

Experiences with Land Registration in Post Conflict Guatemala

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Facts about Guatemala

- - size about 109.000 sq. Km
- - bordering Mexico, Belize, Honduras, El Salvador, Pacific, Caribbean Sea. Tropical climate, Many Maya historical/archeological sites.
- - 12.3 million inhabitants.
- - iniquity society (indian part) illiteracy, poverty, infant mortality, malnutrition, violence high.

Guatemala



Actual political situation

- Guatemala belongs to group of families from the Agracultural and banking sector.
- new president Oscar Berger. (traditional group)
- former president Alfonso Portillo (FRG)
- - role of mr. Rios Montt

Example in the rural areas.

- ❑ Private Property and a neighbouring Indian Village. In the Quiche region
- ❑ Private Property following P.R. 3000 ha, reality 6000 ha
- ❑ Indian Village following P.R. 1400 ha, reality < 140 ha.
- ❑ Reasons: different: robbery of the land , the terror of the army/para military groups during many years.
- ❑ Implementation of the export system for coffee/sugar/fruits done by the big companies

Recent History

- ❑ - Revolutionary Period of 1944 to 1954
- ❑ Code for Labour and Agrarian Reform (Jacobo Ardenz)
Redistribution of 20 % of the cultivable land, involved 24 % of the Guatemalan farmers.
- ❑ In 1954 the government of Ardenz was tumbled and his changes were reversed.
- ❑ New owners were expelled, land came back to old big landowners

Recent History (2)

- New policy as a Contra Reform, redistribution of state owned land, very little to farmers and more to big owners/members of the army.
- Escalated to internal war, the longest in Latin America. Objective mobilisation of the poor to change on a radical way the country.
- Final result: governmental oppression, 200.000 dead, 1.000.000 refugees,
- 420 villages wiped out.
- Peace agreement in 1996.

Peace Agreement.

- Respect for and execution of political, cultural, economical and spritual rights of all Guatemalans is the base for a new society that reflects the diversity of the country.
- Socio-economic, agrarian parts underline the importance of land for the peace process.
- Aspects: development of a strategy for the development of access to land for farmers and indians, policy development for the land market, access to production facilities also for the small new owners

Instruments: strengthening of property rights, landmarket, taxing not used land, legal reform, decentralised education and technical asistance.

Peace Agreement (2)

- Fraudulent obtained land has to be returned to the original owners.
- Compensation for the robbed land.
- Portillo last year The big problem in Guatemala is the land, don't take it as an audacity, but in this country there must be an agrarian reform or the problem will not be solved.

Actual Land Policy in Guatemala, after the Peace Agreements.

A. Fondo de Tierras.

- Access to land for the poor by Credits
- Technical assistance in developing agrarian production
- Many problems, lack of resources, low level of knowledge in the rural areas, available land is of poor quality
- For the conflictive areas no governmental decisions yet

Actual Land Policy (2)

B. Contierra.

Support to conflict solution, legal assistance and mediation.

Actual Land Policy (3)

C. Cadastre

- - Establishment of a Cadastral Organization.
- - Relation to the P.R.
- - Starting cadastration activities, dotted over the country and not in the conflictive areas.
- - starting the preparation of legislation
 - ▣ *Cadastre law.*
 - ▣ *Titling law.*

Actual Situation in Guatemala

- Fontierra and Contierra: poor results by limited financial resources, underdevelopment of the target group, bureaucracy, corruption, missing real willingness in the Government.
- Cadastre: no legislation yet, draft cadastre law exists, for a titling law no progress at all.

Actual situation in Guatemala

- ❑ Government is dancing around the hot milk
- ❑ International support.
- ❑ - pressure from the donors. Germany, Spain, Sweden, Norway, Netherlands, European Union, W.B.
- ❑ Bilateral aid stopped.
- ❑ Organisational structure is collapsing

Dutch results

- Project of cadastre in one area
- Area 500.000 ha, 130.000 parcels.
- Realised 15.000 parcels, 1500 titles, 100.000 ha, educated about 250 people, costs US \$7.000.000.-

Future

What now?

Main reason for the bad results is:

- No clear governmental policy
- Peace accords are a number of measures and did not solve the real conflicts
- Role of the International Society.