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Civil and Uncivil Actors in the Guatemalan Peace Process

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Abstract — This paper examines the Guatemalan peace process by focusing on different actors in civil society. It considers the peace negotiations between the government/military and the guerrillas, rather than the realm of electoral procedures, to be the main locus of political transition. Challenging the work of many elite-centred theorists of democratisation who claim that civil society is an ephemeral and largely insignificant actor in transitions, the analysis considers both popular actors and business associations, one of the major 'uncivil' actors in Guatemalan civil society, and shows that civil society can have an impact on transitions on multiple levels. In attempting to explain the degree of impact, the paper illustrates the need to examine both the surrounding political opportunity structure and internal factors such as organisation, strategy and leadership. © 1998 Society for Latin American Studies. Published by Elsevier Science Ltd. All rights reserved

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The signing of a final peace accord in December 1996, ending three decades of civil war in Guatemala, provides a point from which to reflect upon interpretations of transitions from authoritarian rule. As one of a set of transitions (including those of El Salvador and Mexico) characterised by changes in formal electoral politics and negotiated peace processes between governments and armed groups, the Guatemalan example reveals that the participation of civil society in transition processes can have significant impact on the levels of political society, civil society and the state. Drawing on social movement theory, the paper examines both internal organisational structure, strategy and leadership and external forces in the political opportunity structure which affect the impact of actors in civil society in the process of political change (Tarrow, 1994: 17). It also considers the international realm, and in particular the role of the UN Human Rights Verification Mission (MINUGUA) in creating political space for the negotiation process and for the participation of civil organisations.

The paper analyses the origins and impact of the *Asamblea de la Sociedad Civil* (Civil Society Assembly — ASC), a body created under the January 1994 Framework Accord as part of the structure of the renewed negotiating process between the government/military and the guerrillas.¹ The Asamblea, which primarily represents popular grass-roots organisations, influenced the peace talks and the wider transition from its foundation in early 1994 until the signing of the final accord. The analysis also highlights the role of the *Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras* (Co-ordinating Committee of Agricultural, Commercial, Industrial and Financial Associations

— CACIF), Guatemala's most important peak business association. CACIF may be characterised as the key 'uncivil' actor of Guatemalan civil society because of its historical propensity to support non-democratic politics and, more broadly, through its attempts to limit citizenship rights in order to preserve economic privileges.²

CIVIL SOCIETY AND TRANSITIONS

The literature on transitions from authoritarian rule often stresses the role of elite actors over that of actors in civil society. From this perspective, political elites (primarily political parties and the military) operate in a context of pacts, voluntarism, fluidity and uncertainty. Civil organizations do not initiate transitions, but can only extend them. The 'resurrection of civil society' is only temporary. Political parties soon become the key actors in transitions and civil society is relegated to a minor role. The turn to political society (pacts and elections) has a demobilising effect on civil society.³ This paper takes as its starting point the need to bring civil actors back into the analysis.

The social movement literature has corrected the elite bias of the 'transitions school'. Writers such as Munck (1989), Grugel (1991) and Waylen (1994) have focused on civil actors in the transitions. Yet while rediscovering the voices and influence of popular actors in civil society, they have not addressed in their analyses the voluntary associations formed by actors from powerful economic groupings with close ties to state elites. Actors such as business associations are left homeless by both the elite and social movements school. Shifting the analysis to include the uncivil, in addition to the civil actors of civil society, requires a different analytical framework.

One problem of reworking the approach to civil society actors is the ambiguity of the term 'civil society'. Since the resurrection of the concept in the mid-1970s (Cohen and Arato, 1992: 31), the literature has tended to use civil society as an imprecise catch-all term, ignoring the development of the concept in western political thought. There is a tendency to equate civil society with popular mobilisation, as is the case with O'Donnell and Schmitter (1986: 48–56). Cohen and Arato criticise O'Donnell and Schmitter for their depiction of civil society as having a single identity (at least temporarily) during periods of popular upsurge in transitions. They state that 'even in contexts of high mobilisation, in the recent transitions to democracy [in Latin America] the different groups, associations and organisations do not coalesce into one mass' (Cohen and Arato, 1992: 48–49). Stepan (1985) identifies periods of 'increasing' and 'decreasing' power of civil society against authoritarian rule in Latin America, masking the differences between the nature of the struggles and variety of experiences in different countries.

A more historically informed conception of civil society draws on the Hegelian distinction between civil society and the state, in addition to Gramsci's separation of civil society from the economic sphere. Civil society includes the sphere of voluntary associations, social movements, trade unions and forms of public communication. The economic sphere is comprised of the organisations of production and distribution (firms, cooperatives, etc.). The state includes the executive, legislature, judiciary, bureaucracy and other state agencies, police and military. 'Political society' (including political parties) often acts as an intermediary between civil society and the state (Hegel, 1967; Pelczynski, 1971; Keane, 1988; Cohen and Arato, 1992). A dualistic conception of civil society considers that some institutions and associations in civil society have little interaction with political institutions and tend not to engage in strategic action with the state. Others institutions have a clear orientation

towards the legal-institutional terrain (Foweraker, 1995: 61–62). Civil society may also exhibit an ambiguous relationship to democratisation. Some voluntary associations in civil society, such as private sector business organisations, may well display anti-democratic tendencies in their efforts to maximise profits or economic dominance. Equally there are organisations in civil society which exhibit far clearer popular democratic tendencies and greater autonomy from traditional elites. The different attitudes of CACIF and ASC towards the peace process illustrate this ambiguity (see below).

LOCATING CIVIL SOCIETY IN GUATEMALA'S POLITICAL TRANSITION

It is important to place the participation of the Asamblea and CACIF in the peace process in political context by examining the dynamics of the transition from military rule and the early history of the peace talks which began in 1987. The roots of civil society participation in the negotiations clearly lie in the period before the negotiations entered their most vigorous phase in January 1994.

In January 1982 four guerrilla organisations, some of which had been fighting since the 1960s, joined to form the Guatemalan National Revolutionary Unity (URNG). The military's counterinsurgency offensive of 1981–1983, in which over 100,000 mostly indigenous people were killed, severely weakened the URNG to the point that by the mid-1980s the URNG favoured a negotiated solution to end the armed conflict (Jonas, 1991: 149). In 1984 the military instigated a tightly controlled transition to elected civilian rule, while retaining significant constitutional and *de facto* power. On the regional level, diplomatic attempts to solve the problem of the Central American conflicts began in July 1983 with the formation of the Contadora Group (Mexico, Colombia, Venezuela and Panama). Contadora initiatives were hampered by US intransigence (Dunkerley, 1994: 44–45). In 1987, after the Iran-Contra scandal and peace proposals from an ally of the US, Costa Rica, and within the regional framework of the August 1987 Esquipulas II Agreement (which called for an end to civil war and the initiation of national dialogues in Nicaragua, El Salvador and Guatemala), the recently elected Christian Democratic government of Vinicio Cerezo initiated the Guatemalan peace process. In October the URNG and the government held their first meeting in Madrid.

By 1989 pressure from the Catholic church, Costa Rican president Oscar Arias as well as trade union and popular organisations led to the initiation of a National Dialogue, as specified by Esquipulas II. This was the first instance of an arena for popular forces in Guatemalan civil society to participate in their political transition. The 1985 elections had been contested almost exclusively by political forces of the right and centre-right, while military repression prevented the participation of left-wing forces. The National Dialogue, however, provided for 47 different organisations to take part, including trade unions and human rights organisations. They debated issues such as security and peace, democratisation, human rights and ethnic issues. However, because the URNG was banned from the talks, delegates were subjected to human rights abuses, and CACIF refused to join, the dialogue had limited impact.

The next stage of the peace process began in 1990, when talks were held between the URNG and various groups from civil and political society, many of which had participated in the National Dialogue. The prevailing international context was important in providing the impetus for this further development in the peace process. The end of the cold war, progress in the Salvadoran peace process and the Sandinista's electoral loss in Nicaragua all

affected the peace process (Dunkerley, 1994: 80). Cerezo announced that the government no longer made it a condition that the guerrillas would have to lay down arms in order to take part in preliminary discussions with political parties and organisations in civil society. The changing international terrain is also linked to some sectors of the army beginning to support negotiations and also helped to entice CACIF into the 1990 talks.

The Oslo talks included political parties (Spain, May 1990), CACIF (Ottawa, August 1990), religious organisations (Quito, Ecuador, September 1990), trade unions and popular organisations (Meteppec, Mexico, October 1990) as well as academics, cooperativists, *poblador* groups and small and medium business groups (Atlixco, Mexico, October 1990). The talks opened the way for direct negotiations between the government and the URNG. In April 1991, three months after the election of centre-right President Jorge Serrano, the two negotiating parties signed the Mexico Accord, which specified an 11-point agenda for the peace talks, including the discussion of seven substantive themes, around which ASC would later organise and lobby. It is important to note that the negotiations were effectively a secret process between the government/military and the URNG, excluding input from civil society.

Civil actors did not demobilise after the Oslo talks. During 1991 the organisations which had met in Meteppec formed the Civil Sector Co-ordinator (CSC); the groups which had met in Atlixco formed the Civil Co-ordinator for Peace (COCIPAZ). The peace talks stagnated during 1991 and 1992, due to a failure to reach an accord on human rights. The military refused to make concessions such as the creation of a Salvadoran-style Truth Commission, which would name perpetrators of human rights abuses during the civil war. The peace process, which had remained immune to lobbying efforts by CSC and COCIPAZ for inclusion in the talks, was then derailed by Serrano's attempted *autogolpe* (self-coup) in May 1993. A combination of military officers, private business and popular organisations was able to force the removal of Serrano, who was replaced by ex-human rights ombudsman Ramiro de León Carpio.

THE FRAMEWORK ACCORD AND THE BIRTH OF THE ASAMBLEA

The peace process reached a turning point during the tenure of the non-elected president Ramiro de León Carpio, with the signing of the January 1994 'Framework Accord for the Renewal of the Negotiating Process between the Government of Guatemala and the URNG'. The Framework Accord is the key document for understanding the peace process in its most successful stage, from 1994 to the signing of the final accord in December 1996. The UN was the designated moderator, with the Group of Friends (Colombia, Spain, the United States, Mexico, Norway and Venezuela) assigned the part of aiding the UN's moderating role in addition to legitimising the accords by acting as 'witnesses of honour'. The UN also had a role in verifying both the operative and the substantive accords.

For Guatemalan civil society the most significant part is section (iii) concerning 'civil society'. The *partes* (the negotiating parties) agreed to set up a civil society assembly, comprising all the non-governmental sectors of Guatemalan society on condition that they could demonstrate their 'legitimacy, representativity and legality'. The assembly would have three functions:

1. To write consensus documents on the substantive themes of the bilateral negotiations. This included points (ii)–(vii) of the Mexico Accord. The substantive themes of the

Accord, which were aimed at tackling the root causes of the war, covered (i) democratisation and human rights, (ii) strengthening of civil society and the function of the army in a democratic society, (iii) the identity and rights of indigenous people, (iv) constitutional reform and electoral regime, (v) socioeconomic aspects, (vi) the agrarian situation, (vii) and resettlement of the population displaced by the internal conflict. Theme (i) was left out of the discussion agenda of the assembly.

2. To present the documents on the substantive themes to the bilateral talks between the government and the URNG. The documents of the assembly would be treated as 'recommendations' or 'orientations' and would not be binding in any way.
3. To endorse (*avalar*) the signed accords to give them the force of national obligations.

The Episcopal Conference of Guatemala (CEG) was asked to name as president of the assembly Monseñor Quezada Toruño, who would be assisted by an organising committee consisting of a representative of each of the sectors that participated in the Oslo meetings in addition to a representative of Mayan organisations.

It is evident that although the lobbying efforts of CSC and COCIPAZ for inclusion in the peace process may have made the government realise that their continued exclusion from the negotiations would have weakened the legitimacy of the talks, there was an unwillingness to grant civil society any substantive power (such as veto power or a place at the negotiating table). It was hoped that the creation of the assembly would give civil society a voice but minimal influence. As Quezada Toruño himself stated:

Sometimes I think that the new Assembly could have been a consolation prize for the 'Oslo sectors' which had participated in the various meetings after the Oslo accord with the URNG, since [the *partes*] refused in principle to allow civil society to be present at the negotiating table. Perhaps they even thought that the Assembly was never going to be threatening or have any success (ASC document 1:7)

ASC was formally inaugurated on 17 May 1994. In the lead up to this Quezada Toruño and the organising committee confronted the vagueness of the Framework Accord and the logistical problem of the large number of organisations wishing to participate, by devising the methodology of working in 'sectors'. Under the Framework Accord six sectors were already mentioned — the five from the Oslo process (religious, trade union and popular, CACIF, the Atlixco conglomeration and political parties) and the Mayan sector. Five more sectors were created: women's organisations, non-governmental organisations, research centres, human rights organisations, and the press. This created a body with a range of divisions, between those on the right and left, indigenous and non-indigenous groups, between men and women, and between groups with differing degrees of autonomy from the state.⁴ These differences were sources of tension and fragmentation which the Asamblea was forced to overcome in order to influence the peace accords (see below).

It should be noted, however, that with ASC expanded by five sectors, CACIF withdrew, claiming that the Asamblea comprised illegal, unrepresentative 'facade' organisations. According to one member of CACIF:

These groups give themselves a name, there are only four people, and they put a leader out in front. Let's look at GAM. Who is GAM? It's Nineth Montenegro, with Nerry Barrios, Juan Tinay, Rosalina Tuyuc. Who is CONAVIGUA? It's Doña Rosalina in front, with Nineth and the others behind. Who is CONIC? It's Juan Tinay, with Doña Nineth, with the others behind. Who is CUC? It's Doña Rosaria Pu, with Nineth and the

others behind. All these organisations are illegal as they have no official legal status (interview 24.7.96).⁵

Over a period of six months the remaining ten sectors of ASC, representing more than 100 organisations, produced five consensus documents on the stipulated substantive themes of the negotiation process. Each sector first produced its own consensus document on each theme. An *ad hoc* commission of the assembly then presented a draft document incorporating the various sectoral positions. The document was discussed in full sessions of ASC until a final consensus was reached. Before the end of the year the process of writing the documents was complete. For some sectors within the Asamblea, particularly the Atlixco group, this signalled the end of the body's role in the peace process, apart from giving their endorsement to the accords signed by the government and the URNG.

However, after the writing of the consensus documents and particularly after the church withdrew Quezada Toruño from the presidency of ASC in January 1995, the Asamblea entered a second stage. In an effort to perpetuate its existence members of ASC decided to leave the confines of the Framework Accord by continuing to influence the Guatemalan transition (interviews 28.11.95, 5.7.96, 11.7.96; ASC documents 3, 4, 5, 6, 11). The new objectives of the Asamblea would include 'taking positions on national political matters based on consensus positions already reached or positions that can be reached' and situating itself 'as a political reference point of consensus in civil society' (ASC document 3).

As a result of these deliberations the Asamblea expanded its activity from simply writing the consensus documents, to lobbying and publishing documents on a variety of themes linked to the transition. They demanded transparency in the 1995 elections (ASC document 7), and denounced human rights violations and non-compliance with the Global Accord on Human Rights (ASC document 8, 9). By late 1995 internal debate concerned how the Asamblea would continue operating after the signing of a final peace accord. The consensus reached was that ASC should be involved in the verification and implementation of the peace accords.

THE ASAMBLEA'S IMPACT ON THE GUATEMALAN TRANSITION

The Asamblea has affected the peace process and made gains more broadly in the political transition on a number of fronts. The most evident impact was the inclusion of its proposals in the accords. In the 'Accord for the Resettlement of Populations Displaced by the Armed Conflict' (17.6.94) are the first concrete signs of the Asamblea's influence.⁶ According to one analysis (Quiñonez, 1996: 6), the ASC proposal helped broaden the term 'displaced person' (*'desarraigado'*) to include both internally and externally displaced people. The accord also reflects the ASC proposals by considering the Communities of Population in Resistance (CPRs — communities of internally displaced people who fled the military's counterinsurgency campaign of the early 1980s) as victims of the armed conflict rather than as subversives. Thus the Asamblea made an impact at the level of the state, by promoting its recognition of group identities.⁷

ASC had its greatest influence in the 'Accord on the Identity and Rights of Indigenous People' (31.3.95). The URNG's original ideas on this theme, published in May 1992 (URNG document 1) were rather simplistic and did not resemble ASC's document, which was published two years later (Bastos and Camus, 1995: 73). Yet at the time of the second round of the negotiations, the URNG published in a national newspaper (*La Hora*, 27/10/94) its

new position, which was largely based on the ASC document (URNG document 2). Both the URNG and the UN moderator have acknowledged that the ASC document was the basis for the URNG negotiating position (interview 5.7.96). Many ASC proposals for reform of the state and civil society appear in the final accord, such as the recognition of Guatemala as 'multiethnic, pluricultural and multilingual', of the need for bilingual education for indigenous peoples and to respect indigenous names, spirituality, sacred sites, clothing, technology and means of communication. Of course, not all the Asamblea proposals are included. Significant areas such as the land issue are ignored.

The 'Accord on Socioeconomic Aspects and the Agrarian Situation', which was signed on 6 May 1996, after over a year of negotiation, reflected few of the Asamblea's proposals on the theme. Issues such as decentralisation and the inclusion of women in development were incorporated, but the social function of property was not addressed (ASC document 2: 72). Many organisations within ASC were unwilling to recognise the accord because of its weakness on the issue of land reform. Although the Asamblea did finally give its endorsement, groups such as CONIC did so with considerable misgivings, as did Co-ordination of Mayan Peoples Organisations (COPMAGUA document 1).⁸ Decentralisation represents structural reform on the state level, but the inability to force a substantial land reform may be viewed as a failure to have an impact on the economic sphere. CACIF was able to block the inclusion of any substantial reform proposals in the accord. CACIF plainly refused to accept the UN's draft proposal on the Socioeconomic accord in June 1995 (Central America Report, 16/6/96), which mentioned the social function of property. CACIF also rejected the UN's 15 December 1995 document on the same issue (interview 24.7.97).⁹

In the accord on the 'Strengthening of Civil Power and the Function of the Army in a Democratic Society' (21/9/96), ASC exercised a moderate degree of influence. Under the accord the role of the army is limited to an external one, in line with the ASC proposal, yet the army may play a 'supportive' role in internal affairs when required. The Asamblea proposals on women's rights were included, but tend to be rather vague. ASC's most evident failure was that its proposals to become incorporated in the general governmental policy-making and implementation process (such as having power to initiate legislation in Congress) were ignored. The Asamblea's partial influence on this accord indicates state-level structural reform.

The most unexpected and significant achievement of the Asamblea has been to extend its actions beyond the confines of the Framework Accord. By permitting its participation in implementing the accords the government, URNG and international actors have acknowledged the ASC as a legitimate actor. The Technical Commission which is helping to implement the Displaced Accord has two representatives from the displaced population, who are drawn from ASC. The Indigenous Accord specifies the creation of three *comisiones paritarias* (on education, indigenous participation in decision-making and land rights), which rely heavily on participation from the Asamblea, in particular the indigenous sector (COPMAGUA). The *partes* have also implicitly accepted ASC's decision to campaign and lobby on national political issues outside the Framework Accord and made no effort to prevent ASC expanding by five sectors in 1994 and then later expanding to 13 sectors in 1996. On the state level ASC and its organisations have thus gained a role as interlocutors between the state and society via their role in implementation, and have effectively reformed the state (at least temporarily) through their participation on this level.

The Asamblea also opened up political space for the wider political transition. Many observers suggest that without ASC the New Guatemala Democratic Front (FDNG), which

was the first instance of a left-wing party participating in the formal political arena for over 40 years and which has its base in many ASC organisations, would never have been able to participate as effectively in the 1995 elections. The Asamblea has been an arena for the public discussion of themes that were previously unaddressed in Guatemalan politics, such as demilitarisation, and has helped make them more acceptable in electoral politics. This is a clear impact of ASC on political society, providing recognition for the left, aiding the reform of the party system and influencing collective learning.

Actors in ASC and outside observers suggest that a final key gain of the group in the peace negotiations is that the process of forming the Asamblea and having to write the consensus documents forced Guatemalan civil organisations to cooperate with one another, reducing the high levels of fragmentation and distrust in civil society. Within ASC organisations and sectors are a wide variety of views. In the women's sector, groups ranging from those linked to trade unions to those consisting of professional women originally thought they would not be able to cooperate. Once forced to do so, there was a convergence of views and coordination (interviews 17.7.96, 22.7.96). In the Mayan sector, some organisations, such as Consejo Maya 'Tukum Umam' Movimiento de Abuelos (comprising 12 organisations), formed specifically to participate in COPMAGUA, drawing together previously diverse groups (Bastos and Camus, 1995: 103).

Fragmentation also decreased between sectors. The women's sector was originally isolated within the Asamblea, with the largely male-dominated organisations in other sectors treating them with some contempt. According to one member of the women's sector: 'In the beginning it was very difficult. They didn't recognise us. They didn't take any notice of us ... they were the ones that said we were whores, lesbians' (interview 17.7.96). However, after twelve months the women's sector policy documents had become key discussion points in the Asamblea. In addition, many organisations from the left in one sector were surprised to find themselves agreeing with those on the right in another sector on many issues, such as the need to reduce militarisation (interview 5.7.96). The Asamblea has thus aided the strengthening of collective identities and institutionalisation of organisations in civil society.

EXPLAINING ASAMBLEA ACHIEVEMENTS

In order to explain the influence of the Asamblea in the transition it is useful to look inwards at the structure, strategy and leadership of the group and its various organisations, in addition to looking outwards to the surrounding political opportunity structure. This structure of opportunities is diffused throughout civil society, political society, the state and the international realm.

The method used by ASC to write the consensus documents proved successful and helps account for its achievements. Working first in sectors and then in full session allowed differences of opinion to be settled in two different stages. Individual sectors of ASC also developed lobbying and policy-writing expertise. At the beginning of the peace process, as mentioned above, Guatemalan popular organisations were highly fragmented and lacked the political experience called for by elite-level negotiations.¹⁰ According to one member, this inexperience initially caused the Asamblea to make unrealistic demands in the negotiations. To a certain extent ASC acted '*más con el corazón*' (interview 11.7.96). However, within a short period ASC managed to hold meetings with the URNG and the Government Peace Commission (COPAZ) to lobby on its proposals, and began regular contact with the

UN moderation and the Group of Friends. ASC also significantly improved the way it interacted with, and used, the press. 'We now know how to call press conferences, when to have them and who to invite' (interview 11.7.96).

On the sectoral level these developmental aspects are also evident. Many of the women's sector's proposals found their way into the ASC consensus documents and eventually into some of the final accords such as the Indigenous and Socioeconomic accords. The women's sector also began writing evaluations of the peace negotiations and held discussions with the URNG Comandancia regarding its proposals (interviews 17.7.96, 22.7.96; Sector de Mujeres Document 1). COPMAGUA developed alternative mechanisms to influence the accords, holding marches and cultural ceremonies to increase pressure during the negotiations on indigenous issues (Palencia, 1996; 35).¹¹

Members of the Asamblea also learned to compromise, which allowed it to operate effectively, survive crises and maintain legitimacy in the eyes of the government and international actors. For example, the discussion of the indigenous issues, particularly that of autonomy, caused serious debate within ASC. To help reach a consensus a 'bridging group' was created to mediate between COPMAGUA and different sectors (interview 5.7.96). Similarly, when Quezada Toruño was withdrawn from ASC in January 1995 there were fears that ASC might disintegrate, but the sectors managed to form a new organising committee which ensured its survival.

Quezada Toruño, acting as president until January 1995, played a vital role in ASC's work (Padilla, 1995: 29 and interviews). He was important in designing the original sectoral methodology and during the formation of the group he successfully prevented the infiltration of army front-organisations which aimed to divide ASC (interviews 4.7.96, 5.7.96). Respected by organisations on both the right and left, he was able to promote consensus on many delicate issues. The Asamblea was, however, able to survive after Quezada Toruño's departure, although in a somewhat different and initially weaker form.

The most difficult factor to analyse is the relationship with the URNG. Information on the nature of this relationship is both delicate and difficult to obtain.¹² Interviews suggest that one of the major reasons why the Asamblea was able to influence the URNG's negotiating position to such an extent was not simply because of some similarity in '*filosofía*' (interview 11.7.96), but because of the URNG's incapacity in writing documents on the substantive themes of the negotiations. In effect, ASC's documents were often better structured and more concrete than the documents that the URNG could produce (interviews 28.11.95, 5.7.96, 17.7.96). It has certainly been the view of the government/military that the Asamblea is 'inclined' to the guerrilla (Minister of Defence General Mario René Enriquez, *Prensa Libre*, 7/12/94), that ASC was not an autonomous actor in the peace negotiations and that when an Asamblea proposal was found in an accord it was in fact the 'URNG's proposal', which had gone from the URNG to the accord via some organisation in ASC. But the way the consensus documents were written in ASC ensured the possibility that any URNG influence could be 'filtered out'. Each sector has a diversity of opinions, and on each theme any 'URNG proposal' could be excluded in the process of reaching a consensus in each sector. In addition, ASC had to reach a consensus as a whole, so again, given the diversity of opinion in the Asamblea, the proposal could be filtered out. Sectors such as the political parties and Atlixco have little sympathy with the left. This is not to say that there was no coincidence between the URNG proposals and those of ASC, but as Quezada Toruño pointed out: 'It is not the Assembly's responsibility that one of the parties

(in this case the URNG) adopts the proposals of the ASC, as in fact occurred with the theme of "Identity and rights of indigenous people" (ASC document 1: 5).

The presence of international actors has been largely beneficial for ASC, discouraging, though by no means preventing, human rights violations. Both the Groups of Friends and MINUGUA, the UN mission in Guatemala, have contributed to the development of civil society:

'What we did was to give [ASC] a sort of umbrella to protect them, create a political greenhouse where they could actually develop ... to protect the movement itself from all the hassle that Guatemalan political life has. It was protection for their lives in many cases, so they could not be just disappeared without any consequences' (interview).

Thus, the international community has created spaces for the participation of civil society in the peace process (Palencia, 1996: 49). Actors in civil organisations acknowledge this, and contrast the period to that of the National Dialogue, which as mentioned above was undermined by human rights violations against the delegates. The UN moderation also played an important role, actively supporting certain Asamblea proposals in the negotiations, notably on issues in the Indigenous accord (interview 28.11.95).

INTERNAL WEAKNESS AND EXTERNAL ADVERSITY: LIMITATIONS ON ASAMBLEA IMPACT

Actors within the Asamblea and outside observers agree that it would have been possible to have had a greater impact on the negotiations. More of its proposals could have been accepted in the accords, particularly on the Socioeconomic theme. Efforts to make the negotiations more transparent also largely failed. Again, as was the case with the positive gains of ASC in the transition, there is a need to examine both internal factors and the prevailing political opportunity structure. Members of the Asamblea were critical of its internal divisions, although they also drew attention to external limits on its efficacy.

The most damaging internal division is between the Atlixco and other sectors, particularly organisations from the popular movement. The Atlixco group has always felt on the margins, partly because it came to ASC via COCIPAZ, rather than CSC, which was the route for many other organisations. Atlixco has been viewed as one of the more centre-right sectors in ASC, and has also been marginalised because of its desire to stay strictly within the bounds of the Framework Accord. Many sectors consider that Atlixco has tried to monopolise the Asamblea. The Atlixco group takes the position that it was an 'open minority' in ASC and that the Asamblea is plagued by 'sectarianism, hegemony and *dirigismo*', with some individuals and groups having disproportionate influence in ASC and its various committees, such as the organising committee (interview 19.7.96). As a consequence, many of the Atlixco organisations left the Asamblea in October 1995 (though some later returned), and in June 1996 the key actors in Atlixco (and some other organisations) finally left ASC to form a new organisation, the Democratic Civic Forum for Peace (FOCIDEP).

The impact of this problem with Atlixco should not be overemphasised. Atlixco is only one sector in ASC, and the Asamblea has continued to lobby, write documents and generally contribute to public debate (interviews 4.7.96, 5.7.96, 8.7.96, 11.7.96, 15.7.96). However, the formation of FOCIDEP did reveal that disagreement exists within ASC. The Atlixco division has absorbed much time in the Asamblea, and its position on a number of

issues has prolonged the decision-making process. ASC took almost two years to decide to participate in bodies assigned to implement and verify the accords, in large part because of Atlitxco's opposition (interview 17.7.96).

The withdrawal of Quezada Toruño from the presidency of ASC by the church in January 1995 had a weakening effect on the Asamblea in the peace process. Within the group there was fear that with the withdrawal of Quezada Toruño 'the Assembly could enter a stage of internal conflict' that could lead to 'its liquidation, its disappearance' (interview 5.7.96) as there were no mechanisms for choosing a new president and Quezada Toruño had played such an important unifying role. ASC overcame the problem of choosing who the new president would be (and which sector he or she would come from) by establishing an organising committee with a representative from each sector. After Quezada Toruño left, the Asamblea was unfocused and disorganised, although after a few months many of these problems had been overcome (interview 11.7.96). The appointment of an executive secretary in October 1995 (whose power is limited and deals primarily in administrative matters) helped give ASC a new direction.

The advent of the 1995 elections stirred internal debate on whether Asamblea representatives should participate as candidates, and whether ASC should officially support the FDNG. The final decision was that the Asamblea would not participate and would not favour any particular electoral option. Individuals from ASC could become candidates, but they could not do so in the name of the Asamblea (ASC document 7). Not only did this debate on the election absorb energy and time, but the elections also forced the withdrawal of many experienced leaders, such as Nineth Montenegro (GAM) and Rosalina Tuyuc (CONAVIGUA), who had played prominent roles in ASC. Although many electoral participants returned to the Asamblea after the elections, Montenegro, Tuyuc and others who were elected deputies for the FDNG represent a permanent loss.¹³ The problem is that these popular organisations lack broad leadership. Some experienced leaders remain, but in general popular organisations have few replacements for their key figures. As the Asamblea itself admitted:

The current electoral process has taken up the political activity of an important part of the Assembly's membership, particularly the delegates from the popular sector who are involved in the construction of an alternative political project [the FDNG], without having the capacity to delegate their responsibilities in ASC to other people (ASC document 12).

The clearest restriction on ASC in the political opportunity structure was articulated in the Framework Agreement: that ASC consensus documents were non-binding and the group was denied a place at the negotiating table. Another serious external limitation has been the accusations made by the government, the military and the press that the Asamblea is linked to the URNG. General Mario René Enríquez, the defence minister in 1994, publicly suggested that ASC is 'inclined' to the URNG (Prensa Libre 7/12/94). CACIF made a similar accusation, with Luis Reyes Mayén (president of the Agrarian Chamber of Commerce and a director of CACIF) stating that ASC is a '*caja de resonancia*' (sounding board) of the ideas of the URNG (Siglo 21 26/5/94). These accusations, which are both explicit and implicit in the right-wing press as well, have damaged the legitimacy of ASC and threatened its members.

Although the presence of international actors has largely benefited the Asamblea's ability to influence the transition, there are negative aspects to international participation,

particularly that of the UN moderation. After the withdrawal of Quezada Toruño from the presidency of ASC and during much of the rest of 1995, the information flow from the moderation to ASC was limited, which undermined the Asamblea's lobbying efforts (interview 5.7.96). At other times the UN moderation attempted to limit ASC lobbying efforts more directly. After the Xamán massacre of returned refugees on 5 October 1995, for example, the UN asked the Asamblea to 'not make too much noise' about the massacre as this would damage the peace process (interview 28.11.95).

CACIF AND THE NEGOTIATION PROCESS

A major civil society actor which did not participate in the Asamblea and yet exerted a significant influence on certain of the accords (notably the Socioeconomic accord) and in the peace process as a whole was CACIF. In early 1994 (though this date is disputable), with the growing strength of modernising commercial, financial and industrial sectors within CACIF and the diminishing influence of land-owning elements opposed to the negotiations, CACIF made an effort to institutionalise its participation in the transition by forming a Business Peace Commission (CEPAZ) to examine the peace process.¹⁴ From March 1994, CEPAZ began to 'act more dynamically' (interview with Luis Reyes Mayén, Siglo 21 26/5/4), writing documents on the substantive themes of the negotiations (e.g. CACIF document 1).

CEPAZ operated in a fairly loose manner during the negotiation period (interviews 12.7.96, 16.7.96, 24.7.96). There were around three representatives from each economic sector of CACIF in the commission, working on themes linked to their special interests or areas of expertise. In writing the documents the commission often sought the advice of other businessmen, specialist personnel within the CACIF *cámaras* (such as lawyers or economists) and commissioned research by universities or research centres. CACIF's documents were very broad compared with those of the Asamblea (interview 12.7.96, 24.7.96). Unlike the Asamblea, once the documents were written they were generally presented to COPAZ, rather than to both *partes* at the negotiating table. CACIF lobbied COPAZ, the Group of Friends and the UN moderation, and also met directly with the URNG. Lobbying occurred through official meetings and to a significant extent through personal contacts between CACIF and government officials.

CEPAZ was not only used as a vehicle to ensure that CACIF views were expressed in the peace accords. It also served as a channel from the negotiating table to CACIF businessmen, particularly the conservative agrarian sector. CEPAZ was 'often used to calm down [some sectors in CACIF] about what was going on, that it was not a revolution that was happening at the negotiating table, sneaking into the agreements ... that the peace process was taking their interests into account' (interview 17.7.97). Thus, an instrument that the private sector used to lobby the peace process (CEPAZ) also became a means of preventing specific sectors from turning against the peace process.

CACIF showed little interest in the non-economic accords (which partly explains why ASC had such an impact on non-economic ones such as the Indigenous accord). In CACIF's view, the problems of the country were primarily economic:

The progress of this country is based on strictly economic conditions. We can analyse other relevant matters, but emphasising the economic, as it is the fundamental basis of any solution (CACIF document 1).

With the Socioeconomic accord, the full power of CACIF in the political and economic system became evident. CACIF achieved its major aims: to protect private property by preventing any substantial land reform, to prevent any radical changes to the regressive taxation system, and to produce a document that was sufficiently vague not to tie down future governments to very specific reforms. CACIF's influence in this accord easily outweighed that of ASC.

How was CACIF able to achieve its aims? Since the 1930s organised business in Guatemala has maintained its privileges by protecting private property, limiting direct taxation and minimising the extension of labour rights. When challenged in these areas, the business sector (despite divisions between agriculturists on the one hand, and industrial-commercial-financial interests on the other) has mobilised itself politically to protect what it considers to be the individual rights of the marketplace. The formation of CEPAZ is such an example. The success of CACIF, particularly in the Socioeconomic accord, lies in this historic ability to unite and protect its interests, through strong familial ties and interlinkages across different sectors of the business elite (Casaus Arzú, 1992). In addition, economic ties across sectors have drawn together the various groups in CACIF (Dunkerley, 1988). The strong links between business and the state have also played an important role. In the case of the peace process, CACIF's links to the Arzú government gave it privileged access to the negotiations.¹⁵

CONCLUSION

The Guatemalan transition differs from most of those depicted in the orthodox transitions literature as the primary locus of democratisation has been a peace process to end civil war. As Jonas and Trudeau point out, the 'real' transition lies in the peace negotiations and not in the arena of formal electoral politics (Jonas, 1995: 25; Trudeau, 1993: 135–142). A consequence has been a concrete international presence, particularly in the form of MINUGUA and the UN moderation, which has altered the institutional terrain of the transition. The Guatemalan transition is also distinguished by the creation of an assembly which brought together a range of civil organisations as part of the institutional structure of the negotiations. Popular actors had a greater impact than that which the orthodox transitions literature suggests. Their influence better reflects the position of much of the social movement literature, which highlights the achievements of these actors. However, the impact of popular actors on the peace process and on the wider transition was limited by a complex web of both internal and external factors. Ultimately, the Asamblea's ability to develop its policy-making skills, improve its lobbying ability and reduce the fragmentation in the popular sector could not compensate for the non-binding nature of the consensus documents and for the lack of a position at the negotiating table. On the other hand, CACIF, the major uncivil actor in the peace process, was able to achieve its principal aims, which revolved around maintenance of the economic status quo.

An underlying argument of this paper is that the examination of uncivil actors, especially business associations, is at least as illuminating as the study of popular actors. The methodological bias of transition studies is the concentration on political *change*. One way to explore the *continuities* is to study the uncivil actors who aim to maintain privileges in the face of political change. The social movement literature acknowledges the influence of popular actors, but is unable to provide an analytical framework which includes many of the uncivil actors in civil society. This is where a differentiated view of civil society becomes

important. It provides a conceptual framework which does not exclude certain forms of voluntary associationalism.

Despite the signing of a final peace accord, many issues remain unresolved in Guatemala's ongoing transition, such as the extent to which the accords will be implemented, the degree to which the military will preserve its role in internal security, and whether the Asamblea will demobilise and have its sectors merge with political parties. It is likely in the post-negotiation period some actors in civil society will contribute to the struggle to implement, in concrete terms, the gains made in the negotiations. However, the uncivil actors will favour the maintenance of traditional privileges over making the Guatemalan political transition a meaningful one.

NOTES

1. This is a revised version of a paper presented at the Society of Latin American Studies Annual Conference, University of St Andrews, 4–6 April 1997.
2. The research is based on documentary analysis and formal interviews conducted mainly in July and August 1996 with members of ASC, CACIF, the UN, representatives of foreign governments and local analysts. Informal discussions were also held with these and other actors on an individual and group basis. The ASC interviews focused on actors in organisations in the women's sector and the indigenous sector.
3. The classic statement of this view of transitions can be found in O'Donnell and Schmitter (1986). See also, for example, Mainwaring (1992), Stepan (1986) and Przeworski (1986).
4. The inclusion of political parties in ASC raises the problem of whether political parties are part of civil society. The Oslo Accord of March 1990 clearly separates the two, while the January 1994 Framework Accord does not. ASC therefore does not fit perfectly within my definition of civil society. However, during negotiated peace processes opposition political parties tend to be excluded from the negotiations in much the same way as sectors of civil society. Thus they share an 'equality of exclusion'.
5. The organisations referred to are Mutual Support Group (GAM), National Coordinator of Guatemalan Widows (CONAVIGUA), National Indigenous and Peasant Coordinator (CONIC) and Committee of Peasant Unity (CUC).
6. The human rights accord (29.3.94) was not subject to an ASC proposal and the accord on the creation of a 'Truth Commission' (23.6.94) was uninfluenced by popular sector lobbying. While ASC was not originally mandated to produce a document on the Truth Commission, a proposal drafted by human rights organisations participating in ASC was presented to the *partes* in Oslo. The final accord ignored calls to name individuals responsible for human rights violations and also rejected the proposal that the investigations and recommendations be used for legal prosecution (CAR 1/7/94, Palencia, 1996).
7. My thinking on the Asamblea's impact has been influenced by Brysk's study of human rights organisations in the Argentine transition. She analyses social movement impact on the levels of internal development, society and the state (Brysk, 1994: 18).
8. One Asamblea member noted that the interpretation of ASC gains in the accords 'depends on your conception of the world ... it depends a lot on what is your vision, your field of work, your interests, your perspective' (interview 11.7.96). For some organisations land is the key issue and the peace process is a failure as there has been no significant land reform. They claim that the Indigenous accord 'does not deal with the essentials' (interview 9.7.96). Others see the cultural aspects of the indigenous accord as the most important impact of ASC in the peace process (interview 8.7.96). Despite these differences of emphasis, it is clear that many Asamblea proposals of varying importance for different groups found their way into the final peace accords.
9. CACIF's role in this part of the negotiations is analysed below.
10. Many popular organisations were forced to rebuild their structures and leadership after state-sector repression caused the atomisation of popular civil groups in the 1970s and early 1980s.
11. Individual sectors displayed differing degrees of influence in the Asamblea at different time. For example, the indigenous theme gave more scope to COPMAGUA than other sectors but its lack of resources limited its participation in ASC meetings in the first three months of 1996, as it was concentrating on educational work linked to the indigenous accord and the formation of the *comisiones paritarias* (interview 11.7.96).

12. The signing of a final accord has reduced these difficulties as the links between a number of popular organisations and guerrilla groups become more clear.
13. Not all ASC participants in the elections ran as candidates of the FDNG.
14. By 1990 modernising elements in CACIF, particularly in the Cámara de Industria, favoured a negotiated solution to the civil war. However, at this stage the *finqueros* in the National Agricultural Union (UNAGRO) remained opposed.
15. For more detail on the role of CACIF in the transition, see Krznaric (1996). My current research addresses the ways in which the business elites of Guatemala, El Salvador and Peru have managed to maintain their traditional privileges despite the changing political environment.

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Appendix: Documents

ASC

1. Documentos de Consenso (February 1995).
2. Asamblea de la Sociedad Civil: Propuestas para la paz (1995). FLACSO, Guatemala City.
3. Actividad de presentación y de inicio de la transición hacia una nueva etapa de la ASC (26 November 1994).
4. Participación de la sociedad civil en el proceso de negociación de paz (undated).
5. Propuesta relativa al proceso de negociaciones de paz (18 January 1995).
6. Letter from Organising Committee of ASC to Jean Arnault, UN moderator (1 February 1995).
7. Posición política, ante el proceso electoral (July 1995).
8. Asamblea de la Sociedad Civil solicita a Naciones Unidas en el nombramiento de un relator de derechos humanos para Guatemala (18 August 1995).
9. ASC — ante los hechos acaecidos el día 5 de Octubre de 1995 en la Comunidad Aurora 8 de Octubre, Xamán, Chisec (9 October, 1995).
10. El proceso de paz y sus perspectivas (26 January, 1996).
11. Consideraciones sobre la ASC (23 October, 1995).

CACIF

1. Guatemala: reflexiones del pasado, consideraciones del presente y recomendaciones para el futuro (May 1995).

COPMAGUA

1. Postura de la Coordinación de Organizaciones del Pueblo Maya de Guatemala Saq'b'ichil COPMAGUA frente al acuerdo aspectos socio-económicos y situación agraria (2 July 1996).

Sector de Mujeres de la ASC

1. Documentos, Sector de Mujeres, Asamblea de la Sociedad Civil 1994–1995 (December 1995). Coordinación 'Mujeres Construyendo la Paz', Guatemala City.

URNG

1. Guatemala. Una paz justa y democrática: contenido de la negociación (May 1992).
2. La Guatemala del futuro será una nación de unidad nacional, pluricultural y multilingüe (27 October 1994, *La Hora*).