditions; (2) structural forces, including the economic restructuring of capital. Such restructuring consists of shifts in capital investment into devalored inner city space and the emergence of a bimodal labor market of lower wage service jobs in retails, office, hospitality and government sector and high wage professional-managerial corporate employment. (3) Cultural forces, that is the values of the middle class, are linked to lifestyle devoted to personal careers and individualistic consumption and to a desire for a social and racially mixed living environment. And (4) as a quasi combination of the preceding, the complex interaction of structural forces that represent preconditions and contingent factors that are the locally and temporally specific product of human agency” (Muñiz, 1998:3).

The effects of gentrification on inner city neighborhoods and their long-term inhabitants are determined within diverse contexts and conditioned by a variety of economic, social, and political factors and processes. Different patterns of interaction and change create a wide range of possibilities for neighborhood residents (Ward, 1993:1132).

In renovated areas there is usually a growth in the population of middle and upper-income families and a displacement of poorer families. This change in the social composition reveals that gentrification is one aspect of social inequality (Smith & LeFaivre, 1984), as it is considered an emerging expression or consequence of the system of social stratification. In most cases, low and moderate-income households accept displacement or potential displacement because they lack financial or political resources to oppose them. But in others, despite a lack of resources, they struggle against displacement and stimulate the development of neighborhood organizations.

Most scholars and researchers are interested in the gentrification process in cities in North America and Europe. However, few of them are concerned about how these processes affect Latin American inner-city areas. Also, there are many in-depth studies that comprehensively describe the nature and extent of rehabilitation, the socioeconomic status and lifestyle of the gentrifiers, and the characteristics that the neighborhood of the new inhabitants acquires. Nevertheless, there has not been sufficient study of the long-term residents of neighborhoods

undergoing gentrification: who these residents are, how they perceive and react to the processes of change, who among them are best able to resist gentrification, and how are those who are most economically disadvantaged affected.

The purpose of this paper is to introduce an analysis of gentrification processes in one working-class neighborhood, La Boca in Buenos Aires, Argentina. I analyze the characteristics— socioeconomic level, living conditions, and occupation— of the poor families in La Boca in order to identify which aspects of their lifestyle make them vulnerable to displacement. Then, I describe the perceptions these families have of the urban and environmental changes happening around them and the strategies they employ to mitigate and/or prevent their displacement. I also analyze the policies that the local government has implemented. The aim is to add to the body of existing scholarship on neighborhood change in a way that takes into account the diversity of gentrification processes.

3. Gentrification and urban renewal in Latin American cities

Gentrification processes in Latin American cities have different features than in other places. In North American and European cities, recent decades have seen population decline in the core areas surrounding the central business districts. The pattern differs in Latin American cities, where people have remained in the inner city and have developed a strong urban culture. While many Latin American cities are experiencing some population loss, the inner city “often comprise[s] stable working-class neighborhoods, characterized sometimes by important cultural traditions” (Ward, 1993: 1141).

As Carmon’s historical analysis of public urban intervention shows, European and North American cities have considerable experience with slum clearance policies (1999). In contrast, the experience with slum clearance in Latin American cities is comparatively recent. In the Western World’s largest cities, the push to improve the use of central urban lands and drive the poor out of sight began in the 1930s and 1940s. Examples of gentrified neighborhoods can be found in most large cities. Perhaps the first city in the United States to have its central area reshaped by urban renewal was Pittsburgh (Ford, 1994).

“The Golden Triangle, consisting of gleaming skyscrapers set around a grassy park, replaced a jumble of industrial warehouses, railroad tracks, and bridges in the mid-1950s. Pittsburgh became the first city in the country to attempt to change its image from that of a grimy and dangerously smoky industrial town to that of a bright and classy headquarters city” (Ford, 1994:46).

Other well-known examples include the Georgetown neighborhood in Washington, D.C. (Knox, 1982), Baltimore, Maryland, which at one time possessed one of the most obsolete downtowns in the country (Ford, 1994), and, more recently, Austin, Texas. As Emmert (1996:3) says of Sixth Street, the main street in Austin’s downtown, it “has recently grown from a dormant commercial zone into a bustling entertainment district. Characteristic of this transformation is its physical appearance”.

In Latin America, gentrification began at the end of the 1970s³ with a new emphasis on Latin American cities' important historical heritage left over from the colonial period. In many cases, gentrification has involved a reappraisal of the historical core and the nomination of this core as a zone of historic monuments or as a world heritage site (Ward, 1998). Well-known examples of this process in Latin America include cities like Cartagena (Colombia), La Habana (Cuba), Quito (Ecuador), Puebla and Monterrey (Mexico) (See also Jones and Varley, 1999; Cabrales Barajas, 1999; Rojas, 1999).

In Britain, Canada, and the United States there are a multiplicity of participants involved in gentrification. While the government has a significant role in paving the way for the development and renovation process, other actors such as business leaders, developers, private investors, corporations, non-profit organizations, and individuals or households also are involved. These other actors attempt to ensure that the government's actions are constructive (Carmon, 1999; MacGovern, 1998; Muñoz, 1998). In contrast, in Latin American cities, revitalization projects have been largely handled by public authorities and their agencies. Although the increasing centrality of large private investors cannot be ignored, the published literature suggests that the first and foremost developer is the government, generally at the local level. However, owners of small businesses in deteriorated neighborhoods also play an important role in commercial regeneration. In the case of Mexico City part of the reason for this

“is the relative lack of private sector interest given the large (working-class) populations still living in and around the inner city; and partly because the ‘rent gap’ between existing ground, office rents and those that might accrue after redevelopment, are insufficient to stimulate private investment [...] Although there is some indication that for commercial regeneration the rent gap may be sufficiently large as to make redevelopment an attractive prospect” (Ward, 1998:3).

Moreover, in the Western World's cities, gentrification usually involves residential and social displacement, as the entry of middle class residents pushes out lower-class residents. Neighborhood transformation takes place through the renovation of buildings and houses and through the establishment of a population with more privileged socioeconomic characteristics. In Latin American cities, on the other hand, displacement is not defined exclusively as residential displacement. Populations may be displaced in so far as their economic opportunities are reduced (for example, traditional livelihoods may disappear) and their social ties and interactions modified, even though they may continue to reside in the neighborhood. As Jones and Varley show, long-term dwellers are displaced, in this manner, as middle and upper class consumers seek recreation and cultural or educational services in the area and as national and international tourists begin to frequent the area (1999). The gentrifiers do not need to live in the area; rather, they introduce new usages for the place and in the process eliminate traditional usages associated with low-income groups.

³ However, in Latin American cities, slum clearance began at the end of the 1960s in order to drive the poor out of cities—in the case of Buenos Aires, the program was called *Programa de Erradicación de Villas de Emergencia* and it took place during the last period of the military dictatorship (1976-1983). Urban renewal and rehabilitation programs to reappraise historic or urban heritage have been in place since 1970.

4. The consequences of economic restructuring on the structure of Buenos Aires

The city of Buenos Aires today comprises a diverse and heterogeneous socioeconomic landscape, one both fragmented and unequal. The city has a population of three million and a metropolitan area population of nearly 13 million (see Table 1). Population in the metropolitan area has increased considerably, especially, between 1970 and 1980 (see Keeling, 1996:6), while the population of the federal capital has remained stable since 1970.

Table 1. The Population of Buenos Aires, 1991

Region	Population	Area (km ²)	Density (population/km ²)
Federal Capital ^a	2,960,976	200	14,805
Inner Ring ^b	7,950,427	3,680	2,160
Middle Ring ^c	1,107,292	4,561	243
Outer Ring ^d	804,381	31,174	26
Metropolitan Area	12,823,076	39,615	324

Source: Keeling, 1996:5

^a Comprises 21 school districts divided further into 47 barrios or neighborhoods.

^b Comprises the original 19 municipalities of Greater Buenos Aires.

^c Comprises the three municipalities of Greater La Plata and the six municipalities incorporated into the Greater Buenos Aires statistical region in 1991.

^d Comprises the 23 municipalities of the urban periphery.

Severe economic adjustment policies and economic restructuring measures instituted to overcome the consequences of high inflation suffered during previous decades have affected Buenos Aires. A dramatic decline in income, alterations in the labor market due to the weakening of labor laws and the decrease in demand, economic concentration, and the shrinking of the state and its withdrawal from the function of redistribution are some of the elements that characterize these policies.⁴ Economic reform and adjustment have put some sectors of the population of Buenos Aires at a particular disadvantage.

⁴ "Buenos Aires has experienced further morphological changes since the 1989 election of President Carlos Menem [...] Menem government's policy of "disappearing the state" through privatization, deregulation, and globalization has encouraged an influx of speculative capital into Buenos Aires" (Keeling; 1996:35). Globalization of the city's economy has stimulated the construction of megamalls, trendy sports clubs, shopping centers, luxury condominiums, apartment complexes in elite barrios, and, more recently, high-rise office towers in downtown. Since 1994, programs to improve urban infrastructure have been developed. However, the development of high-tech factories has not yet taken place.

Table 2. Industrial Sector Indicators in Buenos Aires, 1954-1985

Region	Number of Establishments			
	1954	1964	1974	1985
Federal District	40,080	30,651	23,838	15,864
Percent	26.4	21.4	18.9	14.5
Greater Buenos Aires(*)	22,580	31,878	30,033	27,904
Percent	14.9	22.3	23.8	25.5
Rest of Argentina	89,168	80,528	72,517	64,608
Percent	58.7	56.3	57.3	60.0
Total	151,828	143,057	126,388	109,376
Percent	100	100	100	100
Number of Industrial Workers				
Region	1954	1964	1974	1985
Federal District	479,436	356,944	338,683	228,854
Percent	33.3	27.0	22.2	16.6
Greater Buenos Aires(*)	358,407	369,435	499,552	424,109
Percent	24.9	28.0	32.8	30.7
Rest of Argentina	601,486	593,681	686,986	728,842
Percent	41.8	45.0	45.0	52.7
Total	1,439,329	1,320,120	1,525,221	1,381,805
Percent	100	100	100	100

(*) The nineteen *partidos* of the suburban inner ring.

Source: Keeling, 1996:122.

In the city of Buenos Aires, the industrial sector has lost its ability to absorb manpower—due as much to changes in the organization of production as to the impact of restructuring policies in the productive sector (Table 2). These processes have taken place within an institutional framework of redefinition of the role of the state: the state no longer values the necessity of reproduction of the popular sectors; it does not intervene as a redistributive force; and it does not define urban services as a product for social consumption. At the same time, the opening of the economy combined with structural adjustment reforms has negatively affected urban jobs and salaries.

These changes have different consequences for different socioeconomic groups. The demand for housing in the city is strongly affected by employment conditions. Housing demand

and the real estate market, more generally, are conditioned by public housing policies and by the prevailing economic and political context.

The changes that have occurred in the economy—resulting from the transformation in production and consumption processes and from de-industrialization—force local governments to respond with such proposals as urban renewal and rehabilitation of dilapidated areas. In this sense, the general displacement of people and their activities is not only occasioned by the market, but also encouraged and monitored by city governments, which manage urban renewal projects.

In the case of Buenos Aires, and perhaps in most Latin American cities, urban renewal in certain barrios or parts of the city can be seen as an adjustment mechanism; it is a means of rejuvenating the city, removing decrepit housing, and putting the land to more profitable use. The re-activation of central parts of the city provides the city government with the means to increase its income and improve the services it provides at a very low cost to taxpayers, given that private investment plays a major role in the revitalization efforts. On both aesthetic and ecological grounds, urban renewal can create consensus among middle and upper-middle class sectors in the city. Middle and upper-class residents may welcome the improvements in sanitation and neighborhood appearance that renewal brings, without necessarily recognizing the negative consequences that the process may have for lower-class residents.

5. The barrio of La Boca

La Boca is a neighborhood situated in the heart of the city of Buenos Aires, fifteen blocks from the Casa Rosada (the president's offices) and the Plaza de Mayo and bordering other important barrios of the south side (San Telmo and Barracas). It was established during the first period of urbanization in the city of Buenos Aires (1860-1914). It grew up around the movement and commercial activities of the port of the Riachuelo and was settled by foreign immigrants who, at that time, made up the bulk of the urban proletariat. It was also part of a first ring of settlement that surrounded the central area of the city (Scobie, 1974).

Today La Boca has a population of 46,277 inhabitants, who make up 15,227 households. Of all the households, approximately 36% live in tenements—a fact that makes La Boca the barrio with the highest concentration of tenements in the Federal Capital (70% of the total). La Boca constitutes a city within a city and is unlike any other barrio in Buenos Aires. Its heterogeneous architecture—characterized by a variety of construction materials, building heights, colors, and degrees of conservation—set the neighborhood apart, as does its diverse ethnic, social, and cultural composition (reflecting the barrio's immigrant history). It is a neighborhood that has historically been settled by low-income urban sectors and includes a wide variety of low-income housing sub-markets: privately owned tenements, municipal tenements (both renovated and non-renovated), houses built of sheet metal and wood (Genovese style), make-shift houses like those in shanty towns, and public housing projects. This heterogeneity in construction styles raises the question of whether the differences in housing type correspond to socioeconomic differences among the population.

Historically, La Boca was settled by working-class European immigrants who, as they assimilated, left the neighborhood for middle class barrios in other parts of the city. A few of the

original inhabitants, however, have remained in the barrio or have maintained their properties there, but their sons and daughters have mostly left the area in search of employment opportunities, better housing, or higher social status.⁵ Since 1947, La Boca's population has shrunk; the neighborhood lost 40% of its population from 1947 to 1991 (Table 3). La Boca has also experienced economic decline. The worst period of decline started in the 1970s with the deactivation of the port on the river Riachuelo and continued with the progressive closing of most of the local industries (ship-building, textiles, and food production).⁶

Table 3. Population Change in the Barrio of La Boca, 1869-1991.

Years	Number of Inhabitants	% change	% foreigners
1869	4,382	--	76.0
1895	38,164	+770.9	53.5
1914	76,000	+99.1	48.0
1947	75,888	-0.1	25.3
1960	68,462	-9.8	21.3
1980	49,624	-27.5	12.9
1991	46,277	-6.7	11.4

Source: Adapted from Herzer, et al., 2000.

Depopulation, socioeconomic decline, and the loss of productive and functional roles continued throughout the 1980s, prompting the city government to begin the project of urban renewal in the barrio in the 1990s. While La Boca is inhabited mostly by low-income sectors, it has an optimal urban location due to its proximity to downtown, which makes it an attractive candidate for renewal.

In 1996, the city began the construction of seawalls to control flooding, a move that created the necessary conditions to carry out other kinds of urban renewal in the neighborhood. The renewal program will be implemented through the year 2000 with an investment of 100 million dollars and is part of a larger group of city projects known as the *Programas de Proyecto y Gestión*. Three of the six *programas* concern La Boca directly: a Buenos Aires and the River project, the Southern Area project, and a project to clean up the Matanza-Riachuelo river basin. The projects call for the elimination of flooding, the creation of a sewer system, the reorganization of the tourist sector, the construction of pedestrian walkways, the designation of

⁵ These generational elements, in addition to economic restructuring, also could contribute to the gentrification process of the *barrio*.

⁶These processes of depopulation have occurred in most of the barrios of cities where urban renewal then begins, as shown by Ley (1996) and Smith (1996).

new historical zones, the rezoning of the outer harbor, the preservation of the area surrounding the *9 de Julio* Highway as a parks area, and the zoning of the *Casa Amarilla*.

The renewal work completed thus far in La Boca is part of a broader group of policies of transformation that affect the social matrix and the possibilities for insertion into the job market by leading to the growth and diversification of commerce and services and by altering the physical configuration of the barrio (through the creation of parks, squares, pedestrian streets, convention centers, sports complexes, etc.). Certain groups with greater buying power have begun to establish themselves in the barrio, acquiring, at low-cost, former warehouses, shipyards, and homes, which they refurbish. This has been predominantly linked to commercial activities and services like restaurants, museums, galleries, and other establishments, which are repositioning the barrio as a tourist center (Herzer et al., 2000).

In 1996, a group of families living in private tenements in the barrio were threatened with eviction. They banded together in order to either prevent their expulsion or obtain some kind of response from the government. Thus, new social organizations formed in the barrio around the issue of housing. The city government, through the Municipal Housing Commission, known in Spanish as the *Comision Municipal de la Vivienda (CMV)*,⁷ took some concrete actions involving housing: it initiated new construction in four of its 21 housing projects (following the actions of the *RECUP Boca* program), relocated some of the families living in substandard conditions to the reconverted *Plus Ultra* pier⁸, and implemented resolutions 525/97 and 282/98,⁹ which allow for the joint purchase of housing units by groups of families. The first two initiatives were spurred by urban renewal projects mentioned previously, while the last one seems to be, in part, a response to the social movement initiated in the barrio. Nevertheless, the city government housing policies, generally speaking, do not take into consideration the characteristics of low income families, and, at the same time, do not act as an integral part of the plans of urban neighborhood renewal (Herzer et al., 2000).

6. First visible impacts: variations in real estate values

As Herzer, et al. show in a first draft of their study of price variation in buildings, La Boca has three distinct real estate markets—commercial, residential and warehouse—which have been differentially affected by the process of urban renewal initiated by the construction of seawalls (2000).

The commercial real estate market is the one most directly affected by the gradual increase in values produced by urban renewal in the barrio. Streets and avenues (including the most typical ones such as *Necochea Street* with its traditional Italian cantinas) that were once the center of the commercial sector today have almost no commercial activity. Instead, a new

⁷City government body responsible for housing policy.

⁸ In the area of the *Plus Ultra* pier forty families were living in substandard conditions. These families occupied the place illegally. When the renovation process in the *Costanera Sur* began, the local authorities relocated these families.

⁹These provide for private long-term loans at lower interest rates (4% annually) than the market rate, aimed at families under eviction. Applicants must show a minimum family income of US\$500.

commercial area is emerging in the area of greatest tourist activity: *Caminito-Vuelta de Rocha*. Here, the system of seawalls serves as a tourist attraction—an area for strolling and people watching. Thus, a marked differentiation is produced in the commercial sector. The rent prices are a good indicator of this process; in the new tourist sector rents are almost eight times higher than in other parts of the barrio, especially Necochea Street (located in the area of greatest physical and social decline.)

In the case of residential properties, there was a significant rise in prices (50%) in real terms between 1991 and 1996,¹⁰ the year in which the seawall construction began to be visible. This increase is influenced by the boom in the real estate market that began in 1996 with the reappearance of housing loans.¹¹ This is why in 1996 supply grew noticeably (66% more classified ads than in 1991) and demand is broken down into two groups: buyers seeking already subdivided properties known as *propiedad horizontal* (PH)¹² of one to three rooms (one or two bedrooms) and investors seeking buildings and larger units in order to subdivide and remodel them for resale. The completion of seawall construction in November 1998 further increased housing prices, especially when the effectiveness of the seawalls was confirmed after the first storms hit. In 1999 alone, housing prices increased by almost 10%.¹³

Even with the increases in prices between 1991 and 1999, however, and in spite of the accessibility of the barrio to downtown, housing prices in La Boca remain low relative to the overall housing market in Buenos Aires, which averages close to US\$1000 per square meter (Gobierno de la Ciudad de Buenos Aires; 1998). Certain factors, such as a high volume of truck traffic, the deterioration of buildings, and continued poverty among residents limit the attractiveness of the neighborhood and have kept housing prices lower. Three contiguous residential zones can be distinguished in La Boca: 1) an area of dynamic real estate activity next to the Barracas barrio; 2) an area with some physical and social deterioration, located in the center of the barrio; and 3) an area with a high degree of physical and social deterioration, located in the oldest parts of the barrio.

To summarize, the process of urban renewal has had an immediate impact on the warehouse market and a differential impact on the commercial market. In the case of the housing market, we can see a slow but persistent increase in property values. These trends combined with income deterioration and high rates of unemployment in the city bring into question the ability of current inhabitants to remain in La Boca (see Altimir, 1997; Sautu, 1997).

¹⁰Law 23.962/91 (the Convertibility Law) has established the exchange rate 1US\$ = 1\$, since 1 April 1991. The mentioned percentage increase in real estate values was calculated considering US\$ values.

¹¹After many years, housing loans began to appear again in 1993, and their availability increased up until December of 1994, when the Tequila Crisis reduced credit for a great deal of 1995. In 1996, there was yet another boom in housing loans for sectors with family incomes of over \$1500 per month.

¹²*Propiedad horizontal* are buildings created from the subdivision of one or more buildings on the same lot and sharing a utility or common entryway, but which do not have a system of regular monthly payments for the maintenance of the building (assessments).

¹³ These data refer to all residential property in the overall real estate market of the barrio.

7. Gentrification in La Boca: Who loses in the process?

In this section, I present data on low-income households in La Boca and identify which characteristics of these households enable them to avoid the residential, social, and economic consequences of gentrification in the barrio. I define different levels of occupational vulnerability, taking into account the heads of households' working situations.¹⁴ I also measure housing vulnerability, based on material aspects of housing and tenancy. These indicators enable me to then identify levels of displacement risk.

The data for this analysis come from a survey that other researchers at the University of Buenos Aires (see note 2) and myself performed, which consisted of a sample of 449 low-income households out of the 15,227 households that reside in the barrio. The participating households were chosen according to the kind of housing they inhabited and the degree of deterioration in the areas where they were located. The population that made up the sample came from the total of families/households resident in privately owned tenements, municipal tenements (both renovated and non-renovated), houses built of sheet metal and wood, make-shift houses like those in shanty towns and public housing projects. We used a semi-structured questionnaire that asked about the following items: a) employment status, occupation, position held, economic sector (e.g. the automobile industry), kind of work (e.g. welding); b) socio-demographic characteristics; c) housing data; d) welfare and other benefits (unemployment, public health coverage or retirement benefits, private health coverage or retirement benefits and availability and use of services, and f) problems linked to habitat. The fieldwork was undertaken between October and December 1998.

According to our survey results, 87% of low-income homes in La Boca are inhabited by a single household. In terms of their composition, 75% of the households have up to four members, and 14% are one-person households. This denotes a low level of large families in the population interviewed. The majority of heads of household (68%) are men, but in one third of the households—a level similar to the average of 31.6% estimated for the entire city of Buenos Aires—the recognized heads of household are women.

The analysis of the age of heads of household shows that 82% of those in the sample are 15 to 64 years of age. With regard to education, 21% of heads of household have low or very low educational levels—no schooling or an incomplete elementary education. Those who finished elementary school but not secondary school make up 49% of the sample, which is the most significant category in the sample. Most of them are migrants from other underdeveloped regions of the country or contiguous countries.

Among the low-income heads of household there is a very high proportion of members of the working population (80%), higher than the overall average for the Federal District (79%). Of those heads of household who are in the active working population, 29% are self-employed, 57% are full-time employees, and 8% work in domestic service. The majority (66%) of those who are self-employed have neither employees nor a workshop. As other research shows, some of them

¹⁴ For a detailed explanation of the definition of occupational vulnerability and its levels, see Herzer et al., 2000.

work as street vendors and others provide services. They take advantage of their proximity to downtown by working in the street and can thus be connected to a case of some risk (See also Di Virgilio & Martínez Mendoza, 1999).

Among those who work as full-time employees, only 3% are bosses or foremen, 32% are skilled workers, 22% are non-skilled workers, 28% are skilled manual laborers, and lastly, 15% are non-skilled manual laborers. Also, 40% of these full-time workers can be classified as vulnerable or highly vulnerable, meaning they either do not have a steady job, do not have social security, or they do not have any withholding for social security purposes. Fourteen percent of the households have heads of household with no occupation (unemployed or inactive).

In general, among the working heads of household, we defined levels of job risk related to whether or not they had retirement withholding, whether or not they were affiliated with some sort of health benefit or plan, and whether or not their occupation was permanent. According to our classifications, 57% of heads of household are occupationally at-risk, and among the heads of household who are not occupationally at-risk, 66% are structurally poor.¹⁵ It is safe to conclude from this that the participation of heads of household in the labor force does not guarantee them sufficient resources to satisfy their basic housing needs nor their access to urban services such as running water, electricity, etc. Their low incomes and occupational vulnerability also tend to exclude them from access to publicly financed housing programs.

Most family incomes are low (61% of the families earn less than US\$600 per month). Considering that an average family in the barrio has four members, the percentage of people who do not have access to a complete family bread basket of goods and services every month (valued at US\$140 per month per adult family member) totals 60%, 22% of whom can be considered extremely poor (estimated starting at US\$70 per month). This situation puts these families at a particular disadvantage in relation to the average cost of rent (US\$207) and in relation to government housing plans.

The picture is even bleaker when structural poverty is measured: 72% of these households live in conditions of structural poverty. Looking at both income levels and structural poverty, we find that only 13% of households were not poor either in terms of income or in terms of structural poverty. The remaining 87% live in poverty, either because they do not have enough

¹⁵ Poverty measurements in the common literature are made in two principal ways. The first, known as the poverty line, presupposes a basic family basket of goods and services that, once its value is established, allows us to determine the poverty line. According to this system, those considered poor are those households whose incomes cannot cover the cost of this family basket. The second poverty measurement, known as basic need assessment or BN (in Spanish *necesidades básicas insatisfechas* describes the inability to meet basic needs) refers to material evidence of lack of access to certain kinds of services (Minujin and Vinocur; 1989). Based on the notion of human dignity posited in the World Conference on Employment, basic needs include a) appropriate housing (of adequate size and with private sanitation services); b) services such as potable drinking water, sewage systems, and health education—some of which the community or the state provides; and c) access to freely chosen employment. The setting of a threshold that defines when these basic needs have not been met allows us to empirically identify the poor. Although with this approach there are differences of opinion as to which needs to include and how to weigh their importance, in our work we defined poverty by considering crowding, type of housing, sanitation services, education, and a combined category that indicated a possible lack of adequate income. We also considered the inability to meet one of these needs as sufficient to classify a household or person as poor. Households classified as poor in this way will be referred to as BN, or poor by the basic needs assessment.

income to cover basic consumption (food, clothing, transportation, education, etc.) or because they cannot cover their basic needs.

The labor situation of the heads of household also influences the situation of the households. Among those households whose heads are in the labor force, 53.2% have incomes under US\$600, and the same can be said for 67.8% of those households whose heads are not working.

Looking at the housing situation of the families in our sample, the high level of families at risk in terms of housing considerations in the index of basic needs indicates a situation of intense structural poverty in one of the central areas of the city. As mentioned previously, the sample includes tenement houses (57.6% of the cases), working-class houses (24.5%), deteriorated buildings including the FONAVI¹⁶ government housing projects (12.7%), shanties (2.4% of which correspond to a little shanty town under the Buenos Aires-La Plata highway) and rooms in a single occupancy residence (1.6%). These figures indicate that over 60% of the households live in substandard housing.

Among low-income households, 60% of the heads of household are tenants, another 10% are living in a tenement house or shanty illegally, and only 22% are homeowners. This situation differs from that of the entire barrio, where 36% of heads of household are renters, only 2% are squatters, and 46% are homeowners. These numbers suggest that a relative multiplicity of poor families in La Boca live in illegal/irregular circumstances. Informal rentals (without a lease) and unauthorized habitation of private tenement houses are the most common irregular/illegal situations. As the research demonstrates, tenants and squatters are in a more vulnerable position than homeowners and are more often threatened with displacement (Schill and Nathan, 1983; Muñiz, 1998).

Although all of the households have access to running water, 12.6% do not have water within the household unit. In terms of other services, almost 33% of the sampled households lack natural gas, around 10% do not have a bathroom in the unit, and 35% have to share a toilet with other households. Given La Boca's proximity to downtown Buenos Aires and its status as a recipient of major government investment, the magnitude of these indicators is even more significant. On the other hand, levels of coverage of other services (electricity, cable TV, etc.) appear to be more in line with the central location of the barrio.

Another significant indicator in understanding housing risk is crowding; 14.3% of the households surveyed are in a critical state of overcrowding, meaning that there are over three people per room living in the household. In the case of crowded households (over two people per room), the percentage rises to 39.5% of households. These figures can be contrasted with those for the barrio as a whole, which is more economically heterogeneous than our sample. According to the 1991 Census, critical overcrowding affected 4.6% of the total population, and highly critical overcrowding affected 19.7%.

¹⁶*Fondo Nacional de Vivienda*, National Housing Fund.

8. How government performance is viewed by La Boca residents.

In order to analyze how long-term residents of the barrio perceive the transformations underway, we conducted in-depth interviews with 45 of the 449 households surveyed. In selecting this small, qualitative sample we considered property tenure (whether the head of household was a renter (with or without lease), owner, or squatter) and adhered to the proportions present in the original 449 households surveyed.¹⁷ The interviews were designed to determine the actions taken by these families to resolve neighborhood problems (such as complaints made to the local government, services used, etc.); to observe and inquire into the habitat-related strategies developed by these families/households; and finally to consider the families' perceptions of the transformation of the barrio.

In general terms, according to our findings, residents of La Boca perceive a low potential risk of displacement (see also Di Virgilio et al., 2000). Nevertheless, just as the risk of displacement is not the same for owners as for renters or squatters, the perception of that risk is also not uniform. The public works project to construct riverfront seawalls has contributed to reducing the flooding that has traditionally affected the barrio. La Boca residents have positive feelings about the fact that the barrio is no longer flooded or floods less frequently, but do not perceive the impact of these improvements on the real estate market, particularly in the rental market.

The perception of risk is closely related to property tenure and the kind of participation in the real estate market. The residents of La Boca who are home owners, especially when they have acquired their homes through private means, perceive most strongly the positive aspects of neighborhood renewal. They agree that the government project has helped to foster tourism in the barrio, turned the Riachuelo riverfront into an attractive area for strolling, and improved its safety. They see that this could affect property values, but do not see that this increase could hurt them. If property values go up, the only ones to be hurt, according to homeowners in our survey, are renters.

The type of tenure clearly affects residents' perceptions of the risk of displacement. Although those who participate in the legal real estate market—legal owners, participants in public housing projects, and those who rent with a rental contract—believe that the changes occurring in the barrio are not good for low-income families, they also say: “You have to bring in the good and get rid of the bad. Keep the people who deserve it—that is, honest people. Everybody knows that in La Boca (...) there are people, how can I explain, more or less (...) people who do other things for a living. People who do not work for a living.” Not all residents will be equally endangered. From their perspective, those who will inevitably have to leave the barrio are those “who do not pay their rent,” “who are squatting in houses that are not theirs,” “who do not work,” “bad people” (See also Di Virgilio et al., 2000). These descriptions are associated with people who are involved in physical violence, drugs, alcoholism, non-payment of bills, unemployment, etc. (Herzer et al., 1997). Residents who are part of the official real estate market and of the active working population establish a symbolic distance from the “undesirable

¹⁷The information obtained revolves around the following thematic points: perception of the neighborhood transformations; perception of the risk of expulsion/displacement; description of same based on their knowledge and experience; actions taken by the families to solve problems connected to habitat; a variety of strategies used to resolve problems; evaluation of local government actions undertaken in the barrio.

elements.” These conflicts and differences, which can be seen on the level of discourse, work against residents’ collective action and organizing against potential displacement.

Residents who are part of the extra-legal real estate market are those who perceive more clearly the potential risk of displacement. They know that their situation is unstable, but they are often unwilling to take action, since being anonymous and unnoticed protects them from possible legal action (See also Herzer, et al., 1997).

The participation of a family’s head of household in the labor market not only provides economic resources, but also allows the head of household to consider himself a “working man.” In this sense, a working head of household gives families a guarantee, both in discourse and in reality, against potential displacement. It does not matter what kind of occupational vulnerability they experience (Sautu, 1997); the families believe they have an antidote to displacement. Their jobs act as insurance against the unpredictability of the urban renewal plans and projects that have a direct impact on the barrio (Di Virgilio, et al., 2000). The lack of low-income housing (which brings up the notion of right to housing and the ability to respond to the needs of all sectors of the population) further highlights the importance of employment as a conditioning factor in access to housing. Employment, or lack thereof, affects a family’s resources and, as a result, is the principal determining factor in the access of these households to housing (Badcock, 1994:171).

9. Risk of displacement and social organization in La Boca

Another factor that seems to strongly influence perception of risk is the experience families have in collectively managing their own living situations. Before I elaborate on this point, I would like to first describe the actions being taken by the local government to satisfy the housing needs of low-income families. The Municipal Housing Commission is responsible for implementing housing policy in the barrio. As I pointed out earlier, there are, basically, three programs that grant individual housing loans to groups of families with low incomes who face “housing emergencies” to allow them to jointly buy real estate for use as residential property. All of these programs provide for the setting up of ad-hoc local organizations actively involved in the process of implementation and management (Di Virgilio et al., 2000).

First, I will examine residents’ experiences with the regularization of illegally occupied units in municipally owned properties and their sale to long-term dwellers. This program follows the design of the *RECUP-Boca* program and includes in its implementation a barrio organization, *Mutual Esperanza*, made up of the families living in municipally owned tenement houses. *Mutual Esperanza* is in charge of the management and administration of the system of property re-appropriation and provides “social and technical links” (Naváez; 1998:275). Nevertheless, its true impact on this process is very limited. Changes in the political and economic context have not only called into question the legitimacy of the organization, but have also affected the continuity of its membership.

Mutual Esperanza was set up in 1990 as an initiative of Mayor Grosso. His administration undertook, via the Secretary of Urban Planning, a series of actions that tended to

broaden the structure of opportunities of low-income sectors (Cunil Grau 1997:170).¹⁸ The end of the Grosso administration brought these projects, which had already begun to be weakened, definitively to an end. Under the government administrations that followed, any gestures that had been made toward the integration of low-income sectors were lost, and national political positions became more and more inflexible. Furthermore, unemployment severely limited the ability of members of *Mutual Esperanza* to continue to pay the installments in their plan of housing regularization.

Some of the families who live in municipally-owned tenement houses and who are in the process of buying their property say that their neighbors do not have sufficient resources to qualify for the payment plan. Many of their neighbors do not have work and cannot pay the amount required by the Municipal Housing Commission. Some cannot even pay for water, the only utility that is still shared in the buildings. This is seen by them as one of the most significant problems in the process of housing regularization and one of the situations that makes residents most vulnerable in light of the transformations taking place in the barrio.

Residents in municipally owned tenements under the program of the Municipal Housing Commission have not created self-governing administrative bodies. There is no forum for discussion or resolving common problems. Problems are seen as individual issues, and consequently, all solutions are also offered on an individual basis. Even when they have sufficient reason to not pay a utility bill, families find it difficult to put together the necessary resources to regularize the situation. Collecting money to pay for water or the maintenance of a building's communal spaces is essential, but due to a lack of material resources and organizational experience, these tasks are difficult. The Municipal Housing Commission's program calls for setting up a condominium association. This transforms relationships among residents: people who had previously been simply renters in the same building become condominium owners with all of the rights and responsibilities this entails. *Mutual Esperanza* should help to develop organizational skills and cooperative administration among residents as well as aid in raising and distributing limited economic resources. However, this has not been the case; *Mutual Esperanza* has been largely absent from this process.

A factor that further encourages fragmentation is the lack of information. The residents, for example, do not know the criteria that determine which buildings are assigned to the plan. They have no idea what will happen with those who fulfill their obligations and make their monthly payments, nor with those who are unable to make them. In short, although many residents are involved in the program, they do not know where it will lead. These experiences become even more important when we note that of the 273 original members of *Mutual Esperanza*, only 40 remain. The rest have either stopped paying their installments or have sold their participation to new occupants.

Nevertheless, the organization was initiated by the residents or by the government. It not only models participatory practices, but the organizational experiences of its members serve as important capital for the future creation of "norms of reciprocity which serve to reconcile individual interest and community solidarity" (Cunil Grau, 1997:161).

¹⁸For a detailed description of the housing policies aimed at low-income sectors during the Grosso administration, see Herzer, Di Virgilio, Lanzetta, Lago Martínez, Redondo & Rodríguez, 1998.

The organizations set up by social programs are not always able to live up to the demands of their members and become forums where members can express their demands as social issues. Difficulties that are part of the daily lives of low-income families only cease to exist when a group of social agents begins to feel dissatisfied and defines their difficulties as social issues. These demands become social issues to the extent that the agents define them as such and make their complaints heard (Spector and Kitsuse, 1977:74). We live with innumerable problematic situations, but not all become problems or issues. Social issues are constructions; they are defined as problems by different agents and by actions intended to place these situations in the public arena.

The modes of institutionalization of participation are of key importance in strengthening or weakening the networks of reciprocity that facilitate mutually beneficial cooperation in a community (Moser, 1996:16). Research shows that when government machinery intervenes in social organizations, many times the preexisting reserves of social capital¹⁹ are eroded, and consequently, diminish rather than increase the ability of families to be heard, to complain, or to solve problems of their daily life (Cunil Grau, 1997:112).

Organizational experience not only influences the perception residents have of their risk of displacement, but also constitutes an important asset that reduces the existing risk. The programs discussed previously in this paper (including those that began with *RECUP Boca* and other programs for guaranteed housing credits that started in 1996) have involved neighborhood organizations. Nevertheless, the experiences of the residents who participate in these programs have not been uniform.

Recent organizations—formed from 1996 to the present—were initiatives of the residents. This is the case with the Mutual Society of Evicted Boca Residents (*Mutual de Desalojados de la Boca*) and the soup kitchen *Los Pibes*. The residents that take part in these organizations more clearly perceive the risks implicit in the transformations taking place in La Boca. They are renters or squatters who stopped paying their installments some time ago, and their perceptions are conditioned by their very unstable and extra-legal tenure situations.

These organizations generate reciprocal relationships, social networks, and cooperative skills, which facilitate participation in cooperative housing programs. The scarcity of resources is a great challenge for the organizations involved in housing regularization. On many occasions the lack of material resources pushes some families beyond the point at which they can sustain reciprocity and live up to agreements made with their neighbors. Such is the case of many inhabitants who state that they have difficulties in paying their part of common utilities. We can suppose, then, that organizational experience should not be considered a mere prerequisite imposed by the plan, but rather a valuable experience that helps to address the wide spectrum of daily problems that these families face collectively.

¹⁹Social capital “is the set of real or potential resources linked to the possession of a lasting network of more or less institutionalized relationships of knowledge and mutual recognition” (Bourdieu; 1980:3 ss). A complete summary of this concept is found in Portes, 1999.

10. Conclusion

The gentrification process in La Boca has completed a preliminary stage with the development of a new area of commercial and recreational activities. Commercial regeneration in some parts of the barrio and tourist attractions may create new employment opportunities for long-term residents. But, the restoration of old tenements and houses into art galleries, museums, bars, and restaurants appropriates them for middle class uses that “are almost entirely exclusionary of the popular classes” (Ward, 1998:12). Also, long-term residents’ low standard of living makes urban renewal a controversial issue because of the probability that they will be displaced by new, middle-class populations.

The fact that La Boca has been losing population since the end of the 1940s means that displacement started some time ago in the barrio. A lot of working-class residents were forced to leave to look for new employment opportunities with the deactivation of the port of the Riachuelo and the progressive closing of the local industries. This displacement was more attributable to economic forces than to local policies, but we cannot ignore its consequences. Residents who have remained in the barrio have suffered the effects of decline. They have not taken any steps to increase their opportunities for a better lifestyle. Whether they will be able to withstand the current and future consequences of gentrification is an open question.

Data highlight that many long-time residents are vulnerable and threatened with displacement. As mentioned before, more than 60% of households in La Boca suffer an unacceptably low standard of living. These households are at the greatest risk of displacement and could be in serious trouble if gentrification continues. Resident tenants may be forced to move out as a consequence of rent increases. Also, it is possible that other families who became poor during the last decade and live in types of housing not included in our research might have been omitted from our surveys ; they could add to the numbers of households with low incomes that are threatened with displacement.

The widespread practice of renting without a lease in the low-income housing submarket comes on top of a lack of government intervention vis-à-vis the low-income population. This can be observed in the limited access to public housing loans and the virtual non-existence of options for these families to regularize their housing situation. In the case of homeowners who live in tenement houses—18 cases, or 7% of the total—only six (2.6%) had access to loans. The neighborhood habitat of the low-income groups has been abandoned, and its residents left adrift in a sea of risk factors. In these circumstances, families have to avoid possible rent increases. Local government policies to attend to poor families’ needs for shelter are very restricted. They only focus on a narrow group of individuals and families since they do not accommodate informal working and very low income situations.

Seen together, the levels of risk detected demonstrate both the possibility of and the need for government intervention through public policies that, from the very moment of their conception through their planning and implementation, target people with these socioeconomic, employment, and housing characteristics. Such policies would increase these families’ resources and abilities and could stabilize the population of the neighborhood throughout the process of urban renewal.

In general terms, as I pointed out earlier, residents of La Boca perceive a low potential risk of displacement. However, the perception of that risk is not uniform, but varies depending on the kind of participation in the real estate market. Residents who are part of the informal real estate market perceive the potential risk of displacement more clearly. However, the capacity that these families have to resist displacement is limited. Residents who are part of the formal real estate market establish a symbolic distance from squatters and other non-rent-payers. These conflicts and differences obstruct, in some ways, residents' organization efforts against displacement. Also, due to a lack of material resources and organizational experience, collective action is difficult.

My analysis begins to explore a direction that recognizes, though findings are still incipient, that policies must take into account the existence of different levels of risk or vulnerability and assess the way in which these factors interconnect. Only by doing this, can they create strategies for comprehensive action, and, thus, truly take into account these differential situations. In this way they could combine both general and specific criteria and redefine the meaning of "for everyone" according to "specific need." Official government discourse describes integrating the city and the riverfront and reclaiming public spaces for the people of Buenos Aires. The question is, for which people and how, if today, in the barrio of La Boca, part of the population and its ability to continue living in the neighborhood is being ignored

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Guatemala: más allá de los Acuerdos de Paz La democracia en un país multicultural

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Introducción

Después de 36 años de conflicto armado interno, en Guatemala se están reconstruyendo las instituciones democráticas y el tejido social. Sin embargo, el Estado continúa siendo excluyente y no concuerda con la realidad multicultural del país. La pobreza afecta a la mayoría de los hogares y las características del modelo económico adoptado no favorecen una distribución equitativa de los ingresos. En la sociedad persiste la intolerancia y la discriminación. La polarización ideológica, acentuada durante el enfrentamiento, ha obstaculizado el diálogo franco y realista que permita trascender los Acuerdos de Paz para dar soluciones definitivas a los problemas que originaron la guerra.

Los Acuerdos de Paz firmados entre el Gobierno de Guatemala y la Unidad Revolucionaria Nacional Guatemalteca (URNG) han contemplado importantes cambios para reformar el Estado, modernizar la economía del país y tomar en cuenta a los pueblos indígenas.² Sin embargo, hace falta estudiar y discutir de forma más amplia las características del nuevo Estado y la nueva sociedad guatemalteca, pues a un país multicultural le corresponde un *Estado multinacional* con instituciones políticas que faciliten la interacción pacífica entre pueblos con distinta cosmovisión e idioma, diferentes costumbres, valores y leyes. Además, el horizonte de tiempo de los acuerdos es relativamente corto. Las metas establecidas fijaban los plazos en el año 2000, y aunque algunas han sido reprogramadas siguen siendo perspectivas de corto plazo o, a lo sumo, de mediano plazo. Por lo tanto, es necesario ir más allá de lo establecido en los Acuerdos de Paz, con propuestas de largo plazo, integrales y creativas.

Algunos observadores pesimistas advierten sobre la posibilidad de un conflicto étnico, como resultado de la indiferencia, de quienes ejercen el poder, ante los legítimos reclamos de los pueblos indígenas. Sin embargo, lo que la principal corriente del movimiento político y cultural del pueblo Maya pretende es participar plenamente en la construcción de una *democracia multicultural* basada en una *ciudadanía diferenciada*, por medio de una nueva relación, justa y equitativa, entre el Estado y los pueblos indígenas, que garantice la paz como condición básica para el desarrollo integral de todos los pueblos y minorías étnicas que conviven en el territorio guatemalteco. Surgen, entonces, preguntas vitales para el futuro: ¿Cómo deben ser las instituciones democráticas en Guatemala? ¿Cuáles deben ser las características del Estado en un país multinacional, multiétnico y multilingüe?

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² Destacan el Acuerdo sobre el Fortalecimiento del Poder Civil y la Función del Ejército en una Sociedad Democrática, el Acuerdo sobre Aspectos Socioeconómicos y Situación Agraria, y el Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas.

Las políticas multiculturales, como se han teorizado y puesto en práctica en otros países, tienen como pre-requisitos el estado de derecho y una democracia consolidada. Por ello, Guatemala enfrenta dos enormes desafíos: la consolidación del sistema democrático y el imperio de la ley y, al mismo tiempo, la conformación de un Estado pluralista y respetuoso de las diferencias étnicas y culturales. Este doble reto es mucho más serio y complicado que el de los países multiculturales que ya poseen una democracia liberal consolidada, y que el de países en vías de consolidación democrática con una población culturalmente homogénea. La democracia multicultural guatemalteca sólo se puede alcanzar repensando radicalmente el país, por lo que es necesario trascender los Acuerdos de Paz y superar dos tipos de obstáculos: las *barreras institucionales* (marco legal y sistema político) que imposibilitan a los pueblos indígenas acceder en igualdad de condiciones al juego democrático, y las *barreras ideológicas* (falacias, estereotipos y prejuicios) que impiden reconocer los problemas y enfrentarlos adecuadamente.

El objetivo de la presente investigación es aportar nuevas ideas para rediseñar el sistema político que garantice la paz entre los guatemaltecos. El documento se construye a partir de investigación bibliográfica sobre políticas multiculturales y procesos de consolidación democrática. Ese marco teórico se utiliza para identificar los principales problemas del sistema político guatemalteco, analizar el debate político y étnico-cultural, y generar propuestas que faciliten construir una democracia multicultural. Los principales pensadores que influyen en el análisis son: i) Juan Linz y Alfred Stepan con su libro *Problems of Democratic Transition and Consolidation*, en lo referente a la teoría política; ii) James Anaya con su obra *Indigenous Peoples in International Law*, sobre aspectos del derecho internacional; y iii) Will Kymlicka con su libro *Ciudadanía Multicultural*, de quien provienen los conceptos de filosofía política relacionados con sociedades multiculturales.

Consideraciones sobre la realidad guatemalteca: barreras institucionales

a) Historia de injusticias: realidad de pobreza y discriminación

La violenta conquista española marcó profunda y definitivamente las instituciones y las relaciones sociales, económicas, políticas y étnico-culturales en Guatemala. Los abusos y la segregación contra los pueblos indígenas se sistematizaron y legalizaron durante el prolongado período colonial. Con la independencia surgieron mecanismos más sutiles y sofisticados de explotación laboral y expropiación de sus tierras. En la República, los conservadores retomaban algunas de las políticas paternalistas de la Corona Española.³ Cuando los liberales estaban en el poder se proclamaba la igualdad constitucional para obedecer la ley, servir a la patria y pagar los impuestos, pero sólo eran considerados ciudadanos los varones mayores de veintiún años, con renta, oficio o profesión que les garantizara la subsistencia.⁴ Saber leer y escribir también era un requisito para optar a la ciudadanía, pero el Estado había delegado en los finqueros la tarea de

³ Con las reformas constitucionales de los conservadores, en 1839, los indígenas eran considerados ciudadanos de segunda categoría: personas sin ilustración suficiente para conocer y defender sus propios derechos. Arturo Taracena, *Guatemala y sus retos desde la óptica de un historiador político*, (Guatemala, 1998), fotocopias.

⁴ La definición corresponde a la Constitución Política de 1879. Ibid.

educar a los indígenas, lo que en la práctica significaba un nuevo tipo de encomienda.⁵ Además de la Constitución, una serie de leyes secundarias contribuyeron a mantener a los indígenas fuera de la categoría de ciudadanos pues, como documenta Greg Grandin, la elite en el poder consideró a los indígenas como una fuerza laboral a ser movilizadada, por lo que las reformas y decretos del Estado eran para aumentar el control social, romper la base de subsistencia de las comunidades indígenas y hacer disponible su tierra y trabajo para las necesidades del cultivo y exportación de café.⁶ Lo confirma Regina Wagner cuando explica que, en el período liberal, “la producción y exportación del café recibió todo el apoyo del Estado, tanto en la obtención de tierras como de almacigos, créditos y mano de obra barata suministrada por medio de instrumentos coercitivos institucionalizados”.⁷ Es decir que, tanto bajo el régimen colonial como republicano, de conservadores o liberales, los pueblos indígenas de Guatemala han estado sometidos a diversos mecanismo de servidumbre, sin posibilidades de acceder a plenos derechos ciudadanos.

Desde 1954, al truncarse la esperanza democrática que había germinado con la revolución del 44, el Estado de Guatemala aumentó su poder coercitivo para beneficio de quienes lo han *capturado*. Continuó con la tradición centralista y autoritaria de la Colonia y de los gobiernos dictatoriales de la República, pero con el agravante de la ideología anticomunista que lo introdujo en el escenario mundial de la Guerra Fría.⁸ El conflicto armado interno iniciado en la década de 1960 dejó lamentables resultados, especialmente para los pueblos indígenas: cientos de miles de desplazados internos, decenas de miles de muertos y desaparecidos entre la población civil, miles de refugiados o exilados en el extranjero y cientos de aldeas destruidas. Además del inmenso costo económico para toda la población, la erosión del capital social⁹ ha sido tan dramática que puede llevar varias generaciones el restablecimiento de los lazos de confianza y credibilidad entre la población para elevar los niveles de solidaridad y reciprocidad.¹⁰ Las instituciones formales (como la Constitución Política, las leyes ordinarias y sus regulaciones específicas) e

⁵ En el período liberal de 1871 a 1944 se practicó lo que algunos historiadores denominan una *ciudadanía restringida*. El Centro de Investigaciones Regionales de Mesoamérica (CIRMA) está realizando interesante estudio sobre la evolución histórica de las relaciones inter-étnicas en Guatemala.

⁶ Greg Grandin, *The Blood of Guatemala: A History of Race and Nation*, (Durham: Duke University Press, 2000), pp. 110-111.

⁷ Regina Wagner, *La conformación del Estado guatemalteco*, (Guatemala, 1998), fotocopias.

⁸ “[F]rente a la magnitud de la violencia y lo prolongado del enfrentamiento armado no es posible postular explicaciones simplistas que sitúen el conflicto armado como una manifestación directa de la confrontación Este-Oeste,” pues existen profundas raíces históricas, pero dicha coyuntura internacional alentó la violencia imposibilitando el uso de medios pacíficos alternativos para solucionar los problemas sociales, económicos, políticos y étnicos que arrastra el país. Comisión para el Esclarecimiento Histórico, *Guatemala: Memoria del Silencio*, (Guatemala: CEH, 1999); disponible en <http://hrdata.aaas.org/ceh/>; Internet.

⁹ El capital social se define generalmente como un conjunto de características de la organización social, como la confianza, las normas y las redes que permiten y facilitan la cooperación. Robert Putnam, *Making democracy work: Civic Traditions in Modern Italy*, (Princeton: Princeton University Press, 1993).

¹⁰ En los lugares más afectados por el conflicto armado interno se observa un nivel de capital social relativamente más bajo que en el resto del país. El Banco Mundial realizó, durante 1999, una investigación sobre la violencia en áreas urbanas pobres de Guatemala, en la que se muestra la erosión del capital social. El estudio coordinado por Caroline Moser está pendiente de ser publicado.

informales (como los valores éticos y morales, los preceptos religiosos y otros códigos de conducta implícitos)¹¹ se debilitaron aún más que en el pasado, pues se perdió respeto hacia ellas debido a que los ciudadanos sufrieron la persecución y abusos del Estado y del sistema jurídico que debían protegerlos.

Según el X Censo de Población realizado en 1994, el 42.8% de la población de Guatemala es indígena.¹² Sin embargo, algunos estudiosos afirman que los indígenas son aproximadamente el 60% de la población.¹³ Generalmente se acepta que en Guatemala “existen 23 comunidades étnicas que conforman 3 pueblos indígenas. El pueblo indígena mayoritario es el de origen Maya que está conformado por 21 comunidades lingüísticas. Los 2 pueblos restantes, Garífuna y Xinka, están constituidos, cada uno, por un grupo lingüístico minoritario”.¹⁴ Guatemala, además de ser un país donde conviven personas de diversas culturas, es un lugar donde la pobreza afecta a la mayoría de la población. Utilizando el enfoque de Necesidades Básicas Insatisfechas (NBI), con base al Censo de Población de 1994, se determinó que más del 60% de los hogares del país son pobres, es decir que tienen al menos una NBI,¹⁵ pero la pobreza afecta sobre todo a las comunidades indígenas del área rural donde el 72% de los hogares tiene al menos una NBI.¹⁶

b) Carencias de los Acuerdos de Paz: visión de largo plazo y creatividad

Es cierto que los Acuerdos de Paz, especialmente el Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas, fueron novedosos al reconocer políticamente que Guatemala es un país multiétnico, pluricultural y multilingüe, pero hay preguntas fundamentales para el futuro del país que quedaron sin respuesta: ¿Cómo se construye una democracia multicultural? ¿Cuáles son las

¹¹ La noción de instituciones se toma de la literatura sobre economía institucional. Douglas North, "Institutions Matter for Development" en Banco Mundial, *Beyond the Washington Consensus*, (Washington: World Bank, 1998), pp. 13-29.

¹² En el censo “se respetó el derecho individual a la autoidentificación con su grupo étnico, por lo que el mismo se obtuvo por medio de pregunta directa y no por simple observación: ¿es indígena? si o no”. Instituto Nacional de Estadística (INE), *República de Guatemala, Características Generales de Población*, (Guatemala: INE, 1996), p. 140. Según la Encuesta de Ingresos y Gastos de 1998 un 48% de los hogares son indígenas. Instituto Nacional de Estadística, *Encuesta Nacional de Ingresos y Gastos Familiares 1998*, (Guatemala: INE, 1999).

¹³ Uno de los principales criterios utilizados en Guatemala para definir a los *pueblos indígenas* ha sido el idioma: conglomerados humanos conformados por una o varias comunidades lingüísticas. Leopoldo Tzián, *Mayas y ladinos en cifras: el caso de Guatemala*, (Guatemala: Cholsamaj, 1994), p. 45.

¹⁴ Mesa Nacional Maya de Guatemala, *Situación de pobreza del pueblo Maya de Guatemala*, (Guatemala: OIT & PNUD, 1998), p. 16.

¹⁵ Instituto Nacional de Estadística, *Guatemala: Necesidades Básicas Insatisfechas, 1981 - 1994*, (Guatemala: INE y CELADE, 1997), p. 33. Adicionalmente, Guatemala es uno de los países de América con mayor desigualdad en la distribución del ingreso. Banco Interamericano de Desarrollo (BID), *América Latina frente a la desigualdad* (Washington: BID, 1998), p. 10.

¹⁶ Instituto Nacional de Estadística, *Guatemala: Necesidades Básicas Insatisfechas, 1981 - 1994*, p. 35. El 89.5% de la población indígena de Guatemala es pobre y el 76.1% es extremadamente pobre, según enfoque de la línea de pobreza. Mesa Nacional Maya de Guatemala, *Situación de pobreza del pueblo Maya de Guatemala*, p. 55.

características del nuevo Estado multinacional que la realidad exige? ¿Qué tipo de instituciones se requieren para que la minorías étnicas y todos los pueblos indígenas y no-indígenas participen plenamente en la vida política? Existen lagunas conceptuales, imprecisión en la definición de los objetivos y, sobre todo, hace falta la visión de largo plazo de las instituciones que hagan viable una democracia multicultural y un Estado multinacional. Todas las soluciones y procedimientos propuestos en los acuerdos se enmarcan dentro de la institucionalidad vigente en el país. La propuesta de reforma a la Constitución Política de la República sólo amplía ese marco institucional pero no lo recrea. No eran cambios profundos, sino *reformas*.

Una posible explicación a esas limitaciones creativas de los Acuerdos de Paz es que, en el contexto de las negociaciones, era requisito indispensable acomodarse al orden jurídico-político establecido y no pretender modificarlo en esencia. Eso era algo asumido por la URNG, que estaba renunciando al cambio violento de las estructuras, para integrarse a la vida política institucionalizada del país. Era un acomodamiento en la nueva coyuntura local e internacional. Por parte de la representación gubernamental no se esperaban grandes innovaciones, pues el Estado ha sido el guardián del *status quo*. Esa realidad de las negociaciones no permitió que los actores se atrevieran a repensar el Estado guatemalteco, a cuestionar el modelo democrático implementado desde 1985, o a sugerir los cambios radicales no-violentos que se necesitan para efectivamente corregir las injusticias pasadas y presentes. El planteamiento de los acuerdos es de carácter reformista, por lo cual es difícil encontrar propuestas integrales y creativas con visión de largo plazo. Sin embargo, no puede negarse que el resultado de las negociaciones fue positivo para la sociedad guatemalteca, pues se logró terminar con el enfrentamiento armado interno.

Otro aspecto que frecuentemente se critica de los Acuerdos de Paz es que fueron el resultado de negociaciones entre un grupo muy específico y reducido, la URNG, y diferentes gobiernos. Por un lado, se pone en duda la representatividad de la comandancia guerrillera.¹⁷ Por otro lado, los compromisos asumidos por las diversas comisiones que representaban al Gobierno de Guatemala nunca fueron formalizados como compromisos de Estado, sino que simplemente quedaron en compromisos políticos cuyo cumplimiento depende de la buena voluntad de los gobiernos posteriores. Esto dificulta que los acuerdos sean apropiados por la población guatemalteca que, en general, los desconoce, o por los principales actores de la sociedad civil.¹⁸ No existe un mandato popular o consenso político que empuje al Estado, como un todo institucional, a implementar completamente los compromisos adquiridos y trascenderlos para encontrar soluciones integrales y definitivas a los problemas históricos del país. En gran medida, el cumplimiento parcial y gradual de los acuerdos ha ocurrido por la presión política y financiera de la comunidad internacional.

¹⁷ Según la Misión de Naciones Unidas para la Verificación de los Derechos Humanos en Guatemala (MINUGUA), los combatientes de la URNG eran alrededor de 2,500 al momento de su desmovilización. En las elecciones generales del 7 de noviembre de 1999, la Alianza Nueva Nación, integrada por la URNG y otros partidos de izquierda, obtuvo 270,891 votos en la elección presidencial, lo cual representa un 12% de los votos válidos.

¹⁸ Hubo algunas organizaciones mayas que participaron en la Asamblea de la Sociedad Civil, instancia que daba insumos y servía como *caja de resonancia* a las negociaciones del proceso de paz. Sin embargo, las decisiones finales eran tomadas por “las partes” (gobierno y URNG).

Al tomar conciencia de las limitaciones del proceso paz surge la inquietud sobre: ¿Qué actores definirán la agenda y llevarán el liderazgo en el debate político que permita repensar el país y no sólo reformarlo? No es deseable, desde ningún punto de vista, que ocurran confrontaciones violentas para entonces proceder al diálogo político profundo. Por el contrario, debe existir la capacidad de reconocer la urgente necesidad de debatir sobre los principales problemas del país, dentro de las reglas del juego establecidas, para hacer los cambios requeridos que garanticen una verdadera paz.

c) Lenta consolidación de la democracia guatemalteca: peligro del retroceso

Guatemala avanza lentamente en el proceso de consolidación democrática. La mayoría de analistas políticos están de acuerdo en que, al menos formalmente, se ha concluido la transición. Sin embargo, se ha caído en la *falacia electoral*, es decir que se cree que el necesario proceso de elecciones libres es suficiente para hablar de democracia. Se ha adoptado una versión limitada del modelo de democracia representativa, en la cual la participación ciudadana termina en las urnas y luego se pasa a una etapa de delegación total del poder en manos de los legisladores y del Presidente de la República, quienes no enfrentan incentivos correctos para legislar y gobernar en beneficio de la población.

Para visualizar porqué la joven democracia guatemalteca está lejos de consolidarse se puede acudir al modelo propuesto por Juan Linz y Alfred Stepan,¹⁹ según el cual la *democracia consolidada* es la situación política en la cual la democracia es el *único juego posible* en el país, lo cual sucede cuando: *i.* No hay un grupo significativo que atenta seriamente contra el régimen democrático o intente separarse del Estado. *ii.* A pesar de las severas crisis políticas o económicas, la mayoría de la población cree que el único cambio posible va a emerger de la fórmula democrática. *iii.* Los actores políticos se habitúan al hecho que los conflictos políticos se resolverán acorde con las normas establecidas y que la violación de esas normas podría ser algo inefectivo y costoso. *iv.* La democracia se convierte en una rutina y ha sido profundamente internalizada socialmente, institucionalmente e, incluso, psicológicamente. Y cuando existe una sociedad civil beligerante y activa, una sociedad política relativamente autónoma y valorada, un estado de derecho, una burocracia funcional, y una sociedad económica institucionalizada.²⁰

Dichos criterios de consolidación aún no se satisfacen plenamente en Guatemala. Peor aún, puesto que no impera la ley, el proceso de democratización es reversible. El temor al retroceso hacia un régimen autoritario es justificado porque es común encontrar entre la población el fenómeno del “desencanto” con la democracia. La democracia, tal y como se ha experimentado en Guatemala, se asocia negativamente con el crimen y la pobreza. Dicho fenómeno puede ser explicado en parte, como Dinorah Azpuru sugiere, por los elevados niveles de delincuencia real y percibida y, sobre todo, por la falta de capacidad del sistema político para disminuirlos. El impacto político del crimen se puede ver en el apoyo de los ciudadanos a gobiernos de *mano dura* o líderes con dudosa vocación democrática.²¹ También los resultados

¹⁹ Juan Linz y Alfred Stepan, *Problems of Democratic Transition and Consolidation*, (Baltimore: The Johns Hopkins University Press, 1996), pp. 3-7.

²⁰ *Ibid.*, pp. 10-15.

de las políticas económicas, adoptadas durante la actual etapa democrática, se relacionan con el desencanto, porque la pobreza y la desigualdad persisten.²² Las fallas y fracasos de la economía de libre mercado son también argumentos poderosos para una nueva generación de políticos populistas.

d) Supuestos de las políticas multiculturales: estado de derecho y democracia

La teoría sobre políticas multiculturales desarrollada en países como Canadá, Australia y Nueva Zelandia, especialmente en torno a los derechos de las minorías étnicas de inmigrantes y los pueblos indígenas, tiene como supuesto fundamental la preexistencia de una democracia liberal consolidada, donde prevalece el estado de derecho y opera un sistema judicial efectivo. En esos países, dentro del marco de la *Common Law*, las Cortes consideran válidos los tratados firmados entre los primeros colonos y los pueblos indígenas, para resolver disputas sobre la propiedad de la tierra. En Canadá, por ejemplo, el reconocimiento de los tratados coloniales es un poderoso incentivo para que los gobiernos provincial y federal negocien con las *primeras naciones*.²³ Por otro lado, el sistema democrático funciona de tal manera que si los electores ponen atención a las demandas de los pueblos indígenas, los políticos se ven obligados a satisfacer dicha preferencia.²⁴ También los líderes indígenas han sabido tener presencia en los medios de comunicación para sensibilizar a la opinión pública sobre la realidad que padecen y los derechos que se les han negado. Los valores fuertemente interiorizados por una población con sólida tradición democrática permiten que argumentos de principios, como justicia y equidad, impacten en los votantes y políticos. Es decir que, ante una situación de injusticia, existe la suficiente sensibilidad para reaccionar en favor de una solución, pues hay exigencias éticas que resultan ser más convincentes que argumentaciones de rentabilidad económica o estabilidad política. Seguramente, también se dan consideraciones puramente técnicas, hay conflictos de intereses, juegos de poder y hasta cinismo político, pero todo está dentro del arreglo institucional democrático.

En el caso de Guatemala, se avanza lentamente en la consolidación democrática y nadie garantiza el no-retorno a regímenes no-democráticos. Aún no es realidad el estado de derecho que permita las negociaciones justas y equitativas con los pueblos indígenas. El sistema de justicia está en proceso de modernización y hace falta mucho camino por recorrer para que gane credibilidad. Los políticos enfrentan incentivos perversos. El sistema es sólo formalmente democrático pues no hay suficiente participación y es muy escasa la representación de los pueblos indígenas en la arena política. Adicionalmente, la opinión pública no está sensibilizada respecto al problema de continua violación a los derechos de los pueblos indígenas. En dicho

²¹ Dinorah Azpuru, *The Political Impact of Crime: The Case of Guatemala*, (Pittsburgh: University of Pittsburgh & ASIES), LASA paper 2000, pp. 23-24.

²² Muchos atribuyen al sistema económico, en especial a las reformas de liberalización y modernización económica, la responsabilidad por los elevados niveles de pobreza y desigualdad. Sin embargo, frecuentemente se olvida que el mercado necesita de su contraparte: la democracia y las reformas políticas para consolidarla.

²³ Generalmente los gobiernos negocian con las autoridades representativas de los pueblos indígenas antes de ir a juicio, pues de lo contrario las sanciones o compensaciones pueden ser muy altas y los costes judiciales también.

²⁴ Incluso, se ha propiciado la competencia entre los gobiernos provinciales y el gobierno federal respecto a quién tiene políticas más adecuadas al ideal de una sociedad multicultural.

escenario, es muy difícil utilizar los argumentos éticos de justicia y libertad. Más complicado es encontrar incentivos para la negociación de buena fe entre el gobierno y los pueblos indígenas. El Estado ha sido capturado por la elite económica, criolla y mestiza, que no está dispuesta a negociar “privilegios” a los pueblos indígenas, pues ni siquiera les reconoce el *status* de pueblo, sino sólo de campesinos o comunidades de *inditos*, *paisanos* o *naturales*. Otra diferencia fundamental, sin caer en determinismo o fatalismo, es la historia. Aunque el sistema judicial funcionara aceptablemente, dado que la tradición jurídica es la del Derecho Romano, los escasos antecedentes de leyes o tratados anteriores a favor de los derechos y territorios indígenas no se pueden reivindicar.²⁵

Análisis del debate político y étnico-cultural en Guatemala: barreras ideológicas

Para alcanzar una democracia consolidada y multicultural es necesario reconocer las *barreras ideológicas*. Sobre todo, es preciso superar las actitudes y prejuicios de las elites, para lograr un diálogo constructivo sobre las reivindicaciones y derechos de los pueblos indígenas. Es importante analizar y criticar los diferentes discursos, de lo que también se ha denominado el *debate inter-étnico*, para hacer las preguntas relevantes, redefinir los términos y señalar los errores que impiden avanzar en la construcción de consensos; de tal manera que se pueda brindar a los interlocutores un mismo lenguaje y una base objetiva donde se construya la dialéctica de la vida política. No se pretende hacer un riguroso estudio de todas las posturas. Sólo se toman algunos de los argumentos del discurso que se opone a que en la legislación y en las políticas públicas existan derechos y acciones diferenciados en función de los pueblos indígenas.²⁶

a) Falacias más comunes en el debate político y étnico-cultural

“Indígena es lo mismo que campesino”

Cuando el discurso de la *lucha de clases* llegó a Latinoamérica se encontró con un problema: no había proletariado. El número de obreros era muy escaso para iniciar la revolución socialista, porque ni siquiera había ocurrido una revolución industrial. En el sistema casi feudal de lo que había sido parte de la Corona Española, se necesitaba de otro actor: el campesinado. De esta forma el binomio europeo capitalista-proletario, se transformó en terrateniente-campesino para el caso de latinoamericano. Con la categoría de campesino se homogeneizó, para tratar de adaptar la realidad a la ideología, a los grupos que no poseían ningún poder económico ni político. Se obvió por completo que en el subcontinente americano no había obreros sino pueblos indígenas. Se identificó al pobre como agricultor de subsistencia aunque su principal actividad económica fuera de otra naturaleza. La visión economicista del marxismo no tomó en

²⁵ Durante la conquista y la colonia, la fuerza y el engaño fueron “la ley” de los españoles y las normas que eventualmente emitió la Corona para disminuir los abusos de los peninsulares y criollos jamás fueron ejecutadas plenamente.

²⁶ Uno de los principales aportes de los Acuerdos de Paz ha sido su disponibilidad para ser criticados, pues han contribuido a que se incremente la discusión, aunque la calidad de la misma no ha llenado las expectativas. En este campo de la vida ciudadana aún quedan residuos de la polarización propia del enfrentamiento. La desconfianza entre los interlocutores bloquea la comunicación y limita las posibilidades de un diálogo abierto, profundo y sincero. Se necesita superar los ataques personales, el uso recurrente de todo tipo de falacias, el inapropiado empleo de los términos, el desconocimiento de, o cinismo respecto a, la historia; la incapacidad para enfrentarse a las verdades, la realidad propia y del otro; y superar los dogmas ideológicos.

cuenta los factores culturales. La identidad únicamente provenía de la *conciencia de clase* y, necesariamente, la clase campesina tendría que luchar por la tierra y por abolir, contradictoriamente, la propiedad privada. La exguerrilla guatemalteca reconoce que el desarrollo del movimiento insurgente se basó en la idea del “campesino” (durante las décadas de 1960 y 1970) pero luego, “sobre la reivindicación de la tierra, se desarrolló la reivindicación étnico-cultural” (en la década de 1980).²⁷ Desde entonces, en el debate político y económico ha predominado la concepción del indígena como campesino, ligado fatalmente a la agricultura de subsistencia y, por lo tanto, dependiente exclusivamente de la tierra. Sin embargo, esa identificación no es congruente con la realidad.

En Guatemala, la tradición ancestral Maya respecto al comercio explica la importancia y sobrevivencia de instituciones como *el día de mercado*, que no sólo es un mecanismo eficaz para el intercambio mercantil, sino que se constituye en una auténtica manifestación cultural.²⁸ El comercio de las comunidades indígenas es parte esencial de su vida económica, social y cultural. En muchos municipios del Altiplano Occidental se podría afirmar que la agricultura gira en torno al comercio y no a la inversa. El comercio no sólo ha facilitado la movilidad social, sino que también se ha constituido en uno de los vínculos más importantes de las relaciones interculturales en el país. La inmensa red de mercados indígenas son un testimonio vivo de la forma en que se enriquecen mutuamente las diferentes culturas.

Carol Smith también sugiere que es una falacia muy difundida la de que todo indígena es campesino, en el sentido de que depende exclusivamente del trabajo agrícola. Para ella, el concepto de campesino podría ser entendido en forma más amplia:

“Para la mayoría de la gente del campo en Guatemala, ser campesino significa estar ubicado en un *status* particular y no ejercer una ocupación definida: es el *status* de ser gente rural, relativamente privada de poder y relativamente pobre, y que además trabaja un poco la tierra”.²⁹

Los indígenas de la Guatemala contemporánea son más que simples campesinos dependientes de la agricultura de subsistencia. Si se dedican a las labores del campo no es por razones meramente culturales, sino porque ha habido una obligatoria división del trabajo dirigida

²⁷ Danilo Rodríguez, *Movimiento Campesino y Estado de Derecho*, Artículo de opinión publicado en el diario Siglo XXI, (Guatemala, 14 abril 2000). El involucramiento de los indígenas en el conflicto armado interno los convirtió en blancos indefensos de las políticas represivas del Estado, a tal punto que la Comisión para el Esclarecimiento Histórico (CEH) afirma que los Mayas fueron considerados como enemigo colectivo del Estado. La CEH también concluye que “la innegable realidad del racismo, como doctrina de superioridad expresada permanentemente por el Estado, constituye un factor fundamental para explicar la especial saña e indiscriminación con que se realizaron las operaciones militares contra centenares de comunidades Mayas en el occidente y noroccidente del país, en particular entre 1981 y 1983, cuando se concentraron más de la mitad de las masacres y acciones de tierra arrasada en su contra”. Comisión para el Esclarecimiento Histórico, *Guatemala: Memoria del Silencio*, (Guatemala: CEH, 1999), disponible en <http://hrdata.aaas.org/ceh/report/spanish/concl.html>; Internet.

²⁸ Carlos Mendoza, *Aproximación al funcionamiento de los mercados indígenas de Guatemala*, (Guatemala: Universidad Francisco Marroquín, 1999).

²⁹ Carol Smith, "Destrucción de las bases materiales de la cultura indígena: cambios económicos en Totonicapán", en Robert Carmack (editor), *Guatemala: cosecha de violencias*, (San José: FLACSO, 1991), pp. 348-349.

desde el Estado, que los ha obligado a trabajar la agricultura de escasa productividad.³⁰ Es decir que a los pueblos indígenas no se les ha permitido desarrollar actividades comerciales, industriales o de servicios porque, en definitiva, no se les ha dejado en libertad para reproducir todos los elementos de su propia cultura y se les han negado las oportunidades.

¿Por qué es tan importante diferenciar la categoría *campesino* del concepto *indígena*? Posiblemente tenga alguna utilidad hablar de “clases sociales” en países culturalmente homogéneos, para referirse a diferentes estratos socioeconómicos definidos por los niveles de ingresos. Sin embargo, en países multiculturales como Guatemala es un reduccionismo conceptual y una burda generalización identificar a todos los indígenas como campesinos. Es más apropiado hablar de *pueblos indígenas* o minorías étnicas. Esta diferenciación es importante por motivos políticos. Mientras un grupo de campesinos podría reclamar tierras (minifundios) para sembrar en función de su propia alimentación, un pueblo indígena puede reclamar *territorios* (amplias extensiones) que constituyen la base material y espacial para el sostenimiento y libre desarrollo de su cultura. Mientras una organización campesina solicita acceso al crédito, fertilizantes y herramientas, un pueblo indígena solicita que se respete su *derecho al autogobierno* dentro de los límites de su territorio y el *derecho a la autodeterminación* política y económica. En tanto que el Estado se relaciona con los campesinos a través de políticas de empleo y salarios, las relaciones con los pueblos indígenas se deben dar en condiciones de igualdad, reconociendo la jurisdicción que a sus propias autoridades les corresponde sobre los asuntos internos de la nación o pueblo indígena. En conclusión, es una falacia afirmar que *indígena es lo mismo que campesino* y políticamente es un error estratégico pues en el derecho internacional lo relevante es la figura jurídica de *pueblo indígena* que puede utilizarse para argumentar en favor de sus reivindicaciones.

“Los grupos indígenas son simplemente grupos de interés o de presión”

Frecuentemente, al movimiento indígena se le identifica simplemente como un “grupo de campesinos” que reclama terrenos para la agricultura, o se les considera igual a cualquier otro grupo que cabildea en la arena política. De esta manera se niega su *status* de pueblo. Sin embargo, los pueblos indígenas no son comparables con las minorías étnicas de inmigrantes o con los grupos de personas marginadas (minusválidos o ancianos), ni mucho menos con los grupos de presión o interés. Los pueblos indígenas no son una cámara empresarial, ni un sindicato, ni un gremio. El movimiento indígena es una expresión de la vida propia de las naciones o pueblos indígenas. Por eso la crítica despectiva al movimiento Maya no es congruente con la realidad que representa: los legítimos reclamos de un pueblo. Quizá podría cuestionarse el grado de representatividad de los líderes del movimiento, pero no puede negarse que son la manifestación más inmediata de la toma de conciencia de un ente colectivo real: el pueblo Maya. En este sentido, se debe hablar de *pueblos indígenas* porque:

“[P]oseen una continuidad histórica previa a la conquista y la colonia en la cual se desarrollaron en sus propios territorios, se consideran a sí mismos como distintos respecto

³⁰ Aproximadamente un 52% de la Población Económicamente Activa, de 7 años y más de edad, se dedica a las labores agropecuarias según el último censo de población. Instituto Nacional de Estadística, *República de Guatemala, Características de Generales de Población*, p. 64.

a otros sectores de la sociedad que ahora habitan en esos territorios o en parte de ellos. Constituyen actualmente un sector no dominante de la sociedad y están determinados a preservar, desarrollar y transmitir a las futuras generaciones sus territorios ancestrales y su identidad étnica, así como las bases para su continua existencia como pueblos, de acuerdo con sus propios patrones culturales, instituciones sociales y sistemas legales”.³¹

Por ello, se puede afirmar con propiedad que Guatemala es un país multicultural o multinacional. Eso significa que en él habitan personas de diferentes culturas, pertenecientes a distintos pueblos o *naciones*, donde nación significa: “una comunidad histórica, más o menos completa institucionalmente, que ocupa un territorio o una tierra natal determinada y que comparte una lengua y una cultura diferenciadas. La noción de nación, en este sentido sociológico, está estrechamente relacionada con la idea de pueblo o de cultura.”³²

Para el caso de países multiculturales lo más apropiado es omitir la idea de una sola nación e incorporar al debate la realidad multinacional y, por ende, la noción del Estado multinacional. El concepto de pueblo y nación es fundamental para defender jurídica y políticamente el derecho al autogobierno y el principio de autodeterminación.

“Conceder derechos adicionales a los indígenas es violar el estado de derecho”

Quienes se oponen al reconocimiento de los derechos colectivos de los pueblos indígenas argumentan que ello violaría el estado de derecho. El principal problema del argumento es cómo se interpreta el concepto de *estado de derecho*. Generalmente, no se interpreta correctamente en el debate guatemalteco, pues se ha pretendido incluir en su definición el principio de leyes iguales para todos. Sin embargo, de acuerdo a John Rawls, el estado de derecho (*rule of law* literalmente se traduce como autoridad, dominio o imperio de la ley) implica el papel regulador de ciertas instituciones y sus prácticas legales y judiciales asociadas para que, entre otras cosas, todos los funcionarios de gobierno estén bajo el imperio de la ley y sus actos estén sujetos al escrutinio judicial; para que el organismo judicial sea independiente y que la autoridad civil esté por encima de la militar. *Rule of law* implica que las decisiones de los jueces descansan en la legislación existente y que los legisladores no pueden cambiar la legislación con fines puramente políticos sino sólo dentro de lo permitido por la Constitución y deben rendir cuentas sobre sus decisiones.³³

Otro problema es cómo se entiende el principio de *igualdad ante la ley*. Dicho principio no está contenido en el concepto de estado de derecho y su interpretación más restringida proviene de una particular comprensión del ideal de *ciudadanía universal*, en la cual además de hacerse referencia a la extensión de la ciudadanía para todos, se entendió universalidad en el sentido de leyes y reglas que dicen lo mismo para todos y aplican para todos en el mismo sentido;

³¹ United Nations, Study of the Problem of Discrimination against Indigenous Populations en James Anaya, *Indigenous Peoples in International Law*, (Oxford: Oxford University Press, 1996), p. 5.

³² Will Kymlicka, *Ciudadanía Multicultural*, (Barcelona: Paidós, 1996), p. 26.

³³ John Rawls, “The Domain of the Political and Overlapping Consensus”, en R. Goodin y P. Pettit (editores), *Contemporary Political Philosophy*, (Oxford: Blackwell, 1997), p. 283.

leyes y reglas que son ciegas ante diferencias individuales o de grupos. Pero, como explica Iris Marion Young, ese ideal de ciudadanía universal como una imparcialidad general y homogeneización de la sociedad es un mito que tiende a excluir o poner en situación de desventaja a algunos grupos y a fortalecer los privilegios de otros. En lugar de una ciudadanía homogeneizadora se requiere de una *ciudadanía diferenciada* en la cual se provee de medios institucionales a los grupos oprimidos (quienes han sido explotados, marginados y han vivido bajo sometimiento político y cultural) para su explícita representación y reconocimiento.³⁴ Por ello parece más adecuado delimitar el concepto de igualdad ante la ley como lo hace la Constitución canadiense de 1982, cuando proclama: “Cada individuo es igual ante y bajo la ley y tiene el derecho a igual protección e igual beneficio de la ley sin discriminación, en particular, sin discriminación por motivos de raza, origen nacional o étnico, color, religión, sexo, edad o incapacidad mental o física”.³⁵ Pero inmediatamente aclara que dicha afirmación “no excluye cualquier ley, programa o actividad que tenga como objeto el mejoramiento de las condiciones de individuos o grupos en desventaja, incluyendo aquellos en desventaja a causa de su raza, origen nacional o étnico, color, religión, sexo, edad o incapacidad mental o física”.

Con una ciudadanía diferenciada y legislación específica para proteger los derechos colectivos de los pueblos indígenas no se viola el estado de derecho. Por el contrario, un marco jurídico completo que toma en cuenta la existencia, las necesidades y los derechos de los pueblos indígenas, contribuye a que las instituciones estatales no excluyan o abusen del poder en detrimento de los individuos, familias y pueblos indígenas. Por lo tanto, para hacer justicia es necesario hacer los cambios en el andamiaje legal del país y garantizar que prevalecerá el imperio de la ley.

“Reconocer derechos colectivos a los indígenas discrimina a los no-indígenas”

Otro de los argumentos en contra de legislación específica que permita concluir con las relaciones asimétricas entre los pueblos indígenas y el Estado, consiste en afirmar que las medidas legislativas (*derechos legales*) para garantizar los derechos colectivos de los pueblos indígenas, que de hecho existen como *derechos morales*,³⁶ irían en detrimento de los derechos individuales de quienes no pertenecen a dichos pueblos, pues los excluiría. Eso significa afirmar que la legislación actual se encuentra en el límite de un *pareto óptimo*³⁷ o que existe un *juego de*

³⁴ Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship”, en R. Goodin y P. Pettit (editores), *Contemporary Political Philosophy*, pp. 256-260.

³⁵ “*Equality Rights*. 15. (1) Every individual is equal before the and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability”. *Constitution Act, 1982*. Part I. Canadian Charter of Rights and Freedoms.

³⁶ Una ilustrativa diferenciación entre *derechos legales* y *derechos morales* se encuentra en Nicolás López Calera, *¿Hay derechos colectivos? Individualidad y socialidad en la teoría de los derechos*, (Barcelona: Ariel, 2000), pp. 91-102.

suma cero en el proceso y resultado legislativo, donde unos ganan necesariamente a costa de la pérdida de otros. Se confunde el reconocimiento jurídico de los *derechos morales* con la idea de *proteccionismo económico*, que consiste en privilegios comerciales convertidos en derechos legales.

¿Qué motivaciones hay para negarse a reconocer los derechos colectivos de los pueblos indígenas? Quienes han disfrutado del poder estatal para excluir a, y abusar de, los pueblos indígenas saben que el uso de la fuerza convierte en ilegítima la adquisición inicial de los recursos naturales, por lo cual los derechos actuales resultan ilegítimos y en consecuencia los efectos de la adquisición ilegítima deben ser ratificados y los recursos devueltos a sus legítimos propietarios.³⁸ El escenario, ante el intento de implementar dichas reformas redistributivas, se ha vislumbrado similar a lo que ocurrió recientemente en Zimbabwe donde la injusta distribución de la tierra, cuyo origen se encuentra en la época colonial de la Rodhesia Británica, y la inestabilidad política provocaron que la población negra ocupara violentamente las granjas de los antiguos colonos blancos. Es decir que se teme un levantamiento indígena de gran magnitud como consecuencia de concederles “demasiados” espacios políticos, que los podría alentar a reclamar no sólo el respeto a sus derechos, sino compensaciones y resarcimiento por la situación sufrida en el pasado y en el presente. Otro temor se hace evidente ante el reconocimiento de que la incipiente democracia guatemalteca no ha sido el gobierno de la mayoría, sino de la minoría. Las elites tienen miedo a que los indígenas quieran “darle la vuelta a la tortilla” y surja una dictadura de la mayoría, donde los oprimidos se conviertan en opresores. Sin embargo, habría que analizar qué tanto fundamento tienen esos *temores ladinos* que, por parte del Estado, sí se han traducido en estereotipos racistas y discriminación, en políticas públicas de exclusión, asimilación y hasta eliminación.

El reconocimiento de derechos colectivos a los pueblos indígenas no discrimina a los no-indígenas pues, entre otras consideraciones, lo que la corriente predominante del movimiento Maya reclama es, precisamente, la plena participación en la vida política del país. Para que esa total inserción en la toma de decisiones políticas ocurra de forma justa y equitativa se requiere terminar con las relaciones coloniales entre el Estado y los pueblos indígenas de Guatemala, a través del reconocimiento de su *status* de pueblo.

b) Reconocimiento de las diferencias y del mestizaje cultural

La complejidad en la definición de las identidades culturales no imposibilita aceptar lo evidente: en Guatemala no existe un único pueblo, homogéneo culturalmente, sino diversos pueblos o culturas. Sin caer en el simplismo dualista de describir la realidad guatemalteca con sólo dos actores: indígenas y ladinos, es necesario reconocer las diferencias culturales que existen en el país. El discurso según el cual “*todos somos guatemaltecos*” pretende invisibilizar las diferencias que *de jure* y *de facto* existen. Los indígenas guatemaltecos nunca han gozado de

³⁷ En economía, se afirma que se está en el límite del óptimo de Pareto cuando en el intercambio una de las partes, para mejorar su posición, requiere empeorar la de la otra.

³⁸ “Nozick apoya que se devuelva buena parte de Nueva Inglaterra a los aborígenes norteamericanos, que fueron privados ilegítimamente de sus derechos iniciales”, Will Kymlicka, *Filosofía Política Contemporánea*, (Barcelona: Ariel, 1990), p. 125; tomado de Lyons, D. (1981), *The New Indian Claims and Original Rights to Land*, en Paul, J. (1981), *Reading Nozick*, Rowman y Littlefield, Totowa, NJ.

plenos derechos ciudadanos y esa realidad histórica se explica porque efectivamente se han aplicado, desde el Estado, políticas diferenciadas con impacto negativo para los pueblos indígenas. Actualmente, se discute si el proyecto estatal en los siglos XIX y XX pretendía la integración de los indígenas a la “vida nacional” bajo una estrategia asimilacionista o si, en evidente inconsistencia con el discurso liberal que predominó, se aplicó una estrategia segregacionista. Lo que no se puede negar la existencia de los pueblos indígenas como culturas diferentes a la que se denomina cultura ladina o mestiza, la cual se ha constituido en la dominante.

Por otro lado, la historia también muestra cómo la inter-relación, generalmente violenta e injusta, entre los pueblos que han habitado el territorio guatemalteco ha producido un mestizaje cultural. Es cierto que entre indígenas y no-indígenas existen muchos elementos culturales compartidos y no es posible diferenciar claramente una cultura “pura”, pero eso no imposibilita el reconocimiento de las diferencias entre los pueblos y las particularidades de cada uno. El igualitarismo legal y político se ha utilizado como supuesto para evitar la discusión sobre la necesidad de una ciudadanía plena, diferenciada y multicultural. Aceptar las diferencias no implica negar la existencia de vínculos y “traslapes culturales”, sino que significa reconocer la realidad de personas que pertenecen a un pueblo concreto, a quienes se les han negado los derechos civiles, políticos y sociales. Por eso, el concepto de *pueblos indígenas*, como ente diferenciado, debe trascender el debate académico de identidades étnico-culturales (lingüísticas o regionales, en los casos más restringidos) y situarse en el de la construcción de identidades políticas.

c) Constitución Política y reformas constitucionales

Uno de los casos paradigmáticos del debate étnico en Guatemala ha sido la reforma constitucional aprobada por el Congreso de la República en 1998, pero no ratificada en la Consulta Popular de 1999.³⁹ Analizar la reforma misma, en lo relacionado con los derechos de los pueblos indígenas, y algunos de los argumentos en su contra, es interesante para poner de manifiesto las falacias antes mencionadas y la necesidad de articular un discurso más coherente por parte de los interlocutores en el debate.

En el Acuerdo sobre Reformas Constitucionales y Régimen Electoral (7 diciembre 1996) el Gobierno de Guatemala se comprometió a promover ante el Congreso de la República las reformas constitucionales requeridas por los acuerdos anteriores. Dicho acuerdo preveía, entre otras propuestas, reconocer constitucionalmente la identidad de los pueblos Maya, Garífuna y Xinca, y “caracterizar al Estado guatemalteco como de unidad nacional, multiétnica, pluricultural y multilingüe”. Las reformas no eran la panacea para resolver todos los problemas generados por siglos de abusos y marginación, pero constituían un punto de partida para la descolonización y liberación de los pueblos indígenas.

³⁹ De 4.8 millones de empadronados acudieron a votar únicamente 757,987, o sea, un 18.55 por ciento de la población registrada y en condiciones de emitir el sufragio. De 330 municipios, en 54 de estos el NO obtuvo la victoria. Mientras que en el resto, ganó el SI, particularmente en los municipios ubicados en los departamentos de Sololá, Chimaltenango, Huehuetenango, San Marcos, El Quiché, Baja y Alta Verapaz, áreas geográficas que fueron golpeadas por el conflicto armado y donde la mayoría de la población es indígena. Reporte diario de análisis de tendencias No.86, *La Consulta Popular, un aniversario aleccionador*, (Guatemala: IPES, 2000), p. 1.

Comentarios sobre la Constitución vigente

La actual Constitución Política de la República de Guatemala, decretada por la Asamblea Nacional Constituyente el 31 de mayo de 1985, entró en vigencia el 14 de enero de 1986.⁴⁰ En ella “se reconoce el derecho de las personas y de las comunidades a su identidad cultural de acuerdo a sus valores, su lengua y sus costumbres” (artículo 58). Posee una sección, dentro del Capítulo II titulado “Derechos Sociales”, y bajo el Título II denominado “Derechos Humanos”, llamada “Comunidades Indígenas”, con cinco artículos (del 66 al 70) sobre protección a grupos étnicos, protección a las tierras y las cooperativas agrícolas indígenas, tierras para comunidades indígenas, traslación de trabajadores y su protección, y la creación de una ley específica sobre comunidades indígenas. Si bien es cierto que la Constitución vigente fue novedosa al tratar específicamente el tema de las comunidades indígenas, su concepción sobre los pueblos y culturas indígenas no cuestiona absolutamente en nada la situación a la que han sido sometidos, sino que más bien parece contribuir a su legitimación y continuidad.

En la Constitución se encuentra la falacia de los “grupos indígenas” al considerarlos como cualquier otro grupo, con lo cual se niega su *status* de pueblo.⁴¹ Refiriéndose a las “comunidades indígenas”, simplemente afirma que “Guatemala está formada por diversos grupos étnicos” sin distinguir entre ellos y sin reconocer la existencia de *pueblos indígenas* con historia anterior a la existencia del Estado mismo. Únicamente se hace referencia al pueblo Maya pero calificándolo como “grupos indígenas de ascendencia Maya” y, claramente, en toda la sección se identifica a los indígenas como campesinos de subsistencia o como fuerza de trabajo agrícola temporal en las fincas, quienes requieren la protección paternalista del Estado. El mandato constitucional de una ley específica sobre las comunidades indígenas no se ha hecho realidad después de casi quince años y cinco distintas legislaturas.⁴²

Observaciones sobre las reformas propuestas

En la reforma al artículo uno, sólo se reconoce la existencia de la persona y la familia.⁴³ No se menciona la existencia de *pueblos*. El Estado debe proteger también los derechos de los pueblos para efectivamente proteger a los individuos y sus familias. En esa misma reforma se introduce el término *nación*, en el capítulo sobre fines y deberes del Estado, lo que podría crear alguna confusión conceptual y de *praxis* política pues es importante mantener la diferencia entre los conceptos Estado y *nación*. Además, parece una contradicción reafirmar *la* nación y, al

⁴⁰ Fue reformada por medio del Acuerdo Legislativo 18-93 del 17 de noviembre de 1993, ratificado mediante consulta popular. Ninguno de los artículos de la sección correspondiente a las comunidades indígenas fue modificado en esa oportunidad.

⁴¹ Artículo 66. Protección a grupos étnicos. Guatemala está formada por diversos grupos étnicos entre los que figuran los grupos indígenas de ascendencia Maya. El Estado reconoce, respeta y promueve sus formas de vida, costumbres, tradiciones, formas de organización social, el uso del traje indígena en hombres y mujeres, idiomas y dialectos.

⁴² Artículo 70. Ley específica. Una ley regulará lo relativo a las materias de esta sección.

⁴³ Artículo 1. De la persona humana y la nación. El Estado de Guatemala se organiza para proteger a la persona humana y a la familia; su fin supremo es la realización del bien común. La Nación guatemalteca es una y solidaria; dentro de su unidad y la integridad de su territorio es pluricultural, multiétnica y multilingüe.

mismo tiempo, reconocer la realidad pluricultural del país, porque un país pluricultural es, consecuentemente, un país multinacional. Diversas culturas es lo mismo que diversos pueblos o naciones. Se refleja, entonces, cierto temor a la desintegración de esa abstracción llamada *la nación guatemalteca*, que corresponde a un Estado asimilacionista. El discurso de *unitariedad* parece estar más ligado al deseo de *uniformidad* que a la realidad de *diversidad*.

Uno de los objetivos fundamentales que se pretendía alcanzar con la reforma al artículo 66, sobre identidad y espiritualidad de los pueblos indígenas,⁴⁴ era el reconocimiento de la existencia de *pueblos* en lugar de simples “grupos étnicos”, porque esto significa un cambio de *status* legal a nivel nacional e internacional con importantes repercusiones, como la aplicabilidad del derecho internacional y del principio de autodeterminación que corresponde a los pueblos. Cuando el derecho internacional menciona a *los pueblos*, dicho término se refiere a colectivos de seres humanos que son sujetos sociales, no sólo individuos, que funcionan dentro de una comunidad con su propia historia y atributos culturales, sociales y políticos.⁴⁵ En este sentido, está claro que el término *pueblos* incluye a los, llamados por la Constitución, “grupos étnicos” o “comunidades indígenas”. Si tan sólo se hubiese dado ese cambio de *status*, la reforma habría colaborado a terminar con las relaciones coloniales entre el Estado y los pueblos indígenas de Guatemala. También en la reforma al artículo 66, el Estado se compromete a reconocer, respetar y proteger, ya no “promover”, los derechos de los pueblos indígenas. Sin embargo, se limita a los derechos culturales enumerados y se omite el reconocimiento de los derechos políticos: al autogobierno y a la autodeterminación, que implicaría que los pueblos indígenas tienen el derecho a determinar libremente su *status* político y a buscar libremente su desarrollo económico, social y cultural.

Respecto al reconocimiento de las autoridades tradicionales de las comunidades indígenas, la reforma al artículo 66 remite a la reforma del artículo 203, sobre la independencia del Organismo Judicial y la potestad de juzgar,⁴⁶ por lo que la reforma limita claramente los alcances del derecho consuetudinario indígena al afirmar que es válido “siempre que la sujeción al mismo sea voluntaria y que no se violen derechos fundamentales definidos por el sistema jurídico nacional, los tratados y convenios internacionales en materia de derechos humanos aceptados y ratificados por Guatemala, ni se afecten intereses de terceros”. También el artículo

⁴⁴ Artículo 66. Identidad y espiritualidad de los pueblos indígenas. El Estado reconoce, respeta y protege el derecho a la identidad de los pueblos Maya, Garífuna y Xinca; sus formas de vida, organización social, costumbres y tradiciones; el uso del traje indígena en hombres y mujeres y sus distintas formas de espiritualidad, idiomas y dialectos y el derecho a transmitirlo a sus descendientes; y para los fines y en los términos del último párrafo del artículo 203 de esta Constitución, el Estado reconoce a las autoridades tradicionales de las comunidades indígenas, prevaleciendo la unidad de la Nación, la integridad del territorio y la indivisibilidad del Estado de Guatemala. También reconoce, respeta y protege su derecho de usar, conservar y desarrollar su arte, ciencia y tecnología; así como el derecho de acceso a lugares sagrados de dichos pueblos, bajo las modalidades que establezca la ley.

⁴⁵ James Anaya, *Indigenous Peoples in International Law*, p. 77.

⁴⁶ Artículo 203. Independencia del Organismo Judicial y potestad de juzgar. [...] El Estado reconoce el derecho consuetudinario indígena, entendido como las normas, principios, valores, procedimiento, tradiciones y costumbres de los pueblos indígenas para la regulación de su convivencia interna; así como la validez de sus decisiones, siempre que la sujeción al mismo sea voluntaria y que no se violen derechos fundamentales definidos por el sistema jurídico nacional, los tratados y convenios internacionales en materia de derechos humanos aceptados y ratificados por Guatemala, ni se afecten intereses de terceros.

203 conservaba el principio de que “la función jurisdiccional se ejerce, con exclusividad absoluta, por la Corte Suprema de Justicia, y por los demás tribunales que la ley establezca. Ninguna otra autoridad podrá intervenir en la administración de la justicia.” Con dichas condicionantes y limitaciones todo cuestionamiento sobre las posibles consecuencias negativas del uso del derecho consuetudinario en el área penal parece perder fundamento.

La reforma al artículo 70, referente a leyes específicas para las comunidades indígenas⁴⁷, es conservadora pues no menciona nada sobre la consulta respecto a medidas legislativas, políticas o socioeconómicas. Sólo se queda a nivel administrativo, por lo que ya no se permite a los líderes o representantes indígenas afectar las decisiones tomadas por otros, a distinto nivel, para evitar políticas públicas negativas o para hacer cambios con impacto positivo en la calidad de vida de sus comunidades.⁴⁸

La reforma al artículo 143 consiste en el reconocimiento de la existencia de *idiomas indígenas* en lugar de “lenguas vernáculas” o dialectos, lo cual tiene una connotación política importante pues se eleva su *status*,⁴⁹ para no ser simple “patrimonio cultural de la Nación” sino lenguas vivas de los pueblos; lo cual tiene implicaciones en las políticas y prácticas del Estado. Lo que se pretendía no era más que reconocer la realidad e iniciar el proceso de rectificación respecto a los derechos lingüísticos de más del 50% de la población. Sin embargo, no parece apropiada una lista de los idiomas a nivel constitucional pues los lingüistas ni siquiera han llegado a consenso sobre la clasificación de los idiomas y dialectos de origen Maya. Por ejemplo, el Achí había sido considerado como un idioma, pero ahora se cree más conveniente reconocerle como una variación del Kiché.⁵⁰ A pesar de estos problemas relacionados con los avances de la investigación lingüística, no debe evadirse la responsabilidad de reconocer el derecho político y cultural de los ciudadanos a recibir los servicios de su Estado en su respectiva lengua materna.

⁴⁷ Artículo 70. Leyes específicas. Una ley regulará lo relativo a la materia de esta sección. Cuando se prevean medidas administrativas susceptibles de afectar directamente a los pueblos indígenas, se consultará a dichos pueblos por medio del mecanismo que establecerá una ley específica.

⁴⁸ Podría decirse que los mecanismos formales de consulta se contemplaron en las reformas a los artículos 173 (Procedimiento consultivo) y 225 (Consejos de Desarrollo: “[...] Cuando se provean medias administrativas susceptibles de afectar directamente a pueblos y poblaciones, éstas serán consultadas a través del Sistema Nacional de Consejos de Desarrollo”). Pero ambos cambios no toman en cuenta a los pueblos indígenas como sujetos colectivos, como una comunidad de intereses.

⁴⁹ Artículo 143. Idiomas. Son idiomas oficiales del Estado: el Español para todo el territorio nacional y los idiomas indígenas que establezca la ley, fijando su ámbito de aplicación material de acuerdo a criterios técnicos, lingüísticos y territoriales. El Estado reconoce, respeta y promueve los siguientes idiomas indígenas: Achí, Akateko, Awakateko, Chalchiteco, Ch’orti, Chuj, Itzá, Ixil, Kanjobal, Kaqchikel, Kiche, Mam, Mopan, Poptí, Poqomam, Poqomchí, Q’eqchi’, Sacapulteko, Sipakapense, Tektiteko, Tz’ultujil, Uspanteko, Garífuna y Xinka.

⁵⁰ Nikte’ Sis Ib’oy, Dos pueblos con un idioma: el caso K’ichee’-Achi’, (Guatemala: Oxlajuuj Keej Maya’ Ajtx’iib’, 2000), LASA paper 2000.

Análisis de los argumentos en oposición a las reformas

Durante el debate en torno a las reformas constitucionales, la mayoría de argumentos por el “no” provenían de grupos políticos y religiosos de carácter conservador. Su principal mensaje era que la Constitución no debe ser modificada debido a coyunturas políticas sino que, idealmente, debe permanecer inalterable. Coherentes con su conservadurismo se opusieron al cambio mismo y condenaron todo lo que pusiera en peligro el *status quo*. Sin embargo, también hubo grupos de pensamiento liberal, en el sentido filosófico, que expresaron sus dudas sobre los posibles beneficios de la reforma. Básicamente sus argumentos se sostenían en la premisa liberal de la *igualdad ante la ley*, de donde proviene la negación de todo privilegio y la convicción de que las políticas públicas *ciegas en materia de color* son las óptimas. El análisis sobre algunos de estos últimos argumentos es el que se presenta a continuación.

Una objeción frecuente a las reformas es que la protección de los grupos indígenas, como la protección de cualquier otro grupo, ya está contenida en el artículo primero de la Constitución: “El estado de Guatemala se organiza para proteger a la persona y a la familia; su fin supremo es la realización del bien común”. Pero dicha suposición cae en el reduccionismo dualista, de la tradicional perspectiva teórica de Occidente, que limita la humanidad a dos categorías de percepción: el individuo y el Estado.⁵¹ Al no tomar en cuenta la existencia de *pueblos* se está omitiendo una categoría fundamental, la que Will Kymlicka denomina *cultura societal*, esto es:

“[U]na cultura que proporciona a sus miembros unas formas de vida significativas a través de todo el abanico de actividades humanas, incluyendo la vida social, educativa, religiosa, recreativa y económica, abarcando las esferas pública y privada. Estas culturas tienden a concentrarse territorialmente, y se basan en una lengua compartida. [...] No sólo comprenden memorias o valores compartidos, sino también instituciones y prácticas comunes.”⁵²

Desde esta perspectiva, las *culturas societales* deben tomarse en cuenta en la legislación pues garantizar la libertad de los pueblos es, en consecuencia, proteger las libertades fundamentales de cada individuo perteneciente a cada pueblo. Así como la familia es el seno primario de la persona, la cultura societal es el seno de la familia, por lo tanto también es deber del Estado protegerla explícitamente. Para comprender mejor esto, desde la visión liberal, es importante recordar que la libertad implica:

“[E]legir entre diversas opciones y nuestra cultura societal no sólo proporciona estas opciones, sino que también hace que sean importantes para nosotros. [...] Para que una elección individual significativa sea posible, los individuos no sólo necesitan acceso a la información, sino también capacidad de evaluarla reflexivamente y libertad de expresión y asociación. También necesitan acceder a una cultura societal”.⁵³

⁵¹ Nicolás López Calera, *¿Hay derechos colectivos? Individualidad y socialidad en la teoría de los derechos*, pp. 13-52.

⁵² Will Kymlicka, *Ciudadanía Multicultural*, p. 112.

Otro cuestionamiento frecuente es: ¿Existe actualmente alguna ley que prohíba el ejercicio de costumbres, formas de vida u organización social, para que tenga que garantizarse a nivel constitucional?. Dicha pregunta forma parte del argumento de la *omisión bienintencionada* o *desatención benigna*, según el cual:

“El Estado no se opone a la libertad de las personas para expresar su filiación cultural concreta, pero no abona tales expresiones; [...]. Los miembros de los grupos étnicos y nacionales tienen por tanto libertad para intentar mantener todos aquellos aspectos de su herencia o identidad étnica que deseen, siempre que ello no entre en contradicción con los derechos de los demás. [...] Esta separación del Estado y la etnicidad imposibilita cualquier reconocimiento legal o gubernamental de los grupos étnicos, así como cualquier uso de criterios étnicos en la distribución de derechos, recursos y deberes”.⁵⁴

Sin embargo, como explica Kymlicka, la omisión bienintencionada no puede responder a las complejidades de la realidad multicultural de un país, porque:

“Un Estado multinacional que concede derechos individuales universales a todos sus ciudadanos, con independencia del grupo al que pertenezcan, puede parecer neutral entre los diversos grupos nacionales. Pero, de hecho, este Estado puede (y a menudo lo hace) privilegiar sistemáticamente a la nación mayoritaria en diversos aspectos fundamentales; por ejemplo, en el trazado de las fronteras internas; en la lengua que se usa en las escuelas, los tribunales y los servicios gubernamentales; en la elección de las festividades públicas y en la división del poder legislativo entre los gobiernos centrales y locales. Todas estas decisiones pueden reducir espectacularmente el poder político y la viabilidad cultural de una minoría nacional, al tiempo que refuerzan los de la cultura mayoritaria”.⁵⁵

Aludir a la necesaria neutralidad del Estado y sus instituciones respecto a la pertenencia etnocultural parece un *cinismo histórico*, pues ahora se piden políticas públicas ciegas en materia de color cuando por muchos años fueron deliberadamente diseñadas para favorecer a un grupo, a costa de otro. La historia de privilegios para unos, que se tradujo en exclusión para otros, refuerza el argumento ético según el cual es justificable conceder derechos especiales de representación a grupos históricamente marginados que, debido a esa historia de discriminación y opresión, hoy continúan sufriendo injusticias.⁵⁶

También se ha argumentado que sólo el individuo posee derechos, lo que implica que los *derechos colectivos* reivindicados por los pueblos indígenas no existen como tales y que, adicionalmente, podrían ser contrarios a los *derechos individuales*. Se cree que basta con

⁵³ Ibid., pp. 120-122. Esta relación de Kymlicka entre la cultura societal y la libertad converge con el concepto de *libertad de bienestar* de Amartya Sen, *Bienestar, justicia y mercado*, (Barcelona: Paidós, 1997).

⁵⁴ Ibid., p. 16.

⁵⁵ Ibid., p. 80. En el caso guatemalteco, la nación o cultura *mayoritaria* debe entenderse como *la dominante*.

⁵⁶ Melissa Williams, *Voice, Trust and Memory: marginalized groups and the failings of liberal representation*, (Princeton University Press, 1998), pp. 176-178.

garantizar los derechos individuales y que las políticas del Estado son mejores si no hacen distinciones etnoculturales. Por otro lado, se ataca la expresión “proteger el derecho a ...”, en la reforma al artículo 66, relacionándola con el *proteccionismo económico*. Sin embargo, lo que se pretendía proteger son legítimos derechos de las culturas societales indígenas. Como reconoce el gobierno australiano, lo que los pueblos indígenas están buscando es “fortalecer sus identidades, preservar sus idiomas, culturas y tradiciones y alcanzar un mayor grado de autogobierno y autonomía, libres de la interferencia de un gobierno central.”⁵⁷ Por lo tanto, las genuinas preocupaciones liberales por el abuso del poder coercitivo y discrecional del Estado deberían dar cabida al consecuente reconocimiento de derechos políticos colectivos, como el autogobierno de los pueblos indígenas, que constituye una forma efectiva de proteger los derechos de su cultura societal y de las personas que la conforman.

Se cuestiona el alcance que podría tener una ley para regular el derecho de acceso a lugares sagrados, pues se podría poner en peligro los derechos de propiedad privada. Se sugiere respetar absolutamente los derechos de propiedad “debidamente establecidos”, pero se obvia el derecho a la propiedad colectiva cuyo establecimiento es anterior al régimen legal vigente en el país. Los lugares sagrados son la base material del culto público y son reconocidos por la tradición, como ocurre en todas las religiones. El problema es que dichos lugares sagrados son legalmente clasificados como sitios arqueológicos.⁵⁸

Con relación a la reforma del artículo 143 se manifestaba duda por las consecuencias de una posible oficialización de todos los idiomas, en todo el país, para todas las instancias gubernamentales y algunas actividades privadas. En realidad, tal extremo es poco probable, pero se ha utilizado como una caricatura para ridiculizar las propuestas de oficialización. Sin embargo, sí deben tomarse en cuenta las implicaciones prácticas del modelo que se utilice para garantizar los derechos lingüísticos de las minorías. También se ha sugerido que el costo económico de su implementación puede ser muy alto y generaría una ineficiente asignación de recursos. En términos generales, la comisión paritaria sobre oficialización de los idiomas indígenas ha recomendado el uso de los idiomas predominantes en cierta regiones geográficas para los servicios públicos básicos: justicia, educación y salud; por lo que la solución es relativamente simple: contratar y capacitar personal que conoce el idioma de la región. De esta forma se mejorará la calidad de los servicios públicos mencionados.

La crítica al reconocimiento del derecho consuetudinario indígena se plantea recurrentemente como un rechazo a la concesión de “privilegios”, desconociéndose el derecho de los pueblos a su propio sistema legal. También se plantea que con la reforma al artículo 203 se discrimina contra el ladino, quien no posee un derecho consuetudinario. Sin embargo, el ladino no es discriminado, no hay juego de suma cero en el reconocimiento del sistema de normas

⁵⁷ Australian Government Delegation, Speaking Notes on Self-Determination, at 2 (July 24, 1991) en James Anaya, *Indigenous Peoples in International Law*, p. 86.

⁵⁸ Ciertamente habrá conflicto sobre el manejo de los lugares sagrados en el caso de propiedades estatales, consideradas patrimonio cultural, y propiedades privadas. Lo difícil será encontrar el incentivo para que los gobiernos municipales y central, al igual que los particulares, quieran negociar. Por otro lado, el sistema de justicia guatemalteco es muy débil para esperar una solución justa y la base legal podría desfavorecer a los pueblos indígenas dado que toda la legislación anterior ha obviado el tema.

propio de los pueblos indígenas. Los no-indígenas han gozado del sistema jurídico formal del Estado mientras que los pueblos indígenas han sufrido la imposición del mismo en situación de desventaja, como en lo relativo al idioma y al sistema escrito, obviándose por completo la existencia de un sistema de derecho anterior al Estado mismo.⁵⁹

Otras críticas bien fundamentadas llaman la atención sobre el discurso internacional de *preservación* de las culturas autóctonas, como si se tratara de recursos naturales o sitios arqueológicos, lo cual ha generado actitudes *esencialistas* en algunos movimientos indígenas que buscan reafirmar su identidad anclándose en el pasado.⁶⁰ Uno de los principales peligros de ese *esencialismo*, tiene que ver con el respeto de los derechos humanos al interior de la propia cultura societal indígena cuando se aplica su sistema de normas, consideradas propias de la tradición. El afán por preservar la “pura tradición cultural” puede significar que la mujer continúe jugando papeles secundarios en la vida política, social y religiosa de las comunidades, pues la costumbre obvia la discriminación de género existente.⁶¹

IV. Repensando Guatemala: nuevas instituciones para una democracia multicultural

Por lo abordado en los dos apartados precedentes, se puede concluir que para la construcción de la democracia multicultural hay necesidad de importantes cambios institucionales (especialmente de las instituciones políticas) y se requiere también la modificación de actitudes (persisten, sobre todo, los prejuicios, el miedo y la desconfianza, el etnocentrismo, la discriminación y el sentimiento de superioridad colonial de las elites, de fuerte carácter conservador y autoritario). No puede haber democracia sin un adecuado marco institucional, y no puede ser multicultural si no prevalece en ella la *actitud intercultural*, que consiste en apreciar la propia cultura y la de los otros (generalmente los grupos que han sido oprimidos han adquirido una baja autoestima y los grupos opresores han despreciado a los que son diferentes). Instituciones y actitudes se condicionan mutuamente. ¿Cómo cambiar las instituciones si no se cambia primero la mentalidad y actitud conservadora que no reconoce la existencia de los pueblos indígenas ni sus derechos? ¿Cómo modificar las actitudes de intolerancia, violencia y autoritarismo si el mismo sistema político, económico y social que prevalece las refuerza y premia? Posiblemente, si el sistema democrático funcionara no habría necesidad de cambiar las premisas morales o filosóficas de las elites conservadoras, pues los indígenas son mayoría y la democracia, se supone, es el gobierno de la mayoría. Sin embargo, parece que para romper las barreras institucionales existentes se debe previamente, o simultáneamente, superar las barreras mentales o ideológicas que no permiten repensar el país y ver más allá del espacio político coyuntural. A continuación se reflexiona sobre algunos de los cambios institucionales necesarios. Más que propuestas de acciones concretas, son temas clave en los que se debe profundizar: perfeccionamiento del sistema electoral, reestructuración de los

⁵⁹ Conviene aclarar que los ladinos pobres del Oriente del país tampoco han tenido acceso al sistema jurídico formal y ha adoptado un sistema propio basado en la *Ley del Talión*. Las diferencias culturales podrían explicar las altas tasas de homicidio que se observan en dicha región con relación a las bajas tasas en los departamentos indígenas.

⁶⁰ Sobre el “esencialismo mayista” es interesante Mario Roberto Morales, *La articulación de las diferencias o el síndrome de Maximón*, (Guatemala: FLACSO, 1999).

⁶¹ Rachel Sieder y Jessica Witchell, “Impulsando las demandas indígenas a través de la ley: reflexiones sobre el proceso de paz en Guatemala” en Pedro Pitarch (editor), *Representaciones de los Derechos Humanos en el Área Maya*, (Madrid: Universidad Autónoma de Madrid, 2000).

poderes del Estado y mecanismos para incrementar la participación de los pueblos indígenas en la vida política.

a) Democracia: el gobierno de la mayoría

En Guatemala se ha promovido un modelo bastante limitado de democracia representativa: participación ciudadana en las urnas cada cuatro años y completa delegación del poder para la toma de decisiones en los Organismos Legislativo y Ejecutivo, sin respeto al imperio de la ley, ni al principio de separación de poderes, sin mecanismos de rendición de cuentas, ni un sistema judicial efectivo. La corrupción, el nepotismo, los abusos del poder de coercitivo, la persistencia del poder militar detrás de las decisiones políticas y la infiltración del crimen organizado en las entidades encargadas de garantizar seguridad y justicia, son características de este débil sistema democrático.

La debilidad del modelo guatemalteco se evidencia al hacer una pregunta conceptual: ¿Es la democracia guatemalteca el gobierno de la mayoría? Si democracia significa “el gobierno de la mayoría”, entonces el modelo guatemalteco no satisface la definición. Se asemeja más a un proceso autoritario de toma de decisiones, que incluye elecciones periódicas donde la mayoría de la población no participa. La población indígena supera el 42% de la población pero tiene escaso acceso al sistema político pues, según cálculos de la Mesa Nacional Maya de Guatemala, sólo un 15% de los Mayas están empadronados.⁶² Más del 60% de la población total vive en situación de pobreza, lo que limita sus condiciones materiales para el ejercicio ciudadano.⁶³ El marco legal vigente es una barrera para la participación de los pueblos indígenas en la política, pues la misma ley electoral dificulta, para las personas que viven muy lejos de las ciudades o pueblos, ir a votar. Esto significa que, además de tener una sistema que se sostiene sobre la *falacia electoral*, se promueve legalmente la escasa participación indígena en las elecciones.

Es erróneo creer que en el sistema político guatemalteco hay participación indígena sólo por el hecho que los “propietarios” de los partidos políticos, que no son democráticos en su interior, colocan, como estrategia electoral, algunos candidatos indígenas para las alcaldías y las diputaciones; o porque el Presidente de la República nombra algunos indígenas como altos funcionarios de su gobierno para no apartarse de lo considerado “políticamente correcto”. Tampoco parece adecuado pensar que con la creación de una Secretaría o Ministerio de Asuntos Indígenas se puedan solucionar los problemas socioeconómicos de los pueblos indígenas, pues dependiendo del enfoque que se adopte podría causar más daños, como ha sucedido con la paternalista oficina de asuntos indígenas en Canadá o Estados Unidos.⁶⁴

⁶² *Prensa Libre*, (Guatemala, 14 abril 2000).

⁶³ “Sin la efectiva participación de la población maya en la política nacional, la democracia guatemalteca será siempre débil e inestable”. Edelberto Torres-Rivas, “La Paz y la Democracia: Un Futuro Impredecible”, en Cynthia Arnson (editora), *La Consulta Popular y el Futuro del Proceso de Paz en Guatemala*, (Washington, D.C.: Woodrow Wilson International Center for Scholars, 1999), p. 68.

⁶⁴ Kathy Brock, “Finding Answers in Difference: Canadian and American Aboriginal Policy Compared” en David Thomas (editor), *Canada and the U.S.: Differences that Count*, (Peterborough: Broadview, 2000).

Una legislación electoral moderna, orientada por el objetivo de una democracia multicultural, podría ayudar a crear los incentivos correctos y contribuir a resolver el problema del “desencanto”, y permitiría avanzar hacia un sistema verdaderamente representativo y participativo. Entre los principales retos de una nueva institucionalidad democrática estaría el que todos los pueblos y ciudadanos tengan voz en la arena política y que todos se escuchen unos a otros. Sólo la plena participación política de los indígenas, como pueblos y como ciudadanos, conducirá hacia un sistema político verdaderamente democrático que permita construir un Estado multinacional. Posiblemente, a partir de los gobiernos locales se pueda iniciar esa redefinición del Estado guatemalteco.

b) Del gobierno local al gobierno nacional

El proceso para poner fin a la larga y lamentable relación colonial entre el Estado y los pueblos indígenas de Guatemala y sentar las bases para una nueva relación de respeto mutuo, entre iguales, donde se reconozca el derecho al autogobierno de los pueblos indígenas que habitan el territorio guatemalteco, comienza por cambiar el limitado modelo político *electoralista*.

El escaso trabajo de investigación electoral realizado en Guatemala ha mostrado que las elecciones municipales son las más importantes para la mayoría de los ciudadanos en el área rural, porque saben del impacto inmediato que las decisiones del alcalde y corporación municipal tienen para el vecindario, y pueden tomar parte en el *juego democrático*, especialmente en las decisiones sobre obras de infraestructura a nivel local. Sin embargo, los votantes están menos interesados en la elección presidencial (a nivel de todo el país) porque creen que no pueden afectar los resultados el día de las elecciones y saben que no son tomados en cuenta en el proceso de toma de decisiones. En las elecciones al Congreso de la República los diputados son elegidos a nivel departamental y de todo el país, por lo que tampoco están vinculados directamente con los ciudadanos ni con los pueblos indígenas, lo que cuestiona su calidad de representantes.⁶⁵ Por ello es indispensable repensar los niveles político-administrativos en función del nivel municipal. Los niveles “nacional” y “departamental” son abstracciones que facilitan el poder político de una minoría. Por otro lado, la participación política de los pueblos indígenas se ha desarrollado más en el nivel local, en la vida municipal.

Tomando en consideración el interés ciudadano por el nivel municipal, podría fortalecerse la legitimidad del Congreso de la República eligiendo diputados a ese nivel, con lo cual también se lograría una representación más directa de los pueblos y los ciudadanos, y se mejorarían los incentivos para la rendición de cuentas de cada diputado. Conforme se avance en el proceso de creación de un Estado multinacional, lo más conveniente podría ser el traslado de la potestad legislativa a los pueblos mismos bajo la adopción de un modelo federal.

Bastante se ha discutido en el país sobre diversos mecanismos de descentralización. Sin embargo, la descentralización administrativa hacia el nivel municipal de algunas funciones del gobierno central, como servicios de educación y salud, no es suficiente. Incluso podría ser un pretexto para olvidar la discusión sobre una más amplia y profunda transferencia del poder hacia los pueblos indígenas en la toma de decisiones no sólo administrativas sino políticas,

⁶⁵ Artículo 157 de la Constitución Política de la República.

socioeconómicas y culturales, y se podría desatender el nivel nacional. De acuerdo con Nancy Postero, el peligro de un modelo limitado de descentralización es que puede llevar las luchas por el poder a un nivel mucho más local:

“Ahora los aldeanos indígenas encuentran que los partidos políticos tratan de influir en la política interna de la comunidad y la intrusión en la política municipal ha limitado efectivamente el rango de preguntas que los pueblos indígenas hacen. En vez de hacer demandas acerca de autonomía o derechos culturales, estos nuevos ciudadanos están más preocupados sobre el aprendizaje para entender los presupuestos municipales.”⁶⁶

Por lo tanto, es necesario no sólo pensar en una estrategia de descentralización más integral, sino en un cambio radical en el diseño de las estructuras político-administrativas para el sistema democrático multicultural guatemalteco. Además de un Congreso Legislativo conformado por la adición de todos los diputados elegidos directamente en cada municipio, otro cambio interesante podría consistir en elegir representantes de cada municipio para conformar los otros dos poderes del Estado. Este nuevo diseño institucional podría ser el primer paso hacia un modelo de Estado multinacional. Sin embargo, todas esas innovaciones requerirían de cambios profundos en la legislación nacional, incluyendo la Constitución Política.

c) Cambios a la legislación y creación de la ley específica sobre Derechos de los Pueblos Indígenas de Guatemala

Las reformas constitucionales aprobadas por el Congreso de la República se redactaron en términos ambiguos y contradictorios, tratando de compatibilizar la unidad nacional con la diversidad cultural, bajo el temor injustificado de las elites políticas y económicas de un eventual movimiento separatista o secesionista en el país. Se pretendía reconocer que Guatemala es un país multicultural pero sin que eso significara cambio alguno, era sólo un reconocimiento formal.⁶⁷ En la actualidad, la coyuntura política no parece invitar a la reconsideración de un nuevo intento para reformar la Constitución, pero es válido reflexionar sobre algunos cambios que podrían ser beneficiosos para democratizar el país, teniendo presente la realidad multicultural.

Posiblemente una de las reformas más importantes a la Constitución, para que los pueblos indígenas puedan participar decisivamente en la vida política del país, consistiría en modificar los distritos electorales (artículo 157),⁶⁸ de tal manera que ya no correspondan a los

⁶⁶ Nancy Postero, *Bolivia's Indígena Citizen: Multiculturalism in a Neoliberal Age*, (Berkeley: University of California), LASA paper 2000, p. 10.

⁶⁷ El gobierno quedó bien con los países que financian el proceso de paz, cumpliendo con el compromiso de promover las reformas y los congresistas no molestaron a las elites porque hicieron todo lo posible para que la Consulta Popular fracasara; pues en contenido, forma y procedimientos la reforma estaba mal lograda desde un inicio. Una extensa reflexión sobre la Consulta Popular se encuentra en Cynthia Arnson (editora), *La Consulta Popular y el Futuro del Proceso de Paz en Guatemala*, (Washington, D.C.: Woodrow Wilson International Center for Scholars, 1999), Working Paper No. 243.

⁶⁸ Artículo 157. Potestad legislativa y elección de diputados. [...] Cada uno de los departamentos de la república, constituye un distrito electoral. El municipio de Guatemala forma el distrito central, y los otros municipios del

departamentos de la República sino que se acomoden a las características culturales de la población y al número de ciudadanos de cada municipio. Dada la dificultad de reformar la Constitución, se pueden modificar los departamentos con base al artículo 224 de la misma: “[...] cuando así convenga a los intereses de la Nación, el Congreso podrá modificar la división administrativa del país, estableciendo un régimen de regiones, departamentos y municipios, o cualquier otro sistema, sin menoscabo de la autonomía municipal.” Esta reforma de la legislación relacionada con la división administrativa del país puede hacerse de tal manera que los departamentos se conformen por municipios con mayoría de población indígena del mismo grupo lingüístico. Esto significaría que los distritos electorales quedarían redefinidos para asegurar la representación de una *comunidad de intereses*, lo cual fomenta la participación cívica y otorga legitimidad política.⁶⁹ Sin embargo, el ideal sería que la definición de los distritos electorales no tuviera categoría constitucional, sino de ley ordinaria para que se adecúe conforme los cambios en la composición de los ciudadanos que habitan determinada región geográfica.⁷⁰

Para garantizar los derechos de los pueblos indígenas lo más inmediato, en términos de procedimiento legislativo, es obedecer el mandato de la misma Constitución en su artículo 70: “Ley específica. Una ley regulará lo relativo a las materias de esta sección” [comunidades indígenas]. Aunque la actual Constitución no lo mande, se puede establecer en dicha ley los mecanismos de consulta directa con los pueblos indígenas, incluyéndose el derecho a veto sobre las decisiones de carácter legislativo, político, socioeconómico, cultural y administrativo que les afecten directamente. La mayoría de los líderes del movimiento indígena coinciden en que el desarrollo de la ley específica sobre pueblos indígenas puede ser un paso importante para la efectiva reivindicación de sus derechos. Sin embargo, el *status* que la Constitución otorga a los indígenas como ente colectivo es de “comunidades” y no de *pueblos*, lo cual podría ser utilizado en contra de su reconocimiento en una ley ordinaria, debido al principio de preeminencia constitucional. De todas formas, habría que estudiar la posibilidad de utilizar el reconocimiento que la misma Constitución hace sobre la preeminencia del Derecho Internacional sobre el derecho interno.⁷¹ Por lo que utilizando la definición implícita de pueblos indígenas contenida en diversos instrumentos internacionales (Organización de las Naciones Unidas y Organización de Estados Americanos) se puede elaborar una ley específica sobre Derechos de los Pueblos Indígenas de Guatemala.

En Guatemala, más del 65% de la población total viven en el área rural y este porcentaje es mayor al 79% si sólo se considera a la población indígena.⁷² Sin embargo, la Ley Electoral y

departamento de Guatemala constituyen el distrito de Guatemala. Por cada distrito electoral deberá elegirse como mínimo un diputado. La ley establece el número de diputados que correspondan a cada distrito en proporción a la población. Un número equivalente al veinticinco por ciento de diputados distritales será electo directamente como diputados por lista nacional [...].

⁶⁹ Will Kymlicka, *Ciudadanía Multicultural*, p. 243.

⁷⁰ Esto fue lo que, de alguna forma, se intentó hacer con la reforma al artículo 157: [...] La Ley Electoral establece los distritos electorales y el sistema para determinar el número de diputados distritales [...].

⁷¹ Artículo 46. Preeminencia del Derecho Internacional. Se establece el principio general de que en materia de derechos humanos, los tratados y convenciones aceptados y ratificados por Guatemala, tienen preeminencia sobre el derecho interno.

de Partidos Políticos (LEPP) emitida en diciembre de 1985 por la Asamblea Nacional Constituyente impone una barrera a los electores que viven lejos de los centros urbanos pues indica en su artículo 231 que: “Las Juntas Electorales Municipales están obligadas a instalar las Juntas Receptoras de Votos en las respectivas cabeceras municipales”. Esta es una clara limitación legal a los derechos ciudadanos de “elegir y ser electo” y “participar en actividades políticas”, establecidos en el artículo 136 de la propia Constitución. Dicha limitación se explica parcialmente por la coyuntura política que vivía el país cuando se emitió la ley, pues se iniciaba el proceso de transición democrática y el ejército no garantizaba la seguridad de las elecciones en las zonas rurales, donde la guerrilla continuaba operando. Al respecto, el Acuerdo sobre Reformas Constitucionales y Régimen Electoral propone que, para facilitar el acceso de los ciudadanos a los centros de votación, “en base a los padrones electorales, el Tribunal Supremo Electoral, en consulta con los partidos políticos, defina los lugares en que se instalarán los centros de votaciones en el interior de los municipios donde existan importantes núcleos de población distantes de la cabecera municipal y que resulten asimismo accesibles a los fiscales de los partidos y observadores electorales”. Es indispensable modificar el artículo 231 de la LEPP para eliminar la restricción de únicamente instalar Juntas Receptoras de Votos (JRV) en las cabeceras municipales.⁷³ Sin embargo, no parecen acertados los criterios del acuerdo, pues los partidos políticos tendrían conflicto de intereses para decidir dónde colocar las JRV, y éstas no se deben colocar a conveniencia de los fiscales ni de los observadores, sino a conveniencia de los electores. Dado que a las JRV se les asigna un máximo de 600 electores, entonces donde quiera que se encuentre al menos esa cantidad de ciudadanos empadronados debe instalarse una JRV, sin importar que sea o no cabecera municipal.

d) Congreso de los Pueblos Indígenas de Guatemala

En algunos países multiculturales con democracias consolidadas se han implementado diversos arreglos institucionales para garantizar la representación de los pueblos indígenas en la toma de decisiones de las instituciones del Estado.⁷⁴ En Nueva Zelanda, por ejemplo, la legislatura cuenta con cuatro puestos reservados para el pueblo Maori. En el estado de Maine, Estados Unidos de América, cada una de las tribus Penobscot y Passamaquoddy eligen un representante para la legislatura. Otra alternativa son los parlamentos indígenas que se han implementado en los estados escandinavos. Hay tres parlamentos del pueblo Sammi, en Suecia, Noruega y Finlandia. En el caso de Noruega el Parlamento Sammi se aprobó en 1987 y se limita a ser un mecanismo de consulta. En Canadá se piensa crear una tercera instancia parlamentaria, además de la *House of Commons* y el *Senate*: la *House of First Peoples*, que daría a los pueblos indígenas una voz permanente en el proceso nacional de toma de decisiones, poder para presentar iniciativas de ley, opinión en asuntos de legislación e interpretación constitucional relacionados con los pueblos indígenas y funciones de revisión e investigación.⁷⁵

⁷² “Se considera área rural a los lugares poblados que se reconocen oficialmente con la categoría de aldeas, caseríos, parajes, fincas, de cada municipio. [...] Se considera como área urbana las cabeceras departamentales y municipales”. Instituto Nacional de Estadística, *República de Guatemala, Características de Generales de Población*, pp. 29 y 133.

⁷³ Por ser una ley constitucional requiere el voto favorable de las dos terceras partes del total de diputados que integran el Congreso, según el artículo 175 de la Constitución, y del visto bueno de la Corte de Constitucionalidad.

⁷⁴ David Hawkes, *Indigenous Peoples: Self-Government and Intergovernmental Relations*, (Quebec: Royal Commission on Aboriginal Peoples, 1999).

En Guatemala, ¿Cuál es la viabilidad de constituir un Congreso de los Pueblos Indígenas donde exista una representación proporcional y geográfica de los distintos grupos étnicos y lingüísticos? Podría ser una instancia política para la cual los representantes sean electos de forma democrática bajo los criterios y modalidades propias de los pueblos indígenas, como el consenso, y no necesariamente bajo el sistema de un votante un voto. Sería un espacio donde los representantes reflejarían la diversidad cultural, incorporando a la discusión los distintos puntos de vista ideológicos (políticos, religiosos y académicos).⁷⁶ Su conformación podría contar con la supervisión del Tribunal Supremo Electoral y el acompañamiento de la comunidad internacional para legitimarlo y garantizar su transparencia. El Congreso de los Pueblos Indígenas puede constituirse en un foro de discusión sobre los temas de interés para los pueblos indígenas, y luego convertirse en un interlocutor directo y de peso frente al Estado y los demás sectores de la sociedad civil, política y económica. Las reglas del juego político interno del Congreso de los Pueblos Indígenas deben ser determinadas por su primera asamblea. Cada pueblo deberá decidir sobre las modalidades de elección, representación y participación de sus miembros y representantes. El grado de legitimidad y el poder de negociación dependerá de la dinámica propia que adquiera el proceso de formación del congreso.

V. Conclusiones

Guatemala tiene el doble desafío de alcanzar una democracia multicultural. Doble porque debe consolidar la democracia como sistema político que facilite la solución pacífica de los conflictos y canalice adecuadamente las demandas sociales y, simultáneamente, debe adecuar las instituciones políticas a su realidad multicultural para que ningún pueblo, ni minoría étnica, quede excluido del juego democrático. Para construir la democracia multicultural es necesario derribar las barreras institucionales e ideológicas que obstaculizan los cambios. Los Acuerdos de Paz son un punto de partida importante en el camino hacia la democracia multicultural. Sin embargo, precisa ir más allá de lo establecido en ellos para transformar la situación de injusticia, pobreza y exclusión que tiene hondas raíces históricas.

Entre esos cambios trascendentales se encuentra la creación de un marco jurídico y político que favorezca un nuevo tipo de relaciones, justas y honestas, entre el Estado y los pueblos indígenas. El reconocimiento de los derechos de los pueblos indígenas en Guatemala no se debe limitar a declaraciones formales en la legislación, sino que debe implicar la conversión del Estado mismo. El Estado debe renunciar a las pretensiones asimilacionistas o integracionistas, debe dejar en el pasado las políticas paternalistas y excluyentes. Se requiere de un Estado multinacional que sea la expresión del pluralismo étnico y cultural del país, donde las naciones o pueblos indígenas tengan voz y voto en la toma de decisiones.

⁷⁵ Royal Commission on Aboriginal Peoples, *Restructuring the Relationship*, Vol.2 Part I, pp. 377-382.

⁷⁶ Se puede usar la figura jurídica del partido político, ya contemplada en la legislación guatemalteca en la Ley Electoral y de Partidos Políticos (artículos 18 al 96). Al inicio del proceso, el Congreso de los Pueblos Indígenas sería un ente paralelo a las instituciones formales del Estado pues no se debe esperar a que el sistema se abra sino abrirlo de esta manera. Esta instancia podría llegar a tener más poder, más legitimidad y más presencia que el sistema establecido.

El debate político y étnico-cultural en Guatemala debe abordar la discusión sobre los medios más adecuados para que los pueblos indígenas puedan retomar el control de su propio destino como cultura societal, de tal manera que se garantice a sus miembros la libertad. El principio de autodeterminación de los pueblos debe ser punto principal de la agenda, para que por medio de sus territorios, recursos y su propio gobierno, los pueblos indígenas puedan reconstruir su orden económico, político y social. Para hacer justicia sobre los abusos pasados y presentes que han sufrido los pueblos indígenas, y para que se den relaciones en igualdad de condiciones con los gobiernos, es indispensable el estado de derecho. También es necesario que a los pueblos indígenas se les deje de tratar como simples grupos de campesinos o grupos de presión, y se les reconozca como naciones no subordinadas al Estado sino coordinadas con él, pues tienen el inherente derecho y capacidad al autogobierno, bajo sus propias leyes y cultura.

La creación de una democracia multicultural en Guatemala implica repensar las instituciones políticas del país. Para que la democracia sea verdaderamente el gobierno de la mayoría, y en ella se respeten también los derechos de las minorías, es necesario mejorar el marco político institucional con leyes que faciliten la participación efectiva y continua de los ciudadanos durante todo el proceso democrático y no sólo durante el proceso electoral. Hay cambios en la legislación, sobretodo electoral, que son determinantes para avanzar en el corto plazo. Se debe rediseñar la división del poder político y administrativo en todos los niveles, partiendo desde el nivel local o municipal, para que los políticos enfrenten incentivos correctos, tengan contacto directo con los ciudadanos y rindan cuentas, y para que las decisiones políticas se tomen, en cada nivel, de acuerdo a discusiones, consensos o votaciones que sean participativas y representativas de los distintos pueblos que conviven en el país.

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