

Indigenous Struggles for Political Recognition and Participation in Guatemala: Long Walk to Democratic Consolidation

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Introduction

Indigenous movements in Latin America are not only shaping the public policies of many governments, but are also redefining the social contracts of many states. For example, eleven countries have had constitutional reforms, from 1987 to 1999, which have included recognition of indigenous people culture and rights. Currently, the indigenous movements are pushing for the respect of the principle of self-determination of the peoples, which implies the recognition of the indigenous peoples as *nations*.¹ Many scholars from different disciplines are aware of the relevance of the several challenges that indigenous movements have been posed (Yashar, 1999). Those scholars are studying the political status of indigenous peoples in the new constitutional settings (Clavero, 1994; Van Cott, 1996, 2000a, 2000b), the indigenous proposals for public policy (Warren, 1997), the strategies for indigenous mobilization (Lucero, 2001), the quest for self-determination and autonomy (Díaz, 1997), and the building process of new types of citizenship in the multicultural Latin American societies (Mattiace, 2000; Peeler, 2000; Postero, 2000). However, more research is needed for a better understanding of the relationship between indigenous political mobilization and democratic consolidation. The goal of this paper is to analyze the difficulties for democratic consolidation in a country (Guatemala) where an ethnic-and-cultural majority (Mayas) has been oppressed and excluded.

¹ Kymlicka (1995) defines nation as “a historical [intergenerational] community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture [and history].” Thus, “a nation, in this sociological sense is closely related to the idea of a people or a culture.” For Kymlicka (p. 76) the notion of nation or people is complemented by the function of a *societal culture*, that is, “a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.”

This paper explains, on the one hand, why the political exclusion of the Mayas could be a real threat to democracy and, on the other hand, why the inclusion of the Mayas into the political system is a crucial step toward democratic consolidation in Guatemala. Those arguments are supported by the analysis of both the behavioral dimension of democratic consolidation (the Mayan movement) and the attitudinal dimension (public opinion surveys).

The indigenous movement in Guatemala is both the consequence of a long history of oppression and injustices, and the result of a worldwide mobilization trend initiated by indigenous peoples of developed and democratic countries in order to obtain political recognition. For that reason, the first section summarizes the international trends on indigenous movements and the constitutional reforms in Latin America regarding indigenous rights. The second section presents the theory that frames the analysis and supports the main arguments. It addresses the concept of democratic consolidation in multicultural societies. The third section contains the brief analysis of the processes of democratic transition and consolidation of Guatemala. The fourth section explains the historical relationship between the Guatemalan state and the Mayas, the current situation of the Mayas, and the main demands of the Mayan movement. The fifth section presents the findings of a recent public opinion survey that provides important information about the preferences, beliefs, and perceptions of both the Mayas and Ladinos² regarding the Guatemalan democracy. The last section concludes by presenting two possible scenarios. One scenario occurs when the Mayas remain excluded from the political system, and the results of such exclusion are low levels of support and commitment with democracy. In contrast, the alternative scenario suggests that the more inclusive the democratic regime, the more likely the Guatemalan democracy will be consolidated.

² The term *Ladinos* means people of mixed Spaniards and Indigenous ancestry.

1. International trends and Latin American constitutional reforms

1.1. Indigenous movements in the Western Hemisphere

The wave of indigenous claims in Latin America, which started in the late 1980s, is part of a broader international trend in favor of the minorities' rights especially for indigenous peoples of North America.³ In the Western Hemisphere, the First Nations from Canada, a well-consolidated democracy, have been the leaders in the international arena for the recognition of the indigenous peoples as nations.⁴ This leadership of the Canadian First Nations is the result of their own political achievements. As Kymlicka (1998) points out, with the possible exceptions of New Zealand,⁵ there is no Western country in which indigenous peoples have achieved a more prominent political status: "The provisions relating to Aboriginal peoples in Canada's 1982 Constitution -- both those sections affirming the existence of Aboriginal rights and the section requiring the government to negotiate the meaning of these rights with the Aboriginal peoples themselves -- are virtually unique in the world. These provisions have in effect guaranteed that Aboriginal people will have 'a seat at the table' for all future constitutional negotiations that

³ There is abundant literature about the status of indigenous peoples in North America: Brock, Kathy (2000), *Finding Answers in Difference: Canadian and American Aboriginal Policy Compared*. Hawkes, David (1999), *Indigenous Peoples: Self-Government and Intergovernmental Relations*. Telman, Jeremy (1999), *Indigenous Peoples between Autonomy and Subordination: the Nisga'a Agreement and Group Rights Theory*. Kymlicka, Will (1998), *Finding Our Way: Rethinking Ethnocultural Relations in Canada*. Webber, Jeremy (1997), *The Special Case of Indigenous Peoples: a Canadian and Comparative Perspective*. The Royal Commission on Aboriginal Peoples (1996), *Restructuring the Relationship*.

⁴ Kellas (1998, p. 3) explains that a nation is "a group of people who feel themselves to be a community bound together by ties of history, culture, and common ancestry." He also makes the distinction between "objective" characteristics of a nation, such as territory and language, and the "subjective" characteristics, such as people's awareness and loyalty.

⁵ In New Zealand, the Maori people have direct political representation in the Parliament. According to the "Maori Electoral Option," Maori descendants can choose to be on either the Maori electoral roll or the General electoral roll. "The results of the Maori Electoral Option form the basis for calculating the Maori electoral population and the General electoral population. The results also affect the number of Maori seats there will be for the next two general elections." Nowadays, 6 of 120 Members of Parliament represent Maori Electorates. Elections New Zealand (2001). Internet source: <http://www.elections.govt.nz/elections/maoiroll/index.html>

affect their interests.” The First Nations are less than 3% of the Canadian population and Canada is the second largest political territory in the world.⁶

In the United States, the Self-Determination Act was enacted in 1975. In its prologue, the U.S. Government recognized the failure of the American Indian policy of assimilation: “Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities” (Cook and Lindau, 2000, p. 247). As Franks (p. 249) explains, now in the U.S., “the powers of tribes and their rights of self-government are recognized as Aboriginal, inherent, and preexisting.” Thanks to such recognition, “many tribes have their own courts and police forces and exercise full jurisdiction within reservation over civil matters and minor criminal offences.” However, Franks also claims that the U.S. Government has had a sort of double-speak: “here promising self-government and economic development while there drastically reducing the resources available to Indians.”

In the United Nations, the states are currently discussing a draft for the Declaration on the Rights of Indigenous Peoples. Also, the Organization of American States (OAS) has a proposal on an American Declaration on the Rights of Indigenous Peoples. In the two international

⁶ Another interesting example of indigenous peoples political representation in developed countries is the case of the Saami People. The Saami Parliaments of Sweden, Norway and Finland have a common struggle for cultural development. In many respects, as they recognize, “these Nordic nations have been instrumental in developing democratic principles, and from a Saami perspective it is important that Saami can develop as a home for Saami livelihood and culture without limitations and with similar political and economic conditions.” The Saami Parliament in Sweden, for example, aims to increase Saami influence and self-determination regarding questions of occupation, culture and language. The Saami Parliament: an ongoing evolution (1998). Internet source: <http://www.sametinget.se/english/st/eutv.html>

political arenas, the main discussion is whether to define the term *peoples*⁷ as “populations” or as “nations.” Obviously, the states have concerns about later claims for the right of self-determination⁸ that is linked with the notion of peoples as nations. As Elkins (1994, p. 6) points out: “several United Nations declarations assert the rights of peoples to self-determination.”⁹ This looks promising because Aboriginal peoples seem to satisfy the criteria for status as peoples. This right of peoples, however, seems to be trumped in these documents by the stipulation to respect the territorial integrity of existing member nations¹⁰ (or states, actually).”

Thus, the indigenous claims in Latin America are not only a regional phenomenon that has its origin in a shared colonial history, but such indigenous struggles are also the result of a worldwide trend initiated by indigenous peoples of developed and democratic countries. In such

⁷ The United Nations has defined indigenous peoples as “those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.” *United Nations, Study of the Problem of Discrimination against Indigenous Populations* (Anaya, 1996, p. 5).

⁸ As Anaya (1996) explains, self-determination is a term that includes a set of human rights precepts concerned generally with *peoples* (collective rights) and grounded in the idea that all those peoples are equally entitled to control their own destinies (self-governance). In the case of indigenous peoples, Anaya points out that self-determination implies participation in all decisions, and autonomy over any policy and administrative matter affecting them. Formally, Van Cott (1996, pp. 44-45) defines self-determination as “the exercise of greater autonomy and control over a broad array of functions currently monopolized by the state. Recognition of indigenous nationalities, meaning recognition of each culturally distinct ethnic group as an autonomous political entity possessing a territory over which it maintains legal jurisdiction.”

⁹ Article 1 of the International Covenant on Economic, Social and Cultural Rights (1966): “1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”

¹⁰ A key international instrument ratified by some states is the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labor Organization, Convention 169), which says that “the use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law” (Article 1).

an international context, many Latin American states responded to the claims by amending their constitutions.

1.2. Wave of constitutional reforms in Latin America

The indigenous movement in Latin America is also the consequence of a long history of oppression and injustices. During the Spanish conquest and colonial period, legal institutions¹¹ oppressed indigenous people by forcing them to work and give away their lands. The *encomienda*,¹² the *repartimientos de indios*,¹³ and several taxes impoverished entire indigenous populations. The survivors of the violent conquest and long colonial period of injustices were incorporated in the nineteenth century in the new nation-states as second-class citizens. The main goals of the elites that controlled the independence were the assimilation and even the extermination of the “indians.” In many countries the paternalistic attitudes of conservative governments were followed by aggressive policies of expropriation and forced labor by liberals. During the twentieth century, the indigenous peoples were excluded not only from all decision-making processes, but also from any consideration in development plans. In the second half of that century, the Cold War affected indigenous people who were in the middle of ideological and armed conflicts in the region (e.g. Nicaragua and Guatemala). Additionally, the environmental crisis is more severely felt in the indigenous territories where the agricultural frontier and the exploitation of oilfields and other natural resources have been destroying their habitat.

¹¹ The concept of *institutions* used in this paper comes from North (1990) and Mantzavinos (2001).

¹² The Spanish Crown gave power to the colonizers over indigenous families in order to exploit their work. As an exchange, the landlord should teach the Gospel to the natives.

¹³ It was a system of labor, which consists in the obligation of the indigenous communities to provide periodically to the colonizers a number of workers.

Thus, in reaction to that history of abuses from the colonial empires and republican states, the indigenous peoples of Latin America are now in the struggle for political recognition. However, the indigenous movement in Latin America neither challenges the nation-state as a political community, nor democracy as a political regime. The indigenous demands are challenging the regime political institutions and its performance because those institutions have excluded them from the political decision-making process and the economic outcomes have not benefited them. Indigenous peoples are also challenging the concept of a homogenous nation-state, proposing in its place a new multinational state that will take into account ethnic diversity. As a result, a wave of constitutional reforms incorporating indigenous claims started with Nicaragua¹⁴ in 1987, continued with Brazil (1988), Colombia (1991), Paraguay (1992), Mexico (1992), Peru (1993), Argentina (1994), Bolivia (1994), and Panama (1994). The last two and most comprehensive amendments have been the Ecuadorian (1998) and Venezuelan (1999) reforms. As Table 1 shows, eleven states have recognized collective property rights. Eight states have amended their constitution in order to recognize their multicultural reality, provide bilingual education, and accommodate the traditional indigenous law. Six states have conceded an official status to some indigenous language, and are willing to, at least, inform them about projects that could harm their environment. Four states (Colombia, Ecuador, Nicaragua, and Panama) have recognized ethnically defined politico-territorial units. Two states (Venezuela and Ecuador) have decided to protect the intellectual property rights of the indigenous communities. Finally, Colombia and Venezuela have included in their new constitution a specific mechanism for the indigenous political representation. The Colombian constitution guarantees two indigenous representatives in the Senate of 100 members (Article 171), and the Venezuelan

¹⁴ The Sandinistas' government saw a real threat in the mobilization of the Miskitos supporting the Contras. Thus, the state had the incentive to concede autonomy to the different ethnic groups of the Atlantic Coast.

constitution guarantees three indigenous representatives in the National Assembly of 165 members (Article 186), and it also establishes mechanisms for participation in the Legislative Councils at the State and Municipal levels. In Guatemala only three of the issues in Table 1 have been included in its 1985 constitution¹⁵ (the recognition of ethnic diversity, collective property rights, and bilingual education).

Table 1. Constitutional reforms in Latin America regarding indigenous rights

Reforms - Issues	Ven	Ecu	Col	Nic	Par	Bol	Per	Pan	Bra	Arg	Mex	Tot
Recognition of collective property of indigenous lands	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	11
Recognition of multiethnic and pluricultural reality	yes	yes	yes	yes	yes	yes	yes	no	no	no	yes	8
Bilingual education	yes	yes	yes	yes	yes	yes	no	no	yes	yes	no	8
Recognition of customary law	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	8
Official indigenous languages	yes	yes	yes	yes	yes	no	yes	no	no	no	no	6
Consultation for natural resources exploitation	yes	yes	yes	yes	no	no	no	no	yes	yes	no	6
Territorial autonomy	no	yes	yes	yes	no	no	no	yes	no	no	no	4
Protection of collective intellectual property rights	yes	yes	no	no	no	no	no	no	no	no	no	2
Political participation and representation	yes	no	yes	no	no	no	no	no	no	no	no	2
Number of reforms adopted by each state	8	8	8	7	5	4	4	3	3	3	2	

Sources: Base de Datos Políticos de las Américas¹⁶ and Van Cott (2000b, pp. 266-268).

¹⁵ Article 66. Protection of ethnic groups. Guatemala is formed by diverse ethnic groups among those figure the indigenous groups of Mayan origin. The State recognizes, respects, and promotes their forms of life, customs, traditions, forms of social organization, the use of the indigenous dress in men and women, languages and dialects. Article 67. Protection of the indigenous lands and agricultural cooperatives. The lands of cooperatives, indigenous communities or any other forms of communal or collective agrarian property, as well as the familiar patrimony and popular housing will enjoy special protection by the State, and will receive preferential credit and technique assistance that guarantee their possession and development in order to assure all the inhabitants a better quality of life. The indigenous communities and others that have lands that historically belong to them and that traditionally have administered in special form will maintain that system. The government has a program of bilingual education but it does not have any legal support at the constitutional level.

Article 76. Educational system and bilingual education. [...] In the schools established in zones where the indigenous population is predominant, the education should be bilingual. [Author's translation]

¹⁶ Internet source: <http://www.georgetown.edu/pdba/Constitutions/constitutions.html>

2. Democratic consolidation in multicultural societies

2.1. Concepts and theory

The Schumpeterian minimalist definition¹⁷ of democracy, as an electoral process, has been replaced by a more comprehensive idea of *liberal democracy* that includes, among other important elements, civil liberties, rule of law, and horizontal accountability within a constitutional framework.¹⁸ One of the components of a liberal democracy highlighted in this paper is the following: “Cultural, ethnic, religious, and other minority groups (as well as historically disadvantaged majorities) are not prohibited (legally or in practice) from expressing their interests in the political process or from speaking their language or practicing their culture” (Diamond, 1999, p. 11).

Democratic consolidation is a process, and the result of such process is a consolidated democracy.¹⁹ Lamounier (Weingast, 1997, p. 260) explains that *democratic consolidation* is a “process through which democratic forms come to be valued in themselves, even against adverse substantive outcome.”²⁰ Diamond (1999, p. 65) describes democratic consolidation as “the process of achieving broad and deep legitimation, such that all significant political actors, at both

¹⁷ Schumpeter (1950, *Capitalism, Socialism, and Democracy*, p. 250) defines democracy as “that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”

¹⁸ Between those conceptual alternatives, Dahl (1971, p. 8) defines the term *polyarchy* as a relatively but incomplete democratized regime that has been substantially liberalized (opposition) and popularized (participation). Dahl (p. 2) defines democracy as a political system that is responsive to the preferences of its citizens. For such responsiveness, citizens need three types of opportunities: to formulate and to signify preferences, and weighted those preferences equally. However, Dahl thinks that real democracy is only a utopia. Therefore, he prefers the term “polyarchy.”

¹⁹ For analytic purposes it is very important to be aware of the differences between the characteristics of a process, and the characteristics of the outcome of such process. In a narrow sense, democratic consolidation is understood as the absence of regime breakdown (Yashar, 1999, p. 98).

²⁰ Political scientists frequently use the most common meaning of the term *consolidation* as “the act of making firm or secure” (Merriam-Webster's Collegiate Dictionary), or as “the process of making stable or strong” (Webster's II New Riverside University Dictionary, 1984, p. 302). The main idea is that any secure or strong regime is less likely to change or disappear. Thus, stability and security of a regime are the features that scholars want to identify and explain.

the elite and mass levels, believe that the democratic regime is the most right and appropriate for their society, better than any other realistic alternative they can imagine.” He understands democratic consolidation as a process of “accumulation of legitimacy,” which implies generalized attitudes of elites, organizations, and mass public conforming to recognized democratic principles.²¹ The result is, in Diamond’s words, a “normative commitment to democracy and behavioral compliance with its rules and limits” (p. 68).

Lipset (1994, p. 8) explains that “legitimacy is best gained by prolonged effectiveness” of the governmental policies and “the extent to which [the government] satisfies the basic needs of most of the population and key power groups.” Lipset’s statement implies that democratic consolidation is a more difficult process in multicultural countries, especially where a group holds a position of hegemony. The reality and perceptions of uneven economic development and cultural division of labor, that justifies hierarchy and access to resources, lead to a disenchantment with democracy and, thus, erode its stock of legitimacy.

A particular process of democratic consolidation occurs in multicultural societies where the accumulation of legitimacy depends of the levels of inclusion/exclusion of ethnic minority groups or historical disadvantaged majorities. The wave of democratization in Latin America is one of the reasons that explain the broad indigenous mobilization because it opened spaces for opposition and facilitated mobilization around ethnic identities. Studies on democratic consolidation in Latin America, however, have not put enough attention on indigenous mobilization, which seeks the political recognition of indigenous populations within the new democratic institutions of each country.

²¹ There is a similar definition on civic culture: “a substantial consensus on the legitimacy of political institutions and the direction and content of public policy, a widespread tolerance of a plurality of interests and belief in their reconcilability, and widely distributed sense of political competence and mutual trust in the citizenry” (Almond and Verba, 1989, p. 4).

2.2. A twofold challenge: consolidating a multicultural democracy

In a multinational state (instead of a nation-state) the process of democratic consolidation also implies a process of inclusion of cultural and ethnic minorities, especially in the case of indigenous peoples.²² That inclusion is crucial to sustaining high levels of commitment to democracy. The set of political institutions that allow the peaceful accommodation and prosperous interaction among different peoples or nations within a single democratic state is what can be called as a *multicultural democracy*.²³ The design and construction of such institutions are some of the most important challenges that many countries currently face in Asia, Africa, Eastern Europe, and Latin America.

A consolidated multicultural democracy is a double challenge. First, it is more difficult to achieve democratic consolidation in multicultural countries than in culturally homogenous countries. Second, it is more difficult to accommodate cultural diversity in countries which are in the process of consolidation than in countries which are already well-consolidated liberal democracies. For example, as Linz et al (1995, pp. 90-91) point out, while Portugal's cultural homogeneity facilitated its democratic consolidation, in Spain the Basque and Catalan nationalism were a major challenge that was solved by the Statutes of Autonomy. A crucial

²² Immigrants could form an ethnic minority but they cannot be treated as a nation. See Kymlicka (1995).

²³ The term multiculturalism was used at first by the Canadian government in 1971. In a broad sense, multiculturalism means the following: 1) "The acknowledgement and promotion of cultural pluralism as feature of many societies. Multiculturalism celebrates and seeks to protect cultural variety, for example, minority languages. At the same time it focuses on the often unequal relationship of minority to mainstream cultures" (Harper Collins Dictionary of Sociology, 1991). 2) Multiculturalism "has the idea, or ideal of the harmonious coexistence of differing cultural or ethnic groups in a pluralist society at its core" (Dictionary of Race and Ethnic Relations, 1996). "In 1971, Canada was the first country in the world to adopt multiculturalism as an official policy. By so doing, Canada affirmed the value and dignity of all Canadian citizens regardless of their racial or ethnic origins, their language, or their religious affiliation. The 1971 Canadian Multicultural Act also confirmed the rights of Aboriginal peoples and the status of Canada's two official languages." Internet source: http://www.pch.gc.ca/multi/what-multi_e.shtml

difference, thus, was that Spain faced a problem of “stateness,”²⁴ while Portugal did not. In the case of stable democracies, Canada, New Zealand, and the Nordic nations are good examples of successful multicultural policies and institutions, thanks to previous democratic settings that facilitated a peaceful accommodation of cultural diversity.²⁵ In contrast, Latin American countries such as Mexico, Guatemala, Bolivia, Ecuador, and Peru are clear examples of non-consolidated democracies which have a significant percentage of indigenous population (cultural diversity) that have not been integrated in the political community.

Such undeveloped democracies are more likely to break down if the political elites neglect the recognition of their multiethnic, multilingual, and multicultural reality. As Weingast (1997, p. 246) points out, “instability plagues democracy in most divided societies because ethnic divisions impede resolution of the coordination dilemma about the appropriate role of the state.” The differences among ethnic groups are not only about government policy, he suggests, but also about the limits on the state. The absence of shared beliefs and lack of consensus about the boundaries of the state, he concludes, generate mutual hostility and explain why it is difficult to sustain democracy in plural societies (p. 257). Thus, how to achieve a minimum level of consensus, coordination, and shared values? How could such an enterprise be possible if Latin American political elites do not promote the inclusion of the indigenous peoples in the democratic game?

²⁴ For Linz and Stepan, a “stateness” problem occurs “when there are profound differences about the territorial boundaries of the political community’s state and profound differences as to who has the right of citizenship in that state” (1996, p. 16).

²⁵ Other examples are Belgium, Switzerland and the Netherlands. See James Fearon and David Latin (1996), “Explaining Interethnic Cooperation.” *American Political Science Review* 90 (December): 715-735. Arend Lijphart (1968), *The Politics of Accommodation* (University of California Press).

Horowitz (1994, p. 35) states that “democracy is about inclusion and exclusion, about access to power.”²⁶ For that reason, he suggests, an obstacle to constructing a multiethnic democracy is “the inherent difficulty any regime has in maintaining the inclusiveness of a polity superimposed on an ethnically divided society” (p. 42).

In order to avoid nationalist ideologies that demand the creation of a nation-state for the people or nation that has been excluded, different models of cultural pluralism and consociationalism, based on a multicultural consensus, have been proposed. The concept of *consociational democracy* describes a special form of democracy “which allows for the peaceful coexistence of more than one nation or ethnic group in the state on the basis of separation, yet equal partnership rather than the domination by one nation of the other(s)” (Kellas, p. 178). Lijphart (1977, p. 25) defines consociational democracy in terms of four characteristics: 1) government by a grand coalition of political leaders of all significant segments of the plural society;²⁷ 2) the mutual veto or concurrent majority rule, which protects minority interests; 3) proportionality as the principal standard of political representation, civil service appointments, and allocation of public funds; and 4) a high degree of autonomy for each segment to run its own internal affairs. Besides, Lijphart’s idea of “political accommodation,”²⁸ Horowitz (1985, pp. 597-600) suggests five mechanisms of conflict reduction among ethnic groups: 1) proliferating the points of power (e.g. decentralization); 2) arrangements which emphasize intra-ethnic conflict rather than inter-ethnic conflict; 3) policies that create incentives for inter-ethnic

²⁶ Exclusion operates when, for example, citizenship, access to education, and top political positions are denied to members of particular ethnic group or people (Kellas, 1998, p. 8).

²⁷ A plural society is a society divided by segmental cleavages of a religious, ideological, linguistic, regional, cultural, racial, or ethnic nature (Lijphart, pp. 3-4).

²⁸ Some of the favorable conditions, according to Lijphart are: a multiple balance of power, a small country, and the existence of cross-cutting divisions (e.g. class or religion) across cleavages.

cooperation; 4) policies that encourage alignments based on interest other than ethnicity; and 5) reducing disparities between ethnic groups. In order to guarantee commitment and support for democratic principles, thus, different models of multicultural democracies should be explored. The main goal is political inclusiveness because that is the best way to gain legitimacy in diverse societies. For that reason, the more inclusive a democratic regime is, which means the closer to an ideal multicultural democracy it is, the more likely that regime will be consolidated.

2.3. Democratic consolidation in a post-conflict multicultural society

In the case of Guatemala, it is important to recognize that its already complex process of democratic consolidation has been shaped by the context of an internal armed conflict²⁹ (1985-1996) and by the post-conflict period (1997-2001). Azpuru (2001, p. 13) has called the attention to a particular set of characteristics that affect consolidation in post-conflict societies: “the polarization of society, the often intangible effects of a culture of violence, the basic mistrust that was created by the conflict, low levels of political tolerance, and the frequent decimation of political and social leaderships.” One of the implications of the strong influence that the post-conflict period has for democratic consolidation is, as Azpuru (p. 48) points out, that “if legitimacy (i.e. citizens’ support) is fundamental for the stability of democracy in any society in the long-run, the *legitimacy of peace* should also help to guarantee its sustainability over time.” That is why the peace agreement among the Guatemalan government and guerrilla commanders is another important element that should be taken into account.³⁰

²⁹ Guatemalans suffered 36 years of internal armed conflict, from 1960 to 1996. Some studies assert that 200,000 people were killed during the conflict, more than 40,000 people went to Mexico as refugees and almost one million people were internal displaced.

³⁰ An analysis of the peace process and peace accords regarding indigenous rights is presented in Carlos Mendoza (2001), “*Guatemala: más allá de los Acuerdos de Paz. La democracia en un país multicultural*,” in The Latin American Program Working Paper Series Number 250 (Woodrow Wilson International Center for Scholars).

3. Problems of democratic transition and consolidation in Guatemala³¹

3.1. Democratic transition

The Guatemalan political liberalization was allowed by the military regime of General Oscar Mejía, *Jefe de Estado* from 1983 to 1986. He also conducted the transition toward democracy. The transition started in 1984 when representatives for the National Constitutional Assembly were elected in a free, open, and fair electoral process. Those representatives enacted the new Political Constitution of Guatemala (in force since May 31, 1985) and also enacted the Electoral Law that regulates the political party system as well (December of 1985). These new political institutions fulfilled Linz and Stepan's first criterion of any democratic transition (Linz and Stepan, 1996, p. 3): *sufficient agreement had been reached about political procedures to produce an elected government*. The second criterion, *a government that is the direct result of a free and popular vote came to power*, was achieved on January 14, 1986 when Vinicio Cerezo, the candidate of *Democracia Cristiana Guatemalteca*, was sworn in under the new constitution and took the presidency.

At least formally, another important criterion was accomplished: *the executive, legislative and judicial power generated by the new democracy does not have to share the power with other bodies de jure*. Thus, it was not the case of the Chilean transition where the military constrained the new set of rules by retaining strong bargaining power (p. 206). However, the military has *de facto* preserved certain privileges and control upon the decisions of the presidency through the

³¹ Azpuru (2001, p. 15) explains that "Guatemala has been the 'ugly duckling' of the literature on democratic transitions and more recently of the literature on democratic consolidation in Latin America. Up to recently, prominent scholars looked down to Guatemala as a case where almost no progress had been done in terms of democratization, other than the holding of formal elections. From Linz and Stepan who classified Guatemala as a case of 'electoral democracy' to Schmitter and Karl who considered it in 1991 a case of 'an hybrid, civilian-led repressive regime,' Guatemala was in the late 80s and early 90s, the example of what democracy should not be."

Estado Mayor Presidencial (military elite that ought to protect the president and his family) and the military intelligence.

The most difficult criterion to fulfill has been the one that states that *the government de facto has the authority to generate new policies*. For example, no government has had enough power to carry out a deep tax reform because it cannot overcome the strong opposition of different interest groups. The same problem occurs when government tries to modernize the state apparatus or it tries to modify old corporatist legislation. In this sense, a weak state has been the main characteristic of the first fifteen years of democracy in Guatemala.

The Guatemalan democracy is more similar to a *delegative democracy* (O'Donnell, 1994) and is facing the risk of falling into the *electoralist fallacy* (Linz and Stepan, 1996, p.4).

According to Linz and Stepan's criterion, it cannot be categorically stated that Guatemala have concluded its transition to democracy because the government has not had sufficient authority to generate new policies. However, the four consecutive presidential elections (1985, 1990, 1995, 1999),³² which have been considered free, fair, and competitive struggles for the people's vote, show that Guatemala has initiated a process of democratic consolidation.

3.2. Process of democratic consolidation

For Linz and Stepan (p. 5), a *consolidated democracy* is "a political situation in which democracy has become the only game in town." That situation occurs when "no significant political groups seriously attempt to overthrow the democratic regime or secede from the state" (behavioral dimension), when "even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from

³² The presidential term was five years, but the constitution was amended in 1993, after Serrano's *autogolpe* crisis, and the new term was fixed in only four years (reelection is not allowed). Constitución Política de la República de Guatemala, Artículo 184.

within the parameters of democratic formulas” (attitudinal dimension), and when “all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms” (constitutional dimension). Following Linz and Stepan’s definition and criterion of a consolidated democracy, it is possible to analyze how the Guatemalan democracy is performing.

No significant political groups seriously attempt to overthrow the democratic regime or secede from the state. On the one hand, after the signature of the peace agreements (1996), the leftist guerrilla members decided to leave the weapons and be integrated in the political system as a party (URNG). They participated in the general election of 1999, within a left-wing coalition, and they won some seats in the Congress and the mayor position in some municipalities. On the other hand, some members of the army and especially a specific group of veterans (who retain some authority over the military officials in charge) have been a serious threat for democracy. Some examples: an unhappy group of military officials attempted a *coup d’etat* against Vinicio Cerezo (1988), some military officials gave support to Serrano Elías for his *autogolpe*, or presidential *coup d’etat* (1993), the military interfered in political crimes investigations, such as the assassination of Jorge Carpio (a prominent leader of the opposition, in 1993) and Bishop Gerardi (responsible for the Catholic Church’s truth commission, in 1998). Beside such an armed threat within the state, there is a small and not so influential group of Mayas in exile that has proposed the creation of a new and separate state for the Mayan people.

Even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas. The political crisis of 1993 generated by Serrano’s *autogolpe* tested the endurance of democracy. The participation of the civil society was crucial to preserve the

democratic regime and its procedures (McCleary, 1999). Different economic crises have been mitigated politically by the elections. The electorate manifested their displeasure, that is, against the government performance not against the regime itself, by voting for the opposition. However, the crisis of insecurity due to the violence generated by organized crime (related with bank assaults, kidnapping, drug trafficking, and car thievery) has provoked voters to support government alternatives of “strong-hand” (*mano dura*) as the *Frente Republicano Guatemalteco* (FRG). The FRG offered “strong-hand” during the electoral campaign in 1995 and it was the most important promise for its successful campaign in 1999. The FRG has been characterized as a party that would stop violence because it has the image of its strong-hand leader, General Ríos Montt, who was head of a *Junta Militar* and *Jefe de Estado* (1982-1983), when the army defeated the guerrillas by doing massacres in many indigenous villages. Currently, the FRG has been not combating the crime but eroding democratic institutions. For example, in the year 2000, the Congress dominated by the FRG attempted to influence the judiciary, the electoral tribunal, and the constitutional court by reducing their budget.

All the actors in the polity become habituated to the fact that the political conflict will be resolved according to the established norms and that violation of these norms are likely to be both ineffective and costly. The peace agreements have been a positive signal of the fulfillment of such requirement because the guerrillas by being incorporated into the political system recognized democracy as the only game in town. However, the weak enforcement of the rule of law makes the existence of impunity, crime, and corruption possible.

Democracy becomes routinized and deeply internalized in social, institutional, and even psychological life, as well as in calculations for achieving success. Democracy has not been internalized by Guatemalans. Families, churches, and educational organizations (private and

public schools, and even some universities) do not teach to children and young people about duties and rights of a democratic culture. The Guatemalans commitment with democracy is well described by Arévalo: “We have the hardware of democracy but the software of authoritarianism.”³³

Finally, according to Linz and Stepan, *consolidated democracies need to have in place five interacting arenas to reinforce one another in order for such consolidation to exist*. Those arenas are the following: 1) a free and lively civil society; 2) a relatively autonomous and valued political society; 3) a rule of law to ensure legal guarantees for citizen’s freedoms and independent associational life; 4) a state bureaucracy that is usable by the new democratic government; and 5) an institutionalized economic society and not just a market economy. Only the civil society and the economic society have reached some acceptable levels of institutionalization that support the process of consolidation. The political society and the state bureaucracy are far behind. Nevertheless, the main weakness of the whole system is the lack of rule of law. Some examples about the current situation have been summarized in Table 2.

³³ Quoted by Harrison, Lawrence and Samuel P. Huntington, Eds. (2000), *Culture Matters: How Values Shape Human Progress* (Basic Books).

Table 2. Five major arenas for a consolidated democracy: the Guatemalan case

Arena: primary organizing principle	Current situation
Civil society: Freedom of association and communication	<ul style="list-style-type: none"> • There are legal guarantees for civil society • Economic society does not have sufficient pluralism to support the necessary degree of autonomy and liveliness of civil society • There is a private monopoly of the TV channels that supports government policies • Governmental harassment against the free press • Mayan NGOs are divided by the diverse interests of the international donors • Interests and values of civil society should be communicated better as major generators of political society • There is a need for a stronger civil society that generates ideas and helps monitor the state apparatus and economic society
Political society: Free and inclusive electoral contestation	<ul style="list-style-type: none"> • Does not have legitimacy in eyes of the civil society • Corruption in the Congress and the Executive branch • Does not produce a stable regulatory framework for the economic society
Rule of law: Constitutionalism	<ul style="list-style-type: none"> • Lack of respect by political society and the state apparatus • Congress and the Executive branch have been violating the constitution • Overwhelming crime has paralyzed the judiciary
State apparatus: Rational-legal bureaucratic norms	<ul style="list-style-type: none"> • Does not have the monopoly of coercive power (organized crime) • Does have fiscal problems (deficit and lowest tax burden in Latin America) • Weak enforcement on civil, political, and economic societies of democratically sanctioned laws and procedures established by political society
Economic society: Institutionalized market	<ul style="list-style-type: none"> • Problems for the modernization of the legal and regulatory framework produced by political society • Financial crisis and low rates of economic growth • Low investment in technology and human capital • Does not produce the indispensable surplus to allow the state to carry out its collective good functions, nor does it provide a material base for the pluralism and autonomy of civil and political societies

Source: Linz and Stepan (1996, p. 14).

4. Guatemalan indigenous people: an historical background and current situation

4.1. Colonial History: *La Patria del Criollo*³⁴

Almost five hundred years ago, in 1524, Spaniards started the violent conquest of *Gohatemala* (Woodland). The K'iche' and Kaqchikel lords were defeated and subjugated by the powerful invader. After the death of thousands caused by the war and new diseases that Europeans brought with them,³⁵ the life of the survivors during the next decades may be summarized by one institution: the *encomienda*.³⁶ Such an entrusting by the Spanish Crown and delegation by the Catholic Church gave to the colonizers (*encomenderos*) control over indigenous people's lands, work, and lives. The abuses and segregation against the indigenous peoples were systematized and legalized during the prolonged colonial period through various types of institutions (e.g. *repartimiento* and *pueblos de indios*). The violent Spanish conquest (1524-1570) and the long colonial rule (1570-1821) marked deeply and decisively the formal and informal institutions of the society, shaping the ethnic, cultural, political, economic and social behavior, attitudes, and relationships among Guatemalans.

4.2. Republican history: *La Patria del Ladino*

After the independence in 1821, the new Constitution proclaimed universal citizenship, and slavery was abolished. However, more sophisticated mechanisms of labor exploitation and

³⁴ *La Patria del Criollo* is the title of the famous book by Severo Martínez Peláez (1970), an essay on Guatemala's colonial history.

³⁵ Lovell, George (1992), *Conquest and survival in colonial Guatemala: a historical geography of the Cuchumatán Highlands, 1500-1821*. Cook, David and George Lovell (1991), *Secret judgments of God: Old World disease in colonial Spanish America*.

³⁶ Sherman (p. 180) explains that by 1570 "the conqueror-encomendero cliques that dominated affairs in previous decades had lost their overwhelming power." Sherman, William (1983), "Some Aspects of Change in Guatemalan Society, 1470-1620," in M. MacLeod and R. Wasserstrom, *Spaniards and Indians in Southeastern Mesoamerica*. Latin American Studies Series.

land expropriation arose early. Between 1839 and 1871, conservatives applied some paternalistic policies of the Spanish Crown. After the revolution in 1871, liberals proclaimed equality for all to obey the law, to serve the country, and to pay taxes, but the only people actually considered citizens were males over twenty-one years, who had income, position or profession that guaranteed their own subsistence. To be literate was also a requirement to obtain citizenship. Thus, almost no indigenous people were considered as citizens. The state also delegated to the landlords the task of educating indigenous people, which in practice signified a new type of *encomienda*. Not only the constitution but also common legislation contributed to excluding indigenous peoples. Grandin (2000, pp. 110-111) argues that the elite in power considered the natives as a labor force to be mobilized. So, they enacted reforms and decrees to use state power in order to expand social control, to break the base of subsistence of the indigenous communities, and to make available their lands and jobs for the cultivation and exportation of coffee. The coffee plantations received all the support from the state, obtaining lands, credits, and cheap labor supplied through coercive and institutionalized means (Wagner, 1998). In sum, during the more than 100 years of the republican age, both conservatives and liberals enacted unfair legislation against indigenous peoples of Guatemala as a control mechanism over their property, freedom, and life.

After the counter revolutionary movement in 1954, which put an end to the democratic hope that had germinated with the revolution in 1944 against the liberal dictatorship,³⁷ the State of Guatemala increased its coercive power for the benefit of the elite who captured the state itself. The state not only continued with the mercantilist, centralized, authoritarian, and corporatist traditions of the Colony and the dictatorial governments of the Republic, but also

³⁷ Even though during the democratic period (1944-1954) was enacted legislation in favor of disadvantaged groups, both Arévalo and Arbenz administrations neglected the multicultural reality of the country.

adopted the anti-communism ideology of the Cold War. The internal armed conflict initiated in the 1960s left lamentable results, especially for the indigenous peoples: hundreds of thousands of internally displaced people, tens of thousands of dead and disappeared people, thousands of refugees or exiled abroad, and hundreds of villages destroyed.³⁸

4.3. Current exclusion of the Mayan people

Using the last households and families survey (1998) the Guatemalan Census Bureau (INE, 1999) estimates that the indigenous people in the country are 48.6 per cent of the total population.³⁹ This is an important increase because from the last population census (1994) the estimate was 42.8 per cent.⁴⁰ Most of the Mayas are poor, and most of the poor people are Mayas.⁴¹ Less than half of the Mayan citizens are registered to vote, and most of them do not vote. There is a relevant presence of Mayan representatives but only at the local level (*Concejos* of the municipalities). At the national level, Mayan participation is minimal in the Executive branch, in the Congress, and in the Judiciary.

The information provided by the INE (1997), based on the last census, shows that Mayas are in worse conditions than the rest of the Guatemalans. Table 3 summarizes the information on the percentage of households that do not fulfill their basic needs in terms of their house's

³⁸ "Between 1981 and 1983 the Army identified groups of the Mayan population as the internal enemy, considering them to be an actual or potential support base for the guerrillas, with respect to material sustenance, a source of recruits and a place to hide their members. In this way, the Army, inspired by the National Security Doctrine, defined a concept of internal enemy that went beyond guerrilla sympathizers, combatants or militants to include civilians from specific ethnic groups." Commission for Historical Clarification (1999).

³⁹ The Census Bureau asked a self-identification question: Are you an indigenous person? Yes or No.

⁴⁰ That difference of 5.8 points between 1994 and 1998 could not be explained only by the fact that the global indigenous' rate of fecundity (6.2) is higher than the global Ladinos' rate of fecundity (4.6). It is possible to think instead that because the differences between Mayas and Ladinos are more ethno-cultural rather than racial, there is an increase in self-esteem and more people then are proud to be *indígenas*. Tzián (1995), however, claims that at least 60% of the Guatemalans are indigenous people.

⁴¹ According to MENMAGUA (1998, pp. 55-56) 89.5% of the Mayas are poor and 76.1% are extremely poor. In contrast, 74.2% of the non-Mayas are poor and 49.4% are extremely poor.

materials (quality) and size (problem of overcrowding), house's services (access to water and toilet), children's attendance to the school and parents' capacity to support the family members (schooling and number of dependents).

Table 3. Guatemala: Basic Needs Not Satisfied (1994)
Percentage of households with a specific need by ethnicity

Basic Needs Not Satisfied	Mayas	Ladinos
Quality of housing	32	17
Size of housing	54	33
Water access	17	10
Toilet service	25	20
School attendance	23	10
Family income	19	8

Source: INE (1997, pp. 20-24).

In all the variables examined by INE, the Mayas are in a worse situation than the Ladino population. Table 4 shows the most recent information from the last households and families survey (1998). Although the categories are not identical, it is still clearly the case that the Mayas are less well-off than the other Guatemalans. This gap between indigenous and non-indigenous population, regarding not only political rights but also social and economic wealth, is a real threat for democratic consolidation.⁴²

⁴² As Karl (2001, p. 5) suggests: "High inequalities bias the political rules of the game and mold politics in favor of the wealthy and privileged... Exceptionally high inequalities of wealth and income are the basis for exceptionally inequitable distributions of political power and representation... The unequal power distributions they both reflect and reproduce, in turn, help to secure economic privileges, undermine competition and efficiency, encourage corruption, undermine productive growth and, in the end, subvert democracy."

Table 4. Guatemala: Social Indicators (1998)
Rates on education, basic infrastructure and health by ethnicity

Social Indicators	Mayas	Ladinos
Literacy	57.5	78.6
Access to water	24.7	38.8
Access to drainage	8.4	24.1
Access to electricity	22.8	41.3
Malnutrition	67.3	34.1
Infant mortality (rate per 1000)	56	44

Source: PNUD (2000, pp. 275-282, 292).

4.4. The Mayan movement: claims and identities

The Mayan movement has experienced an evolution from land claims in the 1960s and 1970s, and human rights concerns in the 1980s, to requesting cultural rights in the 1990s, and demanding political rights at the beginning of the twenty-first century (see Table 5). Each stage has been characterized by its own salient identity. The geographical identity (when an indigenous person took the *municipio*'s name as the mean of self-identification and sense of belonging) and the class identity (indigenous people as peasants) were changed to an ethno-linguistic identity (the indigenous person realized that there is a common regional language that has its own value). The last change of identity occurred when indigenous people got a national and international consciousness that made them feel as part of a nation, a specific societal culture: the Mayan people (political identity).

Table 5. Summary of Identities and Claims of the Indigenous Movement

Decade	Identity	Claims
1960	Local peasants (class and geographical identity)	Land (agrarian reform)
1970	Local peasants and migrant workers (class identity)	Land and higher salaries in the plantations
1980	Indigenous peasants (ethnic and class identity)	Human rights and socio-economic rights (including land redistribution)
1990	Mayan people (stressing ethno-linguistic identity)	Cultural rights (language, religion, customs) and socio-economic rights
2000	Mayan people (stressing political identity)	Political rights (e.g. self-governance) including administration of territories and its resources

The internal political process of the country has influenced the indigenous struggles over the last 40 years. After the beginning of the internal armed conflict in the 1960s, class-based differences were stressed. The high level of inequality in land distribution was a relevant political issue in an agrarian country where millions of people have worked on large plantations for very low wages for centuries. Thus, in the 1970s, peasant organizations started to push for redistribution of land. This request for agrarian reform, in a country where more than 50% of the labor force was working in agricultural activities, implies that most of the organizations claiming land had considerable indigenous participation. However, the main identity was a local-class-based identity. The Peasant Unity Committee (CUC), related to the guerrilla movement, had wide indigenous support for its claims for higher wages in the plantations (*fincas*) and lands for the peasants.

In the 1980s, the leftist guerrillas were trying to incorporate ethnic rights as a new ideological flag, but they still considered indigenous peoples as peasants. Some former members of the guerrillas recognized that the development of the insurgent movement was based on the idea of *campesino* during the 1960s and 1970s, but they developed an ethno-cultural claim in the 1980s.⁴³ It was also the beginning of the struggle for broader socio-economic rights (education, health, infrastructure) in the rural area.

During the peace process in the 1990s, both the government and the guerrillas' leaders addressed the multicultural reality of the country, but they gave more weight to the recognition

⁴³ "The relationship between the guerrillas and the indigenous population had a complex character and this relationship was not unidirectional. [...] It is possible to consider that while the guerrilla wanted to increase its support and followers, the Mayan leaders saw in the revolutionary movement a channel to advance their own agenda." Commission for Historical Clarification (1999) [Author's translation]

of cultural rights.⁴⁴ Around 1992, the fifth Centennial of Columbus' arrival, the indigenous movement became more organized and had more presence before the public opinion. The best moment was in 1992 when the Nobel Peace Prize Laureate was Rigoberta Menchú. She is a Guatemalan K'iche' woman and campaigner for human rights, especially for indigenous peoples.

The development of the Mayan movement had become more related to cultural renewal. The debate around the recognition of the Mayan languages eventually culminated in the Academy of Mayan Languages (ALMG), a state entity created in 1990. Also, the increasing indigenous participation in the international forum gave to the leaders and intellectuals of the Mayan movement more independence from the national actors and constraints. Those leaders acquired a broader perspective which encouraged them to express their own concerns, without the intermediation of politicians, about political autonomy and self-government. Additionally, a new generation of indigenous intellectuals and professionals gave birth to hundreds of non-governmental organizations, related mostly to education and development in rural areas.

Outsiders frequently ask why a Mayan political party does not exist. An explanation is the heterogeneity of the members of the Mayan movement (crosscutting cleavages). There are, at least, two ideological branches related with the history of the indigenous struggles summarized above.⁴⁵ The first branch is more linked to the so-called *popular movement* related to human rights and social claims. The members of this stream might be called "leftist Mayas," because some of them have had ties to certain organizations related as well with the guerrillas. Thus, their discourse is centered on the agrarian problem and class struggles. A second branch is the

⁴⁴ "Recognition of the identity of the indigenous peoples is fundamental to the construction of a national unity based on respect for and the exercise of political, cultural, economic and spiritual rights of all Guatemalans." Agreement on Identity and Rights of Indigenous Peoples.

⁴⁵ Alvaro Pop (2000), Conference on Guatemala's Peace Process. Congress of the Latin American Studies Association.

so-called *Mayan cultural movement*, which promotes the recuperation of the Mayan values, traditions, and other cultural elements, such as religion, language, and customary law. Its discourse is on cultural rights, with constant reference to the glorious past of the Classic Maya civilization (600 - 800 AD). This movement has been considered as a conservative one, and has had significant influence in the national debate. Both branches converged in the effort for political rights during the discussion for constitutional amendments (1998). However, that was the case where the overlapping process of building identities made difficult the unification for a better-articulated discourse. On the one hand, the leftist movement was using a land-peasant idea or class struggles approach, and strategies of mass mobilization. This traditional land claim is still considered a threatened issue for the political stability of the country, given the great inequality of land distribution with deep historical roots. On the other hand, the conservative-cultural movement stressed the ethnic differences of the country, especially between Mayas and Ladinos.⁴⁶ This insistence on cultural differences raises concerns about the ghost of a possible ethnic conflict. Both streams are politically important for the transformation of the country, but they did not achieve a greater positive response from the state or the elites. Currently, after the loss in the struggle for constitutional reforms (1999), the leaders of the Mayan movement seem inactive but the problems that they presented are still alive.

⁴⁶ Morales (2000) states that Mayas and Ladinos are the political and cultural identities of Indians and Mestizos, respectively.

5. How Guatemalans view democracy: information from public opinion surveys

Guatemala has had a slow process of democratic consolidation. Although the Guatemalan democracy has resisted some tough crises, its levels of legitimacy, support, and commitment are still low. That is true about the regime performance and institutions (Norris, 1999, p. 10) especially in the case of the indigenous population. The history of injustice and the current exclusion against the Mayas have generated a political and cultural movement that requests institutional changes and better economic outcomes (e.g. a more egalitarian distribution of income). This section explains the perception of both Mayas and Ladinos about the Guatemalan democratic regime.

As Diamond (2001) explains, public opinion surveys show how the masses evaluate the performance of their democratic systems, and to what extent they support democracy as a form of government. Public opinion surveys also work as a “barometer” that shows the quality and stability of a democracy, and the public responses to policy initiatives and institutional reforms. “The additional value of such surveys is that they enable us to analyze the correlates and determinants of support for democracy, how legitimacy is shaped by socioeconomic status, by party and ideological orientations, by evaluations of economic and political performance, and a variety of other factors” (Diamond, 2001, p. 2). Another crucial factor is the level of inclusion/exclusion of ethnic minority groups or historical disadvantaged majorities. In order to know how legitimacy is shaped by the exclusion of the Mayas it is important to analyze some information provided by the most important and scholarly elaborated public opinion survey on political culture in Guatemala.

Since 1993, the *Asociación de Investigación y Estudios Sociales – ASIES* (a Guatemalan research center and think tank), the University of Pittsburgh, and Development Associates, Inc.

have been conducting several public opinion surveys which aim to approach the democratic culture of Guatemalans.⁴⁷

5.1. Findings at the National Level (without ethnic differentiation)

Table 6 shows some recent indicators (1999) of the levels of political legitimacy of democracy and preference for rule of law.

Table 6. Democratic culture in Guatemala 1999

Variable	Percentage
1. Preference for democracy	
- Democracy is always preferable	43.5%
- Sometimes it is necessary to have an authoritarian government	9.2 %
- It does not matter	15.5%
2. Preference for strong-hand government over a government that gives participation to all	
- Prefer “ <i>mano dura</i> ”	60.3 %
- Prefer participation	32.4 %
3. Authorities can break the law to combat crime	
- Sometimes can break it	21.6%
- Never should break it	63.1%
4. Believe that the police should have a warrant to enter a suspected criminal’s home	
- Should always wait for the warrant	71.1 %
- Can go in without a warrant	16.5%
5. Preference for order over liberty	
- Prefer to live in an ordered society even if some liberties are restricted	57.5%
- Prefer liberties even with some disorder	24.7%

The original percentages are shown. The rest are missing cases or respondents who did not know how to answer the question. Source: datasets from the University of Pittsburgh Latin American Public Opinion Project in Azpuru (2001, p. 24).

Guatemalans show dissatisfaction with the regime performance. Similarly to the results obtained by the *Latinobarómetro*,⁴⁸ the survey shows (question 1) that only 43% of the people prefer democracy to any other kind of government.

⁴⁷ The survey in Guatemala took place in September of 1999, two months before the general elections. The sample for Guatemala is of 1200 nation-wide cases. The questionnaire was administered in Spanish and in the main four indigenous languages of the country.

According to the answers for question 2, almost two-thirds of Guatemalans prefer a “strong-hand” government. That preference could explain why the current political party in office (FRG) won the general elections in December 1999. Although the preference for a “strong-hand” government, the responses to question 3 also indicate that 63% of the people consider that government never should break the law in order to combat crime, and 71% say that police should always wait for a warrant to enter a suspect criminal’s house (question 4). Those results suggest that people want to put an end to criminal activities but within a rule of law framework.

Given the high levels of crime and violence in the country, the people have preference (question 5) for “order” (57%) rather than “liberty” (25%). However, it is not a real a trade-off because, in fact, crime and violence have been constraints for citizens’ freedom. That perception of insecurity and the lack of freedom could explain why most Guatemalans do not show a strong preference in favor of democracy (Azpuru, 2000). There is a clear problem of low performance.

5.2. Mayas vs. Ladinos

Table 7 shows how Guatemalans, by ethnicity (Mayas vs. Ladinos), feel about the levels of freedom to participate in political activities. In all the indicators, Mayas have the perception of lower levels of freedom. The feelings expressed about freedom to participate in public demonstrations and to run for public office are the lowest ones and show a bigger gap in comparison with the Ladinos’ perception. According to Mayas and Ladinos, Figures 1.1 to 1.4 in the Appendix show the changes and some trends, from 1993 to 1999, about the perception of such freedoms.

⁴⁸ See Lagos (2001, p. 139): 45% of the population support democracy, while 21% say that in certain situations, an authoritarian government can be preferable to democracy. Guatemala has a very low level of support for democracy in comparison with the overall Latin American average of 60%.

Table 7. Level of freedom in Guatemala by Ethnicity (Average in 1999)
Percentage of people that answered “yes”

Do you feel free to...?	Mayas	Ladinos
Participate in groups to solve community problems *	74	80
Participate in public demonstrations **	58	68
Vote in a national election **	86	89
Run for political office **	53	63

* Sig. at the .005 level ** Sig. at the .001 level

Source: Democratic Indicators Monitoring System (DIMS) databases based on national-wide surveys carried out by the University of Pittsburgh, ASIES, and Development Associates.

Table 8 shows the support for strong-hand governments, an eventual *coup d’etat*, and the belief in the electoral procedure as a worthy alternative. Both Mayas and Ladinos have a strong positive and similar opinion about the elections. However, two-thirds prefer a strong-hand government and one-third will justify an eventual *coup d’etat*. The differences between the two groups are not relevant. Figures 1.5 to 1.7 in the Appendix show positive trends from 1993 to 1999.

Table 8. Preferences by Ethnicity (Average in 1999)

Variable	Mayas	Ladinos
Prefer strong-hand government over participation of all to solve problems	68	65
Justify an eventual coup d’etat	35	38
Believe it is worth to vote	87	87

All sig. < .001

Source: DIMS

Finally, Table 9 shows how Mayas and Ladinos think about different types of political demonstrations. The two groups prefer legal and institutional ways of participation and dislike traditional ways that in the past have generated violence. However, Mayas show a lower level of

agreement with any type of political activity. Figures 1.8 to 1.12 show the tendencies (see Appendix).

Table 9. Agreement with certain activities by Ethnicity (Average in 1999)

Which of the following activities do you agree with...?	Mayas	Ladinos
Participate in demonstrations *	57	69
Participate in political campaigns **	43	51
Occupy buildings **	9	9
Block roads **	12	15
Invade lands **	7	8

* Sig. at the .005 level ** Sig. at the .001 level

Source: DIMS

6. Consolidation as “accumulation of legitimacy”

The previous analysis suggests that, on the one hand, the political exclusion of the Mayas could be a real threat for the democratic regime and, on the other hand, the inclusion of the Mayas into the political system could be a crucial step toward democratic consolidation in Guatemala. The difficulties of democratic transition and consolidation, the relationship between the Guatemalan state and the Mayas, the severe problems of inequality, the Mayan movement requests, and the low levels of support for democracy are indicators of a weak democratic regime that faces the risks of stagnation, instability, or even breakdown. Different models of political inclusion of indigenous peoples, which are available in theory and praxis, should be examined in order to build and consolidate a multicultural democracy. The level of legitimacy depends on the full inclusion of the indigenous people into the democratic game. That is exactly what they want. The indigenous movement is an expression of critical citizens that want to improve the regime performance by changing its institutions. However, political elites are waiting too long to

make the necessary institutional changes. Probably, the people who obtain gains from the status quo will oppose any reform, but overall changes for a more open system will be recompensed by gains in legitimacy.⁴⁹

Diamond (1999, p. 66) asserts that “for a democracy to be consolidated, elites, organizations, and the mass public must all believe that the political system they actually have in their country is worth obeying and defending.” In his terms, *elites* include leaders of opinion, business, cultural and social organizations (including interest groups), as well as major leaders of government, state institutions, and political parties. *Organizations* include political parties, interest groups, state institutions, and social movements (e.g. indigenous movements). For the concept *mass public*, Diamond suggests the use of percentages in order to identify a real large support for democracy (i.e. 70%) and recognize a real threat (i.e. 15%). In order to know the level of legitimacy, which “involves a shared normative and behavioral commitment to the specific rules and practices of the country’s constitutional system,” Diamond proposes a three-by-two table to indicate the degree in which elites, organizations, and the mass public are engaged with each of two dimensions: the normative commitment and behavioral compliance with democratic institutions. Using Diamond’s grid about indicators of democratic consolidation, Tables 10 and 11 summarize some aspects of the possible scenarios depending whether there prevails a situation of exclusion or a new institutional setting for inclusion.

⁴⁹ Many reforms are needed in Guatemala in order to increase Mayan political participation and representation. Some examples are the following: 1) constitutional reforms for the recognition of Mayan local authorities and the Mayan customary law; and 2) reforms of the Electoral Law to facilitate access to the polling boxes in the villages with high number of citizens.

Table 10. Indicators of Democratic Consolidation: prevailing situation of exclusion

Dimension	Norms and Beliefs		Behavioral	
Level / Ethnicity	Mayas	Ladinos	Mayas	Ladinos
Elite	Mayan leaders do not believe in the legitimacy of democracy because it is not possible to participate in the decision making process	Politicians erode the legitimacy of the system by neglecting indigenous rights	Leaders promote mass demonstrations that could generate violence and instability (e.g. land invasions)	Politicians and economic elites do not answer with institutional changes but with violent repression (e.g. use of the military)
Organizations	The Mayan movement endorses democratic principles but dislike political institutions (e.g. political party system) The future of the political community could be in danger	Political parties endorse just a “delegative democracy”	Political organizations could promote alternatives outside the institutional framework avoiding contact with existing political parties Extreme movements could fight for secession	Political parties only use indigenous discourse for electoral purposes but public policy outcomes do not redress past and current injustices
Mass public	Disenchantment with regime performance, institutions and actors (e.g. distrust in politicians)	Same disenchantment but different causes: crime, corruption and low economic performance	Low turnout, low participation in institutional channels and more participation in mass demonstrations	Mass support for strong-hand and authoritarian alternatives (e.g. use of the military for internal affairs)

Source: Diamond (1999, p. 69)

Table 11. Indicators of Democratic Consolidation: institutional change for inclusion

Dimension	Norms and Beliefs		Behavioral	
Level / Ethnicity	Mayas	Ladinos	Mayas	Ladinos
Elite	Mayan leaders believe in the legitimacy of democracy	Politicians believe that democracy is about inclusion However, some leaders could interpret changes as a threat for their status quo	Leaders promote political participation by peaceful means	Congress approves institutional changes that favor Mayan political representation Conservatives oppose reforms by threatening the regime
Organizations	Mayan movement supports the political community and endorses the regime principles and institutions	Political parties, within a new set of incentives, are committed to improve regime performance Interest groups could challenge legitimacy of the new institutions (e.g. by denying the existence of collective rights)	The political, social and cultural branches of the movement promote education of new political leaders that will occupy opened positions	Political parties get involved in grassroots work and are more responsive to indigenous needs Losers of the new political arrangement could generate polarization appealing to ethnic feelings of discrimination
Mass public	High levels of support and confidence in the democratic regime and government institutions	Sense of fairness will increase the perception that democracy is preferable to any other form of government for the country	High levels of political participation in parties, electoral processes, and government Improvement of civic culture	Most Ladino people support institutional changes No antidemocratic movement enjoys a significant support

Source: Diamond (1999, p. 69)

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Appendix (cf. Azpuru, 2001)

Figure 1.1

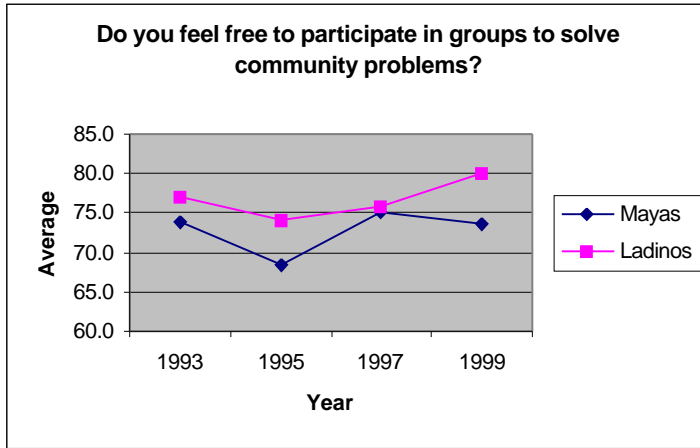


Figure 1.2

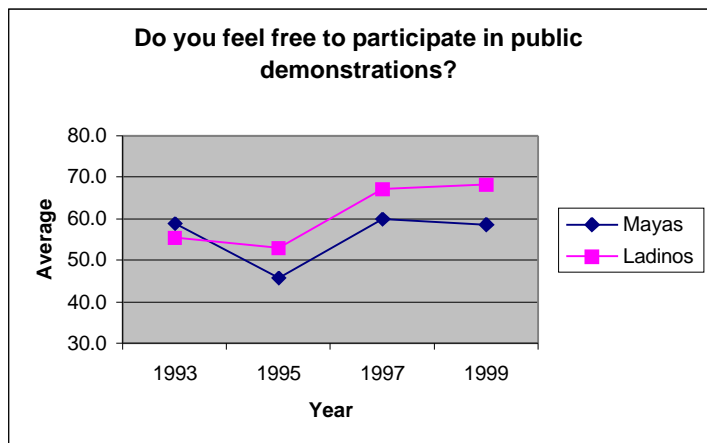


Figure 1.3

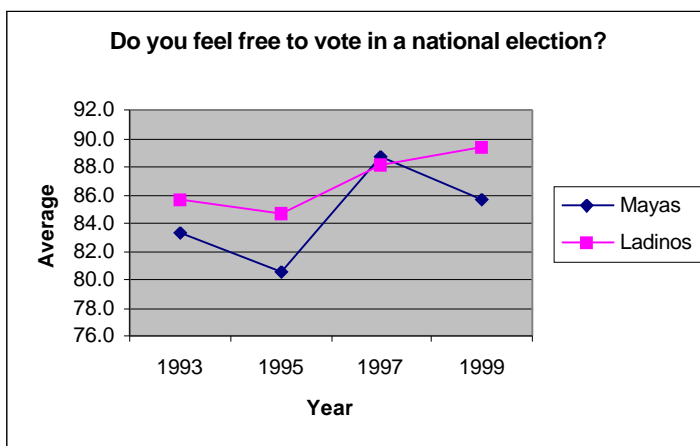


Figure 1.4

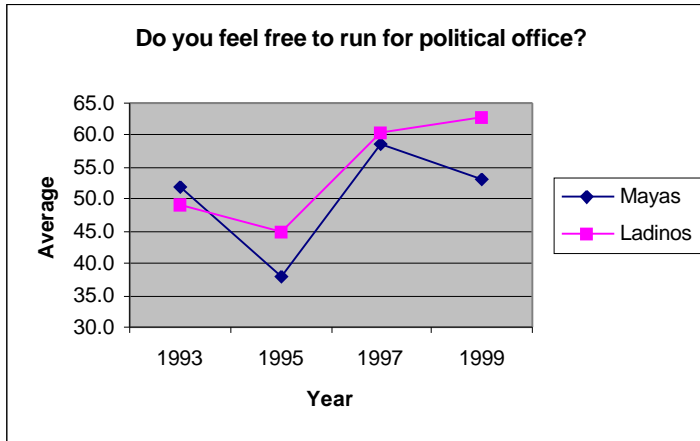


Figure 1.5

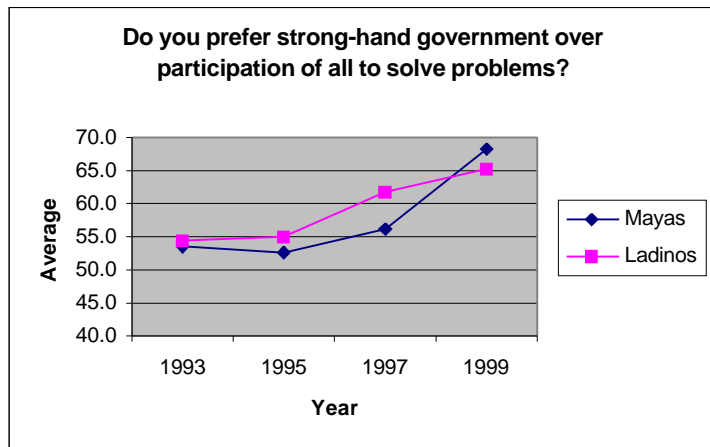


Figure 1.6

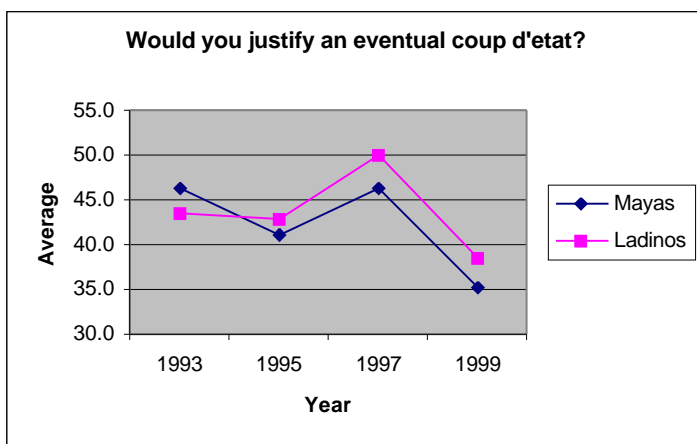


Figure 1.7

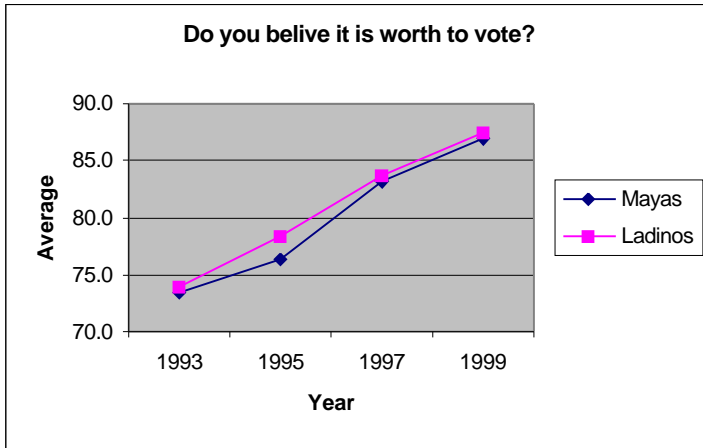


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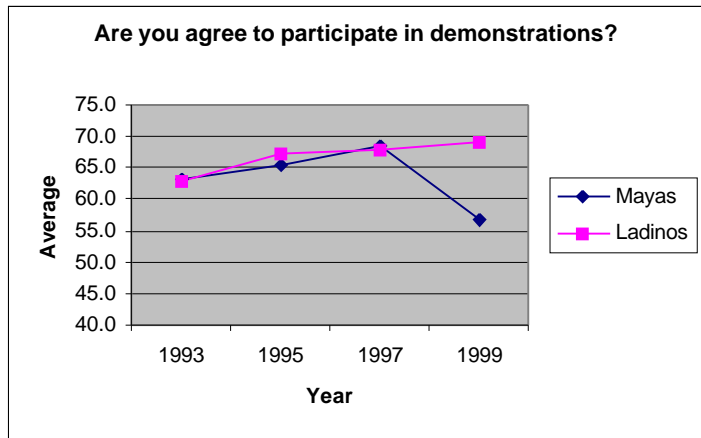


Figure 1.9

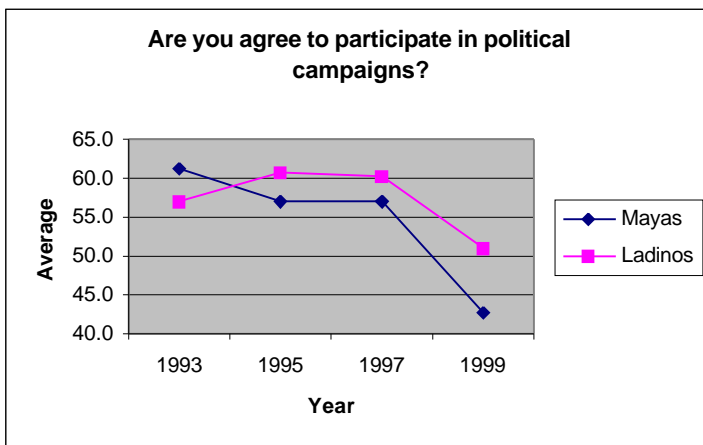


Figure 1.10

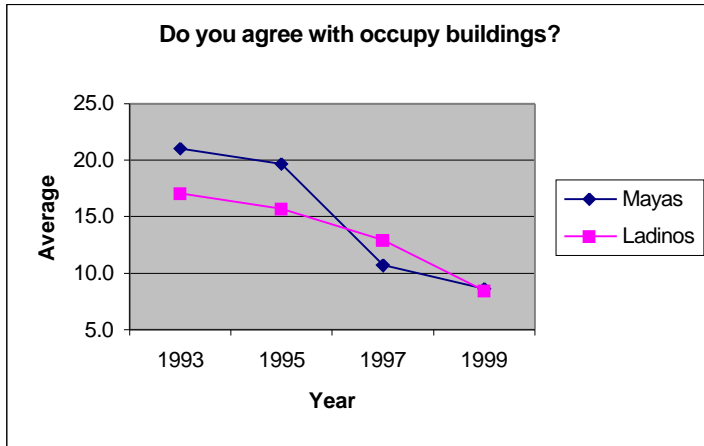


Figure 1.11

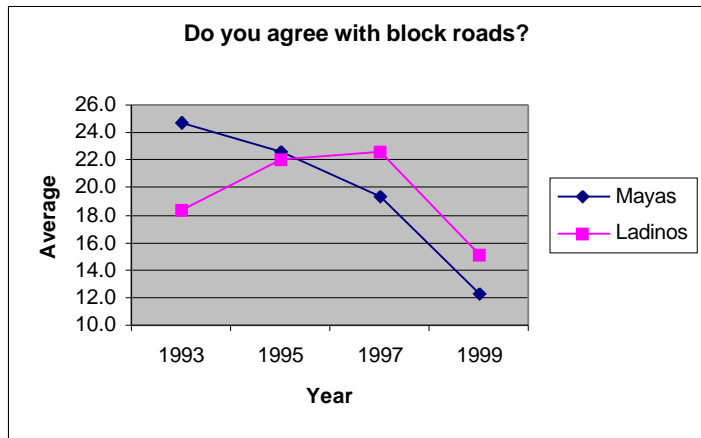


Figure 1.12

