Land and peace in Guatemala

Rally for land, Guatemala, 12.10.01

The "La Perla" Farm is not the only one that has valleys and hills in Quiche's mountainous landscape. In Ilom village, an impoverished settlement inhabited by the ixil people, traditional garments with many bright colors abound. The story of Ilom is that of a people that has always been seeking peace, and that of an area, in which we can witness the eviction of an indigenous people from their ancestral lands. Today, there are 400 Ilom families who do not own enough land to feed themselves adequately. According to the Land Registry office, the community's land comprises some 1,400 acres of which a mere 10% can be actually accessed by the people. The privately owned "La Perla" farm just next to the community property comprises 6,000 acres, the double amount of what is reported in the land registry. The history of a people's plight can be studied in Ilom: the eviction from their lands, the terror of the army and paramilitary groups, the massacres, the disappearances of people and a policy of violent acquisition of land. In Ilom, peace has not yet reached the countryside.

The struggle for land

The problem of evictions and unfair land distribution has been existing for a centuries in Guatemala and has its origins in the Spanish invasion and conquest and the imposition of agricultural systems aimed at export - such as coffee production - from the late 19th century. The first serious attempt of modifying this economic model was the revolution of 1944 to 1954, with its main achievements being the introduction of the Labour Code and Agrarian Reform through the government of Jacobo Arbenz. In spite of its short life span, the reform achieved the redistribution of about 20% of total agricultural land to the benefit of some 24% of the population. Opposition to this policy came from those who had been profiting from the system of domination. Those circles orchestrated the overthrow of the Arbenz government in June 1954 in order to protect the interests of large landowners and the US banana multinational "United Fruit Company". Nearly all beneficiaries of agrarian reform were expelled from their recently obtained land, which was given back to the previous owners.

After 1954, the Government of Guatemala developed a program for the distribution of government owned land as a measure of counter-reform. The program was essentially aimed at pacifying the indigenous and peasant population. Very few of the peasants who owned little or no land benefited from these programs; most of the best land fell into the hands of rich land owners and army officers as a result of the registration of national and unused land.

Due to the deterioration of the level of life that most rural communities experienced, guerilla organizations emerged in the 1960s with the aim of mobilizing the peasant population in order to create a radical restructuring of Guatemala's society. During the 60's and the 70's the only response of the governments to the peasants and indigenous demands was repression. The army and related death squadrons were responsible for eliminating not only guerillas but also hundreds of villages. In 1978, the repressive policy was intensified and a scorched earth policy introduced: soldiers razed entire communities to the ground and murdered peasant and indigenous leaders. Expelled from their former villages, the surviving population had to flee to the mountains or was relocated to new villages controlled by the army. According to the Historical Memory Report, 36 years of armed confrontations left 200 000 murdered, a million internal and external refugees, 100 000 widows and 420 villages destroyed.

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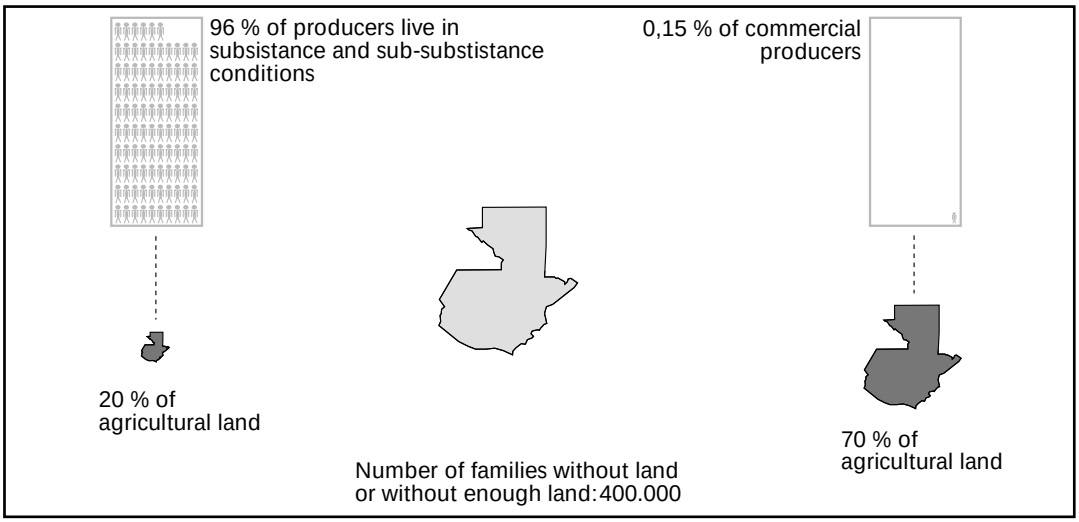
The land issue in figures



Source: Ministry of Agriculture, Cattle and Food, 1998.

The Peace Treaties

On December 29th 1996, the government and the guerrilla signed a Peace Treaty in which they agreed that the respect and fulfillment of political, cultural, economical and spiritual rights of all Guatemalans should be the basis for coexistence reflecting their nation's diversity. The peace treaties, especially the Socioeconomic and Agrarian Treaty, the Identity and Rights of Indigenous Peoples Treaty and the Resettlement Treaty, underline the fundamental role that land has in the peace process. The treaties establish that an integral strategy must be created in order to facilitate peasants' access to land and other productive resources and that changes in land use and ownership are necessary.

During negotiations related to the Peace Treaties, the government at the time, PAN, imposed its neo-liberal proposal in the definition of agrarian policies and programs and implanted the land market as the central mechanism for achieving the transformation of land use and ownership. This proposal was evidently influenced by the "market-assisted land reform" model, promoted by international institutions such as the World Bank. It includes several elements of which the following stand out: strengthening of property rights (registration, regularization, legal reform), the resolution of conflicts, land access through voluntary buying and selling, property and unused land taxes, decentralized training and technical assistance incorporated into the private sector. The only elements that diverged considerably from the land market policy were the demands contained in the Peace Treaties of restituting lands that had been appropriated by the military and politicians in the Transversal Strip of the North and Peten, the restitution, compensation and demands for the illegal appropriation of land owned by peasant and indigenous populations and the regularization of lands handed over by the government since 1970.

Guatemala is a signatory state of the International Treaty for Economic, Social and Cultural Rights, the ICSECR. According to article 11 of the Treaty, the Guatemalan Government is obliged by international law to guarantee access to productive resources, especially land, so that vulnerable social groups such as peasants without land may fulfill their right to feed themselves.

As consequence of the bloody repression carried out during four decades in order to stifle all efforts in favor of agrarian reform in Guatemala, land redistribution continues to be an extremely delicate political issue. The President of Guatemala, Alfonso Portillo said: "Guatemala's greatest problem is land, do not take this as boldness, but in this country, with no agrarian reform the problem will not be solved".

The Governments agrarian policy

One of the main programs that emerged from the peace treaties is the Land Fund "FONTIERRAS". Its main job is to facilitate access to land through credits for voluntary purchase and sale, and at the same time help with funding programs and technical aid to men and women beneficiaries in order to start producing on acquired land.

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Even though the fund has made considerable efforts, its work has ecountered certain obstacles: the paperwork in order to access the fund requires the beneficiary to have a minimum of formal education and income, which excludes uneducated groups. Low quality land is offered and over-valued and large landowners take advantage of this to get rid of marginal land. Also, subsidies are provided behind schedule and used to paying debt and not to guaranteeing food security and capital necessary for a productive project. Added to this is the lack of technical assistance and basic services, which has caused the some beneficiaries to give up. The chances of developing productive projects are very limited. Additionally, debt leads the beneficiaries to believe they will not be able to overcome their poverty. Apart from that, FONTIERRAS has structural problems: On one hand, their current budget is not enough even for the requests that have been presented; on the other hand, the land on sale is rare and very expensive.

Five and a half years have passed since the agreement was made for restituting land from the Northern Transversal Strip and Peten and the government has still not made a decision that will ensure the fulfillment of this obligation. The program for regularization of land allocated by the government (that will give security of tenure to thousands of communities in the northern area of the country) lacks funding and its regulations are not adapted to the reality of the communities.

The other pillar of land policy rising from the Peace Treaties is CONTIERRA, the Presidential Branch Office for Legal Assistance and Conflict Resolution related to land. Its intervention in conflict is mainly in two areas: Legal assistance and mediation without legal repercussions in the resolution of conflicts. According to institution records, CONTIERRA, up to November 2000, had received 910 cases of which 411 were being investigated and 132 were in the process of being solved. During the first half of 2001, 390 cases were attended to of which 108 were concluded. However, "concluding a case" can also mean its referral by CONTIERRA to other instances. During May 2002, the new Agrarian Affairs Secretariat was created which was integrated into CONTIERRAS and the Land Registry with the objective of acknowledging the political importance of the agrarian issue and promoting further coherence among government institutions in charge of solving land conflicts and security. The correct advance in relation to the effective resolution of agrarian conflicts in the country must be analyzed.

With regards to indigenous peoples' rights over their lands, international laws that apply in Guatemala clearly establish the right of property and possession of indigenous peoples over lands that they have traditionally used, and their protection. The Guatemalan government and parliament, however, have not yet reformed national legislation allowing indigenous peoples to effectively exercise their rights on their lands. Most of the indigenous populations live in discriminatory conditions, in great poverty. Social exclusion for indigenous peoples is reproduced in the coverage by public services, as for example, the limited access to potable water, sewerage, electricity, education and health services.

Similar is the situation of rural women's human rights. Most of them are victims of multiple forms of discrimination: for being a woman, for being an ethnic Indian and for being poor. Many times, economic exclusion can be seen in the access to agricultural property and other productive resources. Even though the law foresees property of the couple (husband and wife) on appropriated lands, reality shows that in the access of land through FONTIERRAS as well as in resettlements of displaced communities this concept of co-property has not been put into practice. On the other hand, women in the rural areas have not been acknowledged as workers, but as collaborators of work carried out by men, therefore they do not receive income on these activities. It is very important, therefore, to reform art. 139 of the Labour Code in order to overcome this evident and massive discrimination of female agricultural workers.

A people without land is a people without peace

The intense and prolonged armed conflict destroyed a great part of Guatemala's social fabric. In the past years the agrarian situation has been worsened due to the failure of the export-oriented agricultural model, the increase of poverty in rural areas, the lack of productive alternatives for employment generation and the increasing agrarian conflict due to erroneous public policies for solving the demand for lands and other productive resources. In spite of all the troubles they have endured throughout their history, peasant communities and indigenous peoples do not give up. Since the mid 80's the peasant movement began a restructuring process that has led to a diversification of the struggle for land including new elements such as the struggle for identity of indigenous peoples and rural development. The different peasant movements and other sectors of civil society have joined together in the National Coordination for Peasant Organizations, as well as the Agrarian Platform. The Global Campaign for Agrarian Reform supports the demands of these movements, of which the following are the most important:

- Restructure the Land Fund. FONTIERRAS is incapable of giving all families access to land. Due to its limitations the Land Fund cannot be more than a complementary element of a wider agrarian policy that also includes redistribution measures of land based on expropriation and confiscation of land.

- Implement mechanisms for restituting land that had been taken away, especially in the North Transversal Strip and Peten, as well as compensation and restitution of historical rights on land.

- Give the new Agrarian Affairs Secretariat, especially its institutional member CONTIERRAS, the legal and political competence and necessary resources for imposing solutions in specific conflicts using government authority through a coherent, efficient and sustainable institutionalism and legislation.

- Legally guarantee the right of possession of peasant and indigenous community land through the prompt adoption and implementation of the land information registry law.

- Reform national legislation in order to implement international regulations that secure indigenous peoples' rights on their lands.

- Guarantee the same opportunities for women in access and ownership of land. Reform national laws in order to achieve legal recognition of their work.

- Ensure the fulfillment of employers' obligations as well as the implementation of the decisions of Labor Tribunals and that female and male rural workers rights are strengthened. This implies a revision of the Labour Code, the administrative authorities at work and penalization for not fulfilling labour obligations.

- Seek a short-term solution to agrarian conflict and coffee reform as well as proposals for rural development by the aforementioned institutions.

- Begin a wide debate among different sectors of civil society, of the government and the international community on the need of an Integral Agrarian Reform, starting from the obligation of the Guatemalan State to fulfill the Human Right to Feed Oneself as an essential part of a sustainable and inclusive rural development policy.

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Fian (Food First Information and Action Network): For the Human Right to Feed Oneself
FIAN is the International Human Rights Organisation working for the right to feed oneself. FIAN was founded in 1986 and today has members in over 60 countries world wide. FIAN's aim is to contribute in the whole world to the implementation of the International Bill of Human Rights.
FIAN works in particular for the right to feed oneself of persons and groups threatened by hunger and malnutrition.

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La Via Campesina: For the right to produce and for food sovereignty
Via Campesina is an international movement coordinating organizations of small and middle peasants, agricultural workers, rural women and indigenous people in more than 65 countries in the Americas, Asia, Africa and Europe. The main aim of Via Campesiona is to develop the solidarity and unity in diversity between rural organisations in order to promote economic relations based on equality and justice, the defence of their lands, food sovereignty, and a sustainable agriculture based on small and middle producers.