

# The Civil Society Assembly:

shaping agreement

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The Oslo consultations in 1990 created momentum for direct peace negotiations between the government and *Unidad Revolucionaria Nacional Guatemalteca* (URNG). The process was put on hold, however, during the run-up to the presidential elections at the end of the year. Jorge Serrano – a centre-right, pro-negotiation candidate and a member of the Commission of National Reconciliation (CNR) – won the elections. He removed key hard-line figures in the military high command and soon organized direct negotiations. Bishop Rodolfo Quezada Toruño continued as mediator, accompanied by a UN observer.

In April 1991, President Serrano issued his 'Initiative for Total Peace' in advance of the first new round of talks in Mexico, which gained the support of the conservative sectors of civil society. After three days of talks, the URNG and government agreed to the *Mexico Accord* that specified an 11-point negotiating agenda incorporating many of the recommendations of the Oslo consultations, including the idea of addressing both substantive and operative themes. Although influenced by these earlier civil society inputs, these negotiations did not involve civil society representatives – a pattern that continued throughout the Serrano period. In July, a second round of talks was held in Queretaro, Mexico where they agreed on the principle of democratization as the means to reach peace through political means. Later that year, however, negotiations on human rights stalled as the government and URNG hardened their positions and no agreement was reached during the next three rounds of talks. By late 1991, popular organizations were protesting their exclusion from the talks but their demands were largely ignored. Human rights violations increased and protests met with an increasingly authoritarian response. Nevertheless, new organized sectors – including women's, indigenous and community based groups – began to articulate perspectives that were often ideologically independent of the left.

In mid-1992, the URNG issued a new peace programme modifying its positions but the government mostly rejected it. By the end of the year, however, some progress has been made on freezing the development of Civilian Defence Patrols and on the terms of return for refugees from Mexico. In early 1993, both the URNG and President Serrano announced new peace plans that were mutually rejected and Bishop Quezada declared the negotiations at an impasse.

## **'Serranazo': civil society takes a stand**

In early May 1993, the leader of the government negotiating team broke off peace talks. Several weeks later Serrano suspended the constitution and attempted to dismiss the legislature and judiciary – an attempted coup known as the *Serranazo*. Although supported by the military high command, his moves met with stiff

opposition in Guatemala and internationally. Congress and the Constitutional Court declared his moves illegal; international donors suspended aid and applied diplomatic pressure. Civil society organizations from across the political spectrum quickly mobilized a broad multi-sectoral forum, the *Instancia Nacional de Consenso* (INC) – or National Consensus Forum – to oppose the coup. In early June, the popular organizations called a general strike and the INC presented a list of prospective presidential candidates. Serrano fled after senior military commanders withdrew their support. In June, the Congress elected the popular organizations' nominee, Human Rights Ombudsman Ramiro de León Carpio, as interim president.

Over the next six months, President de León initiated a process of constitutional reform. Yet when pressured by political and private sector elites and the military, he gradually excluded popular organizations from talks on constitutional issues and toned down his initially radical proposals. He made few efforts to renew peace negotiations – claiming that they were not a priority for his government, despite his previous involvement. In July, he issued a new peace programme that dismantled the CNR, suspended Bishop Quezada as conciliator (who had long been seen by the military as too 'pro-URNG'), and installed a new governmental peace commission (COPAZ). He planned to separate the substantive from the operative themes in the negotiations. Civil society would be responsible for addressing the substantive issues in a new Permanent Peace Forum, whereas the URNG and the government would negotiate a settlement on the operative issues related to the conduct of the war. This would mean that the URNG would effectively become one amongst multiple political forces and would not negotiate issues related to social or state reform with the government. These proposals were rejected by the URNG and the impasse continued.

Throughout this period, popular organizations became increasingly vocal in demanding participation in the peace process. Grassroots popular and indigenous organizations viewed the peace process as an arena for discussing issues unaddressed in the formal political arena. During the *Serranazo*, these popular forces mobilized to play a role in mainstream national politics for the first time in decades. Through the INC, they had participated alongside established groupings such as the CACIF in demanding democracy and they were now unwilling to be sidelined in future peace talks.

### ***Framework Accord***

By late 1993, with considerable pressure from the international community and UN involvement, the government and URNG were preparing to resume formal negotiations. Communication had been eased through several unofficial 'ecumenical encounters' sponsored by

an alliance of international church bodies including the Lutheran World Federation. They convened civil society representatives, the government and the military in foreign cities to engage in informal dialogue and help to re-establish communication.

In early January 1994, the government and URNG met in Mexico City for UN-moderated talks and concluded the *Framework Accord for the Resumption of Negotiations*. They reaffirmed the 11-point negotiating agenda in the 1991 *Mexico Accord* and agreed to a structure and procedure for UN-mediated negotiations. It established a formal role for the 'Group of Friends' – comprising the governments of Colombia, Mexico, Norway, Spain, the United States, and Venezuela – to assist the UN and witness the agreements. They agreed the talks would be private and only the Special Representative of the UN Secretary-General (in the person of Jean Arnault), who would issue public information. They envisioned a process lasting a year, marking the expectation of an accelerated negotiating process.

The Accord noted the specific contribution of the sectors participating in the Oslo consultations and the general role of society in achieving peace and reconciliation. It called for an assembly "open to the participation of non-governmental sectors of Guatemala society, provided that their legitimacy, representative character and lawfulness have been recognised." This Civil Society Assembly (ASC) was mandated to discuss the substantive issues addressed in the bilateral negotiations and to formulate consensus positions on the six of the seven main topics from the Mexico Accord: (1) strengthening civil society and the function of the army in a democratic society; (2) the identity and rights of indigenous people; (3) constitutional reform and the electoral regime; (4) the resettlement of those displaced by the conflict; (5) socio-economic conditions; and (6) the agrarian situation. The last two topics were eventually merged into one. The agreement specified that any ASC recommendations or guidelines on these issues would be considered by the negotiators but were non-binding on them. The ASC would, in turn, review the final agreements signed by the parties on substantive issues and could endorse them "so as to give them the force of national commitments, thereby facilitating their implementation," but the ASC did not have the power to veto those it did not endorse.

The *Framework Accord* proposed Bishop Quezada as the ASC president, who would be assisted by an 'Organizing Committee' consisting of representatives of each of the sectors that participated in the Oslo consultations and "representatives of the Maya people." The ASC's work would be synchronized to discuss the substantive issues with the timetable for the bilateral negotiations so that it would not delay the negotiating process. Although the official negotiations were to be held in secret, it was understood that Jean Arnault would work with Bishop

Quezada to exchange information necessary to coordinate the work of the ASC with the negotiations.

The ASC's mandate seemed to indicate that the CSC and COCIPAZ – the coordinating councils that had been formed by the sectors in the Oslo consultations in Metepec and Atlixco respectively – had been successful in convincing the government to create a mechanism for civil society involvement in the process. The government had been reluctant previously to formalize any role for the public in negotiations, presumably perceiving it as a URNG manoeuvre to strengthen its position by including sectors with similar points of view. There is little reason to believe that the UN or any other external actor advocated a formal role for civil society. Many ASC participants believed that the government accepted the ASC because it assumed that the diverse sectors would not be able to reach agreement on common positions and thus would be ineffective. Furthermore, if it ignored these organizations altogether, the legitimacy of the negotiations might have been weakened. However the ASC's mandate meant that civil society would not have a formal place at the negotiating table; they would have a voice, but not a decision-making vote. As Quezada later observed, the ASC could have been seen as a 'consolation prize' for being excluded from direct participation in the negotiations. The challenge was therefore to make its influence as effective as possible.

## The Civil Society Assembly (ASC) in action

The ASC's minimal budget was funded primarily by members of the Group of Friends, particularly Norway. Earlier, they funded the newly created 'Fundación Casa Reconciliación', which financed the CNR and built a meeting house. The ASC used this infrastructure and had a budget for a small administrative staff, for refreshments, and for publishing ASC proposals. Each of the participating sectors sought their own funding to participate, some of them receiving both financial and technical support from international donors and partners.

The Framework Accord provided only vague outlines for the structure of the ASC. In the following months, Quezada and the Organizing Committee began to shape it and devise a methodology to involve the large number of organizations wishing to participate. They decided to structure the ASC through sectoral groupings. The Accord specified the inclusion of at least six sectors: the five from the Oslo consultations (political parties, religious groups, trade unions and popular organizations, the CACIF and the Atlixco grouping) as well as Mayan organizations. After some debate, however, they also decided to invite five more sectors: women's organizations, other non-governmental development organizations, research centres, human rights groups, and media organizations.

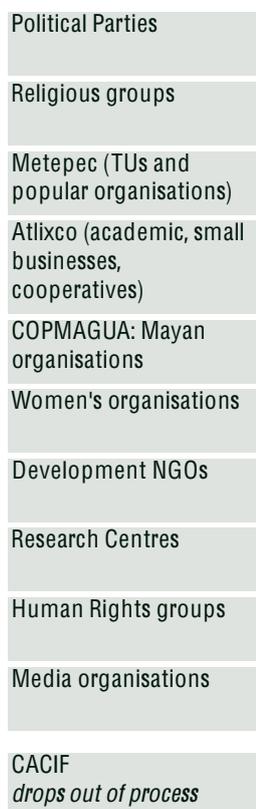
At this point, the economically and politically powerful business elite's CACIF withdrew from the ASC, claiming that it comprised illegal and unrepresentative façade organizations. CACIF later sought to influence the government team directly and may have weakened the effectiveness of the ASC on socio-economic and agrarian reform issues. Nevertheless the ASC also included participants from far-right political groupings – including the Frente Republicano Guatemalteco (FRG), the political party led by former president General Ríos Montt. Yet it was the involvement of indigenous and women's sectors that was particularly monumental in the dynamics of Guatemalan society and politics.

Each sector had its own organizational structure for internal discussion to define priorities and formulate proposals, as well as enable members to discuss and approve the outcomes of ASC plenary sessions. Each sector chose ten delegates to represent them in the ASC. Each sector elected their delegates according to the sector's own statutes and financial resources. Most worked behind closed doors, with the exception of the indigenous organizations that convoked 'Great Assemblies' convening representatives from throughout the country. The popular and trade union sector had probably the greatest challenge in reaching internal consensus – with the URNG's political influence on some member organizations affecting the internal dynamic.

Mayan leaders initially demanded direct representation at the negotiation table on the topic of indigenous rights. They objected to a process whereby approximately 60 per cent of the population would be characterized as a 'sector' of civil society. The indigenous sector formed the Coordination of Organizations of Mayan People of Guatemala (COPMAGUA) comprising over 200 different groups, including the four most representative coordinating groups – although there were no delegates from the Garífuna or Xinca peoples. It created a space where they could develop a common platform, despite their political and ideological differences and the variations in the ways they had suffered during the conflict. Throughout the process, COPMAGUA maintained a unified voice in the debates, despite any lingering internal disputes. They encountered difficulties due to the historical prejudices of a deeply racist society implicit in the ASC debates. Differences in underlying cultural assumptions – particularly regarding values and perceptions of time – challenged discussions intended to develop solutions to problems. A significant political prejudice stemmed from the belief that the indigenous people would take 'revenge' once they gained power and space. Yet it was the first time in the country's history that racism, marginality and exclusion were discussed in such a heterogeneous forum. As a consequence, drafting the document on 'Identity and Rights of Indigenous Peoples' was the most complex topic on the ASC's agenda.

## Guatemala's Civil Society Assembly

Sectoral Groupings: each sector develops position papers and chooses ten delegates for the ASC



ASC Commissions: two delegates from each sector are assigned to topical Commissions; each Commission produces a preliminary synthesis paper on the topic.



**ASC Plenary Session.**  
All delegates debate the synthesis papers until members agree a final **Consensus Document** for each of five agenda items

## Bilateral Negotiations and the Official Accords

ASC Consensus Documents are transmitted to the Government-URNG Bilateral Negotiations for consideration.

The Negotiators, with assistance from the UN mediator and the Group of Friends countries, draft Accords on each of the substantive and operative negotiation agenda items.

The five substantive Accords are transmitted back to the ASC for deliberation and possible endorsement.

Women had played important roles in the re-development of civic movements in previous years but their participation was concentrated in human rights organizations. The invitation to the women's sector meant that women's organizations with different political and ideological views were able to explicitly discuss gender issues for the first time in Guatemala's socio-political history. The sector was initially isolated within the ASC, with many of the largely male-dominated organizations from other sectors treating them with disdain. Yet within the year their policy documents became key discussion points and they were seen as a force for tolerance. The priority of the women's sector was promoting equality and improving the status of women in the framework of political solutions to the conflict. Although gender issues were not on the negotiating agenda as such, they were able to introduce provisions in the accords that addressed or were sensitive to gender issues. In addition, women participated as delegates in most of the other sectors. Although most had no experience in formal activism on gender issues, their involvement generated spaces for discussion and helped to ensure that proposals articulated by the women's sector were given serious consideration.

Another factor that contributed to the work of the ASC was that the security situation had improved after the Comprehensive Agreement on Human Rights in March 1994 created the United Nations Mission for the Verification of Human Rights (MINUGUA). Their presence gave important support to social organizations, whose members felt less vulnerable than they did during the Grand National Dialogue. It also enabled a leftist party clearly related to insurgent groups to contest the November 1995 general elections.

## Reaching agreements

The ASC was formed in April 1994 and formally inaugurated the next month. Throughout April the sectors prepared themselves and the operating procedures were finalized. In addition to the challenge of forming a cohesive structure and securing participation, the ASC had to develop working methods to reach consensus documents on some of the most challenging issues in Guatemala's history under pressure from a tight deadline of December 1994. This timetable involved preparing an average of one document every month. To achieve these ambitious targets, every sector developed its own proposals for each of the five substantive topics.



They could work on several topics simultaneously because each had twenty members and could organize separate working groups for the different topics.

Separate topical commissions, with two delegates per sector, were formed to work on each of the five substantive topics. They were charged with compiling a draft document incorporating the various positions articulated by every sector. Each commission had to reach consensus on the positions while preparing the draft or note any continued disagreements. These drafts were then debated in ASC plenary sessions until final consensus was reached. In practice, during plenary sessions new areas of disagreement often emerged and were further debated. Sometimes internal disagreements between members of the same sector surfaced and informal alliances formed across sectors between delegates with similar perspectives. These disputes were understandable given the magnitude of the issues discussed and the deep divisions within Guatemalan society reflected in the ASC. Nevertheless, the ASC was able to formulate a consensus position on each of the five topics of their mandate before their deadline. In practice, the need for consensus tended to result in the ASC adopting a 'lowest common denominator' proposal, thus possibly encouraging weak positions on the issues.

In general, the ASC process forced Guatemalan social organizations to cooperate with each other, reducing the intense fragmentation and mistrust that had often characterized relations in the past. It provided opportunities to strengthen integration within sectors and communication between sectors. Bishop Quezada's leadership transmitted confidence, respect and credibility and was a key element enabling the ASC to operate effectively. Although Quezada had more authority than ordinary members, it resulted more from his natural influence than a formal rule. He was able to mediate the

ideological differences that later proved disruptive to the ASC's work after his resignation in late 1994. The Organizing Committee members were elected by each sector and their diverse and representative characteristics were another factor that generated confidence in the process. The Committee also made decisions by consensus, with all very important matters passed to the ASC plenary.

Delegates worked very long hours and devoted themselves to making the process work and to ensuring their sector's effectiveness in promoting its aspirations. There were no arrangements to train ASC delegates in negotiation or consensus-building as a part of preparation for the process – although some individuals had experience from their previous work. Some of the less experienced sectors, such as the popular organizations, had advisors who had worked with them for years. Many had gained experience in formulating proposals and negotiating through their earlier participation in the Grand National Dialogue and the Oslo consultations. They were subsequently more effective in the ASC process. Nevertheless, political inexperience initially led the ASC to present unrealistic demands. Yet they soon began to produce more credible proposals. The ASC also organized meetings with the URNG and government negotiators to lobby for its positions and initiated regular information meetings with the UN team and representatives of the Group of Friends countries.

Perhaps one of the clearest indicators of the success of the ASC was the inclusion of many of its proposals in the official peace accords – in fact most were adopted directly by the negotiators. Some of the most significant areas where the ASC's positions were ignored had to do with socio-economic and agrarian reform and particularly the issue of land redistribution. This was partially because of the influence of the CACIF in directly lobbying the

**Jean Arnault (second from left), representative of the UN Secretary-General, with the CNR. Bishop Quezada sits on his left.**

Source: Rene P

government and refusing to accept the ASC's recommendations. This failure left a lasting sense of disappointment amongst many, particularly as most viewed these as the most important structural problems that needed to be addressed to transform the underlying conflict and promote justice. Nevertheless, amidst some internal controversy, the ASC eventually endorsed it and the other accords from the bilateral negotiations.

One of the major weaknesses of the process, however, was ensuring that the wider public were aware of developments in the ASC and in the official negotiations. It was difficult for those not linked to organized social sectors to have any interface with the process. Although a media sector was included in the ASC, they were not very active or influential and it was difficult to disseminate accurate information through the media – a factor perhaps compounded by the tendency of the army and the conservative owners of media organizations to portray the ASC as a mouthpiece of the URNG.

## Re-defining the mandate

The *Framework Accord* did not envision an ongoing role for the ASC. After their proposals were delivered in late 1994 and the negotiations stalled, some members suggested new roles. Some sectors, particularly members of the Atlxco grouping, believed that the ASC should remain strictly within the bounds of the *Framework Accord*; others felt that the ASC could play an important role in consolidating the peace process. This debate coincided with the resignation of Bishop Quezada in late 1994 – due principally to internal political divisions within the Guatemalan Episcopal Conference over their role in the peace process.

The ASC was strongly affected by these developments. There were tensions over the revised mandate and functions of the mechanism. A majority decided to influence the Guatemalan transition by situating the ASC as 'a political reference point of consensus in civil society' by taking positions on national issues based either on the ASC's existing documents or through a new consensus-building process. With these decisions, however, most members of the Atlxco sector withdrew from the ASC, arguing that it was dominated by leftist groups and was insufficiently representative of the public. Furthermore, although the sector representing political parties was not especially influential in the ASC, after Bishop Quezada resigned, only the small political parties remained.

Although there was a general effort to maintain the ASC as a mechanism of permanent discussion, two further factors contributed to its decline. Firstly, some members from the trade unions and popular organization sectors decided to create the New Guatemalan Democratic Front as a political party to contest the November 1995 general elections. The identification of key ASC figures with this

leftist party meant that the ASC lost some of its perceived political autonomy. Furthermore, when several became congressional candidates, they resigned from the ASC and their organizations failed to propose substitute delegates – thus depriving the ASC of important delegates. Second, many members felt deeply dissatisfied with the process when the ASC endorsed the *Socio-Economic Accord*.

Throughout 1995 and 1996, one of the most hotly debated issues was whether the ASC should be involved in the verification and implementation of the peace accords. Yet from mid-1996, it was clear that neither the government nor the URNG wanted to give the ASC a formal role in implementation. The issue eventually became irrelevant, as the ASC lost its influence to the point where it was so marginalized that it dissolved. Therefore the ASC as an institution had no role in implementing the accords – although some of the former delegates participated in commissions as representatives of their own groupings. Thus the experience of inter-sectoral discussion and negotiation was not deployed in the implementation phase of the process.

## Conclusion

In general, the Grand National Dialogue, the Oslo consultations and the subsequent Civil Society Assembly were significant in defining the official negotiation process. They were crucial in identifying the underlying causes of the armed conflict, as well as the substantive issues that would need to be addressed to end it and build peace. The armed forces tolerated these three processes in order to change their negative image and end the isolation that resulted from it – a calculation that partially backfired on them. Nevertheless, each of these processes both relied on and expanded the limited but important political openness begun by the military in 1985 with the National Constituent Assembly.

Despite the fragmentation, atomization and confrontation inherent in Guatemalan society, the ASC became a historical milestone because of the capacity for dialogue, negotiation and agreement between the different sectors that participated in it. Unfortunately, in the process of implementing the agreements, the signatory parties to the peace accords did not define or assign any role to the ASC. This contributed to a process of decline that had started with the slow pace at the negotiation table, the participation in politics of some of its members, the withdrawal of the president of the ASC by the Episcopal Conference, and lasting disappointment about the *Accord on Socio-economic Aspects and the Agrarian Situation*. These developments contributed to a mixed legacy for these innovative experiences in civil society involvement yet it is likely that the peace process would have been very different – and probably much less comprehensive – without them.