

## Maya

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### Profile

The majority of indigenous peoples in Guatemala are of Mayan descent. The Maya are essentially a regional group. In all an estimated 5 million Mayans live in the different Central American countries,

The Mayans of Guatemala are the only indigenous culture that constitutes a majority of the population in a Central American republic. There are 21 different Maya groups in Guatemala making up an estimated 51 per cent of the national population.

Maya are dispersed throughout Guatemala especially in the western highlands. The largest populations are in rural departments north and west of Guatemala City, most notably, Alta Verapaz, Sololá, Totonicapán and Quiché. Maya are also located on farms in Guatemala's southern area known as Boca Costa.

Increasing numbers of Mayans of varying social classes live in all of Guatemala's cities, as well as in Belize, Honduras and especially Mexico.

Mayan groups are distinguished by language. The most common of the approximately 26 indigenous Mayan languages that are still spoken are Q'eqchi, Cakchiquel, Mam (Maya), Tzutujil, Achi and Pokoman.

### Historical context

#### Pre-Colombian

Mayan history shows strong evidence of connections to the more ancient Olmec (Xhi) civilization of southern Veracruz in Mexico.

The physical 'boundaries' of the ancient Mayan empire spanned the countries of modern-day Guatemala, Belize, the western portions of Honduras and El Salvador, and the five Mexican states of Yucatán, Quintana Roo, Tabasco, Campeche and Chiapas.

One group of Mayans called the Huastecs separated in ancient times and established itself outside of this geographical area. There were 28 other ethnic groups whose names correspond to their languages. These are the Mam, Yucatec, Chorti Itza, Lacandon, Mopan, Chontal, Chol, Cholti, Tzotzil, Tzeltal, Coxoh, Tojolabal, Chuj, Jacaltec, Kanhobal, Mocho, Tuzantec, Aguacateca, Ixil, Quiche, Tzutuhil, Cakchiquel, Uspantec, Achi, Pocomchi, Kekchi and Pocomam.

The ancient Maya developed an agriculture-based society (maize, beans and root crops) supplemented

with wild game and fish caught in rivers, lakes and oceans. Ancient Maya cities were densely populated. They established far-reaching production and trade networks as well as temples and religious centres, and developed writing, mathematics and astronomy, which allowed them to monitor other planets and predict eclipses.

## **Contemporary era**

While the Mayan civilization was already in a prolonged hiatus when the Spanish arrived in the sixteenth century, the invasion prompted a very rapid decline. This occurred through the dispossession of lands and the use of Mayans for forced labour on cocoa and indigo plantations.

Mayan leaders today refer to the massacres of the 1980s as the 'third holocaust', the other two being the Spanish conquest and its aftermath, and the land dispossession during the Liberal revolution of the nineteenth century. The large self-identified Mayan majority remains partly due to the group's ability to assimilate cultural and religious influences. This is in part because of the internal coherence and secrecy of Mayan communities in their approach to the outside world, and also because of the significant process of cultural resistance that the community continues to exercise.

The 1960s saw the rise of social movements in Guatemala demanding land and fair wages in the Mayan highlands and the large farms of the south coast. The repression that the movement faced was exemplified by the burning down of the Spanish Embassy on 31 January 1980 when a group of 39 Mayan leaders sought refuge inside. This created fertile ground for recruitment to the armed insurgency under the umbrella of the Guatemala National Revolutionary Unit (URNG).

The state response, in the form of the counter-insurgency campaigns of General Ríos Montt and the subsequent militarization of the area, caused almost 200,000 deaths, created over 200,000 refugees in Mexico and a million internally displaced within the country. These actions were subsequently defined as genocidal by the United Nations-sponsored truth commission.

The return to civilian rule created a state with less formal discrimination. However, discriminatory legislation against women still existed and *de facto* discrimination continued to exclude the Mayan communities from the legal, political, economic and social systems of Guatemala. In many Mayan areas, militarization as a consequence of the armed conflict left the army as the only visible institution of the state apart from the Catholic Church.

## **Reconciliation**

Article 66 of the 1985 Constitution recognized the existence of Mayan groups and provided for the state to respect their rights to use indigenous languages, traditional dress, customs and forms of social organization. Article 70 called for a law to establish regulations relating to indigenous questions.

However, 10 years after the introduction of the constitution, the necessary law had not been enacted. In addition, under the existing electoral law, the Maya had no opportunity to organize politically. During 1992, there was some hope that Congress might ratify ILO Convention 169 relating to indigenous peoples, but a series of delays and a short-lived coup in 1993 put an end to the process.

Mayan culture continued to be denigrated by the national political elite, which was implicated in their massacre. Where concessions were made, as in the limited government bilingual education programme, these were more designed to assimilate Maya into mainstream national culture, in this case by integrating Mayan children into the existing Spanish education system.

## **Cultural flowering**

Despite the levels of discrimination and the negative effects of the 1985-95 internal armed conflict, a new movement of Mayan organizations blossomed, which included locally based development groups. Issues such as the rights to land, civil and cultural rights, bilingual education and the recognition of Mayan local authorities became major topics of focus. In addition, Mayan academic institutions and research institutes began gathering and documenting the history of Mayan civilization. A key symbol of the indigenous popular movement was the 1992 Nobel Peace Prize award to Mayan exile Rigoberta Menchú, which gave the entire Mayan issue increased international recognition and some local protection from military repression.

These developments forced all parties in the conflict to radically alter their perceptions regarding the Maya. A significant step forward was taken in March 1995 with the signing of an accord on indigenous rights between the government and the guerrillas. This was cautiously welcomed by the Coordination of Guatemalan Mayan Organizations (COPMAGUA), the umbrella organization of Mayan organizations, which subsequently presented proposals for the Peace Accords to the Assembly of Civil Sectors for discussion.

The accord defined the Guatemalan nation as 'multi-ethnic, pluricultural and multilingual', a definition which was to be incorporated into the constitution. It promised the introduction of anti-discriminatory legislation and the congressional approval of ILO Convention 169.

It also agreed on a number of measures to increase Mayan 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.

In 1996, Guatemala ratified the International Labour Organization (ILO) Convention 169 and in May 1999, a national referendum was held on indigenous rights that proposed changes to four points of the constitution. There was criticism concerning voter intimidation and overtly racist campaigns, which may have affected the outcome. In the end the proposal on cultural and linguistic plurality was defeated receiving support from only 43 per cent of voters, who in turn represented barely 19 per cent of the total electorate.

## **Current issues**

### **Human rights, politics and participation**

In 2002 and 2003 once again there was a rise in death threats and abductions against human and indigenous rights leaders. This particularly involved activists working to bring government officials and military officers to trial over civil war-related atrocities, and there were scattered reports of murders of indigenous and human rights leaders.

Much of this activity was attributed to the reactivation of groups connected to the 2003 election campaign of presidential candidate General Efraín Ríos Montt, the founder of the Guatemalan Republican Front (FRG) party who was Guatemala's dictator during the 1982-83 period.

The overwhelming defeat of General Montt in the November 2003 presidential election offered what

was considered by activists to be a less than ideal, but nonetheless better, chance of stabilization and democracy.

Historical social practices and apathy in the government continue to result in political exclusion of indigenous people, including limited access to the civil service and high public office.

While constitutional law permits universal suffrage, indigenous people's voting rights are still constrained by exclusionary social practices. These involve tedious voter registration requirements, elections scheduled during harvest season and inadequate transportation, all of which serve to limit the numbers who actually vote.

It is also reflected in constraints with regard to seeking election. National political parties restrict the election of their indigenous members to decision-making leadership posts in the internal party structure, thereby effectively excluding them from the wider political arena.

In the 2003 elections there was a very slight increase in indigenous representation. Of the 331 municipalities, 105 now have indigenous mayors, including one indigenous woman mayor in the municipality of Sololá. However, out of a total of 158 deputies elected to the National Assembly, only 15 are indigenous, of whom one is a woman.

After achieving an alliance between her Winaq movement and the Encuentro por Guatemala political party, Rigoberta Menchú unsuccessfully sought the Guatemalan presidency in September 2007. The indigenous leader had said that if she won, she would foster a plural and inclusive government, where Maya, Xinca, Garífuna and Spanish-speaking indigenous people all have the same rights.

### **Social and economic rights**

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

Despite the 1996 agreement to promote indigenous cultural and social rights, 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.

Indigenous Guatemalans continue to have a number of key grievances. Among these are protection, redistribution and access to land, and improved wages and working conditions. Less than 1 per cent of export-oriented agricultural producers still control 75 per cent of the best land, leaving indigenous people to continue to seek wage labour through internal and external seasonal migration.

Other enduring issues include lack of constitutional support for indigenous civil rights and status; the location and identification of indigenous persons disappeared or dead since the internal armed conflict; the prosecution of war crimes and human rights abuses committed during the civil war; the right to teach, publish and deal with the government in indigenous languages; less discriminatory police services; greater political rights in their own communities; access to justice, including the right to administer indigenous justice; and greater participation in central state decision-making.

### **Legal constraints**

Discrimination also continues in the restrictions on indigenous rights in judicial proceedings. Many

Maya continue to be tried in Spanish, even though they do not speak the language. This is due to a shortage of both bilingual judges and/or interpreters. In practice, too few interpreters are trained or hired; consequently, in some localities, provisions mandating the presence of a suitably qualified interpreter are ignored.

The government's efforts to acknowledge and prosecute human rights abuses, including its cooperation with a UN-sponsored 'truth commission', have been marred by charges of judicial corruption evidenced by the light sentencing of human rights cases. None of the people responsible for the genocide of nearly 200,000 indigenous people during the civil war have been brought to justice.

While many non-literate indigenous men continue to be forced into the military against their will, only 14 per cent of the police force is indigenous in a country that is overwhelmingly indigenous. Much of this is due to persistent discrimination linked to the key role the police play in everyday social control and cultural suppression.

### **Cultural constraints**

Currently there is no official recognition of Maya culture as such. The term 'Mayan people', consecrated by the 1995 Agreement, is still not widely used in the rural communities; however, some note is taken of this in Articles 42, 58 and 62 of the constitution.

Many indigenous groups consider the government's use of sacred grounds (so called Mayan ruins) as profitable tourist destinations as an affront to their spiritual rights. There is no free access to these sacred sites for indigenous Guatemalans and no government policy guaranteeing the long-term preservation or protection of ceremonial sites as archaeological preserves.

While there is legislation protecting indigenous dress in public and private schools, individual school officials have the right to enforce their own specific non-Mayan dress codes. Furthermore, traditionally dressed Mayan women, regardless of income level, still face discrimination in all spheres of social life.

There is also continuing opposition to obligatory bilingual education displayed by teachers in certain indigenous areas. This means that even those children living in municipalities that are densely indigenous are still taught in Spanish.

It is expected that the growing numbers of indigenous middle-level professionals, such as teachers, nurses, NGO promoters and technical personnel in various fields, and an ever-growing number of university students will begin to have an increasing effect on achievement of indigenous rights.

Cultural reinforcement took another step forward on April 23 2008 with the inauguration of a television station dedicated to promoting Mayan culture. TV Maya which calls itself 'Guatemala's multi-cultural station,' broadcasts for 30 minutes, three times a day, disseminating programs that teach Mayan culture, cosmovision and language.

The service – which receives no direct government support is funded by the Guatemalan Academy of Mayan Languages (ALMG) and its programs are broadcast in indigenous languages with Spanish subtitles.

TV Maya currently reaches four departments of Guatemala and plans are for it to eventually cover the entire country with three hours of programming a day. The station's managers hope the initiative will unite indigenous people in Guatemala and reach people of Mayan heritage who live in the United States

as well as other indigenous peoples of the Americas.

Mayan Nobel Peace Prize winner Rigoberta Menchu told Agence France-Presse the station represented the realization of the dream of indigenous people to have a means of communication.

TV Maya broadcasts presents the first opportunity for indigenous people in Guatemala to have an input into television programming and is expected to be of particular importance in healing past wounds and creating unity in a country that is 60 percent indigenous, with 22 different Maya, linguistic groups and also Garifuna and Xinca.

The TV broadcasting service is the result of efforts by Guatemalan indigenous groups to bring Guatemala into compliance with the International Labour Organization's Indigenous and Tribal Peoples Convention 169 and continues the country's commitment to the 1996 peace accords.

## **Resource control**

One of the major ongoing issues affecting Mayan communities is the increasing activity of the mining industry.

According to Rights Action, a US-based NGO that supports indigenous land reclamation efforts, protesters in the Q'eqchi' Mayan village of Chichipate located atop a large deposit of nickel have claimed mining company complicity in the forced removal of indigenous residents to begin mine construction.

Environmentalists are also concerned about damage and pollution of water sources through use of water from nearby Lake Izabal to cool nickel-smelting furnaces at a rate of 200 litres per second.

Another area of conflict has been the Marlin gold mine which prompted considerable community concern once locals became aware of the mining presence in their municipalities and the possibility of discharging untreated water from the tailings pond into local rivers.

In June 2008 the Constitutional Court in Guatemala, ruled that eight Articles (or sections there of) of the Mining Law are unconstitutional including Article 75, which allows mining companies to discharge water from their tailings pond directly into surface water.

Three years ago the Maya Sipakapense municipality off Sipakapa held the first community referendum (consulta) rejecting the presence of the gold mining company and open pit mining activities in their territory. Since then 20 other Guatemalan highland municipalities with mining concessions have held community referendums most recently in Tajumulco.

However in 2007 the Guatemala Constitutional Court ruled against the validity of the community referendum processes deeming them legal, but not binding. As a result the people of Sipakapa took their case in favour of referendum legality to the Inter American Court on Human Rights which accepted the petition.

Guatemalan Maya communities can count on the fact that Inter American Human rights officials have been paying increasing attention to Indigenous issues. In August 2007 Paolo Carozza, Rapporteur on Native Peoples' Rights at the Inter-American Commission on Human Rights, appealed to OAS member states to recognise and respect the rights of native peoples to their identity and their lands and to raise levels of compliance with the Commission's recommendations and the decisions of the Inter-American

Court in cases where the victims are native people.