

# Guatemala – An inclusive democracy?

A case study of the indigenous inclusion in the  
democratisation process.

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# Abstract

This paper studies the inclusion of the indigenous population in the Guatemalan democratisation process. The indigenous population have throughout the history of Guatemala always suffered from exclusion. Thus it is interesting to study if there have been any improvements in their situation since the signing of the peace agreement in 1996. The base of our paper is Donna Le Van Cott's article, *Building inclusive democracies*, which we will use to examine to what extent Guatemala has succeeded in building an inclusive democracy. In doing so, we study the implementation of the peace agreements under three criteria; representation, rights and redistribution. Our findings show that due to various political and economical reasons, the implementation of the commitments made in the agreements has not been successful.

*Keywords:* Guatemala, Indigenous, Democratisation, Peace Agreement, Inclusion.

Word count: 43794.

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# 1 Introduction

Guatemala is an interesting case to examine with its previous history of colonialism and the more recent civil war which today leads to many challenges when it comes to building democracy. Besides its previous disturbances Guatemala faces a difficult task in including the indigenous population in the newly established democracy. Previous attempts to build a democracy in Guatemala have been made by suppressing, and not including them.<sup>1</sup> It is now more important to try to build a more legitimate democracy by focusing on inclusion. We think that this has, when looking at Latin America, sometimes been forgotten or overlooked and believe that to build a well functioning democracy in Guatemala this has to change.

The choice to study Guatemala felt natural since it is a country where the democratization process started again during the 1990's after the 30 year long civil war, and it is a country with an ethnically diverse population and with a history of exclusion of the indigenous population. As a consequence, it is interesting to study whether the inclusion has been more thriving this time since this, as we see it, is a must to reach a more complete democratization in Guatemala.<sup>2</sup>

## 1.1 Research question

The question we want to study is to what extent Guatemala has succeeded to build an inclusive democracy. This is a term that is presented in Donna Lee Van Cotts article, *Building Inclusive Democracies: Indigenous Peoples and Ethnic Minorities in Latin America*. Here we are going to focus on the inclusion of the indigenous population. We have chosen this subject since we believe that to reach a successful democratization in Guatemala the inclusion of the indigenous population, who actually constitutes a majority of the whole population<sup>3</sup>, is necessary. To make this easier to examine we have chosen to look at the peace and democratization process in Guatemala after the peace agreement. Our hypothesis then is that since Guatemala is an ethnically diverse society the

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<sup>1</sup> Donna, Le Van Cott, 2005.p.822.

<sup>2</sup>Carlos Mendoza.year unknown. p.2.

<sup>3</sup> The figures of how great percent of the population the indigenous population actually constitutes is debated, official government sources say that it is around 48% while NGOs claim that the indigenous population constitutes closer to 60 %. We will in this essay use the latter figures since we have found greater support for these figures.

inclusion of the indigenous population is necessary to reach a successful democratization. So we will use our descriptive approach to see if Guatemala has succeeded in doing this.

The research question is: *To what extent has Guatemala succeeded in building an inclusive democracy?*

## 1.2 Theory

In this section we will present our theory and how we have made it assessable. To start we will now discuss the term democracy and explain how we have chosen to understand this term. To continue we will present and discuss our theory and define the three criteria that constitutes an inclusive democracy.

The term democracy is most commonly understood in a literal sense as the rule by the people. The word democracy

*“is derived from demokratia, the root meaning of which are demos (people) and kratos (rule). Democracy refers to a form of government in which in contradistinction to monarchies and aristocracies the people rule. Democracy entails a political community in which there is some form of political equality among people”.*<sup>4</sup>

This is however a simplified definition of democracy and the discussion of how to define democracy contain a wide spectrum of opinions. There are more minimalistic views such as Joseph Schumpeters procedural view which describes democracy as *“that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote”.*<sup>5</sup> This view is further developed by Samuel Huntington who emphasises competition, participation and civil liberties as essential components of democracy. He also emphasises elections as the central procedure of democracy.<sup>6</sup>

The advantages of the minimalistic version are that it is more defined and is thus easier to use as an analytical tool and which makes it easier to distinguish democracies from other kinds of rule.<sup>7</sup> The negative aspects are that it is not as inclusive as maximalist concepts which include social and economic aspects of democracy. Maximalist views have more emphasis on participation and inclusion which is well highlighted in the following quote:

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<sup>4</sup> Boussard, Caroline. 2003. p.25.

<sup>5</sup> Schumpeter, Joseph. 1950.p. 250.

<sup>6</sup> Boussard, Caroline. 2003. p.29.

<sup>7</sup> Ibid. p.29.

*“Cultural, ethnic, religious, and other minority groups are not prohibited from expressing their interests in the political process or from speaking their language or practicing their culture.”*<sup>8</sup>

This quote underlines what we want to emphasise, and represents the essential parts of democracy that are highlighted in this study. Other examples of more maximalist views on democracy can be multiculturalists or feminist views. Thus it is quite obvious that it suits the purpose of our essay to view democracy in a rather maximalist way, which means that in the concept of democracy we include social and economic aspects.<sup>9</sup>

In her article, *Building inclusive democracies: Indigenous Peoples and Ethnic Minorities in Latin America*, Donna Lee van Cott presents a theory that ethnically diverse countries have a harder time building/constructing democratic institutions. The argument for this theory is that since oppression and discrimination of ethnic groups diminishes public trust, it thus makes it harder to build “inclusive democracies”. This article is also to a great extent based on Will Kymlicka’s ideas about minority rights.<sup>10</sup> This is an interesting aspect of the Guatemalan case, as it is clearly important to consider the hindrance that an ethnically diverse country face in building democracy, and thus the even greater importance to prioritize inclusion. Since the indigenous population is a majority we will not in this essay talk about minority rights but refer to indigenous rights.<sup>11</sup>

Since the democratic institutions are a vital part of a well functioning democracy; it is close to impossible to become a complete democracy without them. Thus this theory points to the importance of including the indigenous population in the democratization process in order to build a well functioning democracy and we will use it to see whether the building of an inclusive democracy in Guatemala has succeeded or not. We have from Donna Lee van Cott’s article abstracted three criteria for an inclusive democracy in the Latin American context and they are the following three:

- 1. Representation.** This forms a central part in building an inclusive democracy since the representation at different political levels is vital to the legitimacy of the democracy.<sup>12</sup>
- 2. Rights.** Without equal rights for the indigenous the inclusion cannot be completed. Thus this is also an important aspect to reach in the Guatemalan democracy. However, we must bear in mind that in the Latin American context

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<sup>8</sup> Diamond, Larry. 1999. p.11.

<sup>9</sup> Diamond, Larry. 1999. pp.26-27.

<sup>10</sup> For more extensive reading by Kymlicka, see e.g. 2000. *Citizenship in culturally diverse societies: issues, contexts, concepts.*

<sup>11</sup> Plant, Roger. 1998. p.4.

<sup>12</sup> Donna, Le Van Cott, 2005.p. 832.

the indigenous population constitutes a majority and not a minority of the population, even though they are treated as one.<sup>13</sup>

**3. Redistributive justice.** There is a need for redistribution of resources such as taxation or land reforms. This is typical for the Latin American context since much of the indigenous population belongs to the poor and during colonisation and the civil wars many of them were illegally robbed of their estates. So this is for many indigenous movements an important part in building a new democracy and reaching reconciliation.<sup>14</sup>

We will use this theory to examine whether a diverse ethnicity is an obstruction in the process of democratization. We are aware that with our theory we are missing other aspects of democratization and post war difficulties such as e.g. reconciliation, building strong institutions, a solid economy and the rule of law. It is important to notice that in Guatemala the post-war transition and democratisation are intertwined and one cannot succeed without the other. Our theory in some aspects does not account for this, nonetheless, due to the level of this assignment we have chosen to use only this theory, since it is important and otherwise is well suited for the context in Guatemala.

## 1.3 Method

We are going to do a case study of the peace process in Guatemala and the inclusion of the indigenous population in particular. We will use a descriptive approach, our aim is to describe the peace process<sup>15</sup> and see whether the inclusion of the repressed indigenous majority has been successful or not. Even though we most likely will discuss different explanatory factors in our analysis, we will not make it our main goal since that most certainly would make us unable to provide a qualitative answer. Therefore we will have a descriptive approach. Our method will be intensive and not extensive since we have chosen only one case, Guatemala.<sup>16</sup> We will therefore focus on learning more about the specific case and not strive to draw any broader, generally applicable conclusions, since the fact that we only have one case study does not permits us to do that.<sup>17</sup>

Our method to investigate whether the inclusion of the indigenous population has been successful or not, is based on Donna Lee van Cott's article where she describes how the democratization process in ethnically diverse countries in Latin America has been carried out and she also discusses different necessary aspects to

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<sup>13</sup> Ibid. p. 833.

<sup>14</sup> Donna, Le Van Cott, 2005.p.825.

<sup>15</sup> Teorell, Jan . Svensson, Torsten, 2007. pp. 267-270.

<sup>16</sup> Ibid. p. 264.

<sup>17</sup> Ibid. p. 268.

reach an inclusive democracy. We have narrowed down these aspects to three criteria which we have presented. We will here explain what we will include in these criteria more thoroughly;

1. **Representation** Under this criterion we will focus on how the indigenous population were represented during the peace process and how well their demands were taken into consideration and implemented. We will also examine the present political representation and whether the indigenous population have been included or have had the opportunity to participate on both national and local political levels.
2. **Rights** Here we will look at the implementation of the Agreement on the Identity and Rights of the Indigenous Peoples (AIDPI) and the Agreement on Social and Economic Aspects and Agrarian Situation (the socioeconomic accord). We will study different reports on the implementation of the agreements to see how the development and progression has been since the agreements were signed. Moreover, we will also study the recent upsurge in violence, especially towards women, and how it has affected the struggle for the rights in the different agreements.
3. **Redistribution** When it comes to this criterion we will look at the distribution of land between the different population groups with a focus on whether the land reforms in the agreement have been implemented. To continue we will examine the tax reforms agreed to in the socioeconomic accord, and see how they have been carried out. Finally, we also study the distribution of wealth in Guatemala to see whether the indigenous people suffer from more poverty than the rest of the population.

We will in our essay start at the year of 1996 and look forward to see if there has been any development when it comes to these three criteria. We will start with a section where we will present the facts concerning the different criterion that have been used in our study to further consider them in our discussion.

We will base our case study on different material from different organisations such as the UN, and some NGOs, such as Freedom House, Amnesty and various scientific articles. When we find it necessary we will use several complementary sources if one source is not enough.



## 2 Guatemala

### 2.1 History

For this paper it is relevant to start with the Guatemalan history in 1944, when a left populist government was elected. The new government tried to implement new socialist reforms such as farming co-operatives, confiscation and redistribution of land, and social changes.<sup>18</sup> These reforms led to resistance, in particular from former landowners like the American owned United Fruit Company. These land reforms, together with the increasing communist direction of Guatemalan politics, led to the US-backed intervention and the overthrowing of President Jacobo Arbenz.<sup>19</sup> The power was then seized by different right wing military governments and civilian governments.<sup>20</sup> This, and other contributing causes, led to the outbreak of the thirty six year long civilian war between the right-wing military and different guerrilla groups, of which URNG (Unidad Revolucionaria Nacional Guatemalteca) became the most prominent. Guatemala continued to hold elections during the civilian war, until 1982, when General Efraín Ríos Montt seized power.<sup>21</sup>

During the 1980s the country experienced extreme violence; an estimated 440 indigenous villages were entirely destroyed;<sup>22</sup> up to 200 000 civilians were killed<sup>23</sup> or “disappeared”, and over 1 million became displaced persons (1 million became internal refugees and up to 200 000 fled to Mexico).<sup>24</sup> Towards the end of the 1980’s the war entered a low intensity phase and started moving towards dialogue and peace negotiations. This was partly due to international political pressure. The initiative towards peace was mostly taken by URNG, since a military victory was an unacceptable option for them. However, this was not well received from the other warring faction until 1991, when negotiations between URNG and the newly elected government started.<sup>25</sup> During the 1990s the different parties had several negotiations which ended up in many different agreements, among them: the agreement on identity and rights of indigenous peoples 1995, the

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<sup>18</sup> Paris, Roland. 2005. p. 129.

<sup>19</sup> Britannica. Guatemala. article: 1931-1954

<sup>20</sup> Paris, Roland. 2005. p. 129.

<sup>21</sup> Britannica Guatemala. article: Civil war years.

<sup>22</sup> Jonas, Susanne. p. 11.

<sup>23</sup> CEH. art. 102.

<sup>24</sup> Walker, Thomas. 2000. p. 10.

<sup>25</sup> Jonas, Susanne. 1998. p. 11.

agreement on social and economic aspects and the agrarian situation 1996, and the definitive ceasefire agreement which was finally signed in December 1996.

## 2.2 The indigenous population

The indigenous population in Guatemala consists of Mayas, Garifunas and Xinca. Official statistics claim that the ethnic groups form a minority, around 40 percent, of the Guatemalan population. However, the United Nations and other sources estimate that these groups together really form the majority of the population, around 65 percent.<sup>26</sup> The indigenous population can be found in different social classes and in all of the cities in Guatemala, but the majority lives in rural areas and they often live in poverty.<sup>27</sup>

During the war the indigenous people were the greatest victims of violence, as 83 percent of the around 200 000 dead during the war are thought to be indigenous.<sup>28</sup> Also 626 indigenous communities were completely wiped out throughout the conflict.<sup>29</sup>

The indigenous population in Guatemala has one of the highest infant mortality rates in the world, which indicates a poor quality of medical care.<sup>30</sup> Also, the departments with an indigenous majority have the highest rates of illiteracy. All these factors together, poverty, poor health, high illiteracy rates and discrimination, form a vicious cycle for the indigenous population.<sup>31</sup>

## 2.3 The peace process and agreements

The peace process was quite long; it took twelve years before the final peace agreement was signed. It started with the Esquipulas accords which were signed in 1987.<sup>32</sup> The process then continued during the 1990s with several different accords, thirteen in total, of which twelve are summoned up in the agreement of a Firm and Lasting Peace which was signed the 29<sup>th</sup> of December 1996 in Guatemala City.<sup>33</sup> It is also important to consider that these agreements were reached with the help of different facilitators and third parties, such as different international governments and the UN, which often played a prominent role.<sup>34</sup> We

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<sup>26</sup> Plant, Roger. 1998. p.4.

<sup>27</sup> Minority Rights group International. 2008.p.1.

<sup>28</sup> CEH. art.102.

<sup>29</sup> Cultural Survival.

<sup>30</sup> Freedom House. 2007.

<sup>31</sup> MINUGUA. 2001. p. 11

<sup>32</sup> Paris, Roland. 2007. p. 112.

<sup>33</sup> Accuerdo de Paz firme y Duradera. 1996.

<sup>34</sup> Jonas, Susanne. 2000.p. 14.

have chosen to take a closer look into the AIDPI and the socioeconomic accord since these are some of the most relevant agreements for our research question.

### 2.3.1 Agreement on identity and right of indigenous peoples

The agreement was proposed by a co-ordination of organizations of the Mayan People of Guatemala, an organisation which represented more than 200 individual organisations. The agreement was signed in Mexico City in 1995. However, it did not come fully into force until the signing of the final peace agreement. This agreement admits that the previous repression and discrimination of the Maya, Garifuna and Xinca peoples have caused a lot of suffering, and that Guatemala needs to include these people to prosper in the future. Some examples of the aspects covered in the agreement is; recognition of their identity (cultural rights), rights of indigenous women, and civil, political, social and economic rights.<sup>35</sup> The agreement is of great importance because a majority of the Guatemalan population is indigenous. The agreement represents a new start for the indigenous people who were very much affected by the civil war, and it is also an important foundation for a more democratic political culture.<sup>36</sup> There is however no time-frame for implementation on any of the commitments made in the accord.<sup>37</sup>

### 2.3.2 Agreement on Social and Economic Aspects and Agrarian Situation

The socioeconomic accord was negotiated in 1996 between the government and the URNG. This agreement also affects the indigenous population as it commits to social and economic development that will meet the needs of the entire population. Further, it states that this agreement is

*“necessary in order to overcome the poverty, extreme poverty, discrimination and social and political marginalization which have impeded and distorted the country's social, economic, cultural and political development and have represented a source of conflict and instability.”*<sup>38</sup>

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<sup>35</sup> The Agreement on identity and rights of indigenous peoples. 1995.

<sup>36</sup> Jonas, Susanne. 2000. p. 14.

<sup>37</sup> Plant, Roger. 1998 p.16.

<sup>38</sup> Agreement on social and economic aspects and agrarian situation.1996. p.1.

The agreement emphasizes the importance of indigenous participation, especially on a local level, to improve the democracy. It also stresses the importance of social and rural development, which mostly concerns the indigenous population as they form the poorest part of the Guatemalan population. In contrast to the indigenous accord, the socioeconomic accord commits to concrete goals that were to be undertaken between 1996 and 2000.<sup>39</sup>

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<sup>39</sup> Plant, Roger. 1998. p.16.

## 3 Guatemala - an inclusive democracy?

Today, 13 years after the peace agreement was signed, Guatemala still struggles with enormous social, economic and political problems. These problems range from an upsurge in crime, poverty, gender- and ethnic inequality, corruption and weak institutions. It is estimated that more than 75 percent of the population lives in poverty, and a majority of these people are indigenous.<sup>40</sup> In addition, Guatemala was this year ranked as number 84 by Transparency International, which is an improvement from the previous year's ranking;<sup>41</sup> however this still shows a high corruption level and constitutes a challenge for the Guatemalan government.

This shows some of the challenges Guatemala faces today. In this section, we will now examine the three criteria, representation, rights and redistribution.

### 3.1 Representation

Since the Guatemalan democracy earlier was crafted on the repression of the indigenous peoples<sup>42</sup>, their participation during the peace process was now more important to succeed. The creation of the AIDPI and the socioeconomic accord shows that this has been taken in to consideration during the peace process.

The indigenous movement began realising their power in the 1960's, starting off with land claims due to unequal land distribution. Moving forward to claiming higher salaries in the 1970's, human rights in the 1980's, and in the 1990's, claiming cultural rights.<sup>43</sup> Their involvement in the peace process was to a great extent based on their beliefs that a Mayan worldview would contribute to a more harmonious and reconciliatory framework for the uprising peace process. They gained strength from the uprising of a continental movement which symbolised 500 Years of Indigenous and Popular Resistance in 1990, where the name referred to the fifth centennial of the arrival of Columbus. The Mayan people and their struggle were also recognised when the Nobel Peace Prize was awarded to Mayan human rights activist Rigoberta Menchu Tum in October 1992. All this contributed to strengthening the Mayan movement as a whole, and made them realise that they themselves were the best advocates for their cause, and that they

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<sup>40</sup> Encyclopedia of the Nations. 2010-01-07.

<sup>41</sup> Transparency International. 2009.

<sup>42</sup> Donna, Le Van Cott. 2005.p.822.

<sup>43</sup> Mendoza, Carlos. year unknown. p.25.

were entitled to claim rights and recognition for their way of life in the new agreements.<sup>44,45</sup>

However, even though the indigenous population was represented through different organisations in the Civil Society Assembly (ASC), they were not represented at the negotiating table on the issue of indigenous rights. This was due to the fact that the government would not accept their participation.<sup>46</sup> On the positive side, there has been an increase the last twenty years in the number of indigenous organizations that are run by indigenous peoples themselves and they did play an important role in the peace process although they were not brought to the negotiation table. This shows the importance of the effort made by the local NGOs.<sup>47</sup>

The election participation among indigenous people are low, as less than half of the indigenous population are registered to vote, and even so, most of these do not vote.<sup>48</sup> Why they do not vote can be explained by several different factors. First of all, the lack of electoral documents is the largest hinder to keep them from voting. Second, many indigenous peoples migrate and move around looking for work during the time of elections. Thirdly, the illiteracy is a huge problem among the indigenous population, and they may therefore not be properly informed. In addition, there is the problem of access to information and access to a place to vote, as much of the indigenous population live in rural areas.<sup>49</sup> There has, nevertheless, been an increase in the number of indigenous people voting and participating in the elections, especially in the municipal governments.<sup>50</sup> The 2003 election showed a slight increase in representation as 105 out of 331 municipalities now have an indigenous mayor. However, in the National Assembly only 15 out of 158 deputies are indigenous. On the municipal and national level each level had only one indigenous woman as a representative.<sup>51</sup>

A Freedom House report from 2007 registered an improvement in Guatemala's political rights situation in form of greater inclusion and participation of indigenous peoples in the government. Freedom House state that

*“one important accomplishment of the current administration has been the increased political participation of a wide array of leaders from indigenous and human rights organizations and other civil society sectors, including Rigoberta Menchu, human rights activist Frank LaRue, Marta Altolaguirre, and Eduardo Stein.”*<sup>52</sup>

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<sup>44</sup> Sieder, Rachel. 1997.

<sup>45</sup> Mendoza, Carlos. year unknown. p. 27.

<sup>46</sup> Sieder, Rachel. 1997.

<sup>47</sup> Plant. 1998. p. 12

<sup>48</sup> Mendoza. year unknown. p. 23.

<sup>49</sup> MINUGUA. 2001. p. 29.

<sup>50</sup> Ibid.

<sup>51</sup> UNHCR. 2008.

<sup>52</sup> Freedom House. 2007.

In the 2007 election Rigoberta Menchu was a Presidential candidate, which shows an increasing openness in national politics.<sup>53</sup>

In conclusion, we can see that the political situation regarding representation and participation of the indigenous population has improved. They have since the different agreements were signed, as shown above, had some success in gaining access to public spaces. However, there are still several difficulties to address.

## 3.2 Rights

*“The main concerns of indigenous organizations in Guatemala continue to be related to equal civil rights, the respect of their specific and collective rights as a people, and redistribution and protection of land.”<sup>54</sup>*

There have been some improvements in the situation of indigenous rights in Guatemala after the signing of the AIDPI. These improvements have, however, mostly been in creating more awareness about the problem, and have not led to implementation; therefore the indigenous people continue to be victims of discrimination and exploitation in several areas of their life.<sup>55</sup>

Guatemala has through history been affected by extreme violence, all the way back to the era of the Mayan civilization. In 1994 the Comisión para el Esclarecimiento Histórico (CEH) was established to investigate the human rights abuses and violent acts committed during the civil war. The commission charged several military leaders, including the former President Montt, for crimes against humanity and acts of genocide against the indigenous population. However, until this date none of them have been held accountable or been convicted for their crimes.<sup>56</sup>

Today, out of the countries officially at peace, Guatemala is one of the most violent countries in the world. Statistics show that after the signing of the peace agreement in 1996 the homicide rate decreased slightly. However, from 1999 and to this date the homicide rate has increased significantly. In 1999, the number of registered murders was 2655,<sup>57</sup> while in 2008 the number of murders was 6292,<sup>58</sup> which illustrates an increase of 136% in just a 9 year period.

An alarming amount of these murder victims are women and young girls; between 2001 and 2006 over 2200 women and girls were murdered. It is especially street children and women linked to prostitution and indigenous women

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<sup>53</sup> UNHCR. 2008.

<sup>54</sup> Minority Rights group International. 2008.

<sup>55</sup> Ibid.

<sup>56</sup> Oglesby, Elizabeth. Ross, Amy. 2009. pp.21-24.

<sup>57</sup> PNUD. 2007. p. 19.

<sup>58</sup> Freedom House. 2009.

that are victims of these brutal killings.<sup>59</sup> Out of the total of homicides committed only about 7 percent of the cases are investigated,<sup>60</sup> which shows how weak the law enforcement is in Guatemala and the high rates of impunity.

The indigenous women often suffer a double discrimination, as they are both indigenous and women. They are frequently victims of sexual harassment and violence, especially now with the increased violence against women the last years in Guatemala.<sup>61</sup> Also they have poor access to education, work, land, health and justice. This can help to understand the high child mortality rate among the indigenous population. The rights of indigenous women were an important part of the AIDPI and several measures were proposed in the agreement, like illegalising sexual harassment and creating offices to help e.g. these women legally and socially. These initiatives have however, according to MINUGUA (Misión de Verificación de las Naciones Unidas en Guatemala), not been realized to the extent they should have been.<sup>62</sup>

Violence and death threats against human rights activists are also an increasing problem in Guatemala. Activists defending indigenous rights have especially been exposed to these kinds of threats.<sup>63</sup>

Although the AIDPI assures freedom of religion and language, among other cultural rights, the indigenous population continue to be discriminated against when showing their identity in public. It was not until 2002 that legislation was passed to protect their languages and to grant money to bilingual education. However, recent numbers show that there are still not enough schools offering bilingual education in the areas with an indigenous majority.<sup>64</sup> This highlights the problem of there not being a time-frame on the implementation of the commitments made in the AIDPI.

The lack of respect for the cultural rights of the indigenous affects several areas of their life, and because of this the implementation of the AIDPI has been, and still is, of great importance. Most of all the language has been a barrier for the indigenous people to be included in the political, justice and social system of Guatemala. Especially when it comes to their legal rights it presents an enormous problem, as few policemen, judges and other officials speak the indigenous languages. Although several reforms and measures have been put into practice, and the number of officials speaking indigenous languages has increased, there are still many commitments that remains to be completed. For instance, the commitment to support free legal advice services is still pending implementation. Also there are still observations of cultural discrimination in the justice system.<sup>65</sup>

Land rights for indigenous people and poor farmers constitute an important part of the agreements. However, much of the commitments made in the accords

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<sup>59</sup> Freedom House. 2007.

<sup>60</sup> Freedom House. 2009.

<sup>61</sup> Minority Rights group International. 2008.

<sup>62</sup> MINUGUA. 2001. pp. 14-15.

<sup>63</sup> UNHCR.2008.

<sup>64</sup> MINUGUA. 2001. p. 3.

<sup>65</sup> Ibid. pp. 22-26.



have not been implemented or they have been rescheduled due to lack of fulfilment.<sup>66</sup> This discussion will be further developed when studying the redistribution.

As with indigenous representation, there has been an increased will to discuss indigenous rights, and more awareness has been raised concerning this issue. Nonetheless, the indigenous rights conditions have still not improved notably. According to Minority Rights Group International;

*“There is still a lack of full national support for indigenous rights and status, including the right to wear traditional clothing, the right to use indigenous languages for education and judicial purposes, the right to administer their own indigenous system of justice, greater political rights within indigenous communities and participation in national policy processes.”<sup>67</sup>*

### 3.3 Redistribution

In Guatemala 60, 3 percent of the population live in rural areas, of this 59 percent is indigenous peoples, and they depend on agriculture to survive.<sup>68</sup> Guatemala has one of the most unequal land distributions in the world; *“Less than 1 per cent of export-oriented agricultural producers still control 75 per cent of the best land.”<sup>69</sup>* There was in 1998 one million peasant families, around six million people, without sufficient land. In addition, most of the demands for land in the same period of time came from departments with an indigenous majority.<sup>70</sup> Statistics show that the regions where the indigenous peoples form the majority of the population are the areas mostly affected by extreme poverty, in addition to both social and cultural exclusion.<sup>71</sup> Much of the indigenous poverty and inequalities in the society have been blamed on the Spanish colonial rule and the policies they had at that time. However, the policies today, like the liberal reforms, also have responsibility for these negative developments.<sup>72</sup>

The socioeconomic agreement made an attempt to address the low tax levels in Guatemala, by committing to increase the taxes by 4 percent, from 8 to 12 percent, which at the time was one of the lowest levels in Latin America.<sup>73</sup> However, they have not reached this goal, even though they were quite close to

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<sup>66</sup> MINUGUA. 2001. p. 26.

<sup>67</sup> Minority rights group International. 2008.

<sup>68</sup> MINUGUA. 2001. p.10.

<sup>69</sup> UNHCR.2008. headline: Social and Economic rights.

<sup>70</sup> Minority rights group International.2008.

<sup>71</sup> Ibid.

<sup>72</sup> Plant, Roger. 1998. p. 6.

<sup>73</sup> Sanchez, Omar. 2009. p. 115.

reaching it in 2002.<sup>74</sup> The extremely low tax level restrains the government from changing the distribution of resources to the population. Guatemala's economic- and tax policies are to a great extent controlled by a small economic elite which show little interest in increasing the taxes. The elite does not seem to understand that

*“in the long-run, a higher tax take can benefit business by contributing to a more equitable, less violent and less conflictive society, a better trained labour force and infrastructure, a more competitive economy and ultimately a larger internal consumer market.”*<sup>75</sup>

Throughout history the indigenous people have been evicted and taken away from their ancestral lands, because they have had no legal title to it.<sup>76</sup> This is still of great concern, especially since in recent years these evictions have been approved by the government. This is most likely because these land regions often contain important economic resources, such as potential for mining and hydroelectric projects.<sup>77</sup> Rich farmers evict poor indigenous farmers and take over their land, and often the rich farmers have a system to support their actions, while the indigenous farmers seldom get any legal assistance and end up without a place to live and without work.<sup>78</sup> Poor farmers are mostly hired as cheap labor and are not given any permanent work or security.<sup>79</sup>

Guatemala is known for the problems regarding property rights which is shown in this quote

*“Guatemala is a country whose history has conditioned its campesinos<sup>80</sup>, and particularly the indigenous, to doubt the security of, and respect for, their property rights”.*<sup>81</sup>

Amnesty has, among others organizations, expressed their concern for the land disputes in Guatemala, as there has frequently been violent conflicts between poor farmers and rich landowners. Amnesty encourages a change in the legal framework to protect the rights of the farmers, mostly indigenous peoples, and to stop the exploitation of these peoples and the land they have lived on for centuries.<sup>82</sup>

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<sup>74</sup> Ibid. p.125.

<sup>75</sup> Sanchez, Omar. 2009. p. 110.

<sup>76</sup> MINUGUA. 2001. p. 25.

<sup>77</sup> Freedom House. 2009.

<sup>78</sup> Amnesty International. 2008. p. 4.

<sup>79</sup> Schweigert, Thomas. 2006. p. 117.

<sup>80</sup> Campesino is the Spanish word for farmer.

<sup>81</sup> Schweigert, Thomas. 2006. p. 123.

<sup>82</sup> Amnesty International. 2008. p. 4.

The AIDPI acknowledges the need to give indigenous peoples access to land ownership and compensate them for the loss they have suffered through the centuries, in addition to offer them legal protection.

Several programs, like the FONTIERRAS<sup>83</sup>, have been established in compliance with the AIDPI to combat rural poverty and help the poor farmers. They have showed some results from their programs, but many of these kinds of programs have received criticism for not giving the peasants good enough conditions, and also they have not received sufficient funding from the government.<sup>84</sup>

In brief, it is apparent that the resource distribution in Guatemala is extremely unequal. This has been taken into consideration in the agreements studied in this paper. Nonetheless, there has once again been a failing implementation, and the distribution continues to be unequal.

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<sup>83</sup> FONTIERRAS is an abbreviation of "Fondo de Tierras" which means "fund of land".

<sup>84</sup> MINUGUA. 2001. p.27.

## 4 Discussion

By having studied these three criteria, representation, rights and redistribution, in the Guatemalan post-war society, we will now evaluate to what extent the Guatemalan democracy is inclusive, regarding the indigenous population. We will assess and discuss each criterion individually and finalize with a conclusive discussion.

### 4.1 Representation

The indigenous participation in the peace process and the agreements showed a will to improve the inclusion of indigenous groups. Even so, the inclusion turned out to be incomplete in the end, since the indigenous groups were not allowed to participate on the negotiating table. This shows that the political will to talk about inclusion exists. However, when it comes to implementing real changes and to give more power to the indigenous groups there is a lack of performance.

Our study of indigenous representation in the political arena shows some positive progress, in particular concerning the increased participation on local level. However, on a national level the number of indigenous representatives has not increased significantly. We can see that the trend from the peace process continues, since they are allowed participation on a lower political level, but they have limited access to the national level of politics.

Another issue concerning representation is that the government does not officially recognize that the indigenous people form a majority of the population. Again, this shows the governments unwillingness to let the indigenous people access real political power. Since the indigenous represent a majority of the population, it is reasonable to assume that they ought to have a corresponding representation in the National Assembly. Lamentably, only one of the representatives on each level is an indigenous woman, and here we can see the effects of the double discrimination that affect indigenous women. This is a concern that needs to be resolved in order to reach a more complete inclusion. Since the development in increasing representation has been very slow it is hard to imagine that the change that is needed to create a legitimate political climate will occur soon.

Lastly, the problem of access to information is a problem which can be resolved with small means, such as providing electoral information in several languages to make it more accessible. In this area some measures have been made, for example more interpreters have been educated to enable this. Nevertheless these measures are still insufficient since the indigenous population is large and widely spread over the country, and because the information seldom reaches the rural areas where a majority of the indigenous people live.

On the positive side we can observe a progress when it comes to representation, nonetheless the progress is slow and insufficient in many ways especially considering that it is over a decade, fourteen years, since the peace agreement was signed.

## 4.2 Rights

As mentioned previously, the political will to acknowledge and include indigenous rights in the peace agreements have been noteworthy. Though again, in practice the implementation of these agreements have been rather unsuccessful. The government has not been able to deal with the increased violence and this in combination with failing law enforcement, in particular the institutions in criminal justice has led to a general mistrust towards the system.

Since many of the reported crimes of violence are not investigated or brought to justice, a general unwillingness to report crimes has emerged. It is especially challenging for indigenous people as their language is not spoken by most of police and other law enforcement institutions. This creates a vicious cycle of increased violence, mistrust and weak institutions, which has led to that the indigenous population has started to return to their traditional systems of justice. Thus they become even more excluded from the society which they need to be included in.

The increased violence is also a hindrance since it is often directed towards human rights activists and women and thus scares them from standing up and fighting for their legal rights. This cycle needs to be broken to enable the building of a more inclusive democracy. A democracy, as defined in the beginning of this paper, cannot be complete without the right to freedom of speech. The lack of inclusion can also be one of many explanations to the upsurge in violence, since the exclusion of the indigenous often leads to bad living conditions, frustration, and alienation.

For the indigenous people the respect for their cultural heritage is of great importance, since it constitutes their way of life. For this reason it was important for indigenous people to create the AIDPI and to get acknowledgement from the Guatemalan government. Nevertheless, the lack of implementation of the commitments made in AIDPI demonstrates that the government does not understand the importance and urgency of this matter. It is not possible to include the indigenous population in the social, political and economic rights without the basic respect for their cultural rights. However, it is clear that the AIDPI with its

cultural rights is not enough to create an inclusive democracy and that there also needs to be more implementation of the social, political and economic rights agreed upon in the socioeconomic agreement.

### 4.3 Redistribution

The land ownership was one of the most controversial components in the peace agreement, as the conditions of the accord have yet to be implemented. This is, however, not surprising since the will to lose power and land among the wealthy elite is not present. In addition to fear of losing land, the elite use its political power, which is shown in the many land evictions approved by the government. This again shows that the prospect of attaining economic resources seem more important than assuring the land rights of the indigenous population.

The lack of will to change tax policies is also a major hindrance in achieving the goals in this agreement. Besides this, the high corruption level in Guatemala among other factors contributes to the lack of money to implement the agreements. Nonetheless, if the tax levels do not increase it will be hard to obtain the resources to implement the changes. Thus, the tax policies are an important instrument to reach full implementation of the agreements.

In addition, the lack of the indigenous representation at the decision making level prevents them from influencing the tax policies and thus achieving a better distribution. As long as the wealthy ladino<sup>85</sup> elite continues to dominate the decision making level it appears unlikely that the necessary implementations will be carried out. There is a need to include the indigenous in the redistribution process to ensure more equality.

It is apparent that the indigenous population suffers most from the consequences of the current policies led by the government. To reach an inclusive democracy there needs to be an improved redistribution of resources and a better implementation of the commitments in the agreements.

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<sup>85</sup> In popular use, the term *ladino* commonly refers to non-indigenous Guatemalans, as well as mestizos and westernized amerindians.

## 5 Conclusion

This paper has studied to what extent Guatemala has succeeded in building an inclusive democracy by examining three criteria; representation, rights and redistribution. These criteria are essential to study in the democratisation process in Guatemala because of its history and ethnically diverse population. However, when looking at the Guatemalan history it is important to consider the importance of reconciliation after the war, and thus this becomes inextricably linked to the democratisation process.<sup>86</sup> Without a successful reconciliation there will not be a successful democratisation, because of this it is also important to create well functioning law enforcement.

What is shown in our study is that all three criteria need to be fulfilled to reach a complete inclusive democracy and it is also important to be aware that they also complement each other. It is for example difficult to change tax policies without sufficient representation and without the freedom of speech and a secure environment the struggle for this cannot be conducted.

It is evident that the required political will to implement the agreements is missing, in combination with an apparent lack of tax revenues that becomes a great obstacle which the government must overcome. Besides this the fact that AIDPI does not have a time frame makes it easy to reschedule and thus not implement with a sufficient pace. On the other hand, the socioeconomic agreement does have a time frame and still suffers from a lack of implementation.

The government of Guatemala does have all the necessary preconditions in the agreements to reach inclusion. Lamentably, they have not succeeded in realising them. This is most apparent in the redistribution, which is explicable as this requires a radical change in the current power structure. Also the fact that the minority is ruling over the majority of the population might cause a fear to submit control of power to the indigenous population. This again has affected the development of an inclusive democracy.

So, in conclusion, to what extent has Guatemala succeeded in building an inclusive democracy?

There has been some progress made when it comes to representation, mostly on a municipal level, but nonetheless a progress. However it can also be that this change is easier to observe since it is uncomplicated to measure how many indigenous representatives have seats in the national assembly. The implementation of the rights and obligations in the different agreements are more difficult to measure since often the government agrees to something and then does

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<sup>86</sup> For a more developed discussion see Caroline Boussard. p.42.

not fulfil them. Also the problem of measuring the fulfilments, regarding rights and redistribution, contributes to make it more difficult to observe the changes.

Even though progress has been made after the civil war, a complete national support for indigenous rights is still lacking. On a local level, the engagement is far ahead of the national development, and the government should take learning from these local initiatives, and use a similar approach. The progress made on a national level is mostly on paper, in form of various agreements signed, but in reality only modest accomplishments has been made, to improve the conditions of the indigenous.

To refer to our definition of democracy as quoted previously<sup>87</sup>, it becomes clear how it can be connected to the Guatemalan case and how they still have a long way before reaching this aspiration.

This brings us to the conclusion that Guatemala is on its way to build an inclusive democracy, they have the necessary policy agreements, and they have well formulated goals in several parts of the peace agreements. What is needed now is an initiative from the government to start implementing these commitments. Moreover, the importance of changing their tax policies must not be forgotten to obtain the necessary resources to conduct the changes.

To conclude, we find this quote from UNHCR to be a good description of the development in Guatemala;

*”In reality apart from the few remedial policies of recent years and the gradual emergence of a slightly more tolerant climate, little that is concrete has occurred to improve the lot of the indigenous population following the end of the 36-year civil war.”<sup>88</sup>*

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<sup>87</sup> “Cultural, ethnic, religious, and other minority groups are not prohibited from expressing their interests in the political process or from speaking their language or practicing their culture” Diamond, Larry. 1999. p.11.

<sup>88</sup> UNHCR.2008.



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