

Guatemala Overview

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Environment

The Republic of Guatemala in Central America is bounded on the north and west by Mexico, and on the east by Belize and the Caribbean Sea. To the south-west is the Pacific Ocean and on the south-east it shares borders with Honduras and El Salvador.

The highland region, where most of the population lives, cuts across the country from west to east.

Peoples

Main languages: Spanish (national language), 23 Mayan languages

Main religions: Christianity (Roman Catholic, Evangelical Protestants, Mayan religions (increasingly practiced as a result of the Mayan movement) Judaism

Main minority groups: K'iche 9.1%, Kaqchikel 8.4%, Mam 7.9%, Q'eqchi 6.3%, other Mayan 8.6%, indigenous non-Mayan 0.2%, Garífuna and Xinca.0.1% (2001 census)

Guatemala is the most populous country in Central America. Most of the population is of indigenous or mixed Maya descent. The Maya are the only indigenous people in Central America to make up the majority of the population of a Central American republic. Mayans of different social classes can be found in all of Guatemala's cities, although the majority live in poverty or extreme poverty and are most likely to suffer social economic political and cultural exclusion. Most of the rest of the population are ladino, a term referring to Europeans (mostly Spanish and German), mestizo or mixed race Guatemalans and Maya who have adopted a Euro-Hispanic culture.

There are also persons of African ancestry in Guatemala who originate from three groups: Afro-*mestizos*, Garífuna and Afro-Caribbean Creole English-speakers.

Afro-*mestizos* are the largest, and most ethnically assimilated of the three groups. They are connected to Africans who were brought to Guatemala from the earliest days of the colony to provide forced labour in sugar, indigo and cochineal plantations, and the large cattle ranches of the Pacific lowlands (e.g. around the town of Amatitlan).

With the seventeenth-century decline in slave importation, much of this original black population gradually assimilated into the Guatemalan Afro-indigenous *mestizo* mix and formed the so-called 'zambo' population of colonial Guatemala.

Abolition of slavery

With the abolition of slavery in Guatemala in 1823, Africans from neighbouring Belize began to escape from forced labour in that country, by crossing into the 'highland jungles' of northern Guatemala. They remained and most eventually intermarried with the local indigenous population. The descendants of these original colonial groups now form part of the Guatemala mestizo population and no longer have any strong awareness of African ancestry.

The Garífuna are an Afro-indigenous group located on the Atlantic Coast. They are descended mainly from the African and Carib peoples of the island of St Vincent in the Lesser Antilles who were exiled to Roatán Island in Honduras by the British in 1796 and subsequently spread to other countries (LINK see Honduras). The Garífuna arrived shortly after Guatemalan independence in 1823 and were joined on the coast by other free blacks.

During the first half of the twentieth century a small English-speaking Afro-Caribbean community also developed in Guatemala, consisting of economic migrants from Jamaica and Belize who came in search of employment opportunities in the railroad and banana industries.

The Guatemalan government of the time placed immigration restrictions on black newcomers, limiting their stay in the country to two-year intervals, nevertheless, over the decades they continued to migrate making the Caribbean 'lowlands' the most Afro-Guatemalan region in the country.

The three most important Afro-Guatemalan settlements along the Caribbean coast are Livingston (a Garífuna settlement), Puerto Barrios and Santa Tomas. All three towns have important Garífuna and/or Afro-Caribbean communities and are notable eco-cultural tourist destinations.

Garífuna in Guatemala have largely escaped the violence that has affected the Maya and have even provided sanctuary in the Livingston area for some Maya groups escaping the conflict. Historically, Garífuna have existed on farming and fishing, as well as working in the logging, banana and shipping industries.

There are also small communities of Chinese- and Arabic-speakers, as well as a Jewish community, in Guatemala. A small Jewish population exists in Guatemala City and it is influential within the national business community. The Jewish community's significance was recognized in its participation as a religious group in 1990 talks between the Guatemala National Revolutionary Unit (URNG) and religious leaders.

History

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

Recent Guatemala history has been dominated by the land distribution question. It is the most unequal in the whole of Latin America: 2.2 per cent of the existing farms cover 65 per cent of the land, making nearly 90 per cent of the other agricultural holdings of an inadequate size to provide subsistence for a

family.

The large plantations cover most of the fertile coastal strips, where the large landowners grow coffee, sugar, bananas and cotton for export. Small farmers, mainly Mayan, try to grow subsistence crops (maize, beans, rice) on the stony leftover land in the mountains; many are forced to migrate annually to work on the large plantations for starvation wages.

Since 1954, when a US-supported coup overthrew a government committed to social reform and the redistribution of land, Guatemala's history has been characterized by military rule, the repression of legal opposition and internal armed conflict. Since the 1970s, when many Mayans joined the guerrilla movements, the Maya have made up most of the at least 200,000 victims of the armed conflict. A particularly brutal counter-insurgency campaign launched by General Ríos Montt in 1982 (defined as genocidal by the United Nations-sponsored truth commission), involved the complete destruction of 440 Mayan villages in areas where the guerrillas were strong.

Governance

Economic and political power has been in the hands of ladinos since the dispossession of the indigenous population by Spanish conquest in the sixteenth century. Ever since then, the Maya have suffered a history of discrimination, marginalization and periodic genocide.

In 1985, the army restored civilian rule but maintained political control over a series of weak civilian governments. Prompted by significant pressure from the international community, after 1993, agreements were made between the government and the Guatemalan National Revolutionary Unity (URNG) guerrillas. These accords on human rights, demilitarization, justice issues, refugees and displaced persons, and indigenous rights, led to the signing of a formal peace agreement between the government and the URNG in December 1996.

The signing in March 1995 of the Identity and Rights of Indigenous Peoples (AIDPI) accord was an important step forward, but subsequent accords, particularly the socio-economic accord of early 1996, proved a disappointment to those hoping for a serious response to the land problem.

Nevertheless, Mayan rights have come to the fore of the national agenda for the first time since the Spanish conquest as a result of a series of internal as well as external factors. These contributed to removing the culture of fear that existed in the Mayan highlands, and allowed the Mayan movement to make its voice heard without fear of repression.

Among the key elements were the influence of the continental mobilization of indigenous peoples through the 500 Years of Resistance Campaign, which celebrated its second Continental Conference in Quetzaltenango, Guatemala, in 1991; the winning of the 1992 Nobel Peace Prize by Rigoberta Menchú; the United Nations Year of Indigenous Peoples and Decade of Indigenous Peoples (1993-2003); the establishment in 1994 of the UN Human Rights Verification Mission in Guatemala (MINUGUA) and the linking of discussions around human rights to the broader debate concerning the nature of citizenship and multiculturalism. To those can be added the increasing visibility and political experience of indigenous actors growing out of the establishment of a series of local institutions aimed at coordinating indigenous responses and the return from exile of key indigenous activists, bringing with them important experience of indigenous issues.

In 1996, Guatemala ratified the International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, which is a key international

instrument for guaranteeing indigenous rights and important locally for stimulating the related emergence of an indigenous rights agenda.

In May 1999, a national referendum was held on proposed changes to the Constitution. One of these involved redefining Guatemala as a multi-ethnic, multicultural and multilingual nation; however, the proposal was defeated in a ballot characterized by low voter turn-out and the mobilization of ominous racist rhetoric during the run-up campaign.

Nonetheless the government has remained committed to supporting plurality, partly as a result of continuing pressure by indigenous actors upon the state. Legislation was passed in 2002 to protect indigenous languages and provide money for bilingual education; however most human rights and indigenous leaders are not optimistic, especially in light of budget constraints. By 2005 there were 7,832 schools located in departments with significant indigenous populations, but only 1,869 of them provide bilingual education.

Another key element of the peace accord was the creation of a climate of respect for human and indigenous rights. 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 in human rights cases. Few of the people responsible for the genocide of nearly 200,000 indigenous people during the civil war have been brought to justice.

While the government may be trying to find ways to honour its commitments to peace and indigenous rights, it is clear that the involvement of international organizations in resolving the emerging difficulties has been a key factor in achieving any of the progress.

Current state of minorities and indigenous peoples

The majority of indigenous people and minorities in Guatemala continue to be affected by enduring attitudes of disrespect and rejection, including negative portrayals in the mainstream media. Racial and ethnic discrimination are a daily occurrence, especially for those who leave their communities and venture into large urban areas. These are consequences of the historical prejudice against the various manifestations of indigenous peoples' culture and language, and their *de facto* exclusion from the benefits of development and socio-political participation.

On an administrative level, the full expression of Maya language, religion and other elements continue to be constrained by a shortage of resources and/or a lack of political will to enforce laws and implement local and international accords.

State institutions established to deal with indigenous matters do not have the budgets necessary to operate efficiently and to address the concerns of the indigenous population.

Half of the indigenous population is non-literate compared to just 20 per cent of the non-indigenous population. Indigenous women in rural areas are the worst affected, with 7 out of every 10 indigenous women being non-literate.

Indigenous populations, especially in the rural areas, are also affected by the inadequate provision of health and other social services.

This contributes to a situation where the participation in national institutions of indigenous people

generally, and Mayan women in particular, remains severely limited.

The main concerns of indigenous organizations in Guatemala continue to be related to equal civil rights, the respect of their specific and collective rights as a people, and redistribution and protection of land. There is still a lack of full national support for indigenous rights and status, including the right to wear traditional clothing, the right to use indigenous languages for education and judicial purposes, the right to administer their own indigenous system of justice, greater political rights within indigenous communities and participation in national policy processes.

The matter of the location and identification of indigenous persons disappeared or dead since the civil war, the prosecution of war crimes and human rights violations committed during the internal armed conflict, and better treatment by the police services, are issues of continuing concern that still need to be fully resolved. However, some small steps have been made since the Guatemalan genocide case was brought before the Spanish courts. On 25 October 2006 the European Parliament issued a resolution accusing General Efraín Ríos Montt, amongst other public officials of considerable prominence at the time, of crimes of genocide, torture, terrorism and the carrying out of arbitrary and illegal detentions and disappearances. The resolution ordered the extradition of the accused through the cooperation of Interpol and Europol, and also urged international banks and financial institutions to cooperate with the Parliament's ruling by freezing all their financial assets. However, he remains in Guatemala and in May 2007 was officially inscribed as a candidate for the new Congress, which will officially gain him immunity from any prosecution in Guatemala.

The granting of mining licences to foreign enterprises is also threatening the rights of thousands of indigenous people. As of December 2006, according to Guatemala's Ministry of Energy and Mines, there were 356 mining licenses granted and an additional 250 concessions in process, covering more than 10 percent of the country.

The government itself has admitted that various small Mayan groups such as Chuj, Sipakapense, Chorti Mam, and Kaqchikel will be faced with ethnocide if the mining projects are not handled appropriately, and indicated that it was carrying out awareness-raising campaigns through responsible institutions.

However, such moves by the state can be described as contradictory. Guatemala's indigenous communities remain committed to waging collective resistance against what they see as government collusion with powerful multinational mining companies authorized to implement environmentally damaging mega-projects on indigenous territories without their prior consent. The arbitrary implementation of such mega-projects is often accompanied by human rights violations which, according to indigenous leaders and human rights defenders, run in contravention to international law on indigenous rights and the Guatemalan Constitution. Cases have been reported of forcible displacement through violent means carried out by private security forces contracted by the companies and through massive state-authorized military and police operations, usually carried out late at night or during the very early hours of the morning. Methods utilized by security forces to intimidate the communities have included the destruction and burning of indigenous houses and other property, denial of access to certain areas within their territory, and threats against those who refuse to sell their land. The communities charge that the companies have misled them on the benefits to be gained from the mega-projects exploiting their illiteracy and poverty.

Communities, human rights and environmental defenders have deemed the granting of licences to exploit indigenous territories as unconstitutional because the necessary Environmental Impact Assessments (EIA) were not carried out, and processes of prior consultation with the communities as stipulated in the constitution did not take place.

To commemorate the International Day for Indigenous, Black and Garífuna resistance on 12 October 2006, the CPD (Comisión para la Paz y Desminado), one of Guatemala's leading indigenous-led umbrella organizations, organized a congress that brought together representatives of all of Guatemala's indigenous communities. During the event, delegates of the various communities demanded justice and reparations, and reaffirmed their absolute rejection of the exploitation of mineral resources within their territories.

Human rights violations and crimes against women continue to present a major problem. According to *Mujeres Iniciando En Las Americas* - a Guatemalan organization advocating women's rights - in the past seven years some 3,200 Guatemalan women have been abducted and murdered. Many were subjected to rape, torture and mutilation before their death. Recent reports have shown a striking increase in this trend; in 2006 alone 600 Guatemalan women were murdered. A high proportion of the victims are indigenous women and those coming from the lower social ranks of society.

Indigenous groups continue to protest in large numbers for more equitable labour rights and for the fulfilment of peace accords related to land distribution. Some progress has been made in obtaining important constitutional guarantees for indigenous people in Guatemala, notably in Articles 42, 58 and 66 of the national Constitution, which among others guarantee respect for language rights, traditional dress and forms of social organization.

There is an increasing number of middle-level professionals, such as teachers, nurses, NGO promoters and technical personnel in various fields, and a growing number of university students amongst Guatemala's indigenous population.

After Guatemala ratified the International Labour Organization (ILO) Convention No. 169 in 1996, the government stated that it is endeavouring to develop mechanisms to incorporate the system for the administration of indigenous justice.

These include the establishment of an Office for the Defence of Indigenous Women's Rights, the Guatemalan Fund for Indigenous Development, a Multicultural Bureau in the National Civil Police and the Presidential Commission on Discrimination and Racism against Indigenous Peoples.

There is also an Office of the Ombudsman for Indigenous Peoples. This is attached to the Office of the Human Rights Procurator and it keeps a record of human rights violations against indigenous persons by public officials, employees and private entities. This body has issued decisions and there have been at least three cases resolved by the public prosecutor's office, including discrimination against Nobel Laureate Rigoberta Menchú.

According to the Department of Indigenous Peoples of the Ministry of Labour, the most urgent tasks to be carried out to ensure compliance with ILO Convention No. 169 concern the formulation and adoption of policies by state institutions involved in the implementation of the Convention. This necessitates the allocation of a specific budget to each state body affected by the Convention so that it can carry out its activities effectively, as well as the involvement of indigenous organizations in the implementation of the Convention.

On 11 January 2005 Guatemala signed an agreement under which the UN High Commissioner for Human Rights established an office in Guatemala to provide advice to this Central American member state in the area of human rights.