The Role of Civil Society in Peace Processes
A Case Study of Guatemala: Ethical Reflections

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On Fair Terms: The Ethics of Peace Negotiations and Mediation (FAIR)

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Executive Summary

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<td>Civil society organizations in Guatemala participated in the peace process between the government and the URNG with their inputs through the Assembly of Civil Society (Asamblea de la Sociedad Civil [ASC]).</td>
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<td>The ASC’s work had an important impact on several issues on the negotiation agenda, but less so on the most controversial ones, such as the establishment of a Truth Commission.</td>
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<td>The Guatemalan case is an important illustration of the challenge in having to prioritize between different norms in a peace process – and in this case, ending violence came before important implications of inclusivity on other issues on the negotiation agenda.</td>
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<td>The international community could focus more on the implementation of peace agreements and follow up on the norm of inclusivity by supporting the role of civil society in the implementation process.</td>
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The Guatemalan peace process from 1990 to 1996 represents an early example of the inclusion of civil society in a negotiation process. However, once included, what role could civil society play – and in this case what role was it *allowed* to play? Clearly, civil society had an influence on the negotiations between the government and the Guatemalan National Revolutionary Unity (URNG), but on some sensitive and critical issues civil society was prevented from exerting pressure on the parties. This case brief looks at the ethical implications of this situation.
The Ethics of Civil Society Participation

During the 1990s and around the turn of the millennium it became more common to involve/invite civil society groups into ongoing peace processes to express their concerns and demands. The inclusion of civil society in peace processes raises several ethical questions and considerations. Why are civil society groups invited to participate in the first place and whom do they represent? Can their presence bring attention to neglected social sectors and groups, and can their participation also highlight and bring attention to important but neglected issues in the peace process? Or – on the negative side – might their participation in some cases be seen to legitimize a controversial peace process? The participation of civil society in a peace process is generally considered to be positive (Helmüller, Federer and Zeller, 2015). However, depending on the context and the dynamics of the peace process, can civil society’s demands be of such a character, or be so strong, that they serve to derail the whole peace process? As Laurie Nathan writes, “The peacemaking dilemma entails a situational incompatibility between the norm of promoting and maintaining peace and security on the one hand, and the norms of promoting justice, accountability, and democratization on the other” (Nathan, 2020: 1). In the Guatemalan case, the issue of justice was crucial, but controversial. This brief will delve deeper into some of these ethical questions, focusing on the case study of the Guatemalan peace process.
The Guatemalan civil war broke out in 1960 and was brought to an end with the peace agreement signed by the government and the URNG in December 1996. This was an asymmetric war fought between a small guerrilla force and the strong, well-trained and well-equipped Guatemalan army. It was particularly bloody in the period 1980–1983, when the army carried out its major counter-insurgency campaign and massacred large parts of the indigenous population in the western and central highlands (ODHAG, 1998a; 1998b). Among the URNG’s prioritized goals were socio-economic equality, land reform, democratization, and human rights. The comprehensive Guatemalan peace accord from 1996 marked the end of the 36-year-long war. It covered issues such as the agrarian situation and socio-economic reform, democratization, the indigenous population’s rights, human rights, the establishment of a Truth Commission, and the resettlement of the uprooted population, as well as issues directly related to the demobilization of the URNG and the civil defense patrols and the downsizing of the army (Universidad Rafael Landivar y MINUGUA, 1997). However, the process that led to this peace agreement was long and difficult.
The Peace Process

There is no objectively correct division of the different phases in the Guatemalan peace process, but I have chosen to divide them into four phases for the purpose of this analysis:

Phase 1) The events prior to 1989, with emphasis on the Central American peace agreement, Esquipulas II,¹ and the foundation it laid for the subsequent peace process in Guatemala;

Phase 2) the period 1989–1990, which includes the background for the 1990 Oslo Agreement;²

Phase 3) the period 1991–1993, a time of many discussions and negotiations but without the strong and formalized presence of the UN; and finally,Phase 4) the period 1994–1996, when the UN was formally involved as moderator of the conflict and the final peace agreement was signed.

Mexico hosted all the negotiations that did not take place in Norway, Spain, or Sweden and altogether eight subsidiary agreements were signed in Mexico. The Guatemalan guerrilla commanders were living in Mexico, which put Mexico in a difficult situation with respect to the peace process. There were also a large number of Guatemalan refugees in the Mexican province of Chiapas. The presence of the URNG leadership also limited Mexico’s leeway for initiative in the peace process. However, Mexico willingly hosted all the rounds of negotiations desired by the parties.

In 1994, Jean Arnault, the representative of the UN Secretary-General, was formally appointed as the moderator of the peace process. In the subsidiary agreement that was signed in Mexico City on 10 January 1994, the Group of Friends was formally invited to assume a supporting and monitoring role in the peace process. At that time, the Group of Friends, which comprised Mexico, Venezuela, Colombia, Spain, Norway, and the USA, had already been more or less functioning since 1992.

Jean Arnault had frequent meetings with the Group of Friends, which were used as a kind of consultative group for proposals from both the guerrillas and the government in connection with the negotiations. The Group of Friends also had their own separate meetings with the parties to the conflict and exerted pressure on both the guerrillas and the government when they considered it necessary.

Civil society was involved in the Guatemalan peace process in several ways. The Lutheran World Federation organized consultations with various groups from civil society in the period 1991–1992 and also organized ecumenical hearings in the period 1993–1995. These hearings included many organizations from the civil sector and representatives from all the interested parties in the conflict (Hauge, 1998: 53). Civil Society also gradually became more involved in the peace process through the Assembly of Civil Society (ASC), which produced consensus documents as proposals for the formal negotiations.
The formal establishment of the ASC did not take place until after the signing of the subsidiary agreement on human rights on 29 March 1994. Representatives of 11 social sectors were invited to participate in the ASC, including: 1) political parties; 2) business associations, represented by the Co-ordinating Committee of Farming, Commercial, Industrial and Financial Associations (CACIF); 3) religious groups; 4) unions and NGOs; 5) academics, cooperative members, and community organizations; 6) Mayan people’s organizations; 7) women’s organizations; 8) journalists; 9) development NGOs; 10) research centres; and 11) human rights centres. Only CACIF declined to participate, so the ASC comprised 10 representatives from these sectors and can therefore be said to have been quite representative. The ASC was headed by a president, supported by a secretary-general and an organizing committee drawn from the five first mentioned sectors above and the Mayan organizations. Each sector was responsible for arranging its own meeting and electing a representatives to the assembly (Sieder and Wilson, 1997).

The ASC drafted consensus documents on all substantive negotiation themes, first by individual organizations, next by the sectors, and finally by the ASC as a whole. The consensus documents were then handed in to the negotiation table ahead of each round of negotiations between the government and the URNG (Ibid.). The impact of the ASC’s inputs to the negotiation table varied depending on the issues discussed. The ASC had a particularly strong influence on the negotiations on indigenous rights. Because of the atrocities and massacres that had taken place during the war, and especially in the period 1980–1983, the ASC was particularly active prior to the negotiations on the Truth Commission in June 1994. However, the conflicting parties were nervous that with negotiations being held in the neighbouring country, Mexico, many civil society representatives would travel to Mexico to exert pressure on the parties – something that had also happened earlier (Hauge, 1998). Both the government and the URNG – although for different reasons – were worried that this pressure from civil society would be too strong to reach an agreement. The government was worried about pressure for juridical processes against army personnel, whereas the URNG in principle agreed to this but was afraid that such pressure would derail the whole peace process. The parties clearly wanted this round of negotiations to take place in Norway. The Norwegian Embassy in Mexico was approached by UN Deputy Secretary-General Goulding, who asked whether the meeting on the Truth Commission could be held in Norway. He had himself been asked if this was possible by Hector Rosada, head of the Government’s Peace Commission. Goulding confirmed that the URNG also agreed to this proposal (Hauge, 1998). Therefore, the negotiations were moved to Norway. An agreement on a Commission for Historical Clarification (CEH) was reached in Oslo in June 1994. The full text (translated from Spanish) of the agreement was: Agreement on the Establishment of a Commission for Historical Clarification of the Violations of Human Rights and Violent Acts that have Caused Suffering for the Guatemalan Society. There were many critical comments from discontented civil society representatives afterwards. The agreement on the CEH had several weaknesses. However, particularly significant was a clause that stated the following: “The Commission shall not
attribute responsibility to any individual in its work, recommendations and report, nor shall these have any judicial aim or effect” (Universidad Rafael Landivar y MINUGUA, 1997: 249). Civil society representatives and organizations expressed their immense disappointment with this accord. For example, the leader of the human rights organization Mutual Support Group, (GAM), Mario Polanco said “It was a very sad, poor accord, but we evaluated the situation, and thought, if we attack the accord publicly, we’ll slow down and undermine the peace process” (Wilson, 1997, p.21). As a reaction to the weak accord, civil society organizations tried to find alternative strategies to increase their impact.

On the other hand, the ASC had a clear influence on the Agreement on the Identity and Rights of Indigenous Peoples, signed on 31 March 1995. The URNG adopted the proposals from the ASC more or less unamended in the negotiations on indigenous rights. This accord, which was unique in the history of Latin America, received a cautious welcome from COPMAGUA, the Co-ordination of Organizations of Mayan People of Guatemala (Sieder and Wilson, 1997). The role of the ASC is also directly referred to in this subsidiary agreement (Sieder and Wilson, 1997: 50). Thus, the participation of the ASC may also be considered to have had a legitimizing effect on the peace accord. However, after the agreement on the Identity and Rights of Indigenous Peoples, the negotiations became progressively less consultative. The unity and capacity of the ASC was also somewhat undermined by the resignation of its president and by the defection of some of its leaders to emerging political parties on the left (Sieder and Wilson, 1997).
Prioritization of Norms

It is common to distinguish between content-related and process-related norms in peace processes (Helmüller, Federer and Zeller, 2015). Whereas content-related norms are closely related to the agenda-setting in negotiation processes, process-related norms define how a mediation process is planned and conducted. Process-related norms include several issues, for instance, the impartiality of the mediator and norms around inclusivity. The inclusion of civil society organizations in peace processes, such as the inclusion of the ASC in the Guatemalan peace process, can thus be seen as adherence to a process-related norm. Helmüller, Federer, and Zeller furthermore distinguish between settled and unsettled norms, and argue that inclusivity “can be seen as settled since it is hard to imagine that any mediator would question the importance of this norm even if there is no unanimity about who the main stakeholders are” (Ibid.: 6).

However, as seen from the Guatemalan case, the challenge is often how to prioritize between several important norms, especially if adherence to one norm may make the follow-up of other norms difficult. The UN Guidance for Effective Mediation states that, “peace agreements should end violence, and provide a platform to achieve sustainable peace, justice and reconciliation” (United Nations, 2012: 20). Ending violence is mentioned first here; that is, one has to be able to reach a peace agreement in the first place. In their report, Helmüller, Federer, and Zeller have interviewed several mediators and facilitators, and point out that there are different opinions among the interviewees when it comes to how to interpret the UN guidance and on the issue of prioritization of norms in general. Those interviewees who had worked directly as mediators almost unanimously urged for more humble expectations with regard to normative standards in mediation (Helmüller, Federer and Zeller, 2015: 9). According to them, stopping the violence and having the consent of the parties is paramount.
In Guatemala, clearly the priority was given to securing an atmosphere of “peace and quiet” around the most controversial negotiations in order to facilitate a final peace agreement. Thus, although inclusivity as a process-related norm was adhered to, the inclusivity did exert limited influence on controversial content-related issues in the process.

However, as an early example of the inclusion of civil society in a peace process, the Guatemalan process represents an example of improved space for important norms in negotiation processes. This also raises new ethical questions around which further research will be needed. One such question is related to the implementation of a peace agreement, and the degree to which civil society can be empowered to continue the pressure on the government after the signing of the agreement. This depends on the structure and organization of civil society, and whether those civil society organizations that were allowed to participate in the peace process were permanent or ad hoc – that is, established solely for the purpose of participating in the negotiations. The ASC in Guatemala was an ad hoc umbrella organization for various civil society organizations.

Many of those facilitators and mediators interviewed during the study by Helmüller, Federer, and Zeller emphasized the need for more focus exactly on the implementation phase (Helmüller, Federer and Zeller, 2015). Empowering and enabling civil society organizations to continue their pressure on the government for implementation of a peace agreement (and eventually also for insisting on the more controversial issues, such as transitional justice) may also raise a question about these organizations’ need for economic resources. As an example, the ASC received limited economic support after the peace agreement was signed.

Are the facilitators and the countries that are “friends of a peace process” and the international community willing to engage in long-term economic assistance to civil society organizations and networks to enable them to keep up their policy work?

Questions for Future Research

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Notes

1. The Central American Peace Plan, Esquipulas II, was signed by the presidents of Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica on behalf of the governments of the respective countries in August 1987. No representatives of the guerrillas or the civilian opposition in the five countries participated in the signing of the peace agreement, nor had they been involved in the negotiation process. Although several of the sections dealt with relations between the countries, several sections also concerned domestic matters. Sections 1–4 of the agreement concerned national reconciliation, cease-fire, democratization, and free elections in each country. The most concrete result in the Guatemalan case was the establishment of a National Reconciliation Commission on 9 September 1987. This commission functioned continuously until it was replaced by COPAZ in 1993. The Esquipulas process was actively supported by the CONTADORA group: Mexico, Venezuela, Colombia and Panama (Gomáriz, 1988). Three of these countries, Mexico, Venezuela, and Colombia, would subsequently become members of the Group of Friends to the Guatemalan peace process.

2. The Oslo meeting was made possible through a combination of the Lutheran World Federation’s initiative, the Norwegian Church Aid’s long presence and network of contacts in Guatemala, and the willingness of the political leadership in the Norwegian Ministry of Foreign Affairs to support the peace effort (Hauge, 1998). The Oslo Agreement was signed on 30 March 1990, laying out the agenda for further negotiations.

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