

GUATEMALA

Maya

Activity: 1991-2020

General notes

- Guatemala's indigenous population is dispersed throughout the country with the largest populations in rural departments north and west of Guatemala City, particularly Quiché, Alta Verapaz, Sololá, Totonicapán, Quetzaltenango and Huehuetengango (Minorities at Risk Project). The overwhelming majority of Guatemala's indigenous population is Maya. However, note that the Maya do not constitute a coherent ethnic bloc and consists of 22 different indigenous nations, including the Quiche, Tzutujil, Cakchiquel, Mam, Achi or Pokoman.

Movement start and end dates

- As from the mid-1970s, the Maya were heavily involved in the communist insurgency in Guatemala. The UCDP Conflict Encyclopedia notes that the EGP (Ejército Guerrillero de los Pobres, Guerrilla Army of the Poor), in particular, recruited heavily from the Maya population. According to UCDP, another rebel group that was heavily Maya-based was ORPA (Organización del Pueblo en Armas, Organization of People in Arms). In 1982 EGP, ORPA and two other rebel groups (FAR I and FAR II) joined forces and formed the Guatemala National Revolutionary Unit (URNG). While the Maya thus played a crucial role in the civil war that ended in 1995, that war was not fought over autonomy. The EGP, for instance, "was [...] more focused on a battle between classes than promotion of the indigenous peoples' rights per se" according to UCDP. UCDP/PRIO accordingly codes the Guatemalan civil war as one over the government. In line with this, EPR considers the Maya involved in an ethnic insurgency from 1975-1995, but considers the insurgency a conflict over the government. Minorities at Risk, too, codes the Maya as involved in a rebellion but does not note separatist motives either. Doyle & Sambanis (2006) also note indigenous involvement in the civil war, but mention no separatist motives. This is confirmed by Sieder (1997: 66), who states that the "efforts of indigenous organizations have focused on integration and inclusion, not separatism".
- Only in the early 1990s did the Maya movement turn towards devolution and autonomy. According to Minahan (2002: 1217-1218), Maya activists began to make calls for cultural and land rights in the early 1990s. The first evidence for organized separatist activity we found is in 1991, when the Council of Mayan Organization of Guatemala (COMG) was formed, an umbrella group of research centers and cultural organizations that publicly advanced demands for devolution. 1991 is thus coded as the start date.
- COMG was the vanguard of the Coordination of Maya Peoples' Organizations of Guatemala (COPMAGUA), which was formed in 1994 out of 200 separate Maya organizations. COPMAGUA was formed in order to press for Maya issues in the peace negotiations that led to the end of the civil war in 1995. COPMAGUA's program evolved around loosely-defined terms 'autonomy', 'self-determination' and 'participation'. This claim is confirmed by Montejo (1997) and Sén (1999), who also state that land rights, participation and self-determination on cultural, linguistic, political, and religious levels are the primary goals of the Maya organization.
- Minorities at Risk notes that indigenous organizations have also made claims for autonomy and land rights in more recent years, including the Equality Committee on Indigenous People's Land Rights, and that there have been protests over land rights up to 2006, the last year they cover. Sources also report organized mobilization over territorial autonomy between 2011 and 2021, mostly in the form of protest episodes against the development of hydroelectric and mining projects in ancestral land and in favour of the implementation of prior consultation mechanisms (Minority Rights Group International; El Faro, 2012; Caballero, 2015). During this period, the

organization *Concejo del Pueblo Maya* (Council of Maya People) has been at the forefront of the group's self-determination claims (Hernández, 2018; CPO, 2011; 2021) Based on this, we code the movement as ongoing as of 2020. [start date: 1991; end date: ongoing]

Dominant claim

- We code the first evidence of organized separatist activity in 1991, when the Council of the Maya Organization of Guatemala (COMG) was established, an umbrella group of Maya research institutions and cultural organizations that publicly advanced demands for Maya self-determination and devolution. In 1994, the Coordination of Maya Peoples' Organizations of Guatemala (COPMAGUA) was formed out of 200 separate Maya organizations. COPMAGUA was the Maya representative body in the peace negotiations that led to the end of the civil war and the peace accord of 1995. Lovell (2010: 168), calls COPMAGUA “the most important” Maya organization in Guatemala. COPMAGUA's program evolved around loosely-defined terms ‘autonomy’, ‘self-determination’ and ‘participation’. These claims are confirmed by several other sources: MAR, for example, lists the “protection of and access to lands [...]; the right to teach, publish, and deal with the government in their own language [...]; greater political rights in their own community” as Maya demands. Montejo (1997) also mentions political and cultural autonomy as the primary goals of COPMAGUA. The movement continued to be active up until 2020 and the claim for autonomy has remained dominant (see International Crisis Group 2013: 18; CPO 2021). [1991-2020: autonomy claim]

Independence claims

NA

Irredentist claims

NA

Claimed territory

- We were unable to find a specific definition of the territory to which this group's claims are tied. We therefore flag this claim as ambiguous and use the group's settlement area as an approximation, drawing on the GeoEPR dataset.

Sovereignty declarations

NA

Separatist armed conflict

- Though the Maya were involved in a civil war until 1995, we do not code this period as violence over self-determination due to the lack of separatist motives (see above).
- In October 2012, six demonstrators were killed by the military in the context of a demonstration in Totonicapán; this protest was mostly over economic issues (in particular rising electricity prices), but land rights ranged among the demands too (International Crisis Group 2013: 18). In a similar episode in May 2017, a protest in the Maya village of Chichipate over the environmental degradation of ancestral territories caused clashes between the military and the indigenous demonstrators, leading to the death of one protester and the injury of six others (Minority Rights

Group International). The 25-deaths threshold is not met in either of these episodes, thus we code the entire movement as NVIOLSD. [NVIOLSD]

Historical context

- The Maya civilization “developed in the Central American highlands as a sedentary agricultural society with advanced arts and sciences” (Minahan, 2016: 263). With the Spanish invasion in the 16th century, the Maya population was decimated and their lands were dispossessed, forcing indigenous groups to migrate over time to smaller land plots in higher elevations while subjecting them to forced agricultural labour in foreign-held lands under the *encomienda* system (MAR).
- During Guatemala’s Liberal revolution in the 19th century, large swathes of land were taken from Maya communities, constituting the ‘second holocaust’ of the Maya after the Spanish conquest (Minority Rights Group International).
- The 1960s saw the rise of protest movements demanding land and fair wages in Maya highlands. These movements were systematically met with repression from state authorities over the following decades. In one of these episodes, in 1980, a group of 39 Maya protesters sought refuge inside the Spanish Embassy, to which the authorities responded by burning down the Embassy and killing the protesting Maya (Minority Rights Group International).
- From the 1970s onwards, during the Guatemalan armed conflict, thousands of Maya joined the emerging guerilla movements and Maya territories became highly militarized conflict zones. Due to a strongly repressive state response to insurgency, the Maya made up most of the conflict’s 200,000 deaths and one million forcibly displaced (Coello and Duarte 1993; Smith, 1991).
- Between 1976 and 1985, construction work for the Chixoy hydroelectric dam took place between the departments of Baja Verapaz, El Quiché and Alta Verapaz – territories historically inhabited by the Maya Achi. In the construction process, the government carried out voluntary and forcible relocations of the affected indigenous communities from the fertile agricultural valleys to infertile highlands. When hundreds of residents refused to relocate or returned after encountering the poor conditions of the resettlement villages, they were kidnaped, raped and massacred by military officials and paramilitary militias (Voulgaris 2019: 199; Carasik and Russell 2012). According to Voulgaris (2019: 199), a string of extrajudicial killings between 1980 and 1982 – and which later became known as the Río Negro massacres – claimed the lives of up to 5,000 Maya. Aguirre (2017) equally notes that thousands more Maya were displaced and the lives of 11,200 families subverted by the dam’s construction. We do not code a restriction because construction (and therefore presumably the forced relocations) began more than 10 years before the start date.
- In a brutal counter-insurgency campaign launched by General Efraín Ríos Montt in 1982, 440 Maya villages that had guerilla presence were destroyed, displacing thousands of Maya from their homeland (Minority Rights Group International). Given that this was a consequence of war, we do not code it as a restriction.
- The 1985 Guatemalan Constitution recognized the legal existence of Maya groups and provided for the protection of their cultural and linguistic rights. However, this move appears to have been purely rhetorical, as we found no evidence that these provisions improved the exercise of Maya cultural rights in practice, and therefore do not code this as a concession. In addition, the Constitution called for a law relating to indigenous questions and grievances, but said law was never enacted (Minority Rights Group International).

Concessions and restrictions

- In December 1996, the Guatemalan government and the URNG guerilla group signed an accord to conclude a two-year long peace process. The accord included a section on the identity and rights of indigenous people, which defined the Guatemalan nation as “multi-ethnic, pluricultural and multilingual” – a definition which was to be incorporated into the constitution – and promised the introduction of anti-discriminatory legislation (Davis, 2004: 347). According to Minority Rights Group International, the final accord “also agreed on a number of measures to increase Maya participation in society, including the promotion of bilingual education at all levels

of the state education system; the official use of indigenous languages within the legal system sanctioned through indigenous legal aid organizations; the training of bilingual judges and interpreters and the provision of special legal defence services for indigenous women. In addition, commitment to the principle of municipal autonomy was made through an agreement to reform the municipal code and to strengthen Mayan authorities". Abbott (2017) argues that the agreement on indigenous people was a "historic accomplishment for the indigenous populations in Guatemala" in terms of cultural rights, whilst recognizing that there was no implementation of the promised municipal autonomy. We therefore code a cultural rights concession, but note that this is an ambiguous code, given that the "the free expression of Mayan religion, language and other factors continues to be hampered by a shortage of resources and a lack of political will to enforce laws and implement the 1996 peace accords" (Minority Rights Group International). [1996: cultural rights concession]

- In May 1999, the government held a national referendum on four proposed changes to the constitution, including one on indigenous rights. Although there were no proposals on indigenous autonomy per se, the government put forward a provision on the right to prior consultation for indigenous people in large-scale development projects, which could have improved the exercise of land rights for indigenous Guatemalans. The proposal on indigenous rights was defeated, receiving support from only 43% of voters and with a shocking 81% abstention rate. We do not code a concession because of the limited nature of the measure at stake and because the referendum was held at the national level. Notably, 70% of indigenous people in Guatemala were illiterate at the time and would have consequently faced important constraints in exercising their right to vote in the consultation (Azñárez, 1999).
- In 2003, the government passed legislation and increased funding to promote and protect indigenous languages through the 'Languages Law', which also sought to improve bilingual education in Maya communities and bolster the use of Mayan languages in health, education and justice (MAR). However, according to Minority Rights Group International, these initiatives lacked resources or capacity, which means that in practice, the Maya today rarely have access to bilingual opportunities. Moreover, Minority Rights Group International notes that that concessions like the bilingual education programme were "more designed to assimilate Mayans into mainstream national culture" than to actively improve the exercise of Maya cultural rights. We choose not to code a concession here.
- Major protests by indigenous and civil society groups erupted after the Central American Free Trade Agreement (CAFTA) was ratified by the Guatemalan congress in 2005. The groups argued that CAFTA would facilitate the development of extractive industries in indigenous territories without community consent (MAR). Minority Rights Group International reports that since 2005, energy and extractive concessions in indigenous territories has dramatically increased, which has displaced numerous communities and caused environmental degradation in sacred spaces for local Maya populations. Some examples include the development of a vast palm oil industry in Sayaxte, a region where nearly three-quarters of the population is Maya, and the hydroelectric and mining projects in the north of Huehuetango – a territory with a large Maya majority. These events have provoked regular confrontations between local Maya communities and state authorities, and led to the frequent arrest of indigenous protesters. We code an autonomy restriction in 2005, the year of CAFTA's ratification in Guatemala. [2005: autonomy restriction]
- Minority Rights Group International reports that in August 2014, "a local court in Sipicapa ruled that mining permits and activities are illegal if local communities have not been given information and are not consulted". While we note that this ruling set an important legal precedent for the Maya to uphold their land rights, we do not code a concession given the local level nature of the ruling.
- In November 2014, Guatemala's President Otto Pérez Molina issued a formal apology to the Maya Achi for the government's role in the social, cultural and environmental destruction caused by the Chixoy Dam, built between 1976 and 1985. In addition, he signed an agreement to execute a reparations plan for the affected indigenous communities, with a budget of USD \$154 million that includes the construction of housing, investment in infrastructure and land restitution (Aguirre 2017; Minority Rights Group International). According to Minority Rights Group International, the relevance of this decision goes beyond the immediate reparation to the affected

communities, since it sets a historic precedent for redressing violations of indigenous peoples' rights over the past decades as well as ongoing land conflicts.” [2014: autonomy concession]

- Between 2014 and 2018, a series of reports emerged that the construction of a new hydroelectric complex – the Renace dam – was threatening the livelihoods of 30,000 Maya in Alta Verapaz. In multiple demonstrations, indigenous authorities denounced that the construction was promoting land grabs, as well as polluting and depleting the river Cahabón, which provides drinking water to hundreds of Maya communities (Llopis, 2018; Paullier, 2016; Tristán, 2016). Such claims were denied by the project developer, who maintained that relations with the local indigenous communities were “magnificent”, and that the project would bring thousands of jobs to the region (Paullier 2016). The project was completed in 2018. We do not code a restriction because we found only tentative evidence of land grabs.

Regional autonomy

- EPR does not code regional autonomy for the Maya. Van Cott (2002) and Bastos (2010) confirm that the Maya's autonomy is limited. [no autonomy]

De facto independence

NA

Major territorial changes

NA

EPR2SDM

<i>Movement</i>	Maya
<i>Scenario</i>	1:1
<i>EPR group(s)</i>	Maya
<i>Gwgroupid(s)</i>	9002000

Power access

- We adopt power access codes from EPR, which codes the Maya as discriminated until and including 1995 and as powerless thereafter. [1991-1995 discriminated; 1996-2020: powerless]

Group size

- We use the EPR group size estimate. [0.515]

Regional concentration

- EPR considers the Maya as regionally concentrated. MAR suggests that the Maya have a regional base in which 50-75% of all Maya in Guatemala reside. Minahan (2002: 1213) suggest that the Maya are concentrated in northern Guatemala. [regionally concentrated]

Kin

- According to Minahan (2002: 1213), there are millions of Maya in Mexico and smaller communities in Belize, Honduras, and El Salvador. [kin in adjacent state]

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