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Issues in the measure and interpretation of Political Horizontal Inequalities:

The case of Guatemala

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This is a preliminary draft, the two last sections are still tentative and some of the data has yet to be incorporated in the text, **please do not cite**

1. Introduction

The notion of political Horizontal inequalities relates to the distribution of key state and political posts to ethnic or religious groups in society. The initial hypothesis developed by Frances Stewart that underpin CRISE research (Stewart 2001, Stewart and Mancini-forthcoming) sets out that high levels of groups based inequalities are likely to increase the likelihood of violent conflict emerging. In addition, if all dimensions of horizontal inequalities have the potential to increase the likelihood of violent conflict, the combination of socio-economic with political group based inequalities is singled out as particularly potent and dangerous combination. The evaluation of political horizontal inequalities is thus one of the central and systematic concerns of CRISE research. In this paper, we examine the case of Guatemala, focusing essentially on evaluating indigenous presence in the top echelons of state and political institutions.

This paper has two central concerns, evaluating and interpreting political horizontal inequalities in Guatemala. Generating data regarding political horizontal inequalities forms an important part of this paper, but considering this data alone is far from illuminating, whether from the perspective of understanding the Guatemalan armed conflict or in order to understand the political roles and activities undertaken by indigenous people. The data alone for instance, gives us little insight into why after twenty years of transitions to democracy indigenous people have so little political representation. Evaluating political horizontal inequalities is important, but understanding their meaning and consequences means that we must pay attention to a wide array of factors and considerations, ranging from long term historical patterns and colonial history to contemporary politics and institutional arrangements. The fact that the recent political history of Guatemala has been rather complex, including an armed conflict, a transition to democracy, the drafting of a new constitution and a lengthy process of peace negotiations makes our attempt at analysis an extraordinarily labour intensive task. Evidently in view of the above, this paper only contains a general summary of some of the points or factors that require attention. Thus if our data concerning political horizontal inequalities is now quite solid, their interpretation and even more ambitiously how they should be addressed is likely to be the focus of further research in years to come.

Following from the introduction and a discussion of methodological issues, this paper is organised in five distinct sections. The first section provides a general overview of Guatemalan politics and how indigenous people have fitted in the various political regimes of the country. The second and third section details the data on political horizontal inequalities. First, we examining the reform of the state apparatus supposedly set to facilitate the incorporation of indigenous people in the state apparatus, we then move on to determine the number of indigenous people in key state institutions (judiciary, police and armed forces) and in high public office posts. The last section of the data details the profile of indigenous people in the wider political system, establishing the numbers of indigenous mayors and deputies. We conclude our evaluation of political horizontal inequalities by examining the position and profile of indigenous people in the main political parties of Guatemala. The fourth section of the paper moves away from our general focus on state and formal political institutions, uncovering the arenas where indigenous people have actively participated actively in the running of their affairs. The latter provides us with an insight in mechanisms and processes of accommodation which go some way to compensate for political horizontal inequalities. By gaining an insight in these mechanisms, we also gain a better understanding of the timing of indidgenous

incorporation into the armed conflict. In the final section of the paper we summarise of findings, providing a general overview of the prospects for greater indigenous incorporation into state and political institutions.

1.1 Methodoly

. Ethnicity is a complex phenomenon in Guatemala, and categorisation between Ladinos and Indigenous, does not reflect the actual complexity or ethnic make up of the country.[1] The 'indigenous' category groups together a variety of ethnic groups, including over twenty distinct ethno-linguistic groups (who do not understand each other easily).[2] The Ladino category is no less heterogeneous, including those from mixed parentage (i.e. largely corresponding to the mestizo category familiar to Peruvian and Bolivians) as well as in more general terms those who do not wish to be labelled indigenous (including assimilated indigenous people). Recently, scholars have indeed emphasised that the official use of the ladino category has tended to stress the 'non-indigenous' nature of the category.[3] Yet, if a binary approach between indigenous and non indigenous people does little to shed light on the intricacies of ethnicity in Guatemala, it does nonetheless accurately reflect a basic social divide in Guatemalan society, which is still relevant today. The latter is especially significant from the perspective of measuring inequalities. To this day, pertaining to an indigenous or non-indigenous group in Guatemala remains an important phenomenon with important social, economic, political and cultural consequences. The latter indicates that despite the misgivings detailed above, adopting a binary indigenous/non-indigenous approach remains an essential aspect of measuring group inequalities in Guatemala. Most indigenous leaders and a substantial number of scholars argue that up to 60% of the population is indigenous.[4] The 2002 population which relied on self identification, provides a much lower estimate of 39% of the population being Mayan (indigenous) and 60% ladinos.[5]

Evaluating Political horizontal inequalities in Latin America is no easy task. There is undoubtedly a greater degree of subjectivity involved in the evaluation of political horizontal inequalities than there is for socio-economic ones that are derived from reasonably reliable data sets (Barrón 2005). There is no official data on the ethnic distribution of political and public posts and neither are there any simple, objective or clearly reliable methods of establishing the ethnic background of most Latin Americans. Common proxies used to establish ethnicity are place of birth, languages and surnames. Yet, none of these are entirely reliable in the case of Guatemala and in addition language and place of birth are not readily available information for politicians or state employees. The examination of surnames, which in practice consists of ascribing ethnicity to certain surnames (notably identifying 'typically' indigenous surnames), remains one of the most frequently used methods to identify indigenous people on any given list. This approach is less than satisfactory

[1]The intricacies of the use of ethnic labels in Guatemala is explored in details elsewhere, notably with our CRISE perception of identity research (Caumartin forthcoming).
[2] Increasingly, scholars and public officials are using 'Maya' instead of 'indigenous' labels. The former has much more positive connotations and has been heavily promoted by indigenous organisations (for a general discussion of the terminology see Bastos and Camus 2003). Whilst dully noting the political importance of the emerging Maya labels, the old fashioned indigenous label is maintained here, notably in order to ease comparison with the Peruvian and Bolivian cases.
[3] For a general discussion of the ladino category see Isabel Rodas (CRISE working Paper, 2006) as well as Dario A Euraque, Jeffrey L.Gould and Charles R. Hale. *Memorias Del Mestizaje: Cultura Politica En Centroamerica De 1920 Al Presente*. Guatemala: CIRMA, 2004.
[4] Yashar (2005), See Caumartin (2005) for a summary of the population census debates.
[5] Instituto Nacional de Estadistica (INE). *Resultados Basicos Del Censo De Poblacion Y Habitacion*, 2003

on several counts. First, whilst there are surnames that clearly points to indigenous/Mayan origins (e.g. Quej, Cux, Cojti to name but a few), but these origins might be distant and their bearers might no longer self-identify as indigenous. Even more problematic is the fact that many people who *do* self-identify as indigenous bear names that are of European origins. Indigenous anthropologist and member of parliament Victor Montejo noted that some group and places bearing particularly 'indigenous' sounding names, notably in Solola, Chimaltenango and el Quiché. [6] However his own research in the municipality of Jacaltenango revealed that Hispanic sounding names such as Camposeco, Hernández, Quiñones and Díaz were the most common surnames there. Similarly, during the CRISE survey in the hamlet of Duraznales (department of Quetzaltenango), 99% of our 100 individuals sample self identified as indigenous, but very few bore 'indigenous' surnames, instead Hispanic sounding names (Rivera, Cabrera and Villagrez) were most commonly used.[7] However, because there is no obvious alternative and in spite of all the evidence pointing towards the lack of reliability of the method, identification by surnames remains constantly used by researchers. During the course of the research, it became clear for instance that *all* existing estimates of mayors or deputies were established on the basis of surnames estimates.[8] The data is frequently cited and through repeated use, gains in solidity (to the point that some of those who use the data were entirely unaware of how it had been established).[9] Considering the lack of alternatives methods and since the researchers who produced the original data consulted were genuinely meticulous in their work- cross referencing their lists of surnames with indigenous organisations and politicians, there appear to be little ground for the current lack of openness and transparency about the method. Frustratingly though, evaluations based on surnames remain the norm, but researchers do not publish their lists of surnames (i.e. who they identify as indigenous or non indigenous), making it impossible for other scholars to scrutinise (and ultimately strengthen) the data. On the other hand, it is also important to note that these methodological restrictions do not apply equally to all data. Thus the ethnic background of the members of the government (ministers and vice ministers) as well as most members of parliament tend to be in the public domain and openly discussed, but that is clearly not the case for more general evaluation of indigenous presence in high public office or for the determining the ethnic background of over 300 mayors. [10] In all of the tables presented in the paper, efforts are made to establish the source of the data and how it was compiled.

The difficulties encountered in gathering the data meant that steps were taken to cross reference the information. On the one hand, data was discussed through interviews with scholars, politicians (both ladinos and indigenous), representatives of international organisations and indigenous activists (see details in interviews list). In

[6] Montejo, Victor. *Relaciones Interetnicas En Jacaltenango, Huehuetenango, Guatemala, De 1944 a 2000*, Unpublished study for CIRMA, pp 7 & 14. Available from http://lanic.utexas.edu/project/laoap/cirma/huehue.pdf#search=%22apellidos%20indigenas%20guatemala%22.

[7] CRISE perception Survey, June 2006.

[8] This was established by meeting, interviewing or through personal communications with the authors of key studies of Indigenous political representation and participation, including Marco Antonio de Paz, Edelberto Torres Rivas, Lina Barrios and Ricardo Saenz de Tejada.

[9] In a recent publication, some tables mixed official electoral data and evaluations of numbers of elected indigenous mayors and deputies, then cited the Tribunal Supremo Electoral (electoral tribunal) as the source of the data. The latter reinforces the notion that numbers of elected indigenous is solid information, but in fact the Guatemalan Electoral Tribunal does not produce any data relating to the ethnicity of voters or candidates.

[10] Efforts to contact deputies directly were made by telephone and electronic mail, but neither elicited responses. In the case of mayors, CRISE has just been given permission to implement a small survey by the directorate of the mayors association which organises several meetings a year. The survey should be completed within the next 6 months.

addition, whilst there was relatively little information available on political horizontal inequalities when research was initiated early in 2005 -the publications of three important work relating to the topic since, permits to verify much of the information gathered for this paper (Saenz de Tejada 2005, PNUD 2005 and Similox Salazar 2005). Thus, whereas it remains impossible to guarantee the exactitude of numbers in precise terms, there is nonetheless enough evidence to ensure that when it comes to indigenous presence in high public office and politics, we have succeeded in capturing the general trend of events.

Research took place during three distinct period of fieldwork, January 2005, April-June 2005 and May-June 2006.[11] The key research tasks consisted of gathering data on horizontal inequalities, including the systematic gathering of reports and surveys carried out by indigenous and international organisations.[12] In addition public officials from the state were approached, with the judiciary, the police forces, the Presidential commission against Racism and Discrimination and the ministry of Sport and Culture granting interviews and providing data. A general programme of interviews of politicians, prominent indigenous academics and state officials completed the process.[13]

[11] The January 2005 research took place in Washington DC to consult the National Security Archives (NSA). The Guatemala National Archive collection in Washington contains over 10,000 documents declassified and released by the Clinton administration; it contains reports, analysis, correspondence and cables from the Guatemalan Embassy, the State Department, the CIA and the Pentagon. The material covers the preludes to the 1954 coup up to the peace accords. The entire collection of archives of the Guatemalan police forces (up until 1996 when a new police force was created) uncovered after a fire on a military basis near Guatemala city in 2005 are being catalogued and copied by the NSA.
[12] International organisations include the archives of the UN peace keeping mission MINUGUA which are kept at the library of the University of San Carlos, the Organisation of the American States who kindly shared an unpublished survey on indigenous presence in Political parties and the the United Nation Development programmes (a key source of information and contacts on the Guatemalan Judiciary and Police forces). Indigenous organisations included the Association of Indigenous Mayors and Indigenous Authorities (AGAAI), the Association of Mayan Lawyers and Naleb who created an indigenous electoral observatory for the past two elections.
[13] A list of interviews is provided in the bibliography.

2. Political Horizontal Inequalities: preliminary historical perspective

2.1 Colonial Rule

For over 300 years , Spanish colonial rule maintained indigenous people in a subordinate position that effectively barred indigenous presence from the state bureaucracy or decision making posts. The latter were the preserve of Spaniards and the Criollo elite (those of Spanish descent but born in the Americas rather than the Iberian peninsula). In the early stages of the colonial regime, the Spanish crown instituted the encomiendas system (*Leyes de Burgos* , 1512) that distributed land and (indigenous) people to Spanish settlers. The latter was replaced by the *Leyes Nuevas* (1542). The legal status of indigenous peoples became that of 'free vassals of the crown', allowing the Spanish Crown dominion over indigenous people and the capacity to extract a tribute.[14] The subordinate position of indigenous people was consolidated by conferring indigenous people the status of minors.[15] The Spanish colonial order maintained two concurrent but segregated legal regime: that of the 'Republica de españoles', concerned with Spaniards and their descendants and that of the 'Republica de Indios', concerned with indigenous people. In Nueva España, the viceroyalty that extended from present day California to Costa Rica, the foundations of the 'Indian Republic' were fundamentally different from of those of the 'Spanish Republic'. The Spanish Crown and colonial bureaucracies ruled over both republics, but aspect of indigenous communal organisation, including the maintenance and recognition of (surviving) traditional authorities and the recognition of the inalienability of communal land (municipal commons available to all members of a settlement) were maintained in the 'Indian republic'. [16] Thus in Nueva España, colonial authorities recognised indigenous authorities and sets of customary law ('*usos y costumbres*) as long as these did not prejudice against the laws and interest of the crown or the (Catholic) church. [17] In effect, Indigenous traditional authorities played a key role as intermediaries between indigenous communities and the colonial bureaucracy (albeit in a subordinate position).[18] In political terms, it is important to note a dual process where indigenous leaders retained influential roles within their communities or settlements but with little roles or influence beyond the

[14] A more benevolent reading of Spanish Colonial history would emphasise that 'Indians' were put under the 'protection' of the Crown. The 'Leyes Nuevas' were –at least in part, designed to diminish some of the abuse mooted out to Indigenous people by the encomiendas system. For an examination of the changes in legal status from '*encomederos*' to tributary, see Palma, Arriola and Oyarzun (2002:15-18)

[15] In practice this status meant that indigenous people were exempt from certain duties and obligations such as military service and payment of the tithe and sale tax (but they paid tribute to the crown). The same status prohibited indigenous peoples from carrying firearms and riding horses (CEH 1999). For an examination of the changes in legal status from '*encomederos*' to tributary, see Palma, Arriola and Oyarzun (2002:15-18).

[16] Recopilacion de la Leyes de las Indias (1680), the 6th volume of the series deals with indigenous issues: Archivo Digital de la legislacion en el Peru. *Recopilacion De La Leyes De Las Indias, Libro Sexto* [cited 29 August 2006. Available from http://www.congreso.gob.pe/ntley/LeyIndiaP.htm.

[17] Local indigenous leaders held certain judicial and public order functions for minor cases, or for conflict resolution within the communities. Graver cases were sent to the Spanish authorities (*corregidores).*

[18] In the case of Guatemala, Barrios (2001) provides an impressive and fascinating overview of the evolution of indigenous local power structures, from the Spanish conquest to the twentieth century Her research indicates that the two highest casts of the K'ichee kingdom were eliminated during the conquest but that the third rank casts replaced them, effectively becoming over the years the 'traditional' authority in k'ichee communities.

boundaries of the communities.[19] The differentiated regimes of the two 'republicas' also imposed severe restrictions upon the lives and opportunities of indigenous people, by limiting occupational choice and limiting their freedom of movements. On the one hand, occupational opportunities were largely cantoned to farming, working in the mines, domestic service, and very small commercial enterprises . On the other hand, Indigenous people had no freedom of movements, and they could not leave their communities of origins without permission.[20]

2.2 Independence: Changes, Continuities and Authoritarianism

The collapse of the Spanish colonial empire in the 1820s marked the first steps towards the emergence of modern Latin American states with Guatemala, becoming independent from Spain in 1821. Yet, in terms of political horizontal inequalities, gaining independence from Spain did not lead to a dramatic upsurge in the presence of indigenous people in key political or public positions. The latter were secured first by the Criollo elites and increasingly from the end of the 19th century by the ladinos. Thus, it is not until the 1970s that the first indigenous deputies were elected to congress. Yet, the constitutions adopted since independence have emphasised notions of universalism and equality before the law, thus undoing the legal regime of segregation.[21] Instead, the granting of citizenship that entailed full political rights to Guatemalan nationals (i.e. the right to vote and be elected) was never dependent upon ethnicity but dependent upon literacy (in Spanish), wealth and/or professional status.[22] The latter effectively disenfranchised most sectors of Guatemalan society including the majority of the indigenous population.

Whereas the colonial order had emphasised the separation between indigenous and non indigenous, the new order that emerged after independence omitted references to the various groups that constituted the country. By the time independence came, there were effectively two parallel worlds co-existing in the nascent Guatemala. From an indigenous perspective, the rules, norms and functioning of the world outside the community remained distant and frequently unintelligible. The meaning and impact of new constitutional provisions or electoral laws to a population that was illiterate and who could not speak or understand the language in which they were written was unlikely to lead to a sudden realisation that the 'two worlds' order of the colonial era had come to an end. In that context, removing the legal barriers between the two republics did nothing to bridge the economic, social and cultural differences that existed between indigenous and non-indigenous. In practice, separation between indigenous and non indigenous remained the norm. One of the key differences with the colonial order however, was that the latter had created and recognised the existence of the 'two worlds'. The post colonial one in effect only recognised the existence of a single nation and culture, overlooking the existence of indigenous people for whom the world of the non-indigenous remained distant, domineering and exploitative.

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[19] The importance of this ongoing degree of autonomy in the running of indigenous communities has been duly noted elsewhere, however the emphasis is usually on how the maintenance of a degree of cohesion and the survival of important cultural traits and customs (see CEH 1999:88, Smith 1990:13-15, Grandin 1997). The key emphasis here is to highlight the political dimensions of the phenomenon.

[20] *Recopilacion De La Leyes De Las Indias, Libro Sexto*, Titulo, III, ''De las Reducciones y Pueblos de Indios'' (1680).

[21] For a thorough examination of Guatemala's key legal text and the examination of citizenship regimes, see the two volumes written by Taracena et al (2002). Taracena et al main make the important qualification that if the main legal texts (constitution, electoral codes) make no direct references to ethnicity, a large body of secondary laws do.

[22] Literacy was necessary for obtaining political rights until 1944, other criteria tended to vary which each new electoral law or constitution, see Taracena et al 2002.

The informal continuation of the 'indian republic' was not without its critiques, and increasingly the euphemistically named 'Indian question' started to preoccupy state officials and intellectuals alike. The key aspects of indigenous lives that were noted were poverty and illiteracy.[23] At its most benevolent, there were concerns with the ongoing indigence that characterised so many indigenous lives. For others, 'the Indian question' was problematic, a general burden onto the nation and an impediment to processes of development and modernisation. The chief outcome of these preoccupations was to advocate for the assimilation of indigenous people into the 'mainstream' of society. Countries such as Mexico and to a lesser extent Peru promoted new identities that superseded the divides between indigenous and non indigenous, glorifying mestisaje and nationhood: the meeting and mixing of the cultures in a new nation.[24] The promotion of mestisaje as the foundation of new national identities was clearly an attempt to bridge the gap between indigenous and non-indigenous. However, (contemporary) critiques of this approach note that mestisaje and -to wider extent assimilationist policies, in fact promoted to end indigenous identities and culture. In short, the way to resolve the 'Indian question' was by encouraging the disappearance of ethnic differences, committing a cultural 'ethnocide'.

In Guatemala, some public officials and intellectuals promoted the 'ladinisation' of indigenous people as a way to resolve the 'Indian question'. The latter meant that avenues of incorporation into the non-indigenous world and therefore potentially to political or public position started to materialise, but these were dependent upon indigenous people distancing themselves from their world and culture, entailing at the very least the ability to speak Spanish and the adoption of Western clothing.[25] Thus, incorporation into the modern national state presupposed a non-indigenous identity.[26] However, in practise, assimilationist discourses rarely translated into actual policies that facilitated the incorporation of indigenous peoples. A key indicator of this is to be found in Education policy. Thus (Spanish) education was supposed to be free and compulsory to all, but budgets made available to develop school networks in rural and predominantly indigenous areas were minimal.[27] Historically, there has been very little public investment in public education in Guatemala and until the 1970s' the majority of the population was still illiterate (see Table One below).[28] Table One and One b, point out two significant information. First table one establishes that a majority of the population across the ethnic divide was excluded from voting, but that indigenous people were affected to an even greater degree. Second, Table on-b reflect the enduring nature of the issue the phenomenon.

[23] There was little consideration for the richness of indigenous culture, that has been held in low regard.
[24] Sieder 2002
[25] It is in fact far from clear that a distancing from indigenous culture necessarily equates with a successful incorporation into the ladino ranks. For instance, half a dozen enumerators of the Statistical institute who were employed for the CRISE perception survey in October 2005, reported that ''some people self-define as 'Ladinos' but 'are in fact indigenous''. The 'tell tale' signs for the enumerators were the heavily accented Spanish and or phenotype. The latter suggest that screening practises that locate individuals in the indigenous/non indigenous divide are still commonly used during social encounters in Guatemala. Whether the latter has wider significance (during the course of a job interview for instance still needs to be established).
[26] CEH 1999, Adams, R. and Bastos 2003
[27] Taracena et al (2002).
[28] Ibid.

Table One: Percentage of illiteracy by departments and ethnic majority regions, 1921

Indigenous departments	Intermediate departments	Ladino department
Alta Verapaz 96.92%	Chiquimula N/A	Zacapa 88.16%
El Quiche 96.18%	Jutiapa 90.74%	Santa Rosa 87.76%
Solola 94.24%	Suchitepequez 89%	Rhetalulheu 86.65%
Huehuetenango 94.11%	Jalapa 88.59%	Escuintla 84.72%
Baja Verapaz 92.11%	Amatitlan 81.27%	Izabal; 76.66%
San Marcos 89.86%		El Peten 67.91%
Totonicapán 89.23%		Guatemala 56.29%
Chimaltenango 88.78%		
Quetzaltenango 87.85%		
Sacatepequez 77.86%		
Average 90.79%	**Average 88.53%**	**Average 78.30%**

Table elaborated by Dario Polanco on the basis of the 1921 Census, cited in Taracena et al (2002: 249)

Table One-b: Incidence of Illiteracy, selected Latin American countries (1950-1970)

	ILLITERACY 15 YEARS AND ABOVE			ILLITERACY 15 -19 YEARS		
	1950	1960	1970	1950	1960	1970
Bolivia				57.3%		
Peru		38.9%	27.2%	42.5%	26.2%	11.5%
Guatemala	71%	62%	53.8%	68%	56.7%	43.6%
El Salvador	61%	51%	43.1%	55.6%	39.3%	26.6%

Source: National census and UNESCO cited in Rama and Tedesco (1979:208).

The historical reluctance of the Guatemalan state to invest in Public education has yet to be thoroughly researched and accounted for.[29] Some of the consequences of Guatemala's poor education policy record are however very clear. On the one hand, the scarce access to education effectively curtailed incorporation into state and political structure as well as limiting assimilation or 'ladinisation' processes that necessitated the use of the Spanish idiom. Second, literacy rates amongst the indigenous population were minimal, which translated into little or no voting rights. The disenfranchisement of indigenous people meant that between 1821-1944 there was an almost complete absence of indigenous people from prominent state and political position.

However, it is also important to consider the general exclusionary nature of Guatemalan politics throughout this period. Between 1821-1944, Guatemalan politics were dominated by autocrats: liberal and conservative *caudillo*s (overlords) who ruled the country with an iron first over long periods of time:

- 1839-1871: Rafael Carrera (conservative) .
- 1872-1885: Justo Rufino Barrios (liberal).
- 1889-1920: Manuel Estrada Cabrera (liberal).
- 1833-1944: Jorge Ubico (liberal).

Both the Estrada Cabrera and Ubico regimes repressed the formation of meaningful opposition groups. The latter included political parties, but also mass organisations such as trade unions.[30] Autocracy put a lid on social and political organisation, and according to the 1999 truth commission left two important legacies in Guatemala:

-First, for the dominant group it has meant the unchecked exercise of power as a personal or small group attribute, the rejection of criticism, and of the notion of opposition.

-Second, for the governed, the Guatemalan political culture is that of a model of authoritarianism that has sought to impose the passive acceptance of arbitrariness, servility, and the complicity of silence.[31]

[29] Many explanations are variations around the theme of the coffee economy and its ruling elite. In this vein, the coffee export economy relying on cheap seasonal labour and controlled by a handful of racist oligarchs –little better than feudal landlords, were convinced that their ongoing economic welfare depended upon ensuring that social reform and state spending were maintained to a minimum. There is clearly an element of truth in the former, the coffee oligarchs were no social reformer and the private sector in general is still fighting hard to ensure that taxation are maintained at minimum levels. However, table one illustrate that other countries in Central America such as El Salvador with a similar economic structure and oligarchy improved literacy levels much faster than Guatemala.

[30] CEH (1999) and Dunkerley (1988).

[31] CEH (1999: 95):

2.3 Political Participation 1944-1985: Revolution and Counter-revolution

The prospects for increasing indigenous presence in the formal political and state apparatus increased dramatically after the fall of the Ubico regime. 1944 marked the beginning of a decade of reformist experiments which emphasised democratic values, social justice, nationalism and a development project which identified the '*campesino*' (peasants) as fundamental actors (CEH 1999). The democratic opening comprised the drafting of a new constitution which introduced universal male suffrage, extending participation to all Guatemalan (males) regardless of status or ethnic origins. Women voting rights were also introduced, but in this case the literacy clauses were retained, thus limiting indigenous women political participation until a universal adult franchise was introduced in 1965.[32] Some differences were maintained however, with voting being compulsory for literates but not for illiterates.[33] Two consecutive 'free and fair' general elections were held (1945 and 1950) with two peaceful handovers of power. At municipal level, the system of (unelected) 'intendants' brought in by Ubico was dismantled and local elections took place in 1946. Furthermore, the ban on leftist political parties and organisation was lifted, leading to the legalisation of the PGT (*Partido Guatemalteco de los Trabajadores* or communist party) in 1949.[34] Key social reforms related to the promotion of education (increased budget), the drafting of a labour code (1947) that eliminated forced labour and vagrancy laws, the setting up of the social security institute (1945) and an agrarian reform law (1952). The nature of the impact of Guatemala's reformist decade upon indigenous people and indigenous politics is still largely unknown. Dunkerley (1988:138) notes that municipal elections replaced a system of nominated intendants, likely to benefit rural and indigenous population. There is little doubt that the extension of the franchise and the setting up of free and competitive electoral process did remove significant formal obstacles to indigenous presence in politics. Yet, it still unclear for instance how easy it was for (a still largely illiterate) indigenous people to register for and access voting centres (especially in rural areas), and more generally how to get to grips with notions of representation and political party politics. In the absence of data on electoral participation at municipal level for this period, it is difficult to ascertain how meaningful a change the 1944 electoral reform were for indigenous people.

The economic and political reform programme antagonised powerful actors, including the Guatemalan economic elite, the Catholic Church, the media, foreign companies such as the United Fruit Corporation and Washington.[35] The CIA was allocated a budget of $3 millions to set up a covert operation destined to overthrow the elected government of Jacobo Arbenz.[36] The overthrow of Arbenz was a carefully staged operation both in Guatemala and in the US, starting with campaigns of disinformation in the media and anticommunist propaganda, followed by a Honduras based invasion led by Carlos Castillo Armas in June 1954. Castillo Armas proceeded to establish an anti-communist government that reversed most of the socio-economic reforms. In political terms, Guatemala entered a new era characterised by the imposition of strict limitations upon political activities. The latter included the legal

[32] See Characterisitncs of Latin American Electoral Participation, in McDonald, Ronald H. "Electoral Fraud and Regime Controls in Latin America." *The Western political Quarterly* 25, no. 1 (1972): 87.

[33] The provisions that made voting compulsory for the literates were only revoked after the 1985 elections (Tribunal Supremo electoral, 1986 & 1991).

[34] The Guatemalan communist party was set up at a time where other Latin American states opted to make them illegal (Bethell and Roxborough 1992).

[35] CEH (1999: 104).

[36] Even if the US motives in the overthrow of Arbenz are still debated, the role played by the US is now well established and recorded (see Gleijeses 1991; Shclesinger 1999, CEH 1999).

prohibition of communist and leftist parties and the (illegal) monitoring and repression of those identified as political opponents.[37] Leftist groups and organisations went underground, only to re-emerge in the 1960s as guerrillas groups, thus initiated an armed conflict that lasted over thirty years (1962-1996). Another key change was that the armed forces became a prominent political actor, leading a succession of government until a transition to democracy was initiated in 1985.[38] However, there was no direct military takeover of the kind witnessed in South America, where legislature were suspended and political parties banned.[39] Instead, elections took place on a regular basis, but only a few chosen parties who selected military candidates remain registered. Electoral processes took place but they became cynical and fraudulent exercises, punctuated by increasingly frequent coup d 'etat.[40]

The combination of military dictatorships with a longstanding armed conflict clearly makes it remarkably difficult to gauge the extent or impact of political horizontal inequalities, in as far as widespread exclusionary practices characterised Guatemalan politics during the 1954-1985 period. However, before we proceed with the evaluation of contemporary political horizontal inequalities, several issues need to be highlighted. The first point is that despite the limited significance of voting rights during the military dictatorship, the adult male franchise was maintained and extended to illiterate females in 1966. Existing research indicates that there was a slow increase in indigenous political participation during this period. Research carried out by Ricardo Falla (1978) in a department with a clear indigenous majority (Chimaltenango) shows a steady increase of the number of indigenous mayors in the 1970s (Falla 1978). The culmination of indigenous formal political participation during this period was the election of two indigenous national congress deputies in the 1974 elections. These two deputies took a strong stance, denouncing a series of ethnic grievances, focusing on indigenous people lowly status, poverty and lack of political representation in Guatemalan politics. Fernando Tetzahic Tohón made history when he took the unprecedented step of addressing the national assembly in a Mayan language during his maiden speech.[41] An attempt to build on this original success led to the creation of the FIN (Frente de Integración Nacional) the first indigenous political party in Guatemalan in April 1976.[42] However, the FIN did not capitalise on its incipient success. First, the FIN abandoned its independent status and opted to ally itself with one of the far right party that possessed substantial electoral machinery. The latter was a bad miscalculation that antagonised supporters without attracting traditional right wing voters. Instead, no indigenous were returned to the parliament in the 1978 contest. However, by that stage the formal political system had become largely redundant with the armed conflict and political violence reaching unprecedented levels. From 1978 until 1984, most political activities, activism and leadership became suspicious activities punishable by death. The latter concerned the left but centrist parties that had collaborated with the military such as the Christian Democrats of the FIN also became targets of repression, effectively destroying the possibility of occupying a middle ground position.[43]

[37] The definition of what constituted a political opponent were not fixed, at the height of the armed conflict in the 1980s, it came to encompass all those who did not appear to support the armed forces.
[38] The armed forces retained important power of oversight over civilian governments at least until the 1990s when they started to step back from interfering in politics.
[39] State of exception (state of siege and the like) refers to procedures that permit the suspension or curtailing of constitutional rights for 'limited' period of time.
[40] There were five coup d'etat between 1954-1985, three of which between 1982-1985. See annex for details.
[41] Cayzac 2001
[42] The name of the party was changed from Frente Indigeno Nacional to Frente de Integracion nacional following protest by MPs that the former would have provoke tension between ethnic groups (Falla 1978).
[43] During this period, almost all of the leaders and prominent sympathisers of the FIN were killed.

3. Political Horizontal Inequalities

3.1 The context of Political Horizontal Inequalities: Democratic transition and Peace Accords.

The Guatemalan armed conflict peaked in the early 1980s with the state resorting to indiscriminate mass violence. Violence against indigenous communities of the Western highlands -seen by the armed forces as sympathetic to the Guerrillas, was particularly ferocious. There are no reliable figures or estimates of the number of indigenous peoples who joined or sympathised with the Guerrillas and the issue remains so politicised as to make research extremely difficult.[44] It is clear nonetheless that a substantial number of indigenous people did join leftist organisations-not only the guerrillas, but also peasant organisations and movements.[45] On the other hand, the armed forces also sought to bring indigenous communities under control, including enlisting the support and loyalties of communities wherever they could. In this respect, the coup d'etat undertaken by General Rios-Mont in 1982 is likely to have been a turning point in the conflict. Violence was ongoing, but communities that demonstrated active support for the army could be spared. [46]Active support for the armed forces could take many forms, from preventing guerrillas intrusions in communities, providing intelligence, volunteering young men for the two years military service, as well as running efficient auto-defence patrols. The armed forces also set up the 'beans and guns' policy that delivered foodstuff and (some) weapons to communities. The army thus shifted strategy, introducing powerful incentives for alignment with the state and armed forces that had been lacking in previous approaches.

The events of the early 1980s left deep scars and a powerful legacy of bitterness, partisanship and divisions in Guatemala. However, it also seems to point towards significant changes in the history of inter-ethnic relations and state-indigenous people relations. For most of the twentieth century, Guatemalan indigenous people had been as if 'invisible' in the eyes of the Guatemalan state, in the Guatemala based media and in the official historical records of the country. However, during the 1970s and early 1980s both the guerrillas and the armed forces identified the indigenous population as key to winning the armed conflict. Both indigenous people and issues of indigenous rights became more prominent in Guatemala today and there has been no returning to the invisibility that preceded the conflict. These changes became apparent in the new Guatemalan constitution (1985), during the peace negotiations (1990-1996) and in the adoption of a series of international laws and treaties concerning indigenous rights.[47] .

For the first time since independence, the 1985 constitution actually acknowledges the existence of indigenous people, with an entire section (Articles 66-70) dedicated to Indigenous communities:

> ''Guatemala está formada por diversos grupos étnicos entre los que figuran los grupos indígenas de ascendencia maya. El Estado reconoce, respeta y

[44] Whilst some people-usually firmly aligned with state or guerilla , do speak openly about the conflict, the norm for many more is to remain silent. Researchers, armed forces or Guerrillas have made varied claims that indigenous people were joining the guerilla 'en masse' or were instead 'innocent bystanders caught between two armies. See Le Bot (1995) and Stoll (????) for varying perspective on the issue. To date there is little evidence that can substantiate either proposition.

[45] The latter does not in any way justify state repression that had descended in indiscriminate mass slaughter, often of entire communities, including children and elderly people

[46] LeBot, 1995.

[47] Notably with ILO convention 169, ratified by Guatemala in 1996.

promueve sus formas de vida, costumbres, tradiciónes, formas de organización social, el uso del traje indígena en hombres y mujeres, idiomas y dialectos''

Republica de Guatemala, Constitución de 1985, Articulo 66.[48]

Overall, the articles relating to indigenous people remain noticeably vague and cautious. All articles recognise the existence of specific aspects of indigenous culture such as languages, dress and certain customs. Much less prominently, the constitution also acknowledges the existence of indigenous communal property (land) as well as the fact that some resources are administered by communities according to their own customs. However, the meaning and consequences of such official 'recognition' are far from clear. In most cases, the articles stop short of a formal state commitment to guarantee or specific indigenous rights. State responsibility is confined to 'promote' indigenous lifestyles and languages with no further indication as to what such 'promotion' might consist off. The constitution also stipulates that the articles concerning indigenous communities would be subjected to a law which has yet to be passed.

Beyond the timid 'recognition' of the existence of indigenous people in the Guatemalan constitution, there has been significant pressure for further reconsideration of relationship between the state and indigenous people. The 'pressure' has come primarily from emerging indigenous organisations in the 1980s and 1990s, backed by international groups and organisations (notably the UN, ILO and other indigenous organisation in the Americas). The general context of the 'decade of indigenous people' (1992-2002) and the high profile peace negotiations (1990-1996) added further impetus to the process. A pivotal moment during the peace negotiations (1990-1996) came when an umbrella group of indigenous organisations put forward an agenda for the recognition of indigenous rights which the Guatemalan guerrillas insisted formed part of the peace negotiations.[49] The end result was the Agreement on the Identity and Rights of Indigenous People (AIDPI using the Spanish acronym), one of the ten substantive agreements that constitute the Guatemalan peace accords.[50] The AIDPI establishes the notion of indigenous identity and rights, focusing primarily on cultural rights (relating to language, spirituality, dress, media and education reform). The accords also detailed a general commitment to fight against ethnic discrimination and racism as well as social, political and economic rights (relating to customary law, formal recognition of traditional authorities and consultation with communities in the administration of natural resources and in development planning).[51] However, the implementation of the AIDPI has been severely hampered. The full implementation of the accord necessitated a series of changes to the constitution, subject to public approval by a referendum.[52] Less than 17 percent of the registered electorate participated in the referendum and the government consolidated a package of over 50 constitutional amendments (only 3 related to indigenous communities) but almost 53% of those who voted chose to reject the reform package. [53] Since then, the AIDPI has not been entirely left aside, some provisions have been implemented (notably the criminalisation of discrimination in 2003), but overall implementation has been slow,

[48] Republica de Guatemala, Constitución Política de 1985. Electronic copy available at: http://pdba.georgetown.edu/Constitutions/Guate/guate93.html. Articles relating to indigenous communities are compiled in the Annex.
[49] Bastos and Camus (2003).
[50] The peace accords can be accessed from the following website: http://www.usip.org/library/pa/guatemala/pa_guatemala.html
[51] Agreement on Identity and Rights of Indigenous Peoples, 31 march 1995, available at http://www.usip.org/library/pa/guatemala/pa_guatemala.html
[52] Republic of Guatemala, Political Constitution of 1985, Article 280.
[53] For a full listing of the amendments to the constitution, See the Political Database of the Americas of Georgetown university: http://pdba.georgetown.edu/Constitutions/Guate/reforms99.html.

piecemeal and altogether disappointing. Nonetheless, even if the failed referendum has slowed progress, there has been no return to the status quo ante of invisibility of indigenous people. Instead, successive governments have adopted discourses that purport to encourage multiculturalism (respecting Guatemala's various cultural group) as well as interculturalism (encouraging the common ground between Guatemala's various group).

3.2 Political horizontal Inequalities: Indigenous issues and State Institutions

Our evaluation of political horizontal inequalities in Guatemala thus takes place as a key moment of Guatemalan history. The dual transition to peace and democracy, domestic indigenous and international organisations keen to promote indigenous rights all contribute to an unprecedented favourable context for the reformulation of relations between indigenous people and the state. In our evaluation we review a series of data that includes:

1. Reviewing the general process of state reform that purports to improve the incorporation of indigenous people in state institutions.
2. Evaluate Indigenous presence in key state institutions, including the Judiciary, police and armed forces.
3. Evaluate Indigenous presence in high profile public posts, including government, foreign diplomacy, Electoral Tribunal and Supreme Court.
4. Evaluate Indigenous presence in key Political institutions including congress and local authorities and executive committees of main political parties.

There have been a series of measures undertaken to reform the state in order to incorporate more indigenous peoples in the state apparatus on the one hand and improve access of indigenous people to state services on the other. The main concern here is to examine the former. In essence, some new institutions specifically designed to deal with indigenous people have been set up across the state apparatus. Table Two below lists these institutions according to their date of creation.

TableTwo: Indigenous Public Institutions, Instances and Dependencies 2005

DIGEBI: bilingual and inter-cultural education (dirección general) (**1984**)	Dependency of the **Ministry of Education**	Promotes and oversees bi-lingual and intercultural education in state schools.
ALMG Mayan Languages Academy (**1990**)	Autonomous Institution	Publicly funded but gained an autonomous status (1994) that ensures that the running and management of the academy is independent from government. The academy has become a foremost authority on mayan (indigenous) languages and linguistic.
FODIGUA (**1994**) Indigenous Development Fund of Guatemala	Social Fund (one of four such social funds)	Run by representatives of State and Indigenous organisations. The fund aim to promote development in Indigenous communities whilst respecting their cultural integrity.
DEFENSORIA de los pueblos indígenas (**1998**) (Ombudsman for indigenous people)	Dependency of **PDH**, Human Rights Ombudsman office (one of 8).	Promote Indigenous rights, also functions as intermediary between indigenous people and Human right ombudsman, promoting awareness of indigenous culture within state institutions, and vice versa.
DEMI (**1999**) Ombudsman for Indigenous women.	Dependency of **COPREDEH** (Presidential commission for Human Rights)	Co-financed by Swedish aid agency SIDA and UNDP. Provide legal assistance and counselling services. It has 6 regional offices outside Guatemala city.
Department for Mayan, Garifuna and Xinca Peoples (**2002**) **Ministry for the Environment**	Dependency of the **Ministry for the Environment**	
CODISRA (Presidential Commission against Racism and Discrimination against Indigenous Peoples**) 2002**	Presidential Commission (one of 11)	CODISRA was set up to both promote and monitor public anti-racism and anti-discriminatory public policies in Guatemala. It publishes regular reports and has regional offices throughout the country.
Indigenous Communities Work Commission (**2002**) of **Congress**.	Commission of the **Congress of the Republic of Guatemala** (one of 43)	The Commission bring attention to indigenous issues, identifying legislation that affects indigenous communities. The commission recently succeeded in setting up the 9th of August as the 'Day of Indigenous People' as a public holiday (1st August 2006).
Indigenous People Department (**2003**) **Ministry for Labour**	Dependency of the **Ministry for Labour**	This is a very small dependency (category5) supposed to bring awareness about indigenous issues. It is also doubles up as the Directorate for Social Prevision responsible for the diffusion and implementation of ILO 169. The ministries website lists only one member of staff.
Office of Multi-ethnic aspects of the **PNC** (**2003**).	Dependency of the national police, **PNC**.	Originally set up by the UN observation mission MINUGUA, the running and funding of the office passed onto the Guatemalan state in 2003. It has one central office attached to the police academy in Guatemala city and four in the country, it deals with raising awareness of indigenous culture and customs in the police. The office also promotes recruitment of indigenous police staff. The office also set up and

		manages a database of indigenous police staff.
Indigenous Affairs Commission **Supreme Court of Justice**	Commission of the **Supreme Court of Justice .**	
Ethnic and gender equality unit **(Ministry for Sports and Culture)**	Dependency of the **Ministry for Sports and Culture)**	
Unidad Gestora de Fiscalías Indígenas del Ministerio Público **Public Prosecutor's Office**	Dependency of the **Public Prosecutor's Office**	The fiscalias were set up to '' to reinforce the participation of civil society in the definittion, implementation and control of public policies relating to indigenous rights. The setting up of the fiscalias is financed by the EU (2.09 million Euros).

Sources: Sariah Acevedo (Director of the Ethnic and Gender Unit, Ministry for Culture and Sport) Interview Guatemala City, 11th May 2005, Sariah Acevedo (2005); CODISRA (2005). Demetrio Cojti Transicion hacia el Estado Multiétnico, unpublished report (2004). General information about the structure of the Guatemalan State (Presidency, ministries, social funds and commissions) can be accessed electronically through the government's portal: http://www.guatemala.gob.gt/ as well as the National Congress: http://www.congreso.gob.gt/. See also Ministerio Publico: http://www.mp.lex.gob.gt.

Table Three: Public Institution with Special affinity with Indigenous issues or organisations

SEPAZ (Secretaria para la Paz)
SEPREM (Secretaría Presidencial de la Mujer)
SEGEPLAN (Secretaría General de Planificación y Programación)
INAP (Instituto Nacional de Administración Publica) Organises programmes of sensibilisation to mutlticulturalism for Civil Servant
Ministry for Agriculture: Helped set up the ITMES (Mayan Techonological Institute for advanced studies, now part of the Public University)
CONTIERRAS: Institution for the resolution of Land related conflicts 1997

Source: Sariah Acevedo, Interview Guatemala City, April 2005. Sariah Acevedo (2005); CODISRA (2005). Demetrio Cojtí,Transicion hacia el Estado Multiétnico, unpublished report (2004).

There is in effect a great amount of variety in the importance and capabilities of these institutions. At one end of the scale are the ALMG (the Mayan language academy), an institution which employs over 120 people (all indigenous) and the Presidential Commission against Racism and Discrimination against Indigenous Peoples (CODISRA).[54] The academy has an autonomous status with a secure budget and is thus allowed to pursue its own agendas and policies. CODISRA is a presidential commission in its own right. o

However, most other 'indigenous' institutions tend to be sub-level department or offices of wider executive, judiciary or legislative institution. Some of these sub offices or departments are still quite prominent, notably the Ministry's of education DIGEBI (bilingual and inter-cultural education) which is responsible for drafting curriculum and training thousands of staff every year.[55] The Office of Multi-ethnic aspects of the Police is much smaller (it has a total of 12 member of staff), but has been able to run advertising recruitment campaigns in previously overlooked key indigenous departments.[56] At the other end of the spectrum, there are very small entities with small budgets and much more mundane tasks (the ministry of labour lists one member of staff dealing with the 'Indigenous people department). Frequently, the role of these smaller departments or offices is to raise awareness about multiculturalism or specific aspects of indigenous culture within their own department or ministry.[57] The latter is not without merit as many non-indigenous can be ignorant and/or dismissive of Indigenous culture and practices. For instance, national park rangers have been known to deny indigenous people access to archaeological sites of particular significance for Mayan religious rites.[58] Misunderstanding and conflicts are most likely to arise in the ministry of justice and the police (especially in clashes between 'official' and customary law) and in the ministry of Culture (responsible for the management of archaeological sites and national parks used for Mayan religious rites).[59]

[54] The academy plays important roles, ranging from academic linguistic research to translating legal texts into Mayan languages.
[55]. Interview: Demetrio Cojti, Mayan Academic and Activist, Former Vice-Minister of Education (2000-2004), Guatemala City, 6 May 2005.
[56] Interview: Edwin Chipix, Official Primero De PNC, Director of the Office of Multi-Ethnic Aspects of the PNC, Guatemala City, 13th June 2005.
[57] Interview with Saria Acevedo, director of the Ethnic and gender equality unit, ministry of Sport and culture, Guatemala city, 13 May 2005.
[58] Interview with Saria Acevedo (as above), see also CODISRA annual reports.
[59] Ibid.

On the one hand, it is clear that the new indigenous institutions and commission do demonstrate some positive steps towards improving the relationship between state and indigenous people. Since these institutions are also staffed by indigenous people, they also provide some space for the incorporation of indigenous people in state institution, albeit rarely in high profile positions. Another encouraging sign is that many of the indigenous dependencies or commissions were set up after 1999 and the failure to implement the peace agreement relating to indigenous people. However, there is no denying the timidity of the steps undertaken by the state in improving the profile of indigenous issues and indigenous people within the state apparatus. First, only three of the 13 institutions listed above stand alone in their own rights (FODIGUA, the ALMG and CODISRA), the ten remaining are sublevel offices or department. The latter points that 'indigenous' dependencies or institutions have limited institutional capacity, and limited influence upon the wider functioning of the state apparatus. In addition, at least two of the indigenous offices (DEMI and the Indigenous office of the public prosecutor's office) are financed by external donors (the EU, Swedish SIDA and the UNDP) and have uncertain futures. In addition, five of the Guatemalan thirteen ministries possessing 'indigenous' offices or department, showing the process of state reform to be uneven as well as limited. The director of the Coordination of Indigenous State Workers interviewed in may 2005 reported high levels of frustration with the indigenous offices, that they tend to be understaffed with small budget and with little incidence over the general running of departments.[60] The case of the police office that has to run three offices (one in the capital and two in the provinces) with a total of 12 member of staff in an institution that employs 20,000, illustrate these limitations. Another common report amongst indigenous state workers was the tendency to create 'niches' indigenous position in the state apparatus, linking indigenous people and issues with 'soft' ministries (especially education, culture and human) whilst 'strong' ministries (defence, economy and finance) remain solidly out of bound, with little indigenous input.[61] The final frustration reported by indigenous state workers were that overall indigenous people occupy very few high profile or decision making posts. The latter is illustrated in table four which break-down the profile of indigenous jobs in one of the ministries most opened to indigenous people: the Ministry of Sport and Culture. In 2001, a fifth of the ministry of culture's employees were indigenous, but this figure drops down to less than three and two percent respectively for high ranking posts and directorates

[60] Interview with Sariah Acevedo (as above). Therse comments were repeated throughout all interviews with indigenous people working in the state.

[61] Interview: with Sariah Acevedo (as above) and Demetrio Cojti, Mayan Academic and Activist, Former Vice-Minister of Education (2000-2004), Guatemala City, 6 May 2005.

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Table Four: Indigenous Presence in a 'Model' Ministry: the Ministry of Sport and Culture 2001

	INDIGENOUS	PERCENTAGE OF TOTAL POSTS
Minister	1	**100%**
High ranking posts	27	**1.34%**
Art and culture Directorate	56	**2.78%**
Institute of Anthropology and History	328	**16.33%**
Total	411	**20.46%**

Source: UN peace observation Mission in Guatemala (MINUGUA), September 2001.

Overall, the efforts to incorporate indigenous people in the state have been uneven and limited. There are a handful of indigenous 'offices' scattered over the state apparatus but these offices seem to have little bearing over the general running of ministries. In addition, the capacity of indigenous people to bear upon decision making and policy making is further limited by the fact that indigenous presence in state institutions is still largely cantoned to unskilled jobs (cleaning and security guard duties).

3.3 Indigenous presence in key state institutions, the Judiciary, police and armed forces.

In this section, we examine indigenous presence in three key state institutions, the Judiciary, the police and the armed forces. These are high profile state institutions where the potential for conflict and clashes between indigenous and non indigenous if very high. The armed forces in particular were directly implicated in brutal acts of violence throughout the armed conflict, including homicides, kidnapping, torture and rapes. The judiciary and the police forces on the other hand are some of the weakest public institutions of Guatemala, long understaffed, with no adequate budgets and in need of modernisation. Both the police and the judiciary were also badly affected by the armed conflict when they became subordinated to the armed forces. The police and the judiciary were earmarked for thorough reform following the conflict (the police became autonomous from the army in 1997) but the insecurity crisis that has seen violent crime rocketing in post conflict Guatemala has impeded progress.[62] The relationship between the judiciary and indigenous people has not been the easiest one notably because the judiciary has tended to be accessible and favourable to Spanish speakers and to those who can afford to pay expensive legal costs.[63] Land titling disputes have figured heavily in the uneasy triangle of relationship between indigenous, ladinos and the judiciary. In addition, the tension between customary law and 'official' law is still latent in Guatemala and tends to re-emerge at regular intervals. Many non-indigenous hold disparaging views of customary law, focusing solely on some of its corporal punishment rituals. However,

[62] Reference
[63] Interviews Wendy Cuellar?

this view tends to ignore both the conflict resolution potential of customary law and the fact that in many communities it has been the sole form of redress accessible to indigenous people.

Clearly a general overview of the relationship between indigenous people and police, judiciary and armed forces is beyond the remit of this work and we focus here on the incorporation and influence of indigenous people in these institutions. In table Five and six we examine data relating to the number of indigenous people working in the Judiciary. As a general indicator, it is worth recording that official data estimates the indigenous population to be approximately 40% of the population. On the one hand, it is important to note that there the only data available relies on languages. The data we obtained from the Judiciary establishes the number of bi-lingual staff which is used as a proxy for the number of indigenous people and data was cross referenced with reports from CODISRA and the Justice Studies Center of the Americas.[64] It is likely that some undercounting of indigenous people in the judiciary is taking place here (i.e. omitting indigenous people monolingual in Spanish). However, the public officials who handed over the data -who were keen to emphasise the efforts at incorporating indigenous people, stated that the proxy was quite reliable in this case and that if there was undercounting it was unlikely to be significant. The director or the Mayan college of lawyers, a prominent indigenous rights activist further confirms that the data was a good indicator of the general level of incorporation of indigenous people in the judiciary.[65]

Table Five: bi-lingual Staff in the Judiciary, 2002 & 2005:

	2002	2005	
Judges (includes First instance, Peace, investigative Judges, community judges)	98 **(15.4%)**	98 **(15%)**	*65** ***(11%)***
Justices Auxiliaries	323	392	
Interpreters	43	48	
Administration Staff	86	146	
Total number bi-lingual Staff	**550**	**684**	
Percentage of total Staff	n/a	24%	

Source: Interview with the Office of Modernisation of the Judiciary (anonymous), Guatemala City, 11th May 2005.
** CODISRA (2005:20) and Cojtí & Fabian (2004:82).*

[64] CODISRA, Comisión Presidencial contra la Discriminación y el Racismo contra los Pueblos Indígenas en Guatemala. *Proscripción De La Discriminación Racial Y La Ruta Insitutional Para Combatirla*. Guatemala: CODISRA, 2005, CEJA (Centro de Estudio de Justicia de las Americas, Justice Studies Center of the Americas). *Reporte De La Justicia*. http://www.cejamericas.org, 2004.
[65] Interview with Amilcar Pop, Director of the Association of Mayan Lawyers, Guatemala City, 16 May 2005.

Table Six: Proportion of Bi-lingual Judges 2004

	NUMBER OF JUDGES 2004	Bi-Lingual Judges CODISRA 2004		Bi-Lingual Judges Judiciary	
Peace and Comunity Judges		58			
First Instance Judges		6			
Sub total	646	64	**10%**		
Appeal Courts Judges	72	1			
Total	718	65	**9%**	98	**13.6%**

Source :CODISRA (2005:20).

Table five summarises the data obtained from the judiciary. The data there indicates that the total number of indigenous people employed in the judiciary is increasing steadily. Although the number of interpreters remains very low, it is worth noting the existence of such provisions, a service hitherto unavailable. The number of bi-lingual staff is also steadily increasing (a 24% increase between 2004 and 2005) and according to the judiciary should continue to grow over the coming years as more trained staff becomes available. However, it is also clear that most of the recent increase of bi-lingual staff is in the administration support (55%) rather than in increasing the number of judges or interpreters. Moreover, there are two important question marks over the data provided by the Judiciary. First, according to judiciary almost a quarter of all staff is bi-lingual. This would constitute a remarkable achievement for an institution that has no tradition of encouraging either the employment of indigenous people or the use of indigenous languages in the working of the institution. Rather intriguingly however, the judiciary also failed to provide details of the total number of staff employed. According to official data published elsewhere, the Guatemalan judiciary employed a total of 5,581 staff in 2005 (1, 234 in administration and 3,616 in a judicial capacity).[66] According to this alternative data, the proportion of bi-lingual staff drops from 24 to 12 percent of the total workforce, a somewhat more plausible estimate. The second question mark relates to the number of bi-lingual judges. The judiciary's data remain stable with a total of 98 judges (including first instance, appellate and local 'peace and community' judges). The 2005 report of CODISRA (presidential commission against racism and discrimination) provide a lower evaluation at 65 total judges (9% of all judges compared to 15% according to the Judiciary's data). The data of CODISRA further breakdowns the ranking of the judges, indicating that 58 of their 65 bi-lingual judges officiate as peace and community judges rather than in criminal courts.

Overall, it is clear that the number of indigenous people is steadily increasing, but the lack of reliability of the data makes it difficult to gauge the pace of change (e.g. whether bi-lingual staff accounts for 12 or 24% of the staff). On the other hand, all data seem to point out that bi-lingual staff tends to be employed in administrative or auxiliary position or the less prominent judicial position (peace and community judges rather than first and second instance judges). It is of course important to bear in mind that it takes well over a decade to train a first instance judge and that the policy

[66] CEJA (Centro de Estudio de Justicia de las Americas, Justice Studies Center of the Americas). *Reporte De La Justicia*. http://www.cejamericas.org, 2004.

to encourage the incorporation of bi-lingual staff in the judiciary is fairly recent, taking root primarily after the signing of the peace accord. Data over the next few year should provide us with better insight into the nature and extend of changes in the judiciary.

Table Seven summarises some of the data on indigenous presence in the police forces. Recent data was obtained from the Guatemalan Police (PNC) and that of 2001 was published by the UN verification mission (MINUGUA) The PNC data was obtained during an interview with the director of the Office of Multi-ethnic aspects of the police (one of the 'indigenous affairs' department depicted above).[67] The office had been set up by the UN verification mission (MINUGUA) but became integrated into the structure of the police forces in 2003 as MINUGUA scheduled mission was about to end (2004).

Table Seven: Indigenous presence in the Guatemalan Police (PNC) 2001 & 2005

	2001		2005	
	Indigenous	Ladinos	Indigenous	Ladinos
Overall	**14%**	86%	**16%**	84%
Officers*	n/a	n/a	**4-5%**	96-95%

Source: MINUGUA 2001, PNC 2005.
*estimate by PNC

The first observation there is that in sharp contrast to almost anywhere else, there is data and it appears to be quite reliable. The director of the office, an indigenous police officer displayed a high level of motivation and interest in the running of the office.[68] He clearly and understandably derived much pride in having succeeded in setting up a data base that details the ethnic origins of the 20,000 strong police force. The office drafted a survey that asked all staff member to self-define their ethnic origins, their ranks as well as the length of service in the police. The database is updated regularly with new recruits (the office is located on the grounds of the police academy), promotions, retirement and sacking.[69]

The indigenous presence in the police forces is still rather small (16% of the total) and progress is very slow (a 2% increase between 2001 and 2005). A further breakdown of information (see table in the annex) reveals that of the 3425 indigenous staff, only 83 are women. In addition, three of the four main indigenous groups are adequately represented amongst police staff. However, the Q'eqchis who represent over 19% of the indigenous population account for just over 9% of police staff whilst the Achis who constitute less than 5% of the indigenous population account for almost 15% of the police staff.[70] According to PNC officials, the latter was due to the geographical location of regional offices that run recruitment campaign which reach some groups more than others. Whilst the incorporation of indigenous people at all level of the police apparatus is clearly regarded as important by the staff of the office of multicultural aspect, they nonetheless expressed some

[67] Interview: Marvin Chirix, Director of the Office of Multi-Ethnic Aspects of the Pnc, Guatemala City, 13th June 2005.
[68] The staff of the office are amongst the best educated staff in the police forces, all 12 members have university degrees.
[69] The official allowed me to have a look at the database, which looked solid enough.
[70] Office of Multicultural aspects of the Police, 2005 (see full table in annex).

misgivings about the overall impact on the institution. The indigenous office staffs regard with some frustration the fact that there is no policy of strategic deployment of indigenous employees. Thus no effort is made to put the language skills of indigenous staff to use, a K'iche' is likely to be posted in a Kachikel area and vice versa. The latter also indicates how the office of multicultural aspect of the police lacks the capacity to influence the decision and policy making processes of the institution.

The last table we consider in this section concerns the armed forces. Despite the fact that the files of individual members of the armed forces contain information about the ethnic background of their members, the armed forces refuses to pass on or publicise that data.[71] The only information that was found during research was published by MINUGUA in 2001, based on information provided by the high command. There is no details or indication as to how the ethnic background of staff was established (whether staff self identify or if recruiting officers ascribe a group label) and there is no alternative source of information allowing us to cross reference the information provided in table eight. It is thus difficult to evaluate the solidity of the data, especially from a secretive institution well versed in propaganda and the manipulation of public opinion. However, if it is impossible to evaluate the validity of the data, we can nonetheless get a sense of its plausibility. Two prominent scholars who have written on the armed forces (Hector Rosada-Granados and Santiago Bastos) were approached to comment on the data and both agreed that the data was plausible. The only surprise expressed was in the number of indigenous people at troop level which they regarded as lower than they would have expected.

[71] The latter was verified during research in Washington's National Security archives that contains the copies of the personal files of over 100 Guatemalan prominent members of the armed forces (mainly officers). These personal files did state the ethnic group of staff. Amongst the 100 files, only one officer was identified as indigenous (Julio Otzoy Colaj) and a further two bore 'indigenous' names.

Table eight: Indigenous Presence in the armed forces (percentage) 2001

	LADINOS	MAYAS	GARIFUNAS	XINCA
Officers	72.60	26.64	0.40	0.35
Non Commissioned Officers	66.24	32.04	1.10	0.62
Other Ranks	41.88	56.16	0.41	1.55

Source: National Defence High Command, cited in MINUGUA (2001:30)

Table eight reveals a sizeable indigenous presence in the armed forces. This general shape of the ethnic composition of the armed forces is in keeping with existing research, which confirms the high visibility of indigenous people in the of the armed forces at troop level.[72] The large proportion of Indigenous officers (26%-32%) is much higher and in sharp contrast to other state institution (4-5% in the police, 9-13% of judges). Once again, the data is not implausible considering the high intake of indigenous troops. However, there is no details the officers' rankings and there are very few known cases of indigenous people reaching the higher echelons of the armed forces. One notable exception is the case of Julio Otzoy Colaj who reached the rank of general and was appointed to the post of Vice-Minister of Defence in 1994.[73] Thus, although indigenous presence is more important in the armed forces than in other public institution, it still appears to be very limited in the decision making level (i.e. the high command).

If the information of table eight is to be taken at face value, the armed forces are the least exclusionary of Guatemala's public institution. At the same time, the Guatemalan armed forces are also the institution responsible for masterminding and enacting the brutal campaign of repression against indigenous communities in the Guatemalan western highlands.[74] The latter illustrate some of the difficulties in understanding and interpreting political horizontal inequalities and raises important questions as to the validity of basing our analysis solely on group presence in institutions. An interesting avenue of enquiry is to consider the conditions under which groups are incorporated into state and political institution and whether incorporation entails adopting values and norms of behaviour that may be inimical to the wider interests of communities or group of origins. The latter suggest that analysing political horizontal inequalities entails not only establishing degrees or numbers of ethnic/religious groups in state and political institution but even when numbers are quite high, under what conditions such incorporation takes place.

[72] Adams, Richard N. *Etnicidad En El Ejercito De La Guatemala Liberal (1870-1915)*. Guatemala: FLACSO, 1995. Bastos Santiago, Etncidad y Fuerzas Armadas, ,Guatemala, FLACSO, 2005.
[73] General Otzoy was the only member of the armed forces identified as indigenous in the personal files held at the National Security Archives (see above). General Otzoy has tended to play down (but not deny) his identity and is associated with the most conservative sectors of the armed forces.
[74] CEH, Comisión de Esclarecimiento Histórico. *Guatemala: Memoria Del Silencio. Tomo I-V*. Oficina de Servicios para Proyectosde las Naciones Unidas (UNOPS). 1999 [cited 29 March 2004. Available from: http://shr.aaas.org/guatemala/ceh/.

3.4 Indigenous presence in high profile public posts, including government, foreign diplomacy, Electoral Tribunal and Supreme Court.

In the table dedicated to the state, we examine indigenous presence in high public office. The table presented here is preliminary and summarises data compiled from several secondary sources. On the one hand, the high profile nature of the posts under consideration here makes our evaluations much easier since the ethnic background of members of the government tend to be public knowledge. In any case the final version of the table will cross reference the information provided with the official Guatemalan journal that publishes the nomination of high ranking public official, currently under way.

Table Nine: Indigenous presence in high Public office (1985-2004)

INDIGENOUS PRESENCE	**1985-90**	**1991-93**	**1994-95**	**1996-99**	**1999-2003**	**2004**
Ministers and vice-ministers	0	0	2	0	5 (8.47%)	3 (6.8%)
Ambassadors	0	0	0	0	4 (11%)	3 (8%)
Electoral Tribunal (TSE)	0	0	0	0	0	1 (7.7%)
Supreme Court of Justice	0	1	n/a	0	0	1 (7.7%)

Source: Cojti and Fabian (2005:82), Organo Judicial (2005), CODISRA 2005, and government of Guatemala portal (http://www.guatemala.gob.gt/).

Table Nine provides stark data, twenty years after the transition to democracy and ten years after the ratification of the peace accord, Indigenous people still account for less than 10% of high public officials in cabinet, the diplomatic corps and in the highest courts. Historically, indigenous people have not occupied high public office position, this is no longer the case but progress is minimal. The limited presence of indigenous (and women) was duly noted and commented in the media when the composition of the government was published, indicating that a 'ladino' male cabinet is no longer taken for granted. Yet, the comments in the media were muted and hardly constituted a campaign of criticism. President Oscar Berger (2004-present) took the step of setting up an 'indigenous advisory council' composed of prominent indigenous activists and intellectuals that are invited to sit on cabinet meetings and provide an 'indigenous' perspective on the running of the government. The latter appears to be a convenient way of deflecting criticism but is hardly a substitute for actually nominating indigenous people in government.

[PRELIMINARY SECTION:

3.5 Indigenous People and the Political Party System

Finally, we turn to examining indigenous presence in party and electoral politics. It is important to note an important general dissatisfaction with the political system. The political party system that has emerged since 1985 is inchoate, parties disappear between electoral processes (no party has won successive elections since 1985) and there are little ideological differences between the main electoral contenders.[75] Not only do patronage and clientelism dominate but politicians have little ties or loyalties to their parties, frequently changing political affiliation between and during electoral terms (within 18 months of the current parliament, 45 of the 158 deputies, had changed political parties and a third of all elected mayors had followed suit).[76] Few Guatemalans have faith in the current political system and even less in their politicians. One of the main expression of discontent of Guatemalans in their political system is found in high rates of primary and secondary abstentions in general elections, with 46% of registered voters and 39% of the population in age of voting, actually voting the last presidential elections. Unfortunately, there has not been any systematic analysis of electoral data at municipal level that would allow us to indicate whether indigenous people vote or register to vote to the same degree as their ladino counterparts. Additionally, the general disenchantment of Guatemalans with the current political system was further highlighted in latinobarometro surveys that established that Guatemala scored the lowest level of support for democracy of the whole of Latin America (35% compared to a regional average of 53%, Latinobarometro 2004:7).[77]

We consider two distinct sets of data to examine the general position and profile of indigenous people in electoral politics: in table ten we provide the numbers of elected indigenous to parliament, the number of Mayors and the numbers of indigenous candidacy to presidency and vice–presidency. In table eleven, we examine the presence of indigenous people in the executive committees of Guatemala's main political parties.

[75] In a recent interview, a high ranking members of one of the main party revealed that they had just organised a congress seeking to establish the doctrine of the party, 16 years after it had been funded (Interview with Executive Secretary of the PAN, Guatemala City, Monday 19th June 2006).
[76] Mack and Arrivillaga, *El Transfuguismo Parlamentario*, FLACSO (2005: 19-20).
[77] See table 12 in the Annex for details of electoral participation 1985-2003.

TableTen: Indigenous Deputies, Mayors, presidential and vice-presidential candidates: 1985-2005

ELECTION YEAR	INDIGENOUS DEPUTIES*		INDIGENOUS MAYORS**		INDIGENOUS CANDIDACIES***	
	Numbers	Percentage of total	Numbers	Percentage of total	Presidency	Vice-Presidency
1974	*2*				0	0
1978	*0*				0	0
1985	8	8%	*59	18%	0	1
1990	5	4%			0	0
1995	10	10%	115	35%	0	2
1999	14	10%	116	35%	0	2
2003	15	9%	119	36%	0	n/d
Total	**52**	**9%**				

Source:[78] *Falla (1978: 440), Cojti & Fabian (2005:39) and II Mision Indigena de Observacion electoral (2004:151).

** Olascoaga (2003), Cojti &Fabien (2005:39) and AGAAI (Guatemalan Association of Indigenous Mayors and Authorities, interview Guatemala City April 2005)

*** ENPI (Encuentro Permanente de participación Politica de Pueblos indígenas), Unpublished report 2004:4; Interview: Manuela Alvarado Lopez, Former Indigenous Deputy (1995-1999) and member of ENPI,Guatemala City, 18 May 2005

Table Ten provides contrasting data regarding indigenous presence in Guatemala's political system. Indigenous presence at national level is extremely limited, with less than 10 percent indigenous deputies being elected to congress and with no indigenous presidential candidates to date. However, at local level, a distinct dynamic emerges. Within ten years of the transition to democracy indigenous mayors accounted for 35% and this figure has remained stable ever since. Unlike any of the other data that we have considered so far, indigenous presence in local political institution comes close to being representative of the official evaluation of indigenous people at 40% of the total population. A study of municipal electoral data published by the UNDP in 2005 further indicates that virtually all indigenous mayors are elected in municipalities with an indigenous majority (only two indigenous mayors where elected in municipality with a non indigenous majority in 2003).[79] It is thus noticeable that indigenous candidates at least in indigenous municipalities, stand a good chance of being elected.

[78] The PNUD published a very good account of indigenous political participation in its 2005 Human development report. Some of the data presented by the UNDP differs from that presented here, notably with regards to the 1985 municipal elections where it is stated that 128 indigenous were elected as mayors. However, since the methodology for obtaining the data is unclear and does not permit cross-checking, it is omitted here, the remainder of the data is similar to that presented here.

[79] PNUD. *Informe Nacional De Desarollo Humano: Diversidad Etnico-Cultural: La Ciudadania En Un Estado Plural*. Guatemala: PNUD, 2005:206. The analyis of municipal electoral data b y the PNUD also underlines important regional variations, thus in Solola, Totonicapan and Huehuetenango municipalities with a majority of indigenous people tend to return indigenous mayors, but in the department of Quiche, only 10 of the 20 indigenous municipalities returned an indigenous mayor.

The gap between relatively high indigenous political presence at local level and low presence at national level have yet to be thoroughly research but there are some notable differences between local and national electoral processes. An interview with an FRG (*Frente Republicano Guatemalteco*) indigenous member of parliament (who has close ties to former dictator and founder of the party General Efrain Rios Mont) was revealing of some aspects of this dynamic. According to Haroldo Quej, part of the success of the FRG (the party won the 1999 presidential elections and remain a key force in Guatemalan politics) was in developing support in the rural and indigenous regions of the country and doing so by understanding the importance of local dynamics in Guatemala's indigenous municipalities. For the FRG deputy, letting local leaders carry out their own policies rather than impose party agendas and policies was key to the party's success.[80] The meaning of the latter was expanded upon by an FRG indigenous mayor of the department of Sacatepequez who was at ease both with the defense of indigenous rights and culture and holding the political colours of a party that is associated with a military dictator accused of masterminding acts of genocide against indigenous communities.[81] For the indigenous mayor, political parties are just vehicles : 'it does not matter which taxi company you use, the important thing is arriving where you want to go'. For the mayor, the FRG provided adequate funding for his electoral campaign and do not interfere in his running of the municipality. Furthermore, affiliation to a political party is not necessary for standing for municipal elections. The election of the Xel-Ju civic committee in the second largest city of Guatemala (Quetzaltenango) in the 1995 and 1999 municipal elections reflect their potentialimportance. Only 27 of the 331 municipalities elected civic committees in the 2003 elections, but there were 186 such committees in existence throughout the country, providing alternatives to the selection of candidates by political parties. On the whole, candidates to municipals elections tend to be local candidates, known by their communities with a notable degree of independence and autonomy from the wider political party structure.

However, different dynamics are at play in the selection of candidates to congress. On the one hand, patronage, clientelism and corruption do play important roles in Guatemalan politics and congress seats are viewed by many as lucrative opportunities that encourages the candidature of wealthy candidates who can contribute to electoral campaigns and party coffers.[82] The latter tends to favour wealthier member of society, fewer of which are indigenous. On the other hand, political party affiliation is necessary for standing for congressional elections. There is little doubt that fewer indigenous candidates stand a chance of being elected when compared to their ladino counterparts. Barrios and Sac Coyoy analysed the ethnic background of candidates to congress in the run up to the 2003 general elections.[83] Their research indicate that 286 off the 686 candidates were indigenous, a substantial 30% of the total. However, the congressional electoral system is complex, using a closed list proportional representation for each department (127 seats) complemented by a national list (31 seats). Voters choose a party and winning candidates are picked from their party list in the order of their position on the

[80] Interview with Haroldo Quej, Member of Parliament (FRG), Guatemala City, 27 June 2006.
[81] Interview: Sotero Chunuj Reyes, Mayor of Santa Maria De Jesus (Sacatepequez), Member of AGAAI, Antigua, 5 July 2006.
[82] Interview with Barrios (as above), see also Saenz de Tejada (2005) and PNUD (2005:222-223).
[83] Nuestro Diario, 5 November 2003. The main findings are summarised and available electronically at: http://www.munixela.com/infomaya/?view=sections&mod=1&id=43. The methodology used to determine the ethnic background of candidates combined surnames and auto-identification, the results where then cross referenced with indigenous community leaders in each department (Interview with Lina Barrios, Quetzaltenango, 7 June 2006).

list.[84] In this system a party might present dozens of indigenous candidates but unless they occupy the top positions of their party lists, then they are unlikely to be elected. Tellingly, only 37 of the 286 indigenous candidates were the first choice of their party list, with a reasonable chance to win a seat.[85] Guatemalan electoral laws stipulate that the position on the list should be determined democratically by regional assemblies of party supporters, but according to Barrios, there is both a general lack of awareness of the importance of the ranking system on the list as well as a tendency to follow the orders from the party national executive committee for the top placements on party lists.[86]

On the whole, the selection of candidates to parliament is heavily influenced by political party hierarchies centralised in the (largely) ladino political heartland of the country: Guatemala city. The latter is illustrated in table eleven that summarises data on incorporation of indigenous people in the higher echelons of political parties.

[84] For more details, see IDEA, Electoral System Design Database: Table of Electoral System Worldwide, www.idea.int/esd/glossary.cfm#List%20PR
[85] Interview with Lina Barrios, Quetzaltenango, 7 June 2006
[86] Ibid Interview with Lina Barrios, Quetzaltenango, 7 June 2006.

Table Eleven: Indigenous Presence in Guatemalan political parties, 2004-2005

Political Parties (the winners of the last three presidential elections are greyed out)	Number of Indigenous in National Executive committee	Percentage of Indigenous in National Executive committees	Indigenous Deputies in Congress	Indigenous Instances in Party
Partido Unionista	1	3.5%	0	
Union Democratica	4	13%	0	
Partido Patriota	2	7%	0	Yes
Movimiento Reformador	3	10%	0	
PAN	1	4%	4 (of 17l)	Yes
Los Verdes	2	8%	0	Yes
UNE	4	16%	5 (32 in total)	Yes
FRG	2	9%	2 (of 43)	
DCG	3	14%	0	Yes
GANA	1	5%	3 (of 47)	
PLP	1	5.5%	0	
Cambio Nacional	1	7%	0	
URNG	7	35%	1 (of 2)	Yes
Transparencia	5	29%	0	Yes
Encuentro Guatemala	1	8%	0	
Principios y valores	1	11%	0	
DIA	0	0	0	Yes
ANN	No data	No data	0	
PSN	0	0	0	
UN	0	0	0	
Total	39	9.5%	15	

Source: Jaime Cubil from data in the Political Parties Forum and the Indigenous Inter-party network, cited in UNDP 2005:211; II Mision Indigena de Observacion electoral, Naleb, Guatemala (2004:151) ; OAS (Organisation of American States). Unpublished survey of political parties ; La Población Indígena Dentro De Las Organizaciones Partidarias: Un Sondeo Rapido Sobre Su Situacion (2004).

There are currently two key approaches to the incorporation of indigenous people in political parties, either through the creation of special committees or instances lead by indigenous people and focusing on indigenous issues or through a direct indigenous presence in the national executive committees. In both cases, the incorporation of indigenous people into national party structures is weak and restricted. In a survey carried out by the Organisation of the American States, only eight parties had indigenous committees or instances and paralleling the indigenous institution of the state, their impact and influence over policies and the institution are limited.[87] An even greater cause for concern is the predominance of non-indigenous in the national executive committees of the political parties, the highest instance of the parties. Not a single one of the three last parties to have won general elections has an indigenous presence in the executive committees that reaches double figure and the average for all parties considered is 9.5%. There are some notable exceptions, notably the former Guerrilla party, the URNG (35% indigenous in the

[87] Interview: Ligia Gonzalez, Consultant, OAS. Democratic Values and Politics Programme, Guatemala City, April 2005.

national executive committee). From the perspective of horizontal inequalities, it is more than a little unfortunate that the only party to have incorporated indigenous people into its structure should be one whose electoral viability is becoming tenuous: only two URNG members of parliament were returned in the 2003 elections.

This section is left here but is purely indicative, my analysis has changed since this was first drafted; The rewrite will give greater emphasis to the indigenous movement.

4. Interpreting political horizontal inequalities in Guatemala: understanding Indigenous political participation,

4.1 Social change in the Western Highlands and armed conflict

The evaluation of political horizontal inequalities undertaken for this paper indicates that there is no longer a total exclusion of indigenous people from high ranking posts in the state and political parties, but that incorporation remains nonetheless minimal and elusive. The evaluation of data concerning political horizontal inequalities provides is important, but requires further probing in order to gain explanatory dimensions. First, we do know that political horizontal inequalities are longstanding in Guatemala. Yet if we consider our general CRISE hypothesis that severe HIs all moving in the same direction increases the likelihood of conflict, then we do need to explain why a generalised conflict that incorporated indigenous people did not emerge until the 1980s. One key here is that our general focus on state and formal political institutions only provides us with a partial understanding of Guatemalan politics and of the role that indigenous people play in them. Moving away from state and formal political actors allows us to consider the general forms and concerns of indigenous political engagement and provides us (tentatively) with a better understanding of how and why political horizontal inequalities have endured to their present extent.

The second half of the twentieth century brought important socio-economic change to the Guatemalan Western highlands where the majority of the indigenous population is concentrated. The penetration of road and commercial networks across the highlands, the gradual erosion of subsistence agriculture and the onset of mass seasonal migration to plantations on the coast all played a part, in breaking down the isolation of individual communities that had characterised the region.[88] On the other hand, a small but substantial number of indigenous increased their role in the non-subsistence sector (commerce, new rural production, manufacturing and labour recruitment) that increased social differentiation within communities.[89] A corollary to this process of social change at community level was that a small but increasing number of indigenous people did gain access to education.[90] Most of the indigenous leaders who emerged during the 1970s tend to have gone through a similar path of schooling with the Catholic Church that emphasised the importance of commitment

[88] Guatemala went from having 205 km of paved road in 1953 to 2,638 in 1975 (Dunkerley 1988:174). For details of the process of rural proletarianisation that took place during the same period, see also Adams (1970), Grandin (1997) and , CEH (first volume, 1999).
[89] Grandin (1997: 11).
[90] Grandin (1997), Cayzac (2001), Bastos and Camus (2003).

to the community (i.e that those who gained education had a duty to give something back to their communities).[91] The combined processes of accelerating social differentiation and the opening of new horizons beyond the confines of individual communities provoked a questioning of traditional authority within indigenous communities.[92] The latter was actively encouraged by the powerful catholic network 'Acción Catolica' (AC) that took a deem view of the rituals, beliefs and influence of indigenous traditional leaders.[93]

Whilst power relations and traditional forms of authority were contested within communities, new forms of political participation started to emerge. The latter included an increased profile in formal and national political institutions, including developing ties with the Christian Democrat party, increasing numbers of indigenous mayors and finally the creation of the indigenous political party the FIN. These forays into a formal political system dominated by the armed forces were however rather limited. Instead, indigenous mobilisation grew most rapidly in social movements that focused on rural grievances. As elsewhere in Latin America, the incorporation of indigenous people in regional or national politics was realised around 'campesino' (peasant) identities. These organisations expressed class rather than 'ethnic' grievances. The demands related to improving work conditions and pay in plantations or land reform and were inclusive of indigenous and ladino rural dwellers alike. By the early 1970s, there were 109 peasant leagues registered in Guatemala with an additional 97 agrarian unions.[94] Indigenous people played a prominent role in these organisations not only as base members but also as leaders. These organisations clearly transcended the local level and were an essential step in the emergence of a '*campesino*' movement that went on to provide the bases of support of the insurgency in the late 1970s and early 1980s. The shift from participation in peasant movements into armed conflict was a complex phenomenon that included a general lack of responsiveness to demands by the military governments, the repression of peaceful protest and a general closing down of legal avenues of political participation.[95] On the other hand, Guatemalan guerrillas organisations did work throughout the 1970s to establish closed contact with indigenous communities. In addition, the Ejercito Guerillero de los Pobres (EGP) also actively sought to gain control of and utilising peasant organisations and trade unions as political and social aspects of the revolutionary struggle.[96] The army's violent responses to mass mobilisation initially encouraged a swelling of the ranks of the guerrillas that went on to gather momentum throughout 1978-1980. The dramatic overthrow of the Somoza regime by the Sandinistas Guerrillas in July 1979 also contributed to a dramatic raise in expectations, whereby the overthrow of the Guatemalan military regime was thought not only to be possible but likely to be imminent.[97]

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[91] The emergence of socially committed, Christian indigenous leaders is well reported, see Bastos and Camus (2003), it also came across during interviews with prominent indigenous such as Manuela Arevalo Pablo Ceto, Marco Antonio de Paz.

[92] Grandin 1997, Cayzac 2001, Bastos and Camus 2003.

[93] Acción Catolica was initially set up in 1934 to purge the deeply syncretic Guatemalan catholic faith of its Mayan influences. Acción Catolica became increasingly politicised in the wake of the overthrow of Jacobo Arbenz, first as a crusading anti communist organisation and latter 'raising awareness' on social justice issues. Acción Catolica became an important grassroots network throughout the indigenous highlands (Cayzac, 2001: 206). Interview: Marco Antonio De Paz, Mayan Intellectual, Former Member of the Christian Democrat Party., Guatemala City, 22 June 2006.

[94] Saenz de Tejada (2005:35)

[95] Even moderate political organisation such as the Christian Democrat party were targeted for repression with 300 prominent members killed in 1980 alone (CEH, Volume one, 1999).

[96] Issues relating to the nature of the relationship between mass organisations and the Guerrillas have been thoroughly researched by Bastos and Camus, see Bastos and Camus (1993) and (2003).

[97] Former combatants on both side do reveal that their was a general mood of optimism amongst the ranks of the insurgents in 1979-1980. See list of interviews with former military and URNG personnel.

As stated in the opening section of this paper, state repression proved to be ruthless. From the perspective of the armed forces and their allies, it also proved to be remarkably efficient. It is impossible to understand contemporary Guatemalan politics and the role indigenous play in it without considering the devastating impact of repression. In areas of guerrilla presence (notably the indigenous highland), the army targeted an ever increasing list of suspicious positions and activities. This extended not only to known political activists but also to prominent individuals such as mayors, teachers, traditional indigenous leaders. After peaking in 1982-83, state sponsored violence persisted but in a less indiscriminate fashion. However, the indigenous highlands of Guatemala became militarised, with a continuous military presence and surveillance activities that did not abate until the signing of the peace accords in 1996. The militarization campaign included the deployment of military units and bases throughout the territory, concentrating dispersed population in easily controllable 'model villages', the forced recruitments of young indigenous male in the army as well as ensuring that all communities set up 'voluntary' civilian patrol against guerrilla intrusion.[98] The longstanding 'autonomy' and isolation of indigenous communities were effectively brought to an end. In addition, by the mid 1980s, Guatemala's left and centre left parties as well as the social organisations that emerged in the 1970s had been decimated, their members and leadership dead, in exile or hiding. .

If the late 1970s and early 1980s had been characterised by polarisation and mass protest, by the mid 1980s, survival and silence became the norm.
For a few committed and extremely brave political activists, the transition to democracy provided a modicum of political space where a few organisations gradually started to re-emerge after 1985, focusing initially almost exclusively on issues of human rights.[99] Social movements in Guatemala did not die in the violence of the early 1980s, but were both weakened and transformed. None of the peasant leagues present in the 1970s survived the repression and even relatively successful peasant organisations such as the Coordinadora Nacional Indigena y Campesina (CONIC) do not have a mobilisation capacity comparable to that of the 1970s.[100] An important legacy of the period of mass violence has been to stigmatise virtually all forms of political engagement and participation. Yet, from the perspective of indigenous people however, the democratic transition and the peace process have brought some important changes, notably with the emergence of an indigenous movement in Guatemala.

4.2 The Indigenous Movement in Guatemala

The indigenous movement in Guatemala consist of a huge array of organisations with a central split between 'culturalist' and 'popular' wings. The culturalists emphasise the notion of pan-Maya identity and seek increased state

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During the 1980s, there were three concurrent armed struggles in the neighbouring countries of Nicaragua, El Salvador and Guatemala

[98] CEH, (Comisión de Esclarecimiento Histórico). *Guatemala: Memoria Del Silencio. Tomo II & III,* Oficina de Servicios para Proyectos de las Naciones Unidas (UNOPS). 1999a [cited 29 March 2004. Available from http://shr.aaas.org/guatemala/ceh/.

[99] Brett (2002).

[100] To this day, there are no political organisations that have succeeded in generating the mass appeal that they had possessed in the 1970s and early 1980. Interview with Byron Garoz of CONGECOOP (Coordination of cooperatives and NGOes). April 2006, Guatemala City.

recognition of indigenous cultural rights (officialisation of indigenous languages, bi-lingual education, and recognition of traditional authorities). The culturalists tend to be viewed as elitist, comprising prominent Mayan intellectuals and professionals, but with little support amongst the wider indigenous population.[101] The 'classist' or 'popular' wing of the indigenous movement agrees with many of the culturalist, but prioritise socio-economic issues (land related issues, minimum wage).[102] The 'popular' wing has a solid base of support, among the wider indigenous population, but the limited mobilisation capacity they display suggest that it is far from certain that the 'popular' indigenous organisation do actually articulate or represent the actual grievances, demands or aspirations of the wider indigenous population. A key divide amongst indigenous people and amongst organisations are in their relationship with the former guerrilla, the URNG. There is a legacy of bitterness and resentment from the part of some indigenous leaders, that the URNG used indigenous people as little more than cannon fodder during the conflict, leaving indigenous communities to bear the brunt of repression. The latter is clear in the discourses of the culturalist wing of the indigenous movement, who distance themselves from left wing politics and parties.[103] However, some indigenous leaders who did rise through the ranks of the guerrillas and who have remained within the URNG point out-not entirely unreasonably, that the guerrilla played a key role in bringing attention to indigenous issues and concerns following the mass repression.[104] This includes the organisation of the key '500 years of resistance' meeting and campaigns in 1991-1992 that brought a huge amount of attention to indigenous issues. The culmination of this process was of course the attribution of the Nobel Peace Price to Rigoberta Menchú, who had gain international attention after her life history was collected and disseminated by members of the EGP political bureau in exile in Paris.[105] Even more importantly, the URNG did bring the draft of the Indigenous accord to the negotiation table, which indigenous organisation could not access otherwise. However, the URNG has sought to maintain a tight control over the policies and leadership of organisations and political allies. A rigid insistence on discipline and little autonomy have lead to high profile disputes and splits both with indigenous organisations and with allied political parties.[106] The tensions with the URNG further split the 'popular' Indigenous organisation between organisations that retain ties with the former insurgent left (Majawil Q'ij for instance) and those that have broken up these ties (such as CONIC).[107] Finally, the bitter blow delivered by the failure to win the 1999 referendum and implement the AIDPI, further drove apart the loose network of indigenous organisations that has since failed to present a common platform or front.

[101] Interview with Dr Demetrio Cojtí, prominent Mayan intellectual and former vice minister of education (2000-2004), 6th of May 2005, Guatemala City

[102] Cayzac (2001), Bastos and Camus (2003) Typical 'culturalist' organisations include the Academia de Lenguas Mayas and the publisher Cholsamaj. For and in depth discussion of the Mayan movement see also Warren (1998).

[103] Interview with Demetrio Cojti (as above), see also Warren (1998) and Bastos and Camus (2003).

[104] Interviews with two former indigenous combatants: Victor Sales (URNG Deputy to Congress), Guatemala City, 19 June 2006 and Pablo Ceto (Member of the National Executive Committee, URNG), Guatemala City, 03 July 2006.

[105] Elizabeth Burgos ghost wrote her story, the process was arranged by Arturo Taracena.

[106] Bastos and Camus (2003). The sacking of leaders of Guatemala's best known peasant organisation, the CUC (associated with the father of Nobel Prize winner Rigoberta Menchú) who went own to set up their own organisation, CONIC is a good illustration of some of the tension between indigenous leaders, organisations and the URNG (Velasquez Nirmatuj, 2005). The general rigidity of the dwindling core of URNG leaders and supporters was detailed by Guatemalan scholar and former high ranking member of the leftist Alianza Nueva Nacion (ANN), Ricardo Saenz de Tejada. Interview with Ricardo Saenz de Tejada, 21 June 2006, Guatemala City.

[107] Ibid,

4.3 Reducing Political Horizontal Inequalities?

The last remaining question considered in this paper is how political horizontal inequalities are approached in Guatemalan society, both by indigenous and non indigenous leaders. First, it is worth noting that although indigenous organisations have articulated a whole series of cultural and socio-economic demands, political claims have been very limited.[108] On the one hand, the recognition, revival or consolidation of traditional indigenous authorities feature high in the in the agendas of many indigenous organisations. However, there are few claims, push or demands for a greater incorporation into existing national political structures, just as they have not been any attempt to set up an indigenous political party since the transition to democracy. Claims at increasing indigenous political presence in formal politics have been limited to a proposal that the 31 parliament seats allocated through the members of parliament reflect the ethnic composition of Guatemala.[109] The proposal is limited in its scope but would still double the current indigenous presence in Congress. Unfortunately the proposal has not been endorsed by a large number of indigenous organisations and few people beyond a handful of scholars or indigenous activists seemed aware of its existence. Furthermore, all indigenous leaders consulted or interviewed during the course of this research were asked whether they viewed quotas as a possible way forward to improve the presence of indigenous people in state and formal politics. The response was at the very best lukewarm and the overwhelming majority were ill at ease with it. Most view quotas as politically unfeasible, possibly unfair and more substantially likely to lead to the selection of 'token' indigenous people who would 'keep up appearances' but fail to pressure for or advance indigenous agendas. The latter is a notion that came forcefully throughout the interviews and repeatedly prominent indigenous leaders stated that the fundamental question was not in the numbers of indigenous people present in state and political apparatus but in the quality of the representation of indigenous people's interests.

In her comparative study on the conditions that facilitate or impede the emergence of viable ethnic political parties, Van Cott noted that ethnic parties had emerged in South America under a wide variety of conditions.[110] These included cases where indigenous population was small (Venezuela) or large (Bolivia), with a wide array of institutional arrangements (federal or unitary constitutions). Some attention to institutional design is important (notably in threshold of membership to register a party) but not sufficient. She noted that a key determinant factor seemed to be the presence of 'effective social movements' to facilitate mobilisation and deliver electoral success.[111] On the one hand, between 1985 and 2003 there was no clear institutional obstacles impeding the setting up of ethnic political parties in Guatemala (threshold of membership were low). However, since small political parties were proliferating endlessly and dividing the electorate, changes were introduced to make party registration substantially more difficult. The latter does not bode well for the future setting up of an indigenous political party. In addition, if Van Cott's observation about social movements as important precursor to the setting up of ethnic parties is correct, this further weakens the likelihood of an indigenous party emerging in Guatemala. As was noted above, one of the clear legacies of the armed conflict was in demobilising population and in weakening the entire social movement.

[108] An obvious exception would be the ENPI, but it is both recent and hardly high profile.
[109] ENPI (Encuentro Permanente de participación Politica de Pueblos indígenas), Unpublished report 2004:4; Interview: Manuela Alvarado Lopez, Former Indigenous Deputy (1995-1999),Guatemala City, 18 May 2005
[110] Van Cott defines electoral viability as follows: that parties are formed , contest two successive electoral contests and returned at least 2 members of parliament (Van Cott, 2003).
[111] Van Cott (2003:29-31)

Finally, questions relating to the lack of indigenous political presence at national level were put to representatives of key Guatemalan political parties during a series of interviews undertaken in June 2006. All party representatives acknowledged that this was indeed the case and all parties with a minimal indigenous presence in their directorate (e.g. all the main electoral contenders) proceeded defensively. First, party representatives emphasised that that there was no active process of discrimination at play-that indigenous people were invited to join but that Indigenous people themselves seemed reluctant to do so. The most disconcerting part of these interviews however was when questions of remedial actions were raised, since few political parties' officials seemed to accept the notion that there was a problem in the first place. The scarcity of indigenous people in state and national politics is accepted as a fact of life and in the absence of clear discrimination policies then parties absolve themselves of all responsibilities. The issue of quotas was raised with party representatives who pointed out that the issue had been discussed within their national executive and all bar the party 'encuentro para Guatemala' rejected quotas as undemocratic.[112]

5. Concluding remarks

Our evaluation of political horizontal inequalities in Guatemalan reveals the general exclusions of indigenous people. The general pattern is that the higher up in hierarchies, of government, public and political institutions then the scarcer the indigenous presence. Yet, the starkness of the figures is not entirely revealing of recent changes taking place in Guatemala. First, it is important to bear in mind the general historical background that precedes our evaluation of political horizontal inequalities. This consists of 300 years of colonial rule that institutionalised segregation and social, economic and political inequalities, followed by a post colonial period that largely maintained these inequalities. The reformist experiment of 1944-1954 might have heralded the beginning of new era, but instead Guatemala was plunged into a lengthy period of military rule that curtailed the political opportunities of all Guatemalans. Since the mid 1980s, it is clear that some changes are taking place in Guatemala and there have no return to the status quo ante of total exclusions. There have been a series of public commitment to the recognition of indigenous rights in the 1990s, including the indigenous accords and the ratification of ILO 169. The implementation of these conventions is clearly less than satisfactory, but other important changes are nonetheless taking place. The constitution now acknowledges the existence of indigenous people and an important corollary is the notion that the state recognition of specific duties and responsibilities towards indigenous people. One significant change has been in improving access to key public services.[113] The latter is indicative a degree of change in the nature of the relations between state and indigenous people that are no longer rooted in neglect.

In terms of the political horizontal inequalities, the historical tendency towards a split between important indigenous presence and participation at local level and general absence at national level is enduring. The unfolding story at local level is far from negative. There is little doubt that the profile and presence of indigenous people has consolidated since the transition to democracy. At community level, indigenous people have been reinforcing or reviving traditional authorities (which

[112] Unfortunately 'Encuentro para Guatemala' is failing to meet the new membership thresholds and is unlikely to be registered for the next general elections in 2008.
[113] Increased access to services includes access to water an electricity, see figures in Caumartin 2005.

gained recognition in the new 2003 municipal code) as well as engaging with the formal political apparatus that has seen indigenous mayors winning over 30% of the town halls. In addition a nascent process of decentralisation has also led to the setting up of new institutions (the Community development councils, or COCODEs) where indigenous presence and participation is also high.[114] The interesting aspect here is that at community level, indigenous people are not evading engagement but instead consolidating their presence in both formal and informal institutions. Finally, it is also worth considering a series of experiment that attempts to consolidate the ties and collective power of municipal and local authorities in Guatemala. The latter includes the Mancomunidades network that comprises 200 municipalities grouped in 30 regional subgroups. The mayors meet up to share information, pool resources and set up common projects. The profile of the Mancomunidades network was increased dramatically in 2005 when the mayors decided to bypass central government and sign a preliminary agreement with the government of Hugo Chavez which will provide cheap oil to participating municipalities.[115]

Our evaluation of political horizontal inequalities however also reflect some serious limitations to the process of change which is taking place in Guatemala, with a scarcity of indigenous people on the national stage. On the one hand, there is a clear absence of indigenous people in political parties, which seem to reflect both a reluctance of many indigenous leaders to join the institution and a failure of political parties to facilitate or encourage such incorporation. The failure to incorporate the political party system also means that opportunities for participating in government are extremely limited since cabinet positions tend to be allocated to close political allies. There is little doubt that for committed political activists (indigenous or otherwise) competing for a place in the deeply tainted Guatemalan political system is not an appealing prospect and there is a general perception that state and political parties are obstacles to substantive change in Guatemala rather than an essential part of the solution. In a sense, the successes of indigenous leaders and organisations in gaining substantial concessions from the state (notably in the peace process) in the early 1990s might have been highly misleading. There is no doubt that indigenous people were able to deeply influence agendas without a formal presence in government or at the peace negotiating table. However, these early successes have not been consolidated. The peculiar set of conditions of the early 1990s that underpinned these early successes- a relatively united front of indigenous organisations, alliances with key domestic actors and strong international support, have not lasted. Instead, indigenous organisations have further divided, there are no alliances with influential political actors and many international actors have moved on to other emergencies or priorities. The failure to win the 1999 referendum was a notable reminder that the failure to establish a strong indigenous presence or strong alliances in the formal political sector had dire consequences. Since 1999, the limited capacities of civil society organisations to influence official policies have been underlined. The general lack of concern with regards to political horizontal amongst indigenous leaders and organisation is a deeply worrying trend. With a weakened and divided social movement on the one hand and no presence in politics or in the decision making processes of the state, then indigenous people and their leaders have little leverage. The most likely consequence here is that in the absence of substantive political leverage, it is equally unlikely that other horizontal inequalities, social and economic will be addressed.

[114] UNDP (2005:213)
[115] La Prensa Libre, 18th May 2006.

6. Annex:

6.1 Presidents and Political Regimes 1958-2004

Dates	Length of time	President	Civil /military president	Type of Government	End of administration
March 1958-March 1963	5 years	General Miguel Ydigoras Fuentes	Military	Elected	Military coup
March 1963-July 1966	3 years	Colonel Enrique Peralta Azurdia	Military	De facto	Elections
July 1966 to June 1970	4 years	Julio Cesar Mendez Montenegro	Civilian	Elected	Elections
July 1970-June 1974	4 years	Colonel Carlos Manuel Arana Osorio	Military	Elected	Elections
July 1974-March 1978	4 years	General Kjell Eugenio Laugerud Garcia	Military	Elected	Elections (fraudulent)
July 1978 to March 1982	3 years 9 months	General Romeo Lucas Garcia	Military	Elected	Military Coup
March-June 1982	3 months	Military Junta	Military	De facto	Junta dissolved, Rios Montt named president
June 1982-August 1983	1 year 2 months	General Efrain Rios Montt	Military	De facto	Barrack coup
August 1983-January 1985	2 years 5 months	General Oscar Mejia Victores	Military	De Facto	Elections
January 1986 to January 1991	5 years	Vinicio Cerezo Arévalo	Civilian	Elected	Elections
January 1991-June 1993	2 years 5 months	Jorge Serrano Elias	Civilian	Elected	Impeached following auto-coup
June 1993-December 1995	2 years 7 months	Ramiro de León Carpio	Civilian	Temporary government nominated by Congress	Elections
January	5 years	Alvaro Arzú	Civilian	Elected	Elections

1996 January 2001		Irigoyen			
January 2001- December 2004	4 years	Alfonso Portillo Cabrera	Civilian	Elected	Elections
Jan 2004-	-	Oscar Berger Perdomo	Civilian	Elected	-

Source: (Comisión de Esclarecimiento Histórico) CEH 1999; Base de Datos Políticos de las Américas 2004

Table Twelve Electoral Participation 1985-2003, Second Round of Presidential Elections

		1986**	1991	1995**	1999	2003
Voters Registered	Men	N/A	N/A	N/A	N/A	2,820,737
	Women	N/A	N/A	N/A	N/A	2,252,545
	Total	2,753,572	3,146,263	3,711,589	4,458,744 **	5,073,282
Abstention		39.8%	53.90%	63.10%	59.61%	53.23%
Participation of registered Voters		60.20%	46.1%	36.90%	40.39%	46.77%
Participation of Population in Age of Voting**		43.37%	31.9%	26.32%	31.1%	39.6%***

*includes spoilt and blank ballots
**data from IDEA
***Population 17 and over in 2002 (i.e 18 and + in 2003), INE (Instituto Nacional de Estadisticas), Population Census 2002.
All other data derived from TSE (Tribunal Supremo Electoral), Memorias Elecciones (1991, 1999 and 2003)

6.2 Constitution of the Republic of Guatemala, articles relating to indigenous communities.[116]

SECCIÓN SEGUNDA
Cultura

ARTICULO 58.- Identidad cultural. Se reconoce el derecho de las personas y de las comunidades a su identidad cultural de acuerdo a sus valores, su lengua y sus costumbres.

SECCIÓN TERCERA
Comunidades Indígenas

ARTICULO 66.- Protección a grupos étnicos. Guatemala está formada por diversos grupos étnicos entre los que figuran los grupos indígenas de ascendencia maya. El Estado reconoce, respeta y promueve sus formas de vida, costumbres, tradicion es, formas de organización social, el uso del traje indígena en hombres y mujeres, idiomas y dialectos.

ARTICULO 67.- Protección a las tierras y las cooperativas agrícolas indígenas. Las tierras de las cooperativas, comunidades indígenas o cualesquiera otras formas de tenencia comunal o colectiva de propiedad agraria, así como el patrimonio famil iar y vivienda popular, gozarán de protección especial del Estado, asistencia crediticia y de técnica preferencial, que garanticen su posesión y desarrollo, a fin de asegurar a todos los habitantes una mejor calidad de vida.

Las comunidades indígenas y otras que tengan tierras que históricamente les pertenecen y que tradicionalmente han administrado en forma especial, mantendrán ese sistema.

ARTICULO 68.- Tierras para comunidades indígenas. Mediante programas especiales y legislación adecuada, el Estado proveerá de tierras estatales a las comunidades indígenas que las necesiten para su desarrollo.

ARTICULO 69.- Traslación de trabajadores y su protección. Las actividades laborales que impliquen traslación de trabajadores fuera de sus comunidades, serán objeto de protección y legislación que aseguren las condiciones adecuadas de salud, segu ridad y previsión social que impidan el pago de salarios no ajustados a la ley, la desintegración de esas comunidades y en general todo trato discriminatorio.

ARTICULO 70.- Ley específica. Una ley regulará lo relativo a las materias de esta sección.

SECCIÓN CUARTA
Educación

[116] http://pdba.georgetown.edu/Constitutions/Guate/guate93.html

ARTICULO 76.- Sistema educativo y enseñanza bilingüe. La administración del sistema educativo deberá ser descentralizado y regionalizado.

En las escuelas establecidas en zonas de predominante población indígena, la enseñanza deberá impartirse preferentemente en forma bilingüe

6.3 Indigenous presence in the National Police (PNC): breakdown by ethnic group

Ethnic group	Male	Female	Total	Percentage of group in Police force	Group proportion of indigenous population (2002)*
ACHI			504	14.70%	<5%
AKATEKO			2	0.06%	<5%
AWAKATEKO			17	0.50%	<5%
CHUJ			2	0.06%	<5%
GARIFUNA			11	0.30%	<5%
ITZA			6	0.20%	<5%
IXIL			62	2.00%	<5%
KAQCHIKEL			690	20.00%	19.30%
K'ICHE'			860	25%	28.80%
MAM			446	13%	14.00%
MOPAN			2	0.06%	<5%
POTI'			5	0.15%	<5%
POQOMAN			30	1.00%	<5%
POCOMCHI'			75	2.20%	<5%
Q'ANJOB'AL			11	0.30%	<5%
Q'EQCHI'			328	9.60%	19.30%
SAKAPULIEKO			85	2.50%	<5%
SIPAKAPENSE			12	0.35%	<5%
TETKITEKI			2	0.05%	<5%
TZ'UTUJIL			86	2.50%	<5%
USPANTEKO			22	0.65%	<5%
XINCA			143	4%	<5%
Other			24	0.70%	<5%
TOTAL	3342	83	3425	99.88%	

Source: Office of the Multi-cultural aspects of the PNC (Guatemalan Police), 2005.
*INE (Instituto Nacional de Estadísticas), Population Census 2002

6.4 Interviews

Political Interviews:

AGAAI. Associacion De Alcaldes Y Autoridades Indigenas., Guatemala City, 27 April 2005.

Pablo Ceto (Member of the National Executive Commitee, Urng), Guatemala City, 03 July 2006.

Marco Antonio De Paz, Mayan Intellectual, Former Member of the Christian Democrat Party., Guatemala City, 22 June 2006

Dr Victor Montejo, Member of Parliament (GANA), President of the Indigenous Comunities Congress Commission, Guatemala City, 29 June 2006.

Hugo Francisco Morán, II General Secretary, Partido de Avanza Nacional (PAN)

Haroldo Eric Quej Chen, Member of Parliament (FRG), Guatemala City, 27 June 2006.

Hector Cifuentes Mendoza, Partido Unionista, Guatemala City, 06 July 2006.

Nineth Montenegro, Deputy to Congress (Since?), Founding Member of Encuentro Para Guatemala, Guatemala City, 21 June 2006.

Hector Nuila (Secretary General of the Urng), Guatemala City, 29 June 2006.

Otto Perez Molina, Former General, Leader of the Partido Patriota and Member of Parliament (2003-2007), Guatemala City, 28 June 2006.

Victor Sales (Urng Deputy to Congress, 2003-2007), Guatemala City, 19 June 2006.

Sotero Chunuj Reyes, Mayor of Santa Maria De Jesus (Sacatepequez), Member of Agaai., Antigua, 5 July 2006.

Indigenous activists and intellectuals

Alvaro Pop (Academic, Director of Naleb), Guatemala City, 20 June 2006.

Amilcar Pop, Director of the Association of Mayan Lawyers., Guatemala City, 16 May 2005.

Demetrio Cojti, Mayan Academic and Activist, Former Vice-Minister of Education (2000-2004), Guatemala City, 6 May 2005

Gabriel Ixcamparij, Executive Coordinatior, Centro Pluricultural Para La Democracia, Quetzaltenango, 6 June 2006.

Alfredo Ixcot, Tzum kim pop, Quetzaltenango, 6 June 2006

Member of the Armed forces

General Julio Balconi, Guatemala City, 16 November, 2005

Coronel Luis Franco Gordillo, Guatemala City, 1 December, 2005.

Mario Merida (Former Intelligence Director and Home Office Vice Minister), Guatemala City, 14 November, 2005.

Mayor Carlos Gomez, Guatemala City, 1 December, 2005.

Scholars of Guatemala:

Lina Barrios, Quetzaltenango, 7 June 2006.

Dr Fernando Valdez, Director Ingep, Rafael Landivar University, Guatemala City, 26 June 2006.

Dr Hector Rosada-Granados, Guatemala Scholar, Member of the Peace Negotiation Tea*m*. Guatemala City, April 2005.

Ricardo Saenz de Tejada, Guatemala City 21 June 2006

State Officials

Sariah Acevedo, Ministry of Sport and Culture and Member of the Ciie (Interinstitutional Coordination of State Indigenous), Guatemala City, 13 May 2005.

Edwin Chipix, Official Primero De Pnc, Director of the Office of Multi-Ethnic Aspects of the Pnc, Guatemala City, 13th June 2005.

Manuela Alvarado Lopez, Former Indigenous Deputy (1995-1999), Human Rights Presidencial Comission., Guatemala City, 18 May 2005.

Representativo Del Organo Judicial (Requested Anonimity). Guatemala City, 11th May 2005.

Ricardo Cajas, Commissioner Codisra (Presidential Commission against Racism and Discrimination), Guatemala city, 15 june 2005.

ONGs and International Organisations

Ligia Gonzalez, Consultant, OAS. Democratic Values and Politics Programme.L, Guatemala City, April 2005.

Marcia Merski, Researcher Formerly of the CEH, Guatemala City, 30 November, 2005.

.Medarda Castro, Indigenous Consultant for the Oas, Member of the President's Indigenous Advisory Council, Guatemala City, April 2005

.

Ursula Roldon (Catholic Church), Quetzaltenango, 8 June 2006.

Wendy Cuellar Arrecis, UNDP governance Programme (judicial Reform)

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