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2014

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# Cultural Rights and Political Authority in Maya Guatemala

Dylan DeWitt, Dr. Jason Levy

## Abstract

Following a civil war that engulfed the nation for thirty-six years, the Guatemalan state has taken steps to integrate previously remote territories into its broader political and economic system. This has led to the increased political inclusion and economic integration of Mayan communities that had remained on the outskirts of Ladino society. Unfortunately, not much attention has been given to understanding the effects of this process on indigenous political institutions. After traveling to the Western Highlands region in December 2013 and surveying research from political science, anthropology, and environmental science, I have concluded that the 1996 Peace Accords have not helped to empower local Mayan political institutions. In fact, this process of political and economic integration has delegitimized indigenous political authority through the state institutionalization of private property rights and democracy. Thus, the state has both violated cultural rights afforded to these communities after the civil war and taken away a platform for indigenous communities to constructively engage with the social change that will come with increase economic inclusion and development. This conclusion can lead us to question or refine any understanding of the proper balance between individual political inclusion and local institutional autonomy when discussing cultural rights.

## Introduction

The worst years of the Guatemalan Civil War were 1982 and 1983. During these years, the Guatemalan army destroyed around 400 towns and villages, drove 20,000 rural people out of their homes, and killed between 50,000 and 75,000 mostly unarmed indigenous farmers. All told, over one million people were violently displaced from their homes.

Over a decade later, the signing of the 1996 Peace Accords brought hope to a nation. The agreement represented a historic moment in Guatemalan history, as it laid the groundwork for a transition to a more inclusive society. With measures such as cultural rights, political access for indigenous peoples, and rural development initiatives, it seemed as though Guatemala was truly embracing its multicultural nature.

With increased state presence, however, comes the power and authority of an institution that seeks to standardize both democracy and private property rights. These practices directly challenge many traditional Mayan political institutions. In other words, there exists an uneasy juxtaposition between cultural rights and economic integration in the making of state policy toward Mayan communities. Thus, our question became this: How have indigenous political institutions been affected by the increased role of the Guatemalan state since the signing of the 1996 Peace Accords?

## Results/Discussion

The first thing to note is that Mayan identity and political institutions exist much more locally than one might expect. There are few generalizations that can be easily made about “Mayan” forms of political and economic order. Nevertheless, the details of how a few specific communities have been impacted by increased state presence underscores the need to reevaluate the nature of cultural rights.

In Santa Catarina Ixtahuacán, the traditional form of political authority was essentially a community council that unanimously decided who would serve as mayor. The end of the civil war, however, brought the authority of the 1985 Constitution that requires democratic elections for all municipalities. This has increased the influence of the Ladino oligarchy in previously remote territories as political office has been opened to anyone with the financial ability to run for office. Election winners also win by plurality, meaning they usually lack a clear majority. As a result, resistance to this institution has increased and political legitimacy has been undermined.

In Nahualá, meanwhile, the community council had traditionally been the entity with ultimate authority over land use. An individual or family in this system would obtain use rights from the mayoral council. In accordance with 1996 Peace Accords, the state has begun to take steps to reduce the risk for violent conflict over land disputes. To do so, it has issued deeds of private ownership to more efficiently settle any disputes. This undermines the role of the community council in determining land access and creates an opportunity for the individuals to sell their land to outside buyers, which they often do. The affect has been to diminish the authority of the community council as individuals turn to the state for recognition.



Photo by Justin Cowdin, December 2013

## Conclusion

Our research has shown that the notion of cultural rights has been interpreted in a way that excludes the continuance of traditional indigenous political institutions. The state has imposed its own systems under the guise of human rights and economic development. While political development and economic growth in these communities could be a wonderful thing, development is not embraced simply to make money. People seek development in so far as it allows them to control the conditions of their existence. The indigenous people in Guatemala do not benefit from the order being imposed by the state and the result has been further political exclusion and economic marginalization.

The solution is to recognize not only the cultural rights of the individual, but also the rights of collective entities to political authority with in their territories. Allowing these entities to engage with economic development and social change on their own terms would allows them to create their own, culturally-based solutions to the challenges of development. Enforcing a flawed system of democracy and an economic order that further marginalizes the indigenous people will only create more tension and conflict for a nation that has already seen far too much.

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## Acknowledgements

I would like Don Lam for giving me the chance to intern with Fair Trade Quilts and Crafts over the Summer of 2013. His passion sparked my interest in the interplay between human rights and economic development. Also, I would not have been able to complete this research without Highland Support Project and Dr. Jason Levy, who together offered an opportunity to travel to the Western Highlands region of Guatemala this past December. The experience was unforgettable, both as a student and as a human being.