

Review

The role of competing authorities in shaping law and order after conflict in Guatemala

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This study analyzes the contested authorities that deal with land and criminal conflict in the Ixil Region of Guatemala. We studied the local laws, customs and actors governing the use of violence, conflict resolution and justice. Actors included indigenous NGOs, individual leaders (community and municipal), youth gangs, armed security patrols, and organized criminal networks. Findings suggest that the Guatemalan State competes for authority with alternative forms of governance in the Ixil Region of Guatemala. Specifically, control over violence and rulemaking are contested and negotiated across three institutional categories: methods of control imposed by local security groups and organized criminal networks; indigenous and constitutional law; and municipal, auxiliary and indigenous mayors. Our findings suggest that while violence may be reduced to the extent that these social networks overlap, weak rule of law will continue to negatively impact human rights and security in this region.

Key words: Conflict resolution, Guatemala, governance, law, alternative governance, organized crime, indigenous law, criminal networks, Derecho Maya, land conflict.

INTRODUCTION

This article documents and analyzes the relationships between the contested authorities that deal with land and criminal conflict in the Ixil Region of Guatemala. Interpenetration of crime and politics in Guatemala has produced what are variously called “alternatively governed” or “conflicted” spaces, of which the Ixil Region is one. Located within the Department of Quiché, this region was most affected by violence and displacement during Guatemala’s thirty-six year civil war. Adding to the insecurity caused by a weak post-war state, organized crime and commodity trafficking networks have expanded their operations through this area over the past two decades. As a result, the Guatemalan State competes for authority with alternative forms of regional governance including indigenous justice institutions, local security groups, and local and international peace building and human rights organizations.

Alternative governance is an analytical framework that expands the concept of governance beyond politico-legal systems to encompass non-state actors, including civil society organizations, criminal networks, and local security groups. Our research aim was to discover the combination of indigenous, informal, and official legal mechanisms used by communities in the Ixil Region to manage public security and handle land and criminal conflicts. Parallel legal systems operate in the region: police stations and district courthouses in municipal centers, an indigenous legal system operated by Mayan judicial practitioners in rural communities, and local groups that deal with crime and violence using both violent and nonviolent methods. In Ixil Region’s alternatively governed communities, types and levels of violence differ based on the specific constellation of actors.

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This article is organized as follows: First, is a presentation of the research methodology and the contribution of this project to research in conflict zones. Next is an explanation of the history of violence in the Ixil Region, and links the legacy of Guatemala's 36-year civil war to contemporary violent conflicts and local regimes of alternative governance. The notion of alternative governance is then fleshed out, and the mechanisms used by communities in the Ixil Region to manage public security and handle land and criminal conflicts are described. Finally, three sites of contested authority over violence and rulemaking in the Ixil Region were identified.

METHODS OF INQUIRY

This study adds to the body of social research in conflict zones. Guatemala is considered a 'post-conflict' context, but measured in homicides the rate of violence has doubled in the past ten years, eight times higher than the United States and, until recently, four times higher than Mexico.¹ The Ixil Region is located in the department of El Quiché which suffered the most violence of any department in Guatemala during the civil war and is still characterized by ongoing violence, serious human rights abuses, and impunity for crimes committed. Following Jennings (2007) and Boas and Kevin (2007), we conceptualize conflict zones as social spaces, "sites of continuity, destruction, adaptation, and innovation". Following Clunan and Trinkunas (2010: 17), we conceptualize Ixil Region as an alternatively governed social space, "contested spaces within and between states where other types of actors rule".

Viewing conflict zones as alternatively governed social space offers two advantages. First, this view reinstates agency to the people who live in them. The Ixil Region is a zone of chronic conflict, but the people and groups who live there are more than just victims – they also actively "cope with the concrete, immediate conditions of their lives in order to maximize the circumstances created by their military and violence environment" – what Honwana (2005: 49) calls tactical agency. Local communities are not simply stages where violence is "played out" by armed actors or is "experienced" by residents. They are better understood as sites of contested, negotiated governance where organized criminal networks and armed patrols play a governance role alongside local leaders and nongovernmental organizations.

Secondly, this view positions the Guatemalan state as a functional space (not solely a territorial space) highlighting serious capacity gaps that have created

functional holes in economic opportunities, social services, and rule of law (Farah, 2010). The concept of functional sovereignty distinguishes sovereignty over geographic space, from governmental control over functions within a geographic space (Tinbergen, 1976). Particularly in the Americas, the territorial nation state has been challenged by "transnational socio-economic exchange networks and transnational ideological coalitions which embody enormous transformational power" (Blatter, 2004). Microanalyses of these spaces can identify alternative governance structures by documenting relationships within and between armed groups, elite networks, and individuals (Jennings, 2007) as well as locally legitimate customs and institutions for managing public order.

The Ixil region is comprised of three municipalities (Nebaj, Chajul, and Cotzal) – broad administrative divisions with legal territorial jurisdiction over both urban centers and surrounding rural territory (Ferroukhi et al., 2004). Between June 2009 and August 2010 surveys and interviews were conducted with a total of 140 individuals, including representatives from the Quiche municipal and departmental government (including mayors, deputy mayors, police chiefs and officers, and judges); community members (indigenous and Ladino), governmental and non-governmental organizations, former members of armed patrols, and individuals with first-hand knowledge of armed groups and their operations. Interviews took place in Guatemala City, and within the department of El Quiché in Nebaj, Santa Cruz, Chichicastenango, Chicaman, Uspantan, Cotzal, and Chajul.

Interviews were jointly administered by researchers from the School of Peace Studies and the Institute of Peace and Justice at the University of San Diego, with a total geographic coverage of participants from twenty municipalities and more than fifty communities. Project staff worked closely with four local partners – Asociación para el Desarrollo Integral de Multiservicios (ADIM), Mercy Corps Guatemala, and the Barbara Ford Peace Center, and Center for Rural Development (CEDER) – organizations that helped obtain access to the wide range of individuals interviewed in this study.

Surveys and interviews were administered in two rounds: June 2009 and October 2009. The USD research team collaborated closely with local partners Mercy Corps and ADIM to finalize the survey items and select respondents for interviews. Each interviewee was also asked who they would recommend to be interviewed, in order to broaden the social network the team accessed. Respondents included representatives from the Quiche municipal and departmental government; community members, governmental and non-governmental organizations in Guatemala City, and within the Department of El Quiché in Nebaj, Santa Cruz, Chicaman, Uspantan, Cotzal, and Chajul. In addition, data collected in partnership with the Institute for Peace

¹With forty-eight homicides for every one hundred thousand people, Guatemala is one of the most dangerous countries in the Western Hemisphere. It sits within a regional conflict formation – the so-called "drug corridor" linking Andean producers via Mexican distributors to North American consumers, the last link in the chain of Central American countries through which nearly 90% of the cocaine consumed in the United States and Canada reaches Mexico via land, sea, and air.

and Justice Dialogue Project in Quiché² during June 2009 was analyzed for relevant information.

Violence, past and present

The Ixil Region is located in the northwestern portion of El Quiché Department in the Cuchumantanes mountains. The myth of the fierceness of Quiché and Ixil indigenous resistance, part of the narrative used by the Guatemalan Army to rationalize the brutality of its campaign in the 1980s, dates back to the Spanish conquest. The Spanish, with the support of Mexican indigenous troops, defeated the Quiché kingdom and subjugated the Ixil area in 1530 after a bloody six year campaign. Colonial administrators noted the difficulty of controlling this region given the dispersed populations.

The Ixil Region was relatively isolated up until the late 19th century when Ladinos (non-indigenous mestizos) from other parts of the country, Spaniards (as a result of Cuban independence) and Mexicans (as a result of the Mexican Revolution) moved into the region. These groups monopolized political power and accumulated wealth through land acquisition for the production and, in more modern times, the sale of coffee. The resulting shortage of land set in motion social and political mobilization in the region, supported in many cases by the churches, which eventually led to the formation of Marxist revolutionary armed groups in direct conflict with the Government of Guatemala, resulting in a thirty-six long year civil war.

The Guerilla Army of the Poor (EGP) used the Cuchumantanes mountains as bases of operations; as a result the department of El Quiché was host to the greatest share of violence of any department in Guatemala. Thousands of villagers were killed, tortured and disappeared, and the military employed a scorched earth policy to destroy hundreds of Mayan villages (Programa de Apoyo al Proceso de Paz y Conciliación (2008: 86). The Guatemalan Truth Commission documents a paradigmatic case of the Guatemalan Army surrounding and annihilating the village of Chisis, Cotzal in February 1982. The army killed up to 200 men, women and children, raping the women before murdering them and then burning the houses and cadavers, as part of a strategy of demonstration killings to impede civilian support for the insurgency.

The military forced the conscription of between half and one million men into the *Patrullas de Autodefensa Civil* or Civil Self-Defense Patrols (PACs). The Patrols were armed and forced to guard their towns against guerrilla incursions, or to repress the largely rural populations suspected of supporting the guerrillas. According to the Guatemala Human Rights Commission (2000) "Under the "Beans and Bullets" Program initiated by the de facto

²For more information about this project, please visit <http://sites.sandiego.edu/ipj/blog/category/in-the-field/guatemala/>.

Rios Montt government in 1983,³ "those who joined got food, seeds and machine guns - and those who didn't often got killed after being turned in by neighbors as suspected guerrillas".

The patrol system may have helped the government pacify the countryside, but it also deeply wounded the social fabric of communities that long operated independently from the government. Only pro-military forms of community organization were permitted, while patrol leaders could use their army backing to take advantage—politically, economically and even sexually—of other members of their village. The civilian participation in the violence forced many victims of state terror to live close to their victimizers, adding to the trauma of survival (Oficina de Derechos Humanos del Arzobispado de Guatemala, 1998: 134).

Generalized sexual violence was employed against indigenous women and has, until recently, never been addressed publicly.⁴ Local populations displaced by scorched earth counter insurgency efforts in the Guatemalan highlands, including the Ixil region, were confined by the military in "development poles" that exercised "social control over minimal daily needs, such as drinking water, electric lights and housing... (Schirmer, 1998: 65)".

[In "development poles"] the population lived in absolute dependence of the local army installations. The provision with food was dependent on "work for food" programs; villagers had to construct economic infrastructure (roads) necessary for the military's exploitation of natural resources (wood, oil, etc.). This system was not only a control mechanism but also aimed at the destruction of Maya identity through the loss of central mechanisms of organisation of communal life (land use patterns, ceremonies, etc.) and the mixture of different language groups (Kurtenbach, 2008: 16).

The civil war ended with the signing of Peace Accords in 1996, but levels of violence have increased in two decades since. Guatemalan "post-war" society is characterized by politically and criminally motivated violence and impunity for crimes committed. "Lack of accountability has created an environment in which violence is permitted, if not provoked, by the implicit guarantee of impunity...often [involving] past criminals who have been granted legal amnesty (Bellino, 2011)." Just as importantly, the belief that men are superior to

³Current public investigations of General Rios Montt focus on the violence inflicted on Ixil communities. See "José Efraín Ríos Montt queda ligado a un proceso por genocidio," *Prensa Libre*, 27 January, 2012.

⁴ See "Mujeres piden acción contra la impunidad," *Prensa Libre*, 3 March 2010, which documents a recent "Tribunal de conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado interno."

women is pervasive and powerful, played out in myriad forms ranging from everyday harassment on city streets, to the extremely high levels of domestic violence, rape, and femicide. With forty-eight homicides for every one hundred thousand people, Guatemala is one of the most dangerous countries in the Western Hemisphere (International Crisis Group Latin American Report, 2011).

The war left at least two extremely damaging legacies that drive present-day challenges faced by Ixil communities. One is a sociopsychological legacy consisting of painful experiences and traumatic memories that has resulted in widespread acceptance of violence as normal. A culture of war violence⁵ and impunity that became institutionalized in many Guatemalan communities during the war has persisted in the sons and grandsons of the war generation through contemporary involvement in armed groups.⁶ Put by the director of Caritas in Santa Cruz,⁷

...the history of armed conflict [is] in the people. The [violent] people are ex-PAC and children of the ex-PAC, who have the military ideal. While elements of violence are in a person, they won't accept dialogue. If one has the mentality of a warrior or is a descendant of that, it impedes dialogue [and] resolution of conflict.

A second legacy is that the Guatemalan government remains compromised by criminal elements – clandestine groups formed during the civil war, never disbanded, who now find profit and meaning from their involvement in the illicit economy. A network is so entrenched that it is known by the name CIACS (Illegal Corps and Clandestine Security Apparatus), it consists of active and former members of the military, government intelligence units, and think tanks with close ties to political parties. CIACS were formed during the civil war as networks of individuals from the military, police and justice system, and members of the licit economy. “Many had their origin in the web of relationships developed between security forces (legal and illegal) and other sectors within society (politicians, business people, and other civilians)” (ICG, 2011: 1) and infiltrated key justice institutions like the Public Ministry.

CIACS have evolved into organized criminal networks in the ‘post-conflict’ environment, profit oriented and tightly linked to political parties at all levels of society. Armed criminal groups have “incorporated into the state through networks that tie them together with civic actors, bureaucrats, and politicians” (Arias, 2010). Permissive and often complicit police have cooperated with

⁵UNESCO defined ‘culture of war violence’ as consisting of 8 rationales: belief that power is based on force, having an enemy, authoritarian governance, secrecy and propaganda, armament, exploitation of people, exploitation of nature, and male domination.

⁶Interviews, November 2009, Cotzal Quiche
⁷Field interview, November 2009.

traffickers (or acted autonomously) to facilitate the transportation of drugs, engage in robberies, extortion, kidnapping, arms trafficking and black market adoption rings (Lopez, 2010). This interpenetration of criminal and political worlds has resulted in alternatively governed spaces throughout Guatemala and has exacerbated ongoing land and criminal conflicts in the Ixil Region.

Dealing with land conflict and criminal violence

Ixil region as alternatively governed space

Land conflict and criminal violence are endemic in the Ixil region and are managed by alternative forms of regional governance including indigenous justice institutions, local security groups, and local and international nongovernmental organizations. Alternative governance is a relatively new theoretical perspective on the constellations of authority and power operating underneath, outside of, or in tandem with traditional models of governmental control. In the virtual world, such spaces include offshore financial markets and areas of the internet. In physical spaces, order and infrastructure are provided by combination of armed groups, elite networks, and individuals (Jennings, 2007) as well as locally legitimate customs and institutions (Patrick, 2010). The state is not wholly absent but is “at best one of the many competitors for authority” (Clunan and Trincunas, 2010: 228).

Given the weak reach of the democratic functions of the Guatemalan state, much of the Ixil Region may be defined as alternatively governed space characterized by lack of state penetration, lack for the provision of Constitutional guarantees, and inability to ensure the State’s monopoly on the use of force (Farah, 2010). Police stations and district courthouses in Ixil Region are generally concentrated in municipal centers, effectively denying the majority (sixty-five percent) rural indigenous population access to Guatemala’s official justice system, and negating the Justice Reform Commission’s recommendation that courts should be the epicenter for resolving conflicts and assisting victims (Commission On The Strengthening Of Justice, 1998).

Rural communities use customary Mayan Law or Derecho Maya, an indigenous legal system operated by Mayan judicial practitioners that has been in place in one form or another for hundreds of years. The rights of indigenous persons to use these traditional practices are protected in numerous national and international legal documents (International Labor Organization, 1989; Guatemalan Peace Accords, 1996).⁸ The case has been made that these parallel legal systems benefit indigenous Guatemalan communities by expanding access to justice through alternative methods of conflict resolution, and

⁸ These rights are also supported by Guatemala’s *Acuerdo Sobre Identidad y Derechos de los Pueblos Indigenas* and peripherally in its constitution.

“encouraging indigenous claimants to be more proactive in adjudicating their disputes, instead of allowing problems in the community to fester” (Endy, 2007).

However Derecho Maya is not without its own problems, including abuse of authority, gender inequity, arbitrary detentions, and violence (including lynching suspected criminals) by local communities frustrated with impunity. These dynamics are further illustrated in the paper which explores the combination of indigenous/local and constitutional mechanisms used by communities in the Ixil Region to deal with land conflict and criminal violence.

Land conflict

In the Ixil Region, much of the land is commonly held under the municipality in the form of *ejidos* or communal land which the State grants to a community, and on which individuals can obtain license to farm parcels. These municipal *ejidos* are not to be sold or divided, although in practice, it happens often. The municipal mayor has a great deal of power over access, and preference is often given to large corporations. According to a report by CEDER, much of Ixil region is currently “under the administration of the corporations who have the power to sell, cede, rent, donate, etc... large portions of the municipal land...” (CEDER, 2009).⁹ In addition, poor record keeping of land transactions by the municipal authority has reportedly led to double and triple titling of land, making verification of the validity of land claims and individual ownership difficult. Residents’ lack of awareness of rights and legal processes has also contributed to abuses of the *ejido* system.

There exists considerable lack of confidence and awareness about legal proceedings involving land conflict across all sectors of society. Of the participants in this study, sixty-one percent of civil society actors and fifty percent of governmental actors perceived the municipal judiciary (Justice of the Peace, tribunals, and Justice Centers) and key national institutions as corrupt and/or ineffective. Ninety-six percent of civil society and government actors reported no or extremely low levels of confidence in the application of justice by judges and tribunals in agrarian conflict. Correlating with this finding, most judges we interviewed reported they had little knowledge of the dynamics of land conflicts because such conflicts are not under their direct jurisdiction. In fact, lack of clear titling procedures was the most often mentioned driver of land conflict at municipal and local levels of governance.

Other recent studies have documented the details of the land management crisis in Guatemala (Badurek, 2007; Grandia, 2011). Essentially, Guatemala lacks clarity in national land registry (*catastro*) detailing ownership, tenure, location, dimensions and value of

⁹ Interviews (2010).

Parcels of land.¹⁰ A rudimentary registry (*Registro General del la Propiedad* or RCP) was created in 1877. However, the titles were handwritten in books that were open to the public (making it easy to falsify records) and were not kept up to date (Fisher et al., 1999). Over time, different governmental institutions assumed responsibilities for various aspects of cadastral activities, but lacked legal stipulations defining which institution had responsibility to regulate which cadastral activities. Currently, the vast majority of rural parcels are not registered.

Guatemala’s Constitution requires that each department contain a property registry and fiscal cadastral office, however only two exist in the whole country: one in Guatemala City and the other in Quetzaltenango, both prohibitively distant from the Ixil region. “While the offices do share information as necessary, each maintains its own set of records and is responsible for their safe keeping. Duplicate copies of each Registry’s books are not kept by the other” (Fisher et al., 1999). In addition, the majority of Quichelenses lack the resources (money, transportation, time and procedural knowledge) to reach these two registries when land conflicts arise.

Lack of reconciliation between ex-PAC members and returning refugees is also a source of tension over land. During the Civil War, many people became internally displaced or fled to Southern Mexico. When they returned, many found that their land had been awarded to ex-PAC members and soldiers as compensation for their loyalty to the government during the war. Due to the informal nature of land tenancy in rural Guatemala and the rapid departures many refugees had to make to save their own lives, very few of the returnees have formal documentation, and many of the old neighbors who could have corroborated a land claim have fled or been killed.

The ultimate result is that many returnees (who were often suspected of being more sympathetic to the guerrillas, prompting their departure) were forced to settle on a smaller portion of their previous parcel, which they may now share with a neighbor who served in the army or PAC (For example, La Pista is a suburb of Nebaj in which returned refugees have claims on land now occupied by people transplanted by the Guatemalan Army in the 1980s). These old rivals are prone to conflict, which is often manifested in petty intra and inter-familial disputes over property boundaries and markers, as well as over rites of passage for traditional trails and resource gathering areas.

The primary dilemma in resolving Ixil land conflict is the juxtaposition of a Western, Constitutional legal system – historically subject to class-based and economic discrimination, and lacking resources to measure and

¹⁰ In the United States, the Cadastral Survey within the Bureau of Land Management maintains these records for public lands, and individual states manage public and private land registration and ownership.

Register lands, as well as in interpreters to make it more accessible to the country's twenty-three linguistic groups – against the indigenous, rural system (or “Rights of Possession” regime) which relies on historical knowledge from community elders (often regarding cultivation and occupations relates to land ‘ownership’), verbal agreements and oftentimes, natural boundaries (called *linderos*) such as boulders, trees and other terrain features (called *mojones*).

Disputes are resolved differently in each system, and the jurisdiction of one over the other is contested in many cases. Some are resolved amicably among individuals, and in other cases the two legal systems come into contact. One man's story is illustrative of the complexity of land tenancy in the Ixil area.¹¹

“The gentleman was raised in the northern part of Chajul where his grandfather had brought the family in 1955 and settled in a valley on a piece of land that was divided informally among the grandfather and his three sons. When another settler joined them in the area, they eventually had to negotiate over a disputed section of their boundaries, which they did amicably amongst themselves. As the population in the settlement increased, documents were written describing the boundaries of each family's land, with local witnesses present. These documents were honored as valid by the municipality of Chajul. These were large pieces of land, which allowed the family to cultivate small portions of it, giving them sufficient to pass on to their sons. When Quiche immigrants came to the community, they eventually appealed to the national government to send surveyors to divide the land between the two groups. The area left the original valley within Quiche jurisdiction, but in face to face discusión, the Quiches agreed to honor the right of the original Ixil settlers. In both cases of dispute, the fact that these men had first cultivated the land was the determining factor in their favor. The government formally recognized the settlement as an aldea...”

Currently, local and international NGOs have entered into the gap between constitutional and indigenous justice systems, providing two main services: land mediation programs that resolve land disputes with binding agreements outside the municipal court system, and convening municipal and local authorities to jointly discuss land conflicts. An example of the latter, attended by our research team in 2010, concerned a dispute between the municipalities of Chicaman and Uspantan.

During the 1970's, the Guatemalan army took the liberty of dividing the large municipality of Uspantan into three parts to more easily manage and monitor the area, creating the new municipality of Chicaman. The army

never undertook a formal survey to delineate the border and as a result, fourteen communities that straddled the undefined boundary found themselves “like children without parents,” unsure as to which municipality they belonged and to whom they should look for services. The ambiguity caused confusion and perhaps willing exploitation - for example, the Vice-Mayor of Uspantan told us that the Uspantan municipal government provides services to the boundary communities, but Chicaman receives the government funding for doing so.

At the very least, the municipal governments were unsure for whom they should receive funding and provide services in the disputed boundary areas. In 2010, international nongovernmental organization Mercy Corps and Guatemalan Fundación PROPAZ convened a forum between representatives of the fourteen communities and municipal authorities. The meeting was successful in clarifying interests and putting a process in place for continued negotiation over the disputed boundary and resource provisions. We found it illustrative of the impact large NGOs can have in directing attention to key issues or levers that drive systemic social change (Ricigliano, 2012: 29); in this case, by pressuring officials to be more accountable to their constituents. Land conflict is ubiquitous in the Ixil Region, as in much of Guatemala. Problems include poor record keeping, lack of confidence in the formal justice system, general lack of awareness about laws relating to land ownership and registration, and intentional exploitation of the situation by actors ranging from municipal officials to multinational corporations. Mechanisms for managing land conflict include parallel legal systems – the constitutional legal system and the indigenous Mayan legal system – and third-party actors, typically international and local NGOs in partnership. We turn our attention now to another type of conflict in the Ixil Region – just as ubiquitous, and harder to manage.

Criminal violence

Criminal violence results from complex constellation of actors involved in the drug trafficking industry, the largest resource base in the region. Involved actors fall along a continuum ranging from external and transnational actors, to internal and local actors 1) External transnational criminal organizations (TCOs) are based in Mexico and Columbia, though we focus here exclusively on Mexico. Consisting of a sophisticated supply chain, Mexican TCOs oversee multiple aspects of the illicit drug trade including production, financing, exporting and selling their products in global markets.

With the escalation of violence in Mexico, Sinaloa and Los Zetas have moved production facilities further south into Guatemala and taken control of the country's drug trade (Dudley, 2010: 10, 12). Originally, both groups entered through alliances with Guatemala's traffickers,

¹¹Field interview, Antigua Guatemala (2010).

but have since assumed control over local territory. Guatemala's Counter Narcotics Special Prosecutor estimates that the Zetas operate in 75% of the country (Lopez, 2011), and they control trafficking routes in Quiche and the Ixil region. The Deputy Mayor of Uspantan told us, "the narco traffickers use Uspantan as a corridor [to the Mexican border] and we recently had many [violent] incidents created by organized crime."

Internal actors include Guatemala's clandestine networks (CIACS) that facilitate or direct criminal activities from inside the realms of official power (Adams, 2011), and the Guatemalan criminal organizations that interact with CIACS to carry out criminal activities. With regard to drug trafficking in particular, Guatemalan criminal organizations (GCOs) have played the primary role of domestic traffickers – *transportistas* – that receive, store, and transport drugs between South America and Mexico (Dudley, 2010: 10, 12). GCOs tend to be headed by families with regional control, including the Lorenzanas, Mendozas, Leones, the Ponce families in the East, the Zarceños along the Southern Pacific Coast, and the Chamalé network in the southwest (International Crisis Group, 2011). Others have been run by individuals, including Hearst Walter Overdick (arrested in April 2012) and Juan Alberto Ortiz Lopez (arrested March 2011).

Drug-trafficking organizations are deeply embedded in rural Guatemala and their degree of control over land requires the cooperation of municipal authorities (some more willing than others). The 1985 Guatemalan Constitution decentralized power over services to municipal governments, with the result that populations perceive municipal governments to be more politically relevant than the national government (Espach et al., 2011). A recent study of three communities in Guatemala concluded that non-corrupt municipal governments, authentically accountable to residents, were able to keep violence and crime at a minimum when they actively negotiated with local criminal networks, mediating between their interests and the needs of the community. Where municipal governments were corrupt and their stake in the public low, they played "a minimal role in relations among citizens, local businesses, and criminal organizations (Espach et al., 2011: 7).

Transnational and local gangs also operate locally. The two largest armed gangs in Mexico and in Guatemala are MS-13 and Calle-18 (18 Street). Bitter rivals, together they make up ninety-five percent of the gangs in Guatemala. Both gangs are structured as hundreds of loosely connected cells or *clickas*, with members towards the core heavily involved in violent or lucrative jobs (assassination, human and drug trafficking, kidnapping, money laundering) and peripheral members involved primarily in extortion and drug trafficking.¹² Local youth gangs also commit assaults and robberies in their own

¹²Field interviews, Felix Aguirre, 2011; Field interview, former DEA agent, 2011.

communities.¹³ These youth gangs are not initially affiliated with either transnational gang, though they may be recruited. The *Roqueros* gang, mentioned later on, is an example of this type of criminal youth group.

Communities in Ixil have not attempted to drive out drug traffickers, rather to limit levels of violence and prevent young people from joining MS-13 or Calle 18. We documented two operational groups – local security groups and unarmed citizens groups – oriented towards self-protection from perceived and actual criminal violence.

Local security groups or *juntas locales de seguridad* (hereafter JLSs) "are neighborhood and communal groups organized to protect their living area" (Argueta, 2010: 22). They go by various names, including "vigilance committees", "security patrols", and "citizen patrols". In Quiche, members are typically illegally armed and they run regularly scheduled patrols. They employ the threat of violence, if not violence outright. Some have links to organized crime, and some are simply reactivations of PACs, earlier discussed and officially disbanded since the signing of the Peace Accords. This study documented armed patrols operating in Cotzal, Santa Cruz, Cotzal, Uspantan and Nebaj.

JLSs were originally sanctioned by the National Civil Police in 1999 to address deteriorating public security, and under the coordination and supervision of the Subdirección General de Prevención del Delito (General Crime Prevention Subdirectorate).¹⁴ For Argueta (2010), they are simply the most recent manifestation of displacing of the state's security function to the citizenry which began during the civil war. Though the original intent was that the civil patrols would serve a community policing role, not unlike those popular in some US and European communities, patrol groups in Quiche either compete with or work separately from the National Civil Police (PNC). This dynamic was tragically illustrated in an incident that occurred three days after our interview with the Mayor of Cotzal, Juan Perez Chen, in the same building where our meeting took place.

The incident began when the son of PNC Officer Pedro Rodriguez Toma was picked up by the JSL for 'looking like a gangster' because he was dressed in black and had long hair, common characteristics of members of the local *Roqueros* gang. The JLS arrested the 15 year-old boy, cut off his long hair and detained him. The boy's father was informed of the situation and went, in uniform, to investigate. When Toma arrived, gunshots were exchanged in a heated confrontation with the leader of

¹³The number of youth members of youth gangs was recently estimated 14,000 in Guatemala by the United Nations Interregional Crime and Justice Research Institute (2007).

¹⁴Between 2001 and 2009, the number of JLSs increased from 231 to 1029 according to the Annual Report by the Community Relations Division of the National Police Department (2008) and Annual Report (2010), office of the High Commissioner for Human Rights, Guatemala, March 5, 2009, cited in Argueta 2010: 24.

the JSL, who was wounded in the thighs. The PNC officer was then captured by nearby JSL patrol members and detained in the municipal building. He showed signs of heavy torture and was badly disfigured when he was led out hours later by the members of the JSL. Mayor Chen addressed the crowd that had since gathered outside the municipal building, accusing Officer Toma of having tried to assassinate him. While the mayor incited the crowd in the Ixil dialect, Spanish-only speaking PNC officers on the scene could not negotiate for the release of their tortured colleague. Toma was doused with gasoline and burned alive with his family and thousands of community members watching.¹⁵

Public acquiescence during Toma's lynching may indicate deep insecurity and fear felt by local residents. Other scholars view contemporary lynching as a legacy of the civil war, during which "Peasants were often burned alive because this was the fastest and most economic way to dispose the greatest number of people in the shortest possible time without leaving a trace behind." (Fernández and Maria, 2004: 9)

Members of these communities were forced by the army to participate in acts of extreme cruelty which took on different forms. They were compelled to witness atrocious acts or made to execute them. The words of an inhabitant of San Mateo Ixtatán in the province of Huehuetenango illustrate what took place: "*The lieutenant said, "You know how to wield machetes," and he forced us to machete our own brothers. Some had their heads taken off, some their arms...In the end some remained merely as trunks, some did not die...Then they forced the men to dig a big hole to throw the bodies in. The corpses are still there.*"

Contemporary lynching is thus both a means of public security and social control stemming both from people's lack of confidence in police, judges and courts to ensure the rule of law (Avila, 2005), and as a reflection of violence undergone during the civil war (Fernández and Maria, 2004: 12).

Preventing lynching, both of police officers and suspected criminals, is one goal of the other type of actor we found working in the Ixil Region. We call them "peace and justice workers" or *trabajadores de paz y justicia* (hereafter TPJs). This type of group is unarmed, uses primarily restorative justice strategies, and engages with police and courts to achieve rule of law. These actors are oriented towards the application of Mayan law and order youth discipline and preventing criminality, and their methods range from *restorative* approaches through

¹⁵A common problem is that police officers often do not speak the local indigenous language and are unable to communicate with locals, as was the case here. These events were recounted to our team by three individuals present at the lynching, including law enforcement, a government agency, and a resident.

which harm is repaired by an offender in order to be restored back into the community, to *retributive* approaches through which punishment is used as a deterrent.

According to respondents, TPJs prefer restorative approaches to deal with youth delinquency.¹⁶ Efforts are sometimes organized through NGOs. For example, local NGO *Defensoria Indigena Waxaquib'Noj'in* San Pedro Jicapilas used Mayan peace circles to prevent involvement of local youth in MS-13 and Calle 18. However TPJs can also emerge spontaneously. In the town of Acul in Chicaman, a local youth gang had been running a stealing operation: project

...and so the people organized and parents themselves punished their own children [through application of] the traditional norms: they worked 45 days for the community, cleaning streets, and smoothing holes.¹⁷

TPJs were reported to have held formal judicial actors and institutions accountable, using nonviolent methods to press for improved public service. Recounted below is one example.

The 30th of April there was a demonstration because the police had done nothing with an assassination. The culprit, the people saw him and they told the police to intervene, and the police never came. The police are not authorized to go out to capture them at night. The next day, the parties went to the judge, who sent them to the Ministerio Publico. The judge's job is to give a judgment and they were told to wait at least a month. So the people organized and grabbed the guy that night *and they did not punish him. What they did was gather signatures and document the facts and the result was that the judge signed the order and they had to respect the communal authorities' solution.*¹⁸

Willingness to work in conjunction with municipal authorities, using non-violent methods, sets TPJs apart from JLSs.

To summarize, communities in the Ixil region handled drug-trafficking related violence in the presence of TCOs and gangs using a combination of methods, carried out by armed JSLs and unarmed TPJs. These methods range from Mayan dialogue processes to lynching suspected criminals. As with land conflict, both legal systems (Mayan and constitutional) are invoked, and NGOs are also involved in capacity building projects. The following section consolidates these constellations of actors to identify three sites of contested authority in the

¹⁶This may or may not be accurate and would be an appropriate question for large n survey research.

¹⁷Interview, Chicaman, June 2009.

¹⁸Interview, Nebaj, June 2009, emphasis added.

Ixil region, beginning with methods of imposing order that are used by both local groups, and drug-trafficking organizations themselves.

Sites of contested authority over violence and rulemaking

From a theoretical perspective, our findings indicate that the Guatemalan state competes for authority with alternative forms of governance in the Ixil Region including local cultural institutions, emergent security groups, trafficking organizations, and a plethora of local and international peace building and human rights organizations. According to Clunen and Trinkunas (2010), alternatively governed spaces involving non-state actors become threats to human security when armed actors control resources, rulemaking and violence. While trafficking organizations control the largest resource base in the region, control over violence and rulemaking are contested in the methods used by local security groups and criminal organizations to impose social order, between indigenous and constitutional legal systems, and between municipal versus auxiliary mayors.

Methods of imposing order

Criminal organizations in Mexico and Guatemala display degrees of anti-civilian behavior, driven by “extreme power dominance and subjugation, revenge, and collective punishment” (Slim, 2008: 122). This analysis has focused so far on Mexican transnational criminal organizations Sinaloa and Los Zetas. The latter uses brute force and intimidation to impose order by seizing territory and extolling taxes, while the former tends to use selective violence (no more merciful in its execution) alongside patronage strategies to assume positions of authority within local communities.

Unlike Los Zetas, Sinaloa TCO negotiated their incursion into Guatemala by setting up alliances with local traffickers, “buying land, building houses and co-opting local officials in the Copan, Santa Barbara and Cortés provinces along the Guatemalan border” (Dudley, 2010: 73). Sinaloa members have also co opted, killed or driven out smaller criminal enterprises.

Sinaloa seems more willing to negotiate with local traffickers. In Huehuetenango, this means Sinaloa has integrated itself into the local community as well as included it in some of the benefits: They give jobs, provide health care and fund local festivals... (Dudley, 2010: 12).

By contrast Mexican TCO Los Zetas, which lacked “popular authority of traditional narco families (which bought communities’ silence by building clinics or paving streets, using selective violence when needed)...took

territory by force” (Lopez, 2012). Los Zetas began as the military wing of the Mexican Gulf Cartel, but broke away in 2010 as its own organization. The organization has built a reputation for seizing territory and extolling taxes using extreme violence acts. In Guatemala, Los Zetas used such tactics to take over trafficking routes through Quiche and neighboring departments, staging massacres (Pachico, 2011), and killing or threatening municipal authorities including judges, prosecutors, and police (Lopez, 2012: 45; Cuevas, 2009, cited in Killebrew and Bernal, 2010).

The local TPJs and JSLs are very different from Los Zetas and Sinaloa in both scale and objectives. The unarmed *Trabajadores de Paz y Justicia* (TPJs) complement and work with municipal authorities. They deter through persuasion and active intervention with young people and their families. When organizations are involved, like Defensoría K’iche’, the explicit aim is to control community violence by preventing lynching. A respondent at the Center of Development (CEDES) in Nebaj contrasted the armed patrols in Cunun, Cotzal and Nebaj, with an “Awareness Campaign” (*una estrategia de sensibilización*) organized by community members in Santa Cruz del Quiche.

In the Department of Quiche, [local] gangs began to emerge, children who steal. There were very few deaths. But the alternative was to create something similar or akin to the Civil Defense Patrols (PACs). It is called Citizen Security Committees (CSC), but [the members are] dressed in black-capped ski masks...That's not security....Now the other thing they did well...is that in all the areas of Santa Cruz de Quiche people know who these problem boys [were] with their gangs and their caps. People came and talked with parents. Came and said "watch your child" and parents treated them [disciplined them]. "Please control the urge". And now things have calmed down.¹⁹

This respondent did not elaborate on the method of discipline that the parents used with their children. The retributive practices used by TPJs stop short of murder, however they do include a practice called *xicay*, ritual whipping as a form of public punishment and shaming before an offender is returned to their community. Naturally, great debate exists around the question of whether *xicay* as a constitutionally protected Mayan practice, or constitutes an indigenous form of torture.

Interviews revealed mixed feelings about the *Juntas de Seguridades Locales* (JSLs). Some respondents argued that they lacked the values and norms of professionally trained security forces and were not accountable to the community because they wore masks.²⁰ Many

¹⁹ Interview, June 2009, Nebaj, Quiche.

²⁰ Interviews, June 2009, Nebaj Quiche.

respondents also acknowledged that the armed patrols represented the local legacy of the civil war. As one respondent in Nebaj put it, "I fully understand that to have a gun was not directly the solution to the problems that we had been facing. It was not the solution. But...at least the youth is saying 'Look, the population is armed and what will happen to us?'"²¹

Another from Uspantan commented that the Vigilance Committee formed by the mayor "is the legacy of the war, the idea of carrying arms." However the same two respondents above and most others *also* believed the patrols had effectively increased public security.²²

"It took effect. And in Santa Cruz del Quiche, as here in Nebaj, one can walk until 11 at night and nothing is going to befall them...same in Quiche. In Quiche you can go out at 10 pm, 11 pm at night, go to the park, walk five blocks. You can go, sit on a bench, smoke a cigarette and nothing's going to happen to you."

Our respondents unanimously agreed that lynching is not an indigenous tradition²³ yet some of our respondents viewed lynching as an effective deterrent for crime. Even the director of an association of pastors reported a favorable impression of lynchings that had taken place in the Chijul village of Cunen in 2009.²⁴

There was a time when you travel, sure these criminals are going out on the road to rob, to rape women and all. Then Chajul took an attitude - they looked, watched and captured. They recognized who they are, brought their families, presented them to the families then burned them. And then from that month on, no more. There were no robberies on the road. It's been about six, seven years, and no more.

Indigenous and constitutional law

Lynching signifies the weakness of existing justice systems. Our interviews showed a broad consensus that neither constitutional nor indigenous justice systems are working effectively.²⁵ Courts are slow; prosecutors and judges are corrupted or under duress. Police are the least trusted institution in the Guatemalan state²⁶ and many officers actively participate in illicit markets. On the other

²¹ Interviews, June and October, 2009, Uspantan, Cotzal, & Nebaj.

²² Interviews, June and October, 2009, Uspantan, Cotzal, & Nebaj.

²³ However, debate exists over whether whipping is part of the *Derecho Maya* system.

²⁴ Interview, June 2009, Nebaj, Quiche.

²⁵ According to surveys administered by the Institute of Peace and Justice, with a geographic coverage of and the Barbara Ford Peace Center, which consulted a total of 96 persons (42 men and 54 women from 20 municipalities and more than 50 communities, and a total participation of 96 persons (42 men and 54 women).

²⁶ As reported by the U.S. Agency for International Development (USAID), Latin American Public Opinion, Project in ICG Crisis Report (2011).

hand, *Derecho Maya* is currently associated with violent and abusive practices. It is often poorly applied by under-educated local leaders who can be manipulated by criminal and armed groups to whip and lynch common criminals and young people suspected of belonging to local youth gangs. Each party points out the shortcomings of the other. A senior PNC (*Policia Nacional Civil*) official told us that "most of the rural people do not *know* the law...so they do everything with violence"²⁷, while a respondent at the Justice of the Peace in Santa Cruz Quiche argued that "people don't *believe* in the formal system. They use violence. But many want to use dialogue."²⁸

Mayan concepts and practices have been deformed by centuries of colonial repression and the targeted violence of the armed conflict, however they are continuing to change based on shifting realities, new knowledge and learning. As one expert noted,

Guatemalan judges in Quiché rightly protest that they simply cannot allow whippings of people in public. As for Mayan practitioners, there's a big debate about this...Over the past fifteen years of my involvement in these issues, I have witnessed Mayan communities evolve to a point where there is much more reflection about what constitutes authentic Mayan justice practice. Many Mayans now will say that they don't agree with the practice of whipping (Line, 2011).

The head priest of the Catholic Church in Nebaj also reported seeing an increase in the return to Mayan indigenous justice systems over the past decade.²⁹

At one point [communities] did not apply [the Mayan system of correction], they just used lynching. It's to say there was no patience or dialogue to investigate people, just straight to lynching. In the last 10 years or 8 years, little by little, slowly, we are trying the Maya correction system. And the people are also realizing that this isn't the road [to justice to whip people] the punishment that should be meted out. The Mayan community is flowering again. It's been much time, but many traditional things are emerging again from the Mayan people.

Local law and order is thus negotiated and constructed within and through relationships between local organizations, indigenous community members, and municipal governments. Notable local organizations include *Defensori'a K'iche'* and Association for Integrated Multiservice Development (ADIM). *Defensori'a K'iche'* is a non-governmental organization of Maya-K'iche

²⁷ Interview, Senior Official, Policia Nacional Civil (PNC): Supervisor of Nebaj, Chajul, Cotzal, Interview June 2009, emphasis added.

²⁸ Interview, Santa Cruz Quiche, November 2010, emphasis added.

²⁹ Author interview, June 2009.

community activists that provides legal aid and conciliation services and works to improve coordination between constitutional and community justice. ADIM is a local development organization that provides conflict mediation to rural communities. All three organizations intervene in community conflicts, seeking to prevent lynching as a form of conflict resolution. They apply the principles of Mayan law to convening dialogues and resolving serious disputes, including murders.

International organizations appear to have an additional broader interest in bridging indigenous and constitutional legal systems. In doing so, they legitimate indigenous legal mechanisms, constructing them as valid mechanisms of governance and intentionally connecting constitutional and indigenous practices. Explicitly aiming to prevent violent frontier justice in Quiché (and Alta Verapaz, Quiché's southern neighbor), Mercy Corps has directed a successful land mediation program—"Proyecto Tierras" – since 2003, resulting in over two hundred resolved land conflicts in Guatemala, benefiting over twelve thousand indigenous families and involving more than forty-seven thousand hectares of arable land. USAID's field office in Guatemala has also established mediation centers in indigenous Quichéan communities that resolve disputes using Mayan law principles when preferable to the disputants.

USAID also developed the concept of the Justice Center, "a new operational model [that] brings together police, prosecutors, judges, public defenders, local civil society, and private law practitioners to solve problems in a collaborative framework (Hendrix, 2003)." Again, this strategy for joint civil society and justice agency collaboration, including through Mayan law practices, has led to the prevention and resolution of hundreds of local cases in specific projects (United States Agency for International Development, 2004). Based on this initial success, the Institute for Peace and Justice (IPJ) at the University of San Diego and the Barbara Ford Peace Center are currently implementing a legal empowerment strategy in Quiché that expands relationships between civil society, including Mayan communities, and Constitutional justice agencies to ensure more responsive justice results. We expect this trend to continue.

Municipal and Auxiliary Mayors

Control over violence and rulemaking is also contested between municipal and local authorities, specifically through the office of the mayor. Though dating back to colonial times, the modern municipal governance structure in the Ixil Region consists of municipal and auxiliary mayors in the municipalities of Nebaj, Chajul and Cotzal. The municipal structure consists of an elected Mayor, the chief decision maker prescribed by Guatemalan law; the Justice of the Peace, the local

representative of the independent judiciary; municipality staff, directed by the Mayor and the police chief, who is assigned by the National Civilian Police (PNC). These offices are concentrated in the municipal centers, while in the villages, an auxiliary or indigenous mayor (*alcalde*) is chosen by village residents and authorized by the municipal mayor, to deal with issues related to their local communities. In practice, the Mayor's authorization may be subject to politicized criteria and auxiliary mayors not from the Mayor's political party have often received different treatment, and less project assistance, than the ones from the party in power in a given municipality.

Local *alcaldes* are envisioned by municipal actors as addressing minor problems and referring larger ones, including land conflicts and criminal violence, to the municipal and judicial authorities. Serious crimes (*delitos*, or the equivalent of felonies) are supposed to be referred by the Justice of the Peace to First Instance Judges. In the Ixil region First Instance Courts are located in Nebaj. However our interviews revealed that community residents have an order of preference for all conflicts that begins with local village (*aldea*) and indigenous systems.³⁰

Majority preference for local public security and conflict resolution practices is a composite of three factors, already well documented in previous studies. The first is basic lack of trust in national and municipal governmental institutions.³¹ As one respondent (echoing many others) told us, "the law is bought and sold...there is no legal justice." Another respondent offered, "Laws do not serve the interests of indigenous communities but to the interests of big business and elite groups."³² Another stated, "...we lose our lands and families because we can't defend ourselves [in the State legal system]. That's what the *Ministerio Público* has always done."³³

Instead, indigenous *aldea* authorities are trusted to monitor municipal and central government policy, advocate for indigenous people's rights, and promote the establishment and networking of separate indigenous peoples' municipal authorities. Each of the three municipalities (Nebaj, Chajul and Cotzal) contains hundreds of small villages, many of them far away from the municipal centers. Community or "*aldea* authorities are the ones who deal with conflict day to day...there are five or six conflicts in those communities every day [and]

³⁰ According to our interviews and data collected in partnership with the Institute for Peace and Justice Dialogue Project in Quiché during June 2009

³¹ Even Community Development Councils (COCODES), created to serve as an instrument for citizen participation and representation in local investment priorities, are corrupted by a patronage system stemming from municipal authorities. COCODES were created by Decree 11-2002 of the reform of the Law on Urban and Rural Development Councils. The perception, as one respondent told us, is that COCODES membership is determined not by elections within assembly (as stipulated by the Peace Accords) but "by a finger", adding "most municipal authorities want to own, train COCODES themselves according to their convenience".

³² Interview, former USAID official, Washington DC 2010.

³³ Interview, former DEA official, San Diego, March 2010.

they resolve them.”³⁴

There exists a *cultural* preference for nonviolent conflict resolution over the confrontational approach that indigenous respondents reported was often employed by the mostly ladino police and judicial officers, preferring to use dialogue, restorative justice practices, and community consultation instead. Some respondents expressed a preference that police should play a larger preventive role within communities, but believed their methods were counter-productive.

They intervene but when there is already a problem. When someone is already killed or hurt or kidnapped they get involved. But when they come there is more confrontation, no negotiation or dialogue.³⁵

In addition (already noted) official institutions are simply inaccessible for the majority of the indigenous population due to the costs of traveling to municipal centers where judiciaries are based. Numerous respondents also perceived the local police and judiciary as lacking the technical and institutional capacity to prevent crime and violence. This is not to say that the municipal officials are completely ineffective or inaccessible. The following field notes, taken during from an interview with the Vice Mayor and mayoral advisors conducted in Chajul (October, 2009) sheds light on the complexities of the municipal governance structure and its importance in the resolution of land conflicts. The research team traveled to Chajul to meet with the mayor’s advisors.

[We were] told there are up to a dozen of these positions in some towns. They carry staves that denote their status and they are ranked in importance, with the 1st ‘consejal’ being like a deputy mayor. The mayor was not around, but we met with 8 or 9 of the consejales and the ‘primer sindico,’ who is the man that does the actual investigation and mediation of land conflicts...However, because there was a group of angry campesinos outside who had walked since dawn to speak with the mayor, we were interrupted halfway through the interview to allow all 50 or so of the angry campesinos in to have their say. They complained about a road that had cut through their *milpa* and wanted to be remunerated for the damage to their fields and crops. After another half-hour of dialogue...the campesinos seemed satisfied, the interview resumed.

The office of the municipal mayor is expansive when considering the role played by multiple mayoral advisors, known alternately as “deputy mayors”, “vice mayors”, and “auxiliary mayors” – all different from the indigenous mayors located in the *aldeas* (villages). The municipal

Vice Mayor and staff in Chajul reported similar fragmentation between “municipal”, “auxiliary” and “indigenous” mayors, and the head of the Evangelical Pastors of Quiche told the following story about a community in Iztabal.

The community was unified, but now it is entering a division [because] the municipal mayor is not indigenous. He thinks he is the maximum authority, what he says goes. He puts in authorities who follow him. He imposes [local village] leaders who are loyal to him, as mayors...And he doesn’t consult anyone, he just elects who he wants...

So now the people got together and elected their own mayor. There are *two* [auxiliary] mayors now [one elected by the municipal mayor and one elected by the community], there are two committees...So now there is a serious confrontation [and] there have been clashes. In Parramos Pequeño, the two mayors wanted to do different projects and they got into a fist fight and bloodied themselves...

Municipal and local authorities often have different agendas. In Cotzal, this dynamic is expressed in an ongoing conflict over a proposed hydroelectric dam. In 2009, the Italian energy company ENEL signed an agreement with Cotzal’s municipal mayor began building the Palo Viejo hydroelectric dam on Mayan ancestral lands without the permission of local indigenous communities. The agreement was deemed illegitimate by local authorities and community members, because it had been reached without consultation with indigenous communities required by ILO Convention 169.³⁶ This is only one example of the contestation of authority between municipal and indigenous authorities.

The resulting system of governance is complex and dynamic, and involves social networks of nongovernmental and public organizations connected to each. According to the Director of the Comité Ejecutivo de Justicia, the process of land conflict resolution in the small towns of Santa Cruz.

The indigenous mayors are the first ones who are consulted, where they exist. When there aren’t any [indigenous mayors] they go to the auxiliary mayors. And when the issue goes further out of control, they call the departmental government and the municipality. Between them, they elaborate the issue, along with the [State] Secretary of Strategic Intelligence (SIE), Secretary of Strategic Analysis (SAE), COPREDEH and the PDH. They have all participated in the negotiation of land conflict.

³⁴Interview, November 2009, Santa Cruz Quiche.

³⁵Interview, June 2009, Nebaj, Quiche.

³⁶See the Center for Documentation of Ecological Conflict for a timeline of events related to this case.

GOING FORWARD

Alternative governance in the Ixil Region represents an accommodation in which communities and authorities muddle forward, though with significant negative human consequences due to the absence of the rule of law and accountable checks and balances for exercising authority within both the Constitutional and indigenous systems. In February 2012, hundreds of PNC and the military were deployed to Uspantán to recover three officers held hostage by the community of Regadíos for attempting to detain a community leader in a land dispute. Until a more effective architecture of conflict resolution is defined – or forged by local agents – the human costs of resolving disputes is likely to remain high in Quiché.

The architecture, as it stands, consists of overlapping networks of formal and informal actors. Although control over resources is largely dictated by organized crime, control over violence and rulemaking are contested between indigenous and constitutional law, municipal versus auxiliary mayors, and in the preferred methods of local security groups and criminal organizations. Consistent with social network analysis, we observed a level of short-term functionality when these social networks overlap (Granovetter, 1983). For example, local actors that are in contact with youth gangs, their family members, indigenous authorities, and the municipal justice system (TPJs) were more successful in preventing violence than those groups (JSLs) that are isolated from the formal justice sector (police, courts, judges). Programs that intentionally connected constitutional and indigenous practices have been more successful in settling land conflict non-violently than the national government's institutions (Hendrix, 2003). Municipal authorities who are authentically accountable to residents, and whose social networks overlap with local and international NGOs, appear less likely to foment community violence.

Action by the new Mayor of Cotzal, the Justice of the Peace, and civil society provided the best example we can offer. A few years after the lynching of Officer Toma, the new Mayor has declared Cotzal to be a zone of peace, and the Justice of the Peace has sought the support of the Legal Empowerment Project (conducted by the Institute for Peace and Justice and the Barbara Ford Center) to train auxiliary mayors and youth on justice standards.

Going forward, the predominantly Mayan communities of Quiché will continue to seek to articulate standards of justice in terms of their own cultural concepts. Communities in the Ixil communities region will continue to handle conflicts and negotiate public security in the presence of TCOs and gangs using a combination of methods. To understand how they may evolve in the future, we must continue considering both institutions and their practices, studying how their norms and values are reconstituted over time, perhaps through intentionally

supported efforts to rediscover historical traditions of restorative justice practices and expanding local, non-corrupt mechanisms that bridge civil and judicial sectors.

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