

## **Guatemala: Historical Context and Current Situation (ECAP, November 2004)**

Historically, the Guatemalan state has been characterized by its profoundly exclusive and authoritarian nature, for having protected the interests of the privileged minority elite. By way of example, less than 3% of the large plantations occupy up to two-thirds of farm land, in contrast to smaller farms which occupy less than 11% (PNUD, 2000, 13). In a country that is predominantly agricultural, such as Guatemala, this situation has resulted in profound social inequity, which affects above all the indigenous peoples of Mayan ascendancy, who constitute the majority of the Guatemalan population. For example, Guatemala's illiteracy rate of 32% is the highest, after Haiti, in America. This rate increases further to 60% among the indigenous peoples and to 80% among indigenous women. Likewise, 40.9% of the non-indigenous population – in contrast to 74.2% indigenous – live in poverty (PNUD, 2000, 16).

Since the proclamation of independence in 1821, the Guatemalan state maintained diverse inherited structures from the colonial period. On the one hand, the indigenous communities were allowed their own local authorities and normative system to resolve internal conflicts. On the other, these communities were subject to predatory interventions by privileged elites who, with state backing, had at their disposal an inherently monolingual, centralized and bureaucratic legal system, an army to quell uprisings and insurrections and particular legislation that decreed their right to forced labor (Martinez Pelaez, 21).

In many regions, basic services such as education, health and justice were denied. The meager presence of the state was limited to interventions of social control for the provision of cheap labor for an agro-export market, for the construction of infrastructures and, throughout the 20th Century, for forced military service. The latter, in particular, was intensified during the armed conflict.

The war constitutes one of the most tragic episodes in Guatemala's history. On February 25, 1999 the UN-appointed Commission for Historical Clarification (CEH) presented a multi-volume report entitled *Guatemala, Memory of Silence*. This commission, created by the Peace Accords and subscribed between the government and guerrilla, registered a total of 42,275 victims, including men, women and children, of which 23,671 correspond to arbitrary executions and 6,158 to forced disappearances. It estimates that more than 200,000 people were killed or disappeared during the fratricidal confrontation, of which 83% of fully identified victims were Mayan, while the non-indigenous population (*mestizos* or *ladinos*) constituted 17%. Furthermore, an additional between 500,000 and a million people were displaced, internally and in exile. The CEH attributes 3% of the registered human rights violations to the guerillas and 93% to the Guatemalan state (CEH, Resumed version, § 1, 15 y 82).

The victims were men, women and children from all strata of society such as workers, professionals, priests and lay workers, peasants, students and academics. Community leaders and members of local social organizations were particularly targeted by the repressive state. In accordance with the doctrine of national security, these groups constituted part of the "internal enemy" which had to be destroyed and annihilated. This

generated, together with an enormous loss in human lives, the weakening of civil society's capacity at organizing and the disappearance of practically a generation that worked towards a more democratic state.

In the rural areas, the growth of insurrectionary activity led the army to believe that the indigenous people were the guerrilla's social base, which converted the control of their communities into a priority concern for the army. A historic lack of understanding and mistrust, combined with extreme racism towards the indigenous people, facilitated the belief among the state and powerful sectors of the society to identify the indigenous population with the enemy (CEH, resumed version, § 31 and 32).

In face of the possibility to loose control within the communities, the army reacted with an extreme and massive violence, perpetrating acts of genocide against the Maya community as a whole<sup>1</sup>. Simultaneously, the rural areas were subject to an intense regime of terror and militarization, severely affecting community social structures. Military commissioners and the Civilian Self Defense Patrols (the PAC), co-opted and infiltrated and who were militarized authorities, replaced the communities' internal systems of conflict resolution<sup>2</sup>. This situation contrasted significantly with the response in the cities where repression was directed at particular individuals such as, trade unionists, students, religious leaders and academics.

The CEH states that "all these measures had as a consequence the rupture of community mechanisms of social reproduction, of the community's own oral transmission such as the weakening of authority structures and Mayan values and norms of respect and service to the community. Instead, authoritarian practices were introduced, promoting a total disrespect for life and the arbitrary use of force" (CEH, Volume IV, p.191)<sup>3</sup>.

Military control precluded the communities' use of internal structures of consultation, consensus and local authority, now that it was impossible to question or disobey it (REMHI, 1998, Volume I, p. 111). Meanwhile, violence became the preferred method to resolve conflicts. The army's response to alleged collaborators of the guerrilla, or in fact, to any person who questioned the established order was arbitrary, disproportionate and extremely violent. The army's objective to divide communities and destroy even

---

<sup>1</sup> The CEH states that, from 1981 to 1982, genocide was perpetrated in at least four regions, against determined ethnic groups situated in regions geographically delimited. In this period, the army committed acts of extermination such as the killing of men, women and children, acts of torture and sexual violations, forced displacement, the burning of villages and livelihood as well as the destruction of symbolic culture such as religious sites.

<sup>2</sup> The "military commissioners" were designated as a military reserve by the counter-revolutionary government of 1954, but from 1976, their role was restructured with a greater emphasis on intelligence gathering. By 1983 almost every town, village and plantation had a military commissioner. The PAC was formed in 1981 to intensify the state's counter-insurgency policy. In 1983 they were legally decreed under the government of Efraín Ríos Montt. It is estimated that up to 1,000,000 men, mainly indigenous men in rural areas, were recruited into the PAC system (CEH Vol. II, 190; also see Moser & McIlwaine, 2001, 38).

<sup>3</sup> "La CEH considera que "el conjunto de estas medidas tuvo como consecuencia la ruptura de los mecanismos comunitarios de reproducción de la vida social, de la transmisión oral de la propia cultura así como la vulneración de las estructuras de autoridad, las normas y los valores mayas de respeto y de servicio a la comunidad. En su lugar se introdujeron prácticas de autoritarismo, desprecio por la vida y uso arbitrario del poder".

further the social fabric was obtained via the forced collaboration of community members in the atrocities (REMHI, 1998, Volume I, p. 35). This culture of violence was subsequently reinforced by military recruitment, whereby the youth were indoctrinated through activities that implied the absolute disrespect for human dignity.

Similarly, state structures, such as executive power, internal security and various ministries, for example, finance and public works were accommodated to serve military campaigns. During the most acute period of the war - 1980-1985 – all institutions and political, social and ideological ambits were under almost absolute military control, which continued until the final stages of the conflict. In effect, it exerted “a parallel, semi-visible, low-intensity control, but of high impact in national life” (CEH, 1999, Volume IV, § 36 and 37).

Seven years after the signing of the Peace Accords, the commitment to submit the armed forces to civilian authorities still remains far from complete: the army maintains “a structure of war in a peaceful period” (*El Periódico*, March 2003, p. 3) . The military’s presence and yearly intake remains virtually unaltered<sup>4</sup>. The Executive not only continues to delegate public security to the security forces but also continues to allow military officials and ex-officials to occupy significant positions in public administration. The stagnation of an effective demilitarization is threefold. Firstly, present and former officials’ are reluctant to relinquish power that they acquired during the war. Second, political parties, once in power, demonstrate an unwillingness to abandon former alliances in order to maintain stability. And finally, civil society is too weak to exert the necessary controls on such figures and institutions (Vela, 2002, 10 and ss.).

The relationship between the present Guatemalan Republican Front (FRG) government and military personnel is notably more than a mere alliance. The FRG’s leader, General Efraín Ríos Montt, Guatemala’s president during the worst period of human rights abuses (1982-3), became the head of Guatemala’s Congress in 2000. And the army’s social base in the rural areas is precisely the networks of support that were created during the war, such as the Civilian Self Defense Patrollers and military commissioners. In effect, ex-military officials continue to control key positions in the present government.

The military controls three key elements which allow for its continued influence. Firstly, the military continues to control judicial institutions. The perpetuation of impunity precisely continues because there is an almost impossible reality of not being able to carry out investigations, try and condemn those who are responsible of human rights violations, among which, as mentioned, is genocide. This situation not only makes it difficult to “purify” the armed forces but also to dismantle the very structures that made possible these crimes (Vela, 2002, pp. 25 and sq).

According to the United Nations Mission for the Verification of Human Rights (MINUGUA) impunity continues to be a systematic practice precisely because the state

---

<sup>4</sup> The army still has 20 military bases and 60 quartels, which means that military instalations exist in 20 of the 23 departments of the country. Likewise, in 2002 the military, with Congress approval, spent almost the same amount as in 1995, when still in full conflict (MINUGUA, 2002, § 5, 7, 11).

refuses to comply with its obligation to investigate or sanction those responsible for human rights violations. Indeed, it has been noted that state functionaries have intervened to obstruct the very means of justice. The few legal suits that have obtained some results, such as for the assassination of the anthropologist Myrna Mack<sup>5</sup> and Monseñor Juan Jose Gerardi<sup>6</sup>, have been brought about at an enormous risk to both civilians and functionaries who participated in the trials (MINUGUA, 2002, § 3 y 50).

In addition, Guatemala has a highly inefficient legal system. For example, an investigation carried out by the Institute of Comparative Penal Studies (Instituto de Estudios Comparados en Ciencias Penales de Guatemala, ICCPG) states that for every 100 cases reported to the judicial system in 2002, only ten received a response; of every 100 homicides, only five were clarified; and a legal trial's average duration is 600 days (ICCPG, 2003). In addition, information provided by the National Civil Police notes that roughly 70% of police persecution was directed at individuals who had committed crimes of very little social transcendence, such as for the possession of drugs for self-consumption and public disorder.

The second key element of power is corruption. According to Vela, corruption is a significant factor that defines civic-military relations. Corruption constitutes an important mechanism for the redistribution of power within the armed forces as well as is what links powerful social sectors to the military institution since its activity assures protection, mediation and a series of concessions (2002, p. 25). Likewise, the Organization for International Transparency mentions Guatemala as one of the most corrupt countries in Latin America arguing that this corruption produces high levels of malnutrition, crime and a low standard of life (*El Periodico*, 20 May 2002, p. 4).

Finally, the third key element is military control of intelligence. Despite the government's commitment in the Peace Accords to create an intelligence system that would be respectful of human rights as well as be capable of anticipating situations of risks, the military even to this day continues to control the intelligence apparatus (Schirmer, p.101). Former structures of intelligence, which were responsible for human rights violations, remain intact such as the Major Presidential State. The army's role in the Guatemalan society still remains to be reformulated. Consequently, its limits in relation to military intelligence and the controls corresponding to its status remain undefined. And the military presence in the whole country has had a high impact on a psychosocial point of view.

---

<sup>5</sup> Anthropologist assassinated in 1991 by the structures of military intelligence, following her investigations related to displaced populations during the armed conflict.

<sup>6</sup> Catholic bishop assassinated in 1998 a few days after the presentation of the REHMI report, "Nunca Más", the elaboration of which he had coordinated.