

Catholic Institute for International Relations



# Peace in the making

**Civil groups in Guatemala**

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## Introduction

**N**early 10 years have passed since the first efforts to negotiate peace in Guatemala. During this time, new political scenarios have developed in Central America, with former insurgents participating legally in the political process and changes to the institutional frameworks in which political and social conflicts are mediated.

Compared to the progress made by its neighbours, Guatemala seems to have lagged behind the rest of the region. Guatemalans, however, have had to contend with a long history of intense socio-political violence, from the Spanish conquest to the foreign intervention in 1954 (which ended the revolutionary period begun in 1944) and, finally, the past three decades of armed conflict. With so much violence and social resentment, constructing a path to peace has been a difficult struggle.

Throughout the past decade, Guatemalans have been changing. When the peace talks began, the army and the guerrillas, the Guatemalan National Revolutionary Unity (URNG), tended to consider negotiations as tactics of war. This changed because the international context favoured new conditions of governance and the political stability of states, and because organised sectors of society — regrouping and finding their voice again after the years of terror — began to demand an end to the domination of political initiatives by elites. As a result of these changes, the negotiations began to acquire a more political content.

The biggest obstacle has been the length of time it has taken for social actors in Guatemala to realise that a firm and lasting peace must be accompanied by efforts to build a fully fledged democracy. The peace process has helped change the mentality both of governments and of other powerful sectors: they now favour governability and national unity. Extremist and intolerant positions — although they have not disappeared — have been pushed aside.

The arrival of the United Nations Human Rights Verification Mission (MINUGUA) in 1994 has discouraged violence, and has provided firmer guarantees for the protection of Guatemalans' political rights. This has created the conditions for unarmed, leftist political groups to participate in the political process even before the end of the armed conflict.

This study aims to show the evolution of the peace process up to and including May 1996. It is meant as a contribution to Guatemala's historical record and as a tool for accumulating knowledge and experience. Many people now expect a definitive peace: not just a negotiated end to the armed conflict, but the will to implement the commitments and provide sustainable financing to carry them out. ♦

## Social exclusion, the cause of permanent violence

### A society stifled by the concentration of power

Guatemala has never been a cohesive nation. It is a society made up of four peoples: Mayans, Xincas, Garifunas and Mestizo, or *ladinos*. Twenty-three languages are spoken. Nearly 60 per cent of the population belong to one or other of the 22 ethnic groups which comprise the Mayan people, who for centuries have lived in poverty, lacking the freedom to express their culture and exercise their rights as citizens. (Foro, p9)

National unity and the formation of a state were achieved chiefly by military means. Political and economic disputes between commercial groups and wealthy creole landowners fed into the tradition of authoritarianism that characterised the Spanish and colonial periods. These disputes also undermined the conditions in which the state could be a power that proposed, maintained and regulated a social pact among all its citizens.

The 'Guatemalan nation' never recognised its ethnic and cultural diversity, nor did it create the consensus or the mechanisms to guarantee equality within diversity. By the end of the 19th century the modern state had, in the name of the nation, expropriated communal lands from the indigenous population, who were forced into forest areas in the west and north west of the country where farming was not sustainable, and were used as forced labour, under threat of jail or fines. The state became a facilitator of low-cost labour for the agri-exporting landowners.

During the first half of the 20th century, farm workers — mostly indigenous — were commonly obliged to carry a card demonstrating to the army or farm foremen that they had worked the number of days required by law. Failure to comply with these work days could result in imprisonment — not in state prisons but on private estates.

Over time, the closest thing to 'national' practise was the strengthening of urban-based power and the creation of highly centralised public institutions, which ignored the multi-ethnic character of the country. At the same time, indige-

nous communities strengthened their own political and cultural resistance, adapting their traditional forms of organisation to the modern 'colonialism' imposed by the state. They created parallel mechanisms, applying customary law — either in resolving conflicts or using their own authorities and institutions to make decisions on local matters.

The only state institution which was from the outset national in scope was the army. But its methods were based on an integrationist concept which attempted to 'latinize' (culturally assimilate) the indigenous peoples and which became as violent as the methods designed to make the agricultural export model work. Forced recruitment and incorporation of the *indio* into the military resulted in what could be considered, at best, a tenuous control over national unity.

Economic dependence on foreign investment and on the cyclical world market for raw materials underpinned a system of government based on family ties and on a system of perks for people close to the president. This was notable during the first half of the 20th century when most governments were either military or were presided over by strongmen with direct ties to the army. All of these governments — especially those of Manuel Estrada Cabrera (in power from 1900 to 1920) and Jorge Ubico (1930-44) — promoted and benefited from the growing presence of US companies. These came to control more than one-third of the nation's territory, assuming control over the railway, maritime shipping, and telephone and electrical utilities, and acquiring rights of way and leases, many of them valid for more than 100 years.

There was no system of political participation to represent the governed or to channel their proposals and demands. Political power — as well as economic, ideological and cultural power — was concentrated among the *ladino* elite. This impeded effective communication between the governing and the governed, whether indians or *ladinos*. Political opponents were frequently repressed — many simply because of affiliation to a political organisation other than the official party or because they were intellectuals and workers critical of the government's policies. When discussing political issues, they had to be secretive — while in public it was common to hear adulation for 'El Señor Presidente'.

This political muzzling, and the state's inability to counter unemployment and the rising cost of living in the 1930s, provoked growing social unrest, which led to an uprising supported by the popular sectors, intellectuals and members of the middle class. This forced the resignation of Jorge Ubico and allowed the first free and participatory elections in the country's history, in which Dr Juan José Arévalo was elected president. Thus began a revolutionary decade, from 1944 to 1954, when efforts were made to change the exclusive nature of the state and the economy.

For the first time, broad participation and civic organisation influenced decision-making in public affairs. The growth of civil groups extended to labour unions and cultural organisations. Illiterate people (most of them indigenous) were recognised as citizens with the right to vote and run for public office, national industry and small- and medium-sized agricultural production were promoted, a system of social security was adopted and important changes were made in labour and education policies.

The Guatemalan Workers' Party (PGT — the communist party) became a close adviser to President Jacobo Arbenz Guzman (1951-54). Arbenz decided to suppress privileges for US companies, and introduced an agrarian reform directed at stimulating small- and medium-sized production and the domestic market. All this became a pretext for the military, wealthy landowners, and the US government to overthrow Arbenz through a CIA-organised military invasion.

Among the first laws decreed in 1954 by the counter-revolutionary government junta were the annulment of land reform and other social policies. All political, labour, peasant and other organisations accused of belonging to or having ties with the communist party (PGT) or with social-democratic organisations were proscribed, effectively closing all spaces for political participation.

The counter-revolutionary intervention in 1954 destroyed a process which had involved decentralisation of public power and measures to redistribute economic power. The return to authoritarian rule and the establishment of military government were encouraged by US cold war policies after the Second World War. The cold war focus on the 'communist threat' dovetailed perfectly with the

tradition of concentrating political power in Guatemala, especially since any manifestation of citizen organisation, opinion and protest was regarded as 'extremely dangerous'. After 1954, virtually all leaders and social activists were considered 'public' enemies of the state.

This political model assured the traditional agricultural exporting sectors and large US monopolies the continuity of a highly profitable system of production and markets. The army continued to serve as the guarantor for these interests.

### **Counterinsurgency as state policy**

The return of authoritarianism did not contribute to political stability of the state. Throughout the next 15 years the army gradually ceased to be a puppet of the CIA and began preparing itself for greater autonomy from Washington. But this did not mean ideological independence from the counter-insurgency doctrine of cold war politics. It did mean concentration of public power in the hands of the army, distorting the functioning of the state and undermining any effort to develop a social pact.

During the 1960s the state increasingly resorted to force to keep the lid on social unrest and to combat popular discontent caused by the 1954 military intervention. The executive branch took charge of the political direction of the state. The justice system lost its independence, saw its capacity for criminal investigation undermined and became subordinated to counterinsurgency strategy. Congress lost its autonomy, and the chance of a party system that could offer meaningful electoral choice, freedom of expression and the discussion of programmatic proposals was lost.

These distortions not only destroyed the government's legitimacy, they also led to conflicts among military elites over the distribution of the privileges of power, and between the military and the private sector. Indeed, the first guerrilla action was the product of an uprising of military officers against corrupt practices among public officials and against Guatemala's cold war policies. On 13 November 1960 officers from the military base in Puerto Barrios, in the department of Izabal, led an uprising chiefly in protest against the decision to use a Guatemalan farm as a training ground for Cubans preparing to overthrow — with

US support — the revolutionary government of Fidel Castro.

The uprising was contained, but several of its leading officers fled to the mountains in the east of the country, beginning a military-political programme closely identified with the Cuban revolution. Events in Cuba led to growing contact between guerrilla militants and communists throughout Latin America, raising expectations of justice among younger generations and spreading ideas of social change among middle class Guatemalans — especially among students, academics and intellectuals who secretly still supported the reforms carried out during the revolutionary decade.

At the same time, the PGT maintained a clandestine political organisation, especially among young students and peasants. The party promoted the Bolshevik tradition and socialist ideas which had developed in Central America since the 1920s with the international protests for an eight-hour working day. There was nationwide discontent over the closing of political spaces. These conditions gave rise to other clandestine groups, among them the 12 April Movement and 20 October Movement, both composed of young sympathisers with revolutionary ideas. All of these underground organisations established lines of communication with the rebel military officers of the 13 November Movement. One result of these contacts was the formation in 1962 of the first guerrilla force, the Armed Rebel Forces (FAR — which later changed its name to the Revolutionary Armed Forces).

#### *The land and the poor*

The armed struggle began as a strategic complement to political action. The FAR and the PGT developed a clandestine political organisation made up of middle-class urban militants, small property owners, farm labourers and, to a lesser degree, workers. These organisations aimed to tackle the roots of injustice and social marginalisation — the cause of poverty and of restricted basic political rights. This would require the revolutionary overthrow of the state. Judging from their documents, these organisations followed a combination of Bolshevik statism and the idea of a benefactor state that would promote private investment, a concept being expounded at the time by

the UN Economic Commission for Latin America (ECLA). In public statements, the revolutionary groups discussed issues such as the economic over-exploitation of the farm worker, the struggle against militarism and electoral fraud, and the urgent need to redistribute wealth. Nevertheless, the main political emphasis of their positions and plans derived from a profound rejection of military government and the closure of political spaces.

The *foco* theory of Ernesto 'Che' Guevara put forward the mystical and messianic idea of 'radiating' among the poor a truth that would set them free. The PGT's *El Camino de La Revolución* (1969) (*The Path of the Revolution*) refers to radical changes in the structure of land tenure that would come about as a result of a protracted people's war. The PGT pointed to the 1964 census in which 97 per cent of the farms were smaller than one *caballería* (452 square metres or 45 hectares) and comprised 37 per cent of total agricultural lands, whereas 2.4 per cent of the farms larger than one *caballería* made up 62.6 per cent of the land (PGT, p14). The situation is much the same today.

By 1979, when two new guerrilla organisations had emerged, statistics showed that although the number of indigenous families with subsistence farms had risen by 40 per cent, the size of their holdings had shrunk by 30 per cent (Gutiérrez, p9). With the arrival of these new organisations, the revolutionary movement tended to give broader encouragement to the guerrilla struggle and to co-opt leaders and rank-and-file members of social organisations in order to strengthen the military effort. This undervalued the political impact of the protest movements.

The new guerrilla organisations were formed between 1971 and 1972, but did not announce their existence for many years. They were the Guerrilla Army of the Poor (EGP, which appeared publicly in 1975) and the Revolutionary Organisation of the People in Arms (ORPA, appearing publicly in 1979), both based mainly in regions populated predominantly by indigenous people. By the end of the 1970s, these groups' political efforts had become a complement to their military strategy. This dynamic — determined in part by an increase in political repression — hampered political debate within the guerrilla organisations, accentuated their clandestine and secretive character, and

reinforced structures similar to those within the army, based on subordination and centralisation in decision-making.

The revolutionary movement's increasing emphasis on exclusively military options was influenced by the Sandinistas' July 1979 triumph in Nicaragua, military strengthening by the Salvadorean guerrillas, and direct support from Cuba. The growing focus on military strategy obliged the guerrilla movement to militarise its concepts and actions. Its vision of the state became narrowed to the defeat of the army.

Until the end of the 1970s, the revolutionary movement had widespread support from both the urban population and the rural peasant population. General Otto Pérez Molina, inspector general of the army, later admitted that at that time the guerrillas had some 12,000 combatants (*La República*, 21 May 1996). Rural support from peasants and indians became the logistical basis for the guerrillas' survival. Broad sectors of the population saw in the revolutionary organisations a message and/or an option for combating poverty, corruption among the political parties and the military's abuse of power.

### *Crisis of governability and counterinsurgency*

The imminent threat of a revolutionary victory contributed to the crisis of governability. This crisis was characterised by various destabilising factors: growth of the guerrilla forces, increasing struggles for social demands, fraudulent elections, high budget deficits and a mounting foreign debt, the rising cost of living, an economic slump, state corruption involving illicit financial and property deals among high-level army officers, the military government's failure to settle disputes between private sector groups, the structural incapacity of the state to share power with the dominant private sector economic groups, and its failure to communicate effectively with the governed.

In 1981, the army began making internal adjustments in preparation for a major military offensive. Military actions were seen as the main tools in the counterinsurgency war but also as part of a strategy of social control. Alongside 'selective cleansing' operations (kidnapping and assassination of popular leaders and intellectuals), and the dismantling of the urban guerrilla organisations (assaults

on clandestine houses), the army carried out massacres in response to isolated rural protests by populations seen as potential guerrillas. (EAFG 1995, pp108-139)

Differences developed within the military leadership over how best to carry out counterinsurgency. The growing crisis of governability — and in particular conflicts between military sectors about the increasing concentration of economic power in the hands of a small group of officials — led to the coup of March 1982, in which the army removed General Romeo Lucas García, and replaced him with General Efraín Ríos Montt as head of state. Only three months earlier, in January 1982, the guerrillas had announced their unification as the Guatemalan National Revolutionary Unity (URNG: ORPA, EGP, FAR and a section of the PGT) along with plans for building a popular, patriotic and non-aligned government. The URNG also actively supported the call from student and labour organisations to 'overthrow the government of Lucas García'.

Following the coup of 1982 the military turned terror and massacres into state policy. The army establishment decentralised its efforts, and military zones were set up in every department. Rapid deployment units were reinforced, using guerrilla methods, particularly in the departments where the insurgency was most active — Huehuetenango, Quiché, Alta Verapaz, Baja Verapaz, Sololá, San Marcos, Petén and Chimaltenango.

### *Civil Self-Defence Patrols (PACs)*

With repeated military offensives, indiscriminate political persecution in rural areas, and collective massacres, the Guatemalan army successfully dismantled the guerrillas' military strategy. However, the mortal blow to the insurgent strategy was the army's conversion of the civilian population into an instrument of terror. The National Security and Development Plan, implemented during the government of Ríos Montt, stated that 'the war should be carried out on all fronts: military, political, but above all in the socio-economic field. The mind of the population is the principal objective.' (AVANCSO, p35)

One of the basic tools for annihilating the guerrillas was the creation of the Civil Self-Defence Patrols (PACs). These were set up in 1982 as



paramilitary groups composed of members of a community, as a means of involving them in repression and control of the population. The PACs came to include nearly 900,000 men (about 10 per cent of the population), many of whom were armed and ordered to keep watch over the community, denounce suspects, search for guerrillas and inform and provide logistical support for the army. Under the army's protection, the PACs not only provoked fear and discouraged political opposition, but also engaged in pillaging.

'Development poles' and 'model villages' were created, with similar objectives of territorial and social control. In these areas, the army concentrated populations which had survived massacres, irrespective of their origin or ethnic backgrounds, in order to present them with a positive image of their socio-economic future.

All of these actions were contemplated in the Victory '82 campaign, which formed part of the National Security and Development Plan. At a conference of the army's Centre for Strategic Studies for National Stability (ESTNA), in August 1992, Brigadier General Sergio Camargo Muralles, head of the army high command, explained the goals of the campaign. They were to devastate the guerrillas' social support base and dismantle their local committees and permanently based military units, but also to establish 'programmes such as food for work; roof, tortilla and work; development poles; guns and beans; programmes for the displaced; and, of great importance, a schedule for returning the country to constitutional rule, which defined the exact stages to be carried out in order to return to popularly elected governments'. (*Inforpress Centroamericana*, 331)

Following Victory '82, the army implemented Firmness '83, placing military officers in key state institutions, while expanding the activities of military civil affairs units so as to reinforce the image of the army as a promoter of development. With the Institutional Reconciliation Campaign '84, the army promoted the participation of the population in formal restructuring of the state, through the election of a national constituent assembly. According to General Camargo Muralles, in 1985 'the Guatemalan state could begin to enjoy the triumph of the military efforts' with the election of a civilian government. (*ibid*)

#### *The human cost*

But Guatemala was exhausted. After the devastation of 1980-83, any kind of 'revolutionary victory' became highly improbable. Potential social support bases for both the army and the URNG had been turned into military objectives. The population at large — whose own demands had still not been met — was caught in the crossfire. More than 440 villages had been destroyed. One million Guatemalans temporarily abandoned their communities of origin; nearly 150,000 took refuge in Mexico. Massacres left more than 50,000 widows and 250,000 orphans (Bastos and Camus, 1993, p37). Between 1954 and 1983, 100,000 Guatemalans were assassinated, kidnapped, tortured or disappeared as a result of the political persecution and the armed conflict. (Figueroa Ibarra, p24-25)

It was the army, then, that took the political initiative in reorganising the state and calling for democratisation, after having been directly responsible for fragmenting, terrorising and demolishing civil society, especially the indigenous communities in the areas of armed conflict. The only explanation of this paradox is that what was ultimately at stake in the war was the maintenance or transformation — according to one side or the other — of an exclusionary socio-economic structure. The army opted to maintain that structure, regardless of the human cost. By 1980, several generations of high ranking army officers had become their own economic caste, turning into farm owners and financial investors. Defence of the state signified for the army not only 'defending the fatherland from communist penetration', but also defending its own economic interests and its hegemony within the state itself. ♦

## Peace as a tactic of war

### Positions of the two sides in the international context

The return to constitutional rule began in 1985 under the direction of the army. Two events marked the beginning of this period: the election of the National Constituent Assembly and the election of the first civilian government after nearly 15 years of military rule.

A new Political Constitution was approved that broadened the framework for the protection of human rights. The Constitution provided for the protection of Guatemala's natural and cultural inheritance, preservation of the environment, and the protection of the rights of indigenous peoples. It also mandated the creation of three new institutions guaranteeing human rights: the Constitutional Court, the Human Rights Ombudsman, and the Supreme Electoral Council.

The installation of an elected civilian government opened political spaces tolerated by the army. The fragmented parties of the 'extreme right' began to re-adapt in search of a 'centrist' image. This 'centrism' gathered momentum within a political spectrum dominated by the right, with the victory of the Christian Democrats (DCG), a party with a centrist tradition that brought Vinicio Cerezo Arévalo to the presidency (1986-90). Business groups and politicians interested in influencing state policy began to communicate with each other. The business associations began publicly to express their view that there was an urgent need to modernise the state and deregulate markets. The media, professional associations (especially of the right) and popular organisations also began to address issues related to the costs and damage inflicted by the war.

During this process a new terminology entered the political discourse. It included respect for human rights, a striving for social well-being, and national reconciliation. All of these concepts were brought together by the call for peace. Even so, the two protagonists in the conflict had different ideas of peace. For the army, it meant pacification — elimination of the conditions that fed insurgency, and greater social control. For the URNG, peace and the 'reformist plans of the so-called democratic opening' formed part of a counterinsurgency scheme that

'would fail because it did not offer stable alternatives to power' (URNG 1988, pp94-95). In 1985 the URNG maintained its call for 'acceleration of the development of the revolutionary war'. (ibid)

Although both sides continued planning their efforts in military terms, the devastating effects of military activity during 1981-83 forced them to consider the possibility of pursuing the war by political means. With its social base dismantled, the URNG began to restructure and strengthen its international political network, especially in the United States, Mexico and Europe, denouncing human rights violations and seeking support aimed at weakening the international standing of the Guatemalan establishment.

The army, meanwhile, with its interest in national political stability, focused on three areas of political action: a) implementation of a new security plan that would prioritise the army's social-civic programmes b) the building of new alliances among the powerful sectors (politicians and business leaders) so as to spread the political costs of the new period, and c) to tolerate and control the re-establishment of social movements.

Both sides then, treated peace rhetorically at first. The changes observed in 1985 had more to do with politicising the confrontation than with creating real conditions for peace. Initiatives from each side still aimed at the defeat of the other. Incapable of winning militarily, each side tried to gain maximum advantage for itself from the international context favouring peace and democratisation.

### *Peace in the region*

It was the changing global situation that was responsible for the start of political negotiations between the URNG and the army. The URNG saw in the international community the opportunity to gain the political weight it had found impossible to achieve nationally. The army, for its part, was aware that the Guatemalan state had neglected the international arena, and that it needed an acceptable image abroad in order to obtain the financial resources and support necessary for political stability.

International pressures on the army to recognise the URNG as a belligerent force began early on. In 1983 the Contadora Group, (Mexico, Venezuela, Colombia and Panama) recognised the insurgent forces involved in Central America's

armed conflicts. Pressure brought to bear by the Contadora Group to begin peace talks helped put peace on the region's political agenda. Mexico played a decisive role in accelerating the peace process in Central America. Its role within the Contadora Group drew international attention to the region's conflicts and contributed to pressure on the US government to soften its militarist approach. The presence of exiles, guerrilla militants and Guatemalan refugee camps in Mexican territory made peace a matter of geo-political importance for Mexico. The Guatemalan border area was increasingly seen as a strategic zone for Mexico because the armed left used it as a corridor and because of the Guatemalan army's frequent illegal incursions into Mexico.

The Guatemalan army also had to develop a strategy following the triumph of the Sandinistas in Nicaragua. The army kept its distance from the interventionist plans of the Reagan administration — which had been pressing for the Council of Central American Armies (CONDECA) to revitalise and sanction an invasion of Nicaragua — because an increase in military activity in the region would affect its own plans for pacification and would be politically costly at home.

The Guatemalan authorities countered Washington's interventionism with a democratic discourse. The Guatemalan state refused to take part in regional military manoeuvres in 1984 and based its foreign policy on the premise that the social and economic roots of the region's conflicts were unrelated to the East-West confrontation, and that democracy was the only valid alternative to the internal conflicts. This position was later shared by Costa Rican president Oscar Arias and by the governing Sandinista National Liberation Front (FSLN) in Nicaragua.

These political stances converged a few years later with the global changes prompted by *perestroika* and the crisis of European socialism. The changes in the Soviet Union made it clear that 'socialist revolutions' would have difficulty surviving without sustained Soviet financing, and generated debate over the dogmatic and authoritarian underpinnings of Bolshevik struggles. Cuba, faced with its own internal crisis, had also reduced its support for Central American guerrilla movements by the mid 1980s.

#### *URNG-government competition*

Competition in the international arena between the URNG and the Guatemalan government quickly manifested itself. In February 1986, a month after Cerezo Arévalo took office, the URNG announced from Cuba that it would not obstruct the new president's stated commitment to democracy. Cerezo Arévalo, meanwhile, played a central role in the first meeting of Central American presidents, known as Esquipulas I (May 1986), in which the heads of state agreed on economic cooperation and condemned US assistance to the *contra* groups, while at the same time distancing themselves from the model of democracy implemented by the Sandinistas.

At the end of Esquipulas I, both the URNG and the Guatemalan state stepped up their efforts to impose prior conditions for negotiation on each other. This went on for the next four years. While both the government and the URNG told the international community they were committed to peace and negotiation, with each other they assumed radical positions which rendered dialogue fruitless.

The URNG, taking advantage of the government's international image as a human rights violator, demanded guarantees of democratisation as a precondition for political negotiations. Among these guarantees were: the restructuring and purging of the security forces; the elimination of paramilitary groups; the punishment of people responsible for political crimes during the past decades; the elimination of the Civil Self-Defence Patrols; and respect for freedom of association and movement. In other words, the URNG made negotiations conditional on the prior dismantling of the repressive and counterinsurgency structures which had increased during the armed conflict.

The Cerezo government rejected these demands. However, its foreign policy of pursuing political solutions to the region's conflicts had unforeseen consequences for the army's plan to defeat the URNG. As a result, differences quickly surfaced between the army's discourse and that of the civilian government.

June 1986 saw foreign minister Mario Quiñónez Amézquita announce that the Guatemalan government was willing to meet with the URNG; Cerezo made a declaration to this

effect in October during a trip to Europe. The army reacted by firmly opposing any talks with a 'group of ruffians' (*Inforpress*, 715). Overlooking the fact that the 1985 constitution had removed the ban on communist organisations, defence minister General Jaime Méndez Hernández stated that communists were prohibited and that the army would not support a dialogue with subversive groups, since that would illegally grant them political status. (*ibid*, 714)

### *Esquipulas II*

The second meeting of Central American presidents (Esquipulas II, August 1987), at the initiative of Oscar Arias, created for the first time a framework of commitments for the region's governments to promote peace and national reconciliation. At the international level, this strengthened the Guatemalan government's opposition to President Reagan's efforts to win Central American support against Nicaragua. With active backing from Nicaragua and Costa Rica, Guatemala persuaded the presidents at the summit to sign the Procedure for Establishing Firm and Lasting Peace for Central America. This included the following obligations: national territory cannot be used in efforts to destabilise other states; states of siege and other emergency measures must be lifted; assistance to irregular forces must be ended, a ceasefire sought and amnesties declared for subversive groups; and each country must set up a national reconciliation commission and promote democratisation by means of a national dialogue.

Esquipulas II, then, helped the Cerezo government to improve its international relations. But at the same time it provoked protests from conservative economic and military groups. Such reactions kept the official discourse ambivalent and reinforced the intransigence of the URNG in its demands for prior conditions.

### **First national reactions to the negotiations**

Compliance with Esquipulas II provided a minimal opening for the participation of some of the organised social sectors in the peace process. However, most of civil society was still excluded. The political groups on the extreme right, such as the anti-communist Movement of National Liberation (MLN) and the Institutional

Democratic Party (PID, created by the military in the 1970s) and leaders and activists from the *contras* in Guatemala, came out against any efforts at dialogue with the guerrillas. At the same time, the government set up a National Reconciliation Commission (CNR) with one official delegate, one representative of the 11 political parties, one prominent citizen, and a delegate from the Guatemalan Bishops' Conference.

On 7 October 1987, the day after the CNR was sworn in, a low-level meeting was held in Madrid, Spain, between the URNG, military observers, and representatives of the government; it produced no notable results. The URNG persisted in distancing itself from Esquipulas II, demanding a prior purge of the army, and proposing the creation of demilitarised zones as a condition for negotiations.

The government announced by the end of the year that it had kept its commitments to Esquipulas II with the approval of an amnesty (decree 71-87) and the creation of the CNR. It ratified the army's position that the guerrillas must disarm and accept the amnesty as a prerequisite for dialogue.

### *A divided society*

The involvement of society in the reconciliation process contemplated in Esquipulas II highlighted the fact that, in Guatemala, society itself was not prepared to offer opinions and reach consensus. The dividing line lay between those sectors in favour of negotiations and those against. On one side were labour and popular organisations, on the other were business associations and extreme right-wing political parties. At first, these sectors reproduced the confrontational tone of the army and the URNG, especially in the intransigence and conservatism of those who opposed the negotiations, whose rhetoric was often more extreme than the attitudes of the army.

Neither army nor guerrillas were directly responsible for transferring the debate about peace to the public sphere. The army tolerated the national dialogue initiative born out of Esquipulas II, and the URNG had recommended that popular organisations take part in the dialogue. But it was the Catholic church — especially Bishops Rodolfo Quezada Toruño and Juan Gerardi, respectively a member of the CNR and his substitute — that led

the call for a national dialogue and created an environment in which citizens could state their interests and put forward proposals for peace.

In effect, the participation of the Catholic church contributed to the socialisation of the topic of peace. In early 1988, the Guatemalan Bishops' Conference (CEG) published its pastoral letter, *Clamour for the Land*, making a direct link between peace and the solution of the country's social problems. The CEG, in a public statement that year, noted the urgent need to 'humanise the war', arguing in favour of reconciliation and national dialogue. The URNG had already publicly called for a national dialogue, but had received no response.

Bishop Quezada Toruño, who linked the proposal for a dialogue to the functions of the CNR, persuaded the CNR to call for the creation of a mechanism for national dialogue, which was among the stipulations of the Esquipulas II accord. Guatemala also came under diplomatic pressure from its Central American neighbours — especially Costa Rica's Oscar Arias — to comply with commitments made at the summit.

#### *Grand National Dialogue*

In February 1989, the Grand National Dialogue was inaugurated under the auspices of the CNR. Forty-seven organisations and 84 delegates took part, representing government, popular organisations, labour groups, cooperatives, solidarity associations, academics and professionals, political groups, journalists, religious and business sectors. Fifteen commissions were set up to discuss what were considered to be society's principal problems, including the rights of indigenous peoples, socio-economic rights, human rights, democratisation, the role of the army, and so on.

Among the sectors refusing to join in the National Dialogue were the Coordinating Committee of Farming, Commercial, Industrial and Financial Associations (CACIF), the National Farming and Ranching Union (UNAGRO) and several opposition parties. These groups argued that the National Dialogue was not representative and was susceptible to manipulation. Underlying these arguments, however, was a refusal to discuss and legitimise socio-economic reforms that would affect their privileges.

The proposal for a national dialogue took a year

(from 1988 to 1989) to become reality. During this period new scenarios developed and new voices entered the dialogue. A dynamic was created that obliged the URNG on the one hand, and the government and army on the other, publicly to account for their positions. But the most important development was that both sides realised that they needed to come up with something more than the simplistic strategy of continuing the war by political means. Throughout 1988, new social sectors gradually became more involved.

#### *Splits on the right*

Changes were slow in coming but they resulted in greater contradictions for the Guatemalan state than they did for its adversary. Within the army, an intense debate developed regarding its role in the return to constitutional rule. In 1988, the Centre of Strategic Studies for National Stability was created as a multi-sectoral forum, sponsored by the sector of the army closest to President Cerezo and to defense minister General Héctor Gramajo. Two currents within the military emerged in open dispute: constitutionalists in favour of negotiations with the URNG, and hardliners against it.

Shadowy extremist organisations were formed, such as the Officials of the Mountains, and the Fighters for Peace. The latter published a newspaper advertisement in which it called the URNG 'beggars for peace and a democratic fiction' (ibid, 33). In 1988 and 1989 the government of Vinicio Cerezo faced down coup attempts aimed at weakening his military cabinet. The coup organisers accused the Christian Democrats of negotiating with criminals and attempting to impose a dictatorship on the country.

#### *Gains for URNG*

The URNG, for its part, found itself less vulnerable than the army. It was far more interested than the army in setting up, and even taking part in, a national dialogue. Once it had accepted Esquipulas II, the URNG began to use the regional accord to press for a dialogue. It restructured both its national and international political fronts (such as the Unitary Representation of the Guatemalan Opposition — RUOG) and reinforced its campaign abroad, denouncing the militarisation of the country.

The URNG broadened its political discourse to include such topics as an end to discrimination and respect for the identity of indigenous peoples. It called for a national dialogue that would include substantive themes such as the agrarian situation, the distribution of wealth, and the elimination of the conditions that cause poverty and human rights violations. With this broadening of its political agenda, the URNG made clear its interest in appearing as the representative of the poor and socially excluded.

Military activity did not end during the government of Vinicio Cerezo. Instead, reports of combat tended to increase whenever the numerous and unproductive meetings between the CNR and URNG became bogged down.

In spite of the continued fighting, however, the increasing involvement of civil society in the peace process to some degree helped soften the army's line. The URNG's successes in its international political work (which capitalised on the deteriorating human rights situation in Guatemala), the advances in the Salvadorean peace process, the disarming of the M-19 in Colombia, and the Nicaraguan elections, also helped move the government toward negotiations. In February 1990 — an election year — Vinicio Cerezo announced that the government was willing to enter dialogue with the guerrillas, without demanding disarmament as a prior condition. ♦

## **An agenda for restructuring state and society?**

### **Oslo reactivates the participation of society**

The nature and scope of the peace process in Guatemala was defined between 1990 and 1993. Esquipulas II was left behind. The army's persistent claim during 1986-89 that the guerrillas should be disarmed and granted amnesty before negotiations could take place was no longer an obstacle. In February 1990, Cerezo Arévalo created the position of conciliator, naming Monseñor Rodolfo Quezada Toruño to fill the position. He also named the government's official representative to the CNR and called for a meeting between the CNR and the URNG in Oslo, Norway, to prepare the conditions for a direct dialogue. This decision changed the course and pace of the peace process.

During the meeting in Oslo, in late March 1990, the Basic Agreement for the Search for Peace was approved. This document established that peace would be attained through negotiation, in order to build a participatory and stable democracy. As a first step, the accord called for meetings between the URNG, the CNR and Guatemala's representative social sectors. This would be followed by high-level negotiations involving the army, the government, and the URNG.

To comply with the Oslo mandate, during 1990 the URNG and the CNR held five meetings with representatives from the following sectors: 1) political parties 2) organised private enterprise 3) religious 4) labour and popular, and 5) small and medium business, cooperatives, academics and intellectuals. These meetings produced four joint declarations named after the places where they were signed: Escorial, Quito, Metepec, and Atlixco. Only the meeting with the business sector resulted in two communiqués, one from CACIF and the other from the URNG, in which both — very diplomatically — recognised the goodwill of the other in working for peace.

Except for CACIF's pronouncement, the declarations of the other social sectors called on the government, the army and the URNG to hold direct talks as soon as possible. They also said all social

sectors should take part in defining institutional and constitutional reforms, and that to achieve peace, the human rights situation, social injustice, the basis for development, and respect for the common well-being must first be taken into account. During the meeting with the religious sector, Monseñor Quezada Toruño summed up the spirit of the Oslo declarations when he stated that 'dialogue will contribute to ending the armed conflict by means of reforms that will allow for the majority to have access to the wealth of the nation'. (ibid, 54)

The meetings which came out of the Oslo accord favoured the URNG politically in that the URNG was recognised by all sectors, except business, as a legitimate political interlocutor vis-à-vis the government. They also allowed the URNG to incorporate the social sectors' arguments into their demands. Following the Oslo meetings, the URNG began to demand that negotiations distinguish between substantive themes (state reforms and changes in the country's socio-economic structure) and operative themes (ceasefire, disarmament, and the legal reintegration of the insurgents). The URNG also increased its acts of sabotage and destruction of infrastructure in order to highlight its military potential and to maintain pressure on the army.

But these meetings, more than providing a victory for either the URNG or the government, brought to the fore the social sectors, whose ideas about peace did not necessarily coincide with those of the URNG or the army and government. The social dynamic that made this possible was not a broad, national movement, nor did it have a well-defined political direction, since the population at large kept its distance from the course of the peace process. Civil society organisations and their leaders did, however, begin to come forward with political positions.

In other words, the Oslo process generated public opinion and helped create an environment in which ideas could be expressed about themes traditionally either the domain of elites or simply not articulated for fear of repression.

However, the participation of these various sectors — political, business, religious, union, popular, cooperative and academic — did not mean that Guatemalan society was united in an effort for peace. Several sectors were divided by serious

political differences, often the result of ideological disagreements regarding the URNG's record and its legitimacy, and about whether or not the country's socio-economic structure should be transformed. In this respect, the labour and popular organisations appeared closest to the URNG, whereas the private sector was the most reluctant to recognise the URNG as a political belligerent force, and refused to support negotiations that implied structural socio-economic reform.

Neither side discussed its differences or created channels of communication with the other. Representatives of the sectors taking part in the Oslo meetings remained isolated from each other. Their interventions tended to be reactions to developments and events, or responses to declarations by one side or the other.

The religious sector, for example, showed the greatest inclination to relate peace to social justice. The business sector emphasised its rejection of the URNG's political proposals as the guerrillas stepped up their military actions, especially sabotage and the collection of war taxes. Popular organisations and labour unions sympathetic to the URNG, such as those in the Labour and Popular Action Unity (UASP), began to participate in the same political arena as other organisations, such as the Civilian Peace Coordination (COCIPAZ), which adopted positions independent of the guerrillas. This diversification and broadening of popular participation meant that representatives of the popular organisations gradually acquired a relative autonomy and distance from the URNG's position. Popular movement organisations, which had agreed with the URNG position in the Metepec Declaration, later moved on to demand that both sides in the conflict demonstrate their willingness to put an end to the war.

Perhaps the most important effect of the Oslo meetings was that, from 1990, the peace process promoted greater political participation from organised social sectors. However, polarised attitudes continued to make negotiation impossible between traditional antagonists such as the business sector and the popular and labour organisations. In any case, the army and the URNG both became involved in this reactivation of society, each seeking to create alliances and win national support.

### Political battles intensify over the definition of peace

In January 1991 Jorge Serrano Elías was elected president and the search for alliances continued. Serrano's candidacy was supported by the Solidarity Action Movement (MAS) which had the backing of evangelical churches, fundamentalists and General Ríos Montt. After Serrano took office, the URNG increased its military activity, arguing that its sabotage was aimed at 'restraining the army's repression against the civilian population' (*Cronologías*, 111). Serrano published on 8 April his 'Initiative for a Total Peace', receiving the support of the army, the Catholic church, the business community and several labour unions. The proposal failed to consider the progress in Oslo, however, and did not mention any substantive themes. It also insisted that the army's status was not negotiable and that the negotiations basically ought to define the schedule and procedure for demobilising the guerrilla forces.

Although the URNG considered this proposal an effort by the government 'to gain political points, which it will lose as the lack of concrete elements becomes evident', it agreed to a direct meeting with the government and the army, considering it convenient not to go against the social support that had developed in favour of the Serrano initiative. (*Inforpress*, 81)

The first meeting between the government, army and URNG ended in Mexico on 26 April 1991, with the signing of an Agreement on the Procedure for the Search for Peace by Political Means (known as the 'Mexico Agreement'). This defined the functions of the conciliator as: proposing initiatives, maintaining dialogue, summarising divergent and convergent points, and so on. The UN's role as an observer was confirmed. The two sides committed themselves not to abandon the negotiations unilaterally and agreed to carry out publicly scheduled meetings to which the media would have access when the two sides considered it opportune.

The accord also established the agenda for negotiations, composed of 11 themes: 1) democratisation and human rights 2) strengthening of civilian power and the role of the army in a democratic society 3) identity and rights of indigenous peoples 4) constitutional reforms and the electoral regime 5) socio-economic issues

6) the agrarian situation 7) resettlement of the populations displaced by armed conflict 8) bases for the incorporation of the URNG into the country's political life 9) ceasefire arrangements 10) schedule for implementing and verifying the accords, and 11) signing the Firm and Lasting Peace Agreement and Demobilisation.

The 11-point agenda is important for several reasons: a) the first seven deal with the issues raised in the sectoral negotiations in the National Dialogue and comprise the so-called substantive themes whose discussion had been rejected by both the government and the private sector, b) this meeting defined the agenda for negotiations in Guatemala c) the contents of this agenda were taken up in their entirety with the signing of the Framework Agreement three years later.

Most important, however, approval of these themes as the peace agenda indicated that, within the army, conditions were being created which allowed for more flexibility and tolerance regarding changes in the state. This new situation seemed to imply confirmation of the comments of Arturo Serrano, son of the president, that 'the price of peace in Guatemala will be the concession of a portion of the power to armed groups'. (*ibid*, 945)

The first topic on the agenda — democracy and human rights — led to direct discussion in several negotiating sessions of the army's abuse of power. During the Serrano presidency, however, negotiations stalled on this first theme. On 25 July 1991, with the signing of the Querétaro Agreement, both sides agreed that democratisation of the country required the strengthening of the rule of law, the pre-eminence of civil society, subordination of the armed forces to civilian power, and the elimination of political repression, electoral fraud and 'military pressures to destabilise democracy'. (*ibid*, 276)

On 8 August 1991, the daily *Prensa Libre* published the text of the accord on the Civil Self-Defence Patrols. In it, the army agreed not to promote the formation of these groups as long as no insurgent actions took place, and the Human Rights Ombudsman was given the mandate to press for prosecution whenever these groups violated human rights (*ibid*, 279). As part of these preliminary human rights agreements, the government committed itself to abolish forced military recruitment, to purge the security forces and to



refrain from interfering with trials of people accused of political crimes.

The agreements on democratisation and human rights provoked sharp criticism from political, military and conservative business sectors, even more so when the international community increased its role in monitoring the grave human rights situation.

In effect, the Consultative Group convened by the World Bank (attended by governments and international cooperation agencies to receive and review a country's requests for financing) called on the Serrano Elías government to show signs of progress in social investment and respect for human rights, and to move forward in the negotiation process. For its part, the European Parliament announced the approval of a clause in trade agreements that made economic relations conditional on respect for human rights and for the rights of indigenous peoples and the non-combatant population.

These international pressures on the government led the URNG to reinforce its international position and push for greater political concessions on democratisation and human rights. At the same time, foreign pressures provoked the business sector and the army, which argued that the peace process was being influenced from abroad. Serrano Elías refused to continue conceding to the increasing demands of the URNG, announcing that he would not disband the Civil Self-Defence Patrols nor set up a truth commission with judicial powers. He asked the United Nations to change its observer, Francesc Vendrell, because of his 'excessive protagonism' in the negotiations. The army paid for advertisements accusing the guerrillas of responsibility for specific cases of violence and political crimes. The old militarist discourse once again prevailed in communication between the two sides.

Confrontation grew. The URNG attempted in May 1992 to restart negotiations with its proposal 'Guatemala, a Just and Democratic Peace: Contents of the Negotiation'. This excluded human rights as a theme for negotiations, and called for the 'resolution of the causes that led to war'. The insurgents presented minimum conditions for a political solution which included the substantive themes from the Mexico Agreement. Among its proposals

were demands such as: a guarantee of 'the right to representation and identity for indigenous peoples'; 'incentives for basic food production'; reform of land tenure, which is 'the core of the central question'; the implementation of a tax reform that would increase the tax burden for 'those who earn most', and so on. (URNG, 1992)

Oddly enough, the government did not reject this proposal. Instead, it demanded a return to negotiation on democratisation and the signing of a prior accord on human rights. The private sector, openly at odds with the government, for the first time made a formal statement on the direction the peace process was taking. Their concept of peace was limited to calling for an end to the armed conflict and demanding that the URNG surrender. CACIF stated that it did not agree that 'the government should grant concessions and take on commitments that affect the interests of the Guatemalans' (*Inforpress*, 100). The General Farmowners' Association (AGA) said it would not blindly accept constitutional reforms, because that would open the door to ideologies contrary to those of the Guatemalan people. (*ibid*, 101)

The business associations stated that the only valid discussion partner for civil society was the government and demanded that the URNG become a legal entity before exercising its civic rights. CACIF and the AGA published, in May and June 1992, paid advertisements in which they detailed their opposition not only to the discussion of substantive themes already agreed by the two sides, but also to the URNG's views on these issues. Both organisations believed the URNG to be largely responsible for the atrophy of Guatemalan society, and urged that the URNG be treated in a strictly military way.

In disagreement with CACIF and AGA were the organisations which had taken part in the National Dialogue and had created the Civil Sectors' Coordination (CSC) and the Civilian Peace Coordination (COCIPAZ). The CSC tended to share positions with the URNG and was made up specifically of those who had attended the Metepec meeting; COCIPAZ maintained a more independent position and was composed mostly of the groups that had attended Atlixco. These groups demanded that the elitism of the meetings be changed, that their contents no longer be secret,

and that civil sectors be allowed to participate.

Tensions persisted until early 1993 when both sides once again hardened their positions. In the second quarter of the year, the political environment was characterised by a generalised criticism of official corruption; the rupture of the alliance between the governing party MAS, and the National Centrist Union (UCN) and the Guatemalan Christian Democratic party (DCG); by the government's inability to present diplomatic initiatives that favoured peace; and by a growing lack of confidence in the government, especially among the private sector, and the army. The country was becoming ungovernable. These circumstances motivated Jorge Serrano Elías to carry out, on 25 May 1993, a coup d'état aimed at allowing him to recover the political control he had lost. But the coup failed, mainly because Serrano did not receive support from any powerful sectors or from the population.

Under the Serrano government, the peace process became increasingly complex, with the positions of the two sides determined more and more by non-military factors, such as the search for national and international allies. The two principal forces in the negotiations began to redefine their alliances. It was no longer enough to depend on the mobilisation of their loyal supporters. The civil sectors themselves, including those in favour and those against the negotiations, developed their own political space, which in earlier decades had been closed down by repression, the centralisation of power and ideological intolerance. The evolution of negotiations was characterised by demands and concessions related to the transformation of the state and society. The involvement of social sectors also made the link between peace, democratisation, and social justice irreversible. The theme of peace became a de facto part of the national political agenda as an issue that, one way or another, obliged Guatemalans to focus their attention on the causes of social conflicts.

But it was a tense process in which existing social polarisation became evident. In the absence of a collective national vision of peace, each social sector defended its own version. To speak of peace meant, above all, the defence of sectoral interests. The interests influencing the political negotiations were thus founded on intolerant and ideologically

rigid positions. The degree of rigidity or flexibility of the two sides at any given moment created cycles of progress and intransigence that wore down all the sectors involved. Nevertheless, these political struggles highlighted the minimal changes that had been achieved in respect to the rule of law. Because of this, the failed coup resulted in a broader consciousness of the value of democracy. It also created conditions in which social sectors, including the most powerful groups, came to realise that the country's political stability, indeed its very political survival, would depend principally on a capacity, not to impose, but to negotiate. ♦

## **Peace as a state policy**

### **An end to militarist tactics**

Under the Serrano Elías government it became clear that the proposed 'return to constitutional rule' lacked meaningful mechanisms for bringing together, promoting and sustaining the broad participation of political parties, the private sector and the army. Negotiations between these political forces remained feeble or virtually non-existent. In addition, each group experienced its own changes, in the light of the political opening, which provided two basic options: adapt to the new national and international environment, or assume a conservative and intransigent position in defence of the past.

This process provoked intense struggles within each sector, between those who assumed conservative positions (maintaining positions of power, limiting the political opening, refusing to negotiate with the URNG) and those leaning towards the exploration of new issues (modernising the state, decentralising public power, diminishing the role of the army in the state police, stimulating markets, straightening out public finances, promoting citizens' political participation, and ending the armed conflict). The internal struggles raised questions such as: How much do we concede? What do we negotiate? What quota of power do we give up? Where do we draw the line? What do we propose?

The dividing line between conservatives and modernisers was not fixed or clearly marked, as they revised their own positions in response to other changes. This was also true of the social movement. Civil organising had grown and newly organised sectors appeared (women, indigenous, and community groups), and new popular organisations had come into existence which were ideologically independent of the armed left. This gave rise to political approaches distinct from the anti-government radicalism of the past.

To a large extent, the ungovernability that ended the Serrano period was linked to the intransigence of radical conservatives, along with the state's incapacity to manage the changes and struggles which had been generated, and the absence of a political force capable of proposing and consolidating new alliances of power. This crisis reached the point where it was impossible to establish a hegemony power at national level.

The 'Serranazo' — the coup attempt — made it clear that the election of civilian governments alone was not enough to restore constitutional rule or democracy. The nation's political stability also depended on the legitimacy of public authorities, on stable alliances between power groupings, on respect for the opinions of citizens, and on the consolidation of the institutions that guaranteed the rule of law and human rights (the Constitutional Court, the Human Rights Ombudsman and the Supreme Electoral Tribunal). In other words, there were certain basic principles for maintaining governability.

One week before the coup, Manuel Conde Orellana, head of the government delegation to the peace talks, stated that 'the government was going to seek the military defeat of the URNG because President Serrano could not concede any more' (ibid, 113). After the coup, exactly the opposite was seen: conditions emerged that favoured a redefinition of alliances between different powerful groups, and a political opening developed which favoured the peace negotiations.

Organised civil society responded rapidly and decisively to the coup in defence of the rule of law and constitutional order and demanded accountability of public officials. This created enough pressure to produce some of the political changes that had been postponed. These changes con-

tributed to a decentralisation and purging of corruption in the exercise of power. It also led to the creation of new alliances.

As a reaction to the *auto-golpe* ('self-coup') attempt, the National Consensus Body (INC) was created, which comprised sectors such as CACIF, popular and labour organisations, and political parties. This group — the first mechanism for inter-sectoral alliances in Guatemala's history — passed to Congress a timely proposal of three candidates for the presidency; and, of these, the Human Rights Ombudsman Ramiro de León Carpio (originally proposed by the popular and labour groups) was elected in June 1993. The INC lasted only a few months, but it was able to achieve previously unimaginable consensus among the different groups it represented. In particular, they favoured the purging of the different branches of government, especially Congress and the supreme court, which were characterised by corruption and influence peddling, and many of whose members had supported the efforts of Serrano's vice-president, Gustavo Espina Salguero, to assume the presidency.

A national referendum was carried out in January 1994 to approve a series of constitutional reforms that would, among other things, purge Congress by calling for new elections, and purge the supreme court by designing new mechanisms for its election by Congress. But popular groups opposed the referendum because they considered that the constitutional reforms were negotiated between the executive branch, the army, the political class and businessmen, behind the backs of the people. Although the referendum was marked by low voter turnout and this opposition, the results led to constitutional reforms which reduced the intervention of the executive branch in the functions of other branches of government; promoted and strengthened municipal governments; and facilitated the participation, consultation and direct influence of private enterprise in the modernisation of the state.

Once the constitutional reforms were implemented, business associations began to show more interest in economic policy, acquiring greater political influence and finding a more open environment for their lobbying efforts. The political parties entered an acute phase of internal crisis and

began distancing themselves from the old models of corruption and insider dealing. Popular organisations, although reluctant to support the government (arguing that the army persistently took control of the political process), tempered their anti-government position and increased their activism in favour of demilitarisation. At the same time, spaces were created for listening to and discussing human rights groups' complaints about impunity. These social changes would never have occurred if conditions had not also been created within the army that allowed for new thinking.

For the army, the presidency of De León Carpio, an ex-human rights ombudsman who was internationally recognised, implied not only a better image for the government, but also an appreciable improvement in the internal political crisis. The fact that the new president was a man without a political party also helped concentrate efforts to restore political stability, dissuade extremist sectors and promote tolerance for greater civil participation. These changes were facilitated by growing international pressure in late 1993 for effective respect for human rights in Guatemala. International pressure increased following the assassinations of Epaminondas Dubón González (constitutional court president, one of the main actors against the 'Serranazo') at the end of 1993, and of Jorge Carpio Nicolle (leader of the National Centrist Union and a close relative of the president) in early 1994. International financial institutions such as the World Bank and IMF also stepped up their pressure on the government to meet its commitments — both financially and in terms of the peace process.

From the first months of the de León Carpio government, attention focused on issues such as: decentralising the state and strengthening municipal governments; increased social investment among the populations affected by poverty and the war; the functioning of social investment funds; and the outdated system of political parties.

In this sense, during the final months of 1993, peace was taken up as a matter of state policy. The official position on peace could no longer be reduced to military considerations, and the negotiations were no longer a smokescreen behind which each side attempted to annihilate its opponent. The constitutionalist tendency within the army, now

enjoying more power, became convinced that peace would require basic reforms to the state and society for social conflict to be avoided in future. Peace would also require preparations to accept and compete with political opponents in a struggle for political power that would involve the legal re-incorporation of the URNG. By converting peace into a state policy, the army conceded to the executive branch functions in negotiations that had once been solely in the hands of the military; at the same time, the state incorporated peace as a top priority in its foreign policy. Once the idea of the URNG's eventual legal re-incorporation was accepted, the new government strategy was aimed at reducing as far as possible the political influence of the insurgent force.

Six weeks after the 'Serranazo', de León Carpio put forward his 'Proposal for Restarting the Peace Process' (8 July 1993), dismantled the National Reconciliation Commission (CNR), did away with the position of conciliator and installed a new Governmental Peace Commission (COPAZ), to be presided over by Héctor Rosada, a political scientist with social-democratic tendencies. In the new peace proposal, de León Carpio stated that it was the responsibility of all members of society to build the peace and to make the common good a reality, just as it was the responsibility of the government and the URNG to conclude the internal armed conflict.

De León Carpio accepted the two-tiered structure of the negotiations (divided into substantive and operative themes) which in earlier years had provoked the opposition of the most conservative sectors and led to the breakdown of the talks. He modified the approach, however, by separating the substantive from the operative themes, converting the first into matters that were the responsibility of society and the second into the focal point of the negotiation between the two sides. Thus, a Permanent Peace Forum was to be created, under the coordination of ex-conciliator Bishop Quezada Toruño, in which the URNG was to participate alongside many social sectors. The results of the social debate in the forum were not to be seen as commitments binding on the government.

The operative themes were to be dealt with simultaneously, leading to demobilisation of the guerrillas. The proposal also requested the

mediation of the Organisation of American States (OAS) and the United Nations (UN) in the discussion of the operative issues. The official proposal emphasised the integration of the forum — that is, it aimed to make the URNG into just another political force that would need to win support for its demands from other social sectors. The URNG would not be able to negotiate with the government on social or state reforms. Reforms, if they were to be carried out, would depend on the political evolution of the forum.

The proposal went nowhere. The suggested procedures did not receive backing from the social organisations, and provoked opposition from both the business groups, which again argued that the URNG's participation in the forum was illegal, and from the URNG, which refused to discard the advances derived from the Oslo and Mexico accords. The churches and other popular sectors, on the other hand, believed the government's proposal would make sense if the secrecy cloaking the negotiations was done away with and if military issues were negotiated in the forum. In the end, the government accepted direct negotiations with the URNG on substantive issues.

By the end of the year, conditions existed for restarting the talks, based for the first time on five preconditions, which still hold: 1) approval of a peace agenda that includes discussion of both substantive and operative themes 2) intervention by the UN, mediating in the negotiations and in verifying compliance with the peace accords 3) the presence of a group of 'friendly countries' willing to facilitate the negotiations and, if the two sides request it, provide assurances and backing to the commitments made 4) implicit recognition by the URNG and the army that military interests should give way to the creation of a political environment in which social conflicts could be resolved, and 5) both sides' recognition of the importance of supporting national reconciliation through the broad participation of society in the peace process.

Five months after the failed coup, Héctor Rosada, in a conference held by the Centro ESTNA, explained to military officers how to prepare themselves for the impending political struggle. 'I don't believe all this talk that the URNG is struggling for peace in this country,' said Rosada. 'The URNG is struggling for power, clear

and simple; and to obtain power it has to weaken the army, which is logical. Therefore, here we need a high degree of maturity, of political ability on the part of the army, in order to achieve the greatest understanding so that the URNG enters into the legal process.' (ibid, 341)

#### **Content of the peace accords**

Since 1994 negotiations have been based on the Framework Accord. Six agreements have been signed. The following five general topics remain:

- strengthening civilian power and the role of the army in a democratic society
- the basis for the political re-incorporation of the URNG
- constitutional and election reform
- the calendar for implementation, compliance and verification of the accords
- the signing of a Firm and Lasting Peace Accord

Under the original calendar, negotiations were to be concluded by December 1994. But delays have caused that date to be changed several times. The reasons for prolonging the talks, however, were no longer delaying tactics linked to military strategy; they had more to do with each side's attempts to defend the political interests of their respective constituencies. Neither the government nor the URNG has rejected the negotiations or asked for their revision. In an effort to strengthen the process, the URNG and representatives of the political parties met in Contadora, Panama, in August 1995, where they signed an agreement stating that the accords signed in the peace process should be considered commitments of the state.

The peace process has not provoked major political upheaval nationally. However, it has led social sectors to take a fresh look at themselves and the rest of society. It has also deepened the debate between, on the one hand, extremists of both right and left and, on the other, those positions that favour negotiation and tolerance. The talks have also moderated the confrontational mentality. Because each of the accords signed has directly affected the interests of specific social sectors, the process has encouraged the participation of the respective social organisations, either in shaping the content of the accords or in efforts to publicise the results and monitor their implementation. The

accords signed thus far include commitments made by the government, and to a lesser degree, by the URNG. They also set out tasks for society at large, without making any specific organisation or sector responsible. The accords stimulate new political processes and are seen by many, but especially by groups in the popular movement and the URNG, as a platform or a guide to future political action.

**T**he following is a summary of the contents of each of the accords signed to date.

The **Framework Agreement** (10 January 1994) lays the ground rules for the participation of the state and civil society in the peace process. The negotiations are based on the 11-point general agenda set out in the Mexico Accord, with a commitment to restructure the state and generate conditions for changes in society. The accord establishes a UN moderator, a role assigned to the observer Jean Arnault. The governments of Colombia, Spain, the United States, Mexico, Norway, and Venezuela are asked to form the Group of Friendly Countries to support the UN's efforts and to provide 'security and firmness' to the commitments when requested by the parties. The Framework Agreement establishes national and international verification of all of the agreements and requests the UN to undertake verification. Last, it calls on the two parties to create a Civil Society Assembly (ASC), involving all sectors which took part in the Oslo accord meetings, with the addition of representatives of the Mayan organisations. The ASC's task is to discuss the substantive themes and reach consensus positions, which will serve as recommendations in the negotiations process.

The **Global Human Rights Agreement** (29 March 1994) is conceived as an accord for the immediate monitoring and verification of the human rights situation. In the accord, the government agrees to guarantee full observance of human rights and to improve mechanisms for their protection. It also assumes specific responsibilities to: strengthen human rights organisations; take firm action against impunity; demonstrate that no illegal security groups or clandestine organisations exist; regulate the possession of arms; guarantee freedom of association and movement; end compulsory military service; offer guarantees and protection to

those persons and groups involved in human rights work; and compensate or assist the victims of human rights violations.

The URNG agrees to respect the inherent attributes of the person, and to contribute to the effective enjoyment of human rights. Both sides recognise the need to relieve the suffering of the civilian population and to recognise the rights of the wounded and of those captured in combat.

The Global Human Rights Agreement also defines the role of the United Nations in the verification. The UN mission, mandated to verify human rights violations which occurred after it was installed, has the following functions: to monitor the compliance of the URNG and the government with the accord; to receive, evaluate and follow up charges of human rights violations and confirm that the relevant state institutions fully investigate human rights violations; to report on whether or not human rights violations occurred; and to recommend steps to be taken by the parties for the full observance of human rights. The two sides also agreed that the UN mission would help strengthen governmental and non-governmental human rights organisations and promote a culture of respect for the law.

The **Agreement for the Resettlement of Populations Uprooted by the Armed Conflict** (17 June 1994) is aimed at supporting the resettlement process for refugees, returnees and internally displaced people. The resettlement strategy should, among other objectives, emphasise the need to combat poverty prevalent in the areas of the uprooted populations; assure these populations the full exercise of their rights; reintegrate them politically, economically and socially within a context of sustainable and equitable development; and promote efforts at reconciliation in the resettlement areas.

The accord also establishes guarantees for the resettled communities, including: emphasising the protection of the rights of the Mayan population and of families headed by women; calling for the urgent removal of mines and explosives; recognising both the formal and informal education of this population; facilitating and assuring the provision of legal documentation for the uprooted population and for those born abroad and providing for legal guarantees in land tenure (use, legal title and occupation).

The resettlement strategy outlined in the agreement commits the government to implementing a plan prepared with the active participation of the uprooted populations, in order to ensure their re-incorporation in production, their food security and their access to social infrastructure, as well as their access to employment and local markets, training in the rational use of resources and in management skills. The government also assumes responsibility for decentralising the state and strengthening municipal government.

The accord requests that the UN Educational, Scientific and Cultural Organisation (UNESCO) design an educational plan for all of the populations in the resettlement areas, and requests that the UN Development Programme (UNDP) administer a fund to finance projects resulting from the accord. The agreement also calls for the creation within 60 days of a mixed commission involving two representatives each from the government and the uprooted populations, with two representatives of donor and cooperating agencies attending as consultants. This commission is mandated to identify, before the signing of a final peace accord, the needs and demands of the uprooted population and to design projects that respond to the commitments in the resettlement strategy.

The **Agreement for the Establishment of the Commission for the Clarification of Human Rights Violations and Violent Acts that have Caused Suffering to the Guatemalan Population** (23 June 1994) creates a commission composed of: the UN moderator (with the UN secretary general's approval), a respected citizen named by the moderator with the consent of the two sides; and a renowned academic chosen by the moderator, with the consent of the two sides, from a three-person list prepared by the deans of the universities. This commission, which will be set up the same day that the Firm and Lasting Peace Agreement is signed, will function for six months, with the possibility of a six month extension.

The commission will prepare a report to be presented to the UN secretary general, who will then make it public. The commission will investigate human rights violations and acts of violence that have taken place since the beginning of the armed conflict up to the signing of the final peace agreement, and will prepare recommendations that

contribute to national reconciliation, to preserving the memory of the victims, to promoting a culture of mutual respect and to strengthening the democratic process.

The commission will study historical records, investigate the factors involved and the causes of the violations, and will act with discretion in order to guarantee the confidentiality of sources and the security of witnesses. The commission's findings will not individualise responsibilities, nor will its investigations and recommendations have judicial ramifications.

The **Agreement on the Identity and Rights of Indigenous Peoples** (31 March 1995) recognises that Guatemala is a multi-ethnic, pluricultural and multilingual nation, in which the indigenous peoples have suffered discrimination, exploitation, and injustices. Efforts to address this require solutions to be worked out with the participation of the indigenous peoples.

The agreement's four substantive chapters are:

- I. Identity of the Indigenous Peoples
- II. Struggle against Discrimination
- III. Cultural rights
- IV. Civil, Political, Social and Economic Rights.

Chapter I calls for the promotion in Congress of a constitutional reform that recognises the identity of indigenous peoples.

Chapter II aims to eradicate discrimination by creating laws that make it a crime to discriminate on an ethnic basis, by abolishing discriminatory legislation, and by promoting and publicising indigenous rights. The government also agrees to make sexual harassment of indigenous women a crime; create an organisation to defend the rights of indigenous women; educate the population regarding the Convention on the Elimination of all Forms of Discrimination against Women; and guarantee the approval, implementation and compliance with the International Labour Organisation (ILO) Convention 169 on Indigenous and Tribal Peoples, as well as the proposed Declaration on the Rights of Indigenous Peoples in the UN and the International Convention for the Elimination of all Forms of Racial Discrimination.

In Chapter III, the government agrees to promote initiatives that make indigenous languages official in Guatemala's constitution, incorporating their use in the education system, in social services,

in the courts and in public programmes regarding the rights, obligations and opportunities of interest to indigenous peoples. The government also agrees to establish constitutional guarantees respecting indigenous spirituality and to assure the participation of indigenous peoples in the creation of a legal framework for administering temples and ceremonial centres, redefining the roles of state and indigenous institutions, working out regulations with indigenous spiritual organisations that guarantee their access to religious sites and their freedom to practice indigenous spirituality.

In this chapter the government also commits itself to national education reforms to guarantee respect for cultural diversity in the curriculum, as well as to ensure access for indigenous peoples to the different levels of education. The government is also to adopt measures to deter discrimination against the wearing of indigenous clothes, and is to promote legal and administrative reforms increasing the access of indigenous peoples to radio communication and to scientific, artistic and educational information.

In Chapter IV, the government agrees to reform the constitution so as to characterise Guatemalan national unity as multi-ethnic, pluricultural, and multilingual. The government will promote reform of the Municipal Code so as to allow indigenous communities to exercise their rights in setting their own priorities and influencing decisions that affect them. The new Municipal Code will include elements defined by the government and indigenous representatives regarding: the status and legal capacity of indigenous communities and their authorities, respect for customary law and the environment, the way in which public spending will be distributed among indigenous and non-indigenous communities, and ways to strengthen community participation in the implementation of development projects and in the use of resources.

The agreement also calls for the promotion of legal and institutional reforms which ensure that obligatory mechanisms exist for consulting indigenous peoples and indigenous institutions and to guarantee indigenous peoples full access to exercise public functions. The government agrees to promote before Congress the approval of legal norms that recognise the use of customary law in handling legal matters within indigenous commu-

nities, as long as the reforms are not incompatible with the national legal system. With respect to the judicial system, the government is also to propose legal provisions for the inclusion of professional training in cultural matters as well as for the definition of the powers of indigenous authorities.

The accord establishes the creation of five commissions, three of which will be composed of both government and indigenous representatives. The parties felt that the Coordination of Organisations of the Mayan People of Guatemala (COPMAGUA), which participated in the Civil Society Assembly as a representative body of the indigenous peoples, should convene the Mayan, Garifuna and Xinca organisations interested in participating and electing representatives to these commissions. The joint commissions will work on the following issues: a) educational reform b) political reform and participation, and c) rights related to the indigenous peoples' lands. The other two commissions, not necessarily of mixed composition, are to address: a) the granting of official status for indigenous languages, and b) the definition and preservation of sacred areas. All elements of this agreement which relate to human rights went into effect upon its signing by the two sides.

**The Agreement on Socio-economic Aspects and the Agrarian Situation** (6 May 1996) conceives of social justice as the basis for achieving national unity and for socio-economic development. The accord prioritises the formulation of a rural development strategy, is based on effective popular participation and draws on the government's own objectives in its social development plans. Although the agreement will enter into effect when the Firm and Lasting Peace Accord is signed, the government pledges to begin immediately planning and programming efforts needed for the accord's implementation.

The Agreement has four chapters:

- I. Democratisation and Participatory Development
- II. Social Development
- III. The Agrarian Situation and Rural Development
- IV. Modernisation of Public Administration and Tax Policy.

In Chapter I, the government agrees to carry out measures to increase popular participation on five levels:

- 1) In the communities, by reforming the Municipal



Code, so that the auxiliary mayors (representatives of the different communities within the municipality) are nominated taking into account the proposals of the villagers in open town meetings.

2) In the municipalities, by increasing municipal autonomy as well as improving local governments' technical, administrative and financial capabilities.

3) In the departments, by preparing legal reforms that allow for the nomination of departmental governors from a list of candidates proposed by non-governmental organisations participating in the Development Councils.

4) Regionally, by assuring that indigenous organisations participate in the regionalisation of health, education and cultural services for the Mayan population.

5) In the Urban and Rural Development Councils, by reformulating the law to create Local Development Councils, broadening social participation in these councils and assuring their funding.

The government also agrees to restructure development plans and public entities in order to guarantee special attention to the socio-economic situation of women, especially in education and training, housing, health and work.

In Chapter II, the government agreed to:

- adopt measures aimed at reaching sustained levels of growth of gross domestic product (GDP), of no less than 6 per cent a year
- increase social investment, restructure the budget in favour of social spending, and improve the administration of resources and public investment by means of mechanisms such as decentralisation, redistribution of resources, reduction of bureaucracy, improved efficiency, transparency and oversight
- increase, by the year 2000, public spending levels for education by 50 per cent in GDP terms in comparison to the portion spent in 1995; expand the coverage of all educational levels, especially that of bilingual education
- increase public health expenditure by 50 per cent in GDP terms compared to 1995 levels, by the year 2000; dedicate 50 per cent of health spending to preventive health programmes; reduce infant mortality by the year 2000 by 50 per cent relative to the 1995 index; reform the national health sector, dispersing resources, decentralising administration and broadening

its coverage to the population with limited resources

- reform the social security system by creating a tripartite system (government, business and workers) to manage contributions
- dedicate the equivalent of 1.7 per cent of total tax income to housing development, beginning in 1997
- offer at least 200,000 workers professional training to adapt skills to the demands of the market.

In Chapter III the government agrees to promote a strategy of integrated development that takes into account land tenure, use of natural resources, credit, marketing, legislation and legal assistance, technical assistance, and guarantees of sustainability. This chapter is divided into nine sections: 1) participation 2) access to land and productive resources 3) support structures 4) productive organisation of the rural population 5) legal framework and legal security 6) registration of property and official land survey 7) labour protection 8) environmental protection 9) resources.

Among the key commitments for the government are:

- creation of a Land Trust Fund for credit assistance, development of savings, and provision of land titles for small and medium-sized owners; the fund will distribute unused lands and lands owned by the state, lands distributed in an irregular fashion (without proper titling, for example) under the state-run policy of colonising rural areas in north eastern Guatemala in the 1970s, and lands that will be bought with resources from social funds; the government agrees to use legal means to recover lands handed out in an irregular way
- promote an active land market by facilitating long-term, low-interest payments for lands
- by the year 1999, distribute 100,000 hectares of land to small- and medium-sized producers, to be administered as ecological lands, for sustainable forest management, protected areas, ecotourism, protected sources of water, and so on
- prepare a 300 million quetzales (US\$50 million) investment programme for rural development, emphasising basic infrastructure and productive projects

- reform the existing legal framework for land tenure, in order to simplify provision of land titles and property registration; revise legislation on fallow lands to avoid under-utilisation of agricultural lands; reform judicial procedures for resolving land disputes
- initiate, no later than 1997, reform of the property registration system and initiate an official land survey
- finance the agreements in this chapter by means of increased taxes on fallow lands, and by improving the collection of the land tax.

In Chapter IV, the government agrees to increase the tax base as a portion of the GDP by 50 per cent, by the year 2000, compared to 1995. At the same time, the government agrees to improve the administration and collection of taxes and reform the tax code in order to increase sanctions on evasion and tax fraud.

In all the agreements signed to date, the two sides have requested the involvement of other social sectors and organisations in providing advice, in coordinating intersectoral efforts and promoting the conditions for the full respect of the rights mentioned.

### **Reactions to the accords**

The negotiations that produced these five agreements have taken two and a half years, a period characterised by frequent moments of tension and disruptions linked to: mutual accusations of intransigence; protests by the URNG that the government lacked the political will to keep its word on the commitments made; and protests and pressures from social sectors expecting one side or the other to look after their interests.

The general reaction to the Framework Agreement was one of doubt and reservations. Popular movement groups, labour organisations and the Catholic church, which together provided the most active support for the peace process, cautiously awaited other signs that the political will existed for negotiations, although they expressed their satisfaction with the inclusion in the accord of the decision to create the Civil Society Assembly. These sectors were also slow to understand and accept the importance of replacing the conciliator with UN mediation. The most doubtful were those popular

movement organisations that had called for immediate international verification at the time.

Reactions to the Global Human Rights Agreement were more positive, owing to the fact that it was to go into effect immediately and would include an international mission to verify compliance. Once the agreement was signed, the Catholic church acted to accelerate the creation of the Civil Society Assembly. The most important grouping of popular movements — the UASP, and especially the Guatemalan Workers' Labour Unity (UNSI TRAGUA) — also began to call publicly for active participation in the Assembly.

The agreement on Uprooted Populations and the agreement on the Commission for Historical Clarification (informally known as the Truth Commission) were signed within one week of each other. The former provoked little reaction, but the latter drew the first serious criticism from leaders of human rights groups and popular organisations.

Their protests focused on the clause stating that the commission's findings would not individualise responsibility and that its investigations and recommendations would not be used for judicial purposes. In a forum organised to analyse this accord, attended by representatives of the Myrna Mack Foundation, the Centre for Human Rights Legal Action (CALDH) and the Centre for the Investigation, Study and Promotion of Human Rights (CIEPRODH), this agreement was deemed the weakest and the most disappointing of all the accords signed thus far. Despite the initial rejection, however, a few months later some popular movement organisations and human rights groups began to admit that the accord on the Clarification Commission did in fact create space in which citizens could begin freely to discuss and interpret the past and to take part in the struggle against impunity.

The URNG general command, facing growing disagreement with the accord, had to explain its position to its own militants and sympathisers. In a memorandum (12 July 1994), the general command recognised the mistake of signing the accord without first having evaluated with its members the new situation in the country, which was marked by a qualitative change in the concept of the negotiations. In the document, the general command recognised that the accord had caused confusion and disillusionment, since it did not

fulfil the expectations of those who considered the URNG to be the 'guarantor of historical commitments'.

In order to improve its deteriorating political position, the URNG decided to slow down the pace of the negotiations, to focus on pointing out the government's failure to comply with the implementation of the Global Human Rights Agreement and to promote the establishing of the UN verification mission. The next round of negotiations, on the Agreement on the Identity and Rights of Indigenous Peoples, did not begin until the end of October 1994, a month after the arrival of a preparatory mission of the UN Human Rights Verification Mission (MINUGUA). Negotiation of the indigenous peoples accord lasted nearly five months.

The URNG began to toughen its position, since it wanted to improve its image with the Mayan population — one of its principal bases of support — as well as with its own members. The URNG published a paid advertisement headed 'The Guatemala of the future will be a nation of national unity, pluricultural and multilingual', in which it called for efforts to overcome the tradition of racism and for the construction of a nation based on recognition of its pluricultural and multilingual nature. (*Prensa Libre*, 26 October 1994)

During these negotiations, the organisations comprising the Mayan sector in the Civil Society Assembly took part in activities aimed at pressing for the swift signing of the accord, including three marches in the department of Quetzaltenango and in the capital.

In the end, the URNG had to give up its demand for an autonomous political system for indigenous communities parallel to the national political system. It also had to fight the recalcitrant reactions of those who opposed any recognition of the traditional forms of indigenous organisation. During the months of negotiation, heated opinions were often expressed about the 'indigenous threat'. General Julio Otzoy, an army officer of Cakchiquel-Mayan origin, said the ethnic problem was such a serious threat to the country that 'the guerrilla movement of the next century may well be an indigenous movement'. (Bastos and Camus 1995, p67)

Once the accord was approved, the

Coordination of Organisations of Mayan People of Guatemala (COPMAGUA) — made up of the Mayan Unity and Consensus Body, Nukuj Ajpop (The People's Exercise in Government), the Academy of Mayan Languages, and the Council of Mayan Organisations of Guatemala (COMG) — commented in a document dated 3 April 1995, that the accord constituted 'a minimal, but significant, step toward raising the hopes of the Mayan people, in order to end marginalisation, oppression, discrimination, domination, exploitation and the colonialism that affects us'. The URNG, the government and international specialists in the rights of indigenous peoples consider the accord unique in the history of Latin America.

From March 1995 until May 1996 negotiations were bogged down over the Accord on Socio-economic Aspects and Agrarian Situation. The talks were stalled above all by intense pressure on the government and the military from organised business for its interests to be taken into account. The delay was also partly a result of the general election, with first round voting in November 1995, followed by a second round in January 1996.

Until December 1994, when CACIF's recently created Peace Commission published a document called 'Guatemala: Reflections on the Past, Considerations regarding the Present and Recommendations for the Future', the participation of business associations in the peace process had been limited to sporadic announcements rejecting the involvement of the URNG in negotiation of substantive themes, or presenting its opposition to the URNG's positions on socio-economic reforms. CACIF was, in fact, the only sector involved in the Oslo accord that did not take part in the Civil Society Assembly.

Shortly before talks began on socio-economic and agrarian issues, CACIF published the document referred to above with a proposal to 'orient a true national reorganisation'. Its central point was to promote a social market economy, based on competitive markets for goods and services. In this economy, businesses would provide consumers with a range of options in price and quality, with the state staying out of private sector matters. Its proposal differs notably from that of the Civil Sector Assembly, which had emphasised a continuing role for the state as benefactor and

regulator of private investment.

Once the talks had begun, the business chambers stepped up their efforts to influence the negotiations. They launched an international campaign in which the business sector, especially the National Farmers' and Ranchers' Council (CNA), denounced the URNG's collection of a war tax. According to CACIF, the war tax had cost the private sector about US\$47 million. The private sector protest coincided with criticisms of the URNG's war tax by the Catholic church and MINUGUA. The business sector also criticised MINUGUA for failing to condemn the land and farm invasions carried out by peasant organisations, even though such condemnations were outside the mission's mandate.

CACIF's main goal was to influence the negotiations on private property and land tenure, tax reform and the role of the state in the economy. Opposition to the talks reached such an extreme in late 1995 that the National Farmers' and Ranchers' Council (CONAGRO) initiated a legal suit against the president of COPAZ Héctor Rosada, accusing him of eight crimes including negotiating with illegal organisations.

### *Impact of the elections*

The results of the second round of elections, in January 1996, gave the business sector far greater political influence in government and proved a decisive factor not only in promoting a consensus but also in speeding up the negotiations.

During the first round of elections, in late 1995, the URNG had decided against negotiating with a government that was in its final days, preferring to base its tactics on the two scenarios that could emerge from the second round of voting: the new government could be headed by the Guatemalan Republican Front (FRG), directed by ex-chief of state General Efraín Ríos Montt, who came to power following the 1982 coup and is one of the officers who conceived and directed the massacres of the 1980s; or by the National Advancement Party (PAN), considered a centre-right party with close ties to the section of the business community supporting state modernisation and a social market economy.

PAN won the elections by an extremely slim margin because of a strong showing in the capital

and in spite of the opposition gaining 18 of the country's 22 departments. The PAN victory meant greater flexibility in the official negotiating position with both the URNG and the business sector. At the same time, the leftist New Guatemala Democratic Front (FDNG) — whose position is seen as close to the URNG — came third in the national elections, with six deputies in Congress, four mayors, and an influential role in the municipal victories of several civic committees in western Guatemala. The FDNG's victory confirmed for the URNG General Command the sense in moving forward with its incorporation into civilian life in order to prepare for general elections in the year 2000. The URNG recognised that the FDNG's successful campaign took place in an environment relatively free of political violence, with only a few months' preparation and limited campaign resources.

For the business sector, the PAN victory presented its first political opportunity in Guatemala's recent history to participate directly in the management of the state. Former leaders of CACIF who represented the modernising sectors of the business community were appointed to diplomatic, cabinet and other high-level government posts. Two well-known economists were appointed to the Peace Commission — Richard Aitkenhead and Raquel Zelaya, both of whom had worked on studies and developed programmes promoting decentralisation of public institutions, social investment, and the creation of systems to improve fiscal efficiency and reorganise public finances.

Alvaro Arzú held informal talks with the URNG during the campaign, but he also decided to name as president of COPAZ Gustavo Porras Castejón, political scientist and ex-leader of the Guerrilla Army of the Poor (EGP). This decision changed COPAZ's image from being dependent on the army to one of openness and greater national consensus. Together, these factors helped create an environment in which the interests of the state were prioritised over specific sectoral interests, a situation that mainly benefited the new government.

On 30 March 1996, the URNG announced an immediate, unilateral cessation of offensive military actions, and promised to end the collection of war taxes once the socio-economic accord was signed.

The private sector was among the first to express its opinion on the accord on socio-economic issues signed on 6 May 1996 — the first time the business associations had publicly commented on the signing of a peace accord. CACIF and the Chamber of Industry published paid advertisements in which they recognised that the agreement promoted a spirit of national unity and expressed their willingness to take part in the construction of Guatemala's future. CACIF president Humberto Preti commented that the accord included notably developmentalist policies, and commended the two sides for 'avoiding ideological positions'. (*Prensa Libre*, 7 May 1996, p4)

The international community also responded positively. The Central American presidents sent a letter to the Guatemalan government, supporting the accord. UN secretary general Boutros Boutros Ghali commented that, with the signing of the accord, 'the peace process in Guatemala acquired a new impetus' (*ibid*), while the director of MINUGUA, Leonardo Franco, pointed out that the agreement promoted the conditions necessary for the respect of human rights and for the easing of social conflicts. (*Prensa Libre*, 8 May 1996, p3)

The government also reacted with satisfaction. The president of Congress, Carlos García Regas, announced that the legislature — in which PAN holds a majority — was ready to legislate the constitutional reforms necessary to implement the accords. At the same time, General Otto Pérez Molina, a member of COPAZ, said that now that the socio-economic and agrarian agreement was signed, the army was ready to discuss the Agreement on the Strengthening of Civil Society and the Role of the Army in a Democratic Society.

Popular movement organisations reacted to the accord with ambivalence, although there were no expressions of total opposition. Nobel peace prize laureate Rigoberta Menchú said the agreement was realistic and had been the 'most heated point' in the negotiations. The National Indigenous and Campesino Coordinator (CONIC, the leading organisation in the land invasions), in a public communiqué dated 9 May 1996, stated that the accord 'does not satisfy the demands of the Mayan people and the peasants, because our positions were not taken into account and because it was signed behind our backs'. In a forum held on 26 May 1996

to analyse the accord, the first indigenous mayor ever elected in Quetzaltenango, Rigoberto Quemé Chay, said that the accord 'gives pre-eminence to the market economy' and it makes us think 'that there was no need for a war to reach these conclusions; the deaths were not necessary'.

The *comandantes* of the URNG expressed little enthusiasm for the accord. Gaspar Ilom, leader of ORPA, stated that the 'circumstances that caused the armed conflict remain, but the accord sets the basis [...] for a programme of consensus aimed at resolving the country's major problems' (*Prensa Libre*, 7 May 1996, p3). Although the commanders argued that without the armed struggle, this accord would never have been reached, its signing provoked protests and contradictions among militants within the URNG. Members of the Political-Diplomatic Commission, all of whom had been involved in the signing of earlier agreements, protested because the high command had excluded them as advisers in this latest phase of negotiations. The commission was later disbanded by the URNG general command. The accord also generated discontent among militants since 'the *comandantes* felt it was easier to beat their chests in front of us, instead of upsetting the international community'. (*Crónica*, 17 May 1996, p8)

Despite growing speculation about the existence of dissident groups within the URNG or divisions within the guerrilla leadership, the URNG general command has managed to remain united around a strategy to push negotiations forward. Meanwhile, there is greater tolerance at the negotiating table as well as between those involved in the negotiations and the rest of society. The URNG and the military are also becoming more confident that the security situation will allow demobilisation. It would seem, then, that the halting pace which prolonged negotiation of this agreement for more than a year was, above all, an indication of the nation's political maturity. In a society traditionally characterised by confrontation and polarisation, both the difficulty and necessity of reaching a social consensus have been determining factors in the negotiation of this accord. ♦

## The peace accords create spaces for resolving conflicts

**W**hat effects has the peace process had on the state and society in Guatemala? Comparing Guatemala today with Guatemala of 1985, when the army-initiated return to constitutional rule did not allow for a political solution to the armed conflict, several trends can be seen:

- 1) the subordination of military power to civilian authority
- 2) a new exercise in leadership and citizenship
- 3) the move from confrontation to negotiation between the different sectors.

### **Subordination of military power to civilian authority**

The army, which sponsored the transition from military rule to civilian-led governments, has been transforming its concept of the state and revising its methods for influencing the nation's political problems. The army today is interested in promoting and participating in new alliances aimed at improving political relations as a means of maintaining power. Its long-term strategy is to create conditions of governability in which counterinsurgency is no longer a policy of the state.

Nevertheless, in working toward this goal, the army has faced a double contradiction. First, the Guatemalan state, characterised by high levels of centralisation, corruption and inefficiency, does not offer the best conditions for long-term political stability. Second, the army has developed a vast network of privileges and benefits stemming from the abuse of power, impunity and the jurisdiction of the military court for crimes committed by the army. The paradox is that the army's own privileges prevent it from adapting to the changes that it has itself promoted.

Among these changes are greater tolerance of political and ideological opposition, a reduction in repression, the conversion of the URNG in military thinking from a 'military enemy' to a 'political adversary', the army's willingness to reduce its control over the population (as seen in the decision to suspend forced military recruitment, suppress military commissioners, and the

announcement of the gradual dismantling of the Civil Self-Defence Patrols before the end of the armed conflict), and the removal of corrupt officers or those accused by civilian institutions of violating human rights.

Each step that the army has taken to diminish its own power has created internal contradictions related to political conflicts, corruption, involvement in criminal activity, control over investigating the police, and so on. The 'constitutionalists' within the army have played a decisive role in pushing for a new image and new functions for the army without destabilising its internal cohesion.

Each move to adapt the army's functions has thrown up contradictory impulses — seen in partial concessions or controlled reforms — in which the circumstances to be addressed by the reform never completely disappear. Examples of this transition are:

- **Increasing emphasis has been placed on cultivating a new mentality in the army that recognises the primacy of politics and civilian political rule.** Nevertheless, the army is not yet willing to hand over to civilian politicians all the responsibilities that correspond to civilians in a western-style democracy. The changes that have taken place are, above all, designed to improve alliances and relations with powerful groups, such as the private sector, politicians and religious groups. In general, the changes have created conditions for these sectors to play a greater and more influential role in public affairs.

However, in the countryside the army retains direct control over much of the population, through the Civil Self-Defence Patrols (PACs) and through the continued influence of many former military commissioners. In some cases, the PACs have turned into criminal groups operating outside the army's direct control. At the same time, in many areas of the country most affected by the armed conflict, the army continues to usurp functions that should be the responsibility of civilian authorities, such as judges. The military's predominance continues to inhibit the reconstruction of traditional community mechanisms for resolving conflicts.

The army also remains involved in social development programmes, through the military's civic

action projects in health and education. These projects are increasingly questioned by non-governmental organisations and human rights groups, which argue that the army should not take on responsibilities that correspond to civil society, but should dedicate itself exclusively to the defence of national sovereignty against external threats.

● **The army is working to lower the profile of its counter-insurgency strategy.** Even though violations of human rights such as the right to life, freedom of association and of movement, still occur frequently — especially in the areas affected by the armed conflict — they no longer constitute state policy.

Even so, not all of the military's privileges in criminal law matters have been overturned. For example, article 219 of the constitution establishes that military personnel should be tried in military courts. Nevertheless, some advances have been made with the modification of a number of laws by Congress in June 1996, instigated by the defence ministry. For example, military personnel accused of common crimes will from now on be tried in civilian courts.

The army also exerts its influence over the civilian judicial system to undermine investigations affecting military officers. Moreover, the army also continues to wield influence in the public prosecutor's office and with the national police, using controls which in the past were used to centralise and subordinate the criminal investigation system to counterinsurgency ends. This undermines the principles of autonomy and transparency in the administration of justice.

● **The army accepts that the future governability of the country depends on a political solution to the armed conflict.** This strategic decision has required the army to prepare itself for the participation of groups that have ideologically and politically opposed the established social system. The 1995 elections demonstrated, for the first time, tolerance of participation by a clearly leftist political party — the FDNG — with direct and indirect links to the URNG.

For the army, the goal of the peace process is to strengthen the state in such a way that new conditions for anarchy or social discontent are not

created. Nevertheless, there are groups within the army which do not share this interpretation and which tend to denigrate or even work against compliance with the commitments that the government has made as part of the peace agreements.

The peace agreements have created conditions that permit society to press for a complete transformation of the army. Because of the national and international human rights institutions and the dissuasive effect of verification by MINUGUA, the army and the security forces must for the first time account for their actions before the watchful eye of society. Historically, most changes within the army have been prompted by external pressures, which have forced even the constitutionalists to match their discourse with coherent actions.

The army, however, continues to set the pace for its internal changes. MINUGUA's efforts to strengthen the institutions dealing with the administration of justice have not measurably reduced military privileges or the military's impunity. The government has largely ignored the recommendations for combating impunity contained in the four reports that MINUGUA has prepared since November 1994.

The army wants to create the impression that these changes are the result of an internal process, not of the demands 'imposed' by the URNG or by the peace negotiations. The defence ministry has prepared its own proposal for discussion in the negotiations on the Agreement on Strengthening Civil Society and the Role of the Army in a Democratic Society.

In May 1996 the defence ministry circulated its proposal, 'The Army of Guatemala's Future', which begins by questioning the proposal prepared by the Civil Society Assembly as 'dealing with particularities, and not with the essence' of the army's future role. The ministry explains that the proposal for modifying the institution is linked to the global tendency to 'reduce and redefine the functions of the army, and place limits on defence budgets'. The army proposes a reorganisation that includes substituting 'military zones' for 'military regions', and shifting from a strategy of assignment of units based on their role in the internal conflict to one based on potential foreign threats.

The reorganised army would have three fundamental roles: defence from foreign security threats;

involvement in internal security when 'the capabilities of the Public Security Force have been exceeded', and a role in special efforts to combat drugs trafficking and to protect 'natural and cultural resources that are part of the national patrimony'.

These changes are designed to provide the minimal basis for the effective subordination of military power to civilian authority. However, social change towards democratisation of political power and social relations once a definitive peace accord is signed will depend on society's capacity to keep the reformed security forces (both the army and the national police) from occupying spaces that should be the responsibility of citizen groups or civilian institutions. Nor should the security forces be able to restrict the growth and consolidation of civil society organisations. Otherwise, Guatemala's political perspectives will be reduced to the implementation of a restricted democracy.

### **A new exercise in leadership and citizenship**

Whereas the impact of the peace process on the army's capacity for internal discussion and change has been somewhat limited, the negotiations have had a more direct effect in promoting Guatemalans' right to express opinions about problems that have been accumulating for decades. The first direct result of this was the setting up of inter-sectoral meetings on the substantive themes in the negotiating agenda.

Before the National Dialogue was created in 1989 and prior to the Oslo Accord meetings of 1990, Guatemalan civil society organisations were emerging from a long period when they had been coming together and rediscovering a voice, having experienced years of repression, massacres and terror. It was not until the second half of the 1980s that new organisations began to appear, mostly indigenous groups and organisations defending the rights of populations affected by the armed conflict. The peace negotiations not only became a framework protecting the security of these groups, but also created conditions for discussion of issues which had been taboo.

However, the peace negotiations have not prompted a massive response from the population. This is because of inadequate channels of communication, people's reluctance to get involved in

politics and a general lack of confidence in how these issues have been dealt with by the principal political actors — the guerrillas, the army and the political parties.

The recomposition of society begun in the context of the peace process can be seen in the increased political activity among individuals, leaders and organisations that represent a gamut of civil society sectors, including the private sector, organised labour, the popular movement, displaced people and so on. Perhaps the most important aspect of this recent upsurge in leadership and organisation is that the negotiations and the efforts to increase public awareness of the accords have given people new experience in asserting and exercising civil rights, and in revising traditional methods of political action. They have created spaces for sectors once considered adversaries or enemies to relate to each other.

These new dynamics in civil society have three principal sources in the context of the peace process: 1) the role assumed by the Civil Society Assembly 2) the implementation of the agreements or those parts of the agreements which are already in force, and 3) the part played by MINUGUA.

### *The Civil Society Assembly*

The Civil Society Assembly (ASC) was set up on 1 May 1994, in compliance with the Framework Agreement, and was headed by Bishop Quezada Toruño. All sectors which had participated in the Oslo dialogue were invited, as well as indigenous organisations. Women's groups were also able to participate in the Assembly. Except for CACIF, all invited sectors took part in the Assembly. The sectors which established the ASC were: religious, journalists, labour and popular, human rights, political parties, Mayan groups, women's organisations, study and research centres, non-governmental development organisations, and the so-called Atlixco sector (cooperatives, academics and independent businesses).

As stipulated in the Framework Agreement, the ASC prepared position papers on each of the substantive themes in a process involving consultation and consensus: each sector presented its position on the theme, after which all the positions were studied by an ad hoc commission which prepared a consensus position that was then discussed until its



final approval. The ASC delivered all its consensus documents on the substantive themes to the negotiating parties in about six months, well before the original December 1994 deadline for the peace talks. By all accounts, the ASC's activities were conducted with notable efficiency under the leadership of Bishop Quezada Toruño.

For ASC members 1994 was a period of intense and continuous learning — about parliamentary techniques, consensus making, respect for dissent, and the development of positions independent of those of the two negotiating parties. The consensus documents were the synthesis of a process which, although it did not involve society at large, did provide for channels of communication between the representatives of social organisations in the ASC, the two sides in the peace negotiation and the Group of Friendly Countries.

The women's organisations in the ASC (such as the Civic Political Convergence, Tierra Viva, groups of unionised women and independent women) played an important role in creating a climate of tolerance and respect for dissent. This marked a change in the confrontational and radicalised attitudes of the past which were initially dominant within the ASC. The Mayan organisations (such as the Mayan Unity and Consensus Body, Nukuj Ajpop, the Academy of Mayan Languages, and the Council of Mayan Organisations of Guatemala, COMG) managed to legitimise an arena of political discourse which had not previously existed, in which they could express opinions about their cultural identity and the multi-ethnic and plurilingual nature of the nation. They made the most of it by strengthening their own institutions.

The state became a permanent theme in the ASC's political agenda, and provoked reflections on civic self-awareness and the procedures by which citizens can earn respect for their rights — a process involving first the awareness of these rights and then demanding that public authorities respect them.

In 1995, developments in the ASC overtook the slow pace of negotiations. According to the Framework Agreement, the ASC was not only to reflect civil society's views on each substantive theme in the negotiations but also to back each accord signed — a sporadic task which led to suggestions that other activities that should be taken on. The ASC found itself faced with two

obstacles to extending its mandate beyond the Framework Agreement: first, it did not have an agenda of its own, and second, the absence of other social and multi-sectoral mechanisms in which to develop debate around peace-related issues.

At the same time, the ASC was affected by the resignation of Bishop Quezada Toruño, in January 1995. It became apparent that without the bishop, the ASC members were unable to evolve and agree on a new leadership. An internal struggle over which leaders and institutions would direct the assembly was exacerbated by the decision of several ASC leaders to become candidates for the New Guatemala Democratic Front (FDNG) in the November 1995 elections. They failed to propose substitute delegates to the ASC, thus lowering the ASC's profile in the peace process.

Although in the second half of 1995, in the midst of the electoral campaign, the candidates of the FDNG resigned from the ASC, the assembly lost much of its political autonomy as well as its ability to make pronouncements or to keep pace with the public debate on the peace process. Nor did the ASC actively seek out new participants who could publicise the accords and continue developing the debate on peace-related issues. These imbalances led to the departure of the Atlixco sector, which had on several occasions protested against the procedures used by the popular movement delegates to the ASC, especially their increasingly central roles, their lack of political independence and their excessive influence in the assembly.

The ASC is conducting a critical evaluation of its activities and experience. It has matured sufficiently to recognise that its capacity to influence the peace process is limited and that radical positions still exist which prevent it from maintaining stable relations with sectors that hold different positions. Despite the difficulty of breaking with its own radicalism, the assembly has opened informal dialogues with the private sector and military officers. The ASC is also discussing a strategy for post-war reconstruction that would convert the assembly into 'a national body for verification, oversight, and monitoring of compliance with the peace accords, as well as for taking part in implementation of projects that derive from the accords'. (ASC 1996)

In its 1996 workplan, the ASC proposes to strengthen its public presence with press conferences and information bulletins; prepare responses to MINUGUA's reports; hold workshops to give participating social sectors a better understanding and interpretation of the agreements; elaborate proposals for implementing each accord, including the presentation of a list of candidates for the Commission for the Historical Clarification of Human Rights Violations; organise public events concerning the peace process in each of the country's 22 departments; and to try to influence the destination and administration of the financial resources that will be used to implement the accords.

Two new sectors have been incorporated into the ASC (peasant organisations and the uprooted populations), and the ASC is seeking to expand its membership to include the academic sector (including universities and private schools) and the business cooperative sector. A consensus has also been reached on a strategy for publicising the ASC's positions on national issues, campaigns for disseminating information about the content of the accords, and lobbying aimed at private, governmental and international actors. The ASC will create an environment for national debate about the reconstruction process, and has approved the creation of a mechanism for publicising complaints of violations of the Global Human Rights Agreement and presenting them to MINUGUA.

It remains to be seen if the ASC's new agenda, which exceeds the role laid down by the Framework Agreement, is recognised by other sectors such as CACIF and the government. Nevertheless, within the ASC discussions are under way over the possibility of creating a National Organisation for Transition to Peace and Democracy which would be 'composed of three representatives of the government of Guatemala, three representatives of the URNG, and five representatives of civil society (of which three would be from the ASC)' to take responsibility for implementation of the accords. The new organisation 'would have authority over each of the specific commissions created for the implementation of the accord'. (ibid)

### *Implementation of the peace accords*

The implementation of the accords has promoted citizen participation chiefly in two related areas: in compliance with the accords, and in the process of monitoring their implementation. Monitoring has so far been carried out indirectly. Except for the office of the Human Rights Ombudsman, there exists no national body directly responsible for making sure the government and the URNG are complying with the commitments made in the human rights agreement, the uprooted population agreement and the indigenous peoples agreement. (These are the only accords that carry with them immediate commitments.)

The main activities carried out by civil society in terms of monitoring have been fora and workshops to evaluate the accords. In these fora, several institutions have played an especially important role: the Association of Social Studies and Investigation (ASIES), the Latin American Faculty of Social Studies (FLACSO), the Institute of International Relations for Peace (IRIPAZ); the Archbishop's Human Rights Office (ODHA); and the Coordinating group of NGOs and Cooperatives Accompanying the Population Affected by the Internal Armed Conflict (CONGCOOP).

As a result of these debates, citizens have been able to develop opinions regarding the level of compliance with the accords. In general, their opinions tend to emphasise the limited will and capacity of the government in complying with its commitments and incorporating them into the activities of state institutions. They warn that the general ignorance about the government's commitments constitutes the greatest obstacle to their implementation. Nevertheless, they point out that while civil groups have actively participated in proposing ideas for the substantive agenda, they have had little to do with monitoring compliance of the accords.

Most analysts agree that the level of compliance with the Global Human Rights Agreement depends on the government's commitment to strengthen all the institutions of the administration of justice, and on the government's ability to guarantee that the training and other assistance offered by MINUGUA for judges, public prosecutors and the police contribute effectively to

comprehensive reform of all elements of criminal investigation and to the development of a national security policy based on professionalisation of the national police force and respect for human rights. For these analysts, effective compliance with the agreement will depend on its transformation into a state policy.

The Agreement on the Resettlement of Uprooted Populations has been widely criticised. On the one hand, the accord sets out a development strategy without first clearly establishing the government's commitments in terms of planning and funding. Nor does the accord pay enough attention to refugees' needs during the emergency period that goes with resettlement: it fails to make concrete proposals or request the presence of the UN High Commissioner for Refugees.

National monitoring of the Agreement on the Identity and Rights of Indigenous Peoples is almost non-existent, largely because public knowledge of the accord is so limited and because the government of Ramiro de León Carpio had to be cautious and discreet about the accord's contents in order to avoid protests from conservative sectors. In any case, the government agencies in charge of guaranteeing compliance with the human rights stipulations in the accord have not been clearly identified.

Another reason for insufficient national monitoring of compliance with the accords is that the groups in a position to monitor compliance are the ones involved in implementation. Two of the accords signed — on the uprooted populations and on indigenous rights and identity — create an ideal mechanism for promoting the participation of civil society in their implementation. This mechanism involves the creation of mixed commissions of government delegates and representatives of popular organisations. The creation of these mixed commissions is considered one of the most important means for integrating the government and society in practical peacebuilding.

Nevertheless, several important obstacles exist to effective monitoring of the accords: the lack of experience of civil society organisations in creating alliances, the fact that most organisations are far more experienced in making complaints than they are in proposing alternatives; and these organisations' limited political capacity for systematic lobbying to influence the government's slow com-

pliance with the accords.

Organisations representing uprooted populations have complained about the government's lack of interest in creating a broad-based and participatory mixed commission, since government initiatives so far are the product of centralised and unilateral decisions. These organisations have periodically pointed out obstacles to the implementation of the accord, such as the need for technical assistance in clearing resettlement areas of mines. They also take an active part in the preparation of educational programmes for the uprooted population, under the auspices of UNESCO.

The massacre of Xaman in October 1995, in which 11 members of the community of returnees 'Aurora October 8' were killed by an army unit, was proof that the government was unable to guarantee implementation of the accord. At the same time, the army's interference in the court proceedings in the Xaman case illustrates the judiciary's profound inability to combat impunity, one of the greatest structural barriers to turning the peace accords into a new political reality.

The organisations that comprise COPMAGUA have done more to make its constituencies aware of the accord on the identity and rights of indigenous people than has the government itself. COPMAGUA has signed an agreement for institutional strengthening with MINUGUA to enable it to participate more professionally and more effectively in the implementation of the accord. It has also organised workshops to discuss the accord and exchange information prior to the establishment of the delegations for the mixed commissions.

Among the other organisations which have become involved in peace-related issues are NGOs involved in development, civic education or human rights promotion. These organisations are involved in public awareness campaigns about the accords, programmes to promote new forms of citizen participation, and efforts to increase awareness and activism on human rights violations. Among these organisations are: the Myrna Mack Foundation, the Rigoberta Menchú Foundation, the National Coordination of Guatemalan Widows (CONAVIGUA), Majawil Q'ij (New Dawn), Alliance for Community Youth Development, the Institute of Political Investigation and Self-Education (INIAP), the Guatemalan Institute

of Comparative Penal Studies, and others. Some of these organisations have formed groups of human rights educators and have begun using and teaching conflict resolution techniques. These groups' capacity to follow up cases of human rights violations remains limited, but their complaints have brought a greater insight into the advantages and disadvantages of bringing cases before the courts.

One initiative that will contribute to compliance with the Accord on the Commission of Historical Clarification is the 'Recuperation of the Historic Memory' project (REMHI), sponsored by the Catholic dioceses. REMHI is an attempt to promote national reconciliation by helping communities affected by the civil war speak about their experiences, interpret them, and above all, recognise the identity, the value and the human dignity of the victims.

REMHI's team of professionals, facing many difficulties in overcoming the climate of fear, intimidation or direct repression in conflict zones, is preparing a network of local collaborators to improve communication within their communities. It is an effort to motivate victims of violence and their relatives to remember and recount their experiences of human rights violations and other incidents that caused them suffering through the war. Aside from contributing to the historical record, REMHI has improved the mental health of many witnesses who for years had had to keep quiet about the names of the victims or details of the atrocities which they had seen.

### *Conditions created by MINUGUA*

Since it was established in November 1994, MINUGUA has prepared four reports on the level of compliance with the Global Human Rights Agreement as well as with those sections of the Agreement on the Identity and Rights of Indigenous Peoples that relate to human rights. The fourth report, which includes a summary of the mission's observations during its first year, notes progress in the human rights situation as well as improvements in the functioning of the institutions involved in the administration of justice and the National Police.

MINUGUA cites as examples of change the end of forced military recruitment; the army's self-restraint in military actions; the decision to abolish

the institution of military commissioners; respect for the law in cases of detention of URNG militants; and the interior ministry's greater commitment to investigate crimes with regard to the URNG. The fourth report notes the URNG's compliance with its commitments to end sabotage attacks, the exercise of self-restraint in its armed actions, and its decision to call a ceasefire during the recent elections.

Analysts conclude that MINUGUA's verification activities have discouraged human rights violations, have brought about self-restraint on both sides of the military conflict, and have helped to reduce levels of political violence.

The positive impact of MINUGUA, however, has also been a result of the efforts of its 13 regional and sub-regional offices in establishing relations with the population and the state. These missions, along with other groups, have promoted a dialogue between the army and the uprooted population in the departments of Petén, Quiché and Huehuetenango, and have helped open spaces that favour the defence of human rights in rural areas.

MINUGUA has also supported efforts to come up with non-violent solutions to community conflicts. Its presence provides security and support for human rights organisations and has improved conditions for work regarding the rights of indigenous populations. One of the functions of MINUGUA most appreciated by the population is its educational work, which has contributed to greater public awareness of the content of the accords and has served as a means of promoting a human rights ethic among Guatemalan citizens.

Another important part of MINUGUA's mandate under the Global Human Rights Agreement is the institutional strengthening of governmental and non-governmental organisations involved in the defence of human rights. MINUGUA currently advises and trains prosecutors from the Public Prosecutor's Office, which, following changes in the Criminal Procedure Code in July 1994, has taken on responsibility for criminal investigations. MINUGUA's involvement with the Public Prosecutor's Office places it in direct confrontation with an entrenched structure of impunity that has operated for decades. In the face of this, MINUGUA's impact in this field has been limited.

Nevertheless, the mission's presence has contributed to efforts to reform the structure and functions of the Public Prosecutor's Office. The same effect has been observed with its assistance to the National Police and the judiciary. Other effects of its role in strengthening institutions include a decline in official corruption and a reduction in threats against judges and magistrates. In 1996 MINUGUA began a project to strengthen Congress' capacity to develop and enact legislation. With the UNDP, the mission is also coordinating a programme of institutional strengthening for NGOs. The first phase of this project ended recently with an analysis of the strengths and weaknesses of the non-governmental organisations operating in Guatemala, and with the production of a directory of NGOs.

The impact of MINUGUA, which at the time of writing has been in Guatemala for 19 months, has made a very positive contribution to the continuity and irreversibility of the three tendencies examined in this study: strengthening the role of the state in fulfilling its constitutionally mandated role to respect human rights; promoting and providing security for the participation of civil society; and creating an environment for defusing and resolving social conflicts by legal and political means. Its role in both the verification of the accords, and the strengthening of governmental and non-governmental institutions involved in human rights work, has contributed to an environment of increased civic activism based on mutual respect between the state and civil society.

Despite the difficulties of international verification before the signing of a final peace accord, MINUGUA — learning from the Salvadorean experience — has made it a priority to contribute to eliminating historic antagonisms between the state and society. In doing so, it has strengthened both. In its third report MINUGUA insisted that eliminating impunity and reducing human rights violations depends, above all, on the will and efforts of Guatemalan political actors within both the government and civil society.

#### **From confrontation to negotiation**

When the peace process in Guatemala began, society was highly fragmented. At the end of the 1980s, each social sector was a separate fiefdom, isolated from the others. The polarised attitudes that had fuelled

the armed conflict and the political crisis contributed to an atmosphere of intolerance, insecurity, fear, mistrust and prejudice. This atmosphere was also the result of the growing gap between the well-being and privilege of a small group of Guatemalans and the poverty of the majority.

This political behaviour was reflected in the lack of effective links and alliances between the army and the government, on the one hand, and the rest of society on the other. The polarisation within society was apparent in the direct confrontations between organised labour and business groups, between peasant organisations and farm owners' associations, between popular movement organisations sympathetic to the armed left and politically independent groups, between political parties and the majority of the population, between the churches and between the media.

This crisis of communication and consensus has not been resolved. However, between 1985 (when institutional guarantees for the rule of law and human rights were formally established) and 1994 (when real conditions were created for citizens to play a role in monitoring these guarantees), positive changes have taken place. The government and civil society have shown greater willingness to share responsibility in the democratisation of Guatemala. Stirrings of a dual movement can be felt, in which both social and political elites on the one hand, and the social bases of organisations on the other, concur on the importance of reconciliation, the development of a cohesive nation and the consolidation of the rule of law.

The peace negotiations have encouraged this tendency. On the one hand, they promote an atmosphere that favours reconciliation, as demonstrated by the Global Human Rights Agreement and the impact of MINUGUA. On the other, the indigenous accord attempts to empower — politically and socially — a population that, although a majority, is unrepresented in the civic system of political participation, in state institutions, and in the educational and cultural values of the nation.

The negotiations have also helped lay the groundwork for a process in which the government, the URNG, the private sector and other social sectors recognise the Agreement on Socio-economic Aspects and the Agrarian Situation as a basic platform for carrying out a development policy.

Even though the accord is an expanded version of *the government's Plan for Social Development Action 1996-2000 (PLADES)* and preliminary Programme of the Government of the Republic 1996-2000, it includes a topic which cannot be found in these documents, and which has repeatedly prompted violent social conflict and intransigence between landless peasants and wealthy farm owners. The chapter on the Agrarian Situation and Rural Development opens a previously impassable route toward improvements in the countryside: support for small- and medium-sized farm production, access to purchasing land and mechanisms for facilitating the resolution of conflicts stemming from land-tenure and land-title disputes.

Although these measures were widely criticised by peasant organisations, they were in fact the result of a political negotiation that had been impossible for the past four decades. The last time a national agrarian policy was carried out in Guatemala, in 1952-54, it was one of the things that motivated the counter-revolutionary invasion.

The agrarian section of the accord does not resolve an inequitable land-tenure system, but it does strengthen a process of political negotiation involving the government, the URNG and the private sector, without which it would have been impossible to establish or negotiate priorities or obtain financial investment for reconstruction. The accord also obliges the state to prioritise answering the demands of peasant organisations, which in recent months have become the most active and militant groups in the popular movement.

Meanwhile, business associations have substantially modified their positions regarding both the status of the URNG and the peace negotiations themselves. They have abandoned the radical intransigence of the early years of the negotiations, when — along with the army — they were the sector most opposed to discussion of substantive issues in the negotiations. The private sector associations also left behind the positions they held during the De León Carpio government, when they referred to the URNG as a 'group of delinquents', when they were the only sector to reject the invitation to take part in the Civil Society Assembly, and when they filed legal charges against COPAZ president Héctor Rosada for 'negotiating with illegal groups'.

One reason for this change was that CACIF felt it could trust the government of President Alvaro Arzú to defend their interests in the negotiations. CACIF saw in Arzú a political ally willing to allow their representatives a direct role in government. CACIF's position on socio-economic issues was laid out in its 'Guatemala: Reflections on the Past, Considerations of the Present and recommendations for the Future'. This was an expression of CACIF's increased willingness to back the peace process and was taken into account in high level negotiations.

The peace process also created an environment where civil society could expand its role in international lobbying. In June 1995, for example, the ASC and the Forum of NGO Coordinations played an influential role at the meeting of the Consultative Group, convened by the World Bank in Paris. A group of experts and professionals from the Council of Development Institutions (COINDE) and CONGCOOP recommended that the ASC and the forum take a position on the use of funding for peace projects, including its destination, administration and use.

The proposal was approved, and an inter-sectoral commission began to design and implement a lobbying strategy. Participating in this commission were representatives of social-science research centres, NGOs, and delegates from Mayan and women's groups in the ASC.

The document produced by the commission was handed to the government, international financial institutions, and donor countries. In it, the commission recommended that the Consultative Group — before approving funding for projects related to implementation of the peace accords — receive from the government assurances as to the capacity to sustain projects with local resources and the use of efficient, transparent and participatory procedures for channelling funds; it also recommended that society be allowed a role in monitoring the management of the funds. In addition, the document included specific socio-economic demands and called on the Consultative Group to use its influence to persuade the government of Guatemala to comply with the Global Human Rights Agreement, especially regarding impunity, and respect for the functioning of the mixed commissions created by the accords.

Following the ASC's discussion and approval, the commission distributed the document to the government, the private sector, the diplomatic corps, the Group of Friendly Countries, and international financial institutions. Héctor Rosada, president of the governmental Secretariat for Peace, Development and National Reconciliation (SEPAZ), in charge of implementing the accords and mobilising resources, agreed to work on a study with the ASC that would result in a joint report. Meanwhile, the leader of the US delegation before the Consultative Group — who is also an official with USAID — began to incorporate into his public presentation several of the concerns expressed in the civil society document.

The Consultative Group did not formally commit itself to providing new funding, mainly because of inconsistencies in the government's financial projections, especially regarding the sustainability of peace projects with local resources. But the group's decision also resulted from the fact that negotiations were still under way and the government did not have a sound estimate of the total resources needed to finance the peace. The government's weakness in financial negotiations also influenced the outcome. As a result of the Consultative Group's decision, the government was forced to postpone the implementation of its planned projects, which in turn interfered with the implementation of the accords.

The ASC's lobbying efforts had more influence on the international scene than at home. The Guatemalan government has resisted the ASC's proposed involvement in planning and monitoring funding for implementing the peace accords. This resistance has yet to be overcome. Nevertheless, the current president of COPAZ, Gustavo Porras Castejón, told the ASC of his interest in creating a multi-sectoral body 'to elaborate funding proposals for the international community'.

Other channels for meetings and dialogue have also been created in the context of the peace negotiations. For example, Congress has set up its own peace commission, which reviews and proposes legal initiatives related to implementation of the accords. In civil society, four ecumenical gatherings have been sponsored by the Lutheran church, to discuss peace-related issues. These have been attended by the government, the army, the URNG, business sector

representatives and ASC members.

Within the media, as well as in public opinion at large, opportunities have grown for, and new interest has developed in, expressing opinions about the MINUGUA reports, impunity, and the substantive issues raised in the peace process. The links between 'peace' and 'development', and 'peace' and 'justice', are also increasingly discussed.

In the past year, it became clear that a climate of political tolerance had been sufficiently consolidated to favour the URNG's future incorporation into the political party system, either as a new party or in alliance with the FDNG. To a large extent, the relatively tolerant attitude towards the FDNG's political participation has paved the way for the political 're-insertion' of the guerrilla commanders and combatants. The level of abstention at the recent elections illustrated the crisis of political participation and the challenges facing the traditional political parties in relation to the ascendant leftist opposition. Following the election, 16 political parties lost their legal status as parties (since the electoral code stipulates the cancellation of parties receiving less than 4 per cent of the total vote). In local elections, voter sympathy increased towards the candidates of independent civic committees; the majority of these committees are composed of indigenous representatives, many in alliance with the FDNG.

In Guatemala conflicts are increasingly being addressed with fewer of the symptoms of confrontation. There are signs of increasing subordination of military power to civilian authority, which, alongside growing citizen participation, favours political stability, which is necessary for sustaining the peace process. Channels for political dialogue are opening and, as a result, state institutions are under greater pressure to respond to new social demands from sectors that, while less 'anti-government' than in the past, continue to press for greater democratisation. ♦

## The challenges of peace

**D**espite appearances to the contrary, the Guatemalan state is relatively weak when it comes to regulating social relations. Excessive use of force has undermined its capacity for proposing and articulating a social pact, while constant conflicts between powerful groups and the persistence of the armed confrontation have, through the years, helped prevent government pledges to construct a fully-fledged democracy from becoming a reality.

With the inauguration of the government of Alvaro Arzú in January 1996, a political period has begun that favours efforts to face these challenges. One reason is the undisputed authority and political recognition of the new government, since Arzú came to power at the end of a transition period that began with the 1993 failed coup d'état. The governing National Advancement Party (PAN) also enjoys an absolute majority in Congress, which will facilitate the government's efforts to put through the legislation necessary to implement its programmes.

During his first months in government, President Arzú has surrounded himself with a cabinet and key advisers who possess the technical skills to decentralise and modernise the state, as well as executive and management capabilities acquired from the private sector. Arzú has also shown an interest in establishing new relations with the army, based on institutional coordination which guarantees that the interests of the armed forces will not dominate or influence the functioning of the state.

With the military leadership's consent, a week after taking office Arzú initiated a purge within the military, removing from their command posts more than 100 officers. He also decided to restructure and reduce the role of the army's presidential chief of staff, which in the past had been a presidential guard and exercised army control over state policies. The interior minister and his vice-ministers have begun implementing training programmes and a reorganisation that will eventually unify the country's three police forces into a single force in charge of internal security.

The unified police force would be comprised of members of the National Police, the Treasury Police and the Mobile Military Police (PMA). The definitive incorporation of the PMA in the new

force will, however, depend on decisions made in the current round of negotiations over the future role of the army. A unified police force will not only improve the use of resources, but should also lead to better criminal investigation, a coordinated strategy to combat crime and a hierarchy that facilitates efficient operations.

The Arzú government has thus worked out a broad consensus with the key and powerful groups. This marks a period in Guatemala characterised by a new hegemony of power, which prioritises efforts to conciliate between moderates and extremists in powerful sectors, be they in the military or in big business. Although the model of the new state is only beginning to be discernable, two characteristics can be noted: on the one hand, there is growing tolerance of political diversity, while on the other, there is no consideration of the reforms necessary to redistribute wealth. The new socio-economic focus of the state is thus limited to responding to crises that generate extreme poverty.

In any case, the alliances that sustain the new government provide the necessary authority for designing plans based on national interests, rather than according to international pressures. One of the government's objectives is to carry out a National Plan, which will supplement the traditional budget agenda with a peace agenda, including the programmatic commitments stemming from the accords.

Seen in this light, the peace process begins to take on a new profile: this government considers as a priority the strengthening of the state as a force for promoting a social pact. The political struggles that will inevitably result as each sector defends its interests will not necessarily provoke the social conflicts seen in the implementation of the accords in the past.

The government's political strength changes the position of the URNG in the sense that it will make it more difficult to argue that two distinct political projects are being discussed in the negotiations. The URNG will have to undergo new political training, in which it must realise that its political future depends — as does the future of any party — on the stability of the nation state and on preparedness to lead it. The URNG will also have to demonstrate whether or not it supports the model of government strengthened by this new



hegemony or if it will offer political alternatives.

With the Arzú government, the negotiations have not only been reactivated, but both sides have announced the possibility of signing a final Firm and Lasting Peace Agreement in 1996. Gustavo Porras has stated that conditions exist for it to be signed in September, and political analysts state that the URNG is also interested in concluding the negotiations, in order to begin preparations for its legal entry into the political arena and to have sufficient time to strengthen its electoral campaign for the year 2000. On the other hand, both sides are aware that one of the principal problems with implementation is the lack of funds and that the international financial community is pressing for the signing of the definitive peace agreement.

The government has begun preparations and has delegated functions to groups such as SEPAZ and the General Secretariat for Economic Planning (SEGEPLAN) to design a strategy that integrates the peace commitments, a development strategy, and the traditional budgetary agenda. This planning is directed by UNDP, an agency with an advisory role in channelling resources in compliance with the Accord for the Resettlement of Uprooted Populations.

The peace agenda is conceived as a means to create, in the long term, new relations between the state and society. Under this concept, the government considered it necessary to begin with the application, in the medium term, of measures that permit:

- management of the financial crisis
- negotiation and implementation of the most difficult areas of the traditional budget (new tariffs for public services, labour negotiations, salary policy, and tax reform)
- implementation of a government plan whose principal strategies are the fight against impunity and discrimination, and the application of structural adjustment measures with human development principles.

The main challenge for the government is to build a consensus that would be able to count on social support and that allows it to obtain further financial resources from national sectors. At the same time, the government will have to resolve the traditional weaknesses in financial administration and increase

its capacity for negotiation with national agencies and financial institutions.

Despite official optimism generated principally by the positive reaction of the international community following the signing of the Accord on Socio-economic Aspects and the Agrarian Situation, the government has assured internal resources of only about US\$150 million. This will, theoretically, come from an increase in value added tax (VAT). Thus, the peace will be financed by new foreign debt. According to Richard Aitkenhead, presidential commissioner for cooperation for peace, the government will seek US\$1.6 billion in international support (*Crónica*, 7 June 1996, p23). To ensure the success of these negotiations, foreign minister Eduardo Stein Barillas and head of COPAZ Gustavo Porras announced that the government would propose to the URNG that, after approving the final peace accord, they jointly take part in an international diplomatic campaign to obtain the amount indicated by SEGEPLAN. The officials agreed that, in this way, the consensus reached with the URNG would be reflected in strategic support for the investment needed in Guatemala. (*Siglo Veintiuno*, 27 May 1996, p5)

Other challenges concern society at large. The first of these is to make sure implementation of the peace is a participatory process. This will require greater changes in the state and its functionaries, since government has traditionally centralised its operations and negotiated only with powerful sectors.

Another challenge concerns the country's popular movements. These groups will have to leave aside political prejudices and anti-government traditions for a more mature vision which would allow them to support or coordinate with the government in implementing the peace agreements, while this would not necessarily imply supporting PAN. In this regard, Byron Morales, labour leader and representative of the FDNG to the Civil Society Assembly, said: 'The peace accords are mere points of departure which, to the degree that they contain solid bases, will make the road toward solution of the national problems less difficult. The most important challenge, of an unmeasurable historic magnitude, is before us: the beginning of the intersectoral negotiation for the construction of a national consensus.' (*Crónica*, 17 May 1996, p11)

**Table 1**

According to SEGEPLAN, the amount needed for executing the peace accords will be US\$2,300 million, distributed among the following areas

Accord	Approximate cost (US\$ million)	Elements
Human Rights	140	Reform of the judicial system; human rights protection and promotion, security
Resettlement	620	Repatriation of 45,000 refugees in Mexico and resettlement of the displaced
Identity and Rights of Indigenous Peoples	90	Strengthening of indigenous authorities, culture and development
Socio-economic and Agrarian	600	Education, health infrastructure, farming and fishing, housing
Demilitarisation	850	Demobilisation, reintegration, reduction and reform of the army.

Source: **El Gráfico**, 29 May 1996

The principal challenge lies in ensuring that the final signing of the peace generates conditions both for consolidating political democratisation and for initiating economic democratisation. Guatemala's indices of social exclusion and inequality are among the highest in Latin America (see table, right). According to official figures, three-quarters of the population live in poverty or extreme poverty. Of these, 93 per cent are indigenous (PLADES 1995, p12). If the consensus reached between the dominant sectors, and between the government and the URNG, does not translate into effective measures for attacking the causes of this growing deterioration in living conditions, peace will not reach those Guatemalans who most need it and, in that case, peace will not come to Guatemala.

It is foreseeable that the easing of political tensions will allow for an increase in further social struggles, demanding not only the application of the accords, but also effective measures to eliminate poverty and to prepare conditions for comprehensive development. Once the armed conflict has ended, the state — which will undoubtedly be the structure most strengthened following the end of

the war — should put to the test the new political bases that will sustain democratic governance.

The Guatemalan population will accept, in exchange for the end of the war, neither subtle forms of repression, nor the negotiating rhetoric that merely postpones solutions. Social reconstruction will have to be measured above all by the manner in which the consensus that the peace negotiations helped construct is translated into real steps towards de-concentration of economic power.

However, a more difficult step must be taken if the nation is to be reconstructed: it is the need to dismantle the socio-political sources of violence. Impunity, the militarisation of society and ethnic discrimination have significantly eroded solidarity among Guatemalans and destroyed the individual's confidence in social institutions.

In the summary of the Survey on Demilitarisation in Guatemala (1995), sponsored by the Arias Foundation, only 1 per cent of the people surveyed were willing to support the struggle against impunity — which can be explained by fear of reprisals. Yet nearly 70 per cent agreed that the army, the civil patrols, the

Mobile Military Police, and the URNG were the principal violators of human rights. (Borge, p11)

These figures show that Guatemalans still do not have the freedom to express their opinions about the war, repression, militarisation and impunity. What remains to be negotiated before the final peace accord is signed are precisely such political-military themes as the role of the army in a democratic society, re-incorporation of the URNG into the country's political life, and the demobilisation of combatants. Historical adversaries will eventually sit down to reflect on themselves.

These negotiations will not provoke much tension or controversy, in part because the army has already proposed changes that — except for the 50 per cent reduction in its members, the internal purge, and the reduction of its economic and financial privileges — are not all that different from those proposed by the ASC.

The URNG and the army are preparing to stay out of each other's way, which is why they will probably come up with a legal solution that allows for re-incorporation of the URNG and which benefits both sides. If this solution were to take the form of a general amnesty, as has been speculated, it would be the most elitist of the decisions made thus far in the negotiations and would be totally alien to the desires of most citizens. A general amnesty would render ineffective all the judicial cases in which military officers are accused of human rights violations, thus annulling the efforts of human rights groups over many years. It would also render ineffective the decisions already adopted by the judiciary, the state apparatus most affected by impunity.

#### *Reintegration of combatants*

Another worry is how the army and the URNG will treat its own combatants. It is estimated that the URNG has between 1,000 and 3,500 combatants, and the army some 35,000 members. It is not yet known how many army soldiers will be demobilised, but demobilisation of the more than 200,000 members of the PACs is under discussion. It is more than likely that the disarming of some of these groups will be met with resistance and even violence. The experiences in El Salvador and Nicaragua should be considered here, given that in both countries programmes of support for the

### Guatemala: Selected indicators of social exclusion

#### Health

##### Infant mortality per 1,000 live births (1981-90)

Indigenous	87 (1990)
Non-indigenous	70 (1990)

##### Chronic malnutrition in children aged 3 months to 3 years (%)

Indigenous	72 (1990)
Non-indigenous	56 (1990)

##### Weight deficiency in children (%)

Indigenous	40.6 (1990)
Non-indigenous	28.6 (1990)

##### Maternal mortality per 10,000 births

Indigenous	22.5 (1990)
Non-indigenous	9.6 (1990)

#### Education

##### Illiteracy (%)

Indigenous	60 (1995)
Non-indigenous	24 (1995)
Men	37 (1995)
Women	60 (1995)
Indigenous women	72 (1995)
Non-indigenous women	25 (1995)

##### Children aged 10-12 registered in elementary school (%)

Indigenous	57 (1994)
Non-indigenous	75 (1994)

##### Enrolment in rural elementary school (%)

Boys	59 (1993)
Girls	49 (1993)

##### Extent of bilingual education (%)

Existing schools	5 (1993)
For children who speak Mayan languages	8 (1993)
For those who finish fourth grade	2 (1993)

Source: Based on data from SEGEPLAN

demobilised — both in socio-economic assistance and in mental health and social re-integration — have been weak and inconsistently applied. These deficiencies have led to protests by the demobilised themselves and to serious deterioration in their living conditions.

There is still a danger that many of the peace reforms will be converted into fragile and

temporary compromises or will be blocked by extremist positions. However, this threat could be minimised by immediate guarantees that the state will no longer be a military bunker, or a large finca (agricultural estate), and will allow for all citizens to exercise their right to influence it — from without, or from within. ♦

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## Conclusion

**T**he most important impact of the peace process has been to create political means for resolving social conflicts. Political and military violence will no longer be enough either to uphold or overthrow governments. Today the political system in Guatemala is being shaped by minimal reforms which have been overturned since 1954 by military-led regimes, and whose significance has not been appreciated by the radicalism of the armed left. The vicious circle that fuelled ideological intransigence has come to an end.

The Guatemalan state is the main beneficiary of the long cycle of peace negotiations. The legal and institutional framework is being reconstructed to facilitate the creation of new networks of communication between the state and society, without which no hegemonic political force can sustain itself in power. The army has stopped acting as such a force. Relations between the army, political actors and economic elites are no longer characterised by divisive conflicts. That period is over.

Peace is coinciding with the emergence of a new hegemonic force that seeks to revitalise the capitalist foundation sustaining the Guatemalan economy. Unless the state is capable of respecting the widely accepted mechanisms for democratic participation, political conditions favourable to national and international investment will not be established.

The peace accords provide an opportunity to implement mechanisms to broaden participation. They reinforce both the state and civil society, and indicate ways to ensure the governability of the nation. The accords are instruments for democratising Guatemala, which could be converted into instruments for redistributing political, economic and cultural power — but only if they are effectively implemented, and if they serve to strengthen both citizen participation and a respect for human rights.

But above all, the accords represent reformist intentions developed by elites. During the negotiations, these elites were acting to defend both their own image and their future political survival, and at times these concerns were more important to them than the content of the accords. The elites that signed the agreements are by no means capable of guaranteeing their compliance. History has demonstrated that social organisations and organised groups of citizens are the most persistent forces in efforts to reform society. For civil society to play such a role in Guatemala, its members will have to take part in a highly complex process: a process that must not only promote reconciliation, overcome social divisions, and encourage civic confidence, but that should also strengthen those initiatives of civil society which purport to monitor real changes in the mentality and practice of public officials and institutions. ♦

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## Abbreviations

- AGA:** Asociación General de Agricultores  
General Farmowners' Association
- ASC:** Asamblea de la Sociedad Civil  
Civil Society Assembly
- AVANCOSO:** Asociación para el Avance de las Ciencias Sociales en Guatemala  
Association for the Advancement of Social Sciences in Guatemala
- CACIF:** Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras  
Coordinating Committee of Farming, Commercial, Industrial and Financial Associations
- CALDH:** Centro para la Acción Legal en Derechos Humanos  
Centre for Human Rights Legal Action
- CEG:** Conferencia Episcopal de Guatemala  
Guatemalan Bishops' Conference
- ECLA (UN)** Economic Commission for Latin America
- CIA:** (US) Central Intelligence Agency
- CIEPRODH:** Centro para la Investigación, Estudio y Promoción de los Derechos Humanos  
Centre for the Investigation, Study and Promotion of Human Rights
- CNA:** Consejo Nacional Agropecuario  
National Farmers' and Ranchers' Council
- CNR:** Comisión Nacional de Reconciliación  
National Reconciliation Commission
- COCIPAZ:** Coordinadora Civil por la Paz  
Civilian Peace Coordination
- COINDE:** Consejo de Instituciones de Desarrollo  
Council of Development Institutions
- COMG:** Consejo de Organizaciones Mayas  
Council of Mayan Organisations
- CONAVIGUA:** Coordinadora Nacional de Viudas de Guatemala  
National Coordination of Guatemalan Widows
- CONDECA:** Consejo de Ejércitos Centroamericanos  
Council of Central American Armies
- CONIC:** Coordinadora Nacional Indígena y Campesina  
National Coordination of Indians and Peasants
- CONGCOOP:** Coordinación de ONG y Cooperativas para el Acompañamiento de la Población Damnificada por el Conflicto Armado Interno  
Coordinating group of NGOs and Cooperatives Accompanying the Population Affected by the Internal Armed Conflict
- COPAZ:** Comisión Gubernamental para la Paz  
Governmental Peace Commission
- COPMAGUA:** Coordinación de Organizaciones del Pueblo Maya de Guatemala  
Coordination of Organisations of the Mayan People of Guatemala
- CSC:** Coordinadora de Sectores Civiles  
Civil Sectors' Coordination
- DCG:** Democracia Cristiana Guatemalteca  
Guatemalan Christian Democratic party
- EAFG:** Equipo de Antropología Forense de Guatemala  
Guatemalan Forensic Anthropology Team
- EGP:** Ejército Guerrillero de los Pobres  
Guerrilla Army of the Poor
- ESTNA:** Centro de Estudios Estratégicos para la Estabilidad Nacional  
Centre of Strategic Studies for National Stability
- FAR:** Fuerzas Armadas Revolucionarias  
Revolutionary Armed Forces
- FDNG:** Frente Democrático Nueva Guatemala  
New Guatemala Democratic Front
- FLACSO:** Facultad Latinoamericana de Estudios Sociales  
Latin American Faculty for Social Studies
- FRG:** Frente Republicano Guatemalteco  
Guatemalan Republican Front
- ILO** International Labour Organisation
- IMF:** International Monetary Fund
- INC** Instancia Nacional de Consenso  
National Consensus Body
- INIAP:** Instituto de Investigación y Autoformación Política  
Institute of Political Investigation and Self-Education
- IRIPAZ:** Instituto de Relaciones Internacionales y de Investigación para la Paz  
Institute of International Relations and Research for Peace
- MAS:** Movimiento Acción Solidaria  
Solidarity Action Movement
- MLN:** Movimiento de Liberación Nacional  
National Liberation Movement
- MINUGUA:** Misión de las Naciones Unidas para la Verificación de los Derechos Humanos en Guatemala  
UN Human Rights Verification Mission in Guatemala
- ODHA:** Oficina de Derechos Humanos del Arzobispado  
Archbishop's Human Rights Office
- OAS:** Organisation of American States
- NGO:** Non-governmental organisation
- ORPA:** Organización Revolucionaria del Pueblo en Armas  
Revolutionary Organisation of the People in Arms
- PAC:** Patrullas de Autodefensa Civil  
Civil Defence Patrols
- PAN:** Partido de Avanzada Nacional  
Party of National Advancement
- PGT:** Partido Guatemalteco de Trabajo  
Guatemalan Workers' Party
- PID:** Partido Institucional Democrático  
Democratic Institutional Party
- PLADES:** Plan de Acción para el Desarrollo Social  
Social Development Action Plan
- PMA:** Policía Militar Ambulante  
Mobile Military Police
- REMHI:** Proyecto 'Recuperación de la Memoria Histórica'  
'Recuperation of the Historical Memory' project
- SEGEPLAN:** Secretaría General de Planificación Económica  
General Secretariat for Economic Planning
- SEPAZ:** Secretaría para la Paz, el Desarrollo y la Reconciliación Nacional  
Secretariat for Peace, Development and National Reconciliation
- UASP:** Unidad de Acción Sindical y Popular  
Labour and Popular Action Unity
- UCN:** Unión del Centro Nacional  
National Centrist Union
- UN:** United Nations
- UNAGRO:** Unión Nacional Agropecuario  
National Farming and Ranching Union
- UNDP:** UN Development Programme
- UNESCO** UN Educational, Scientific and Cultural Organisation
- UNHCR:** United Nations High Commissioner for Refugees
- UNSTRAGUA:** Unidad Sindical de Trabajadores de Guatemala  
Guatemalan Labour Unity
- URNG:** Unidad Revolucionaria Nacional Guatemalteca  
Guatemalan National Revolutionary Unity
- USAID:** United States Agency for International Development

## **Peace in the making — Civil groups in Guatemala**

Nearly 10 years have passed since the first efforts to negotiate peace began in Guatemala. In that time, Guatemalan society has been changing. The peace negotiations, which were initially used by the two sides — the government and the guerrillas — as a way of pursuing war by other means, have come to be seen as a framework for restructuring the state, opening spaces for social organisation and for conflict resolution. The peace process has also helped shift the mentality of the military and business elites, which now see sense in governability and national unity.

This transformation has occurred partly because the changing international context favoured political stability and democratisation. But the most important agents of change have been civil groups in Guatemala, which have emerged and reorganised after the massacres and terror of the civil war, and have demanded that they should be included in decision making.

The arrival of the UN Human Rights Verification Mission (MINUGUA) in 1994 has discouraged violence and has provided firmer guarantees for the protection of Guatemalans' political rights. This has created the conditions for unarmed, leftist political groups to participate in the political process even before the end of the armed conflict.

As part of the peace process, accords have been signed on human rights, the resettlement of people uprooted by the war, a truth commission, indigenous people's rights, and socio-economic issues. It is hoped that the final peace agreement will be signed before the end of 1996.

This study — also available from CIIR in the original Spanish version — traces the evolution of the peace process up to and including May 1996. It examines the roots of conflict in Guatemala, the shifting positions of the main actors and looks in detail at the accords signed to date.

© CIIR August 1996

Second printing November 1997

Price £3.50

ISBN 1 85287 170 9

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