Guatemala after the start of the 1994 Peace Process

History of Group Relations Leading up to the Crisis

The Breakdown of Ethnic Identities in Guatemala

The roots of ethnic conflict in Guatemala can be traced back to the early colonial structure of the country. There are two major ethnic groups in Guatemala: the Indigenous and the Ladinos. Rodolfo Stavenhagen distinguishes between the two groups. He considers the Indigenous or Indian identity as composed of those whose ancestry is traced to Guatemala before the arrival of Europeans in the sixteenth century and the Ladin identity as the white or “mestizo” non-Indian component of the population. The indigenous peoples of Guatemala have distinct languages, customs, and social organization than the rest of the country’s population. Internally, the indigenous identity is highly fragmented and diverse. For example, there are 26 distinct indigenous languages, which were linked to cultural and subjective distinctions.
<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Percentage of Population</th>
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<tbody>
<tr>
<td>Mestizo and European (Ladino)</td>
<td>59.4%</td>
</tr>
<tr>
<td>K’iche</td>
<td>9.1%</td>
</tr>
<tr>
<td>Kaqchikel</td>
<td>8.4%</td>
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<tr>
<td>Mam</td>
<td>7.9%</td>
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<tr>
<td>Q’eqchi</td>
<td>6.3%</td>
</tr>
<tr>
<td>Other Mayan</td>
<td>8.6%</td>
</tr>
<tr>
<td>Indigenous non-Mayan</td>
<td>0.2%</td>
</tr>
<tr>
<td>Other</td>
<td>0.1%</td>
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*Present day Ethnic Breakdown of the Guatemalan Population (Source: CIA Factbook: [link]).*

Guatemala has had a history of horizontal inequality in which the indigenous peoples have been consistently excluded from power and wealth for long before the crisis. The nature of this inequality includes economic exploitation and ethnic oppression of the indigenous peoples. Socio-economic differences are great between the Indians and the Ladinos. Rodolfo Stavenhagen discusses these socioeconomic differences, primarily with regard to land. He indicates that Indians are predominantly poor peasants, whereas Ladinos are predominantly urbanites with "non agricultural pursuits." He also indicates how: 

*Map of Linguistic Divisions in Guatemala (Source: Wikipedia: [link]).*
For Indians, land was a necessary means of subsistence, and for Ladinos a symbol of status, power, and wealth. Land ownership was unequally distributed: 2 percent of all landholders owned 62 percent of the arable land (Rodolfo Stavenhagen, 1996, pp.82).

The Nature of Exclusion in Guatemala

Background before Colonialism

Even before colonialism, exclusion was existent in Guatemala. This exclusion was on the basis of status and wealth not ethnicity, within the Mayan community. The great Mayan civilization has dominated Central America for centuries. Social organization of the Mayan Civilization was hierarchical. J.P Powelson describes the social hierarchy as one where:

The socially organized Mayan civilization held nobility and priesthood as elite castes and common people and slaves in opposition as lower castes. Indeed, these two classes had to pay tribute to the rulers, give presents to the local lords and make offerings to their gods through the priests (Powelson, 1988, 217).

He further discusses how higher status individuals were heads of kinships and a lot of their religious interactions emphasized ancestor worship instead of universal gods. The higher status individuals also had a role in the distribution and ownership of land. Danielle Donovan discusses how the Mayans owned land communally and with no exclusive ownership. Mayan elites called Alcadècols, oversaw and regulated the process of distributing land. Also, Donovan describes that the elites had certain rights in determining the type of land ownership allowed and the buy or sell option designated to that land. Noble Mayans had limited privileges with regard to land. She discusses the differences between land rights of farmers and those of the elites:

“Noble Mayan families could own only a portion of the land surrounding a well, a spring or a depression area to collect water. Land rights could be extended to noble family members and inherited through the male successor. However, farmers had only the rights to agricultural activities on communal land, and the rights could be transferred to their heirs” (Donovan, 2002, pp.3)

Colonialism: 1524-1821

The roots of ethnic exclusion are mainly based on the colonial structure of Guatemala. By 1523, Spanish Conquistador Pedro de Alvarado defeats the indigenous Mayans and turned Guatemala into a Spanish colony. Rodolfo Stavenhagen describes how ethnic exclusion rose from “colonial domination of Guatemala’s peasant societies.” He describes the relationship between the Indigenous and Ladinos as one of land tenure systems, labor exploitation, unequal economic exchanges, and unequal access to power and wealth. Danielle Donovan describes the major effects of Spanish colonial rule on the Indian population. She discusses how the Spanish contributed to the massacre of a large portion of the Mayan
population. From 1524-1540, the Spaniards forced Indians to integrate into Western civilization, which resulted in approximately five million deaths. The Spanish also imposed Catholicism and European forms of political organization. In doing so, the Spaniards “eliminated or incorporated the indigenous elite into the new colonial system, leaving the Mayan speaking population a relatively undifferentiated mass of rural peasants.” (Donovan, 2002, pp. 3)

The Spanish Conquest of Guatemala was the reason for contemporary Guatemalan underdevelopment. Pre-Hispanic indigenous Guatemala was not a primitive society but rather, a complex, stratified society. Prior to Spanish conquest, Guatemala did not experience any material shortages or malnutrition. During this time, the needs and interests of the dominant classes in Spain determined the economic, socio-political priorities in Guatemala.

Spanish conquerors put into place a land tenure system in Guatemala. Stavenhagen describes this land tenure system as one in which Spaniards took land from their indigenous population. As a result, land was concentrated in the hands of a small minority unlike, the land system Mayans had in pre-colonial times. He discussed how during colonial times, Indians were linked to small peasant communities and Ladinos became landowners. The Spanish domination over the land led to an exceptionally inequitable land distribution, which favored the Ladinos.

The basis for the Guatemalan economy at this time was labor. During colonialism, the Spanish conquerors established a system that exploited indigenous labor in Guatemala, as well as extracted labor through slaves from Africa. Stavenhagen explains that Mayan peasants were forced to pay tribute and provide free or cheap labor to landowners, colonial administrators, and the Catholic Church. The Spanish maintained their system of exploitation of labor through coercion, terror, and violence. Susanne Jonas further describes how the Spanish exploited the Indigenous. She states that:

Class exploitation was facilitated in Guatemala because of the racial divide between Indian and the Criollos. The latter justified their dominance over a captive labor force through the racist ideology of Criollo superiority, which denied humanity to the indigenous population (Jonas, 1991, pp. 15).

Independence 1821-1839

Spanish rule in Guatemala ended in 1821 without any devastating wars. By 1822, Guatemala was independent and joined the Mexican Empire. By July 1823, Guatemala left the Mexican Empire and became a part of the United Provinces of Central America. In 1839, Guatemala left the United Provinces of Central America and became fully independence.

Conservative Era (1839-1871)
From independence to 1871, power in Guatemala continued to swing between the Liberals and the Conservatives. Liberals, who were predominantly in power up to 1838, represented the interests and ideologies of criollo *latifundistas* (owner of commercial estates- *latinfundios*), emerging ladino bourgeoisies and intellectuals. Liberalism in Guatemala stood for belief in laissez faire and free trade, and in firm opposition to the authority of the church. Contrastingly, the conservatives believed in state-controlled commercial monopolies and the preservation of the colonial era privileges of the church. Interestingly enough, the conservatives represented the interests of monopolistic merchants' clique, *latinfundistas* and a few artisan sectors along with the interests of the church.

**Background**

From 1837 onwards, Bourbon Reforms were at the heart of Rafael Carrera’s revolt against the Liberals. The Bourbon reforms were liberal measures instituted by the Spanish crown in Central America. These included the ‘Decree of Free Trade’ wherein the ports of Central America were free to trade with each other. Furthermore, the reforms made the government in Central America more secular. The power of the church was diminished and in a departure from the convention of nominating regular clergy to the church hierarchy, secular clergy were nominated to take these positions. Prior to the onset of the Bourbon reforms Spain had granted special protection rights to Indian lands and labor; to the “preservation of communal lands, folk customs and social structure”. (Woodward,1993, pp. 422). However Bourbon reforms challenged this protection and sought its immediate removal. Under the cover of following an egalitarian policy, the liberals agreed with this and the other facets of the Bourbon reforms. However it is this very set of ideologies that Carrera revolted against. With his coming to power, Carrera reinstated colonial protection of Indian masses thus “checking the trend of alienating Indian labor and land”. (Woodward, 1993, pp. 423).

**Religion**

In the colonial times, the Spanish desire to conquer the indigenous people of Guatemala resulted in an ensuing conflict between Spanish propagated Christianity and the Mayan religious identity and understanding of the world. However post the departure of the Spanish rule, the church was sidelined and disregarded by the secular Liberals. The disregard had percolated to the extent that the “indigenous people donned Christian clerical apparel and offered prayer services to the Sun God” (Sullivan-Gonzalez,1998, pp. 2).

When Rafael Carrera came to power in 1839, he listed the restoration of the church and the protection of its religion as his own religious pledge. However, Carrera was not reckless in his restoration of the power of the church. As Sullivan-Gonzalez aptly quips, “he brewed the perfect alliance between indigenous people and the growing ladino population”. He realized that since the colonial era, the religious clergy who were bound by vows to live in a community by a monastic body stayed in the regions with a higher concentration of indigenous people given their missionary intent. On the other hand, the secular clergy settled in the eastern regions dominated by the Spanish speaking population.
Having understood this settlement, Carrera sought out the clerics present in the highland communities, who provoked displeasure among indigenous people and cleared them from the highlands. Such measures had enabled the indigenous people to adhere to Carrera despite their firm rejection of Catholicism. This compounded by the reality of the shared ancestry and identity they felt with the mestizo (mixed or ladino) leader tied the indigenous people to the Guatemalan State and identity. When Carrera rose back to power in 1851 after a brief strengthening of the liberals in 1849, he began establishing facilities to teach the Spanish language and the Christian doctrine to the Indians. Though this could be viewed as a move to integrate the Indians into the Ladino culture, his next move showed otherwise.

Reversal of Carrera’s conservative outlook on economic policies

In 1851, Carrera passed a law prohibiting Indians from leaving their villages and staying in the eastern highlands. If an Indian was found to do so, the army was to capture and bring them back to their own community. Keeping Indians congregated in communities enabled “easier exploitation of their labor by creoles and Ladinos” (Woodward, 1993, pp. 424).

With the coffee plantations beginning to grow in Guatemala, Carrera made a capitalist turn in his outlook on economic policy by initiating debt peonage (or debt servitude) in the Guatemalan economy. Furthermore, the Vagrancy law introduced in Guatemala during the ‘liberal phase’ post the first part of Carrera’s rule was not abolished by Carrera upon coming back to power. However, he did exempt the sick and disabled from this law in 1852. Carrera’s intent had always been the protection and preservation of the Indian people and Indian traditions. Nonetheless, the policy turns made by him in the later part of his rule did not contribute to ending the abuse of Indians but rather, made it easier for their exploitation later on. However, some scholars argue that:

The paternalistic policy of the Carrera government did not exempt Indians from exploitation of their labor but it did protect them from some of the abuses that came under Justo Rufino Barrios (Woodward, 1993, pp.427).

Liberal Era (1871-1944)
The Liberals took back power in Guatemala in 1871 after a successful military revolt led by Justo Rufino Barrios. The triumph of the liberalism is evidence of the increased incorporations of the propertied Ladinos into the ruling class of Guatemala. The shift in power was a result of two factors: internal pressures from the Ladino community that were annoyed at the ‘preferential treatment’ the cause of Indian preservation acquired from the Conservative rule and from the world market as Guatemala emerged as a leading coffee economy.

The shift in Guatemalan economy from a “mono-export cochineal economy” to a leading coffee economy necessitated the call for three categories of reforms which were adhered to by the liberals.

**Land Tenure**

The emergence of coffee plantations in Guatemala developed the need for larger land holdings than the ones used for cochineal and indigo plantations. The obvious consequence of this need was concentration of these larger land holdings in a fewer hands. In order to provide for the larger land holdings for the coffee plantations, Justo Rufino Barrios nationalized the land holdings of the Church thus, furthering another objective of diminishing the power and the importance the church had gained during the conservative era. Land from the Indian communities was appropriated for the purpose of creating larger coffee plantations. This led to the complete destruction of the Indian communities that survived on such land holdings in what John McCreery (1976) appropriately calls “a massive assault upon village lands.”

**Labor Laws**

Under the Justo Rufino Barrios government, debt peonage (or debt servitude) became more widespread and systematic. The government went to the extent of forcing the Indians into debt to guarantee the supply of cheap labor to the coffee estates and their finqueros (owners of the large commercial estates). If Indians resisted their obligations without permission they were to be jailed. The severe labor laws were enforced even after Barrios’ rule ended in 1885. As the liberals continued to stay in power, so did their policy of exploiting Indians for cheap labor.

The debt bondage policies initiated under Barrios were replaced by the vagrancy law, which affected all Indians and poor Ladinos. Where the laborers were obligated to work for minimal compensation on the coffee estate, finqueros on the other hand were only responsible for the maintenance of their workers during the harvest seasons.

**Modernization**

Within a few years of the coffee plantations having developed in Guatemala, the nation’s economy began depending heavily upon it. Guatemala depended on coffee for 92 percent of its foreign currency earnings by 1880 itself (Jonas,1991,pp.19). This became of utmost importance with the growth in the number of periodic food shortages faced by the country. By 1900, the nation had become an importer of basic food staples. Such a situation created the need for further expansion of the coffee estates and trade thus calling for more infrastructures to be built rapidly.

Fortunately, Barrios and the successive liberals were keen on modernizing Guatemala themselves, leading to the expansion of infrastructure especially, transportation and ports. Also, credit and state support enterprises supporting the estates were developed. State security and military services were developed to further support and maintain the infrastructure, as well as serve as a coercive force providing for cheap labor. The Guatemalan army, which was instituted at this time viewed rural Guatemala (populated by Indians generally) as their preserve and reveled in the dominace they enjoyed there. In this process of modernizing, the liberals managed to successfully “modify colonial institutions and class relations making them more exploitative” (Jonas,1991, pp.18).

Except for a brief democratic interlude in the early 1920’s, Liberals remained in power until the overthrow of their leader and dictator, Jorge Ubico in 1944.

For further insights into life in Guatemala, 1930 please watch this video: [Guatemala, 1930](https://www.youtube.com/watch?v=QXezevision channel).
Ten Year Spring (1944-1954)

The late 19th century and the earlier 20th century saw the consolidation of the Industrial Revolution throughout western Europe and USA and with that the emergence of the domination of world capitalism. This led to monopolistic concentration of money in a few specific sectors of the economy. The monopolist interests of the industrialized world were beginning to export their capital and seek control over cheap raw materials wherever possible. This growing trend in the last quarter of the 19th century implies that Guatemala now received a new kind of foreign investments; an investment wherein the state would lose control over their crucial production sectors of the economy to monopolistic interests. The bourgeoisie of Guatemala were more than eager to have this flow of investment into their economy thus, forming a new alliance between them and the monopolistic interests.

Post the American Civil War as the influence and domination of American capitalism grew in the world and especially in Central America, three major US monopolistic ‘investments’ were initiated in Guatemala.

1. United Fruit Company (UFCo) - monopoly over the production of bananas in Guatemala as well as the largest landowner in the nation.
2. International Railways of Central America (IRCA) - monopoly over transport services in Guatemala.
3. Electric Bond and Share

These monopolies were granted the unlimited use of Guatemala’s best land and resources with exemption from taxes, import duties, etc. except for a small export tax. The activities of such monopolies were not regulated by the government. It was possible for the monopolies to function as a “state within a state” due to the tight alliance that had developed between the Guatemalan oligarchy and them (Jonas, 1991, pp. 23).

The alliance survives as long as the interests of the participating members are compatible. Both the Guatemalan oligarchy and US monopolists desired to have a capitalist and exploitative economy in Guatemala coupled with a political dictatorship in the country. Defending their interests in Guatemala, US began to wield power in Guatemala. Jorge Ubico was elected as president in 1930 having gained support of the US State department. Such an arrangement was favored and supported by the Ladinos because this was the very mechanism that they used to successfully secure their “superior” status, exploitation of Indians, and other resources available.

Another factor contributed to the rise of American influence in Guatemala and hence further exploitation of the Indians: the Great Depression of 1929-1930. Following the market crash, the price of coffee plunged to half its value levying a great burden upon the local coffee estates of Guatemala. Furthermore with the start of World War II in 1939, the European markets were virtually shut down to the Guatemala coffee producers making the USA the only Guatemalan coffee importer. This gave USA further room to penetrate into the Guatemalan economy as it now controlled the prices for the single most important commodity for Guatemala. The liberals and Ubico not only allowed for further exploitation but also aided it. Wages were lowered and a vagrancy law was passed.

USA had percolated into Guatemala not only monetarily but also, physically as it stationed its troops in Guatemala to guard the Panama Canal in 1944. It is the US military that helped bring about an ‘anti-fascist’ sentiment in Guatemala. The ‘classless’ intellectuals, students, and workers began to view Ubico as a fascist favoring ruler and began protesting against his rule. A student strike was initiated in June 1944 demanding autonomous status be granted to universities. However, the killing of a student by the government forces during the protest led to a larger strike that encompassed all of Guatemala City. When Juan Federico Ponce Vaides, the puppet President placed by the liberals and USA post the resignation of Ubico, furthered repression of people, an armed revolt against the government broke out. October 20, 1944 became the last day of the Liberal Era in Guatemala.

With the coming of the new regime, the Indians felt a sense of relief. Though they still did not wield any political power, they now had some respite from the severe exploitation they have faced over decades.
Reforms

The new regime under President Juan Jose Arevalo implemented “universal” suffrage for all but illiterate women in Guatemala. About 76.1% of women in Guatemala were illiterate but 95.2% of Indian women were illiterate (Jonas, 1991, pp. 23). Hence, a disproportionate number of Indians were not given the right to vote. Nonetheless, basic freedoms, such as freedom of speech and press were assured. Furthermore, the Vagrancy law was abolished and a Labor Code (1947) was implemented in its place to secure equal wages for equal amounts of work for the first time in Guatemala.

Arevalo’s successor, Jacobo Arbenz implemented the massive Agrarian Reform Law of 1952 to move Guatemala from dependent capitalism (or
“feudalism” as he called it) to independent capitalism. The law called for the:

“expropriation of all idle land from holdings over the size of 223 acres. This land was to be distributed to eligible recipients. Peasants could be either owners or usufruct (use) for life by making a payment of 3 or 5% of annual production” (Jonas, 1991, pp.24).

Even the state owned fincas were included to be expropriated by this law. It is this law that led to the massive polarization of the Guatemalan society. The latifundistas severely opposed these reforms, whereas the Indians welcomed it. Over 100,000 peasant families received land through this law and rural services improved massively. However, the bourgeoisie had now lost a lot of wealth in a short period of time.

The Guatemalan bourgeoisies were accompanied by the USA (especially in UFCo) in their loss. With a land holding of over 550,000 acres and only 15% in use, the UFCo. was bound to be affected by this law. Approximately, 400,000 acres of their land was expropriated under the law and they were paid a compensation of one million USD for what they had demanded 16 million USD for. “The 15 million USD difference highlighted the onset of the climax of a long brewing crisis” and consequently the end of the Ten Years of Spring in Guatemala’s divided story (Jonas, 1991, pp.28).

For images and further clarity please view: The Ten Years of Spring (Source: Youtube, hatsogreen channel)

Counter-Revolution

In 1954, USA managed to maneuver politics in Guatemala and successfully implant Castillo Armas in power. The Ladino bourgeoisie skeptical of the agrarian reforms of 1952 and the consequent initiatives taken by the peasants supported the destruction of the revolution. With ending the revolution, the government with the help of the USA exercised unlimited powers of arrest. Their prime targets were the union leaders and organizers of UFCo, as well as the Indian village leaders, who were viewed as their chief opponents after the end of the revolution. A secret police force was organized to ‘weed’ out the ‘communists’ remaining in Guatemala even after the revolution was successfully terminated.

Success of the Counter-Revolution

There were multiple factors that led to the success of the counter-revolution despite the popular revolution from 1944-1954. Despite the many reforms undertaken in the ten year period from 1944 to 1954, Guatemala was still not able to break away from the mono-export coffee economy or from their economic dependence on the USA. In 1954, USA was still responsible for 85.2% of coffee exports and 83.2% of all exports of Guatemala. Guatemala also depended on US for 62.9% of its imports (Jonas, 2000, pp.34). Furthermore, the revolution aimed to not attack and eliminate the capitalist structure but rather, modernize it. Hence, the systems that aided the dependency on US as well as USA’s control over Guatemala were never abolished.

Another factor that caused the rise and survival of the counter revolution was the internal contradiction found in Guatemala. The entrenched oligarchy opposed the revolution from the very beginning. Also, the urban Ladino bourgeoisie who were supportive of it earlier on went along with its destruction for they were skeptical of the emergence of workers and peasants as an independent power base, thus diminishing their own power base. The final straw in the plethora of internal contradictions vexing the political construct in Guatemala was the insecurity experienced by the military. In order to block an US invasion, the Indians in the villages began to clamor for arms. Though Arbenz refused this demand of the Indians, it left the Guatemalan army feeling threatened thus, withdrawing their support from the revolution and aligning themselves with the counter-revolutionaries.

Aided by the internal conflicts within Guatemala, the US was able to replace the October Revolutionaries in Guatemala. They had realized that despite the reforms in favor of the indigenous people, the Guatemalan government had failed to address the roots of ethnic conflict in Guatemala and the October Revolution in effect polarized the society even further.

Civil War
Facing constant subjugation at the hands of the US implanted government and supportive armed forces, the indigenous people took arms to fight for social justice. Guatemala began showing signs for violent chaos with the assassination of Castillo in 1957. As Guatemala continues to stay in autocratic rule under General Miguel Ydígoras Fuentes, the “leftist” guerrillas start combating the Guatemalan army 1960 onward.

Guatemala was engulfed in violence 1960 onward and its intensity only grew in 1970’s. Death squads were organized to weed out the ‘leftists’ where as the rebels also becoming active. What initially started as a mass movement for social reforms ended as guerrilla war between the Guatemalan army and URNG.
Amidst the civil war, the new constitution for Guatemala was passed in 1985. The constitution implicitly acknowledged the multi-cultural nature of the Guatemalan society. However, it had clauses that supported the capitalist elite and hence the subjugation of the poor. For example the constitution forbade the “confiscation of property and the imposition of confiscatory fines” even in case of the owner being a criminal. No efforts were made by the constitution to have land re-distribution of any form implemented. Thus the issue at the very heart of the conflict persisted. Nonetheless the State guaranteed protection to communal lands that already belonged to the indigenous communities. Though the constitution stated that the State would strive to grant more land to the indigenous communities, with no land to expropriate, this clause was of no value.

The constitution coupled with the release of Rigoberta Menchu’s testimony brought the Guatemalan civil war under international scrutiny. Menchu’s story of escape from Guatemala after her father, a soldier in the guerilla army was killed is what attracted popular attention to Guatemala. A half hearted constitution did not help improving the situation in Guatemala or the international perception of it.

The civil war concluded with the signing of the Agreement of Definitive Ceasefire by both the parties in 1994, with ceasefire being defined as “the cessation of all insurgent action by URNG units and the cessation of all counter-insurgent action by the Guatemalan armed forces” (USIP.org, pp. 2).

For a video clip on the US involvement in the Civil War please click on this: When Mountains Tremble, US Military Cut

Strategies and Outcomes After the Crisis

Peace Process

“Commission for Historical Clarification (CEH) registered 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and 17 percent were Ladino. Combining this data with the results of other studies of political violence in Guatemala, the CEH estimated that the number of persons killed or who disappeared was over 200,000. State forces and related paramilitary groups were responsible for 93 percent of the violations documented by the CEH, including 92 percent of the arbitrary executions and 91 percent of forced disappearances. Victims included men, women and children of all social strata: workers, professionals, church members, politicians, peasants, students and academics; in ethnic terms, the vast majority were Mayans” (UNDP.org, pp. 12).

Guatemala gained independence via a liberation movement strongly orchestrated by the elite within the Guatemalan society which had vested
economic interests in doing so. The indigenous people were discriminated against as they formed the base on which the Ladino elite could build prosperous future for themselves. Despite the several efforts of the various agreements and accords to conduct the Guatemalan peace process, the root causes of the ethnic conflict remain unanswered- property rights and equitable distribution of land. A series of agreements were formulated and implemented since 1994 to begin resolving the conflict in Guatemala.

**Human rights' Agreements**

A series of human rights agreements were signed between 1994 and 1996 including the Comprehensive Agreement on Human Rights (1994) and the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer. These series of agreements were made between both the parties (Guatemalan army and the URNG) with the UN acting as the mediator.

Comprehensive Agreement on Human Rights made the Guatemalan government responsible for the upholding and protecting the human rights of all its citizens. The government further declared this to be not only its duty but its political will. Complete freedom of association and movement was to be granted with immediate effect. Furthermore, both the parties agreed upon a few military-based conclusions.

Along with agreeing to complete regulation of bearing of arms, the Guatemalan government took it upon themselves to purify and professionalize the army. Also, conscription laws were revised so that despite military service being a civil duty one could not be coerced into fulfilling this duty. All the citizens were eligible for military service and enlistment would be just and non-discriminatory. Further reforms pertaining to the military were enlisted in the demilitarization accord of 1996.
Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

The agreement or the demilitarization accord was a part of the agreement on firm and lasting peace signed in Mexico City, in 1996. To be enforced by the Secretary General of the UN, the accord calls for:

“comprehensive package of provisions relating to the strengthening of democratic institutions in Guatemala, including Congress, the administration of justice and the executive branch. In the context of ending 35 years of armed conflict, the Agreement emphasizes the need to overhaul the security functions of the State” (Agreement on the Strengthening of Civilian Power and on the role of the Armed Forces in a Democratic Society).

Given the involvement of the Guatemalan army in the civil war that had engulfed the country for over three decades, the agreement sets forth the establishment of the new role of the Guatemalan army. The sole purpose of the armed forces would be defending the nation’s territorial integrity and sovereignty. Their participation in any activity with any other end was to be limited to cooperative practices only. Furthermore the power of the military courts was diminished by a great extent. Not only could the military personnel not be tried in the military courts for civilian/ordinary crimes and misdemeanors but no civilian could be tried in a military court for any offence. This effectively aimed at undermining the effects of the bias of a military court and the decisions taken therein. The military courts were certainly biased against the ‘leftist’ guerrillas and thus rural Indians. Diminishing the jurisdiction power of the military court effectively diminishes the biases that can be committed against the Indians.

The Voluntary Civil Defense Committees (CVDC’s) and the mobile military police forces were completely alienated from the Guatemalan armed forces and were eventually disbanded. Along with these extreme measures to completely demilitarize the civil life in Guatemala, the accord further called for modernization of the other governing institutions of Guatemala. The accord called for the three branches of governance - the Legislative, Executive and Judiciary to be modernized, which was synonymous democratization for Guatemala. The branches were also reformed to be more inclusive in nature. Civil servants working under these three branches were to be professionalized. This standardization process would not show effects immediately but it did aim to even the political field in Guatemala especially for the sections of society devastated by war; the Indians.

Accord on Identity and Rights of the Indigenous Peoples

In March 1995 the Accord on Identity and Rights of the Indigenous Peoples was implemented. The United States Institute of Peace describes the general purpose for this agreement as a way to recognize and respect the identity and the political, economic, social and cultural rights of the Indigenous peoples of Guatemala. Also, recognizing the Indigenous people of Guatemala was the foundation for eliminating oppression and discrimination and progress towards national unity. Susanne Jonas describes this accord as furthering anti-discriminatory protections by mandating “a constitutional reform redefining Guatemala as a multiethnic, multicultural, and multilingual nation” (Jonas, 2000, pp.16). The implications of this agreement involved significant reforms in Guatemala with regards to its education, judicial, and political systems. She further elaborates that this accord:

lays the formal basis for a new entitlement of Guatemala's indigenous majority and establishes their right to make claims on the state and that combined with independent initiatives by indigenous organizations, this agreement helped create a new context for social and political interactions for a more democratic political culture (Jonas, 2000, pp.16).

The United States Institute of Peace describes this new political culture as one where the Indigenous peoples could fully exercise their rights and political participation towards a national and united Guatemala that accurately portrays the diverse nation and its values. This agreement sought to “create, expand, and strengthen the structures, conditions, and opportunities” for Indigenous participation, while also respecting their identity and rights (USIP.org, pp.1-2). This accord did contain serious limitations and problems. Jonas exemplifies a major flaw in this accord as the limitation of bringing justice to victims of war, in which this agreement transfers the responsibility to take action against those responsible for human rights crimes back to the courts. The problem with this was that “judicial system operates within a generalized framework of impunity and threats” (Jonas, 2000, pp.17). The demilitarization accord attempted to implement regulations for action against those responsible for human rights violations however, in practice they were not upheld.

Accord on Socio-Economic and Agrarian Issues
On May 6, 1996, the Accord on Socio-Economic and Agrarian Issues was agreed upon. The United States Institute of Peace describes the general purposes for this agreement, which was established to secure peace based on socio-economic development to benefit the whole population and it was:

necessary in order to overcome the poverty, discrimination and social and political marginalization, which have impeded and distorted the country's social, economic, cultural and political development and have represented a source of conflict and instability (USIP.org, pp.1).

To meet the people’s needs, sustainable economic growth was necessary. In doing so, all sectors of society need to participate in trying to meet their needs by setting public policies that concern them. The USIP describes this accord as trying to "create or strengthen mechanisms and conditions to guarantee the effective participation of the people and contains the priority objectives for Government action" (USIP.org, pp.1). This accord should integrate Guatemala’s social and political forces to fight poverty and discrimination to build a “united, prosperous and just Guatemala that will afford a dignified way of life to its people as a whole” (USIP.org, pp.1). Some specifics include Government recognition and responsibility against abuse of the labourers and access to land ownership through land trust funds.

Susanne Jonas emphasizes that this accord recognizes the Guatemalan government as responsible for the well-being of the population. Susanne Jonas describes some of the limitations of this accord. A major limitation is that the issue of land reform is not addressed and there are no procedures or initiatives to create jobs and decrease unemployment (Jonas, 2000, pp. 17). These limitations exist because Guatemala’s economic policies needed to win the consent of the private sector. As a result, this accord will not better the daily lives of most Guatemalans.


**Democracy but No Social Justice**

Since the end of the peace process in 2000, there have been many changes in Guatemala. Susanne Jonas describes these changes as the peace process and the accords changing the rules of the political game and creating a new political environment (Jonas, 2000, pp.17).
Table 1: Post-war homicide rates in Guatemala

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</tr>
</thead>
<tbody>
<tr>
<td>Homicide rate</td>
<td>40</td>
<td>43</td>
<td>34</td>
<td>26</td>
<td>28</td>
<td>30</td>
<td>32</td>
<td>37</td>
<td>38</td>
<td>44</td>
<td>47</td>
<td>47</td>
</tr>
</tbody>
</table>


(The homicide rates mentioned here are computed by dividing the number of homicides by 100,000).

**TABLE 2: INDICATORS OF SOCIAL AND STRUCTURAL CHANGES**

<table>
<thead>
<tr>
<th></th>
<th>Year</th>
<th>Guatemala</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban population</td>
<td>1975</td>
<td>36.7</td>
</tr>
<tr>
<td>(in % of total)</td>
<td>2004</td>
<td>46.8</td>
</tr>
<tr>
<td>Migration</td>
<td>1970</td>
<td>17</td>
</tr>
<tr>
<td>(Central Americans living in the United States, in thousands)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1980</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>226</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>327</td>
</tr>
<tr>
<td>Coffee</td>
<td>1990</td>
<td>25.9</td>
</tr>
<tr>
<td>(in % of total exports)</td>
<td>2000</td>
<td>18.8</td>
</tr>
<tr>
<td>Importance of agrarian sector</td>
<td>1980</td>
<td>59.3</td>
</tr>
<tr>
<td>(in % of economic active population)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>58.2</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>56.8</td>
</tr>
<tr>
<td>Importance of informal sector</td>
<td>1988/89</td>
<td>53.7</td>
</tr>
<tr>
<td>(in % of economic active population)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poverty rate</td>
<td>1980</td>
<td>63.0</td>
</tr>
<tr>
<td>(share of population living below the poverty line, in % of total population)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>2001/02</td>
<td>60.2</td>
</tr>
<tr>
<td>Population living below poverty line (in millions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1980</td>
<td>4.6</td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>6.9</td>
</tr>
<tr>
<td></td>
<td>2001/02</td>
<td>7.0</td>
</tr>
<tr>
<td>Remittances in mio. US-$</td>
<td>2002</td>
<td>596</td>
</tr>
<tr>
<td></td>
<td>2002</td>
<td>1,600</td>
</tr>
<tr>
<td></td>
<td>2004</td>
<td>2,592</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>3,626</td>
</tr>
</tbody>
</table>
Social Structure Unchanged

The United Nations Development Program (UNDP) has evaluated the peace process in Guatemala and has discovered several significant findings. They find that the peace process has been an effective strategy to end large-scale repression in Guatemala. Another success of the peace process was that indigenous groups became aware of their human and economic rights and rights as citizens of the state, which has increased their expectations. However, these expectations haven’t been met and as a result, may be potential for conflict if conditions deteriorate in the future. Except for Accord on Identity and Rights of the Indigenous People, none of the accord specify the rights of the indigenous people as a separate entity from equal rights for all. Though the power of the official Guatemalan army was diminished to a great extent, it was nevertheless still under the sole control of the old guard. Hence despite the faint recognition of the rights of the indigenous people, the elite section of the society remained unchanged.

This is because even though progress has been made, the peace process was not effective in making lasting structural changes to transform the power structures in Guatemala. For example, the United States supported the elites in power, which helped enable the Guatemalan elites to retain their role in key state institutions despite institutional reforms during the peace process. The UNDP states: clandestine armed groups, both within the official armed forces and outside it, have helped preserve the interests of a small minority even in post-conflict Guatemala. These illegal armed groups – small bands of heavily armed men who commit or threaten to commit violent criminal acts – have been a feature of post-conflict Guatemala. The clandestine groups, a legacy of three decades of war, act at the behest of members of an inter-connected set of powerful Guatemalans who oversee and profit from a variety of illegal activities that they carry out with little fear of arrest or prosecution. These illegal activities often involve the improper exercise of influence in the state – skimming at customs, bribery and kickbacks (web.undp.org, pp.7-8).

This shows that these groups have great influence in the country and have relationships with political actors in Guatemala, which allows them protection from prosecution.

Table 3: Distribution of Parliamentary Seats and percentage of the vote 1995 – 2007 (main political parties)

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>PAN</td>
<td>rightist</td>
<td>1996-2000</td>
<td>43</td>
<td>37</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>FRG</td>
<td>rightist</td>
<td>2000-2004</td>
<td>21</td>
<td>63</td>
<td>41</td>
<td>29</td>
</tr>
<tr>
<td>GANA</td>
<td>rightist</td>
<td>2004-2008</td>
<td>-</td>
<td>-</td>
<td>49</td>
<td>37</td>
</tr>
<tr>
<td>PP</td>
<td>rightist</td>
<td>2000 (split off from GANA)</td>
<td>-</td>
<td>-</td>
<td>*</td>
<td>29</td>
</tr>
<tr>
<td>UNE</td>
<td>centrist</td>
<td>Since 2008</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>FDN**</td>
<td>leftist</td>
<td></td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANN**</td>
<td>leftist</td>
<td></td>
<td>9</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EG**</td>
<td>leftist</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>URNG-Maiz**</td>
<td>leftist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

*The PP was part of GANA until it split off shortly after the election.

**The FDN was formed by political and social forces sharing a reformist agenda and participating in the ASC, ANN was a coalition of most of these forces with the – now legal – URNG; EG was a coalition between most of ANN and the political supporters of Rigoberta Menchú as a candidate to the presidency in 2007.

Inclusive or not?

Throughout the peace process in Guatemala accords have been made and agreements have been made by both the sides - the Guatemalan army and the URNG, which were further endorsed by the Guatemalan government. The key feature about the accords and the various policies implemented in Guatemala is that though they acknowledge in the subtext of their statements the presence of discrimination against one particular group of people, their policies do not mention it. The policies are developed to promote Guatemalan unity and equality for all while establishing Guatemala as a successful, multiethnic state.

This all-inclusive policy of the Guatemalan state in every possible facet of governing and administration was not effective in giving the required representation to the indigenous classes. Despite sharing of power there was disparity the nature of the power being distributed to the Indians. An example cited by the UNDP best explains this:

'Social portfolios' (i.e. those less critical to national security) have been placed in the hands of opposition parties or liberal technocrats, while the ministries perceived to be of real power (Defence, Interior, Attorney General, etc.) are squarely in the hands of the old guard (web.UNDP.org, pp.8).

The approach generally favored by scholars is the one succinctly summarized by Ho-Wun Jeong, “peacebuilding process is sustainable only if it is owned by the population” (Jeong, 2005, pp.3). The local population was however never given the “ownership” in the process. Only the heads of the Guatemalan army, URNG and the Guatemalan government were present and made decisions in the presence of UNO officials. A plebiscite, referendum, etc were never considered. Hence even in their all inclusive approach of peace-building, the common people were not included.

Demobilizing the 'rebels'

Many agreed that the peace process has left Guatemala with remnants of the “old power structures in control either behind the scenes or formally” (web.UNDP.org, pp.8). One of the reasons for this is that opposition political parties were fragmented with little power and were unable apply real leverage to go against the status quo. As a result, repression has persisted, albeit in a different manner than before the peace process. This new form of repression is “mostly in the form of intimidation through threats or acts of physical violence and continues with impunity” (web.UNDP.org, pp.9). That is, those trying to fight corruption, human right violations, and violations of these peace accords get death threats that deter them from exposing these instances of corruption and violations.

Future of the Conflict

The accords were not a complete failure for they did manage to assure to all people the basic freedoms and rights. Additionally the press has much more freedom in Guatemala now. Since the peace process, the nature of conflict in Guatemala has changed. The UNDP describes it as:

The absence of job opportunities and weaknesses in the security sector and judiciary, including the possible collusion of officials in the security sector in some instances, have resulted in the proliferation of organized crime associated with the drugs and weapons trade, gangs (marras) and a general decline in law and order (web.UNDP.org, pp.10).

This shows that the peace process has failed to tackle “developmental inequities” (web.UNDP.org, pp. 34). As a result, the developmental inequities coupled with a lack of opportunities are contributing to new instability that must be addressed to prevent a different type of armed conflict.

Resources

The following resources provide additional insights into the strategies adopted and their consequences for this case:


References


