

Guatemala's peace process:

context, analysis and evaluation

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The peace accords finalized in December 1996 brought a formal end to a war that had lasted intermittently for 36 years. They included almost 200 substantive commitments that, if fulfilled, would bring significant changes to the structure of the Guatemalan state and society and go some way towards addressing issues that many believe are the underlying source of protracted conflict. The scope of the accords was due partially to several mechanisms that enabled representatives of organized sectors of civil society to discuss problems largely untouched in public discourse for decades. Through these discussions and subsequent lobbying efforts, civil society representatives helped to shape a negotiating agenda and then contributed proposals on how to address substantive issues. The peace process was entwined with moves toward democratization beginning in the mid-1980s; it helped to create the space for peacemaking and was, in turn, strengthened by social mobilization around the peace process. These domestic trends were supported by international pressure and involvement. Yet despite the potential in the accords, it has proven exceedingly difficult to consolidate the process. Implementation has been either slow or blocked and the necessary constitutional reforms were defeated in a national referendum. Nevertheless the experience laid the groundwork for potential change to a more inclusive society, both by providing an opportunity for those outside the established elite to voice their opinion in the policy arena for the first time and by raising expectations for a more participatory democratic state and society.

Conflict and war

Guatemala is composed of four main peoples speaking at least 23 languages. Approximately 60 per cent of the population are part of the 22 ethnic groups comprising the Mayan people who, along with the Garifuna and Xinca peoples, have experienced systematic oppression for the past five centuries, including forced labour until the mid-twentieth century. Yet a Ladino (*mestizo* people identifying with Spanish cultural heritage) elite has dominated a state that denied this diversity and monopolized political, economic, and ideological power. Social exclusion has been compounded by the socio-economic structure. In this predominantly agrarian society, 65 per cent of the fertile land is owned by 2.1 per



cent of the population, creating the basis for profound inequality. Furthermore, with the lowest tax rates in Latin America, the state has had few resources to provide even basic services or to support development. The old landed families have exerted disproportionate influence on governance and the military has considered itself as the guarantor of the state and defender of the existing social order and intermittently installed military rulers. With the exception of a brief democratic opening from 1944-1954 that was crushed by a US-sponsored invasion, citizens were largely excluded from political participation until the mid-1980s. These factors led to a weak state, incapable of responding to the needs of most of its population.

The armed insurgency originated initially in the ranks of the military in reaction to the 1954 counter-revolution and subsequent repression. In 1960 a group of officers instigated an unsuccessful uprising and fled into exile. They later joined with other groups, including the small communist party, to develop a leftist guerrilla movement. In the 1970s, large numbers of Mayan activists joined and their communities subsequently became vulnerable to the military's counter-insurgency campaigns. In early 1982, the various insurgency groups united in the Unidad Revolucionaria Nacional Guatemalteca (URNG).

In response to the URNG's effectiveness, Gen. Efraín Ríos Montt presided over a 'scorched earth' campaign in the highlands. According to the report of the official Commission for Historical Clarification, this campaign resulted in the genocidal massacres of some Mayan communities, with the annihilation of more than 440 villages, the death of up to 150,000 civilians from mid-1981 to 1983, and the displacement of over a million people. Unions, popular organizations and political opposition groups were eradicated and many activists assassinated, 'disappeared' or exiled, leading to the decimation of their organizational structures.

The army's counter-insurgency campaign greatly weakened the URNG. Sensing its tactical advantage and facing international isolation in the midst of an economic downturn, the military took steps to return the country to civilian rule. In 1984, the military called a National Assembly to promulgate a new constitution. In the 1984-85 general and presidential elections, the most progressive contestant – the centre-right Christian Democratic party led by Vinicio Cerezo Arévalo – won amidst a relatively high voter turnout. Many interpreted the result as a rejection of authoritarianism and militarism. Although the military retained the balance of power, civilian authorities governed the country thereafter. Some Guatemalans see this period as the beginning of the democratic transition, whereas others identify the signing of the accords almost ten years later as the real turning point. Yet the greater political openness from the mid-1980s led to important changes and, eventually, movement towards promoting a peaceful settlement to the armed conflict as the army gradually lost much of its control over the process.

Moving toward peace

These domestic events were highly influenced by global and regional developments. The 1979 victory of the Sandinista revolution in Nicaragua meant that much greater attention was given to the revolutionary movements in El Salvador and Guatemala, thrusting the region into the centre of the polarized dynamics of the Cold War with high levels of US intervention. Several Latin American countries realized that they should support a resolution of the Central American conflicts independent of US involvement. In 1983, Colombia, Mexico, Panama and Venezuela formed the 'Contadora Group' that, for the first time, recognized the political origins of the wars. The new civilian government of President Cerezo soon adopted a policy of 'active neutrality' identifying the underlying causes of the regional conflicts as distinct from the East-West confrontation.

Guatemala



Within this context, Central American presidents gathered in Esquipulas, Guatemala in 1986 to discuss regional peace issues. They agreed to increase economic cooperation, to oppose the US-supported 'contras' fighting the Sandinista government and to promote the democratic reconstruction of the region. In August 1987, the presidents met again at Esquipulas II. Adopting a modified version of Costa Rican President Oscar Arias' regional peace plan, they signed an agreement articulating the principle of democracy as the prerequisite for conflict resolution and detailing standards that each government was expected to fulfil to promote peace.

It was initially difficult to implement the Esquipulas II agreement in Guatemala, where both the URNG and the army demanded that the other fulfil certain pre-conditions before negotiations could begin. The URNG maintained an ambiguous position: it supported the provision for a national dialogue but simultaneously demanded the removal of counter-insurgency measures. The army's position was more radical: the guerrillas would have to disarm before engaging in dialogue. Neither envisioned initiatives to involve civil society in the debate. Yet in de-emphasizing military strategies, the Esquipulas II meeting helped to stimulate the development of new social groups in favour of peace, largely spearheaded by religious organizations, who slowly generated public pressure for dialogue.

Yet Guatemalan society lacked a unified voice on how to achieve peace; nor did it have a civil, economic or political leadership that could envision peacemaking as a road toward national cohesion in the future. The principal dividing lines were between the powerful establishment groupings – the chamber of commerce, the agrarian-export oligarchy and the military – versus the popular movements including peasant associations, trade unions, indigenous people, and cooperatives. The latter tended to ally with other, mostly urban, social groupings – such as the opposition political parties, most church groups, universities and research centres, and small industries – to discuss and promote the social changes they believed necessary to end the war and build peace. Most of the popular groupings were, however, relatively new and had weak links with broad social constituencies and the wider public. Nevertheless, these more progressive groupings became the national engine enabling peace talks.

The Catholic Church played an important leadership role in stimulating public opinion in favour of both a national dialogue and 'humanization of the war' through trying to find solutions for structural problems. Partially at the instigation of church officials, the government-formed National Reconciliation Commission (CNR) convened a Grand National Dialogue in 1989. It provided the first formal opportunity for civil society to articulate their diverse perspectives about the war and identify the

Acronyms

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| ASC | Civil Society Assembly |
| CACIF | Coordinating Committee on Farming, Commercial, Industrial and Financial Associations |
| CNR | Commission for National Reconciliation |
| COCIPAZ | Civil Coordinator for Peace |
| COPMAGUA | Coordination of Organizations of the Mayan People of Guatemala |
| CSC | Civil Coordinating Sector |
| FRG | Guatemalan Republican Front |
| GND | Grand National Dialogue |
| INC | National Consensus Forum |
| MINUGUA | United Nations Mission for the Verification of Human Rights |
| SEPAZ | Secretary of Peace |
| UNAGRO | National Farming and Ranching Union |
| URNG | Guatemalan National Revolutionary Unity |

substantive issues later incorporated into the negotiating agenda. A significant outcome was the increased expectation that wider society should be involved in the negotiations. It helped put the conflict into the sphere of politics and to de-emphasize military 'solutions'. The following year, the CNR held talks with the URNG in Norway, under the auspices of the Lutheran World Federation. The negotiations resulted in the signing of the Oslo Accord in March 1990, committing the parties to a political solution to the conflict. The next significant contribution of civil society was to recognize the URNG as a legitimate party to the negotiations. This came out of the series of five meetings (the 'Oslo consultations') held between the URNG with each of the five sectoral groupings following on from the Oslo Accord. These consultations in turn paved the way for official negotiations between the government and the URNG, initially mediated by a Guatemalan Catholic bishop and – after those talks broke down – subsequently by the United Nations.

During the early years of peace talks, particularly between 1991-93, the establishment groupings were gripped by internal struggles over the issues of reform that were increasingly integral to the peace process. Within the military, there were divisions between the 'hard-line' members and the 'constitutionalists', with the former deeply opposed to talking with the URNG and the latter more open to the negotiation process. While most within the business and agro-export elite demanded a military response to the URNG, some recognized the need to modernize and improve Guatemala's international image. Yet virtually all were reluctant to discuss, much less address, the social problems that were included on the negotiating agenda. When President Serrano attempted to suspend the Constitution in May 1993, however, the business sector joined with the other social groupings and with the military's constitutionalists in an impromptu National Consensus Forum to successfully prevent the coup and demand democracy. For the first time, there was visible national consensus on the fundamental value of a democratic system of government.

This experience led to conditions that re-invigorated the peace process, with the military generally favouring negotiations. In 1994, bilateral talks between the government and the URNG – mediated by the UN and supported by key countries in the 'Group of Friends' – resumed again in earnest. They agreed to create a Civil Society Assembly (ASC) involving the diverse sectors of organized society to discuss the substantive issues on the negotiation agenda and provide recommendations to the negotiators. Most of the ASC's recommendations were incorporated into the final accords – thus making civil society a vital, if non-decision making, presence in the negotiations.

Sequence of mechanisms

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| 1987 Aug | Esquipulas II Central American governments agree a framework to promote peace in the region. |
| 1997 Oct | Commission on National Reconciliation (CNR) Body appointed by the government to oversee implementation of Esquipulas agreement. |
| 1989 Feb - Oct | Grand National Dialogue Talks sponsored by CNR with participation of 47 civil organizations with 84 delegates; excluded the URNG and boycotted by army, government and business elites. The GND comprised 15 working commissions to discuss substantive issues related to the conflict. |
| 1990 March | Oslo Accord CNR and URNG agree to consultations between URNG and Guatemalan society. |
| 1990 27 May - 1 June | 'Oslo consultations' : URNG meetings with various sectors are facilitated by the CNR and observed by a UN representative El Escorial, Spain: Delegation of 10 political parties – URNG promises not to interfere with elections and parties commit to holding a National Constituent Assembly and need for constitutional modifications. |
| 31 Aug - 1 Sept | Ottawa, Canada: Business sector (CACIF) – Separate communiqués are signed expressing commitment to negotiations. |
| 24 - 26 Sept | Quito, Ecuador: Religious groups – emphasis on need for national consensus and respect for human rights. |
| 23 - 25 Oct | Metepec, Mexico: Unions & popular organizations – joint declaration that peace must be based on transformation of structural problems generating conflict. |
| 27 - 28 Oct | Atlixco, Mexico: Academics, Cooperatives, Small Businesses – joint declaration asks CNR to organize a similar process between sectors and government. |
| 1991 April | Mexico Accord Government and URNG agree a negotiating agenda & process; no formal role for civil society in the peace negotiation process. |
| 1993 May - June | Instancia Nacional de Consenso (National Consensus Forum) A broad coalition of civic and establishment groupings is formed to resist President Serrano's attempted 'self-coup' and restore democracy. |
| 1994 Jan | Acuerdo Marco (Framework Accord) Establishes UN-mediated bilateral peace negotiation. |
| 1994 May | Civil Society Assembly (ASC) The ASC is formed, comprising 11 sectoral groupings. They are convened in an assembly chaired by Bishop Quezada to prepare consensus documents to feed into the bilateral negotiations. |
| 1996 29 Dec | Agreement on a Firm and Lasting Peace Final agreement signed by the Government and URNG that brings the 10 previous accords into effect. |
| 1999 16 May | National Referendum Electorate votes on constitutional amendments to incorporate the peace accords; but with only 17% turnout, the amendments are rejected. |

Yet after fulfilling its original mandate, the ASC began to fragment. Amidst accusations about the progressive sectors' dominance, representatives disagreed over whether the ASC should define a new role to maintain its voice in the peace process. Ultimately, the debates within the ASC did not carry over into significant influence on implementing the accords – although some sectors continued to exert influence in both society and politics.

Furthermore, the ASC was not the only civil society channel for influencing the talks. The main business association, the Coordinating Committee on Farming, Commercial, Industrial and Financial Associations (CACIF) had refused to join either the ASC or the earlier Grand National Dialogue, though it did hold talks with the URNG in the Oslo consultations. When the negotiators discussed the agenda on socio-economic and agrarian issues, the CACIF successfully lobbied against key ASC recommendations. They were able to substitute many of their own recommendations for inclusion in the final agreement – a source of great disappointment for many of the ASC members, who eventually endorsed it nonetheless. Many believed that this compromise marked a national consensus for reform.

Challenges of implementation

By the end of 1996, the negotiators had concluded six substantive and five operative accords. These agreements mapped steps for ending the military confrontation and set forth guarantees of reforms to address some of the underlying social and structural issues, grouped into accords on: human rights; a truth commission; the resettlement of refugees and displaced people; the identity and rights of indigenous peoples; the socio-economic and the agrarian situation; strengthening civilian power and the role of the armed forces; and reform of the Constitution and electoral system.

A variety of mechanisms were created to support implementation of the accords, with the UN given an overall monitoring role. An Accompanying Commission (*Comisión de Acompañamiento*) was created as the highest body for interpreting the content and spirit of the accords and facilitating their implementation in accordance with the agreed schedule – which only it could change through the unanimous decision of all members. The Commission comprised two representatives each from the government and the URNG, one from the Congress, and four 'notable' citizens, with the UN Mission head as an observer. It had no enforcement powers but operated instead by working with the other bodies. These included 'paritarian (equally representative) commissions' of government and sectoral representatives to discuss issues related to the implementation of specific provisions in the accords. There were also 'non-paritarian commissions' with only civil society representation. However none of these

commissions were given any decision-making authority and there were no defined channels to translate their advice into public policies. Furthermore, the administrative body charged with overseeing the process, the Secretary of Peace (SEPAZ), was not given decision-making power over the national budget or the policies and programmes of government ministries. It therefore had few instruments to make changes to fulfil the provisions. Implementation relied instead on the government to initiate programmes and Congress to pass legislation.

Although many of the provisions were implemented more or less according to the agreed timetable, the most far-reaching provisions have yet to be fulfilled. There have been a number of particularly problematic areas. The biggest setback was the failure of the referendum to amend the Constitution. Constitutional amendments were needed to establish the agreements as 'accords of state' rather than reversible political agreements; without them, the government lacked the legal basis for reforming the army or the judiciary and for implementing many of the provisions of the indigenous rights accord. After two and a half years, the struggle to make those changes was lost.

It was initially anticipated that thirteen key provisions would be incorporated into the Constitution. To do this, they would need to be approved by a two-thirds majority vote in the Congress and then by the electorate in a national referendum. The process first stalled in a lengthy congressional drafting process, where parties used the opportunity to add 37 other items – many on issues designed to give them partisan advantage. The eventual referendum required voters to respond with a simple yes or no vote to four sets of questions that incorporated 50 different reforms. Many analysts believe that this design was inherently confusing and therefore conducive to a 'no' outcome. The government did not undertake a public education campaign to inform the electorate about the proposed changes, although the UN mounted an extensive dissemination effort. Initial opinion polls suggested most of the electorate did not know about the reforms or were undecided – but an overwhelming number of those who did know about it claimed they would vote in favour. Then a highly effective 'no' campaign was mounted by conservative sectors and the private media. The pro-reform forces conducted a generally lacklustre campaign only shortly before the vote – although the indigenous sector was more effective in reaching their constituency. In the end, with a turnout of only 17 per cent of the voting age population, the 'no' vote prevailed. With significant variations between rural and urban areas, the outcome was largely decided by voters in the capital; the greatest variation was between Mayan-majority regions returning a 'yes' vote and Ladino-majority areas – where the war was not experienced directly – voting against the changes.



Election workers prepare ballots for the national referendum on constitutional reforms, 13 May 1999, Guatemala City.

Source: Jorge Uzon/AFP

This defeat was compounded by the failure to implement tax reforms needed to provide domestic financing to implement many of the accords – particularly the socio-economic provisions. The Accords specified that Guatemala's tax base would be raised to twelve per cent of GNP by 2000. Despite early optimism that many in the industrial and agro-export sector recognized the need for reform, they effectively blocked it. The government seemed reluctant to alienate its conservative support base by pushing through reforms, nor did it mobilize support from sectors that would benefit most. The government of President Arzú, who won power in 1996, introduced a package of property tax reforms in 1998 but dropped them after public protest and asked to re-schedule implementation of this part of the Accords. In response, from 1999-2000, the Accompanying Commission, with the participation of all the social sectors, convened negotiations of a 'Fiscal Pact' to create a new tax structure, as well as the political and institutional reforms needed to implement the accords. The pact was signed in May 2000 and approved by the heads of the executive, legislative and judicial branches of government. The necessary legislation was, however, diluted in the congress, which only approved a partial tax reform, leaving this important aspect of the peace agreement unfulfilled.

Despite these setbacks, the Accompanying Commission tried to keep the process moving. In addition to convening the Fiscal Pact process, in August 2000 it initiated a process to agree a new timetable for implementing the unfulfilled provisions – culminating in a Presidential Act signed that December in a ceremony witnessed by 12,000 people. When this also failed to achieve tangible results, a number of members resigned. Although the Commission continues to exist in form, it has almost no influence. Today the accords have no status as legal obligations of the state; the legislative agenda necessary to make them such has not been supported by the majority of Congressional representatives.

The November 1999 elections were dominated by the far-right Guatemalan Republican Front (FRG) party founded by Gen. Ríos Montt, thus putting those strongly opposed to reform in power. A new, leftist party partially comprising former URNG members also gained seats. Although it may become an important political force, thus far leftist groups have not been effective thus far in promoting and enacting the accords – in part because they were unable to lead a political or social movement to support implementation.

Prior to and during the peace talks, Guatemalan civil society leaders developed the capacity to influence the negotiations. But after the accords were signed, this experience and capability was not channelled effectively – partly because there was no institutional mechanism to enable it formally. Instead, each sector tended to concentrate on its own interests, creating a social vacuum incapable of formulating or promoting an overall peace agenda. Paradoxically, with internal social sectors weakened, the international community has become the only actor with sufficient leverage to keep the peace agreement on the national agenda.

Conclusions

In the early years of the new century, Guatemala is experiencing a critical transition. The new dispensation has not been consolidated in part because the old military and economic structures that generated conflict are largely untouched. The rejection of the constitutional reform package revealed the weakness of the pro-peace social movements and their ability to mobilize broad public constituencies to take a stand. It demonstrates the profound challenge of supporting a negotiated transition to a democratic and egalitarian society in a country traumatized by decades of war and centuries of institutionalized racism. Yet against the long history of authoritarianism and systematic exclusion, the involvement of representatives of diverse sectors of the Guatemalan public in defining the substantive agenda of the peace talks and in shaping the accords that emerged from them was ground-breaking. Especially significant was the crucial role played by Mayan organizations, who made progress in legitimizing their voice and issues in the mainstream of Guatemalan politics and social discourse. With sufficient continued pressure for change, it is likely that the process and events that led to the signing of the Accords will, despite all the difficulties along the way, come to be seen as a turning point in Guatemalan history.