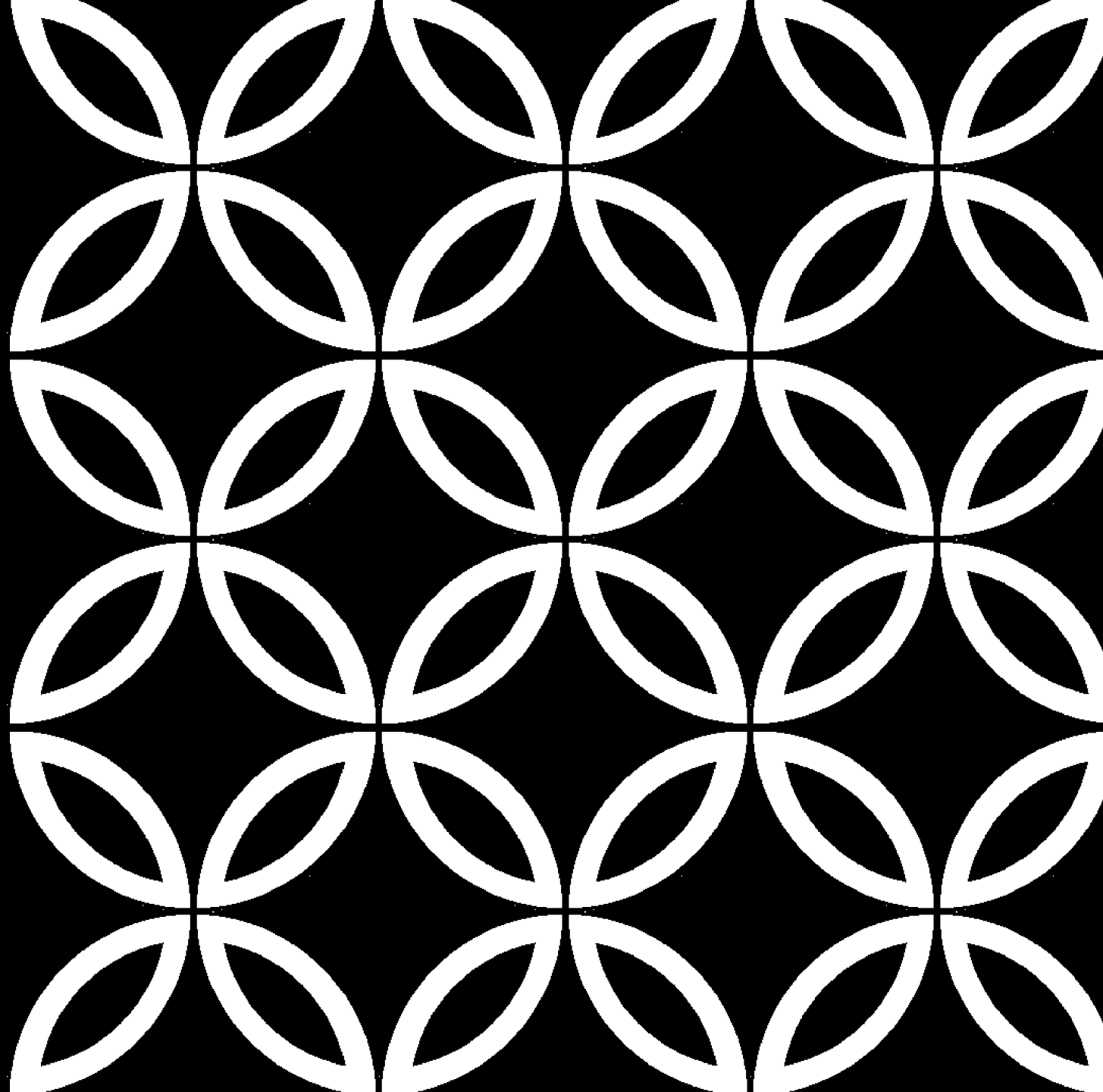


# INDIGENOUS POPULATIONS IN GUATEMALA AND ECUADOR

---

RAIO Research Unit  
June 2020



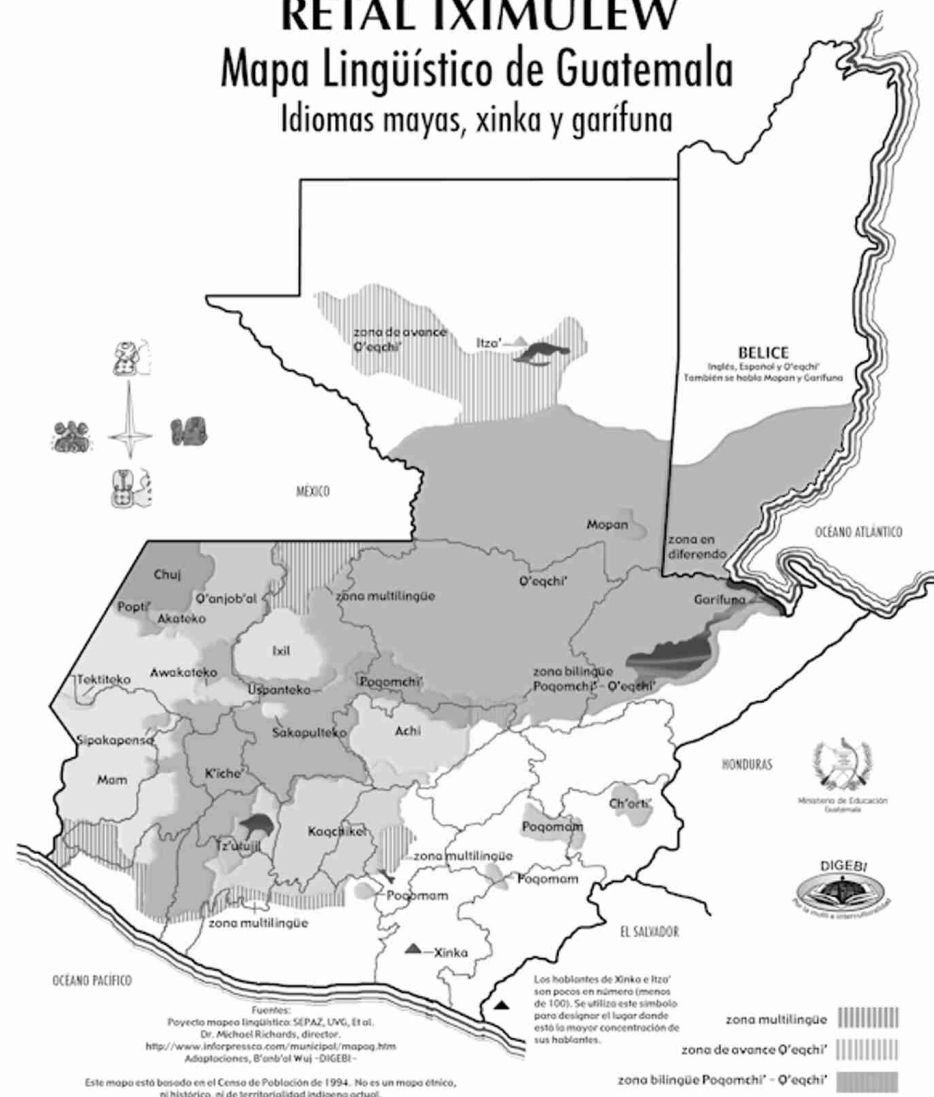


**GUATEMALA** |

# RETAL IXIMULEW

## Mapa Lingüístico de Guatemala

### Idiomas mayas, xinka y garífuna



# GUATEMALA: WHO IS INDIGENOUS?

- Those who identify as indigenous (criteria used in the 2018 census)
- Language
- Cultural practices and experiences

Census last done in 2018



Total population of approximately 14.9 million people



43% indigenous:

41.66% Mayan  
(6.2million )

1.77% Xinka  
(264,000)

0.13% Garífuna

# GUATEMALA'S POPULATION

---

K'iche' 11%

---

Q'eqchi' 8.3%

Kaqchikel 7.8%

Mam 5.2%

Followed by other Maya communities  
the Garífuna, and Xinka

# LOCATION

In Totonicapán, Sololá, Alta Verapaz and Quiché departments, the Maya constitute 90 to 97% of the population.



# MORE THAN 20 MAYAN LANGUAGES SPOKEN

Achi'

Akateko

Awakateko

Ch'orti'

Chuj

Itza

Ixil

Popti'  
(Jakalteko)

Q'anjob'al

Kaqchikel

K'iche'

Mam

Mopan

Poqomam

Poqomchi

Q'eqchi'

Sakapulteki

Sipakapense

Tektiteko

Tz'utujil

Uspanteco



# OTHER LANGUAGES

- **Xinka**

- Endangered language family
- Four distinct, not mutually intelligible languages make up this language family, but all four are usually grouped together as a single language
- Guazacapán Xinka, Chiquimulilla Xinka, Jumaytepeque Xinka, and Yupiltepeque Xinka
- Two are completely extinct, and the other two have only a handful of semi-speakers

- **Garífuna**

- Language from Arawak language family
- Most of population is found in Honduras, only a small part live in Guatemala

# FORMAL RECOGNITION

- The Guatemalan Constitution specifically recognizes Maya communities, but not Xinka or Garífuna
- Agreement on Identity and Rights of Indigenous People does recognize the Xinka and Garífuna
  - Agreement signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in Mexico City in March 1995
- Section III of the Guatemalan Constitution of 1985:
  - Article 46 establishes that international human rights law takes precedence over domestic law
  - Article 66: Guatemala is made up of “various ethnic groups, which include indigenous groups of Maya origin” and declares that the State “recognizes, respects and promotes their ways of life, customs, traditions, forms of organization, the use by men and women of indigenous costume, and languages and dialects”
  - Article 67: The lands of indigenous communities receive special protection from the State.
  - Article 68: State undertakes to adopt appropriate legislation and programs to provide the indigenous communities with the lands that they need for their development.
  - Other articles refer to cultural rights and bilingual education.

# K'ICHE'

- Midwestern highlands
- Popul Vuh*
- Advanced pre-Columbian society
- Approximately 1 million modern K'iche' speakers
- Farmers (corn, beans, squash, peaches and strawberries)
- Syncretic: Officially identify as Roman Catholic but practice non-Christian rituals
- Organized in *municipios* (municipality) and *cofradías* (religious societies)

# KAQCHIKEL

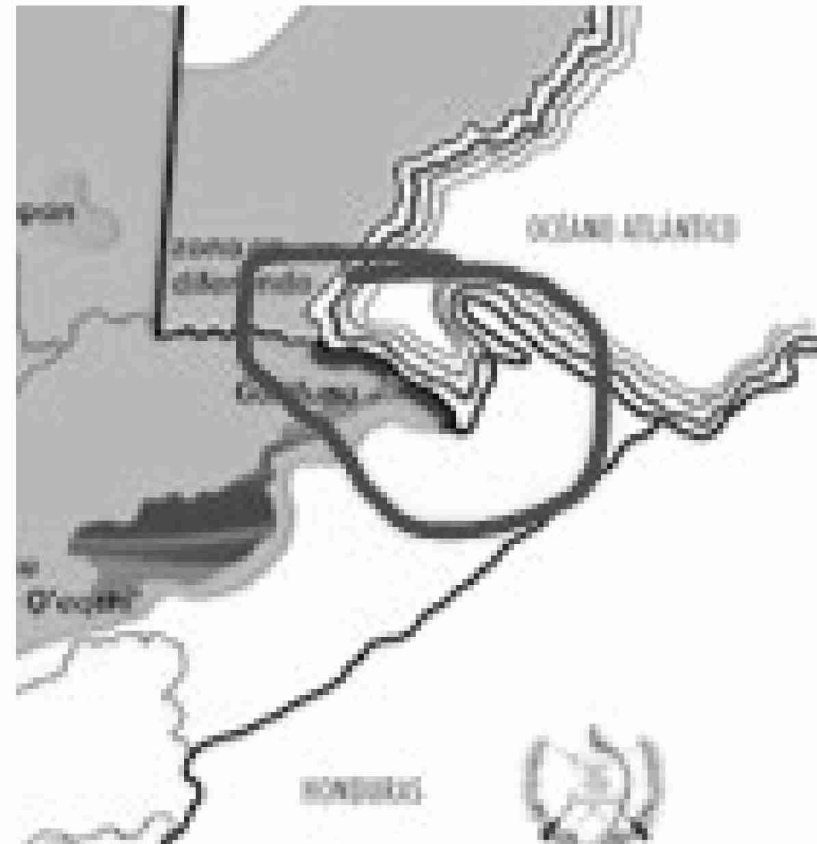
- Mainly engage in farming
- Identify more closely with their *municipio* than with Kaqchikel people as a whole
- Each *municipio* generally has its own dialect of Kaqchikel; people from different *municipios* who speak different dialects may understand each other and speakers of K'iche' and Tz'utujil
- Each *municipio* has its own leadership, local costume, patron saints, and economic specialty
- Marriage to someone from outside the *municipio* may be considered improper
- Insular, suspicion of outsiders

# MAM

- Quetzaltenango, Huehuetenango, Retalhuleu, and San Marcos in Guatemala; also Chiapas, Mexico
- Language most closely related to Ixil, Awakateko, and Tektiteko
- Each *municipio* has dialectical differences and an identifiable accent
- “Mam consists of some fifteen dialects grouped into three divisions: northern Mam is spoken in nineteen municipios in southern Huehuetenango and northern San Marcos, southern Mam in thirty-four municipios in San Marcos and Quezaltenango, and western Mam in three municipios in northwestern San Marcos, near the Mexican border.”
- Farmers, entire families may travel to work plantations during harvest

# GARÍFUNA

- Based on the Caribbean coast in Izabal department.
- Approximately 17,000 live in Guatemala
- Mass migration to cities and abroad due to difficult socioeconomic circumstances and racism and discrimination
- Project to foster and safeguard Garífuna culture was drawn up without Garífuna participation and has no budget



# XINKA

According to the data of the Parliament of the Xinka People of Guatemala, 351,111 people self-identified as Xinka in 2017 in Santa Rosa, Jalapa and Jutiapa departments



# CURRENT SITUATION

---

- Discrimination, exclusion, and racism are prevalent
- Insufficient and unequal public investment in indigenous communities
- Public institutions are designed to maintain ethnic disparity





# RACISM AND DISCRIMINATION

- Racism and discrimination are “all-pervasive”, and “amount to de facto racial segregation and impinge on all areas of life” (UNHCR Special Rapporteur)
  - Legal
  - Interpersonal
  - Institutional
  - Structural
- Race-related criminal offenses considered minor, heard at the magistrate level
- Rarely reported

# POVERTY

- 59% of the population of Guatemala lives below the poverty line (World Bank)
- Disproportionately affects indigenous people
- 44% of rural communities have access to basic water services (WHO and UNICEF)
- 51% of rural communities have access to basic sanitation services
- High levels of food insecurity
- Lack of health care services
- Lack of access to education

# ISSUES FACING INDIGENOUS WOMEN

- Machista society
- “An indigenous woman in Guatemala is more likely than all her fellow citizens to be sick, illiterate, poor and overwhelmed by too many unplanned children...‘We are discriminated against one, because we are poor, second, because we are indigenous and because we are women,’ Victoria Cumes Jochola, coordinator of Nuestra Voz, or Our Voice rights group” - Reuters, 2017
- Lack of access to education and health care
- Little or no access to family planning assistance, contributing to large families and increased poverty
- “Native communities celebrate the birth of boys but not girls, said Debora Cobar, country director for Guatemala for Plan International, a children’s rights group.”-Reuters, 2017

# EFFECTS OF CIVIL WAR/GENOCIDE ON INDIGENOUS POPULATIONS IN GUATEMALA

Particularly vulnerable

Of the 200,000 killed  
or disappeared in the  
civil war,  
approximately 83%  
were indigenous

# DOS ERRES MASSACRE

- December 1982: residents of Dos Erres, Libertad, Petén were murdered by the Guatemalan military's Kaibil Unit.
- 113 of those killed were children under the age of 14
- Massacre began with soldiers throwing babies into the town's well
- Women and children were gathered in the town's churches, where the women were raped and the children were beaten
- Men were beaten to death and their bodies were thrown into the well
- 2001: The state recognized the massacre. 14 million quetzales (around \$1.7 million USD) paid to victims' families and a monument was erected

# RIOS MONTT

- Efraín Ríos Montt was a general who served as president from March 1982-August 1983
- Charged with genocide in separate trials for the killing of 1,700 Ixil Mayans, the forced displacement of 29,000 people, sexual violence against at least 8 women, and torture of at least 14 people, and the Dos Erres Massacre
- Found guilty in 2013 (knew of massacres and did nothing to stop them); 80 year sentence was withdrawn shortly afterwards
- Subsequent legal proceedings against him were subject to delays and procedural irregularities
- January 2016: retrial suspended
- March 2017: a prosecutor outlined charges against Montt at a pre-trial hearing concerning Dos Erres Massacre, and a judge ruled that there was sufficient evidence against Montt for the trial to proceed
- Ríos Montt died April 1, 2018, at the age of 91. He was being retried *in absentia* at the time.

# MURDERS OF INDIGENOUS RIGHTS ACTIVISTS

- 26 indigenous leaders killed in 2018, reminiscent of civil war
- Juana Raymundo: Young political Ixil-Maya leader, body found in July 2018 with signs of torture
- No interest on the part of authorities to do anything about it

“As repeatedly stated by international and regional human rights bodies, the basic underlying cause of the problem affecting the indigenous peoples in Guatemala is the lack of protection of their rights to their lands, territories and natural resources in conformity with the relevant international human rights standards. Guatemala lacks a legal framework or an allocation mechanism to identify and apply the collective ownership rights of indigenous peoples in accordance with their traditional land tenure systems. The disturbing failure to protect these rights arises out of a context of extreme inequality in the distribution of land and the insecurity of tenure, together with an inadequate registration system that enables third parties to be given title to indigenous ancestral lands.”

-Report of the Special Rapporteur, 2018



# LAND DISPUTES (CONT.)

- No legal framework to identify and apply the collective ownership rights of indigenous peoples in accordance with their traditional land tenure systems
- 1982: Government declared that indigenous lands had been voluntarily abandoned; property was nationalized and distributed to landowners and the military
- Limited progress in implementing the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict
- The Land Registry Act of 2005 provided for a land registry to establish, maintain, and update the national registration of land but has been weakened by subsequent amendments
- The Land Fund has stated that it lacks the necessary budget to comply effectively with its mandate of facilitating affordable access to lands. Up until 2016, of the 800,000 landless families applying for land, only 13,162 — of whom 10,719 were Maya — had received any.

# LAND DISPUTES (CONT.)

- Efforts to stop exploitation of natural resources (mining, hydroelectrical projects, oil exploration)
- Communities involved are predominately rural
- Intimidating and abusive military and police operations used to quell public protests by indigenous communities engaged in land disputes
- “Some private security agencies owned by, or connected with, serving or retired members of the Army have been hired by companies interested in carrying out extractive projects on indigenous lands. Employees of these private security agencies are reported to have been involved in violence against members of the indigenous communities engaged in these land disputes, and to have taken part in joint operations with members of the State security forces including the detention of civilians, court-ordered evictions, as well as extrajudicial evictions of the members of such communities.”

# GUATEMALA: LEGAL PLURALISM

- Legal pluralism is the existence of more than one legal system within a geographic area
- The ability to legally pursue recourse through indigenous justice systems depends on government recognition and support
- Indigenous organizations have relied to international legislation, such as the International Labor Organization's Convention 169, as legal recourse to claim rights

# LEGAL PLURALISM (CONT.)

- Recent judgments by the Constitutional Court have recognized the right to collective ownership and the role of the indigenous authorities and systems of justice.
- Examples of relevant cases:
  - Chichicastenango in Quiché
  - Chuarrancho in Guatemala
  - The eight Q'eqchi' communities of Sierra Santa Cruz
  - El Estor and Livingston in Izabal
  - Cho'orti' communities of Camotán in Chiquimula
  - Guild of San José Poaquil in Chimaltenango
  - Mam community of Comitancillo in San Marcos
  - Ixil community of Nebaj in Quiché
- “It should be noted that, in various rulings referred for consultation, international standards were correctly included in the courts' reasoning but not in the measures set out in the ruling and there are clear gaps in the implementation of legislation to monitor compliance with treaties and to ensure that any action taken is reasonable. These discrepancies do not provide indigenous peoples with the necessary legal security for their rights, nor do they help to resolve the basic problems that gave rise to claims. An additional difficulty is the repeated failure to comply with the rulings that are handed down.”

# INSTITUTIONAL FRAMEWORK

- Several offices established for protection of indigenous rights, but operation of these offices is dependent on the goodwill of whatever government is in power
- These offices have limited political power, inadequate funding, staff shortages
- Examples:
  - Office for the Defense of Indigenous Women's Rights and Presidential Commission on Discrimination and Racism against Indigenous Peoples established as a result of Peace Accords
  - Indigenous Peoples' Secretariats established in 2017
  - Peoples Committee in congress
  - 34 public institutions have set up "indigenous windows"
- Indigenous institutions were allocated only 0.12% of the national budget in 2017

# POLITICAL PARTICIPATION

- Historical social practices and apathy in the government continue to result in political exclusion of indigenous people
  - Limited access to government jobs and higher level public office
- Constitution includes universal suffrage but indigenous peoples' voting rights are limited in practice
  - Onerous voter registration requirements
  - Elections scheduled during harvest season
  - Inadequate transportation to polling places
- “National political parties restrict the election of their indigenous members to decision-making leadership posts in the internal party structure, thereby effectively excluding them from the wider political arena”
- Typically have more representation in local government
- Winaq, the only indigenous political party, “usually wins only around 3.5 per cent of the vote and has limited financial resources”

# ORGANIZATIONS

- **CODECA: Comité de Desarrollo Campesino**

- Started in 1992
- Focuses on issues like farmer and farmworker wages, land reform, and nationalization of electric energy
- Critical of Energuate, the major electric company in Guatemala over unequal distribution of electricity after service was privatized, disproportionately impacting campesino and indigenous communities
- Government sees this group as a challenge to its authority

- **COPMAGUA: Coordination of Guatemalan Mayan Organizations**

- umbrella organization of Mayan organizations

# ECUADOR

Cañar





# ECUADOR

## 24 provinces:

- Ten in La Sierra: Azuay, Bolivar, Cañar, Carchi, Chimborazo, Cotopaxi, Imbabura, Loja, Pichincha, Tungurahua
- Seven in La Costa: El Oro, Esmeraldas, Guayas, Los Ríos, Manabí, Santa Elena, and Santo Domingo de los Tsáchilas
- Six in El Oriente: Morona-Santiago, Napo, Orellana, Pastaza, Sucumbíos, and Zamora-Chinchiipe
- The Galapagos Islands are their own province

## Towns in Cañar Province:

- Ingapirca
- Biblián
- Cañar
- El Tambo
- Suscal

# POPULATION

- Last census was in 2010; 2020 census on hold due to coronavirus
- Population of almost 14.5 million people as of the 2010 census
- 6.1 per cent of the population was recognized as indigenous based on language criteria
- Different sources estimate that the indigenous population actually accounts for between 35% and 45% of the population

# ECUADOR: WHO IS INDIGENOUS?

- Self-perception: Does the individual consider themselves to be indigenous?
- World vision
- Language
- Cultural experiences and practices
- Links to community
- Sociocultural affiliation
- Relationship to nature

# *MINGA*

- Reciprocity; “he who gives, receives”
- Communal work days: neighbors join together to help a person in need in their community; each member of the community is expected to contribute
- Organize small groups to carry out each piece of the project
- Money is never exchanged as part of minga
- Can be used for harvest, preparing land for planting, building a house, cleaning a common area, etc.

# *SUMAK KAWSAY*

- Living in connection to natural environment/Pachamama
- Harmony within communities, ourselves, and nature
- Incorporated into 2008 constitution; grants rights to nature, but developed without consulting indigenous communities
- It means more than typical interpretation of *buen vivir* or well-being: “These are not equivalents at all. With *buen vivir*, the subject of wellbeing is not [about the] individual, but the individual in the social context of their community and in a unique environmental situation.”-Eduardo Gudynas, executive secretary of the Latin American Center for Social Ecology in Uruguay, and a leading scholar on *Sumak Kawsay*

# CONSTITUTIONAL PROVISION: LANGUAGE

Title I, Chapter 1, Article 2:

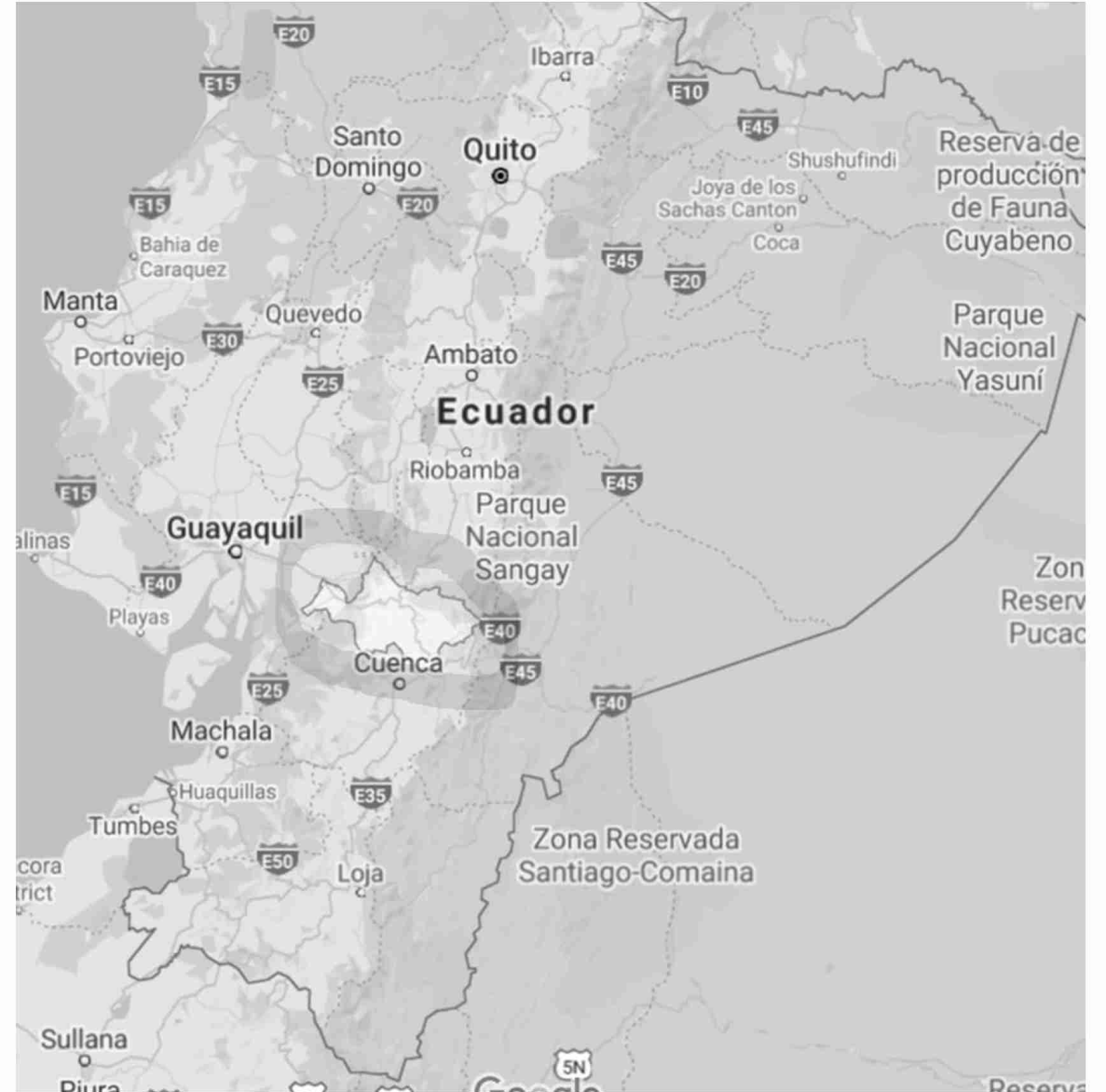
“Spanish is Ecuador's official language; Spanish, Kichwa and Shuar are official languages for intercultural ties. The other ancestral languages are in official use by indigenous peoples in the areas where they live and in accordance with the terms set forth by law. The State shall respect and encourage their preservation and use.”

# INDIGENOUS LANGUAGES IN ECUADOR

- Achuar chicham
- A'ingae
- Awapit
- Chá Palaa
- Huao Tiriro
- Paicoca
- Quichua/Kichwa/Quechua (most widely used, with many dialectical variations)
- Quichua de la Amazonía
- Sia Pedee
- Shuar-Chichan
- Tsa
- Fique
- Zápara

# CAÑARI HIGHLANDS

---





# THE CAÑARI

- Culture at risk of disappearing
- Original Cañari language was lost as a result of introduction of Quichua by the Incas and later Spanish
- Fulbright and OAS research grants to study and document Cañari culture
- Economic situation has caused many younger Cañari to migrate to larger cities or abroad
- The Cañari live in remote villages; the town of Cañar is the central hub and has a population of about 10,000, but those who live in town generally self-identify as mestizo, not indigenous



## THE CAÑARI (CONT.)

- Women wear traditional clothing
  - Brightly colored wool skirt (*pollera*)
  - Short wool cape over a blouse and sweater
  - White felt hat

# CAÑARI LANGUAGE

“We Cañaris have two languages—three, really. Of our original Cañari language, we have left only a few place names and surnames. Almost 60 percent of us speak Kichwa, the language of the Inkas, and a few Cañari words remain in use, such as the words for dog and water. It’s very important to maintain our Kichwa language while researching our original language. In this sense, we have demanded that the Ecuadorian government provide bilingual education [Kichwa–Spanish] especially in Cañar. Kichwa is a “complete” language, with a vocabulary of scientific names in mathematics, biology, chemistry, and philosophy. Mathematics is especially important to the Cañaris, who use a taptana [a small wooden board with circular openings for stones or markers] to add and multiply. In Ecuador, only the Cañaris use the taptana.”-Antonio Quinde, Anthropologist and Member of the Cañari Community of Quilloac, Ecuador

# QUICHUA LANGUAGE USAGE IN CAÑAR

- High school-age students: Study of 103 students in bilingual high schools indicated that 56% speak Quichua, 26% speak some Quichua, 18% do not speak Quichua
- Parents: 14% of parents speak only Quichua, 57% speak Quichua and Spanish, 29% only speak Spanish
- 87% consider it more important for a child to speak Spanish than Quichua
- Esteem Quichua language, but don't find it useful for life outside of their community
- Not all students are enrolled in bilingual schools because the quality of education is better in Spanish and there are no bilingual universities; if they don't have strong Spanish language skills they are shutting off possibility of higher education
- In Cañar, Quichua is most frequently offered as an academic subject as opposed to a truly bilingual education environment, and students are not fluent in Quichua when they finish the program

# MIGRATION

“Owing to the lack of disaggregated and culturally appropriate indicators of the socioeconomic situation of indigenous peoples, the multidimensional impoverishment of many indigenous communities has been ignored. As a result, many indigenous people have been forced to migrate to urban centres or to other countries, a situation that is aggravated by the unavailability or loss of land. **Those who emigrate face serious risks, including trafficking, violence and exploitation in the formal and informal economic sectors. In the province of Esmeraldas, the emigration of indigenous youth is a cause for concern. Indigenous adolescents from Cañar and Azuay are migrating on clandestine routes where they face serious danger.**”

–Special Rapporteur, 2018

# GANGS IN CAÑAR

High levels of migration mean that children are left with grandparents and other relatives when their parents go abroad

When money is not received from their family members abroad, adolescents reportedly form groups dedicated to theft and in some cases, gangs

Sombra Negra originated in Biblián, in the south of Cañar province

# ECUADOR: LEGAL PLURALISM

- Constitution includes provisions for indigenous justice for members of indigenous groups accused of committing violations in indigenous territory
- Still, most defendants were tried in the regular court system in 2019
- “The lack of progress in the implementation of legal pluralism, coupled with criminalization, is generating concern about repression, conflict and even extortion, as reported in San Pedro del Cañar. The Council of the Judiciary reported on several measures being considered to address this situation, including the setting up of truth commissions to investigate cases of criminalization and the signing of a cooperation and coordination agreement with the Confederation of Indigenous Nations of Ecuador.”-Special Rapporteur, 2018.

# EXAMPLES

- Criminalization of indigenous justice authorities for performing their duties
  - Kidnapping and aggravated kidnapping
  - Extortion
  - Damage to third party property
  - Abduction
  - Unlawful appropriation of public functions
  - Land trafficking
- “This reflects a lack of understanding, on the part of the ordinary justice system, of the legitimate practices and processes of the indigenous justice system. Reports were received of proceedings being brought against indigenous justice authorities in the provinces of Cañar, Cotopaxi, Azuay and Pichincha. Eleven indigenous authorities of the Justice Council of San Pedro Cañar are in prison.”



# CRIMINALIZATION OF INDIGENOUS LEADERS

- “Criminalization, harassment and violence against members and leaders of indigenous peoples have increased over the past ten years”
- “Criminalization has declined since the start of the new Government, but the abusive use of criminal law has not yet been properly addressed. **Violence, defamation, allegations and threats have continued against indigenous leaders who oppose extraction projects that are undertaken without consultation in their territories.** There are still problems with the definition of offences, even after the 2014 revision of the Organic Comprehensive Criminal Code. Concerns remain about criminalization arising from the exercise of indigenous justice and there are complaints about the criminalization of indigenous institutions, such as the indigenous guards, as well as ceremonial practices or traditional subsistence practices considered to be crimes against the environment.”

# CONSTITUTION: INDIGENOUS JUSTICE

## Title IV, Chapter 4, Section 2: Indigenous justice

“Indigenous right to self governance Article 171: The authorities of the indigenous communities, peoples, and nations shall perform jurisdictional duties, on the basis of their ancestral traditions and their own system of law, within their own territories, with a guarantee for the participation of, and decision-making by, women. The authorities shall apply their own standards and procedures for the settlement of internal disputes, as long as they are not contrary to the Constitution and human rights enshrined in international instruments.

International law: The State shall guarantee that the decisions of indigenous jurisdiction are observed by public institutions and authorities. These decisions shall be subject to monitoring of their constitutionality. The law shall establish the mechanisms for coordination and cooperation between indigenous jurisdiction and regular jurisdiction.”

# ISSUES FACING THE QUICHUA

- Some political power through the Confederation of Indigenous Nationalities of Ecuador (La Confederación de Nacionalidades Indígenas del Ecuador, CONAIE), segments of the population continue to face serious socio-economic challenges. In the highlands, Quichua farmers have been compelled by their worsening economic situation to earn their livelihood as day laborers in commercial agriculture or as seasonal migrant workers.
- Lowland Quichua continue to suffer from high rates of poverty, little access to education and inadequate health services. The growth of the eco-tourism industry has benefited the Quichua community to some extent. However, international companies without indigenous representation continue to dominate the tourism industry.
- Oil extraction in Napo Province on Quichua ancestral land: Quichua leaders have made clear their opposition to oil companies carrying out their activities on this land

