

REPORT
INFORME

USAID / GUATEMALA Tierras Land Conflict Resolution in Guatemala



Funding provided by the
United States Agency for International Development
Award Number AID-520-A-00-07-00225

REPORT
01-01-2011
31-03-2011

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This report was prepared with funds provided by the U.S. Agency for International Development. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of the U.S. Agency for International Development



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I. Acronyms

A. V.	Alta Verapaz
ADIM	Integral Development and Multiservice Association
ADR	Alternative Dispute Resolution
ADRI	Alliance for Integral Rural Development
AOP	Annual Operation Plan
CEJAV	Executive Justice Committee of Alta Verapaz
CEJQ	Executive Justice Committee of El Quiché
COCODES	Community Development Councils
COMUDE	Municipal Development Council
CODEDEAV	Departmental Development Council of Alta Verapaz
CM TIERRAS	Multisectoral Coordination for Land Conflict in A.V.
JADE	Associated Jurists for Legal Development
NGO	Non-Governmental Organizations
RAC	Alternative Conflict Resolution Office of the Judicial Branch
RED QUICHÉ	Network for Dealing with Social Conflict in Quiché
SAA	Secretariat for Agrarian Affairs.
FONTIERRAS	Land Fund
CONIC	National Coordination of Indigenous and Rural Peoples
RGP	General Real Estate Property Registry
RIC	Cadastral Information Register
FTN	Transverse Northern Highway
SUI	Single Information System

II. Executive Summary

During the period covered by this report, project activities focused on using Alternative Dispute Resolution (ADR) methods to address and resolve land conflicts. Technical assistance was provided to the 34 ongoing cases, and 11 new cases were accepted by the project.

Activities during the quarter also focused on tracking and documenting the total number of land conflict cases in the eight municipalities served by the project. 290 conflicts were identified in the project area within Alta Verapaz, and the conflict tracking process is ongoing in El Quiché.

As part of the CM-Tierras network capacity building process, 18 network members completed the “Training of Trainers” diploma course, which covered the following subjects: a) Using ADR methods, b) Political Advocacy Tools, c) State and Society, and d) Adult Education. Additionally, during this reporting period, the Mercy Corps team developed a first draft of a Political Advocacy Strategy, which will shape the updated version of the CM-Tierras and Quiche Network’s Political Advocacy Strategy, incorporating gender and cross-cultural considerations. At a later time, a strategy will be developed to unify conflict reduction actions being carried out in each department, share methodologies, lessons learned, and jointly influence land related issues.

Activities for the next quarter will focus on implementing the Information, Communication, and Education Strategy, finalizing agreements with project partners, holding community exchanges using the people to people approach, and facilitating the drafting of a memorandum of understanding between the RIC and the 8 municipalities affected by the project.

III. Achievements this quarter

Objective 1:

Increase the use of ADR (Alternative Dispute Resolution) processes by affected parties to reconcile differences over land issues, with a priority for 8 municipalities that are undergoing the land registration (RIC) process.

Result 1.1

The population of 4 municipalities of Alta Verapaz and 4 municipalities of El Quiché are aware of the benefits of the cadastral process, its associated ADR mechanisms and related economic development opportunities.

Activity 1.1.1: Carry out a public education campaign to raise awareness of the cadastral process and its associated ADR mechanisms.

During this quarter, one of the actions performed together with the Association for Integrated Rural Development (ADRI) has been to develop a strategic outline for the public education campaign, focusing awareness building activities in the following areas: a) conflict resolution, b) cadastral processes, c) political advocacy, d) agrarian law, and e) land ownership rights. Likewise, various crosscutting considerations were identified and will be incorporated into the campaign, such as gender, international conventions, including the ILO Convention 169, and cultural sensitivity.

As part of this process, two coordination meetings were held with the Registry of Cadastral Information (RIC), ADRI, and ADIM. The participants agreed to draft the project's educational campaign, and social communication plans to be carried out in the municipalities undergoing cadastral processes.

Activity 1.1.2: Facilitate exchanges among conflict-affected communities to enhance two-way learning and raise awareness of the benefits of land ownership and alternative dispute resolution.

A total of 10 successfully resolved land conflicts will be chosen to be presented to other communities that have not resolved their conflicts or are in the process of doing so. This activity will be coordinated by JADE, ADIM, ADRI, and Mercy Corps.

Result 1.2

One hundred land disputes resolved.

Activity 1.2.1: Facilitate the resolution of one hundred (100) land disputes in Alta Verapaz and El Quiché.

During this quarter, 45 cases are being actively assisted by the project. The TIERRAS team has entered these cases into the project's database, which will be addressed using ADR methodology.

During this reporting period, law enforcement agents carried out a forceful eviction in the area served by the project, resulting in one death and several injuries. Although the project had implemented actions to tackle this conflict, it was not possible to resolve with the mediation processes, in light of the eviction notices and a lack of willingness on behalf of some of the parties.

290 land conflicts in four municipalities within Alta Verapaz (Tucurú, La Tinta, Senahú, and Panzos) were identified and entered into the project database. This process is still pending in the case of El Quiché.

As part of the land conflict resolution process, the project has initiated a working relationship with the Land Fund (*Fondo de Tierras*), in order to establish a cooperation agreement to address and resolve cases occurring on lands owned by the government, unoccupied land, and private farmsteads.

Result 1.3

Three NGO partners and two governmental partners have the necessary knowledge and skills to independently continue ADR services.

Activity 1.3.1: Facilitate peer-to-peer learning amongst NGO and governmental partners in the mediation model employed by Mercy Corps' partners in Alta Verapaz.

Although the project is still in the process of signing agreements with three established partners (ADRI, ADIM, and JADE), an ADR capacity building process has been initiated with these partners, as well as two governmental organizations (RIC and SAA). A diploma course has already been partially developed and will include people from the municipalities under the area of intervention, as well as a group of mediators from the USAID-funded project entitled "Empowering Women in Agrarian Dialogue". The course is scheduled to begin in May and will be imparted to 10 members of the EMA project, 15 from the Municipal Offices, and 6 representatives from the three different project partners, and will emphasize peer-to-peer learning.

Objective 2:

Promote the adoption of policies and actions that address the root causes of land conflict.

Result 2.1

Two land use policies are promoted by the departmental networks at the national level.

Activity 2.1.1: Strengthen and expand the Political Advocacy strategy.

The first draft of a Political Advocacy Strategy is now available and will shape the updated version of the CM-Tierras and Quiche Network's Political Advocacy Strategy, while incorporating gender and cross-cultural considerations. The strategy highlights advocacy around the following issues: training and network strengthening, municipal policies to implement land management offices, appropriate cadaster implementation, common lands law, land regularization law, land use planning laws and watershed management, among others.

As part of the CM-Tierras institutional strengthening process, the network's new coordinating council was elected for the next two years. Additionally, support was obtained from GTZ to assist in meeting the four results outlined in CM-Tierras strategic plan: Institutional Strengthening, Political Advocacy, formation of an Interdepartmental Network, and Training Session Replication. The assistance provided by GTZ is aimed at facilitating technical assistance processes and funding the actions specified in CM-Tierras operative plan.

The Quiché Network performed a social, economic, and political status assessment of the department of El Quiché, and determined which particular intervention actions will contribute to the reduction of social and land-related conflicts. Thirteen (13) state institutions, as well as ten (10) civil society organization participated in this process. The state institutions are the following: SAA, the Land Fund, CONAP, INAB (the National Forestry Institute), SEPREM, the Departmental Governor's Office, DEMI, the Ombudsman's Office, COPREDEH, the Institute for Criminal Studies, the Justice of the Peace for Nebaj, SIES, and the Municipality of Santa Cruz. Participating civil society organizations included ADIM, the Barbara Ford Center for Peace, PROPAZ Foundation, Mercy Corps, ASOMOVIDINQ, Women's Organization, the Estanzuela Association, COCOM, and the Centro Ejecutivo de Justicia.

Result 2.2

CM TIERRAS and the Network of El Quiché connects with other 3 networks in the region to advance policy change.

Activity 2.2.1: Organize cross learning exchanges between CMTIERRAS, the Network of Quiche and other networks in the region.

In February, the Inter-departmental Network held its ordinary assembly in the department of El Petén. The assembly included a conversation on "Land Use Planning" which covered the topics of Protected Areas, Land Use Plans, and Land Administration. The National Council for Protected Areas (CONAP) and the General Secretariat for Planning (SEGEPLAN) participated in the discussion.

Also during this reporting period, the project team held a meeting with the Departmental Commission for Land Conflict in Huehuetenango to share the structure and achievements of CM-Tierras and the Quiché Network and to incorporate the Huehuetenango Network into the efforts of the Inter-departmental Network.

Result 2.3

Two policies promoted by the departmental networks in Alta Verapaz and El Quiché integrate gender considerations.

Activity 2.3.1: Train advocacy networks on how to integrate gender equity concepts into policy proposals.

Together with GTZ and its National Peace and Conciliation Project (PCON), the project finished up the diploma course on Training of Trainers. A total of 18 people participated (6 women and 12 men), including representatives from governmental and non-governmental organizations, as well as members of the CM-Tierras Network. As a result, the participants are now familiar with topics such as: conflict resolution, adult education, political advocacy tools, conflict analysis and transformation, and the roles of state and society. This process is part of the Departmental Network's Training Plan. The project will work with the participants of this training on integrating gender equity concepts into policy proposals in coming quarters. The first draft of a Political Advocacy Strategy incorporated gender and cross-cultural considerations, and is expected to influence gender-sensitive advocacy efforts throughout the TIERRAS program.

Objective 3:

Enhance cooperation between municipal authorities and local community members, private sector interests, and local NGOs on land issues in Quiché and Alta Verapaz.

Result 3.1

Collaborative processes produce agreements on two contentious land issues in Quiché and Alta Verapaz.

Activity 3.1.1: Facilitate collaborative planning processes.

No actions were performed under this activity.

Result 3.2

Eight Land Affairs offices are coordinating land information and dispute resolution services in the municipalities.

Activity 3.2.1: Provide technical and material support to the municipalities in the establishment of Land Affairs Offices.

The “Land Conflict Resolution in Guatemala” project was presented in the 8 municipalities under the project scope during the ordinary meetings of the Municipal Development Councils (COMUDES) with the purpose of initiating working relationships with governmental agencies, non-governmental organization, community leaders, and municipal authorities. As a result, the Municipalities of La Tinta, Zacualpa, and Pachalum have expressed their willingness to begin implementing local Land Affairs Offices in their areas.

Part of the strategy to strengthen these Offices consists in the establishment of “Land Commissions” which are comprised of various organizations and institutions working with land issues. These Commissions have been set up in order to map land-related conflict, draft strategies to address and resolve land conflict, and organize efforts to tackle land conflict at the municipal level. These Commissions have already been established in the municipalities of La Tinta, Panzós, and Tukurú.

The Board of Directors of the Registry for Cadastral Information (RIC) publically declared the municipalities of Senahú and La Tinta as areas currently undergoing cadastral processes. This means that there are now three municipalities undergoing cadastral processes in the project’s area of intervention.

Result 3.3

Nine cooperative agreements with the Judicial System and with municipalities are in place.

Activity 3.3.1: Convene meetings with the Judicial System Board of Directors and with the Municipal Council leaders to jointly draft language for cooperative agreements to provide ADR services.

The project has begun lobbying the municipal authorities to draft a letter of cooperation to provide capacity building and technical assistance for the Land Affairs Offices.

A meeting was held with the national delegate from the Judiciary's Office for Alternative Conflict Resolution in order to potentially coordinate conflict resolution actions in the municipalities under the project's scope. Subsequently, a corresponding lobbying process will be undertaken with the Judiciary's highest authorities to define the details of the cooperation agreements.

IV. Lessons learned

Networks maximize impacts in tackling land conflicts.

The spaces for inter-institutional coordination established by means of the networks are mechanisms that have enabled greater institutional learning, improved management of high impact land conflicts, synergy, and the establishment of strategies to effectively tackle land issues in the areas of project intervention.

V. Plans for the next quarter

The following actions are scheduled for the upcoming quarter:

Actions to be implemented under Objective 01:

1. Sign agreements with local partners (JADE, ADRI, and ADIM).
2. Consolidate a strategy for the Information, Communication, and Education Campaign.
3. Finalize a strategy to define community cross learning exercises and carry out the first cross learning experience with community leaders.
4. Initiate a Public Education Campaign, in coordination with the RIC.
5. Receive and support 10 new cases.
6. Train 31 people on ADR methods with a diploma course facilitated by the PROPAZ Foundation.
7. Participate in two ordinary follow-up meetings of the Inter-departmental Network, and stress the need to define a Political Advocacy strategy and training on gender considerations.
8. Sign letters of understanding with three of the eight Municipalities to provide technical assistance to the Municipal Land Affairs Offices.
9. Participate in monthly meetings of the 8 COMUDES to advocate for the inclusion of gender considerations in municipal policies and agreements.
10. Hold coordination meetings with the following Judiciary offices: CEJAV, RAC, and CEJQ.

VI. Annexes

Table 1: New conflicts

New Conflicts									
No.	Conflict	Municipality	Actions	# of families	AREA IN DISPUTE				Month
					Has.	Áreas	Centiáreas.	Mts2	
1	San Lucas	Panzós	Open case, hold community meeting to better understand positions, interests, and concerns.	40	17	46	84.71		Jan.
2	Nuevo Canaán 2002	Senahú	Open case, hold community meeting to better understand positions, interests, and concerns.	28	71	83	4		Jan.
3	Santiaguilá	Senahú	Open case, hold community meeting to better understand positions, interests, and concerns.	24	39	12	93.75		Feb.
4	San Juan Las Pacayas	Senahú	Open case, hold community meeting to better understand positions, interests, and concerns.	50	22	56	22		Feb
5	San José Las Tinajas	Panzós	Open case and receive paperwork	60	1238	65	68.15		Feb
6	Santa María Cahaboncito	Panzós	Open case and receive paperwork	50	90	25	13.62		Feb
7	Tomas Cuz – Alejandro Cac Pop, Santiago Xo Choc	Senahú	Ownership dispute over boundaries	6				8734.236	Feb
8	Vicente Choc Tiul – Santiago Pop Cac, Marcelino Choc	Senahú	Ownership dispute over boundaries	4				6987.388	Feb
9	Guillermo Macz – Manuel Choc, área de reserva	Senahú	Ownership dispute over boundaries	3				873.4236	Feb
10	Arnulfo Caal – Walter Caal, Vicente Choc	Senahú	Ownership dispute over boundaries	4	1	9	17		Feb
11	Marta Choc Caal – Marcelino Choc, Manuel Ical	Senahú	Ownership dispute over boundaries	5	1	9	17		Feb
Totals				274	1498	8	20.23	595.047	

Table 2: Conflicts in process

Conflicts in process					
No.	Case name	Municipality	Type	Beneficiary Population	Disputed Area
				Party Family	
1	San José Sinaché	Zacualpa	Access to land	335	29.5 cab.
2	San Antonio Sinaché y San José Sinaché	Zacualpa	Ownership dispute	25	
3	Finca Chicorral	Chicamán	Ownership dispute	3	5 cab 2 maz.
4	San Pablo Cenzontle	Chicamán	Regularization	18	13 Cab.
5	El Pinal	Chicamán	Ownership dispute	2	8 cds
6	Lancetillo La Parroquia	Chicamán	Regularization	12	10 Cab.
7	Norma Rutilia Amparo Gamarro García	Chicamán	Ownership dispute	1	1 cds.
8	La Campana	Chicamán	Occupation	34	1 Cab.
9	Lirio Putul	Uspantán	Regularization	20	12.50 Cab.
10	Cerro Alto	Uspantán	Regularization	21	12.50 Cab.
11	Domingo Pop Chen	Uspantán	Ownership dispute	5	430 cds.
12	Los Cerritos	Uspantán	Regularization	60	7 Cab.
13	Santos Lorenzo Patán	Uspantán	Ownership dispute	1	40 cds.
14	Bacilia López Mota	Uspantán	Ownership dispute	1	75 cds.
15	Nuevo Celaje	Uspantán	Ocupación	9	1 cab.
16	Marvin Manuel Pol Álvarez	Uspantán	Ownership dispute	1	1118m2
17	Olimpo	Uspantán	Regularization	23	14 Cab. 4 Maz.
18	Hermanos Reyes Jax	Uspantán	Regularization	4	400 cuerdas
19	Ana Yat Menchú	Uspantán	Ownership dispute	2	16 cds.
20	Las Canoas	Uspantán	Ownership dispute	42	11 Cab.
21	Julio Argueta Hernández	Uspantán	Ownership dispute	1	120 cds.
22	Vidal Argueta Rivera	Uspantán	Ownership dispute	1	1 cds.
23	El Mirador	Uspantán	Occupation	14	7 Cab.
24	Uspantán-Chicaman	Uspantán	Territorial/Municipal boundary lines	1200	
25	Caserío La Constancia	Panzós	Access to land	55	55899.11 mt2
26	Tomas Cuz – Alejandro Cac Pop, Santiago XoChoc	Senahú	Ownership dispute over boundaries	6	8734.23 mt2
27	Vicente ChocTiul – Santiago Pop Cac, Marcelino Choc	Senahú	Ownership dispute over boundaries	4	6987.38 mt2
28	Guillermo Macz – Manuel Choc, área de reserva	Senahú	Ownership dispute over boundaries	3	873.42 mt2
29	Arnulfo Caal – Walter Caal, Vicente Choc	Senahú	Ownership dispute over boundaries	4	10917 mt2
30	Marta Choc Caal – Marcelino Choc, Manuel Ical	Senahú	Ownership dispute over boundaries	5	10917 mt2
31	Corralpec/Rubelpec	Senahú	Regularization	176	13537743.1 mt2
32	Senimlachocho - Seritquiche	Senahú	Ownership dispute over boundaries	60	603733 mt2
33	Seritquiche/KateriSecantulte	Senahú	Ownership dispute over boundaries	68	1191564.41 mt2
34	Seritquiche/Arnoldo Oliva	Senahú	Ownership dispute over boundaries	65	676885.21 mt2
Total				2326	6635.27 Hectares

Photo 1: Presenting the project to the Senahú A.V. COMUDE.



Photo 2: Presenting the project in Santa Catalina, La Tinta, A.V.



Photo 3: Inter-departmental Network activity in el Petén.

