

LAWLESS LANDS: A CASE STUDY OF LAND TITLING IN RURAL GUATEMALA

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ABSTRACT: *This paper will examine the current process of land titling in rural Guatemala. Land titling is a key issue because land ownership is the foundation of many social processes in Guatemala where the majority depend on subsistence agriculture. An analysis of impact of laws and agreements resulting from the 1996 Peace Accords will be illustrated by case studies of two rural communities with different experiences, discovered during fieldwork. Information was collected from interviews with government agencies and the mayors of the two communities. The location, history, and land titling experiences of the communities of Chicajá and Nuevo México will be contrasted, together with the operations, mandates, and difficulties faced by Fontierras, the Guatemalan land-titling agency.*

Keywords: *Guatemala, Land titling, Land law, Peace accords*

INTRODUCTION

This paper will look at the land-titling process in Guatemala. Specifically, an analysis of the laws and agreements will be juxtaposed with the experiences of two case-study communities¹ in order to better understand both the land-titling process. This paper is the product of two months of fieldwork in which I conducted 10 interviews with government agencies and with the mayors of two different rural Guatemalan communities.

Guatemala is a small country in Central America, with an area of 108,890 sq km, is about the size of the state of Tennessee. According to a July 2008 estimate, its population is just over 13 million with about half of the departments containing a majority indigenous population. It is bordered by Mexico and Belize to the north, Honduras and El Salvador to the South and the Pacific and Caribbean Oceans to the west and east (CIA, 2008).

Guatemala has long had the most unequal land distribution in the Western Hemisphere which is often cited as a major reason for a 36-year civil war (Manz, 1988; Schlesinger and Kinzer, 1982; and United Nations, 1998). With some attention to the historical explanations for land conflict and for Guatemala's civil war, this paper will explore how land titles are granted, how land tenure works in practice and what role market-led initiatives play in this current landscape. Roman Krznaric (2006) has argued that access to land is at the root of many social processes in a country where the majority earn their living by subsistence agriculture. This research is important because land is so inextricably linked with indigenous and ladino life and survival in Guatemala so that almost any social process will be tied in with land.

Legacies left by the initial contact with the Spanish have produced a great deal of structures that help to explain land inequality in Guatemala. However, beginning with the "October Revolution" of 1944, Guatemala saw democratically elected governments for the first time in its history that came with popular reforms of education and land distribution. Beginning in the early '50s, uncultivated land owned by large landowners was reclaimed by the government for redistribution among the population. The large land owners were compensated according to the figures that they themselves assessed the value at for tax purposes (Schlesinger and Kinzer, 1982). One such land holder, the United Fruit Company, actively lobbied the government of the United States to overthrow the government in Guatemala in order to reverse the process of agrarian reform that appropriated a total of 386,901 acres of the company's uncultivated land. The Guatemalan government offered the company just over \$1 million in compensation based on the company's "declared tax value of the land," but the company protested and demanded compensation of \$16 million, eventually relying on the Secretary of the US State Department, Dulles, to demand the higher compensation in accord with international law (Schlesinger and Kinzer, 1982: 76). This marked the beginning of US state involvement in the affair which ultimately led to the CIA-led overthrow of the democratically elected government of Jacobo Arbenz in 1954 and the return of all expropriated lands back to the large companies and land owners.

These episodes are relevant to this research not only because of "the forcible interruption of the Guatemalan political process with a violent coup in 1954" but also that this remains "the central episode in the

modern history of that country” (Schlesinger and Kinzer, 1982: 254). The legacy is that this “US-backed overthrow of the [Arbenz] government...unleashed a campaign of violence in its immediate aftermath” (Manz, 1988: 12). Illuminating these historical events, the weight that the issue of land and land title carries in Guatemala becomes clear.

This paper will provide profiles of the two case study communities and relate their history and experience with the land-title process. Fontierras, the land titling agency in Guatemala is the rural poor’s only option of gaining official access to land. Fontierras was established in 1997 by the Peace Accords, which were signed by the Guatemalan government and a federation of guerrilla armies. The Peace Accords were brokered by the United Nations and ended the 36-year civil war in Guatemala (United Nations, 1998). The operations and mandates that officers of Fontierras describe in finishing this task more effectively will be examined, and illustrated with the experiences of the case-study communities.

CASE STUDY AREA

Chicajá

Chicajá is located at the confluence of the Cahabón and Cajá rivers in the municipality of Cahabón in the department of Alta Verapaz in Guatemala. It is accessible only by foot and is about a one and a half to two-hour walk from the municipal city of Santa Maria Cahabón. Chicajá is a community of 12 families with a current total population of 80. The age groups of the adults are relatively homogeneous with only two adults above the age of 40. Because the community resettled the area together at the same time and each with the intention of starting families and securing land claims, all but two of the children are below the age of 15.

According to the community, this was land that they were born and raised on until a massacre that took place in 1982 that forced the survivors into hiding in more remote and higher elevation jungle regions in the area. After living nomadically in hiding for about two years, the community started a new permanent settlement called Chiacach, which is located to the south, and at a higher altitude, than the present location of Chicajá. These “survivors,” as they refer to themselves, lived in this settlement called Chiacach from 1984 through 1996, when the Peace Accords were signed. During these twelve years, many of the survivors who were children at the time of the massacre, were now beginning their own families and were now subject to the pervasive fear in the area of land scarcity in the area.

The Peace Accords established some prescriptions about how to deal with the question of land distribution for what they refer to as “uprooted populations.” This would refer to both the internally displaced persons as well as those that fled to Mexico, Honduras, Belize and El Salvador as refugees. The Peace Accords prescribed that the uprooted populations be allowed to return to their places of origin and make claims to the land (United Nations, 1998). Twenty families from Chiacach, most of them newly married and just beginning to have children, therefore decided they had the right (and the government’s blessing) to occupy the land by the river where the entire community had lived before the massacre.

Nuevo México

Nuevo México is a returned refugee community in the municipality of Escuintla, in the department of Escuintla, about a one-hour bus ride from the city of Escuintla, Guatemala’s fourth largest city, which is two hours from Guatemala City, the capital of Guatemala. Nuevo México is located on the south coast region of Guatemala. Sloping down to the coast from Guatemala’s chain of volcanic highland region, the south coast region is famous for its agricultural prowess, being the traditional zone for export crops, the most important being sugar cane.

The members of this community were all refugees in Mexico beginning in the 1980s. They began to organize for their return in 1992 when an agreement between the government and the refugees was made concerning the rights of people to return to Guatemala. The members of this community are primarily from different areas of the Guatemalan highlands. They are multi-ethnic; many do not speak the same first language. The members are primarily Mam, Kiche, and Kanjobal, but there are also Popti, Kakchikel, Chuj.

The current community of Nuevo México has 80 families, is very heterogeneous in terms of age, and is multi-ethnic and multi-lingual. It differs in all of these respects from the community of Chicajá, but it differs in other ways as well:

- (1) Proximity to the capital city reduces the hardship of bureaucracy both in cost and time of travel.

- (2) Nuevo México is organized officially as a cooperative association, which has facilitated easier paperwork (in addition to the proximity factor), and made it easier to attract development projects from international NGO's.
- (3) All of the families in Nuevo México have homes made of concrete cinder block and concrete floors instead of bamboo poles tied together. This is no doubt a result of the first two conditions.
- (4) As a result of all of these differences, the standard of life is much higher in Nuevo México than in Chicajá. The community has received aid from many NGO's, they have a few successful running economic development projects that are designed to benefit the entire community, with other aid money, they have built new schools and attracted teachers from the capital to teach children through high-school levels.
(see map: Figure 1)

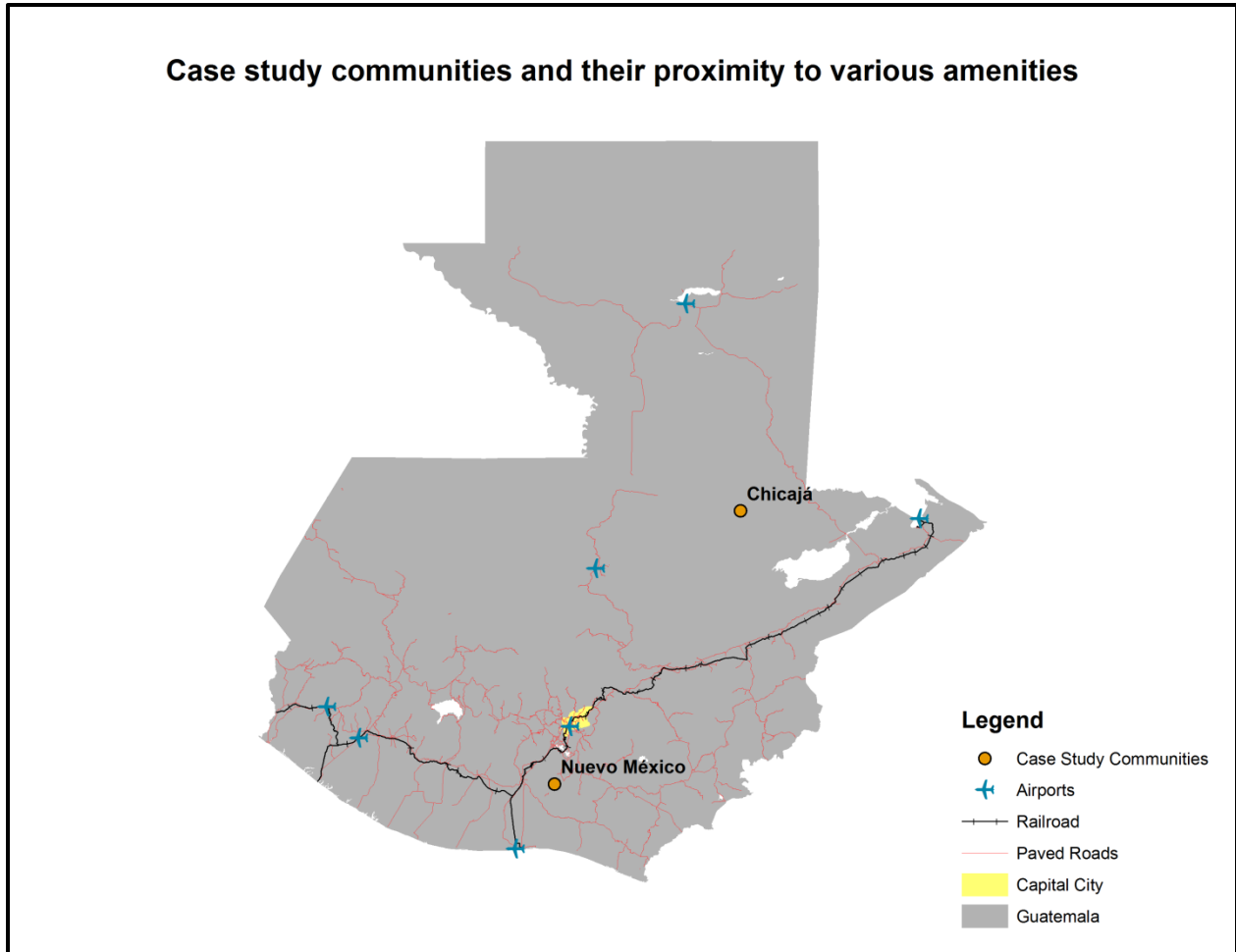


Figure 1. Map of Guatemalan case study sites.

METHODS

This study is the product of nine weeks of fieldwork from February to April 2009 and draws upon semi-structured interviews and participant observation with two rural communities and three government officials. The fieldwork focused primarily on the bureaucratic process of applying for land titles through the government agency, Fontierras, the laws that regulate them, and the experiences of two case-study communities in going through the process. The semi-structured interview allowed for the researcher to learn the steps for land-title applications because questions were flexible and could be improvised based on the information given throughout the interview. This also allowed for the researcher to design questions for Fontierras and the national electric institute, INDE, that

were based on the experiences of the communities and vice versa. The researcher began with interviews at Fontierras, then with the communities, then with INDE, then returned to Fontierras, and then again to the communities. This allowed the researcher to verify how information from the officials was understood by the communities. This study also draws from the researcher's observation at community meetings in both case-studies. All interviews were conducted in Spanish and all translations are by the author.

FIELDWORK RESULTS

Fontierras

Fontierras is the institution that was established in order to comply with the parts of the Peace Accords in which the government of Guatemala will work towards a solution for the unequal distribution of land and recognize the legality of land claims. The Peace Accords state: It is essential and unavoidable to solve the problems of agrarian reform and rural development in order to address the situation of the majority population, which live in rural areas and is most affected by poverty, extreme poverty, injustice and the weakness of State institutions. The transformation of the structure of land use and ownership must have as its objective the incorporation of the rural population into economic, social and political development so that the land constitutes, for those who work it, the basis of their economic stability the foundation of their progressive social well-being and the guarantee of their freedom and dignity (United Nations, 1998: 27).

Fontierras has three mandates: access to land (land purchase), regularization of land, and technical assistance. Access to land refers to Fontierras' mandate to seek lands that can be bought from private owners in order to enter into the program and offer title to those who qualify. It also refers to the credit program that is available through Fontierras for people seeking title to pay the costs that Fontierras collects for that title. Regularization refers to the mandate to process those titles, confirm that people seeking title qualify and that lands and their boundaries do in fact exist in the location claimed. According to Oscarⁱⁱ, the Director of the technical assistance program, the mandate of that program is to "turn farmers into managers."

He further explained that this was a necessary part of the work of Fontierras because generally, subsistence farmers are not producing enough income to keep up with their land payments and often they end up in debt. Therefore, the solution agreed upon was to offer programs in which the subsistence farming community will borrow even more money to begin a project that will hopefully be sustainable and provide an income that will not only pay back the credit offered to purchase the land, but also the loan to begin the project, and then serve as income that can bring the community out of poverty (Author interview).

In order to qualify for land title through Fontierras, one must be a "family" (defined as either a married couple or at least one parent with one child), one must be a "campesino" (making a living in agricultural activities) and one must be "poor" (having a family income that is less than four times the minimum salary in the agricultural sector). One can begin this process as either a family or as an organized collective or a cooperative.

Carlos, the Director of the land regularization program at Fontierras, explained all of the steps in the process that is called the "adjudication" process. Adjudication is the type of process that an indigenous campesino community (like the two case studies) would go through in order to acquire title to their land. The steps are:

- (1) An official written request directed to the Director of Land Regularization with complete personal facts.
- (2) Marriage certificate, divorce or death, domestic partnership certificate.
- (3) Birth certificate of the person making request as well as the birth certificate of the children not of adult age.
- (4) Certificate from the Registro de la Propiedad (the national property registry) stating that you do not own land already.
- (5) Photocopy of official government identification card, legalized by a notary.
- (6) Permanent residence certificate given by the municipal mayor or the departmental governor (of both the spouses or domestic partners)

The difficulties with these requirements that became apparent in my conversation with Carlos are:

- (1) In cases where communities are making a request after having been uprooted during the Civil War, a person might live more than an entire day's travel from the municipality of their birth. It is

still required that each person in the community makes this journey and request their birth certificate. The same can apply to marriage certificates.

- (2) Because many of the files at the land registry contain errors, step four can result in a person not receiving their certificate. This often happens in cases where someone happens to have the same name as another person who does own land and the registry is not able to confirm that they are not the same person.
- (3) The amount of time and cost of following these procedures can be even more than the price that Fontierras charges for land title (see Chicajá's story below)

The major problems and obstacles cited by Oscar and Carlos were:

- (1) There is no cadastre (official property map)
- (2) Finding land that can be bought
- (3) There are many mistakes in the files (electronic and paper) at the Registro Nacional de la Propiedad
- (4) There is no "juridical security" of the land
- (5) The process itself can be very arduous because "the lawyers are very strict" in demanding that all documentation is perfect.
- (6) Fontierras does not have enough funding to carry out its work
- (7) The amount of time and cost that is required just to begin the adjudication process makes people lose interest (there are 2,080 current applications right now just in the jurisdiction of the Cobán office)
- (8) The difficulty in acquiring all required documentation. Carlos said, "sometimes the cost of gathering all of the required paperwork can be even more than the cost of the land itself" (Author interview)
- (9) Sometimes the lack of organization on the part of a community seeking title can lead to a breakdown in the resolve of the community to stay together and finish the process

The price that Fontierras charged for land titles at the time of the interview in March of 2009 was Q50/ha.ⁱⁱⁱ for a large piece that a rural community would be seeking, Q600/ha for a smaller piece of land on the outskirts of a city, and Q2/sq. m for a plot within a city. As an example, a community that is claiming 20 ha would then pay Q1000 for the land. There are also two different additional fees to pay on this, there is a Q160 fee for going through the process and a 12% tax, meaning that in this example, a community of 3 families would pay Q1280 for the land (see Chicajá example for costs of gathering paperwork).

As Kevin Gould notes, there are only three specific paragraphs in the Peace Accords regarding land and each of them settles the issue according to a neoliberal model that the World Bank has performed in Thailand, Guatemala, Peru and Brazil with varying results (Gould, 2009; Mitchell, 2005; and Wolford, 2007). Although Gould studied a specific World Bank funded project of land titling, it also seems apparent that all of the efforts of land titling as born out of the Peace Accords follow to some extent this model. Many communities are offered credit in order to start up projects, being encouraged to forgo traditional subsistence agriculture for more "productive" avenues. This credit is offered in order to pay their "symbolic" price for the land, but then the money must be paid back hopefully as a result of benefiting from the projects that are started with the "Technical Assistance" that is offered. Many communities have ended up in debt that becomes insurmountable.

Chicajá

The members of the community of Chicajá began the process of soliciting the government agencies to acquire official title to the land immediately after settling, in 1997. The case of Chicajá unfortunately languished because of the high cost of requesting and gathering all of the required documentation for the adjudication process. To illustrate the example of the costs and time that are required to gather the documents needed, I went through each of the six steps that Fontierras had furnished me (see steps above) with the mayor of the community and asked how much time and money each step had cost:

- (1) One person travels to Cobán which requires a full day, it costs Q70 in travel costs, and time must be made to write the request (or hire a notary or lawyer to do it).

- (2) Each adult in the community must travel to the municipal office in Cahabón. This is as much as four hours of walking and would take most of a day. Each adult must pay Q35, meaning that all 24 adults must pay this amount. Total cost = Q840 and two days are required from each person.
- (3) Same as above, but the cost is Q10. Total cost is Q240 and two days are required from each person.
- (4) Two people must travel to the Capital city which would require an overnight stay. This is the only step that Chicajá has not finished, but it would cost around Q400 for each person or Q800 for both in travel, food and lodging expenses.
- (5) Each adult must travel to the Municipality, pay Q2.25 per photocopy and Q70 for the notary's services. Total cost = Q1680 and one day travel is required for each.
- (6) Each adult must travel to the municipality and pay Q15 for the document. Each will be required to return another day to pick it up. Total cost = 360 and two days travel is required from each person.

Therefore, the total estimated cost to the 12 families for making all of the requests for all of the documentation and requisite travel was about Q4000 and required at least 7 days of travel and waiting in lines at government offices for each person and another 2 days from 2 people. This is in a community where the average monthly income is Q500 per family per month. This means that even if each family was in a position to save 5% of their income to go towards this process, it would still require more than one year to gather the money. Because the people in this community struggle just to have enough food for three meals in one day, it is unlikely that all 12 families would find themselves in the position to save even a small amount, like 5% of their income every month. It might realistically require two or three years just to get this money together. This, of course, does not even pay for the land itself; it is just the cost of the required bureaucracy. This is quite a contrast with the idea presented by the land agency that the cost of the land is really just a "symbolic" one.

The people of Chicajá had a sense that they were occupying the land in order to pressure the government to give them what was theirs. At the same time, it was very important that they receive official recognition from the government that the land was theirs. I asked why this was important when it was that same government that perpetrated a massacre against their families and is now making it difficult to live in the ancestral land legally. The mayor of the community told me that it was because if they did not receive official title, then they could be forced off the land for any reason. This presents a difficult conflict with a sense of justice because on the one hand, the community is fighting to get the rights to the land citing the injustice of the government as a reason for why the land should be theirs, while at the same time trusting the same government's sense of justice in the meaning of land title itself.

In the interview with the mayor, and in the subsequent community meeting, each member agreed that there was scarcity of land in this area of Guatemala. In some ways, this contrasts with the ideas that Fontierras officers had about scarcity. The Fontierras officers suggested that although their office has difficulty finding enough land to utilize in their titling program that it was mostly because of the unequal distribution of land. They suggested that there were many property owners that held very large tracts of land and that if they had access to this land, perhaps it would seem like there was enough to go around. Nevertheless, the community of Chicajá's experience was that there was indeed scarcity. When asked to guess at the distribution in their municipality, they said probably that only 25% of it was held by large agro producers and businesses, another 25% by those with no title and that they suspected that another 50% were communities, just like them, but with land title.

Whether those figures are accurate, it reflects an interesting attitude in this region. Because this area is very remote, it is possible that it has not seen the kind of agricultural business investment that many other areas in Guatemala has experienced. It is a 4-hour journey by a road that is mostly a dirt road to the department capital, which is another 4 hours to the national capital. It is not easily accessible by major air or sea ports in order to ship out products. So, in all likelihood, this is not an area of Guatemala that reflects the figure that 65% of lands are owned by 1.5% of the population. Nevertheless, the sense that there exists land scarcity is prevalent. Some quotes by the mayor reflect this:

We have suffered in the past 12 years. If we are not given our land, what will our children do? For us, the earth is for life. This is the...primordial sense in which we see the land. It is our mother. This is why this is so important for us. But if we lose this fight for the land, we will not be able to fight for any other land because it is all already taken (Author interview).

When asked what part of the Peace Accords had inspired Chicajá's decision to occupy land that they did not have title to, he offered his copy of the Peace Accords where a few passages were highlighted:

Uprooted population groups have the right to reside and live freely in Guatemalan territory. Accordingly, the Government of the Republic undertakes to ensure that conditions exist which permit and guarantee the voluntary return of uprooted persons to their places of origin or to the place of their choice, in conditions of dignity and security (United Nations, 1998: 1).

It is clear from this passage that the community was not making any displaced presumptions in thinking that this signed agreement guaranteed their right to do what they did: occupy and make claim to the land. He stated, "We came here knowing that INDE was the owner, but we came in '97 to occupy it, fight for it, and go through the process legally" (Author interview). They have attempted to follow the rules as they have understood them, and yet, they still reside in this place with no official title.

Fontierras has stated that the reason they will not be able to move forward with the adjudication process for Chicajá is that the government's electric institution, The National Institute for Electrification (INDE – Instituto Nacional de Electrificación, in Spanish), has identified the area as a possible site for a future hydroelectric project. The Cahabón River is a very large river and this particular section of the river is surrounded by very steep rises that measure about 1000 feet above the river in places. This combination of physical traits makes this area an ideal location for a dam that could generate electricity and a reservoir that could store a significant water supply. The documents at the Fontierras office in Cobán that relate to this case state that the project's realization will flood everything in that area up to 200 meters above sea level.

On a later visit to the office of Fontierras officers discussed the possibility of dividing up the land so that Chicajá could be granted title to all of the land that is part of their claim that is *above* 200 meters above sea level. The officers concluded that the community itself needed to work this kind of arrangement out with INDE rather than with Fontierras. The work that is clearly relegated to Fontierras is being passed off to another institution. This suggests that the work of Fontierras takes a back seat to the decisions of other government agencies like INDE, even though there is nothing specific within the law itself that determines this.

INDE

The chronology of documents shows that Fontierras must make a request to INDE to determine if this land is in the area that is expected to be flooded if the project is eventually actualized. This suggests that the relationship between Fontierras and INDE is one in which INDE's plans take precedent over Fontierras office of providing land-titles. The first article in the law that created the office of Fontierras (as well as providing its rules and regulations), it states that:

Fondo de Tierras, which can be abbreviated as Fontierras, is hereby created as a decentralized institution of the State, with competence and jurisdiction in all of the national territory in order to comply with its objectives, and the attributes and functions that are assigned in this present law (Fontierras, Título I, Capítulo I, Artículo I. Translation by author).

The law itself does not give Fontierras a mandate to confer with other institutions before moving ahead with a land claim. Instead Fontierras sends the request to the capital city in order to verify that the lot exists, or that there is indeed a record that the piece of land that is being claimed is where the maps and the community claim that they are. In this process the state institution, the Property Register, also verifies that there are no competing claims on the land. In this case, Fontierras received a memo from INDE stating that title to the land cannot be given because of the potential for a hydroelectric project.

Another law of note comes from the Guatemalan Constitution, Article 40, which states that: In concrete cases, private property can be expropriated for reasons of collective utility, social benefit, or public interest (Constitution of Guatemala, Article 40. Translation by author). This begs the question, why is the institution charged with regularizing land and land titles refusing to perform its function because of a project that might not happen in the next 20 years?

The director of planning at INDE explained that the institute and the state were both required by law to relocate any effected populations when constructing any project whether or not they had title to the land. This adds another level of confusion. If Fontierras and Chicajá went through the entire process and Chicajá emerged as the official title holder to that piece of land, the government will still maintain the right to claim the land for the social good and collective utility in order to put in a dam. The government would also maintain the obligation to provide

another place for the community to relocate. Thus, the consequences of Chicajá having land title do not change INDE's requirements on how they can and must proceed in this potential project.

The director at INDE confessed that they were not able to really comment on the site or on the project in specific terms until they had completed a study on the project. They are required to do a physical study to ensure that the site is suitable for this kind of project, but they also must perform a "social" and environmental impact study. They must identify any communities that will be displaced by the project and then seek to relocate those communities to other state lands. The engineer cited "international pressure as the reason that they must now perform these studies. "You cannot just march into a region these days and kick everyone out; the international community would no longer permit that" (Author interview).

This same director told a story of others who had come to interview him about the Xalalá project, another large hydroelectric project, and claimed that this person went off and began organizing in the region where that project will be located without understanding that the engineer could not possibly tell him everything he wanted to know until they did the study. He claims that the person was in the region telling all of the communities that INDE had refused to give him any information. He added, "it is nice to speak with you, another educated person, about this...I sometimes have problems explaining these things to people who are not educated" (Author interview). (I should note that in Spanish, the word "educated" can refer to behavior, hygiene, manners, and etiquette as well as the education that one would receive in school) This is apparently the person with whom Fontierras insists that the "uneducated" mayor of Chicajá should negotiate his community's land claim.

The director expressed that the people did not seem to understand that sometimes it is necessary to make a small sacrifice in order to allow for the biggest benefit to the country. He also cited the lack of education as the reason why people would get so upset about being asked to leave the land that they have lived and worked on for many years. As far as he was concerned, this lack of understanding made it so that trying to reason and negotiate with the people being affected by large projects produced a knee-jerk reaction that made them combative and unable to listen to a rational explanation. Also, their world view is too small. They are not capable of seeing outside of their own communities and understand what a great benefit it would be for the entire country to have more electricity. In some of these cases, he was referring to communities that do not have the benefit of electricity. Also, some of the communities have indeed experienced the world outside of their community when they were either refugees in Mexico or internally displaced populations within the country that lived nomadically in hiding for years. Of course, communities that have had those experiences might very well understand the concept of making sacrifices to the greater good, but might very well feel that these projects are not made to benefit their communities or the communities of the surrounding region but rather the people of the large cities in Guatemala.

Nuevo México

Nuevo México is sited on a former sugar cane plantation that is a small fraction of what was a very large landholding that an export crop producer owned. The land was purchased from this producer by the government of Guatemala with the intention of locating a returnee community. The people that organized to resettle there arrived in 1995 and named it "Nuevo México," honoring the place that provided their refuge for more than 10 years. The 80 families that arrived had next to nothing when they arrived and quickly set up makeshift shelters out of sticks and plastic tarps. They received little help from the government in this process, but were able to earn enough money through agricultural activities, and receive enough aid money to arrive at the point where they are today. In addition to the main dirt road that connects the community to the city of Escuintla, there are three other main roads that make up the community. Each family has their own plot for their house and an additional plot of land outside of the residential area for growing food.

The land of Nuevo México was bought by the government, but the community members were expected to then pay the government for the land. They entered into a contract wherein the community would pay Q816,126 within ten years of having settled this deal. When the community first arrived, the government said that they would have to pay Q9million for the land claiming that that was the amount that the government itself had paid. Both of these figures are far higher than the Q50/ha. that Fontierras quoted as the current price when titling land in March of 2009. Additionally, Fontierras was very clear that this was the price for communities regardless of the purchase price for the state.

Being organized as a cooperative also gave an advantage to Nuevo México because the cost of their bureaucratic procedure was not significant. In the interview with the community of Chicajá, the cost of gathering documents as a precursor to even beginning the land claim process with Fontierras is cited as very heavy on their minds and something that might preclude them from ever achieving the title. Nuevo México could not even remember how much each of these steps cost. Chicajá remembered each step to the penny. Nuevo México was able

to nominate a representative who was able to gather all of the paperwork for them and pay a single price for each document. They remembered having to go through this process, but said that the cost was “not significant.”

Nuevo México has struggled with paying for their land in the past ten years. They are currently in their final year of paying the balance, but they still owe Q225,924. This is more than 25% of the price that they have been paying towards for the last nine years. The contract suggests that if the land is not paid in full at the end of the ten years, the community will begin to incur a percentage-based fine. It is not clear on the document how much the “fine” will be. There was also a 5% incentive if they had finished paying it early, but it is not spelled out exactly how that works, whether it is a rebate that is given only after the full balance is paid or if it is another type of arrangement.

Although Fontierras officers had said that communities in Nuevo México’s situation pay Q50/ha., they also said that it is not possible to change contracts that were already in place and that this was probably an arrangement that was made before there was a standard pricing system. The idea of scarcity is also present among the residents of Nuevo México. The mayor alludes to that by saying, “*No alcanza para los niños*” (“it won’t be enough for the children”) (Author interview).

Despite the impending due date for the land payment and the likelihood that the community will not be able to complete the entire payment schedule by that date, there is a lot of optimism in Nuevo México this year. Many families had become disheartened when a handful of projects failed and when it seemed that they would not ever pay this debt. There are a few very strong leaders in the community and the organization of those that participate in meetings is very high. New projects have just recently come to the community from an organization from South Korea. They now have a fish pond and are embarking on a project where they will farm fish for the market in Escuintla. There is a new building where they hope to soon have tools for a furniture-making workshop (or factory, as they call it). New schools are being built so that they can have *básico* (high school) in their own community and teachers are being recruited from Escuintla and Guatemala City to live and teach in the community.

CONCLUSION

This study compared and contrasted the experiences of land-titling issues in Chicajá and Nuevo México, two rural communities in Guatemala. The intricate bureaucratic process is complicated by geographic location, because the remoteness of Chicajá makes the complex procedure more time consuming and thus more expensive than that for Nuevo México. Nuevo México’s ability to repay its land-titling debt is made more burdensome by the structure of the repayment schedule. Chicajá’s land-titling issues are intertwined with its identification as a possible location for a future hydroelectric plant by INDE (Instituto Nacional de Electrificación). The study also illustrated the different perspectives that government and indigenous populations hold of land security, use and ownership.

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NOTES

ⁱ The word “community” in Guatemala usually refers to a village or town where people live together. Throughout this paper the word community will be used to refer to these Guatemalan rural villages.

ⁱⁱ All names have been changed and I will refer to interviewees by first name only.

ⁱⁱⁱ Q = Quetzal and is the national currency for Guatemala. Q8 = US\$1