

A History of Land in Guatemala:

Conflict and Hope for Reform

By Lisa Viscidi | September 17, 2004

In rural Guatemala, poor mostly indigenous farmers scrape a living off the nation's poorest soils while wealthy plantation owners reap the benefits of an agricultural system based on international exports and the exploitation of cheap labor. Guatemala has one of the most skewed land distribution patterns in the world, and the second-most inequitable in Latin America; roughly 2% of the population owns 70% of all productive farmland. This has led to fierce and often violent land conflicts between poor peasant farmers and a powerful landed elite that maintains dominance through close ties to the government.

A Long History of Land Conflict and Inequality

Guatemala's inequitable land distribution system is rooted in the Spanish conquest, when land seized from the indigenous populations was granted to colonizers. The Spanish usurped the nation's richest soils and exploited the indigenous labor force in order to sell products such as sugar and cacao in European markets. Indigenous farmers were relocated to the most unproductive farmlands, where they barely survived off of subsistence farming.

Independence from Spain in 1821 brought few rewards to Guatemala's rural indigenous population. The emerging class of wealthy *ladinos* (Spanish-descendants) gained increasing control over land and labor. Coffee became the nation's largest export, and a powerful elite of coffee growers forced small farmers to abandon their lands to further agribusiness interests. As communal land tenure disappeared and export crop growers forced indigenous villagers to relocate to less productive highland areas, many peasants were compelled to migrate to coastal plantations in search of work.

Land ownership became increasingly concentrated until Guatemalan President Jacobo Arbenz initiated the Agrarian Reform Law. The 1952 law called for the expropriation of mostly idle lands from large plantation owners to be redistributed to poor farmers. The reform benefited an estimated 100,000 families, and threatened the holdings of large landowners and powerful foreign companies, especially the North American-owned United Fruit Company.

Under the guise of combating communism, the U.S. government ordered a CIA-orchestrated coup to oust

Arbenz in 1954. The democratically elected president was replaced by a U.S.-backed general who annulled the majority of the land expropriations, returning the territory to its previous owners. In the following decades a civil war ensued, pitting military dictatorships against a leftist guerrilla insurgency. The best lands were rewarded to military officers and rich land-owners tied to the military regimes, thus cementing the system of inequitable land distribution.

Indeed, land ownership was one of the most contentious components of the 1996 Peace Accords. The Accords stressed the government's commitment to rural development and emphasized the state's duty to provide land to peasant farmers. Recognizing the historical social and economic exclusion of the indigenous population, the Accord on Indigenous People's Identity and Rights specifically mentions the importance of providing state lands to indigenous communities. The stipulations of the accords, however, have yet to be implemented, and Guatemala remains a panorama of inequality and poverty—the same ills that have devastated the nation since the Spanish conquest.

Agrarian Problem Today

Today, Guatemala has the largest rural population in Central America—over 60% of its inhabitants depend on agriculture to survive. Yet available land is shrinking as rural families grow and expansive tracts devoted to export agriculture are concentrated into fewer hands. The United States and international institutions such as the World Bank have pressured Guatemala to employ an agricultural export model that allows multinational food corporations and wealthy *finca* (large plantation) owners to reap the benefits of the country's rich agricultural environment



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Demands of the Agrarian Platform

Reform the FONTIERRAS Land Fund to ensure that lands can be purchased on the market at fair prices.

Obligate employers to respect labor rights, including payment of wages. Currently, court orders requiring employers to pay money owed to peasant workers are often not enforced. Expropriation of plantations where the employer has violated labor laws for two years or more.

Return abandoned and communal lands to their rightful owners. This includes recuperating lands illegally occupied during the armed conflict. Lands abandoned by migrants and the internally displaced as a result of the war should also be returned.

Respect labor rights for women. Legal recognition to women and recognition of their role as agricultural workers, independent of their position as mothers or of their civil status. Women should be recognized as workers with labor rights, not assistants in agricultural work. Modify Article 139 of the Labor Code to require employers to provide a formal contract with female workers to guarantee that they receive legal benefits and privileges such as maternity leave.

Oppose the Central American Free Trade Agreement. We reject the signing of the Free Trade Agreement with the United States (CAFTA). Agricultural producers should remain outside of any agreement. This is the only way to defend the interests of small farmers.

Secure property rights. Create a national property registry that documents all land ownership in Guatemala.

Address land conflicts. The Supreme Court of Justices should fairly resolve the huge backlog of land disputes presented before them. To date the state has made little effort to do so.

Tax or expropriate idle and uncultivated lands. Expropriation of abandoned plantations, the immediate application of a tax on idle lands, and cancellation of unpayable debts for beneficiaries of FONTIERRAS.

Promote small farmers. The government should support small farmers to ensure food security and develop export capacity.

Use state resources to promote rural development. The state should provide technical assistance and infrastructure to small farmers. This proposal will cost a total of 928 million quetzals, requiring a 50% reduction in resources assigned to the Defense Ministry to finance it. Government resources must be used to benefit the thousands of rural families that suffer from hunger.

and cheap labor source, while the majority of the population survives on tiny subsistence-oriented plots.

On the steep slopes of the Western Highlands, where most subsistence farms are located, intensive land cultivation has led to soil degradation. Rural families suffer from severe malnutrition and inadequate living condi-

tions; more than half lack running water and electricity. Illiteracy also plagues rural communities, where financial constraints prevent many children from attending school.

Rural poverty has led to an increase in migration. Many farmers must supplement their harvests by working as seasonal laborers on large coffee, banana, and sugar plantations on the southern coast while others have migrated to urban areas in search of wage labor. However, according to Jose Luis Aguilar of the Pastoral de la Tierra in Quetzaltenango, migrants often encounter worse conditions in urban areas: “They lack the resources to buy land or houses, so they go to marginal zones where there is a lot of crime, delinquency, and drug trafficking. They live in truly horrendous conditions.” More recently, many poor farmers have chosen to migrate to the United States, and funds sent home from workers in the U.S. are many families’ only means of survival.

Impediments to Accessing Land

To combat rural poverty, the peace accords established a land market system, where land was to be accessed through voluntary buying and selling. In addition, the Accords recommended legal reform to ensure property rights and taxation of all property—including unused lands. The government land fund FONTIERRAS was established to facilitate poor farmers’ access to land. The fund offers credit to peasants to buy idle state lands or private *fincas* sold on the market, while simultaneously providing technical assistance to its beneficiaries to make acquired lands productive.

However, the market system has been largely ineffective, and lands have not been adequately redistributed. This is due in part to large landowners’ tendency to sell low-quality land at inflated prices, forcing peasants to incur a crippling debt, which they find impossible to repay. Aguilar notes that “it is difficult to implement productive agricultural projects because many times the *fincas* are in poor conditions or they do not have infrastructure such as schools, roads, and electricity.” Farmers must use all their income to repay the debt rather than invest it as capital to make the project productive. Many have thus been forced to abandon the land or return it to the government.

In addition, FONTIERRAS suffers from a severe lack of finances. Its budget is too small to purchase all the lands requested and hire personnel to provide technical assistance. According to the United Nations, current budget

levels would allow FONTIERRAS to adequately meet approximately 5% of the claims of landless families.

Without the help of FONTIERRAS, it is practically impossible for peasants to enter the land market because most lack sufficient savings to purchase large tracts of land. In addition, as Guatemala does not have a well-established property system, many who do possess land have no legal documentation to prove ownership. Guatemala is currently the only country in Central America that lacks a national property registry that accurately covers all landholdings, and some estimate that over half of Guatemalan landholdings are not currently registered. In many cases, several titleholders claim the same land, which often leads to fierce land disputes.

The current government has indicated a desire to resolve the issue of property rights, and in May a group of congressional representatives presented a proposal to create the Land Information Registry. The new bill, which has yet to be approved by Congress, is a version of the Cadastre Law negotiated by the government and civil society organizations during the Peace Accords. The new legislation, however, was crafted without consulting peasant organizations and has no mention of the 1996 Accords. Peasant groups oppose the bill on the grounds that it reflects the interest of large landowners and does not address the needs of most small farmers.

In recent years, the land crisis has been exacerbated by a global “coffee crisis,” which began in 2000. Coffee prices in Guatemala and throughout Central America have plummeted since Asian countries, especially Vietnam, have begun producing large amounts of coffee at lower prices. Coffee plantations throughout Guatemala have since halted production, resulting in rampant unemployment in the countryside. The International Coffee organization calculates that nearly 500,000 direct jobs have been lost in Central America because of low coffee prices in the past two years. Farmers who traditionally migrated from their small plots to seek jobs harvesting at plantations now find that there is no available work. Industry other than agriculture barely exists in rural areas. As workers are dismissed, they are also expelled from their homes and the land they have cultivated for decades.

Poor Peasant Farmers Retake the Land

With no other means of survival, evicted families frequently retake the land. Increasingly desperate groups of poor farmers have taken to occupying idle lands or refus-

Organizations involved in the Agrarian Platform: (from their proposal *Abriendo Brecha*)

Association of Sololatecos United for Integral Development (ASUDI)
Association for Integral Development in Quiche-Kumool (ADIQK)
Communities of Population in Resistance of the Sierra (CPR-Sierra)
Coalition of Organizations for the Development of Colomba (CODECO)
Coalition Marquense Madre Tierra Nan Tx' Otx'
National Indigenous and Peasant Coalition (CONIC)
Movement of Farmworkers of San Marcos (MTC)
United Peasant Movement Genova-Flores (UMCAGEF)
Association for the Advance of Social Sciences (AVANSCO)
Center for Legal Action on Human Rights (CALDH)
Madre Selva Collective
Foundation Manuel Colom Argueta
Interdiocese Pastoral of the Earth (Quetzaltenango, Quiche and San Marcos)

ing to vacate plots they have traditionally cultivated. In most cases of land occupation, peasants are pressuring for the payment of their wages or the right to cultivate the terrain from which they were evicted. Peasants are often forcibly removed from the land by police or landowners' private security forces. Since President Oscar Berger took office in January, the number of evictions has increased, to 41 so far this year. The National Civil Police have set fire to crops, burned houses, and murdered peasant leaders and rural families. Many peasant families have been left homeless as a result.

During his political campaign, Berger promised to prioritize agrarian problems, but has offered no concrete land proposal and has not suspended evictions as promised. Peasants groups do not anticipate radical agrarian reform, given the president's close ties to *finca* owners.

The Agrarian Platform

In light of the state's virtual silence on this pertinent issue, several peasant, indigenous, religious, and human

rights organizations across Guatemala have formed the Agrarian Platform, a group of non-state actors that has proposed sweeping reforms to Guatemala's land tenure system. Central to this coalition's analysis is a condemnation of the centuries of exploitation that Guatemala's poor indigenous majority has endured and the resulting unequal distribution of land and wealth.

The Agrarian Platform proposes to reform the market-based land distribution system to make land accessible to poor farmers. Its members advocate the redistribution of land by expropriating estates taken illegally during the armed conflict and taxing idle land to obligate landowners to create jobs or give the property to landless agricultural workers. In the interest of promoting sustainable rural development, they propose that the government provide technical assistance, credit, and market information to small farmers to enable them to produce for sale rather than just subsistence.

In addition, the Agrarian Platform is pressuring the government to secure property and labor rights. They advocate a national land registry to ensure proof of property ownership and legislative reform to guarantee the fulfillment of employers' obligations.

Unfortunately, the government has not been very responsive to the proposal, claiming that it represents only a small sector of society and not the interests of the peasant population as a whole. Aguilar and others see this as a mere excuse not to implement the much-needed reforms. Aguilar holds that "the agrarian conflict in Guatemala is an historical conflict, and the majority of the governments haven't been interested in resolving it. The governments have been manipulated by people with economic power and people tied to the oligarchy. They have done everything possible not to resolve the situation."

Given the government's history of supporting the economically powerful at the expense of the poor majority, it is unlikely that the nation's unjust land tenure system will be dismantled by the new administration. Members of the Agrarian Platform have therefore proposed their own solution to the agrarian problem to foment true rural development in hopes of finally bringing an end to Guatemala's centuries-long system of inequality.

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Published by the Americas Program of the Interhemispheric Resource Center (IRC, online at www.irc-online.org). ©2004.

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Recommended citation:

Lisa Viscidi, "A History of Land in Guatemala: Conflict and Hope for Reform," Americas Program (Silver City, NM: Interhemispheric Resource Center, September 17, 2004).

Web location:

<http://www.americaspolicy.org/citizen-action/focus/2004/0409guatland.html>

Production Information:

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