

Identity Politics & Decentralization:

"A Study on
Democratic Participation
of Indigenous People
in Guatemala"



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Introduction

200 odd hands clap as 'Pap Lu' makes his debut on the stage. The crowd cheers him on in the municipal hall that has been completely destroyed by children playing soccer, in what was once the gathering place for meetings. Too long have they waited for this moment of recognition, and now national leaders, municipal politicians and civil society come to tell them they are important. They matter. Most of the men (and they are all men) are old, not able to hear clearly but are pitched on their seat to hear the officials speak. To them. The mood is festive and clamorous, as now, for the first time in eight years there is someone that acknowledges their existence, their willingness to take their community forward and with that take Guatemala towards a better future. Here in Nebaj things are changing, hearts and minds change as the country changes, in an area in which much has not changed in a long time. Yet they are very aware of what is happens around them, a world that seems to have forgotten about Nebaj and its call for inclusion and dignity.

This is the first meeting in eight years in which the auxiliary mayors from the municipality of Nebaj have come together. In Nebaj, a village in the northern highlands of Guatemala, a change in regime has provided breathing space for a population which has long been barred from representing themselves as citizens. For eight years the municipality was run clientelistically and corruptly, effectively crushing any hope at participation in the realm of politics. With the elections that took place in October of 2011, a new mayor has been appointed which for the first time in eight years uses the voice of participation, a voice which is enthusiastically met by local residents. Following the eight years prior, the hope that people can actively engage with the politicians in the municipal building is welcomed. This of course is also reflected in the outcome of the elections. The auxiliary mayors are one of many actors which form the interesting and complex civil and political structure that is Santa Maria de Nebaj.

The decline of the authoritarian state in Latin America has, for the past decades, led to a growing emphasis on political decentralization as a means to further democratic governance. The failure of state-led schemes for development and the emergence of a pluri-ethnic and culturally diffused idea of the nation-state has increasingly reserved a prominent role for the local communities (Mitchell 2006: 175-176). The idea of empowerment through local decision-

making is believed to deepen the democratic government and increase the susceptibility of government to the claims of local populations. In Latin America especially, the need for local representation of the, historically often marginalized, indigenous populations have taken center stage in the debate surrounding decentralization and the need for citizen participation to further the goals of incorporation of local populations into the political process (Mitchell 2006; Rendon 1996: 24-30).

In this study I will shed light on the ways in which the decentralization policy of the Guatemalan government has influenced local politics and the ability for citizens to self-represent. The setting of Nebaj is striking for this inquiry as the recent regime change has laid bare this will to self-represent and, in its extension, the will for cultural rights. I will look at the relevance which the concept of participation and representation has in the local context of Nebaj, which has had a turbulent recent past wherein the concepts of participation and representation took center stage in the debate around political legitimacy.

I will associate the construction of common identity with the arena of local politics and questions of citizen participation, situated in a larger debate about decentralization and participatory politics. I will describe in what ways these political actors posit themselves and attempt to represent their cultural heritage and specific claims, at the local level. Additionally in this study I will explain the role that identity and ethnicity play in vying for political power and how this competition influences society and politics under the influence of trans-local indigenous organizations.

The central theme in this inquiry will be in what ways community level citizen participation is affected by identity politics and trans-local indigenous activism. Specifically this is interesting because of the recent regime in Nebaj has laid a growing emphasis on the notion of citizen participation and provides a stark contrast with the former administration, the large difference of the new administration being the belief in citizen participation as a means to further development of the community. Also the influence of indigenous activism can be stated as considerable, being a relatively new entity in the public sphere and opinion of Nebaj. It has started to grapple with the socially contemporary issues, such as the introduction of large multinational corporations which have recently found their way to Nebaj, claiming cultural rights for their group and identifying themselves as indigenous citizens.

In answering this question about citizen participation and its connection to identity politics, it becomes necessary first to look at the influence which regime change has had on political participation. The regime change that took place just as I entered the field on the 26th of February 2012, marked a large change in the political make-up of Nebaj, a town which had been in political turmoil since November of that year. The conflict that ensued as a consequence of political discord rocked the community and in the process raised questions on citizenship and the value of a vote. The victor of these elections, Mr. Raymundo Cobo and his UNE-GANA party showed a distinct prioritization during their first two months in office, one which favors the retying of social bonds within the community, where they were previously obstructed. This conflict and subsequent imposition of the new local government will function as a case study on the importance and function of participation and representation of citizens vis-à-vis their government.

Secondly, a focus will be laid on local civil society and organizational structure within Nebaj. This theme is interesting seeing the influence they have on public sentiment as well as being influential figures within the community with an explicit need for participation. Also, since 95% of the demographic of Nebaj can be described as belonging to the denominator “indigenous”, it is interesting to see which influence this term has had at the local level as a concept alongside one can mobilize. As a consequence of the regime change renewed emphasis has been laid upon civil actors and new space is given to them within the political realm, as well as rigorous changes that have been proposed for others. Additionally the traditional structure of the village elders and practitioners of Mayan law are increasingly brought in contact due to the relatively new concept of an indigenous mayor which coordinates the different traditional political structures to form a coherent voice for claiming, for instance, land rights.

Lastly, the question will be asked what the influence of indigenous activists like FundaMaya and the Alcaldia Indigena is in socially current disputes. This question will be used to grapple with the concepts of identity politics and the case of the introduction of multinational companies and their hydroelectric power plants, which have become relevant recently in Nebaj. As more and more people oppose them under the influence of large indigenous organizations like FundaMaya, the term indigenous has gained a basis for claiming cultural rights within the local and national context. The organization uses a specific discourse for claiming these rights, namely one of strategic essentialism which puts indigenouity to use in the conflict concerning land. The

interplay between FundaMaya and the ones it hopes to represent, namely indigenous citizens, is discussed as it is a theme which relates closely to cultural rights.

The gathered data for this inquiry was gathered on site in Nebaj, applying interviews, observation and participation where possible. Due to the recent debate surrounding the legitimacy of the new administration, I was a very welcome guest at the municipal building in the first weeks after the change took place. I did not find difficulty in interviewing all the relevant actors, such as the mayors and his aides, who were all very helpful despite their very busy schedule as I was not the only one interested in their story. People from over the world came to inquire in the state of politics in Nebaj. On the other hand I have found that for my limited time in Nebaj, it was difficult obtaining all the relevant data in due time, as there was very little time for building a network of informants in this quite closed off world of politics. Also the language barrier proved to be a challenge, as all meetings and much discussion was held in the Ixil language, the native language of the people of the Ixil triangle in which Nebaj is situated. This obstructed me in actively participating in meetings and sometimes in speaking to people, especially in the surrounding villages where Spanish is not spoken much.

The inquiry will start off with a theoretical framework to provide the reader with an overview of the relevant theory necessary for understanding the concepts which will later be expanded in the empirical chapters. An overview will be provided of the Latin American push for decentralization, followed by questions and concepts regarding participatory citizenship and identity politics in the light of cultural representation. Next, the case of Guatemala and Nebaj will be provided in which there will be an in-depth look at Nebaj and the structure of Guatemalan municipalities as well as a look at the basics of an indigenous activist movement. This is followed by the three empirical chapters in which there will be an emphasis on the three research questions above, within two cases. These cases, namely the political conflict and subsequent regime change and the case of the hydroelectric power plants will be used as a lens through which the concepts of decentralization, civil participation, identity politics and trans-local indigenous activism will be linked

Section 1: Theory

Chapter 1: A Theoretical Framework

1.1 The Politics of Decentralization

Political decentralization can be roughly defined as the establishment of elected autonomous sub-national governments capable of making binding decisions (Smith 1985 *in* Willis 1999: 8), whereby the functionality of such decentralization can be measured according to the division of power on the national and sub-national political spheres of influence. The functionality, or ways to re-distribute power derives mainly from the autonomy which sub-national policy makers enjoy in the planning and management as well as the allocation of administrative (healthcare, education), fiscal (taxation, income generation) and political (popular election, legal autonomy) resources (Rendon 1999 2, 24; Falleti 2010: 9). The methods for achieving this autonomy, vary in degree from deconcentration in which responsibility is re-distributed among central government positions, to delegation in which responsibilities are transferred to semi-autonomous organizations which ultimately are accountable to central government. Ultimately devolution, which transfers decision making to autonomous local bodies which elect their own policy officials is seen as a power distribution weighed in favor of local government (Rendon 1999: 27-31). One can see the distinction between either joint efforts at decentralization in which national and local government cooperate in activities or the mere separation in which local government is made an autonomous actor, charged with gathering its own resources and policy. But why has this policy of the re-distribution of power gained such prominence in Latin America in the last 20 years? The answer to this question is to be sought in the pressures the central governments faced in the last phases of authoritarianism or the transition to democracy. These pressures contain two central components of argument.

In the first place, national and international actors, at the end of the 1980 opposed the over-centralization of the Latin American states as economically ineffective. The fiscal federalism promoted by the World Bank and other lending agencies seduced states such as Brazil, Colombia, Mexico and Argentina and somewhat later most of Meso-America, to adopt

the supposedly more efficient policy of fiscal decentralization as a means to curb government spending (Willis 1999: 17; Falleti 2010: 5-6; Rendon 1999: 14-15).

Secondly, it is believed that the formerly centralized and repressive regimes which dominated Latin America in the 1970 and 1980 would benefit from a direct form of democratization at the local level in which hitherto marginalized groups could gain political entry. Additionally political openings created by democratic reform also contributed by challenging the central political elite. The popular movements and political entrepreneurs asserted that barriers to political entry are lower at the sub-national level, leading to incorporation and increased representation of groups which were excluded from the political process until then (Schiefelbein 2004: 360; Falleti 2010: *ibid.*; Lindert & Verkoren 2010: 1). Concisely, bringing government closer to the people is thought, both by governments and external international actors such as the UN, NGO's and the World Bank, to promote citizen participation in the democratic process as it brings closer the democracy that citizens hope to benefit from. Citizens can become stakeholders in the democratic process at the local level, instead of succumbing to the rhetoric abstracts of national politics (this will be discussed extensively in the following paragraphs).

Although decentralization increases the power of local political and policy making bodies, when looking at power distribution it is essential to differentiate between the government and that of the local population. It must be understood that one does not necessarily follow the other and that varying modes and degrees of decentralization lead to various degrees of local empowerment. For instance, fiscal and social autonomy of local government provides a greater organization to represent the local interest but the way citizen participation is organized determine the effectiveness of decentralized policy to the people it hopes to benefit (Falleti 2010: 10-12). Additionally, the potential hazards of distributing power locally is the possibility of political entrepreneurship in traditional form by clientism, or what has sometimes been called *caciquismo*, that potentially seize power. The negative consequence of which could be the institutionalization of economic instability and the increase of both inequality and bureaucracy (Lindert & Verkoren 2010: 1; Willis 1999: 43; Middlebrook 2009). We will later see that this clientism had a huge influence in the way people perceived the role of local politics in Nebaj, Quiche. The political conscience has very much been shaped by the 8 years of clientism and the abolishment of participatory democratic tools for citizens to represent their claims.

1.2 Participatory Citizenship

Citizenship is a concept that is widely regarded as connected to ideas of democracy. The contemporary view on democracy holds that citizens need to be connected to the democratic process. Human development is seen as closely related to consolidating a civic democracy that is rooted in the participation of the ones it hopes to benefit. In a survey on citizen democracy the UNDP (United Nations Development Programme) asserts that full civic participation is substantially more than the consolidation of a democratic regime and its subsequent institutions. It is concerned with ensuring the access of citizens to their democratic rights (UNDP 2004: 26). The report eloquently argues that, although a lot of headway has been made with regards to democracy in Latin America since the abolishment of authoritarian regimes regarding legislation and the solidifying of citizens' rights, political society is still too detached from concepts of citizenship. As such it is still difficult for governmental bodies to secure these rights for citizens in the current climate of poverty and cultural marginalization. The effect of this is that serious deficiencies remain with regards to the control that citizens are able to exercise upon the State (UNDP 2004: 27-28). Summarily it can be argued that citizenship and democracy are connected through the establishment and securing of rights and the dialogical process that takes place between citizens and the state. Additionally, in the multicultural reality that contemporary states are confronted with, it must aspire to maximize the inclusion of all the voices present within society (de la Pena 2002 *in* Sieder 2002: 129).

With the process of democratic consolidation in Latin America the term citizenship has become a means to assess the effectiveness of the social struggle against inequality and the quality of democracy. The term inclusionary citizenship is used to describe the state of successful interlocking the 5 principle democratic norms, wherein political society, i.e. political freedom and plurality are the most universally recognized. Yet scholars argue that for an inclusionary participate democracy it is necessary to include more factors into this equation, arguing that political society and freedom merely form the starting point giving room for a number of other important factors for securing rights for citizens. These factors include a socially just economy in which equality of participation is provided, an active civil society which controls and is able to voice claims, a policy of good governance and the security of human and citizenship rights through legal control (Linz & Stepan 1996: 7-15 *in* Koonings 2004: 82-83).

Inclusionary citizenship is thus ensured if all these dimensions are operative within the democratic definition and no exclusion to entry takes place.

The idea of citizenship as a concept for democratic change takes place in the social as well as in the political arena. As local leaders and interest groups, such as social movements, is increasingly able to challenge perceptions of democracy through the concept of citizenship, they are able to put pressure on central and local government agencies to further their goals and claim their rights (Rendon 1999: 41; Koonings 2004: 82). Various authors pose the question as to why local democracy and the participation of local populations therein is important for the consolidation of the democracy briefly discussed above. It is argued that devolution and decentralization maximize the net-effect of democracy on its citizens, as democracy is best felt at the micro scale (Diamond 1999: 119-120). This view has been justified for various reasons: Firstly it is felt that the quality and legitimacy of government is enhanced by greater control and accountability provided by local governments, seeing them as a firm providing citizens with key services. The local populations become stakeholders in the participatory government, demanding the equal distribution of social, political and economic resources. (Rendon 1996: 42; Diamond 1999: 119-120; Koonings 2004: 82). These benefits are posited against; secondly, the disadvantages of centralized governments which are thought to be corrupt, rigid, inefficient and unresponsive to their citizens. Representation as such is impossible due to the complex diffusion of claims and populations, for instance, the dichotomy between rural and urban populations or the influence of cultural diversity. These populations vary greatly in requirements at the local level (Diamond 1999; Rendon 1996; Rasch 2008¹). Lastly, particularly in Latin America, devolution and the consolidation of participatory democracy are thought to dilute the power of central government to attain resources for rebuilding the authoritarian regimes which preceded the democratic reform in many Latin America countries (Diamond 1999: 120).

1.3 Identity politics and cultural representation

When discussing decentralization and representation through participatory democracy in Latin America, one inevitably stumbles across the influence of indigenous participation and the particularities of indigenous citizenship in pluri-ethnic societies. Although these populations have been politicized since the rise to prominence of the great ideologies and the Cold War in the

1 Especially with regards to representation of ethnic minorities.

1950's, indigenous populations historically have been marginalized and excluded from participation in the political arena (Rasch 2008: 48; Montejo 2002: 128-138; Warren 1999: 1-7). As a consequence of political reform in the 1980-90's discussed above, a growing emphasis has been placed on the incorporation and the re-imagining of indigenous identity in order to acquire a voice in the political process. This new emphasis on indigenous citizenship, although historically long in the making, has gained momentum as a consequence of this democratic reform and the growing support for indigenous movements, such as Pan-Mayaism (*see* Warren 1999; Rasch 2008; Montejo 2002).

Yashar (1998) persuasively argues that this growing support for indigenous movements in Latin America came about as a consequence of the various rounds of political liberalization within the continent. It can be said that while expanding the political and social freedom of citizens to organize collectively, it also curbs this freedom as the concept of the individual citizen detaches him or her from the corporate structures that indigenous peasants had before. Also under the influence of state reforms and the emphasis on modernization of the state, often following along these democratic citizens' lines restricted the access to political, social and material resources as the state began organizing these to fit the neoliberal state idea. Thus, as the indigenous populations became excluded, not so much in the national sphere as in the local, with the state having ever further reaching influence, local autonomy was jeopardized and identification with indigenous identity ensued where preexisting structures were present (Yashar 1998: 24). Strategic essentialism was something that stemmed from these changes within the state-structure as civil society gained freedom of expression in a context where being indigenous gained momentum. This method of strategic essentialism was very much necessary as the denominator of "indian" or "mayan", is not a primordial category, but rather a cultural one imposed by the colonial ruler. It takes these movements considerable effort to re-categorize groups along these lines (Yahar 2006: 10). This situation, in which indigenous collectives make claims to attain political, economic, social or material goals on the basis of their recognition can, according to Yashar, only exist in the post democratic reform situation as it requires associative space which is consolidated within the liberal democracy. Also transcommunal networks like the Pan-Mayan movement and large indigenous organizations have changed the way in people mobilize according to ethnicity (Yashar 2006: 9). The interplay between these communal identities and the trans-communal networks, which will be discussed in detail below, is complex.

Yashar acknowledges this interplay, but places primary emphasis on the voice of communities, in which the indigenous organizations merely form a platform for amplifying this voice (Yashar 2006: 63-81). Yet, it can be argued that organizations employ considerable effort in bringing their own agenda to the people. Although one should always be apprehensive when perceiving concepts as instrumental, I would argue that due to its nature the concept of strategic essentialism, though often implicit, can be seen as instrumental in furthering the goals of civic organizations representing indigenous claims as they actively seek out opportunities to employ their identity in the realm of politics.

Ethnic citizenship can be defined as “the right to claiming special rights as indigenous people; the right to uphold different cultural identities that are distinct from the national identity” (De La Pena 2002; Kymlicka 1996; Yashar 2005: 5 in Rasch 2008: 75). Here a distinction can be made between universal citizenship which attempts to incorporate the population as a whole through access to key resources and rights and indigenous citizenship which attempts to represent a specific cultural or ethnic group. The emphasis on cultural demands such as the right to use one’s own language, to read and educate themselves about their own cultures and histories in schools and media, and to have decision making powers over how they are represented, are believed to be central to incorporating specific cultural groups into the imagined pluri-ethnic society (Warren 1999; Rasch 2008; Montejo 2002; Warren & Jackson 2002: 13).

The reason for this emphasis on cultural rights as central to the multicultural debate in Latin America largely stems from the historic marginalization of ethnic minority groups. Historically, the ignoring of minority populations stems from the beliefs of inferiority of indigenous peoples. They were seen as incapable of self-governing and lacking in politic development. They were seen as in need of paternalistic guidance (Kymlicka 1995: 22). The unequal distribution and access to both markets and governmental services constructed an indigenous population of second-class citizens (Sieder 2002: 15). Additionally, the idea of liberalism is deeply rooted in Latin American state formation and cultural rights are perceived as calling into question these liberal ideas. Recognition of cultural rights encompasses an overhaul of the imagined community of the nation, as the liberal nation state tends to favor the majority group in its practice and rights as ‘individual’. The very western notion of individualism is heavily rooted in conceptions of the liberal state, as Kymlicka (1995) argues; “ A liberal democracy’s most basic commitment is to the freedom and equality of its individual citizens [...]

many liberals fear that the ‘collective rights’ demanded by ethnic and national groups are, by definition, inimical to individual rights” (Kymlicka 1995: 34-35). This particular fear stems, he argues, from the misconception that collective rights necessarily curb the individual freedoms of equality and freedom for all citizens. Kymlicka, however, argues for social justice and fairness by acknowledging the universally implicit ethnic plurality of citizens within a state, and act by securing the access to citizenship for all citizens, something that is difficult in ethnically segregated societies (Kymlicka 1995: 10-11). Stavenhagen argues with Kymlicka that it is no longer possible in the multicultural reality to “shed cultural traits and become nationalized. Turn into useful citizens according to the hegemonic cultural model”. The pluri-ethnic state rather, calls for a recognition and integration of indigenous populations and identity into the nation (Stavenhagen 2002: 26-27; Sieder 2002: 15). This inclusion asserts that to avoid social injustice towards and alienation of minority groups, acknowledging cultural and communal rights can be a means to attain this liberal equality for marginalized or otherwise disadvantaged minority groups (Kymlicka 1995: 194). This is attempted to create inclusionary participation and opportunities within the civil society and state, to acquire a mode of citizenship that is free from social injustice. A situation where: “the state and civil society accept the 'being Wixarika' or 'being Ratamuri' and so on is perfectly compatible with 'being Mexican'.”(de la Pena 2002: 148).

Concisely ethnic citizenship and cultural rights attempt to re-imagine the definition of what it means to be indigenous and how it fits into the democratic system, in the process challenging the idea of a homogenous nation-state in voicing restrictive claims to ethnic particularism (Rasch 2008: 76).

Chapter 2: The Case of Guatemala

The local politics of Guatemala is characterized by the regional trend towards decentralization. In 1985 Guatemala's new constitution, written after years of repressive regimes mandated the decentralization of public administration and secured an 8% transfer of the national budget for autonomous use by municipal policy makers and local government representatives (Rendon 1999). Prior to this fiscal system, central government held a strong influence on community level politics by putting in place loyal mayors and officials to advance the national policy at the communal level. Elections were held prior to 1985, but were heavily influenced by the state bureaucracy. The practical policy was determined by the mayor and his secretary and treasurer, excluding the local population from the process. Instead the national agenda was maintained as code of conduct, as the local officials choose policies that further the goals of national politics. Additionally it must be mentioned that the vast majority of these local officials was of Ladino descent, as they could broker more effectively with the ladino elite that dominated the national government (Rendon 1999: 124-125).

As a consequence of this new opening up of the municipal political arena, instigated by the political and fiscal decentralization initiative, a new range of political actors and emphasis on policy were introduced. From 1995 to 1999 this new emphasis, directed toward participatory development, took center stage in electoral campaigns. It was thought that participation of local community leaders and auxiliary mayors was essential to create political space and subsequent inclusion for citizens that had been disadvantaged in the past, specifically indigenous populations (Rasch 2008: 175). This new prominence of including marginalized populations as well as civil society into the political process gave rise to a range of actors that had not previously been seen. They included civil committees, auxiliary mayors, and indigenous activists. These new actors in the political landscape attempted to represent as well as activate the population with the goal of influencing the policies of the municipal officials (Rasch 2008: *ibid.*).

The new municipal law which was instigated in 2002 reorganized the make-up of the municipal structure considerably. It was specifically introduced to further the need for decentralization and accompanied autonomy for the municipalities of Guatemala. In paper it guarantees the autonomy of the municipality in various areas. This includes the regional mayoral elections, jurisdiction over its own territory and economy, as well as autonomy of policy.

Although the municipal administration coordinates with the State, they are the primary responsible actor for policy within the municipality (Codigo Municipal 2002: 1-3). The new make-up in local government that the municipal law guarantees is first and foremost local elections, this means that the population directly appoints a mayor and *sindico*², from within the community. The administration is made up of a number of *sindicos*, which form the bureaucratic backbone of the municipality. Furthermore, a number of administrators tend to the practical jobs of running the municipality. A large role is designated for the *Concejo Municipal*³, which is the primary decision making body of the municipality. It is made up of all the elected officials and in its extension the community or auxiliary mayors. The town council are tasked with things ranging from planning public services, organizing political institutions, to securing the right to cultural identity and constructing a police force (Codigo Municipal 2002: 9).⁴

Additionally, the law mentions that two specific organizational structures need to be included into the political process to secure their participation. The *Alcaldes Indigenas*⁵, an autonomous organization, should be recognized, respected and promoted where they exist and respect should be showed for their own form of administrative functioning. Also a large role is played by the *Alcaldes Auxiliares*⁶, who are the primary representatives of the community. They consult with *the Concejo Municipal* when decisions are made on their respective communities. These auxiliary mayors are respected individuals from elected from communities, tasked with identifying problems and necessities at the local level. Also they coordinate and supervise development programs put in place by the *Concejo Municipal*. Furthermore they serve as a body for mediation at the community level and carry a responsibility for preserving the environment (Codigo Municipal 2002: 18-19).

Specifically with regards to the incorporation of local indigenous populations, a lot of effort has been made in recent years to open up the political process through laws specifically attributed to indigenous populations. The municipal and decentralization laws of 2002, as we have seen, secure in theory the freedom of municipalities to give legislation a more Mayan or indigenous character. The, often indigenous, auxiliary mayors representing the claims of indigenous citizens are playing an increasingly larger role in claiming rights for Mayan

² Directly translates to mean “trustee” but simply means the administrative counsel of the mayor.

³ Town council

⁴ For a full list see section 35 of Decreto Numero 12-2002 of the Congress of the Republic of Guatemala

⁵ Indigenous mayors

⁶ Auxiliary mayors

populations. Additionally the influence of Mayan and non-Mayan NGO's has grown as they train communities and auxiliary mayors in relevant legislative tools to further their goals at the municipal level (Rasch 2008: 84-85).

The move towards identity politics by indigenous organizations and activists came about as a result of the breathing space that was created at the end of the Guatemalan civil war, and gained momentum at the end of 1980 and the beginning of 1990. The *Movimiento Maya* raised important questions on the way in which ethnicity played a role in imagining the national unity and how it should be incorporated into notions of citizenship. This unexpectedly gained renewed prominence when the peace accords were signed in 1996 under the auspices of the UN. Suddenly there was a basis for claiming ethnic civil rights, as these rights were specifically mentioned in the accord (Warren 1999: 4).⁷ These Mayanist organizations have focused their attention mainly on constructing a common identity for communities which are diversified through language and local culture. They propose a form of organization for indigenous groups, mobilizing behind the term Mayanness to “readdress Guatemala’s serious development dilemmas; a multicultural model for participatory democracy” (Warren 1999: 13). They address this problem by claiming cultural rights to autonomy in areas such as administration, education and law, under the banner of their historically marginalized ethnicity (Warren 1999: *ibid.*).

The question then becomes how the particular claims of indigenous people are voiced and how attempts are made to gain representation in societal as well as political debates. To understand this question it becomes necessary to look at the difficulties concerning the concept of ethnic citizenship. Victor Montejo, a Mayan intellectual and proponent of Maya activism states the particular difficulties of incorporating Guatemalan Mayan populations into the democratic process by naming a number of difficulties; first there exists a focus on the ethnic dichotomies of Guatemalan society, namely Ladino and Indigena or Maya. This dichotomy is by some perceived as a power struggle attempting to redistribute power away from Ladinos towards Mayan representatives. This forgoes the notion of multiculturalism which is engrained in the Guatemalan constitution of 1985 and refortified by the peace accords of 1996, as it would assert that no reconciliation between the two parties is possible (Rasch 2008 84-85; Montejo 2002: 126)⁸. Secondly, in reality Montejo argues that the majority of the rural population of Guatemala

⁷ Acuerdos de Paz Firme y duradera (29 December 1996); p2

⁸ See also Article 58 & 66 of the Guatemalan constitution of 1985

lives in a state of virtual political amnesia, as well as being largely illiterate. This makes it difficult for rural indigenous populations to participate in the holistic political debates concerning multiculturalism and national politics which is held mostly at the macro and meso-level between politicians, scholars and NGO's (Montejo 2002: 123). How particular claims are voiced, will be expanded further on in chapter 5.

In this light it can be argued that the influence of local politics on indigenous political participation becomes clear, seeing it as an important political outlet in which indigenous populations can actively participate to (re)present their claim through grassroots organization as well as more official organization, through the Maya movements.

Section 2: Empirical Data

Chapter 3: Political Conflict and Democratic Participation in Nebaj

3.1 Local Politics in Nebaj

The local community of Nebaj is saturated with politics. Every rock and tree, a lot of houses and buildings are painted in the colors and symbols of the big national parties which run for the local elections. Everyone has a political opinion or other, usually not very positive following the 8 years of office of the previous mayor, who was replaced the 20th of February, following a conflict regarding the change of power. Although the autonomous power of policy for the local politicians is quite small, their practical power is large. An example of this is the power of Pap Xhel, the previous mayor of political party *Partido Patriota* (PP), who was voted out of power after 8 years of being in office. He was able to maintain his position for nearly a month after the elections, a process which culminated in riots by the populace, a unique phenomenon which is called the *Campana Negra* as it resulted in deaths, riots and the breakdown of the community.⁹ In this process the community and indigenous leaders took sides by denouncing the actions of Mr. Vergilio (Pap Xhel), and naming Mr. Bernal (Pap Lu), of the UNE-GANA party, as the winner of the elections, as to protect the simple right of citizen democracy of the ones it hoped to represent. The *Alcaldia Indigena* and especially the affiliated indigenous authorities proved important in mobilizing the masses to support the legality of Pap Lu, a man which is considered by many to be a good mayor when comparing him to the previous one, as Mr. Vergilio's administration was regarded by many as being corrupt and exclusive of its citizens.¹⁰ At the time I am in Nebaj, from February 26th to April 20th of 2012, all opinions of representation and the function of politics are based in insecurity. People do not know what will happen with regards to politics, as they firstly have bad past experiences and secondly the decision who is the legitimate victor is still being appealed in the country's constitutional court.

⁹ Interview with administrator of the municipality 1-3-2012; informal conversations with security personnel of the municipal building

¹⁰ Interview with Mr. De Leon Ceto, indigenous mayor of Nebaj 15-3-2012; Interview with Mr. Nicholas, 2nd sindaco of Nebaj 23-3-2012

As such the all-round opinion does not hold politicians in very high esteem, although Mr. Bernal is regarded as a man who can represent the people and change the problematic situation of Nebaj's socio-political reality. This is mainly due to the fact that he places a stark contrast between himself and the previous mayor, with regards to the need for participation within the community.

An important question which is raised in this situation of strong political conflict is how the regime change influenced the political participation in Nebaj. The case of this conflict will be used to answer a number of questions regarding participation and representation, which is thought to have serious consequences for how people perceive the area of politics in a democratic society. The chapter will start off by providing an overview of the regime change. How did it come about and more importantly, what were the problems behind it, which eventually fueled the conflict? The first paragraph will show the difference between the two competitors and what the appeals and detractors were among these two. Paragraph two will continue in considering the need and relevance of political participation, a concept which has become very important as a result of the regime change in establishing legitimacy for the new administration.

3.2 Conflict and Regime Change in Nebaj

It is the 27th of February 2012, and the streets of Nebaj are filled with people. The central square, the center of social life, is filled with men and women following what is happening in the municipal building of the village. Heavily armed federal policemen are guarding the premise of the municipality, and the hustle and bustle of officials, policemen, citizens and media looks busy albeit orderly. A festive mood is in the air while the newly elected mayor, under election name Pap Lu, gives speeches and together with officials of the public persecutor literally opens the doors of the municipality which have been locked for almost a month. A kind of procession takes place as the victor and his entourage visit the important places in the village to claim and celebrate their victory under police guard. Sympathizers of the old guard are also present and they are confronted in a discussion within a large circle of on-lookers. The doors of every single office in the municipal building are opened and photographed by an official of the Ministerio

*Publico*¹¹ under a lot of interest from the population. After a final speech Pap Lu disappears and the crowd slowly begins to disappear to get something to eat. Lunch time in Nebaj is sacred.

From January to the beginning of April the national news was filled with the news of the political conflict in Nebaj. As legitimacy questions were being discussed at the local as well as national level, the local community was in turmoil. The community experienced the worst riots and protests it had seen in years as supporters of both the UNE-GANA and the PP claimed victory for their party in the local government.¹² The day described briefly above is the end of a political conflict which had been going on for months following the elections of September 2011, a large conflict which culminated in the deaths of various people and the breakdown of the local community. This day marks the end of that political faux-pas in which the losing mayor, Mr. Vergilio, failed to be reelected and subsequently refused to leave office stating a fraud was committed by the opposing party.¹³

Tensions were sparked very soon, as Mr. Vergilio claimed the fraud. His claim largely entailed that he did not appear on the ballot as he could not produce the *finiquito* which is required for re-election, and when finally he was able to produce this document on the evening of the last day of registration, he was too late as the ballot had already been printed and circulated.¹⁴ The *finiquito* is a document which can prove that the official has not been corrupt during his time in office; it produces an oversight of the financial situation of the municipality. Stories of the corruption of the administration of Mr. Vergilio are widespread and at times perplexing; He is accused to have stolen historical artifacts and sold them, stolen computers and office supplies from the municipality, as well as having taken bribes and approved illegal construction projects.¹⁵ Sympathizers protest these claims, saying that they are “simply not true, it is dirty politics by the UNE-GANA party”¹⁶ but under the general population these stories are widespread. Also these claims are naturally constituted by the opponents of Mr. Vergilio, as they do not provide an attractive candidate to vote for. The PP could enter the elections though, but

¹¹ Office of Public Persecutions

¹² El Periodico, 28th of December 2011; Prensa Libre, 10th of January 2012; Prensa Libre 20th of February 2012

¹³ Prensa Libre. 18th of January 2012; observation of manifestation 27-2-2012; interview with an administrator of the municiplidad of Nebaj1-3-2012, informal conversation with an expat 2-3-2012

¹⁴ Interview with an official of the TSE 11-4-2012

¹⁵ informal conversation with an expat 2-3-2012; interview with an administrator of the municiplidad of Nebaj1-3-2012

¹⁶ Interview with 4 members of the *Partido Patriota* 13-4-2012

where the name of Mr. Vergilio should have been with name and picture, instead appeared the word “vacant”.¹⁷

As the elections took place, in which a major portion of the population cast its vote (81% turn-out), UNE-GANA won the elections against the major second party, the PP (12202 for UNE-GANA vs. 8971 for PP).¹⁸ This meant that the regime change had formally taken place. A number of reasons can be, and have been named by informants, for this victory of Mr. Raymundo over Mr. Vergilio. Firstly, he has been mayor before and did a reasonably good job in not being corrupt and listening to the people, something that is found to be very important as it posits him directly against the previous mayor.¹⁹ Also he comes from Nebaj and knows about the social, economic and political problems that Nebaj faces one informant in particular found this to be the most important aspect of Mr. Raymundo, saying that “He is *indigena* and has done a lot for this community”.²⁰ This opposed to Mr. Vergilio who lived in the capital and, as an informant noted “was known to be one of the worst mayors in the country. [...] He was hated and could not cross the streets without protection”.²¹ As such Mr. Raymundo Cobo presents himself as an indigenous person, who understands the local lay of the land socially and politically as well as culturally. Finally he incorporates directly people from public organizations, which he employs as counsel to his administration an example being the first and second *sindico* which are both very active in civil society as either leader of the *cofradias* (a religious orders of sorts, which maintain the cultural and religious practice of the people) and leader of various groups within the reparations programmes.

In the first week after the elections Mr. Vergilio declared on the radio that the victor was UNE-GANA and their front-man Mr. Raymundo Cobo, a view which he quickly changed as the PP went to the Electoral Court (TSE) to claim fraud.²² This led to an appeal on the national level in the courts, which by the time I leave Nebaj on the 20th of April 2012 has yet to be resolved. Two appeals were decided in the case of Mr. Raymundo though, and one TSE official told me that “It is unlikely that the third appeal will be successful because first there will have to be made

¹⁷ Interview with an official of the TSE 11-4-2012;

¹⁸ Interview with an official of the TSE 11-4-2012; Outcome document TSE see appendix 2

¹⁹ Informal conversations with security personnel at the Muni; Informal conversations with host family

²⁰ Interview with Tina, a market vendor, 28-2-2012

²¹ Interview with American expat 2-3-2012

²² Interview Mr Raymundo, mayor of Nebaj 16-3-2012

new elections, which takes a lot of time and secondly the community would not accept them”.²³

The conflict that followed took place in the local as well as the national arenas. In the local arena the community was mobilized by both parties and riots took place in which the federal police had to prevent the population from burning the municipal building to the ground. Deaths occurred and suicides on the side of Mr. Vergilio shocked the community.²⁴ On the national level the court case was being decided and appealed, again decided and again appealed. Sympathizers of Mr. Raymundo camped outside the building of the TSE in the capital as the court case was handled.

Eventually on the 26th of February, regime change took place and the job of coordinating the local government was handed to the new administration. According to the first *sindico* this transition was “a bit disorganized and messy because of this conflict. We have to discover things in our job because there is no formal strategy.”²⁵

3.3 ‘Democracy is more than a vote’

To understand the knee-jerk response toward Mr. Vergilio claiming fraud, one has to understand the subtleties in the sentiment of the political conscience of Nebaj. The 8 year period of the being-in-power of Mr. Vergilio marked a time which many people on the streets refer to as a time of extreme marginalization of the populace. One informant claimed that “It is all about money, they (the politicians) are not here for the people, but for themselves”²⁶, another stating that “With the mayor that left it was not possible to work because what they wanted is that we received orders, and we do not want to receive orders”.²⁷ The eight years prior was a time in which corruption was rampant and society was purposely divided to maximize the individual power of Mr. Vergilio.²⁸ This situation constituted a form of clientelism in which the primary source to power was organized directly through one individual. This meant that local organizations were posited against each other, and that the community could not make their grievances known through direct contact with the political sphere.

²³ Interview with an official of the TSE 11-4-2012

²⁴ Interview with an administrator of the municipalidad of Nebaj 1-3-2012,

²⁵ Interview with Eduardo Cruz, 1st *sindico* of Nebaj 4-4-2012

²⁶ Informal conversation with bartender 28-2-2012

²⁷ Interview Miguel de Leon Ceto, indigenous mayor of Nebaj 15-3-2012

²⁸ Informal conversation with security personnel of the municipal building 20-3-2012

Interviewer: What importance does the citizen have in the political process?

Mr. Raymundo: There is a lot of importance for the participation of the citizen but during the eight years the populations was marginalized, oppressed, threatened.

Interviewer: And now?

Mr. Raymundo: The people feel free, because we are here, there is freedom they come and talk with us about decisions in their community, about involvement in projects and defend their rights. Women, men and youths. This is what we are going to implement in the administration that we have been starting the last 20 days.²⁹

The people I have spoken seem to agree with Mr. Raymundo. Dialogue between politics and the populace has been reintegrated into the system, as people rush at the opportunity to visit the municipal building for permits and questions regarding their communities, as well as involve themselves in the meetings that are held daily. As an example: One woman came to ask for a business permit to start a weaving enterprise³⁰, others were there to resolve an issue concerning their community.³¹ It is striking that all of this takes place in the open, everyone can ask questions during such public meetings which cover different grievances and themes, and everyone can attend. Daily the municipal building has queues of people hoping to talk to this-or-that official or to attend meetings which are relevant to their interests.

Also, in the first two months since the regime change has taken place, a lot of emphasis has been laid on civil organizations that have previously been excluded from participation. Mr. Raymundo can be quoted as saying “my philosophy is community care”³² a sentiment which is implicitly very relevant in Nebaj’s political conscience. There are a number of ways in which the current administration tries to bring to practice this need for representation of the community within their management.

Firstly, in the 3rd week of his taking office he opted to reintegrate the auxiliary mayors back into the official political network. The centralization which Mr. Bernal preferred entailed that auxiliary mayors were not so much abolished as ignored. It is a testimony to the individual practical power that mayors have in the local arena that this was possible, despite the municipal

²⁹ Interview with Mr. Raymundo, mayor of Nebaj 16-3-2012

³⁰ Informal conversation with a woman at the Municipal building 15-3-2012

³¹ Observation during a meeting at the municipal building 15-3-2012

³² Interview with Mr. Raymundo, mayor of Nebaj, 16-3-2012

law of 2002. Though technically illegal, it proves that local mayors have considerable practical autonomy when dealing with government issues. Their first meeting was held in the auditorium of the municipal building, a head count at the puts their number on 75-100 in total in and around the area of Nebaj.³³ The auditorium itself was completely destroyed in the years of the previous mayor as he had used it as an indoor soccer court and balls hitting the roof boards and windows had destroyed the entire building.³⁴ This meeting was an assembly of various strands of civil society. Actors such as the indigenous authorities, representatives from the various NGO's, and even an envoy from the national government were present as well as the local administration. Altogether, this was a mayor event which marked the first month of regime change in the local community.

I think it is important when the people are involved and immersed in the situations because it is easier for them to participate for development. What the previous mayor has done is divided the people and only stayed with partners that had the same political interests. It is not always what you think here.

- Mr Raymundo with regards to the COCODES.³⁵

Secondly, during the office of the previous mayors the COCODES, the local organizations which are charged with channeling development resources and initiatives were politicized and corrupted, Nicolas the 2nd sindico claiming that “They (politicians and corporations) buy the COCODES with money”.³⁶ This bribery and politicization is largely because the COCODES hold a very important function and power within the local community, since they are charged with the redistribution of resources and forming local opinion with regards to development. The COCODES were quickly incorporated into the system of clientelism instigated by Mr. Vergilio, working with the idea that the community should be modernized and centralized to work efficiently.³⁷ The effect of this was a lot of resentment, as the claims which the COCODES made were not representative of the community. Latter

³³ Observation at the municipal hall 23-3-2012

³⁴ Informal conversation with security personnel 23-3-2012

³⁵ Interview with Mr. Raymundo, mayor of Nebaj, 16-3-2012

³⁶ Interview Mr.Nicolas, 2nd sindico of Nebaj 23-3-2012 ; Interview with Mr. Eduardo Cruz, 1st sindico of Nebaj 4-4-2012

³⁷ Interview with 4 members from *Partido Patriota* 13-4-2012

responded by forming alternative COCODES with their own agendas, which did not correspond with the other. Conflict, of course, ensued between these two both claiming legitimacy which in its turn meant that very little practical work could get done as the official COCODE was not trusted by the community and the unofficial COCODE did not have the legitimacy and backing of the local administration.³⁸ When confronted with the question why these COCODES did not work 1st sindaco Mr. Cruz answered “Because there is little will in the municipality to change the current situation. There are very old men and they don’t understand and are not willing to capacitate themselves to do their job. It is not their specialty. You need to prepare before. I studied for seven years at university to do social work and I have understood this for many years.” What is needed, he says, is a new form of working because the contemporary form is very inefficient. Not only are COCODES politicized but they are also unable to cooperate fully as their role has been downplayed for so long and they are not accountable.³⁹

Thirdly, a difference was made in the fact that Mr. Raymundo Cobo opted to incorporate important civil actors directly into his administration by making them part of said administration. Both traditional culturally important individuals such as the past leader of the cofradias, a religious gathering of sorts tasked with the cultural and religious well-being of the community, who became the first sindaco as well as leaders from NGO’s an example being the second Sindaco, who is on the one hand tasked with aiding the mayor in decision making and on the other runs an NGO which focusses on the reparations programme for victims of Guatemalas civil war.⁴⁰ The effect and goal of this is clearly the incorporation and broadening of opinion forming as well as influencing positive sentiment, within the community. Working together with trusted individuals has the advantage on the one side that one knows what is happening locally, and secondly that these trusted individuals form a legitimacy base as they are exactly that; trusted. This is a sentiment that is widespread within the close community of Nebaj; that these people are doing a good job primarily because they have done so in the past and people assume they will do so in the future. Not to say that this is a unanimous opinion as most people are also very cynical of politics as a whole and keep to a more seeing-before-believing mentality.⁴¹

³⁸ Interview with Mr. Eduardo Cruz, 1st sindaco of Nebaj 4-4-2012

³⁹ Interview with Mr. Eduardo Cruz, 1st sindaco of Nebaj 4-4-2012

⁴⁰ Interview Mr. Nicolas, 2nd sindaco of Nebaj 23-3-2012 ; Interview with Mr. Eduardo Cruz, 1st sindaco of Nebaj 4-4-2012

⁴¹ Informal conversation Tina, market vendor 28-2-2012; Informal conversation bartender 28-2-2012; informal conversation with host father various occasions

A priority of the contemporary political establishment seems to be the mending of these various strands of the public sphere through a renewed system of participation and collaboration between individuals, civic society and politics, seemingly through an emphasis on dialogue. This dialogical characteristic that Mr. Raymundo and his administration try to further is quite popular, for obvious reasons and something they actively propagate to distinguish themselves from the past times. The large emphasis that he puts on collaboration with civil society is interesting as it seems to be the priority in these first months of him being in power. It is a theme that permeated his rhetoric throughout my stay in Nebaj.

Chapter 4: Participation of civil society

4.1 Civil society as a democratic necessity for a healthy community

In Nebaj civil society and the organizations that it upholds are widespread and influential. Organizations such as the Alcaldia Indigena as well as the auxiliary mayors play a role in developing a public sentiment that in its turn influences local politics. Also the COCODES, whose role originally is a-political, being unaffiliated with political parties and given its fundament by the community, is a large player within communities as it is one of the few influential structures at community level who have some kind of say in the bigger scheme of things at the municipal level. For a long time, as we have seen, these organizations were divided and largely ignored by the administration of mr. Vergilio, who believed that centralized government was the best way to rule and that multiple influences from these civil organizations posed a threat to this stability which he aimed to perpetuate. In this light the opposition of the civil actors during the elections is not remarkable. Organizations played a key role during the elections and in the subsequent restructuring of Nebaj's political and social fabric as mediators and politicians.

This chapter will provide an overview of these civil organizations and their relevance within the community. Also it will attempt to show the link that they have with regards to the realm of 'official politics' and the way in which this has changed as a consequence of the regime change. What are some practical changes that have occurred? Also, what are perspectives on the future collaboration between the administration of Mr. Raymundo and the civil society of Nebaj? Furthermore, there is a large influence of the term indigenous in Nebaj, as traditional power structures and newer organizations such as the Indigenous mayoralty are very much active in the region. How do they attempt to gain influence and what are their specific claims?

Paragraph one of this chapter will show the practical steps which the municipality are taking to ensure this renewed incorporation of civil society, having seen that the regime change marks the beginning of a revival of civil organizing in Nebaj. The second paragraph will look at the role which COCODES have gained and the structural changes they will be faced with in the near future. Thirdly a paragraph will be dedicated to the role of auxiliary mayors. As representatives directly to the municipality they hold a very important role as bridging the gap

between communities and the municipality. They have been excluded for a long time and now try to rediscover their relevance as political actors. Finally a paragraph will cover the indigenous political organization in the region which is still very much active and has regained new emphasis due to the introduction of a new mode of organization, namely, the indigenous mayors.

4.2 Incorporating civil society; Undoing of social wrongs

As we have seen the will for participation exists in the new government of Nebaj. The tools that are provided by the municipal law of 2002 provide ample instruments for grappling with this need for renewed representation from within the local community. This law states that there has to be respect and incorporation of the various strands of civil society, specifically naming the auxiliary mayors, COCODES and the indigenous mayors where they exist.⁴² Yet, for ten years it has not functioned in Nebaj, Mr. Cruz explains:

Mr. Cruz: There is a law “law of urban and rural councils” the law is very good and very complete but it is not practiced, the law has a communal participation which is very good, based in the community and this law is an agreement of 2002, but for ten years it has not functioned.

Interviewer: Why does it not function?

Mr. Cruz: Because there is not much capacity and will.

Interviewer: In the communities (Aldeas)?

Mr. Cruz: No! With the municipal authorities, because it is the municipal authority that needs to promote it!

Because we have a municipal decree, and in this municipal decree are functions of the municipality, but the people don't know their functions. I am the authority but what is my function; what is the function in the community, of the citizenry? You go on the street and you ask what is your function in your community? Mm I don't have a function. As a mayor you have a function and where is it?

Interviewer: It is a problem of education?

Mr. Cruz: It is a problem of education, of capacitation. You need to go to people and tell them there is a law which they can use.⁴³

⁴² see section 35 of Decreto Numero 12-2002 of the Congress of the Republic of Guatemala

⁴³ Interview Eduardo Cruz, 1st Sindico of Nebaj 4-4-2012

Especially Mr. Cruz was very adamant about using the municipal law of 2002 to promote the decentralization and increased democratization that it entails. As the quote shows he has a belief in educating people as to its practicality. He is personally leading a technical team that will attempt to bring this education to various areas of community life.

“Technical teams will be sent into the communities, and the people have to understand. In this team there are teachers, people who know how to read and say we need to look! I feel that it can be a rapid process, because the people know that it is necessary to organize. Thus we are going to go forward, starting with the base and we understand our function so we can work from both sides. We will require both sides.”⁴⁴

What is proposed by Mr. Cruz is the core of the approach that he and the new administration propagate. Working from the bottom up and capacitating from the bottom down. This gives room to the various civil actors to work with. Mr. Raymundo, adheres to this strategy by stating that “I have already planned meetings with all the leaders here in the city and I will pay attention constantly that people understand that we must overcome, little by little.”⁴⁵

Summarily, the problem is faced from both sides. Firstly this is done by capacitating the community level organization to participate at the municipal level. According to the new administration people have to be given the tools, such as the municipal law of 2002 to understand and practice their rights as citizens. Secondly room has to be given from the top down to make this possible and coordination between the municipal and local level to ensure that actors understand one another.

⁴⁴ Interview Eduardo Cruz, 1st sindaco of Nebaj 4-4-2012

⁴⁵ Interview with Mr. Raymundo, mayor of Nebaj 16-3-2012

4.3 COCODES; Less hierarchy and politics more consensus and development

The COCODES form a different structure as they have not been autonomous in the last 8 years, they have been highly politicized by Mr. Vergilio as to modernize and centralize government. The consequence of this is that currently a lot of the presidents of the COCODES representing the different communities are still affiliated with the *PP* and Mr. Vergilio. As such they are opposed by the new government of Mr. Raymundo and often not included, with plans to replace them devised. This new approach is somewhat different from the old. The new approach entails an incorporation of all the traditional power structures which are relevant in the community. This holds that a rigorous change will be taking place at the local level, which will have an impact on the way things are organized. The largest of these has already been named briefly; the reorganization of the COCODES. This is a project which will entail a lot of problems as in some communities there are two or in some cases even three COCODES.⁴⁶

The change they intent is large, from a centralized and politicized structure with a lot of the sympathizers of Mr. Vergilio at the helm, structures as committees with president, vice president etc. to a system of counsel in which representatives and influential figures from within the community discuss local problems and reach consensus, Mr Cruz: “We are going to integrate all other sectors that exist in the community: Women, youths, the elderly, evangelicals, Catholics. All of these we have to integrate into this counsel”.⁴⁷ This more efficient and also more culturally sensitive form of local counsels is the preferred method of the current administration. Mr. Cruz explains: “The counsels are something new and it’s very good to promote it, because in our Mayan culture there has always existed counsel. And this new law is based in the Mayan culture because all the community problems are resolved within a council. When there is a problem in the community all the elders or members meet in a council or debate in which there is no hierarchy, there is no vote but a consensus. You do not need to be able to read and write for this.”⁴⁸

As such it is the method which is closest to the people who it hopes to benefit; the people in communities. The restructuring is necessary, as the current system incorporates incapable

⁴⁶ Interview with Mr. Nicolas, 2nd sindico of Nebaj 23-3-2012

⁴⁷ Interview with Mr. Eduardo Cruz, 1st sindico of Nebaj 4-4-2012

⁴⁸ Interview with Mr. Eduardo Cruz, 1st sindico of Nebaj 4-4-2012

people with politicized agenda's at the community level. As we have seen the new approach of the government is to work from the base up, something which poses problems when the base is politicized and influenced by corruption. Thus the direct representation of the community becomes necessary through this organization in which beneficiaries and community leaders are employed to represent their particular interests.

4.4 Auxiliary mayors; Re-inventing relevance

The auxiliary mayors are an influential influence on community level organization. Their job as the local representatives of the municipal government means that they work to bridge the gap between the community and the municipality. They can be seen as the local gatekeeper to everything which is political, usually taking part in the COCODE as well as mediating in local conflicts and meetings. The municipal law of 2002 places emphasis on these actors as being representatives of their respective communities, especially in making decisions and being a link to the municipal government⁴⁹. Simply put, they are the ones that voice the claims of their particular community, and capacitate the people of their communities to be heard on the municipal level. Seeing the fact that they have been excluded for the last eight years, this effectively means that this voice has not existed through official channels for a long time.

This situation seems to be changing now under the new mayor, yet some issues remain as the indigenous mayor, who works closely with communities and as such with the auxiliary mayors, explains: "We do what the community wants us to do. The mayor represents the state, and the community mayor represents the community. Therefore we need not be one on top of the other. The roles are very clear; the municipality receives money from the state and the auxiliary mayor doesn't have that. We are in this struggle, but there is a recognition at this moment from the municipality."⁵⁰ One of the main things that according to the municipality and the community mayors need to happen is that the community gets a form of autonomy in spending their own money. This would further the autonomy of the community mayors and would give them a powerbase to actually have influence. It would mean that they go from the mediating and advising role to an autonomous role as community leaders with their own projects. At this

⁴⁹ Article 56 of decree 12-2002 of the Guatemalan Congress

⁵⁰ Interview with Mr. De Leon Ceto, indigenous mayor of Nebaj, 15-3-2012

moment this is not the case as Mr. Raymundo states “The only one that has autonomy is the municipality over the town, the municipal counsel.”⁵¹

Also, as we will see with the casus of the hydroelectric power plants this advising and mediating role is not always recognized, again especially by the former administration and under the influence of corruption. What needs to be secured is the consultation of the community in community projects, “They (Municipal government) authorize licenses in name of the community, there is no consultation in the communities and thus they take decisions.”⁵² This is harmful as we will see, because it creates a lot of resentment within the communities, especially as the COCODES are virtually non-functional at this moment. This means that the community mayor is the only reliable and functional actor at the community level that is able to represent the wishes of the local populace.⁵³

These issues, while important, all gain secondary attention though as the auxiliary mayors have just been reelected and reinstated, the 23th of March 2012. Primarily the auxiliary mayors have to be in their place and operating with the municipal government before they can begin to think of these secondary problems, but they are important nonetheless when looking at the future developments of representation at the local level.

4.5 Indigenous authorities; Identity politics, modern ways of being traditional

Every Monday and Friday the office of the indigenous mayors in Nebaj is a busy place. People as well as indigenous prominents walk in and out of the little building to take part in discussion on various issues including land rights, family problems and neighbor issues. Although the municipality has an office for these issues as well many people prefer to go to the indigenous mayor’s office to ask for advice, request counseling and discuss their problems. Indigenous mayors, indigenous authorities and representatives from FundaMaya, in whose building the alcaldia indigena is situated listen to the problems and discuss them. The atmosphere is relaxed and informal, but the principales are treated with the utmost respect. The traditional indigenous dress is worn, almost as a symbol of their distinctness.

⁵¹ Interview with Mr. Raymundo mayor of Nebaj 16-3-2012

⁵² Interview with Mr. Nicolas, 2nd sindico of Nebaj 23-3-2012

⁵³ Interview with Mr. Nicolas, 2nd sindico of Nebaj 23-3-2012

The indigenous socio-political structure of Nebaj is a complex aggregation of different actors. Most importantly within the traditional structure the elders or indigenous authorities are the main form of community level organization. These *principales* in Spanish or *q'esar tenam* in Ixil are the primary sources for exercising of the Mayan law and for mediation of various disputes. They gain their power and respect by being influential figures within the community. They are not chosen but rather get their influence by “proving, by years of community service their commitment to the people”⁵⁴. Many of the problems that exist within the community are solved from within, as official politics and law does not concern itself very much with the particular problems within the community. The state structure is not very well understood and people do not see a necessity to get the state involved. This is not only because the rules are confusing and oftentimes contradict Mayan law, which is customary, but also because the state and official politics are not trusted. According to various sources, there still exists a lot of discrimination and corruption in politics towards indigenous populations, and hence when confronted with disputes people do not go to the public prosecutor but rather to the *principales* for justice, which usually means punishments such as working land or fines⁵⁵. The *principales* are connected to the *alcaldia indigena*, which hopes to connect these individual community based structures.

The indigenous mayors are a fairly new concept in comparison to the traditional structure of principales which has existed for hundreds of years⁵⁶, being in Nebaj since 2005. They intend to bridge towards the official political structure and bureaucracy as well as NGO's and national debate. They provide aid and information to people, to either grapple with the state bureaucracy or provide direct mediation in smaller disputes. Furthermore, they coordinate with the different *principales* as well as with some of the auxiliary mayors to form a nation-wide network to strengthen the claim and situation of the traditional indigenous power structure and population. Also, they try to educate the people about citizen rights and the specific rights of indigenous people and further the goals of these people, especially with regards to land rights and communal

⁵⁴ Interview Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012

⁵⁵ Interview Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012; Interview with employee of FundaMaya 6-3-2012

autonomy. In Nebaj they do this in collaboration with FundaMaya, a trans-local NGO which will be expanded on in chapter five.

With regards to the relationship between these indigenous structures and the state structures it can be said that the indigenous mayoralty is not particularly popular in Nebaj. Especially in the past they have not been able to participate in the political process and were ignored for most of their existence in Nebaj. This wind, though, seems to be turning somewhat as the new mayor has found renewed emphasis on the participation of the indigenous structures.⁵⁷ He has stated that although “They have never been able to coordinate with the past mayor, it is going to be different now, we will be working hand in hand”.⁵⁸ Also the indigenous mayor is mildly positive on this issue saying that “We work a lot with the state, or the municipality. We do not know yet but the mayor who took position now is more accessible due to his history and his attitude towards the people. Possibly we will work with him.”⁵⁹

What is interesting is that the indigenous mayors are a joint organization with the large Mayan organization FundaMaya which hopes to claim rights for indigenous citizens specifically. They employ a strategy of identity politics to further their claims, and the indigenous mayoralty with their nationwide network connecting the community level indigenous political organization, is a tool that is used within this strategy of identity politics and strategic essentialism.

Summarily it can be said that the civil society has had a large influence during the elections, as a force to be reckoned with. There seems to be a will by the current government to work together with these actors to further the goal of inclusion of all these actors, with the aim to incorporate the community level organization into the political system. Also the traditional structures are popular and new more modern forms of organization through nationwide networks of indigenous mayors which work together with the traditional power structures locally gain an influence. This last structure, that of indigenous organization is heavily influenced by the Mayan NGO's that use identity politics to further the indigenous claims of citizens.

⁵⁷ Interview with Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012; Interview employee FundaMaya 6-3-2012

⁵⁸ Interview with Mr. Raymundo, mayor of Nebaj 16-3-2012

⁵⁹ Interview with Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012

Chapter 5: Indigenous representation and environmental security

5.1 Identity politics and autonomy; the vie for political power

A key issue in contemporary Nebaj is that of the hydroelectric power plants which have been coming to Nebaj in recent years. These large-scale projects, run by international businesses, find a lot of resentment within the communities as they destroy the ecosystem, get military patrols and have been approved without the consent of the particular community.⁶⁰ At this moment in time three hydroelectric power plants are already running with the idea to build ten more.⁶¹ The conflict that ensued as a consequence of these factors has been the primary occupation of those people that aim to represent the claims of indigenous people such as the indigenous mayors, as well as being an important theme within municipal politics. Especially the indigenous mayors and an influential trans-local NGO representing Mayan interest named FundaMaya are very much concerned with these hydroelectric power plants. They make claims based of the indigenous life-world, wherein land cannot be separated from the people that live on it and private ownership of land does not exist. This view is overarching, and under-acknowledged according to various indigenous activists, one claiming “There is a state/government for some, but not for us.”⁶² These hydroelectric plants are contested heavily as opposing the cosmo-vision as well as the indigenous rights and social justice expanded after the signing of the peace agreements of 1996.

In this chapter a case will be provided on the hydroelectric projects which are holding a large area of Nebaj in its grip. It can be seen as a conflict which has two components. Firstly it is a conflict which raises questions on the participation of local communities, as well as social justice for marginalized and impoverished communities. Secondly the more fundamental rhetoric which the Mayan activists use entails a more essentialist debate on indigenous land rights and beliefs.

⁶⁰ Informal conversation with man from Sumalito 14-4-2012; Interview with Mr. Nicolas, 2nd sindaco of nebaj 23-3-2012; observation Trapichitos 14-4-2012

⁶¹ See appendix 2

⁶² El Periodico; 29-03-2012 in an interview with the newspaper; Interview Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012

Questions that will be answered in this chapter are; Why have the megaprojects gained so much attention in the region? Also, who are these actors that directly aim to represent the claims of indigenous communities? Furthermore, how do they attempt to do this?

The first paragraph will provide an overview of the case of the hydroelectric power plants. Showing them to be central to an indigenous land right debate as well as raising questions on the role multinational corporations play when introduced to a small indigenous community. Then, in the second paragraph, the actors that aim to voice these oppositions will be introduced. It will be shown how they use the identity of indigenous people to object the projects. Strategic essentialism is at the core of this objection, claiming ancestral rights over land and using an esoterical debate surrounding the life-world of “Mayan” populations. Finally in paragraph three, we will see how these Mayan actors attempt this practically in the community. Also, is their view effective? How are they viewed within the community?

5.2 Hydroelectric Power plants; a Case

One of the largest contemporary issues in the municipality of Nebaj, at the moment, is the dispute between local residents and the multinational corporations that attempt to open hydroelectric power plants in the area. The countryside of Nebaj is ideally suited for this type of endeavor as it boasts large mountain rivers with a lot of force to harness power from. The effect of this is that large foreign corporations such as the Italian ENEL have come to the area searching profits. This type of business is largely opposed by local populations as it is perceived to be exploitative of environment and people. The argument against this type of enterprise is mainly twofold and connected to wider debates on the status of ethnic citizenship and social injustice. There is a concern on the one side for the environmental security of their subsistence as farmers and secondly a life-world objection as land rights mingles with indigenous belief-systems. This means that mainly indigenous activist portray the situation as “protecting the good things that mother earth has given us and defense of the ancestral right [of indigenous populations] on their land”.⁶³

The issue started when the corporations started showing an interest in the area because of the mass potential of various natural resources that the area of the “Sierra de los Cuchumantanes”, in which the municipality of Nebaj lies, has to offer. It has a great potential for

⁶³ “Los Bienes Naturales en Territoria Ixil y su Defensa”, June 2010; Fundacion Guillermo Toriello, Guatemala

the harnessing of water energy, the exploitation of petroleum reserves as well as boasting large forests for lumber winning. These potential riches attracted actors like the huge Italian owned multinational ENEL⁶⁴, which started to buy land from the impoverished farmers that were bombarded with positive information and promises by the government as well as the multinationals themselves. The potential downside was not communicated while making the decision as to allow the projects to start off. The municipal mayors of the area of Ixil (Chajul, Cotzal, Nebaj and Cunen) were much inclined towards the interests of the companies, in only one case (Cunen) consulting the populations of the communities that were to be affected⁶⁵. The case in Sumalito is striking, where one of the first megaprojects started. The license was distributed to the company without consultation or information to the populace, social benefits were promised, such as the construction of schools, highways, busses, pickups etcetera, but never received.⁶⁶ The road up to Sumalito is, out of experience, horrendous and only one bus braves these roads every day. In some cases, such as Tzalbal, inhabitants were consulted before construction began in which they did not accept the terms and compensation the companies had to offer. Construction started nonetheless, fuelling the already heated debate.

“They are international companies, which compares the land with their dollars and come with their euros and offer to buy land here. They deceive people and destroy nature. They appropriate and get in the way of the community and have the support of governments and the military. People are powerless to the way in which they defend their right with the notion of private property”

- Mr. Leon Ceto indigenous mayor of Nebaj⁶⁷

The practical objection is that indigenous communities deserve some kind of benefit for the use of the land and water surrounding them. Also, as harnessing the hydroelectric power means diversion of river streams, and most of the inhabitants are subsistence farmers, their livelihood is brought under potential threat. This is something which directly influences the quality of life. Also the community feels that they protect the nature in the area and that the multinational

⁶⁴ For further information on ENEL: <http://www.enel.com/>

⁶⁵ “Los Bienes Naturales en Territoria Ixil y su Defensa”, June 2010; Fundacion Guillermo Toriello, Guatemala

⁶⁶ Interview employee FundaMaya 6-3-2012; Observation of Sumalito area 17-03-2012 and 5-4-2012

⁶⁷ Interview with Mr. de Leon Ceto, indigenous mayor of Nebaj 15-3-2012;

projects influence deeply this nature; “It has an environmental impact that is very strong, which cannot be compensated easily. There is an invasion in the ecology and ecosystem and the habitat of animals and humans. It definitely has a negative impact.”⁶⁸ The social injustice aspect, where the community feel they are tricked out of their primary resources for survival namely land and water, is felt very strongly in the areas affected, the director of FundaMaya tells me: “They [the communities] have protected the land for very long and now they have nothing.”⁶⁹ The projects are framed as projects of development but many claim that this development does not benefit the communities around the projects directly.⁷⁰ Secondly, due to the controversial status of the project and the simple “worth” of the project, the power lines that connect these hydro-electric projects to the grid are patrolled by the military. This in an area where the fear of the military is still very large and alive thanks to the Guatemalan Civil War which raged particularly hard in this area of Guatemala.⁷¹ Thirdly, a large portion of people spoken to about the subject, state that a large objections they have against the projects is that nor the companies responsible nor the local government consulted them in many cases about land which they perceived to be theirs by legal as well as ancestral right.⁷² Mr Nicolas explains: “They impose laws, without the public opinion, for example on themes such as the mining companies and hydroelectric power plants. And where do they consult? They authorize in the name of the community and take decisions. What they want is respect for the indigenous territories, this means they have all of it”⁷³

The opposition or ‘struggle’ takes on multiple forms nation-wide, as Nebaj is not the only place in which these problems between communities and corporations take place. On the contrary, these conflicts are abundant throughout Guatemala and Latin America as a whole. One of the large ways in which communities attempt to cope with these ‘invasions’ is by voicing claims on the basis of their indigenouity. In Nebaj this is very much the case as indigenous trans-local NGO’s use the concept of being indigenous to voice claims against these corporations and posit themselves in the middle of this debate.

⁶⁸ Interview with Mr. Cruz, 1st sindico of Nebaj 4-4-2012

⁶⁹ Informal conversation with Don Diego, Director of FundaMaya 12-4-2012

⁷⁰ Informal conversation with a man from Sumalito 12-4-2012; Interview employee FundaMaya 6-3-2012

⁷¹ Interview with Mr. de Leon Ceto, indigenous mayor 15-3-2012; Informal conversation with a man from Sumalito 12-4-2012;

⁷² Participant observation at a meeting of the indigenous mayors 16-4-2012;

⁷³ Interview Mr Nicolas, 2nd sindico of Nebaj 23-3-2012

5.3 Mayan trans-local activism; identity, social injustice and the people of the Maize

They attempt this by using the two main discussions against the corporations which are first the social injustice described above and second a more strategic essentialist debate surrounding the life-world and belief-structures of indigenous “Mayan” people. In this structure the land cannot be seen separated from the people. This view is propagated mainly by the trans-local Mayan NGO FundaMaya, who maintain a view of Mayanism that is based on common language, history and belief-structures of Mayan people.

To understand this framing in its context it becomes necessary to dedicate a few words to the organization and claim making of the trans-local Mayan NGO FundaMaya. FundaMaya is an organization that has as main purpose to accompany the indigenous population through strengthening their technical capabilities and policies to increase their capacity to make proposals in decision-making at local, regional and national levels.⁷⁴ “We don’t execute productive projects, we don’t do community development projects, our focus is not constructing schools, our work is more political”, FundaMaya’s director in Nebaj tells me.⁷⁵ They work together with the indigenous mayors to work directly with the communities, holding meetings and organizing small temporary education projects.⁷⁶ It can be said that FundaMaya uses the term indigenous to gain influence in the local sphere. They propagate the identity politics of being Mayan, with the indigenous mayors as a legitimacy base. They coordinate with the indigenous authorities at the local level and activate the populace on the basis of a set of very particular claims. Also they grapple with the national sentiment by giving interviews and organizing and participating in large social action events like the Marcha’s (more on this in the next paragraph).⁷⁷

These claims are related to the concept of the “indigenous people”, which FundaMaya aims to represent. Although their existence is often ignored and in that sense it are very easy to bypass some claim, the potential influence of the denominator is large as people are susceptible to the idea of indigenous as claiming rights.⁷⁸ FundaMaya, therefore, aims to construct a unified voice for these often impoverished, indigenous peoples. They do this by employing the strategic

⁷⁴ <http://wiserearth.org/organization/view/FundaMaya>, accessed 23-6-2012

⁷⁵ Interview with Mr. Diego, Director of FundaMaya in Nebaj 29-3-2012

⁷⁶ Observation 12-4-2012; Interview with Mr. Diego, Director of FundaMaya in Nebaj 29-3-2012

⁷⁷ Prensa Libre p19 opinion section 29-3-2012

⁷⁸ Interview with Mr. Diego, Director of FundaMaya in Nebaj 29-3-2012; Interview Mr. de Leon Ceto 4-4-2012; Observation of meetings of indigenous mayors

essentialism of the concept of “being indigenous”, which in the case of Nebaj entails that the concept of being indigenous is put of service in the conflict against the hydroelectric power plants.

“You have to know the state, the mechanism that it has, and the one that excludes you. You have to know it, but on the other hand you have to the system of your indigenous people has been excluded. We were invisible to the state, cut down by colonial thought. They want to absorb us and dilute our beliefs. Our work is to recover our own beliefs that we have as indigenous peoples. We are recovering and reconstructing the beliefs of Ixil.”

- Mr Leon Ceto, Indigenous mayor of Nebaj⁷⁹

Practically this claim to indigenouity holds a number of aspects: Firstly they underline that the history of the Ixil people has been one of “profound colonialism and racism” during the colonial and republican eras of Guatemala, which aimed to destroy their culture and spirituality.⁸⁰ Secondly, as Mr Ceto puts it “The Ixiles were colonized, not only was the land taken but also our beliefs, language, and history.”⁸¹ These identity markers have been diluted according to Mr.Ceto and are in need of reconstruction to face current threats such as the megaprojects. Thirdly, it is striking that this current struggle is also framed as a form of colonialism of the new corporations, creating a common enemy opposing their life world. They maintain that the difference between the corporations and the populace lies within a “different way of thinking”⁸², in which the corporation sees the land as an object, marketable for commerce whereas the indigenous populations see it as connected to themselves, as to say dividing the populace from its land is like asking “Give me one of your arms or give me one of your eyes”.⁸³ Finally it can be said that the environmental aspect of the case is large as well. FundaMaya sees the people as the protectors of the Chuchumantanes area and are entitled to these territories, not only because they are the ones that kept the land from being exploited for so long, but also

⁷⁹ Interview with Mr. De Leon Ceto, indigenous mayor of Nebaj 15-3-2012

⁸⁰ “Los Bienes Naturales en Territorio Ixil y su Defensa”,6- 2010; Fundación Guillermo Toriello, Guatemala

⁸¹ Interview with Mr. De Leon Ceto, indigenous mayor of Nebaj 15-3-2012

⁸² Interview with Mr. De Leon Ceto, indigenous mayor of Nebaj 15-3-2012

⁸³ Interview with Mr. De Leon Ceto in El Periodico, 29-3-2012

claiming them on the basis of ancestry.⁸⁴ The state does not recognize this land right of ancestry, but practical steps are taken to secure the rights and autonomy of indigenous citizens by registering them on the national level as indigenous communities.⁸⁵ This is one of many practical steps that FundaMaya and the indigenous mayors are taking to secure the rights to their territory.

5.4 FundaMaya; a welcome addition to local indigenous empowerment?

As we have seen FundaMaya is a large local player when it comes to claiming and representing rights for indigenous citizens. They do this on the basis of essentialist as well as social injustice and to a limited extend legal claims, which have as a goal to secure the autonomy and representation of indigenous citizens at the local level. With the struggle to secure this right they inevitably come into contact with main-stream politics and need to grapple at both the local as well as the national level with what they call a different mode of thought. To do this they engage with civil society and the populace directly, organize meetings, hold manifestations and educate people on the meaning of indigenous citizenship and more fundamentally reconstruct this term. Also, in legal terms, they attempt to redefine villages as indigenous communities to secure their status.

One such example of a manifestation at the national level is the Marcha that took place from 20-3-2012 to 29-3-2012, a protest in which people from all over the country walked from Coban to the capital opposing the multinational corporation which have been exploiting nation resources nationwide. FundaMaya was very much involved in this Marcha. Around 30 young people from one of the youth projects of the organization took part in the 9 day, 260 kilometer walk from Coban to the capital. Important people like the indigenous mayor and the director of the organization were in the capital waiting for them and giving interviews to the press. In total 12000 people participated to protest.⁸⁶ This made the national news and was a major subject of national debate while it was taking place, as well as inviting a few interviews with the large newspapers. The claims here were the same as described above, in which the two important themes take the fore-front again; social injustice in which impoverished farmers are exploited by multinational corporations, be it electrical, mining or oil winning companies as well as, the

⁸⁴ “Los Bienes Naturales en Territorio Ixil y su Defensa”, 6-2010; Fundación Guillermo Toriello, Guatemala

⁸⁵ Observations of meetings FundaMaya/indigenous mayors 30-3-2012 and 16-4-2012

⁸⁶ Informal conversation with two participants of the Marcha and the indigenous mayor of Nebaj 28-3-2012

multicultural rights question connected to the idea of indigenous citizens and their particular claims to land on the basis of ancestry.⁸⁷

At the local level this sentiment is communicated directly to the populace in the form of meetings which are held in the communities themselves. Here they explain the implications of, in this case, accepting hydroelectric power plants into their area. These meetings are well visited, with gathering areas full of people.⁸⁸ The *principales*, indigenous mayors as well as FundaMaya are present during these meetings, which they hold at least weekly in different communities in the area.⁸⁹ Another way in which they attempt to gain influence at the grassroots level is by small education projects for youths which teaches them about their culture and about the potential hazards to it.⁹⁰ These “awareness projects” are often limited in its scope but are important according to the director of FundaMaya, Don Diego: “They are important because they learn from the elders and they are going to fight on and participate in the struggle.”⁹¹

Furthermore, at the legal level they grapple with the term of indigenous community. This term, in theory, secures their definition of being indigenous, which has legal implications as they can then proceed to claim rights, on the basis of for instance documents like the Peace Agreements of 1996. Official laws concerning indigenous communities do not exist in practice, though, yet the step is taken nonetheless.⁹²

Lastly it can be said that the influence that FundaMaya and the indigenous mayors attempt to have on society is often frowned upon by the more official side of politics. “They are angry, it's good for job creation, but it went wrong.” Mr. Raymundo told me, saying that although their motives are good their means are less so. They are seen as activists and as unnecessary as well as “un-modern”; one ex-PP official said “I am indigenous, I know about my culture and practice it. But I am not an activist”.⁹³ In the case of the hydroelectric power plants two different stories emerge. In terms of effectiveness I would say that they are effective in the sense that they are being widely heard, being a force to be reckoned with as they are very active at the grassroots level in the communities which feel the effects of the kinds of changes described above. Also as

⁸⁷ Prensa Libre 19-3-2012; El Periodico 26-3-2012

⁸⁸ Observation of a meeting in Trapichitos 12-4-2012

⁸⁹ Informal conversation with Mr. Diego, Director of FundaMaya in Nebaj 10-4-2012

⁹⁰ Interview with FundaMaya employee and coordinator of youth projects 6-3-2012; Informal conversation with FundaMaya employees on various occasions

⁹¹ Interview with Mr. Diego, Director of FundaMaya in Nebaj 29-3-2012

⁹² Observations of meetings FundaMaya/indigenous mayors 30-3-2012 and 16-4-2012

⁹³ Interview with PP party members 13-4-2012

they stand in between the communities and politics, for many people they are the primary source of entrance to the state. Yet on the other hand their claims are ignored by the state that they hope to have a dialog with. On the other hand newspaper and television seemed to be interested in the story FundaMaya had to tell, especially during the Marcha, having interviews with the indigenous mayor and director of FundaMaya. It must be said that their alternative civil organization is controversial in some cases and ambiguous in its nature. Yet they do function as gatekeepers to the political realm for indigenous communities and as a means to oppose the large changes that are occurring locally.

Conclusion

In this thesis I have attempted to grapple with a number of questions concerning participation and representation in Guatemalan local politics and the role that the concept and of indigenous plays therein. Let us briefly intenerate what was the main focus of this inquiry, and attempt to answer these questions summarily. The main question that was poised in this inquiry was: In what ways is community level citizen participation affected by identity politics and trans-local indigenous activism? This question is relevant mainly in the context of participatory and representative government, two concepts which have been at the centre of this research as these two concepts are a relatively new form of power division in Guatemala, and as it turned out specifically in Nebaj. Under the influence of the mayor who ruled in Nebaj the last 8 years these two factors had come under scrutiny, as the regime actively opposed the participation of civil society in its administration. Although the idea of decentralization and participation especially of indigenous groups has occasionally been an important factor in Guatemalan politics, this administration adhered to a very much centralized form of government, which according to many respondents was tainted by corruption and clientelism.

Firstly, the regime change that took place at the end of February 2012 marked a change in the policy regarding representation and participation of citizens and civil society within the political process. The change has been large in its scope, altering a stagnant situation which had existed for eight years. Where formerly it was impossible to participate due to a closure of the political sphere, an emphasis seems to lie with this administration on the retying of traditional and civic power structures to reconstitute equilibrium in power divisions within the community. This change is felt deeply within the community as there exists a strong will to participate and gain access to the services as well as potential 'say' which the political sphere has to offer. The regime change has made it very clear that organizations such as the COCODES, auxiliary mayors, indigenous mayors and also to a more limited extent NGO's like FundaMaya, play a key role in connecting the realm of politics to the citizens it ideally hopes to service. This notion is relatively new in Nebaj and only time will tell what the effect of this regime change will be. As of now, one could argue, that steps are being taken in a new direction, acknowledging the various important actors and actively seeking them out to incorporate their voice into the

policymaking process. This restructuring is done under the emphasis of social development as central to the philosophy of the political party and administration of Mr. Raymundo.

Secondly, the civic organizations that are reincorporated into the system are experiencing a considerable change as a consequence of this regime change. The COCODES face the most radical change where the structure of committee, which is perceived by the new administration to be exclusionary and inefficient, is replaced by a more inclusionary system of council. This step is taken to ensure that all parties at the community level are integrated into the decision making process, which is seen as the base from which to engage local policy. Also the renewed emphasis on auxiliary mayors as representatives of the municipality at the local level has significantly reconstituted this belief, as they are reinvented to be the direct political link between community and local level politics. Though issues remain on the question of community autonomy, the incorporation and attention to these actors is well under way as of April 2012. Finally a renewed cooperation between the indigenous authorities and the municipality seems to be under way, as both sides are mildly optimistic about working together, where in the past this was impossible. What is apparent here is that the renewed collaboration with civil society has been instigated by the new mayor and apprehensively welcomed by the civil actors. The emphasis on capacitating from above and participating from below underlines the structure as it has been outlined by the municipal law of 2002, and now it is being put to practice to include a larger part of society at the community level into the policy making process.

Finally, another relevant concept which is at the forefront of civil society is the term indigenous citizen or “Mayan”, perpetuated by the large joint organization FundaMaya and the indigenous mayors. They are quite popular, mainly in the communities surrounding Nebaj. As a large portion of the social demographic of Nebaj can be denominated as being indigenous, people are susceptible to the ideas and strategic essentialism that FundaMaya and the Alcaldia Indigena seem to uphold and put to the service of the very practical struggle against the megaprojects which are seen as destroying the area of Ixil both naturally as well as socio-culturally. These indigenous claims are voiced in two ways, namely as social injustice claims in which large corporations come and steal the rich land that the indigenous citizens live on as well as fundamentally opposing the lifeworld of these citizens, by alienating them from their land, and thereby undermining their rights to autonomy and respect for their indigeneity. These claims are voiced within the communities themselves, albeit under the auspices of the large

organizations which teach the use of the Mayan-claim language inherent in the Pan-Mayanism doctrine as well as the tools communities need to grapple with the bureaucracy of the state. Meetings are often held in communities themselves but again, under the auspices of actors like FundaMaya, which mobilize the community against projects like the hydroelectric power plants which have become such an important contemporary debate in the area. The organizations bridge the gap between the often marginalized and impoverished subsistence farmers and the state, which they oppose as undermining their rights. Because of this they are perceived by the state as being a somewhat militant group of essentialists, who use their ethnicity as an instrument to claim autonomy rights. Yet what they do accomplish is bring to the front this social problem and grapple with it both at both the local and national level. They are an important force in mobilizing the local community against this international corporation, using their national network. The opposition towards the projects would have been impossible without this.

Theoretical Implications

The theoretical foundation of this thesis has relied on three large concepts to delineate the scope of the inquiry, namely decentralization, participatory citizenship and identity politics. Decentralization, which implicitly raises questions on autonomy, representation and participation of society at the local level, is a concept which has gained prominence in Guatemala and Latin America as a response to the authoritarian regimes of the 1970's and 1980's. It holds an establishment of elected subnational governments capable of making binding decisions (Smith 1985 *in* Willis 1999: 8). In extension of this civil participation is connected to ensuring the access of citizens to their democratic rights (UNDP 2004: 26). Lastly, identity politics has been one of the consequences of this decentralization and civil participation move, and is tied to questions of multiculturalism, indigenous citizenship and identity and the cultural rights based on it (*see* Warren 1999; Rasch 2008; Montejo 2002; Kymlicka 1995). This inquiry has applied these concepts on the local setting of Nebaj. Looking back a number of things on these concepts and their derivatives predominate.

Firstly, although decentralization and the direct democratization it entails at the local level is thought to be beneficial to incorporation. It is assumed that barriers at the local level are lower in this decentralized setting, giving room to incorporation and representation then (Schiefelbein 2004: 360; Falleti 2010: 5-6.; Lindert & Verkoren 2010: 1). Yet what has been

seen in Nebaj is that for a long time the autonomy that decentralization brought to the local level has been detrimental as opposed to beneficial to these sections. It can be seen that the practical power of political entrepreneurs in a limited democracy is potentially large and illegal actions often go unpunished for years. The clientelism that Mr. Vergilio perpetuated has meant that democratic representation and civil organization have been virtually non-existent for the last 8 years, something which has been warned for by several authors as a hazard of decentralization (Lindert & Verkoren 2010: 1; Willis 1999: 43; Middlebrook 2009). Now that this wind is changing under the new government, one can see an opening up of the various representation and participation structures which are necessary for a healthy democracy (Linz & Stepan 1996: 7-15 *in* Koonings 2004: 82-83).

This means, secondly, that under the rigorous alterations that have occurred as a consequence of the regime change, the municipal law of 2002 which creates an inclusionary form of citizenship at the local level is being implemented by the new regime. Civil organizations which have been given breathing space increasingly are able to represent the claims of the population. Actors like the COCODES and auxiliary mayors do this from the bottom up from within the communities and collaborating with the municipal government, thus connecting citizens to the democratic process (UNDP 2004: 26). Also as the concept of indigenous citizenship is used the indigenous mayors increasingly are able to challenge traditional perceptions of what it means to be a citizen. They claim rights on the basis of their being indigenous, and in the process challenging the authority of the municipality. They put pressure by opposing ideas on democracy to further their goals (Rendon 1999: 41; Koonings 2004: 82).

Thirdly, with regards to identity politics it can be said that the trans-communal network of FundaMaya, heavily influences the sentiment of indigenous communities at the local level. They build claims on the basis of their identity, maintaining a dialog with the indigenous communities through the indigenous mayors. This dialogue is heavily saturated with the strategic essentialism Yashar (2006) proposes. We can see that claims are made about life-worlds to grapple with the very practical realm of social action and politics. What has been found is that these indigenous citizens are to an extent very much concerned with the realm of politics as it influences their subsistence directly in the case of the hydroelectric power plants. This opposes the view of Montejó (2002) that indigenous people live in a state of political amnesia, as they are

increasingly engaged with the political participation at the local level, for instance in the form of Marcha's and the participation in the mobilization surrounding the conflict of regime change.

Conclusively it can be said that it will be very interesting to see how this example of a situation in which representation and participation coincides with indigenous claim making plays out in the future, especially seeing the large dichotomy between the contemporary and the direct past. Interesting for the future will be how the visions that have taken the forefront in the first 2 months of a new administration will come to fruition and what effect this will have on the community. At the time of my leaving Nebaj it was not even clear whether Mr. Raymundo could stay as mayor, as the official word had not been out in the third appeal against him by Mr. Vergilio. Though the fluency of this situation is of course interesting as it puts influential people on edge it is also highly unpredictable from an academic point of view. Making it on the one hand a very interesting conflict casus to study and on the other hand a very untenable situation, where objective data does not exist and stories are often distorted by political background. Only time can be an effective judge in this case and only time will tell what happens to the very real need for people to have a say in their own lives.

Bibliography

Diamond, L.J.

1999 *Developing Democracy: Toward Consolidation*. Maryland: John Hopkins University press.

Falleti, T.G.

2010 *Decentralization and Sub-national Politics in Latin America*. Cambridge: Cambridge University Press.

Fukuda-Parr, S. et al.

2004 *Human Development Report 2004: Cultural Liberty in Today's World*. New York: UNDP.

Koonings, K.

2004 *Strengthening Citizenship in Brazil's Democracy: Local Participatory Governance in Porto Alegre*. *Bulletin of Latin American Research* 23 (1): 79-99.

Kymlicka, W.

1995 *Multicultural Citizenship: A theory on Minority Rights*. Oxford: Clarendon Press.

Lindert, P. & Verkoren, O.

2010 *Decentralized Development in Latin America: Experiences in Local Governance and Local Development*. Springer

Middlebrook, K.J.

2009 *Caciquismo and Democracy: Mexico and Beyond*. *Bulletin of Latin American Research* 28 (3): 411-427.

Mitchell, C.

2006 *New Studies of Political Decentralization in Latin America*. *Latin American research Review* 41 (3): 175-184.

Montejo, V.

2002 *The Multiplicity of Mayan Voices: Mayan Leadership and the Politics Of Representation*. *In* *Indigenous movements, Self-representation and the State in Latin America*. K.B Warren and J.E Jackson eds. pp. 123-148. Austin: University of Texas Press.

Rasch, E.

2008 *Representing Mayas: Indigenous Authorities and the Local Politics of Identity in Guatemala*. Printpartners Ipskamp.

Rendon, L.M.

1999 *Decentralization Policies in Guatemala: Case Studies of Citizen Participation*. Michigan: UMI Dissertation Services.

Scheifelbein, E.

2004 The politics of decentralization In Latin America. *International Review of Education* 50: 359-378.

Sieder, R.

2002 *Indigenous movements, Self-representation and the State in Latin America*, Austin: University of Texas Press.

Stavenhagen, R.

2002 *Indigenous People and the State in Latin America: An Ongoing Debate. In Indigenous movements Self-representation and the State in Latin*. K.B Warren and J.E Jackson, eds. Pp. 61-85. Austin: University of Texas Press.

Yashar, D.J.

1998a. *Contesting Citizenship: Indigenous Movements and Democracy in Latin America. Comparative Politics* 31(1): 23-42.

2006b. *Contesting Citizenship in Latin America*, Cambridge: Cambridge University Press.

Warren, K.B.

1998 *Indigenous Movements and Their Critics: Pan-Maya Activism in Guatemala*, Princeton: Princeton University Press.

Warren, K.B. & Jackson, J.E.

2002 *Studying Indigenous Activism in Latin America. In Indigenous movements, Self-representation and the State in Latin America*. K.B Warren & J.E Jackson eds. pp. 1-46. Austin: University of Texas Press.

Willis, E.

1999 *Politics of decentralization in Latin America. Latin American Review* 34 (1): 7-56.

Appendix 1: Resumen Español

Este estudio es el resultado de una investigación de dos meses en Santa María de Nebaj en Quiché, Guatemala. El estudio abarca la descentralización que se ha manifestado en la política Guatemalteca, con los Acuerdos de Paz de 1996 y el código municipal de 2002, que garantiza los derechos y autonomías de gobierno municipal y la sociedad civil. La descentralización supone el establecimiento de gobiernos autónomos sub –nacionales capaces de tomar decisiones vinculantes (Smith, 1985 Willis en 1999: 8), lo cual es de importancia debido a la autonomía que presupone a nivel local.

La participación ciudadana o la manera en que las personas pueden participar en la democracia (UNDP 2004: 26), es fundamental para la descentralización y es uno de los aspectos más importantes de este estudio. En este sentido, cubre los aspectos de la política y de la identidad a nivel local, centradas en la pregunta "¿en qué formas es la participación ciudadana a nivel de la comunidad afectada por las políticas de identidad y activismo indígena trans-local?" El municipio de Nebaj ha experimentado un cambio de régimen a finales de Febrero 2012, cuando el último alcalde, Sr Vergilio del Partido Patriota, fue sucedido por Sr Bernal del partido UNE-GANA. Este conflicto es usado como una lente por la cual observar la participación ciudadana y su renovada importancia. En segundo lugar, uno de los mayores temas de actualidad en el municipio de Nebaj de momento es la disputa entre los residentes locales y las corporaciones multinacionales que tratan de abrir plantas de energía hidroeléctrica en sus comunidades. Estos acontecimientos son observados para descubrir la influencia de política de identidad en el conflicto que existe entre los pueblos indígenas y las corporaciones multinacionales respaldadas por el Estado.


El estudio demostrará que debido a que el cambio de régimen marcó el fin de la forma clientelista de gobierno puesto en práctica por el anterior alcalde, la participación activa de ciudadanos en la política fue imposible durante ocho años. Ahora, un nuevo gobierno pone un énfasis renovado en la participación ciudadana que conquista poco a poco la escena política de Nebaj. Se ha abierto de nuevo el diálogo entre la población y la política, igual que los alcaldes auxiliares, indígenas y COCODES han sido reintegrados en el proceso decisivo. La fijación de la relación entre las organizaciones civiles y la política es vista como una prioridad por el nuevo alcalde y su administración, y ha proporcionado nuevas maneras de hacer las cosas en la comunidad.

Como resultado del cambio de alcaldes, las organizaciones civiles que existen en Nebaj están cambiando; al igual que los COCODES, que tendrán una organización diferente. En el pasado, éstas fueron politizadas por la influencia del alcalde, sin embargo su estructura cambiará ahora del comité compuesto por partidarios del alcalde anterior a un sistema de consejo en el que representantes de las comunidades formularán decisiones a base de compromiso. Los alcaldes auxiliares serán incorporados en el sistema como representantes de sus comunidades, serán consultados por el gobierno municipal de su comunidad y funcionarán de nuevo como un puente entre las comunidades y el Estado. Los alcaldes indígenas serán reconocidos y su trabajo aprovechado, ya que constituyen una organización tradicional importante que mantiene

relevancia en el ámbito local. Todo esto se hace para asegurar que el código municipal de 2002 se ponga en práctica. Los alcaldes indígenas persiguen este objetivo mediante la capacitación, proporcionando el espacio necesario desde un nivel alto hacia abajo y al mismo tiempo trabajando con las comunidades directamente de una manera local en la cual ellos son los beneficiarios principales.


Otra gran influencia en la política local es la ONG trans-local FUNDAMAYA, que lucha contra los planes para construir plantas hidroeléctricas en las comunidades. FUNDAMAYA trabaja en conjunto con los alcaldes indígenas para formar una alianza que organiza reuniones y pequeños proyectos a nivel local para luchar contra estas empresas transnacionales. También luchan a nivel nacional, organizando marchas y haciendo uso de la red nacional para atraer atención a los problemas comunitarios. Esto se hace dentro del marco de esencialismo estratégico (Yashar 2006) y los derechos culturales, basado en la ciudadanía étnica (véase Warren 1999; Rasch 2008, Montejo 2002; Kymlicka 1995), los cuales los convierten en reclamaciones muy particulares.

Appendix 2: Election Results



Tribunal Supremo Electoral
Elecciones Generales y al
Parlamento Centroamericano 2011

Resultados Electorales



2011
ELECCIONES GENERALES
TRIBUNAL SUPREMO ELECTORAL
GARANTÍA DE LA VOLUNTAD POPULAR

Departamento: QUICHE Municipio: NEBAJ Mesas: - 75 de 75 -

1. Presidente y Vicepresidente	2. Diputados por Lista Nacional	3. Diputados Distritales
P P 9,456	P P 8,941	UNE-GANA 11,216
P A N 44	UNE-GANA 11,213	P P 8,704
UCN 549	VICTORIA 41	F R G 237
UNIONISTA 186	P A N 31	P A N 32
CREO 1,443	CREO 458	LIDER 1,349
LIDER 4,895	VIVA-EG 467	ADN 18
WINAQ-URNG-MAI 791	ADN 33	CASA 85
ADN 18	FCN 95	VIVA 414
CASA 134	F R G 217	UCN 605
VIVA-EG 536	UNIONISTA 44	CREO 575
Votos Validos 18,052	UCN 652	VICTORIA 33
Votos Nulos 1,514	CASA 80	UNIONISTA 92
Votos Blancos 6,451	WINAQ-URNG-MAI 611	WINAQ-URNG-MAI 662
Votos Emitidos 26,017	LIDER 1,239	Votos Validos 24,022
Votos Impugnados 2	Votos Validos 24,122	Votos Nulos 745
	Votos Nulos 670	Votos Blancos 1,284
	Votos Blancos 1,205	Votos Emitidos 26,051
	Votos Emitidos 25,997	Votos Impugnados 1
	Votos Impugnados 3	

4. Corporaciones Municipales	5. Diputados al Parlamento C.A.
P P 8,971	VIVA-EG 419
COTON 674	P P 8,828
LIDER 1,392	UNIONISTA 79
UCN 659	CREO 445
WINAQ 493	UNE-GANA 11,314
VIVA 279	F R G 225
CASA 80	CASA 77
UNE-GANA 12,202	LIDER 1,342
Votos Validos 24,750	FCN 39
Votos Nulos 592	P A N 28
Votos Blancos 703	ADN 18
Votos Emitidos 26,045	VICTORIA 31
Votos Impugnados 2	WINAQ-URNG-MAI 617
	UCN 534
	Votos Validos 23,996
	Votos Nulos 735
	Votos Blancos 1,318
	Votos Emitidos 26,049
	Votos Impugnados 1

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Página 1 de 1

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Appendix 3: Map of the Ixil region and the distribution of hydroelectric power plants

