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ISSUES OF LAND REGISTRATION IN RURAL LATIN AMERICA:
THE CASE OF THE GUATEMALAN CONSTRUCTION COMPANY, CASSA

MICHELLE LENZE
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Reviewed and approved* by the following:

Susan W. Friedman
Adjunct Assistant Professor of Geography
Thesis Supervisor

Roger Downs
Professor of Geography
Honors Adviser

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

CASSA is a young, Guatemalan social housing company that has recently become interested in the potential ramifications of systematic lack of land registration among its potential clients. Of particular concern is the fact that many of the potential clients with whom CASSA has interacted have not completed the national level land registration process, leaving them with significant financial risk, should they chose to build with CASSA. This paper investigates the literature describing issues of land titling for low-income populations, first exploring the historical, social, economic, and political structures that led to the modern day situation and then looking at current cases where systematic lack of land tenure has become an issue among low-income communities in Latin America. This investigation begins looking at Latin America in general, and I argue that the land tenure issues witnessed by CASSA are part of a broader trend throughout Latin America as a whole. I then move to land tenure in Guatemala to provide detail on the specific case of the country in which CASSA operates. Finally, I consider a number of tenure-related issues CASSA discovered through two reports it published in 2014: *CASSA: Social Housing Market Research Report* and *CASSA: Impact Assessment Manual*. I analyze these issues using arguments developed in the chapters on Latin America and Guatemala, considering how they would change if CASSA's clients, most of whom do not have fully registered land, were to acquire nationally registered property titles. I conclude that there is one major potential drawback to land titling for the Guatemalan poor – an increased likelihood of being bought out by large landholders as registration makes the land market more legible to external buyers. There are also two major potential benefits to titling, the first being a likely increased access to credit, and the second being increased tenure security, although the legal

process through which land disputes are resolved is incredibly slow, making this second benefit considerably less promising. I discuss these and a number of other issues, and ultimately come to the conclusion that, as a socially minded company, CASSA should be advising its clients on land registration procedures, but that it should only push for registration in cases where there is a clear threat of a dispute of the client's landholding. This preliminary finding will hopefully be adopted by CASSA and tested in the following years as the company continues to expand its business, shedding light on the impact of the complicated Guatemalan land titling and registration system on low-income homeowners.

TABLE OF CONTENTS

LIST OF FIGURES	iv
LIST OF TABLES	v
ACKNOWLEDGEMENTS	vi
Chapter 1 Navigating the Complex Realities of Latin American Land Tenure	1
Chapter 2 Land Access and Tenure in Latin America	7
Latin America	8
The Origins of Land Concentration: Colonization.....	13
Unchanging Land Patterns in a Period of Political Transition:	
Independence and European Imperialism	21
Twentieth Century Attempts at Land Reform: Government Policies in a Time of	
Demographic and Economic Change	26
Continuing Issues of Land Access: Transitioning into the Present Day	31
Land Reform through Land Titling.....	34
Chapter 3 The Guatemalan Experience with Land Access and Tenure.....	38
Guatemala	39
Concentration of Land under Colonial Rule and the Early Guatemalan State.....	42
The Expanding Export Crop Economy and Worsening Conditions of Land Access.....	47
A Brief Period of Progressive Governments and Land Reform.....	49
Land Injustice Leads to Civil War	52
Tentative Promises of Land Reform: The Peace Accords	54
Present Day	56
Land in Present-Day Guatemala	62
Issues with Land Titling in Guatemala	65
Chapter 4 CASSA: Land Tenure and the Guatemalan Housing Deficit.....	71
The CASSA Business Model	72
CASSA and Land Tenure.....	77
Possible Courses of Action and Recommendations	84
Chapter 5 Conclusions	86
BIBLIOGRAPHY	88

LIST OF FIGURES

Figure 1. Political Boundaries of Modern Latin American Countries	9
Figure 2. Administrative Areas (Departments) of Guatemala	40
Figure 3. Elevation Map of Guatemala	41
Figure 4. Map of Guatemalan Land Use, 1983	57
Figure 5. Map of Guatemalan Livelihood Zones, 2000	58
Figure 6. CASSA House Blueprint	74
Figure 7. CASSA House Exterior and Kitchen Interior.....	74

LIST OF TABLES

Table 1. Land Distribution Inequality: Regional Land Gini Coefficients.....	10
Table 2. Percent of Population Living in Poverty.....	60
Table 3. Guatemalan Laws Related to Land Titling	63
Table 4. The Guatemalan Land Titling System	67

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Chapter 1

Navigating the Complex Realities of Latin American Land Tenure

In 2014, the Guatemalan government's National Dialogue System, a government agency established to facilitate discussions between various political actors in the country, identified land tenure as the number one issue on a list of the six most pressing areas of national conflict.¹ Although Guatemala's thirty-year civil war ended nearly two decades ago, the country remains torn by conflict, and land tenure lies at the heart of the dispute. However, issues of land tenure are not unique to Guatemala. Throughout Latin America, land tenure and access to land as a productive resource remain at the forefront of dialogues on social inequality.² The unequal land distribution seen today in Guatemala and in much of the rest of modern Latin America stems back to distribution patterns established with colonization. Western concepts of private land ownership arrived to the region with the European colonizers in the early 1500s, and non-whites, predominantly of indigenous or African descent, were systematically pushed to the lowest classes of the social system that determined who could and could not own land.³ The economic

¹ Juan Manuel Castillo Zamora, "Identificados seis focos de conflictividad en el país," *Prensa Libre* (Guatemala City: Prensa Libre, January 19, 2014), accessed March 18, 2015. http://www.prensalibre.com/noticias/comunitario/CONFLICTOs_0_1069093099.html; Gobierno de la República de Guatemala, *Sistema Nacional de Diálogo Permanente* (Guatemala: Gobierno de la República de Guatemala, 2008): 3, accessed March 5, 2015. http://www.segeplan.gob.gt/2.0/index.php?option=com_remository&Itemid=274&func=startdown&id=330.

² Mayra Buvinic, Jacqueline Mazza, and Ruthanne Deutsch, eds., *Social Inclusion and Economic Development in Latin America* (n.p.: Inter-American Development Bank, 2004): 19.

³ John C. Fredriksen, *Encyclopedia of Latin America* (New York: Infobase Publishing, 2010): xxix; Celso Furtado, *Economic Development of Latin America: Historical Background and Contemporary Problems* (New York: Cambridge University Press, 1976): 29.

and social norms established during the colonial period resulted in extreme concentration of wealth, particularly in the form of land holdings, and social exclusion of a large, typically landless, portion of the population.⁴ The laws, social customs, and wealth distributions established in colonial times and the centuries that followed continue to influence the social hierarchy of many regions of modern Latin America. As a result, wealth, particularly in the form of land, remains extremely concentrated in the hands of the wealthy minority, and the poor are faced with social exclusion.⁵

Five centuries after the colonization of the region, antiquated patterns of social and economic inequality remain prominent issues in many Latin American countries.⁶ Groups that face racial discrimination, primarily indigenous people and those of African descent, are strongly overrepresented among the poor.⁷ The rural poor typically inhabit the poorest agricultural land and are often denied legal recognition of their rights to be there.⁸ In the cities, the urban poor are faced with a similar situation, inhabiting informal settlements in the least desirable areas of the city with no legal claim to the property on which they reside.⁹ In much of Latin America, land access and land distribution have come to play a central part in disputes over social inequality. In response, governments throughout the region have created titling programs to increase land

⁴ Furtado, *Economic Development of Latin America*, 29.

⁵ USAID, *Guatemala - Property Rights and Resource Governance*, Profile 23 (n.p.: USAID, August 2010): 8, accessed November 7, 2014. http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Guatemala_Profile_0.pdf.

⁶ César Patricio Bouillon, ed., *Un espacio para el desarrollo: los mercados de vivienda en América Latina y el Caribe* (Washington D.C.: Inter-American Development Bank, 2012): xxv, accessed November 7, 2014. <http://publications.iadb.org/bitstream/handle/11319/3472/Un%20espacio%20para%20el%20desarrollo%3a%20los%20mercados%20de%20vivienda%20en%20América%20Latina%20y%20el%20Caribe.pdf;jsessionid=35C818A0CD16D6F62ED62D558BB9F01F?sequence=1>.

⁷ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 42.

⁸ USAID, *Guatemala - Property Rights*, 5.

⁹ John Gledhill, "El derecho a una vivienda," *Revista de antropología social* 19 (2010). <http://www.redalyc.org/articulo.oa?id=83817227005>.

access and improve tenure security. However, many scholars question the benefits of these titling programs. Policymakers claim that titling will benefit the poor, providing them with, among other things, legal recourse to defend their land claims and better access to credit. However, scholarly studies of past land titling programs find that some titling programs have led to increased land conflicts and dispossessions of the poor, thus further entrenching the affected populations in unequal socio-economic conditions.¹⁰ Additionally, regardless of how successful they are, land titling programs fail to address larger structural problems, such as the unequal distribution of land and the underrepresentation of the political interests of the poor.

Issues of poverty, social inequality, and land access are particularly intertwined in Guatemala. The Guatemalan National Statistics Institute reported that 54 percent of the country was living in poverty in 2011.¹¹ The poor living in the rural parts of the country particularly feel the negative effects of Guatemala's highly concentrated land distribution. In 2010, USAID reported that 88 percent of the country's farms occupied only 16 percent of the agricultural land. In the rural parts of the country, the poor are restricted to the areas most lacking in resources where the federal government is virtually non-existent. Meanwhile, in the urban areas, land is more expensive, and poor communities tend to be informal settlements, often in areas made

¹⁰ Kevin A. Gould, "Everyday Expertise: Land Regularization and the Conditions for Land Grabs in Petén, Guatemala," *Environment and Planning A* 46, no. 10 (2014): 2354, 2360, doi: 10.1068/a140188p; Brian Ballantyne et al., "How Can Land Tenure and Cadastral Reform Succeed? An Inter-Regional Comparison of Rural Reforms," *Canadian Journal of Development Studies/Revue Canadienne D'études Du Développement* 21, no. 3 (2000): 694. <https://psu.illiad.oclc.org/illiad/UPM/illiad.dll?Action=10&Form=75&Value=1879168>; Gershon Feder and Akihiko Nishio, "The Benefits of Land Registration and Titling: Economic and Social Perspectives," *Land Use Policy* 15, no. 1 (1998): 1, doi: 10.1016/S0264-8377(97)00039-2.

¹¹ Luisa Fernanda Sánchez Domínguez, Pablo Francisco Toledo Chaves, and Fernando Rodríguez Valladares, *Encuesta nacional de condiciones de vida 2011* (Guatemala: Instituto Nacional de Estadística Guatemala, 2011): 10-11, accessed November 30, 2014. <http://www.ine.gov.gt/sistema/uploads/2014/01/16/BDX213J67zPD3mfAoBSeBI34p7xmyc0g.pdf>.

undesirable by their hazardous nature, such as the proximity to steep river banks or waste sites.¹² Unequal land distribution was a principal cause of the country's thirty-six year civil war, which ended in 1996 with the promise of significant reform to the country's land registration laws. Nearly twenty years later, the country still does not have an effective or universal land tenure law.¹³ Laws that do exist are not always enforced, and the court system is burdened with more cases than it can process in a timely manner.¹⁴ Nevertheless, forgoing land tenure leaves poor Guatemalans with no legal recourse whatsoever to protect their land claims. The rights of indigenous communities to reside on their land, in some cases even when it has been legally registered, has been ignored both historically and into the present day.¹⁵ Forced evictions are common, and the poor tend to inhabit the worst land and to be isolated from public services and infrastructure.¹⁶

In this context, the Guatemalan social housing company Construcción Autosuficiente, S.A. (CASSA), has emerged.¹⁷ CASSA aims to provide "complete construction services that transform natural resources into vital services in a clean way, both for humans and the environment." CASSA houses are designed to include solar energy, in-ground cisterns, and rain-

¹² USAID, *Guatemala - Property Rights*, 5; Uribe, et al., *Reducing Vulnerability to Natural Hazards: Lessons Learned from Hurricane Mitch, A Strategy Paper on Environmental Management* (working paper, Stockholm, Sweden: The Inter-American Development Bank, May 25-28, 1999), accessed April 8, 2015. http://www.iadb.org/regions/re2/consultative_group/groups/ecology_workshop_1.htm.

¹³ USAID, *Guatemala - Property Rights*, 5.

¹⁴ Castillo Zamora, "Identificados seis focos de conflictividad en el país."

¹⁵ Gould, "Everyday Expertise," 2357, 2360.

¹⁶ Charles D. Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," *Journal of Interamerican Studies and World Affairs* 26, no. 4 (Nov. 1984): 488, accessed December 2, 2014, <http://www.jstor.org/stable/165477>; USAID, *Guatemala - Property Rights*, 3-5; Sánchez Domínguez, Toledo Chaves, and Rodríguez Valladares, *Encuesta nacional de condiciones de vida 2011*, 10-11; David Carr, "A Tale of Two Roads: Land Tenure, Poverty, and Politics on the Guatemalan Frontier," *Geoforum* 37, no. 1 (January 2006), accessed April 1, 2015. <http://www.sciencedirect.com/science/article/pii/S0016718505000333>.

¹⁷ The company's name means "Self-sufficient Construction."

water collection and filtration systems that both protect the environment and improve sanitary conditions for the homeowner.¹⁸ The company argues that housing quality is a key factor in human and environmental well-being.¹⁹ This view aligns with assertions made by major development organizations, such as the Inter-American Development Bank (IADB) which states that in order to be an effective method of poverty alleviation, increased land access must be accompanied by the improvement of land with services and infrastructure.²⁰ CASSA's primary clients are those living in extreme poverty in Guatemala because the company believes that this is the sector in which its services will have the greatest impact.²¹ The only current requirements to be eligible for a CASSA house are two interviews—one about the family's financial status, which is used to determine a payment schedule, and one about the family's quality of life, to be repeated annually for CASSA's continuing research purposes. As a result of research carried out in 2014 on the potential impact of the company, in which I participated as a research intern, it was determined that many low-income Guatemalans do not have a land title registered through the national registry: they either have a title issued by the municipality or have no title at all. Given the large investment that clients are making in their land, the question arose as to what responsibility the company has to advise or require clients to obtain a deed.²² In order to answer this question, a number of other issues must be addressed. What legal rights are guaranteed by

¹⁸ Construcción Autosuficiente, S.A., "Who We Are" (CASSA.com, 2014), accessed November 24, 2014, <http://cassa.com.gt/en/about/>.

¹⁹ Antonio Aguilar, Ruby Cole, Ana Lucia Gadala-Maria, "Building Prosperity," (*Indiegogo*, December 31, 2014), accessed January 2, 2015. <https://www.indiegogo.com/projects/building-prosperity#home>.

²⁰ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20.

²¹ Aguilar, Cole, Gadala-Maria, "Building Prosperity."

²² Jorge Guillermo Barbosa Garzon and Michelle Lenze, *CASSA: Impact Assessment Manual* (CASSA.com, 2014): 4-5, 20, accessed March 17, 2015. <http://cassa.com.gt/wp-content/uploads/2014/11/Impact-Assessment-Manual-v0.7.pdf>.

titling, and will those rights be respected? Could the acquisition of land tenure be detrimental to impoverished communities? Is there a serious risk of forced eviction, and does that risk change with the acquisition of a registered deed?

This thesis seeks to answer these questions by examining land tenure, its history and current status in Latin America and Guatemala, and its impacts on the CASSA housing model. Systematic lack of land tenure is one of the symptoms of a long history of social inequality in Guatemala, and any initiative to address the housing deficit faced by the Guatemalan poor must consider the complex context surrounding land access in the country. Because the present-day realities surrounding land access and tenure are the product of historical phenomena that have occurred throughout Latin America, I will begin with a historical view of land access in the region. This historical approach will provide insight into the creation of the modern legal and social structures surrounding land access. It will be applied first to Latin America in general and second to Guatemala specifically. This will allow for comparison between the Guatemalan case and the cases of other countries that experienced similar historical processes. Modern laws surrounding land access, the implementation of such laws, and social and political attitudes surrounding the issue will be examined in detail, again comparing examples from other countries throughout the region with the Guatemalan case. Scholarly assessments of the positive and negative aspects of imposing land titling in communities where it is uncommon will also be presented, drawing particularly from assessments of titling programs in Latin America. Finally, a description of CASSA and its dilemma surrounding land tenure will be presented, and recommendations will be made based on the analysis carried out in the previous chapters.

Chapter 2

Land Access and Tenure in Latin America

Latin America is one of the regions with the highest wealth disparities in the world, and land distribution is central to that inequality. Sixteen of the twenty countries with the most unequal land distribution are Latin American.²³ Although most Latin American countries gained independence nearly two centuries ago, centuries of colonization left behind a legacy of social exclusion and highly unequal land distribution. Colonization and the socio-economic structures it produced are the unifying factors in a region that is otherwise markedly diverse, with respect to everything from its geography and climate to the cultural and ethnic background of its people.²⁴ In fact, Latin America is one of the most ethnically diverse regions of the world.²⁵ However, the politically non-dominant ethnic groups in the region, in particular indigenous people and those of African descent, continue to experience exclusion from modern society. Land access, an issue that stems from colonial subjugation of non-European ethnic groups through feudalistic and slavery systems, is one of the most hotly disputed manifestations of this social exclusion.²⁶ Throughout the region, government programs promoting land titling have been proposed and

²³ E.H.P. Frankema, *The Colonial Origins of Inequality: The Causes and Consequences of Land Distribution* (The Netherlands: Groningen Growth and Development Centre University of Groningen, June 2006): 5, 8. http://siteresources.worldbank.org/INTDECINEQ/Resources/1149208-1147789289867/IIIWB_Conference_ColonialOrigins_of_InequalityREVISED.pdf.

²⁴ Fredriksen, *Encyclopedia of Latin America*, xxix.

²⁵ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, iii.

²⁶ Frankema, *The Colonial Origins of Inequality*, 1.

implemented in an attempt to address this issue.²⁷ Increased access to credit, tenure security, and rising property values and property productivity are among the positive outcomes attributed to land tenure acquisition.²⁸ Nevertheless, there remain doubts as to the benefits the lower classes gain from land regularization and increased titling. For example, improvements in land tenure access alone have been shown to do little to improve the quality of life of the poor without accompanying property improvement, and titling has been shown to increase land sales to the elite, resulting in further land concentration.²⁹ These titling programs address tenure access but do not deal with the many other issues associated with unequal land distribution. Ultimately, they are not likely to overcome deep-seated social and economic patterns that have resulted in the widespread concentration of land.

Latin America

Definitions of the region vary, but for the purposes of this paper, *Latin America* is defined as the forty-one countries and foreign dependencies located in the Caribbean, Mexico and Central America, and South America (see Figure 1).³⁰ As used here, the Caribbean refers to not only of the islands located in the Caribbean Sea of the Atlantic Ocean, but also the mainland countries of Central and South America not colonized by the Spanish or Portuguese. Those mainland countries are Belize, Guyana, Suriname, and French Guiana, which are included in this

²⁷ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20.

²⁸ Gould, "Everyday Expertise," 2360; Feder and Nishio, "The Benefits of Land Registration and Titling," 1.

²⁹ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20; Gould, "Everyday Expertise," 2359.

³⁰ Fredriksen, *Encyclopedia of Latin America*, xxix-xxx.

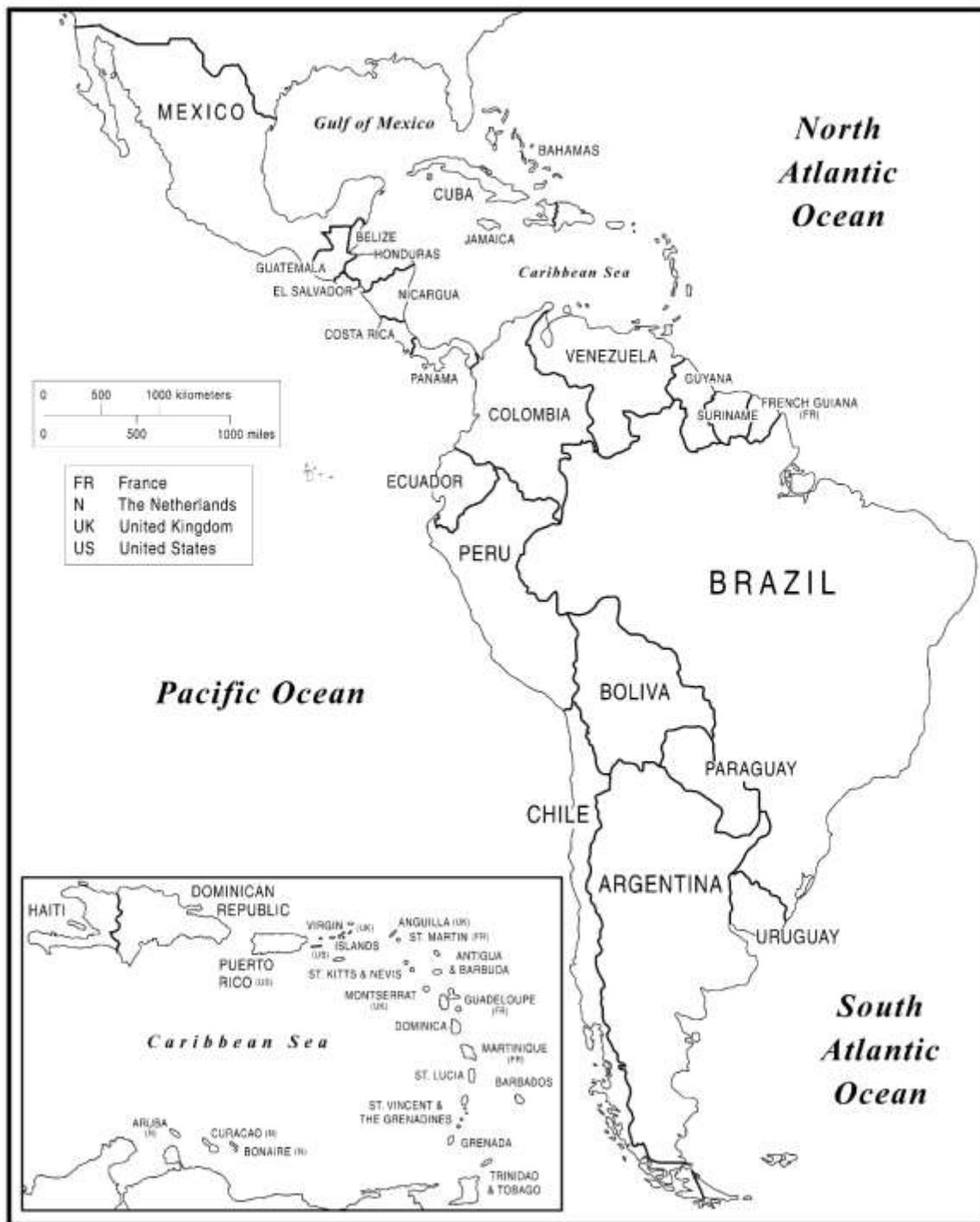


Figure 1. Political Boundaries of Modern Latin American Countries³¹

³¹ Alabama Maps, "The Americas" (University of Alabama Department of Geography, February 4, 2014), accessed April 8, 2015. <http://alabamamaps.ua.edu/contemporarymaps/world/americas/index2.html>.

category due to their social, economic, and political links to the non-Spanish Caribbean nations. The Caribbean was the first region of Latin America colonized by the Europeans, initially by the Spanish. However, as Spain turned its focus to mainland Latin America, other European powers, including England, France, Portugal, and the Netherlands, established colonies in the region, resulting in more diverse colonial influences than in the rest of Latin America. The indigenous population of the region was all but wiped out by disease, famine, and conflict with the arrival of the Europeans. A black majority was established in many of the countries as slaves were imported in increasing numbers to work the sugar plantations in the eighteenth and nineteenth centuries.³² Today, due in part to diverse colonial influences on the various islands of the region, there is a greater range of overall social inequality in the Caribbean than in other parts of Latin America. This includes a wider range of land distribution inequality than is found in the rest of Latin America. This is demonstrated through an examination of land Gini coefficients for the Caribbean (see Table 1).³³ The lowest land Gini coefficient in the Caribbean (46.2) is by far also the lowest in Latin America, indicating comparatively equal land distribution. However, the

Table 1. Land Distribution Inequality: Regional Land Gini Coefficients³⁴

<i>Region</i>	<i>Minimum Country Value</i>	<i>Maximum Country Value</i>
South America	63.9	86.3
Central America	60.7	78.3
Caribbean	46.2	81.6

³² Gad Heuman, *The Caribbean: A Brief History* (London, England: Bloomsbury Academic, 2014), xiii, 152, <http://pensu.ebib.com.ezaccess.libraries.psu.edu/patron/FullRecord.aspx?p=1388997&echo=1&userid=cxnsJTeBte0%3d&tstamp=1428876905&id=CDDDECE841ADD591CD1F4D82F3BE5D40EDC1749E>.

³³ The land Gini coefficient measures disparities in land distribution in the same way that the Gini coefficient measures disparities in wealth. Higher coefficients indicate greater inequality.

³⁴ Frankema, *The Colonial Origins of Inequality*, 8. Maximum value, indicating highest inequality, is 100.

Caribbean's highest coefficient (81.6) exceeds Central America's maximum value (78.3) and approaches the maximum of South America (86.3).³⁵

The region of Central America and Mexico extends from Mexico in the north to Panama in the south, with the exception of English-speaking Belize, which is included in the Caribbean. Three hundred and fifty volcanoes, many of them active, extend along the Pacific coast of the region from Guatemala to Panama. Volcanic eruptions and earthquakes have devastated the region's societies since pre-colonial times and continue to do so to this day, resulting in significant death tolls and the destruction of major cities. In the period prior to colonization, the region was populated by numerous indigenous groups, although it was dominated by the Mayans and the Aztecs by the time of the Spanish arrival. More than ten million people still living in the region identify as Mayan. However, the largest ethnic group in modern Central America is neither indigenous nor Spanish but rather *mestizo* (both indigenous and Spanish).³⁶ The first of the region's twentieth-century social revolutions took place in Mexico, and like many of the revolutions that followed, one of its main goals was land reform.³⁷

South America includes the countries of the South American continent, excluding those grouped with the Caribbean islands, which are Guyana, Suriname, and French Guiana. In colonial times, Panama was also more politically connected to South America than to Central America. Although the continent's physical geography is beneficial in terms of natural resources—most of its land mass is located between the tropics and subtropics, and the continent

³⁵ Frankema, *The Colonial Origins of Inequality*, 8.

³⁶ Lynn V. Foster, *A Brief History of Central America*, 2nd ed. (New York: Facts on File, Inc., 2007): 3-4, 25, 75.

³⁷ Francisco E. González, "Mexican Revolution," *The Concise Oxford Dictionary of Politics*, 3rd ed. (n.p.: Oxford University Press, 2009), accessed March 5, 2015.
<http://www.oxfordreference.com/view/10.1093/acref/9780199207800.001.0001/acref-9780199207800-e-820>.

has an abundance of fresh water sources—it is also geographically peripheral to the Global North, which has in many ways resulted in a peripheral economic status as well. Many indigenous groups inhabited the continent at the time of colonization, although the most prominent civilization was that of the Incas, who controlled the western coast of the region. The main colonizers of South America were the Spanish and Portuguese, although the Dutch, English, and French were all present on the continent during colonial times. A large number of Africans were also brought to the continent as slaves. In the nineteenth and twentieth centuries, the continent also received a number of immigrants from Europe, Asia, and the Near East. Colonization primarily occurred in the coastal regions, especially in countries where dense forests made inland exploration more difficult, and expansion toward the interior remains minimal in many places.³⁸

Although they differ greatly in geography, culture, and politics, the countries of Latin America are united by a history of European colonization, slavery and exploitation of indigenous and African peoples, and subjugation to imperialistic practices. Historically, land was important to all of these countries as a source of agricultural produce and mineral wealth.³⁹ Today, land remains extremely important in many Latin American countries, in part due to a continued dependence on agriculture. In Guatemala, for example, well over half of the country's land continues to be used for agriculture.⁴⁰ However, land is also important because its wealth is slow to depreciate and it can be passed from generation to generation, allowing for land concentration

³⁸ César Caviedes and Gregory Knapp, *South America* (New Jersey: Prentice Hall, 1995): 97, 99-104, 109.

³⁹ Fredriksen, *Encyclopedia of Latin America*, xxx.

⁴⁰ Rubén Narciso, et al., *Encuesta nacional agropecuaria, 2013* (Guatemala: Instituto Nacional de Estadística, February 2013): 14, accessed March 2, 2015. <http://web.maga.gob.gt/download/ena-2013.pdf>.

to be a long-term phenomenon.⁴¹ Thus, in order to understand the modern distribution of land in Latin America and the social and legal patterns that caused that distribution, it is necessary to understand the history of land access in the region.

The Origins of Land Concentration: Colonization

The social structures that have created a situation of social exclusion and lack of land access for the Latin American poor date back to colonial times.⁴² Spain was the primary colonizer, followed by Portugal. France, Great Britain, and the Netherlands also held colonies in the region.⁴³ The colonizers encountered a number of distinct indigenous societies, which were subjected to forced labor once they were pacified. The indigenous population was ultimately decimated by the combination of European diseases, famines brought about by the colonizers' demands for non-agricultural goods, and the conquerors' violent massacres of uncooperative groups.⁴⁴ African slaves were later brought to the region to perform the forced labor initially carried out by the declining indigenous peoples. Agricultural production and the collection of precious metals (mainly gold and silver) were the major economic priorities of the colonizers.⁴⁵ The Spanish Crown also offered explorers the rights to large tracts of lands, and given the importance placed on agricultural production, social status came to be determined by land ownership.⁴⁶ The European owners of the vast, rural estates quickly solidified their status as the

⁴¹ Frankema, *The Colonial Origins of Inequality*, 1.

⁴² *Ibid.*

⁴³ Fredriksen, *Encyclopedia of Latin America*, xxix-xxx.

⁴⁴ Heuman, *The Caribbean: A Brief History*, 6, 8.

⁴⁵ Fredriksen, *Encyclopedia of Latin America*, xxx.

⁴⁶ Furtado, *Economic Development of Latin America*, 29; Caviades and Knapp, *South America*, 110.

elite. The African and indigenous majority continued to be denied land access and were frequently subjected to slave labor under the control of the European minority.⁴⁷ This relationship between land and political, economic, and social power continues to exist, to varying degrees, throughout modern Latin America.

The first colony in the Americas was established by the Spanish in 1493 on the island of Hispaniola. The Spanish explorers subjected the Tainos, the indigenous society of the island, to a forced labor system, but the conquerors' demands for gold caused a decrease in agricultural production and resulted in widespread famine. Faced with the flight of the Tainos from their villages, Spain reestablished effective control of the island by massacring the remaining Taino leaders and establishing the *encomienda* system.⁴⁸ Under this system, the Spanish Crown ceded control of a territory to its conqueror as long as certain obligations (paying taxes, providing military protection of the area, converting pacified, indigenous inhabitants to Catholicism, etc.) were met.⁴⁹ Indigenous peoples were still subjected to forced labor, but the system supposedly offered them the Spanish overlord's protection and allowed them to maintain ownership of their own lands.⁵⁰ In reality, as this system spread throughout the American colonies, land ownership came to be controlled by the Spanish and the indigenous people were exploited as slave labor.⁵¹ Additionally, while the *encomienda* rights were not supposed to be hereditary, in practice, land holdings and rights were passed from father to first-born son.⁵² This system would be the basis for the consolidation of land throughout Spanish America.

⁴⁷ Furtado, *Economic Development of Latin America*, 29.

⁴⁸ Heuman, *The Caribbean: A Brief History*, 7-9.

⁴⁹ Furtado, *Economic Development of Latin America*, 15-19.

⁵⁰ Heuman, *The Caribbean: A Brief History*, 9.

⁵¹ Furtado, *Economic Development of Latin America*, 15-19.

⁵² Caviedes and Knapp, *South America*, 111.

By the early sixteenth century as the gold mines were depleted on a number of islands, the Spanish turned their attention to Central and South America where they hoped to find more precious metals.⁵³ Central America was much more densely populated than the Caribbean. The dominant groups at the time of the Spanish conquest were the Aztecs in northern Mexico, and the Mayans in Guatemala and southern Mexico.⁵⁴ The Spanish overtook the Aztec capital in 1521 and were able to establish control over the entire empire, inserting themselves into existing indigenous social hierarchy as the new ruling class.⁵⁵ The region outside of the former Aztec empire was much less politically united, which made conquest more challenging and less unified, allowing individual conquerors to subjugate smaller independent societies and exploit them to acquire greater personal wealth.⁵⁶ The Spanish also travelled southward from Central America in the early sixteenth century, where they found more wealth in the precious metals of the Incas in the Andes. The main Incan cities were conquered in the 1530s, and Lima, the most prominent city of Spanish colonial America, was established in 1535. Spanish explorers continued to venture farther south, but they found no wealth that compared to that of the Incan region. Exploration of the South American interior was largely inspired by the search for more silver and gold, and the establishment of colonies in South America tended to take place along the coast (for ease of access) in highly productive agricultural areas and areas where the Europeans could take advantage of existing political structures to take control of societies.⁵⁷

⁵³ Heuman, *The Caribbean: A Brief History*, 12.

⁵⁴ Leslie Bethel, ed., *The Cambridge History of Latin America* (Cambridge, England: Cambridge University Press, 1984): 2-3, doi: 10.1017/CHOL9780521232234; Foster, *A Brief History of Central America*, 11.

⁵⁵ Foster, *A Brief History of Central America*, 53, 60.

⁵⁶ Foster, *A Brief History of Central America*, 60; W. George Lovell, *A Beauty that Hurts* (Austin: University of Texas Press, 2000): 114.

⁵⁷ Caviades and Knapp, *South America*, 3, 5-6, 109.

Thus, a consistent theme throughout the Spanish conquest of the Americas was the search for material wealth and the acquisition and concentration of land for the production of agricultural and mineral goods.

In seventeenth-century Latin America, the predominantly Spanish landholders established their role as the economic and political elite, although they were by far the minority population. Most of the population was indigenous, black, or *mestizo*, and *mestizos* eventually came to be the largest ethnic group in the urban centers, while the countryside remained demographically dominated by the indigenous people and African slaves.⁵⁸ Landowning Europeans generally resided in urban centers where they were afforded more amenities and were surrounded by other Europeans.⁵⁹ Cities were the centers of cultural exchange and were highly dependent on trade with Europe.⁶⁰ The region's economy was, however, still based on rural production of raw materials for export, including sugar, beef, tobacco, and dyes.⁶¹ The continued dependence on land for production of goods to be exported meant that land remained important in the generation of wealth and social status.

The *encomienda* system used in the Caribbean was established in Spanish Central America and South America as well, resulting in the widespread subjugation of indigenous peoples under individual conquerors. Both the *encomienda* system and a system of land grants, under which tracts of land were awarded to conquerors according to their rank, served to consolidate land in the hands of the Spanish. The indigenous people were worked as slaves, often

⁵⁸ Foster, *A Brief History of Central America*, 92; Caviedes and Knapp, *South America*, 140.

⁵⁹ Foster, *A Brief History of Central America*, 96.

⁶⁰ Caviedes and Knapp, *South America*, 139.

⁶¹ Foster, *A Brief History of Central America*, 96; Caviedes and Knapp, *South America*, 192.

in regional mines in Central America or in the more profitable mines of Spanish South America. Although the Spanish Crown decreed that only those who did not submit peacefully to Spanish control were to be enslaved, this law was not respected by the early conquerors in Central America, who were particularly harsh in their treatment of the indigenous people. The combination of violence, harsh work conditions, dislocation, and disease significantly decreased the indigenous population in the region, although the indigenous people remained the majority ethnic group throughout the colonial period. By the end of the sixteenth century, the Spanish Crown had interfered to improve the conditions of indigenous life in the new colonies, in large part to end frequent uprisings and to establish political stability. Slavery of indigenous people was abolished, and some other labor laws were enforced. Nevertheless, indigenous people remained tied to their Spanish overlords even after the *encomienda* system ended, as a debt system emerged under which land owners would lend indigenous laborers money as advanced payment for future work, which was never enough to pay off the debt.⁶² In this way, even after the termination of the *encomienda* system, which had served as the institutionalization of land concentration practices in early Latin America, indigenous people continued to be excluded from land ownership.

As the Spanish colonization began, the Portuguese also began establishing colonies in Latin America, having legally established control of the western part of the continent through the Treaty of Tordesillas in 1494.⁶³ Portugal's colonization of the Americas followed similar patterns to that of the Spanish, although their motivations differed.⁶⁴ Whereas the Spanish

⁶² Foster, *A Brief History of Central America*, 63, 71, 74, 83, 87, 89, 112.

⁶³ Heuman, *The Caribbean: A Brief History*, 17.

⁶⁴ Furtado, *Economic Development of Latin America*, 15-19; Caviedes and Knapp, *South America*, 111.

sought social and political power through their land holdings in the Americas, the Portuguese arrived as traders. Their early settlements served as trade outposts for ships on long voyages and also as military forts to protect the Portuguese territory. However, by the 1530s, the Portuguese began developing enormous sugar plantations, which became the basis for the colonial economy. A mining industry would also later be developed. African slave labor was more heavily relied on in Brazil than in Spanish America as the Portuguese settlements were generally located in more sparsely populated areas. However, the relatively small size of the Portuguese population resulted in more intermarriage between Europeans and indigenous people in Brazil than in the Spanish colonies. The result was a much less rigid racial social hierarchy.⁶⁵ Nevertheless, the rise of the sugar and mining economies elevated the importance of land as a source of economic and social power, as it had been all along in Spanish America, and gave rise to the landed elite in Portuguese America.

An important phenomenon occurring in sixteenth-century colonial America was the emergence of new ethnic groups.⁶⁶ Definitions of racial groups varied widely throughout the Americas but were uniformly tied to legal and social status.⁶⁷ Blacks in Spanish America were not offered the legal protection afforded to the indigenous people under the *encomienda* system, but they were also free of the burden of paying tribute to landholding overlords. Free blacks were therefore more socially mobile.⁶⁸ Europeans consistently remained as the social elite, but complicated hierarchies emerged with respect to the children of parents of different races.⁶⁹

⁶⁵ Caviendes and Knapp, *South America*, 111, 112, 188.

⁶⁶ Foster, *A Brief History of Central America*, 74-75; Caviendes and Knapp, *South America*, 116.

⁶⁷ Caviendes and Knapp, *South America*, 117.

⁶⁸ Foster, *A Brief History of Central America*, 110.

⁶⁹ Caviendes and Knapp, *South America*, 116-117.

Mestizos, who were part indigenous and part European and were not subjected to the Spanish *encomienda* system, would eventually come to be the largest ethnic group in Central America.⁷⁰ *Mulatto* referred specifically to those of African and European descent, although in Colombia, people in this group were eventually identified as *mestizo*. The opposite happened in Chile where *mestizos* eventually came to be considered white.⁷¹ It is clear that complex and varying social hierarchies emerged throughout the region, but always with those of European descent maintaining their place as the elite.

By the seventeenth century, non-Iberian European powers, including the Dutch, British, and French, took advantage of the Spanish preoccupation with Central and South America and began establishing colonies in the Caribbean. In contrast to the Spanish colonies, these colonies were primarily founded for trading purposes. Nevertheless, a similar system of land control was established in the newly colonized territories, under which the founder of the colony granted tracts of land in exchange for payments of cash crops. This system again resulted in a direct connection between social status and land access. Non-Spanish colonizers tended to settle on the less-inhabited islands so as to avoid the struggle of establishing control over remaining indigenous groups. Labor on these islands was largely carried out by white indentured servants. However, in contrast to indigenous and African slaves in the Caribbean, these white servants were guaranteed land when their agreed-upon term of service was completed. As European demand for sugar increased, many of these colonies eventually turned to sugar production.

⁷⁰ Foster, *A Brief History of Central America*, 74-75, 83.

⁷¹ Caviades and Knapp, *South America*, 117.

Wealth became even more concentrated as establishing a sugar plantation required substantial investments.⁷²

Due to the higher labor demand and harsher conditions of sugar production, indentured servants were increasingly unwilling to work on the plantations, and African slaves began to be purchased in increasing numbers in the Caribbean. The number of slaves imported was so great that by the beginning of the eighteenth century, slaves outnumbered whites three to one in Barbados. In Jamaica, the ratio rose to eight to one. Interestingly in the Caribbean, it was common for slaves to become the de facto owners of small (less than one acre) plots of land. This was allowed by the plantation owners so that slaves could produce their own food and so that they would be more attached to the land and less likely to run away. Excess produce from this land was also sold by the slaves, allowing some to acquire wealth comparable to that of the average free, small farmer. A very small number of blacks in the non-Spanish Caribbean were free (having purchased or been granted their freedom or being born free as the child of a female slave and a male plantation owner) but their rights were still extremely restricted in comparison with whites. Free blacks tended to move either to the cities or to rural areas separated from the sugar plantations in order to distance themselves from the large slave plantations. In both the urban and rural areas, economic opportunities remained limited for blacks throughout the colonial period. Sugar production became a major part of the Caribbean economy in the eighteenth century, first in the non-Spanish Caribbean, later in the Spanish islands. Prior to the introduction of the sugar plantation, the Spanish Caribbean had a relatively mixed population. When sugar production did take off in the Spanish Caribbean, African slaves were brought in

⁷² Heuman, *The Caribbean: A Brief History*, 13, 14-15, 17-18, 55.

increasing numbers to work the plantations, and the opportunities for free blacks were significantly limited.⁷³

By the end of the colonial period, social, economic, and legal structures had been put in place that have influenced land access up to the present day. Although they have since been abolished, colonial legal systems governing land and labor, such as the subjugation of indigenous people through the *encomienda* system in Spanish America and through land grants in the non-Spanish Caribbean, as well as the enslavement of Africans throughout Latin America, consolidated enormous amounts of the most productive land in the hands of a small group of Europeans. Meanwhile, Africans and indigenous people were either denied the right to land ownership or severely restricted in the amount and quality of land they could own. This uneven distribution of land would persevere throughout the centuries that followed, as would the economic and social importance of land. Land was critical to the production of wealth during this time, as the production of cash crops, such as sugar, and precious metals were such an important part of the colonial Latin American economy. Thus, rural land remained important to most of the region's population as a source of livelihood long after colonial times. Finally, land was, and remains, a major factor in social status throughout Latin America.

Unchanging Land Patterns in a Period of Political Transition: Independence and European Imperialism

The social structure of Latin America changed little with the attainment of independence from Europe. Discontent among the elite with the European system of rule, combined with the

⁷³ Heuman, *The Caribbean: A Brief History*, 19-20, 23, 26-27, 40-41, 47, 51, 59.

decline of the Spanish and Portuguese empires, led to the independence of the Spanish and Portuguese-controlled colonies, with the exception of Cuba and Puerto Rico, by the early 1800s.⁷⁴ However, while the European monarchies were removed from the social hierarchy, the land-owning European descendants maintained their position as the elite.⁷⁵ Changes in economic structures were also slow to come as the Latin American elite continued to benefit from favorable international markets for raw goods. Additionally, although their direct colonial control of the region was ending, many European countries relied on the former colonies as markets for manufactured goods. They used their continued imperialist connections to the region to prevent Latin American countries from undergoing their own industrialization, and the region remained highly dependent on mineral and agricultural production.⁷⁶ Ultimately, the continued existence of the landed elite and dependence on production of raw materials meant that independence brought very few changes for the landless of Latin America.

The first country to gain independence was Haiti, where a massive slave revolt was followed by several tumultuous years of black leadership under Toussaint Louverture and ultimately independence in 1804. Haiti's independence sparked a number of slave rebellions, but both abolition and independence would come more gradually to the rest of Latin America. Emancipation was granted throughout Latin America between the mid and late 1800s, but rights for free blacks continued to be limited throughout the nineteenth century. In some colonies, they were excluded from practicing certain occupations, and acquisition of land became increasingly

⁷⁴ Furtado, *Economic Development of Latin America*, 37; Fredriksen, *Encyclopedia of Latin America*, xxxi.

⁷⁵ Fredriksen, *Encyclopedia of Latin America*, xxxi.

⁷⁶ Werner Baer, "Import Substitution and Industrialization in Latin America: Experiences and Interpretations," *Latin American Research Review* 7, no. 1 (n.p.: The Latin American Studies Association, Spring 1972): 96; Caviedes and Knapp, *South America*, 197. <http://www.jstor.org.ezaccess.libraries.psu.edu/stable/2502457>.

difficult. After slavery was abolished, plantation owners in the sugar-producing colonies sought to maintain their cheap labor. In some cases they charged rent that exceeded the value of workers' wages to keep them in debt. In some colonies, a head tax was imposed, and its rate was higher in urban areas in an attempt to keep poor blacks working on the rural plantations. Nevertheless, blacks elected in large numbers to register their own small land holdings separate from the white estates. Although many continued to work on the large plantations, owning their own land granted them an increased level of independence.⁷⁷ In this way, rights to land improved for most blacks, but only very marginally.

In both the Caribbean and on the mainland, discontent with European rule led to wars of independence in the early nineteenth century.⁷⁸ Spain soon lost control of its mainland colonies. Brazil separated peacefully from Portugal, and independent nations began to form.⁷⁹ In South America, the newly independent nations of Brazil, Uruguay, and Chile all sought to populate their largely empty interiors and expand their labor force, which they did by recruiting immigrants from a variety of European countries, thus vastly expanding their middle class. Immigrants were granted land in an attempt to increase rural productivity, but they often preferred to remain in the cities. In the early twentieth century, the descendants of these immigrants would fight for social reform and in many cases replace the traditional elite in positions of power.⁸⁰ Although land was made available to those outside the elite in this region, those allowances only applied to white immigrants.

⁷⁷ Heuman, *The Caribbean: A Brief History*, 79-80, 81-82, 84, 86, 95, 97-98, 103-104, 110-111.

⁷⁸ Foster, *A Brief History of Central America*, 133; Heuman, *The Caribbean: A Brief History*, 78.

⁷⁹ Foster, *A Brief History of Central America*, 133; Caviades and Knapp, *South America*, 196.

⁸⁰ Caviades and Knapp, *South America*, 121-123.

In Central America, the provinces known as the Kingdom of Guatemala under Spanish rule were briefly annexed by Mexico before forming an independent federation. The weak central government attempted to enact reforms but was faced by opposition from the feuding families of the elite as well as from the indigenous population. The government offered equal citizenship and westernization to the indigenous people, but this was seen as an attack on traditional indigenous society and was not well received. In particular, taxes were levied that the indigenous people considered similar to the tributes they paid under the *encomienda* system, and legal changes facilitated the sale of communal lands to non-indigenous people. The government was eventually overthrown and the isthmus came to be governed by a number of conservative dictatorships with policies mirroring colonial practices, governing the indigenous people under their own law, and returning power to the Church and to the landed elite.⁸¹ In this way, ironically, with the support of the indigenous population, the political power of the landed elite was preserved in Central America.

Britain was the main remaining imperial power in the Latin America in the early nineteenth century, although some other countries, such as Brazil, maintained strong influence over their former colonies, and, the US was also vying for control over the region by mid-century.⁸² The imperial powers consistently encouraged the former colonies to maintain unindustrialized economies, although they did encourage development to the extent that it facilitated extraction of resources, thus ensuring that Latin America continued to produce mostly

⁸¹ Foster, *A Brief History of Central America*, 135, 145, 153.

⁸² Baer, "Import Substitution and Industrialization in Latin America," 96; Foster, *A Brief History of Central America*, 160-161; Caviedes and Knapp, *South America*, 197.

raw materials and to import manufactured goods from overseas.⁸³ Mining, no longer just of gold and silver but also of copper and coal, and agriculture, which expanded to include wheat and wine in Chile and coffee in Brazil, continued to be the major economic activities of the region.⁸⁴ Until World War I, only very basic forms of industrialization in the textile and food industries had taken place, and those only in the larger countries, such as Argentina, Brazil, and Mexico. The entire region remained heavily dependent on agricultural production, and consequently on land access; up until World War I, Argentina was the only country with a majority urban population.⁸⁵

Although the countries of the region became independent from colonial rule and from one another at this time, patterns of land access remained relatively unchanged. The region continued to be predominantly rural during this period, and agriculture and mining persevered as the main economic activities. Land remained concentrated in the hands of the white elite even after the end of colonial rule. This was particularly true in Central American and the Caribbean where overcrowding was a major problem and the landed elite maintained control of the government. Some South American countries encouraged European immigrants, which decreased the power of the elite, although non-whites continued to lack political power and land access. Overall, this period was remarkably similar to the colonial period with respect to the importance of land. Discontent with this continued exclusion from land as an important source of

⁸³ Baer, "Import Substitution and Industrialization in Latin America," 96; Caviedes and Knapp, *South America*, 197.

⁸⁴ Caviedes and Knapp, *South America*, 198-200.

⁸⁵ Baer, "Import Substitution and Industrialization in Latin America," 96.

economic and social power would lead to a number of attempts at land reform in the following century.

Twentieth Century Attempts at Land Reform: Government Policies in a Time of Demographic and Economic Change

Throughout the twentieth century, discontent with social inequality led to the rise of a number of leftist governments that sought to reform the highly unequal political and economic structures of the region, and often focused on land access and distribution as a central reform issue.⁸⁶ However, most of these left-leaning governments were toppled by U.S.-backed, military dictators. In general, the military governments were most interested in maintaining political power, and did not cater to the desire for agrarian reform of the poor, although there were some exceptions where the regime sought to appease the lower classes.⁸⁷ In Central America, the toppling of the leftist governments typically ended in civil war.⁸⁸ Other important and lasting changes took place in the region after World War II. Urbanization began to take off across the region, due largely to the scarcity of available land and the lack of employment opportunities in rural regions.⁸⁹ Economic change also took hold as many countries adopted the import substitution industrialization (ISI) model in an effort to increase economic independence and to promote market diversification. However, this economic policy was largely abandoned by the

⁸⁶ Caviades and Knapp, *South America*, 165-166.

⁸⁷ Jerry L. Weaver, "Assessing the Impact of Military Rule: Alternative Approaches," in *Military Rule in Latin America: Function, Consequences, and Perspectives*, ed. Philippe C. Schmitter (Beverly Hills, Sage Publications, Inc., 1973): 61; Álvaro Pop, *Informe evaluación de la declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas en Guatemala* (Guatemala City: United Nations, 2013): 20, accessed October 31, 2014. <http://www.un.org/esa/socdev/unpfii/documents/2013/CRP-3.pdf>.

⁸⁸ Foster, *A Brief History of Central America*, 225.

⁸⁹ Caviades and Knapp, *South America*, 152.

1970s as industrial growth slowed, high prices of domestic goods limited export possibilities, and income concentration proved to be equal to or even greater than in the pre-World War II economy.⁹⁰

The first land-related social revolution in Latin America began in Mexico in 1911, in part as a result of discontent from the growing middle class with the existing dictatorship but also due to the frustration of indigenous people whose communal lands had been broken up and in many cases lost to large land holders. The Constitution of 1917 established the government's right to redistribute all land, which, although implemented slowly, did lead to the break-up of the large estates.⁹¹ A number of other revolutions occurred throughout the century, resulting in varying degrees of land reform. A 1952 revolution in Bolivia led to a national land redistribution program, but the program was largely ineffective. Agricultural efficiency did not increase, and insufficient state support caused delays in the program and meant that land remained unequally distributed. Population growth ultimately caused fragmentation of the land that was successfully redistributed.⁹² When Fidel Castro's revolutionary government took control of Cuba in 1959, it enacted widespread land distribution and agricultural diversification programs. The programs succeeded in moving wealth away from land owners and leveling income distribution but otherwise were not successful.⁹³ The Colombian government promised land redistribution in the 1960s, but lack of government enforcement of the plan actually led to increased land-related

⁹⁰ Baer, "Import Substitution and Industrialization in Latin America," 96; Furtado, *Economic Development of Latin America*, 2.

⁹¹ Clifford A. Hauberg, *Latin American Revolutions* (Minneapolis: T.S. Denison & Company, Inc., 1968): 10, 12, 33.

⁹² Caviedes and Knapp, *South America*, 166.

⁹³ Heuman, *The Caribbean: A Brief History*, 163, 165.

disputes.⁹⁴ A military government in Peru instated a redistribution program in 1968 with comparable results to the earlier Bolivian reform. Agrarian reform in Chile in the 1970s successfully increased agricultural productivity, but the cooperatives established by the reform soon dissolved into small individual farms. In the 1970s, both Ecuador and Venezuela initiated reform programs, but the land that was given to the poor was largely unproductive. These programs generally succeeded in somewhat diminishing the power of the landed elite, but they were unable to raise the rural poor out of poverty, in large part because artificial price control of foods, in an effort to keep urban living costs low, made small farming unprofitable.⁹⁵

Also in the post-World War II period, mass population growth and urbanization took hold in many countries. Urban population growth for the region between 1950 and 1970 remained above 4 percent while in the rural population it remained at 1.4 percent.⁹⁶ Two major factors in this urbanization were the lack of non-agricultural employment in rural areas and the lack of availability of land in rural settlements. In spite of attempts at reform, wealthy landowners continued to hold much of the land, while small family holdings were already too small to be further divided to serve the needs of all of a family's children. Consequently, internal migrations from rural to urban areas became increasingly common, a situation which persists to this day.⁹⁷ City planning and infrastructure development failed to keep pace with the influx of people, and the region's cities developed enormous shantytowns.⁹⁸ In some cases, migrants to the cities became part of a growing middle class, but most often they become part of the urban poor.⁹⁹

⁹⁴ Ballantyne et al., "How Can Land Tenure and Cadastral Reform Succeed?," 700.

⁹⁵ Caviedes and Knapp, *South America*, 166-167.

⁹⁶ Baer, "Import Substitution and Industrialization in Latin America," 97, 100.

⁹⁷ Caviedes and Knapp, *South America*, 152.

⁹⁸ Bouillon, *Un espacio para el desarrollo*, xxv; Caviedes and Knapp, *South America*, 155.

⁹⁹ Caviedes and Knapp, *South America*, 153, 155.

Concurrently, large projects were begun in many of the South American countries to expand agricultural production past frontier areas into the continent's largely unsettled interior. In Brazil, for example, highways were constructed through the Amazon beginning in the 1960s in an attempt to satisfy the needs of poor, small farmers, who were excluded from land access in other parts of the country by the prevalence of enormous land holdings. Agricultural settlements were established along the highways in areas that had previously been only sparsely populated by indigenous groups. However, farmers often did not adapt their agricultural techniques to the region, and, in many cases, large-scale cattle ranchers became the primary occupants of the newly cleared land. Similar attempts to use frontier expansion to provide access to those from poor rural or overpopulated areas occurred in a number of other countries. These settlements were most successful when they were populated by people accustomed to living near the frontier areas. Land access conflicts with previous residents of the region, typically indigenous, also became common. Results of these confrontations varied: in some cases, indigenous people were forcefully evicted, while in others, indigenous residents successfully acquired land titles and maintained control of their land.¹⁰⁰

At the same time, a decrease in the availability of economic goods from abroad led to widespread implementation of ISI, an economic policy under which the domestic economy industrializes to produce its own manufactured goods rather than importing them. Additionally, although ISI was intended to increase countries' economic independence, foreign capital played an important role in the industrialization process.¹⁰¹ U.S. companies gained considerable access

¹⁰⁰ Caviedes and Knapp, *South America*, 133-136, 139.

¹⁰¹ Baer, "Import Substitution and Industrialization in Latin America," 96-98.

to Latin American markets at this time, and they came to control the production of much of the region's raw materials.¹⁰² By the 1970s, most countries abandoned their ISI policies as they failed to produce further industrialization. However, two decades of industrialization under ISI did result in significant changes in the economic structure of much of the region, with the economies of Argentina, Brazil, Chile, and Mexico all becoming primarily industrial by the 1960s. This marked a significant shift for some countries away from the predominantly agricultural economies of the previous centuries. In some countries, particularly in Argentina, this economic policy also directly negatively impacted the agricultural sector, diverting resources to other sectors and decreasing the competitiveness of agricultural exports through tariffs designed to protect the domestic industrial markets. While ISI did succeed in producing economic growth in the industrial sector, it also led to more concentrated income. It failed to produce significant growth in employment opportunities, and unemployment in urban centers rose with the growing population.¹⁰³

Overall, the twentieth century was a period of significant change in Latin America. Centuries of concentration of social and economic power in the hands of the wealthy land-owning class were seriously challenged for the first time in the region's history, although the results were less far reaching than might have been hoped. Both the decrease in the importance of agriculture and the occurrence of a number of agricultural reforms that brought about varying levels of land redistribution decreased the power of the landed elite. However, this change in the social status of the historical elite, the industrial diversification, and the demographic

¹⁰² Furtado, *Economic Development of Latin America*, 2.

¹⁰³ Baer, "Import Substitution and Industrialization in Latin America," 96, 101, 105, 107-108.

urbanization that occurred concurrently all failed to change the status of the landless poor. In rural areas, the poor continued to be faced with minimal employment opportunities, even when land reform allowed them to successfully secure larger parcels of land, due to the unprofitability of small-scale farming. Population growth and urbanization made jobs scarce in the cities as well, and the urban poor were primarily concentrated in informal slum settlements. Thus, even as government policies and other factors changed the structure of wealthy Latin America, the traditional rural poor and the emerging group of the urban poor continued to face issues of land access. For this reason, land reform would once again be an important issue in Latin American politics in the late twentieth-century transitions back to democracy and carrying over into the twenty-first century.

Continuing Issues of Land Access: Transitioning into the Present Day

The end of the twentieth century saw the fall of the numerous military dictatorships that had controlled the region in the preceding decades, and constitutional reform was a major part of the new democracies. Increased recognition of the rights of minorities, especially indigenous groups, was a major part of these reforms.¹⁰⁴ Convention 169, a treaty put forth by the International Labor Organization in an attempt to protect indigenous rights, was incorporated into the constitutional reforms of many governments, but it is not always respected.¹⁰⁵ Land

¹⁰⁴ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 55-56.

¹⁰⁵ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 56; Castillo Zamora, "Identificados seis focos de conflictividad en el país."

access is particularly important to many indigenous groups as access to territorial homelands can be considered an important part of their identities.¹⁰⁶

Issues of social exclusion, particularly in the form of unequal land access and distribution, continue to plague Latin America, especially for its indigenous and black populations.¹⁰⁷ The IADB reported in 2004 that 29 percent of the Latin American population was of African descent and 8 percent was indigenous. Social exclusion of these groups is most pronounced in countries where they make up an even higher percentage of the population, including Bolivia, Brazil, Guatemala, and Peru. They are also overrepresented in low-income classes, with people of African descent comprising an estimated 40 percent of the Latin American poor.¹⁰⁸ The rural and urban poor alike continue to face issues of social exclusion and lack of land access, but the differences in the nature of the cities and the countryside mean that the challenges surrounding this issue in each of these areas varies significantly.

Those in rural areas also tend to experience social exclusion (this is true regardless of ethnic background, although there is an overrepresentation of African descendants and indigenous people in rural areas) due to the lesser legal presence and the fewer public services in these areas.¹⁰⁹ The dispersion of housing makes it difficult and expensive for the government to provide infrastructure and services, and access to infrastructure, water, public works, schools, and health tends to be extremely limited.¹¹⁰ It is common for rural farmers to migrate along rural frontiers, arriving in one area only to produce low yields and move on to a new frontier, leaving

¹⁰⁶ Caviedes and Knapp, *South America*, 128.

¹⁰⁷ Caviedes and Knapp, *South America*, 155; Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 41.

¹⁰⁸ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 41, 284.

¹⁰⁹ *Ibid.*, 48.

¹¹⁰ Bouillon, *Un espacio para el desarrollo*, xxv; Carr, "A Tale of Two Roads."

former frontier-land free to be purchased by the elite. This process results in significant concentration of land along the frontiers and significant ecological damage. Rural frontier areas also tend to be located along the edge of jungles, meaning high rates of disease.¹¹¹ Thus, although there is a large amount of unclaimed land in the unsettled, central areas of Latin American mainland countries, the more habitable land has largely been claimed by the wealthy, leaving small rural farmers with extremely limited land access options. Land invasions are common throughout the region as the rural poor occupy unproductive lands that form part of large agricultural holdings. *O Movimento dos Trabalhadores Rurais Sem Terra* (The Landless Workers Movement) in Brazil is a particularly active political group that carries out land invasions.¹¹²

The urban poor in Latin America are primarily rural migrants, although they may also be long-term urban residents displaced by any number of factors, for example the increase in work force competition caused by urbanization. Those migrating to the cities from rural areas tend to expect increased quality of education, health care, and employment opportunities. However, more often than not, their circumstances do not improve significantly in the city.¹¹³ Many cities continue to lack low-cost housing, and poor immigrants consequently have little choice but to reside in informal settlements. These settlements are defined by insecurity and a general lack of services.¹¹⁴ In 2012, the IADB estimated that thirty-four million of the 130 million people living

¹¹¹ Carr, "A Tale of Two Roads."

¹¹² Caviedes and Knapp, *South America*, 152, 167.

¹¹³ *Ibid.*, 152, 155. Note that rural land titling is addressed while urban titling is not. This is because the issues surrounding titling in the two areas vary, and titling in Guatemala, where the case study for this thesis is based, has mainly been targeted at the rural poor. A worthwhile follow-up study would be a similar analysis of titling issues in urban areas.

¹¹⁴ Gledhill, "El derecho a una vivienda."

in Latin America's cities lived in houses lacking one or more of the following: land tenure, potable water, sanitation systems, and sufficient space. Many of these people also live in neighborhoods with virtually no public services.¹¹⁵

Land Reform through Land Titling

Governments throughout the Latin America have implemented rural land titling programs in hopes of resolving issues of social inequality and poverty that are tied to land access.¹¹⁶ Land security is particularly important for the rural poor given that they typically depend on subsistence farming, producing food for their families directly from their own land.¹¹⁷ Hopes are that the legal registration of land tenure will lead to “improved tenure security, increased incentives for land-attached investment, and access to formal credit...[and] benefits to society in the form of increased agricultural employment and demand for inputs”¹¹⁸ (see Table 3). Tenure security is at the heart of the arguments in favor of titling programs, as proponents of titling claim that decreased risk of losing one's land makes a person more likely to invest in property improvements, which in turn makes the land more productive and is good for both the land owner and for the overall economy.¹¹⁹

Case studies, however, show different results. Peru executed land tenure reforms in the 1970s, expropriating large amounts of land from the elite and successfully redistributing it among communal landholders. However, strict laws prohibiting the break-up of these communal

¹¹⁵ Bouillon, *Un espacio para el desarrollo*, xxvii.

¹¹⁶ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 42.

¹¹⁷ Caviedes and Knapp, *South America*, 165.

¹¹⁸ Gould, “Everyday Expertise,” 2355.

¹¹⁹ Feder and Nishio, “The Benefits of Land Registration and Titling,” 1.

lands frustrated poor farmers who wished to acquire private rights to their land, and the cooperatives began to break up the land illegally, resulting in an abundance of parcels of unregistered land. In the 1990s, in an effort to recognize the rights desired by the rural poor, Peruvian land law was reformed such that both communal and private rights were still recognized, but communal farmers were allowed to individually register parcels of the traditionally communal lands. The reform did increase titling and access to informal credit services, but it produced few of the other changes expected to accompany increased titling rates, which was attributed to the fact that the titling program was not accompanied by other institutional programs.¹²⁰

Colombia also implemented land tenure reform in the 1960s, declaring that sharecroppers and tenants had the rights to the land they farmed. Budget cuts for the agency charged with facilitating the land reform led to a lack of enforcement of this decree, and rural farmers opted to organize themselves and to carry out land invasions, demanding the rights to the land. A new government in 1970s began to take action against the invasions, which it considered illegal, and militarized conflict ensued. Comparably ineffective implementation of subsequent titling programs have produced similarly poor results.¹²¹

A number of studies have found that titling programs rarely succeed in bringing about the intended changes. One such study examined land titling programs from six different countries and found that none of the six succeeded in improving tenure security, promoting land improvements, or increasing credit access. Based on their analysis of these programs, the authors

¹²⁰ Ballantyne et al., "How Can Land Tenure and Cadastral Reform Succeed?," 698-699.

¹²¹ *Ibid.*, 700, 702.

argue that the success of rural land titling programs is dependent on their recognition of traditional landholding practices. Additionally, they say that such programs will fail if they are implemented only partially or if they lack necessary support services.¹²² Some studies have found that when titling programs do result in changes, they are typically detrimental for poor communities.¹²³ It has also been found that when land titling does affect land distribution, that effect takes the form of increased land transfer to the elite. Regularization and titling of land make it easier for the elite to purchase in the region and also tend to lead to higher living costs, which can make the area unaffordable for poor residents.¹²⁴ Claims that tenure security will increase agricultural production are also somewhat irrelevant given that the size of many of the plots is too small to support a family on subsistence farming alone. There is also evidence from other regions that institutional credit providers are unwilling to provide loans to owners of small land parcels, even if the parcel is registered. The Colombian case is an example of a situation where poorly implemented tenure reforms actually led to increased land disputes.¹²⁵

In the context of the historical and social structures that have led Latin America to its modern issues of land distribution, it is not hard to see why land tenure projects have struggled to achieve the desired results. Secure land tenure is certainly important—as the Colombian case demonstrates, violent conflict can ensue when there are conflicting claims on territories—but alone, it is not enough. Effective implementation is one of the most critical aspects of a titling program because poor implementation will likely prevent the program from achieving any of its

¹²²Ballantyne et al., “How Can Land Tenure and Cadastral Reform Succeed?,” 693.

¹²³ See for example, Gould, “Everyday Expertise,” 2354.

¹²⁴ Gould, “Everyday Expertise,” 2354; Gledhill, “El derecho a una vivienda.”

¹²⁵ Ballantyne et al., “How Can Land Tenure and Cadastral Reform Succeed?,” 703, 716.

desired goals. However, equally important are a number of accompanying programs. If the government seeks to register all properties, it must include legal recognition of all traditional forms of property ownership, including communal ownership. Additionally, if regularization through titling is to benefit poor communities, extensive programs to combat systematic purchase by large landowners must be put in place, such as increased access to credit. Separate from land tenure, the question of rural employment must be considered: while non-agricultural employment is scarce and land plot size remains too small to support a family, land owners will simply not be able to support themselves and will be likely to sell improved property. Ultimately, while land tenure is part of the problem, it cannot be the only solution.

Chapter 3

The Guatemalan Experience with Land Access and Tenure

Referring to the historical importance of land rights in Guatemala, geographer W. George Lovell claims that, “The struggle for justice in Guatemala is inseparable from the struggle for the land rights on the part of the country’s impoverished majority.”¹²⁶ Based on World Bank development indicators, Guatemala is one of the least developed countries in Latin America, with high poverty, illiteracy, infant mortality, malnutrition, low life expectancy, and significant violence.¹²⁷ Like the rest of Latin America, it also faces highly unequal wealth and land distribution, but it is one of the few countries in the region that has not engaged in any lasting land re-distribution programs. With the exception of a brief period of liberal control of the government in the 1950s, the political and social structures in the country have supported significant socioeconomic inequality, which is closely tied to unequal land distribution and access. Land access, especially in rural areas, has proven to be a central issue throughout Latin America, and this is particularly true in Guatemala, where the 2013 National Agriculture Survey reported that 67 percent of the country’s land is utilized as farmland.¹²⁸ Land distribution was one of the central topics of the 1996 Peace Accords that ended the country’s thirty-six-year civil

¹²⁶ Lovell, *A Beauty that Hurts*, 139.

¹²⁷ Jan van Hemert, *Experiences with Land Registration in Guatemala* (Apeldoorn, The Netherlands: Kadaster International, 2004): 1, accessed September 25, 2004.
https://www.fig.net/commission7/geneva_2004/papers/lapca_05_vanhemert.pdf.

¹²⁸ Narciso, et al., *Encuesta nacional agropecuaria, 2013*, 14.

war, but little progress has been made on the promised reforms.¹²⁹ As it is throughout Latin America, land access tends to be divided along lines of wealth and race, which is the result of historical institutions and social norms. Indigenous people, mainly Mayan, make up more than half of the Guatemalan population, and they are engaged in a long fight for increased recognition of a number of rights that continue to be denied the indigenous community, prominent among which is the right to land.¹³⁰

Guatemala

Guatemala is a Central American country with an area of 42,092 square miles that borders Mexico, Belize, El Salvador, Honduras, and both the Pacific and Atlantic oceans (see Figure 2).¹³¹ The country has coastal plains, but it is primarily mountainous and is home to a number of volcanoes, which are the most active of the region (see Figure 3).¹³² Earthquakes and volcanic eruptions are common and pose serious threats to the country's population and its infrastructure, although frequent volcanic eruptions have made the soil of the country's volcanic valleys highly fertile and well suited to agriculture.¹³³ The climate is tropical except in the highlands where temperatures are significantly cooler.¹³⁴ The capital is Guatemala City, which is

¹²⁹ Simon Helweg-Larsen, "The Peace of the Oligarchs: Land Distribution and the Guatemalan Peace Process," *Canadian Journal of Development Studies* 24, no. 4 (2003): 617, <https://psu.illiad.oclc.org/illiad/UPM/illiad.dll?Action=10&Form=75&Value=1879169>.

¹³⁰ Lovell, *A Beauty that Hurts*, 113, 139.

¹³¹ Fredriksen, *Encyclopedia of Latin America*, 1241, 1408.

¹³² Van Hemert, *Experiences with Land Registration in Guatemala*, 1; Foster, *A Brief History of Central America*, 3.

¹³³ Foster, *A Brief History of Central America*, 5-6.

¹³⁴ Van Hemert, *Experiences with Land Registration in Guatemala*, 1.



Figure 2. Administrative Areas (Departments) of Guatemala¹³⁵

¹³⁵ Guatemala Travel Guides, “Map of Guatemala” (Guatemalaguides.com, 2011), accessed April 8, 2015. <http://guatemalaguides.com/Travel-information/23-02-2011-Map-of-Guatemala.htm>.

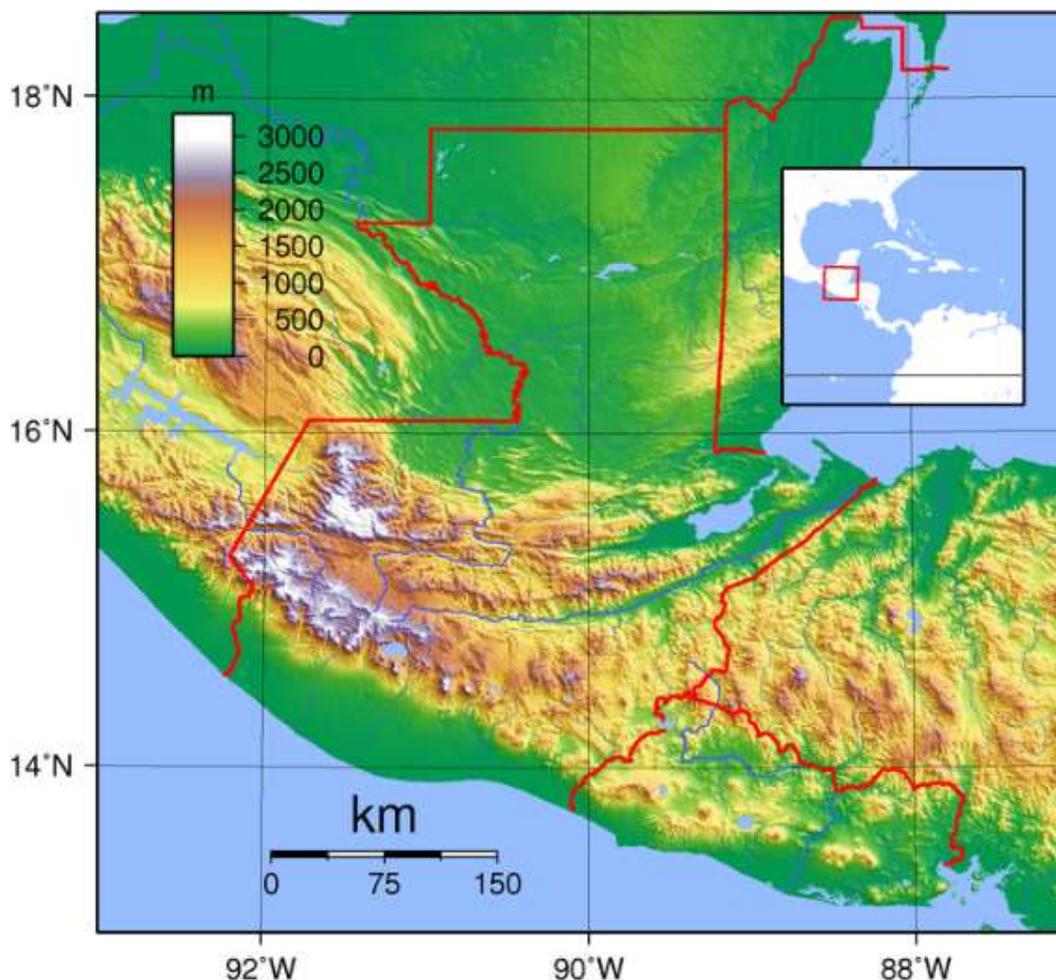


Figure 3. Elevation Map of Guatemala¹³⁶

also the country's largest city, and the center of political power.¹³⁷ However, more than 51 percent of the country's population of more than 15,000,000 continues to reside in rural areas.¹³⁸ Slightly more than half of the population is of European ("ladino") or European-indigenous

¹³⁶ Sadalmelik, "Guatemala Topography" (Wikimedia Foundation, September 16, 2007), accessed April 8, 2015. http://commons.wikimedia.org/wiki/File:Guatemala_Topography.png. Created with GMT from Shuttle Radar Topography Mission data.

¹³⁷ Lovell, *A Beauty that Hurts*, 171.

¹³⁸ Rubén Narciso, et al., *Caracterización estadística: República de Guatemala 2012* (Guatemala: Instituto Nacional de Estadística Guatemala, November 2013): 13, accessed November 30, 2014, <http://www.ine.gov.gt/sistema/uploads/2014/02/26/5eTCCFIHERnaNVeUmm3iabXHaKgXtw0C.pdf>.

("mestizo") descent. The rest of the population is of purely indigenous descent. Mayans account for the most prominent indigenous group, but there are a number of other, small indigenous groups in the country, and a total of twenty-four indigenous dialects spoken in Guatemala.¹³⁹ In contrast with other parts of Latin America and due primarily to the presence of large indigenous populations that were exploited during colonial times, there are relatively few people of African descent in the country.¹⁴⁰ Guatemala is currently ruled by a democratic government, which was established in 1985, just over a decade before the end of the country's brutal thirty-six-year civil war, which was caused in large part by disputes over land access.¹⁴¹ Although the 1996 Peace Accords promised some reforms, they did not address the historical and structural problems that led to the conflict.¹⁴²

Concentration of Land under Colonial Rule and the Early Guatemalan State

As in the rest of the region, the country's present-day unequal land distribution stems back to colonial practices. Guatemala was conquered by Spain in 1524.¹⁴³ The major indigenous society in the region, the Mayans, had been in decline for several centuries at the time of European arrival, likely due to overpopulation, environmental degradation and warfare in the major cities.¹⁴⁴ By the sixteenth century, the region was controlled by a number of independent indigenous groups.¹⁴⁵ Due to the political fragmentation of the region, the conquest of Guatemala

¹³⁹ Fredriksen, *Encyclopedia of Latin America*, 1408.

¹⁴⁰ Jorge Luján Muñoz, *Breve historia contemporánea de Guatemala* (Mexico City: Fondo de Cultura Económica, 1998): 50.

¹⁴¹ Foster, *A Brief History of Central America*, 3; Lovell, *A Beauty that Hurts*, 154, 157.

¹⁴² Lovell, *A Beauty that Hurts*, 154, 157.

¹⁴³ Fredriksen, *Encyclopedia of Latin America*, 1408.

¹⁴⁴ Foster, *A Brief History of Central America*, 35.

¹⁴⁵ Lovell, *A Beauty that Hurts*, 114.

proved to be much more prolonged and violent than that of Mexico, which had been facilitated by the unity of the Aztec empire. Some regions resisted conquest for more than a century, such as Petén, which was not brought under Spanish control until the end of the seventeenth century.¹⁴⁶ Population collapse followed the conquest, as the indigenous population was decimated by war and European disease, which often also led to famine.¹⁴⁷

Spain enforced the *encomienda* system throughout its colonies in Latin America, including Guatemala, where the scarcity of precious metals made commercial agriculture, and by extension the *encomienda* system, particularly important.¹⁴⁸ Under this system, members of the Spanish elite were granted control over an indigenous group and were charged with protecting and educating them, as well as collecting tribute from their lands.¹⁴⁹ Although this practice ceded administration of large amounts of land to the Spanish, it was not intended to grant them ownership of the land. In Guatemala, laws were eventually put in place to limit the rights of the *encomenderos*, in particular restricting inheritance to a maximum of two generations.¹⁵⁰ However, the *encomienda* system and a separate land grant system, established the importance of land in relation to social status and began to concentrate lands in the hand of the Spanish elite.¹⁵¹ Yet, the enormous landholdings typical of other parts of colonial America would not emerge until later, more profitable economic periods. In the sixteenth century, the low population density of the region meant that there were relatively few conflicts related to land claims. However, in

¹⁴⁶ Luján Muñoz, *Breve historia contemporánea de Guatemala*, 33.

¹⁴⁷ Lovell, *A Beauty that Hurts*, 116.

¹⁴⁸ Pop, *Derechos de los Pueblos Indígenas*, 20; Luján Muñoz, *Breve historia contemporánea de Guatemala*, 38.

¹⁴⁹ Lovell, *A Beauty that Hurts*, 116.

¹⁵⁰ Lovell, *A Beauty that Hurts*, 117; Caviedes and Knapp, *South America*, 111.

¹⁵¹ Foster, *A Brief History of Central America*, 71.

the seventeenth century, the Spanish population increasingly extended its landholdings farther from the capital city, in some cases encroaching on indigenous land. Official land tenure was also established at this time, and the Spanish Crown required a fee for the registration of properties. Indigenous properties were held communally at the time and generally were not registered.¹⁵²

Early in the establishment of the colony, a highly divided society emerged, with segregation of the landed Spanish elite and the indigenous people, and separate legislation for each group.¹⁵³ Forced eviction of indigenous Guatemalans began during this period, as the Spanish took the land with the richest soils for themselves and relegated the previous occupants to the poorer quality land in the highlands.¹⁵⁴ There were some unsuccessful attempts to concentrate the indigenous groups in towns, where the Spanish Crown hoped they would be converted to Christianity and educated in European schools, but the indigenous people accurately perceived that they were more susceptible disease in the towns and that they could more easily evade tribute payments by remaining in the mountains. Indigenous communities remained least affected by the Spanish in the north and west of the country, in the less desirable land farther from the capital city and the coastal regions.¹⁵⁵ In this way, early population distribution and land control was established: the indigenous people primarily stayed in the countryside, either

¹⁵² Luján Muñoz, *Breve historia contemporánea de Guatemala*, 88-90.

¹⁵³ *Ibid.*, 38.

¹⁵⁴ Klaus Deininger, *Land Policies for Growth and Poverty Reduction* (Washington, D.C.: World Bank and Oxford University Press, 2003): 158, accessed December 1, 2014. <http://siteresources.worldbank.org/EXTARD/Resources/336681-1295878311276/26384.pdf>; Lisa Viscidi, "A History of Land in Guatemala: Conflict and Hope for Reform" (Silver City, New Mexico: Interhemispheric Resource Center, Americas Program, September 17, 2004): 1, accessed November 7, 2014. http://www.nisgua.org/themes_campaigns/land_rights/Background/A%20History%20of%20Land%20in%20Guatemala%20091704.pdf.

¹⁵⁵ Lovell, *A Beauty that Hurts*, 116, 119-120.

working the more fertile lands and paying tribute to Spanish overlords or providing for themselves through subsistence farming in the more remote and less fertile mountains.

As was the case throughout Latin America, independence from Spain did not initially bring many changes for the indigenous people of Guatemala, although intermittent reforms were unsuccessfully attempted throughout the decades following independence.¹⁵⁶ The European elite declared independence from Spain in 1821 and from the Mexican Republic in 1823. Guatemala City, which was also the capital of the Central American provinces known as the Kingdom of Guatemala during Spanish colonial rule, briefly served as the capital of a union of Central American states until the capital was moved to San Salvador.¹⁵⁷ From 1823 to 1839, liberals controlled the government and attempted to bring about significant reform and modernization.¹⁵⁸ Some policies were directly targeted at the indigenous population, which did not respond well to attempts to assimilate them into western culture. One such policy involved eliminating special laws that had protected indigenous society since colonial times, such as the protection of communal lands, while simultaneously levying taxes reminiscent of the tributes paid under the old *encomienda* system. An alliance between the Church, the wealthy upper class, and the indigenous people, all of whom felt threatened by the liberal policies, toppled the liberal government, and the union collapsed in 1838, at which point Guatemala, like so many of its Central American neighbors, came to be controlled by a conservative, military dictatorship.¹⁵⁹

¹⁵⁶ Lovell, *A Beauty that Hurts*, 125, 127-128.

¹⁵⁷ Foster, *A Brief History of Central America*, 137.

¹⁵⁸ Lovell, *A Beauty that Hurts*, 127.

¹⁵⁹ Foster, *A Brief History of Central America*, 145-146, 148, 156.

The leader of the dictatorship, Rafael Carrera, controlled the country for more than twenty-five years and effectively reversed any reforms the liberals had implemented, returning the country to a social and political system that was essentially equivalent to that of colonial times.¹⁶⁰ Assessments of the effects of Carrera's rule on indigenous people vary. Although land concentration had already begun, it appears that through the beginning of Carrera's dictatorship, land policy generally protected land that was designated for indigenous communities from land grabs by the landed elite; whether this was done out of an active attempt to ensure protection of indigenous rights (the official policy under the *encomienda* system) or more out of negligence toward the remote communities is unclear. However, under both the colonial and the Carrera government, boundaries of indigenous land were never clearly defined, which undermined the sovereignty of the indigenous communities over the land and would later spark disputes between neighboring communities. By the 1850s, protection of indigenous lands was weakening as Carrera's ties to the elite strengthened. Carrera died in 1871, and a liberal government assumed control six years later, marking the end of colonial-style governance of land access.¹⁶¹

Examining patterns of social and political power and land distribution in colonial Guatemala, it is clear that experiences were consistent with those throughout Spanish America. Europeans established themselves as the elite, using land as source of wealth and power. The region's sizeable indigenous population was alternatively subjugated under the tribute system of the *encomienda* or remained isolated in more remote and less economically attractive territories. As the Spanish amassed large land holdings and exacted tribute to generate great economic

¹⁶⁰ Foster, *A Brief History of Central America*, 156; Lovell, *A Beauty that Hurts*, 127.

¹⁶¹ Lovell, *A Beauty that Hurts*, 127, 134.

wealth, most indigenous people continued to practice subsistence agriculture. This pattern would, as it did across Latin America, persist into the early stages of independence, although in Guatemala it was interrupted by reforms brought about by shifts in political control of the government. However, early liberal reforms were ineffective, and indigenous land access would continue to be governed by the political and social practices established under Spanish colonial rule until the late nineteenth century.¹⁶²

The Expanding Export Crop Economy and Worsening Conditions of Land Access

Within six years of Carrera's death, liberal politicians retook the government. Whereas reforms implemented by the previous liberal government had quickly been overturned by the return of a conservative government, these reforms would have much more lasting effects for the country's indigenous people. The conservative reforms negatively impacted indigenous rights, increased land concentration, and led to greater levels of indigenous poverty. The Guatemalan economy at the end of the nineteenth century was defined by coffee, an export crop that continues to dominate the country's agricultural sector to this day, and the government sought to capitalize on more of the country's agricultural lands by requiring all land to be registered.¹⁶³ In 1880, The Law of Supplementary Titles was passed, allowing for the private acquisition of land, often without consideration of indigenous occupation.¹⁶⁴ All land not registered within three months of the enactment of this law was to be declared abandoned and could legally be

¹⁶² Lovell, *A Beauty that Hurts*, 127.

¹⁶³ *Ibid.*, 127-128.

¹⁶⁴ USAID, *Guatemala - Property Rights*, 5-6.

expropriated.¹⁶⁵ Communal land ownership was not strictly abolished, but individual registration was strongly encouraged.¹⁶⁶ The decree resulted in contradictory claims being placed by neighboring indigenous communities as well as the large scale expropriation of indigenous lands, many of which had previously been held under communal ownership, and the distribution of these lands among large coffee farms.¹⁶⁷ In some cases, dispute over conflicting land claims and anger over dispute resolutions led to significant violence. Estimates of the amount of land lost during this period are as high as 50 percent of the land held by indigenous communities during colonial times. Registration of indigenous lands through the state also marked the end of indigenous sovereignty over their lands and increased state control, as the state would from then on be the authority that could validate land claims.¹⁶⁸

In the 1900s, bananas, sugar, and cotton emerged as other major export crops, placing even more land under the control of the landed elite. Foreign companies also claimed a significant share of the country's land and crop production during this period. United Fruit Company (later Chiquita Banana), for example, controlled more than 7 percent of the country's land by the 1930s.¹⁶⁹ Lands expropriated and redistributed among the agricultural giants tended to be the more fertile lowlands, and evicted indigenous families were forced farther into the highlands where steep slopes and poor soil quality made the land poorly suited to farming. Many of these families turned to work as seasonal laborers on the land of the large farmers.¹⁷⁰ At the same time, the rights guaranteed to farm laborers under the *encomienda* system and extended

¹⁶⁵ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 480.

¹⁶⁶ Lovell, *A Beauty that Hurts*, 128.

¹⁶⁷ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 480.

¹⁶⁸ Lovell, *A Beauty that Hurts*, 128, 131, 136.

¹⁶⁹ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 480-82.

¹⁷⁰ Viscidi, "A History of Land in Guatemala," 1; Lovell, *A Beauty that Hurts*, 132.

into the early days of the republic, such as occupation of a parcel of the land they worked, were abolished, leaving those who already worked on the larger plantations landless.¹⁷¹ Forced labor laws were also enacted, requiring individuals with small land holdings to meet quotas of work days as wage laborers on the large farms.¹⁷² These policies continued until the 1940s, when frustration with government policy led to the election of a pro-labor government.

As was happening across the region, land policy in Latin America only worsened for the poor in the late nineteenth and early twentieth centuries. The importance of land as source of economic wealth only increased as the export crop economy, in Guatemala based primarily on coffee and bananas, was developed. Legal changes signaled the end of any pretense of protection of indigenous land rights, and land concentration rose dramatically as titling laws were put in place that led to the expropriation of indigenous lands. Unclear definitions of indigenous landholdings under previous governments facilitated this expropriation. Even more than in colonial times, indigenous people were pushed into less fertile lands as coffee farmers claimed the more fertile lowlands. Continued dependence on coffee and other cash crops throughout the decades that followed would push indigenous communities into extreme poverty as landless seasonal laborers and perpetuate patterns of extensive land expropriation.

A Brief Period of Progressive Governments and Land Reform

Across Latin America, discontent among the lower class and the emerging middle class led to labor and land reforms in the twentieth century, and Guatemala was no exception,

¹⁷¹ Pop, *Derechos de los Pueblos Indígenas*, 20.

¹⁷² Lovell, *A Beauty that Hurts*, 129.

although its reform was short-lived. General José Ubico, the last in a long line of liberal dictators, was overthrown in 1944, and two popularly elected pro-labor, pro-agrarian reform governments followed. The first, under Juan José Arévalo, worked toward a number of progressive reforms, including agrarian, labor, and education reform and strengthening of the country's democracy. Another progressive government followed under Jacobo Arbenz Guzmán, who focused on agrarian form. At the time, an estimated 2.2 percent of the population controlled 70 percent of the arable land, of which more than three quarters was idle.¹⁷³ In 1952, President Arbenz enacted the Agrarian Reform Law (also known as Decree 900), which appropriated idle lands from the landed elite and redistributed them to the country's poor farmers. The redistribution significantly impacted the land holdings of both the Guatemalan landed elite and the United Fruit Company. Reports of the extent of the redistribution vary, with estimates as high as 1.5 million acres of previously idle redistributed land benefitting approximately 100,000 families.¹⁷⁴

Many prominent members of the government, including Arbenz, relinquished large tracts of land. However, the United Fruit Company was not so complacent. The company was offered compensation, based on its own taxation records, for its expropriated land.¹⁷⁵ Nevertheless, the United Fruit Company endeavored to convince the U.S. Central Intelligence Agency of a pressing communist threat in Guatemala. In 1954, a military coup supported by the Guatemalan elite, multinational companies operating in the country, and the U.S. CIA overthrew the Arbenz

¹⁷³ Lovell, *A Beauty that Hurts*, 139-140.

¹⁷⁴ Viscidi, "A History of Land in Guatemala," 1; Lovell, *A Beauty that Hurts*, 140.

¹⁷⁵ Lovell, *A Beauty that Hurts*, 140.

government.¹⁷⁶ Following the coup, land redistribution was nearly universally reverted.¹⁷⁷ The military government enacted the “New Agrarian Reform” in 1956, offering some of the reforms put in place during the previous government, such as taxation of idle lands.¹⁷⁸ Some state land was also made available in an effort to pacify the lower classes that had benefitted from Agrarian Reform land redistribution.¹⁷⁹ However, relatively few people benefitted from this minimal redistribution of land, and the land that was offered was generally of poor quality.¹⁸⁰ While the measures taken by the government did generate some new small farms, plantations also expanded as large parcels of land were also granted to the elite connected with the military regime, and the structure of agricultural production and land distribution in the country was left largely unchanged.¹⁸¹

The Arbenz agrarian reform, which lasted only two years, remains the country’s only successful land redistribution reform. It has, to date, been the only government program to address the problem of the size of the landholdings of small farmers in the country, which tend to be too small to support a family.¹⁸² In spite of their popular support and visionary nature, the reforms were doomed to be undone, and they had little long term impact. Land access and distribution in the period after the overthrow of Arbenz was essentially a reversion to pre-reform government policy.

¹⁷⁶ Viscidi, “A History of Land in Guatemala,” 1; Lovell, *A Beauty that Hurts*, 140.

¹⁷⁷ Viscidi, “A History of Land in Guatemala,” 1; Gould, “Everyday Expertise,” 2356.

¹⁷⁸ Pop, *Derechos de los Pueblos Indígenas*, 20.

¹⁷⁹ Gould, “Everyday Expertise,” 2357.

¹⁸⁰ Van Hemert, *Experiences with Land Registration in Guatemala*, 3.

¹⁸¹ Pop, *Derechos de los Pueblos Indígenas*, 20.

¹⁸² Brockett, “Malnutrition, Public Policy, and Agrarian Change in Guatemala,” 480.

Land Injustice Leads to Civil War

By the 1960s, general discontent with the miserable conditions of the primarily rural, indigenous poor resulted in radicalization of the countryside and the beginning of guerrilla warfare. Early attempts at insurgence against the military, inspired by the Cuban Revolution in 1959, were largely unsuccessful, but later guerilla groups would prove much more effective.¹⁸³ These militant groups, united in the Guatemalan National Revolutionary Unity (URNG), hoped for a restructuring of Guatemalan society, including land reform.¹⁸⁴ Land access was at the heart of the conflict, and land disputes became increasingly common. For example, the Northern Transversal Strip (see Figure 5), an area previously designated as a resettlement area for landless indigenous people, became an area of dispute by the 1970s when roads made the most valuable land in the region easily accessible to elites, such as wealthy farmers and army officers. Similar patterns occurred in other areas traditionally occupied by indigenous communities.¹⁸⁵ Indigenous lands were also frequently appropriated during this time and granted to the wealthy elite with connections to the military.¹⁸⁶ The conflict was extremely violent, involving paramilitary troops and death squads on the part of the government and guerilla groups on the part of the revolutionaries.¹⁸⁷ In the 1980s, the military executed a campaign that resulted in the widespread genocide of indigenous people in the western highlands as well as in the northern part of the country.¹⁸⁸ Violence was worst against the indigenous communities in the countryside (83

¹⁸³ Luján Muñoz, *Breve historia contemporánea de Guatemala*, 33.

¹⁸⁴ Van Hemert, *Experiences with Land Registration in Guatemala*, 3.

¹⁸⁵ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 489.

¹⁸⁶ Viscidi, "A History of Land in Guatemala," 1.

¹⁸⁷ Foster, *A Brief History of Central America*, 250.

¹⁸⁸ Gould, "Everyday Expertise," 2357.

percent of the people killed in the conflict were Mayan), but intellectuals and labor leaders were also targeted in the cities. By the end of the conflict, an estimated 150,000 people had died, and 50,000 were missing. In the early 1980s alone, 20 percent of the population was displaced.¹⁸⁹

A number of laws were also enacted during the civil war dealing with land access. For example, the National Institute for the Economic Development and Growth of Petén (FYDEP) was established during this time. It was intended to stimulate economic development in the northern part of the country and declared all of the land but the 1 percent owned by the elite to be unclaimed. Thus, indigenous residents legally had no more right to the land than arriving settlers, and titling preference was actively given to immigrating *ladinos* as the government, in accordance with common policy in Petén at the time, sought to whiten the region's population. The Guatemalan land registration system is known for its inefficiency, and FYDEP was no exception. Only 25 percent of the titles registered with the institute had been processed beyond the initial stage of registration by the time the program was ended. Although the national land agency that took over titling in the region, the National Agrarian Transformation Institute (INTA), took steps to streamline the titling process; the elite obstructed the process; and the institute failed to complete the registration of a single land title.¹⁹⁰ Perhaps the most important lasting legislation was the Civil Code, which was enacted in 1973 to outline rules of land ownership, registration, and transfer. The law states that after ten years of possession, land ownership may be claimed, but most of the rural poor are unaware of this fact.¹⁹¹

¹⁸⁹ Foster, *A Brief History of Central America*, 250-252.

¹⁹⁰ Gould, "Everyday Expertise," 2357-2358.

¹⁹¹ USAID, *Guatemala - Property Rights*, 6.

Throughout the civil war period, in spite of the passing of some new land-related legislation, there was widespread displacement of indigenous people and expropriation of indigenous lands. Land was at the heart of the conflict, but the violation of rights during the war went far beyond questions of land access. When it came time to negotiate the Peace Accords that marked the end of the war in 1996, it was primarily the atrocities of the war itself that were addressed; the issues that had sparked the violence were left largely unmentioned.¹⁹²

Tentative Promises of Land Reform: The Peace Accords

The Civil War ended in 1996 with peace accords signed by the government and the URNG.¹⁹³ Although land ownership was a key topic of discussion, the revolutionaries did not have the political power to demand the complete agrarian reform they desired.¹⁹⁴ As part of the peace agreement, the state ultimately promised to make the following changes: to increase investment in rural development, make credit available for land acquisition, improve land dispute resolution procedures, provide legal assistance to small farmers regarding their rights, ensure the fair and effective implementation of agricultural labor laws, increase and better enforce the tax burden, and change titling legislation.¹⁹⁵ Notably, few of the structural problems that led to the conflict were addressed, and the unequal redistribution of land was not mentioned at all.¹⁹⁶ Democracy had been established more than ten years prior to the signing of the peace accords, but the military and the economic elite continued to wield significant power during this time and

¹⁹² Lovell, *A Beauty that Hurts*, 157, 169.

¹⁹³ Van Hemert, *Experiences with Land Registration in Guatemala*, 3; Lovell, *A Beauty that Hurts*, 161.

¹⁹⁴ Gould, "Everyday Expertise," 2358.

¹⁹⁵ Lovell, *A Beauty that Hurts*, 156-157.

¹⁹⁶ Viscidi, "A History of Land in Guatemala," 1; Lovell, *A Beauty that Hurts*, 154, 157.

even after the signing of the accords.¹⁹⁷ The rural poor also continue to be marginalized politically, as the voting majority resides in Guatemala City, and their interests generally do not align with those living in the countryside.¹⁹⁸ Political violence, including the assassination of presidential candidates, and illegal action against the poor, namely through forced land evictions, continue to be major issues. In the wake of the lawlessness of the civil war, gang violence has also become a serious issue, and based on its homicide rate in 2004, Guatemala City is the most dangerous city in Latin America.¹⁹⁹

In terms of land reform, the Peace Accords made no attempts at land redistribution. A best case scenario is that the reforms of the Peace Accords prevent further expansion of the property of the largest land holders and make what improvements are possible for the landless and the small farmers.²⁰⁰ Land titling was a central feature of the agreement on land access: the accords expanded on an agreement signed the year before, the Agreement on Socioeconomic and Agrarian Aspects, which stated that land policy would focus on regularization of land through titling. In addition, the accords stated that all land wrongfully expropriated during the conflict was to be returned to its original owners and that lost lands must be compensated.²⁰¹

FONTIERRAS emerged from the accords as a program designed to increase land access by providing low interest loans.²⁰² The rural poor could use the loans to purchase idle state lands or private lands being sold on the market, and the state would also assist in improving the lands to make them productive. However, the program was largely ineffective because private owners

¹⁹⁷ Foster, *A Brief History of Central America*, 262-263.

¹⁹⁸ Lovell, *A Beauty that Hurts*, 171.

¹⁹⁹ Foster, *A Brief History of Central America*, 262-263, 265.

²⁰⁰ Lovell, *A Beauty that Hurts*, 157.

²⁰¹ Van Hemert, *Experiences with Land Registration in Guatemala*, 3.

²⁰² USAID, *Guatemala - Property Rights*, 7.

typically sold poor quality land at inflated prices that forced low-income buyers to assume substantial debt should they choose to purchase it. Additionally, the program lacked sufficient funding to meet with demand. The United Nations estimated in the early 2000s that the program budget was large enough to meet only 5 percent of the requests it received.²⁰³ Several functions of the program have since been suspended. The accords also called for the suspension of land acquisition under the Law of Supplementary Titles, but titles continued to be granted under this law in the years following the end of the Civil War.²⁰⁴ Even worse, in the years since the end of the conflict, land reform has disappeared from political discourse.²⁰⁵ Ultimately, little progress has been made in the implementation of the policies developed during the peace talks.²⁰⁶

Present Day

Today, after more than thirty years of armed conflict over social issues, Guatemalan society is no more just than it was prior to the civil war.²⁰⁷ Currently, Guatemalan land is more concentrated than ever in the hands of the elite, and it is under increasing demand from a number of sectors, including agribusiness, mining, and energy production (see Figure 4 and Figure 5).²⁰⁸ Large tracts of land are typically concentrated in the most resource-rich areas where commercialization has taken the strongest hold, such as the southern coast. The less agriculturally suited highlands are more densely populated, primarily by indigenous small

²⁰³ Viscidi, "A History of Land in Guatemala," 2-3.

²⁰⁴ USAID, *Guatemala - Property Rights*, 6-7.

²⁰⁵ Lovell, *A Beauty that Hurts*, 155.

²⁰⁶ Viscidi, "A History of Land in Guatemala," 1.

²⁰⁷ Luján Muñoz, *Breve historia contemporánea de Guatemala*, 418.

²⁰⁸ Viscidi, "A History of Land in Guatemala," 2; Castillo Zamora, "Identificados seis focos de conflictividad en el país."

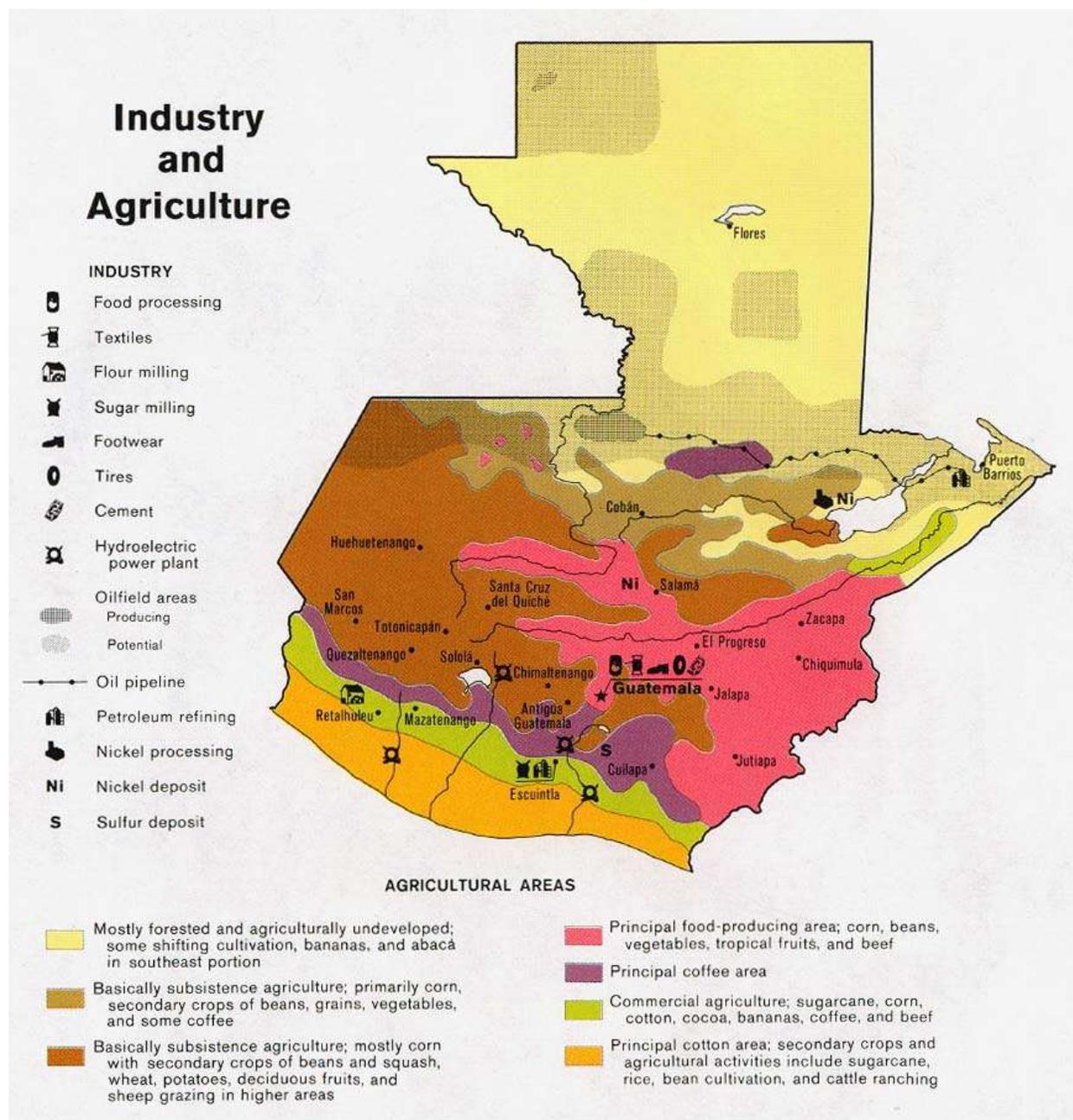
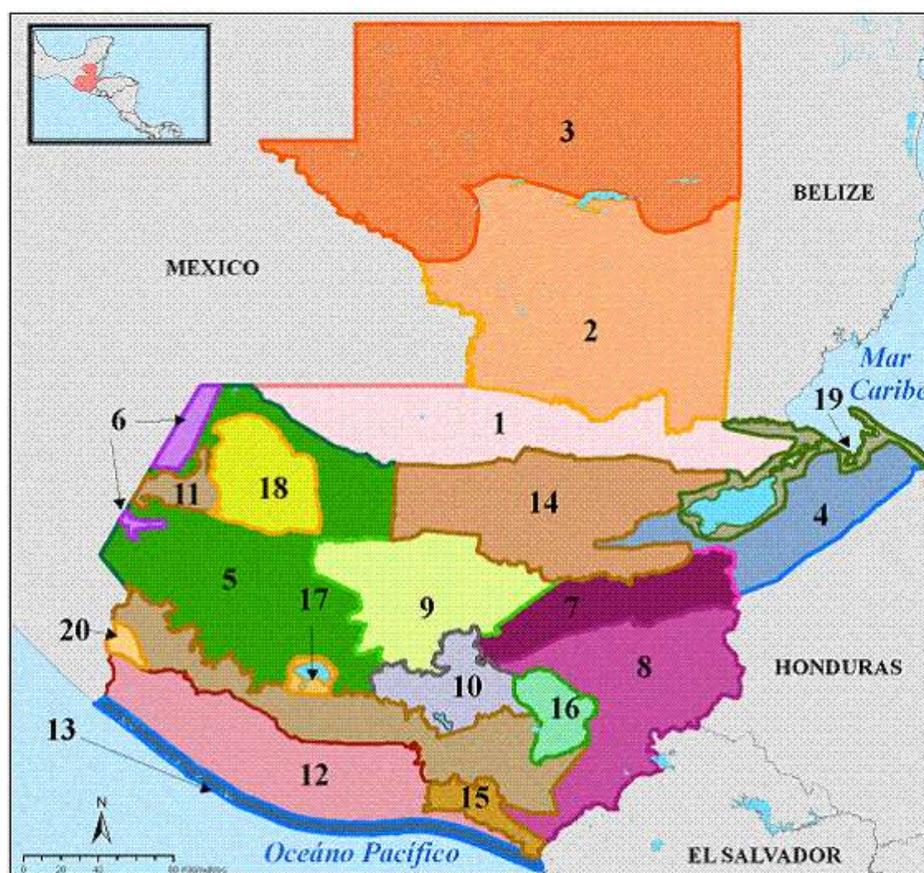


Figure 4. Map of Guatemalan Land Use, 1983²⁰⁹

²⁰⁹ Map, "Industry and Agriculture," 1983, call number: G48101983.U51, The Pennsylvania State University Maps Collection, The Donald W. Hamer Maps Library.



1	Northern Transversal Zone	8	Basic Grains, Frontier Zone with Honduras and El Salvador	15	Ranching
2	Northern Petén (now the Maya Biosphere Reserve)	9	Basic Grains and Unskilled Labor	16	High Altitude Fruits and Vegetables
3	Southern Petén	10	Industrial Agriculture and Light Manufacturing	17	Agro-tourism Based at Lake Atitlán
4	Exportation and Ranching Industrial Agriculture	11	Coffee Industry	18	Sierra de los Cuchumatanes Mountain Range
5	Subsistence Agriculture	12	Industrial Agriculture of Exportation and Basic Grains	19	Small-scale Fishing on the Atlantic Coast
6	Agriculture and Remittances	13	Fishing and Subsistence Agriculture	20	Agriculture, Unskilled Labor, Commercial Sector
7	Industrial Agriculture, Wood, Mining, and Coffee Industries	14	Cardamom and Coffee		

Figure 5. Map of Guatemalan Livelihood Zones, 2000 ²¹⁰

²¹⁰ Mesoamerican Famine Early Warning System, Food and Agriculture Organization, and Secretaría de Seguridad Alimentaria y Nutricional, “Zonas de Medios de Vida de Guatemala,” (n.p.: MFEWS, FAO, SESAN, February 2010), in Giorgia Nicolo, et al., *Informe Especial: Misión FAO/PMA de Evaluación de Cosecha y Seguridad Alimentaria en Guatemala* (n.p.: FAO and PMA, February 23, 2010). <http://www.fao.org/docrep/012/ak344s/ak344s00.htm>. The legend was translated by the author.

farmers (compare land use maps of Figure 4 and Figure 5 with elevation map of Figure 3). Meanwhile, poverty continues to be correlated geographically with areas of primarily indigenous population and poor quality land, and poverty rates remain extremely high.²¹¹ In 2011, the National Statistics Institute of Guatemala reported a national poverty level of 54 percent, with 13 percent of the population in extreme poverty (earning less than Q4,380 per year, the national cost of a basic basket of goods) and 41 percent living in non-extreme poverty (earning between Q4,380 and Q9,031 per year, the cost of the basic basket of goods plus some additional basic services).²¹²

Although poverty is prevalent throughout the country, rates in each department are higher in rural areas than in urban areas, in some cases more than twice as high (see Table 2).²¹³ Government presence in the countryside is weak and in some cases altogether lacking, with a total of thirty-four municipalities completely lacking police forces.²¹⁴ Most rural households lack electricity and running water, and access to education is also extremely poor.²¹⁵ In 1979, 88 percent of the farms in the country were of a subfamily size, meaning they were too small to support a family, and they occupied only 15 percent of the land.²¹⁶ Additionally, wealthy land owners are generally unwilling to break up large estates for sale, meaning that small farmers are

²¹¹ USAID, *Guatemala - Property Rights*, 3-5; Sánchez Domínguez, Toledo Chaves, and Rodríguez Valladares, *Encuesta nacional de condiciones de vida 2011*, 10-11. Note that subsistence farming areas coincide with higher elevations while industrial agriculture tends to take place in the more fertile lowlands (Figure 3, Figure 4, and Figure 5).

²¹² Sánchez Domínguez, Toledo Chaves, and Rodríguez Valladares, *Encuesta nacional de condiciones de vida 2011*, 10-11. Note that as of the time of publication, 1 U.S. Dollar is equal to 7.66 Guatemalan Quetzals.

²¹³ *Ibid.*, 13, 15.

²¹⁴ Castillo Zamora, "Identificados seis focos de conflictividad en el país."

²¹⁵ Viscidi, "A History of Land in Guatemala," 2.

²¹⁶ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 480.

Table 2. Percent of Population Living in Poverty²¹⁷

<i>Department</i>	<i>Rural Poverty</i>	<i>Urban Poverty</i>
Guatemala	31.35	16.77
El Progreso	44.28	36.14
Sacatepéquez	62.14	37.04
Chimaltenango	78.68	52.66
Escuintla	47.37	31.98
Santa Rosa	62.61	50.37
Sololá	84.48	71.19
Totonicapán	80.57	65.19
Quetzaltenango	67.33	44.08
Suchitepéquez	80.48	56.43
Retalhuleu	68.62	44.61
San Marcos	76.43	47.17
Huehuetenango	67.59	43.11
Quiché	76.90	60.38
Baja Verapaz	72.54	45.03
Alta Verapaz	89.58	39.71
Petén	75.14	44.93
Izabal	69.10	39.88
Zacapa	71.64	32.70
Chiquimula	78.98	17.90
Jalapa	77.34	54.63
Jutiapa	60.17	32.82

often excluded from the land market.²¹⁸ Some of these rural farmers take up seasonal jobs, working on the large plantations to increase their income. Agriculture remains virtually the only rural industry, which means that when crop prices drop, such as in the early 2000s when coffee prices decreased due to foreign competition, seasonal farm jobs all but disappear. Farm laborers are also often not paid by their employers, and the government does little to enforce the

laws that require farm owners to pay their employees.²¹⁹ Rural land access has also come to be impacted by conservation efforts in recent decades, such as the Maya Biosphere Reserve, a protected area established in 1989 in the northern half of Petén (see Figure 5), encompassing 20

²¹⁷ Sánchez Domínguez, Toledo Chaves, and Rodríguez Valladares, *Encuesta Nacional de Condiciones de Vida*, 13, 15.

²¹⁸ Susana Lastarria-Cornhiel, *Guatemala Country Brief: Property Rights and Land Markets* (n.p.: Land Tenure Center, University of Wisconsin–Madison, March 2003): 3, accessed October 31, 2014. <http://www.nelson.wisc.edu/ltc/docs/guatemalabrief.pdf>.

²¹⁹ Viscidi, “A History of Land in Guatemala,” 2-3.

percent of the country's land area. Indigenous communities do exist within the park, but they are not recognized by the government and are provided with no public services.²²⁰

Faced with this dismal situation, some families elect to migrate to urban centers looking for paid jobs. This was particularly true during the civil war, during which many of the rural poor were displaced and relocated to Guatemala City.²²¹ The poor typically cannot afford to purchase land in the cities, and so they tend to be concentrated in informal settlements on the city periphery.²²² Today, Guatemala's urban squatter settlements continue to grow, and in 2009, an estimated 38.7 percent of the country's urban population lived in slums.²²³ Residents of the slums are faced with a general lack of public services due to the illegal and informal nature of the settlements.²²⁴ Housing is also scarce in these areas, and available land is often extremely hazardous, for example, the edge of steep river banks where landslides are common.²²⁵ Crime and drug trafficking are rampant in the slums.²²⁶

One important change that came about as a result of the country's internal conflict was the increased representation of indigenous groups in the political arena. Since the mid-1970s, a number of indigenous groups have become active in national politics. One of their major goals is the creation of a single Mayan identity to bring together the many indigenous groups, the vast

²²⁰ Carr, "A Tale of Two Roads."

²²¹ USAID, *Guatemala - Property Rights*, 3-5.

²²² Viscidi, "A History of Land in Guatemala," 2.

²²³ UN Habitat, *State of the World's Cities, 2012/2013: Prosperity of Cities* (New York, Routledge, 2013): 149, accessed November 30, 2014, <http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2917>; Ministerio de Comunicaciones, Infraestructura y Vivienda, *Informe de cierre ejercicio fiscal 2013* (Guatemala: FOPAVI, March 2013): 4, accessed March 5, 2015. http://fopavi.gob.gt/web/Portal_Decreto_13-2013/Files/13-13%20A%204%20N%201%20Presupuesto,%20ejecucion%20fisica,%20ejercicio%20fiscal%202013.pdf.

²²⁴ FOPAVI, *Informe de cierre ejercicio fiscal 2013*, 4.

²²⁵ USAID, *Guatemala - Property Rights*, 3-5; Manuel Antonio Aguilar (President, CASSA), in discussion with the author, March 28, 2015.

²²⁶ Viscidi, "A History of Land in Guatemala," 2.

majority of which trace their linguistic roots back to a common proto-Mayan language, in one united ethnic group. A national indigenous movement has emerged out of these efforts, which is now working promote the interests of indigenous Guatemalans. This marks the first time in the history of the country that indigenous people have an active role in their own political representation at the national level.²²⁷

Land in Present-Day Guatemala

As in much of Latin America, land tenure and land redistribution have long been issues of contention in Guatemala. (See Table 3 for an overview of important laws related to land titling.) The country's thirty-year civil war, which ended in 1996 with promises of land reform, was in part prompted by land distribution issues. However, to date, very little progress has been made on land reform, and the country is without an integrated land law.²²⁸ At present, Guatemala's national property registry remains relatively inaccurate. The existing public register is an outdated declarative system based on legislation dating back to Spanish colonization. Legally, the transfer of lands does not have to be accompanied by documentation in the register. Land owners are free to choose whether or not they register their property.²²⁹ Additionally, the cost of registering a property in the national registry can be prohibitive, ranging from 500 to 1,000 USD.²³⁰ Thus, many Guatemalans do not register their land, and claim disputes are common.²³¹ USAID reports that, "As of 1998, only 30 percent of the country's properties were

²²⁷ Luján Muñoz, *Breve historia contemporánea de Guatemala*, 41, 391-393.

²²⁸ USAID, *Guatemala - Property Rights*, 3-5

²²⁹ Van Hemert, *Experiences with Land Registration in Guatemala*, 2.

²³⁰ Aguilar, in discussion with the author, March 28, 2015.

²³¹ Viscidi, "A History of Land in Guatemala," 3.

registered, and the majority of registered properties were located in urban areas. In contrast, 95 percent of rural parcels were not registered.”²³²

In rural areas, forced evictions have continued in more recent decades, and in some cases have resulted in violent attacks.²³³ Evictions are carried out either by police or by large farm

Table 3. Guatemalan Laws Related to Land Titling ²³⁴

<i>Name</i>	<i>Description</i>	<i>Year Enacted</i>	<i>Year Abolished</i>
General Property Registry	A registry that keeps track of all nationally registered property	1887	Still in effect
Law of Supplementary Titles	A universal titling law that called for all property to be registered and permitted the expropriation of all land not registered within three months of the law’s enactment; the law facilitated the expropriation of large amounts of indigenous land and its redistribution among large landholders	1880	Still in effect
Expropriation Law	A law that allows government expropriation of idle lands, which must be compensated, in cases of public interest	1948	Still in effect
Decree 900 (Agrarian Reform Law)	An agrarian reform law that allowed the government to expropriate idle lands and redistribute them among poor rural farmers; brought about the only land distribution reform of Guatemala’s history	1952	1954
Civil Code	Outlines rules for land ownership, registration, and transfer	1963	Still in effect
Land Fund Act (FONTIERRAS)	A law passed to assist low-income Guatemalans in purchasing land, in part by providing low-interest loans (this function has been suspended)	1999	Still in effect, limited functionality
Municipal Code	Established the municipalities’ responsibility to keep a local cadaster	2002	Still in effect
Cadastral Information Registry	A law that lays out the processes for maintaining the national registry of property, which includes both the physical and legal information related to the property	2005	Still in effect

²³² USAID, *Guatemala - Property Rights*, 6.

²³³ Brockett, “Malnutrition, Public Policy, and Agrarian Change,” 488.

²³⁴ Ana Cristina Rodríguez, *Guide to Legal Research in Guatemala* (n.p.: New York University Hauser Global Law School Program, 2006), accessed April 1, 2015. <http://www.nyulawglobal.org/globalex/Guatemala.htm>; USAID, *Guatemala - Property Rights*, 5-7; Gould, “Everyday Expertise,” 2357-2358.

owners' private security details.²³⁵ In cases where ancestral indigenous lands have come under the control of other entities, typically for agricultural use, invasions by indigenous groups are common.²³⁶ Programs aimed at increasing land access for the rural poor, such as FONTIERRAS have been ineffective and have often been discontinued.²³⁷ The reform of FONTIERRAS was one of a number of demands that have been made in recent years in light of the ineffectiveness of the reform policies promised in the peace accords. Other demands include the enforcement of payment to farm laborers, the return of communal and abandoned lands to their original owners (including lands taken illegally during the Civil War), improved women's labor rights, opposition of the Central American Free Trade Agreement, the creation of an effective national land registry to improve land rights, government resolution of land disputes, taxation or appropriation of idle lands, and state support of small farmers and rural development.²³⁸

As in much of the developing world, land titling programs have been considered in Guatemala as a potential solution to these problems.²³⁹ One such project was maintained in Petén until 2007 by USAID. The project aimed to establish unified titling, registry, and conflict resolution policy in the department. The World Bank has carried out several similar projects, one targeted at land access for women, and another for indigenous people. Various European governments and organizations have helped to finance other similar projects.²⁴⁰

However, scholars studying a World Bank-funded titling programs in Petén argue that the program is actually accelerating dispossession on the part of the rural poor and making it easier

²³⁵ Viscidi, "A History of Land in Guatemala," 3.

²³⁶ Castillo Zamora, "Identificados seis focos de conflictividad en el país."

²³⁷ USAID, *Guatemala - Property Rights*, 9.

²³⁸ Viscidi, "A History of Land in Guatemala," 2.

²³⁹ Gould, "Everyday Expertise," 2353.

²⁴⁰ USAID, *Guatemala - Property Rights*, 10.

for the wealthy to purchase land in the region. The World Bank found that 46 percent of the beneficiaries of its Petén titling program sold their property within five years. There is widespread mistrust of the National Cadaster and related titling programs, which has led the National Cadaster to create the Cadastral Culture Campaign (CCC) to promote titling. This campaign is based on the historical idea that indigenous people must embrace Western practices in order for the country to develop.²⁴¹ The World Bank reports that in Guatemala, as well as other countries with monopolized land markets, titling may help individuals to acquire credit, but only if the land they own is of a sufficient size. This is because, in some cases, high foreclosure costs in comparison with land value may make creditors unwilling to provide credit.²⁴² Another major land titling issue is the Law of Supplementary Titles (see Table 3). In practice, the law, which is intended to expropriate idle lands, is frequently enforced with disregard for indigenous occupation of the land. It has also been criticized for a lack of clarity, and the Guatemalan government is known to forcefully evict land occupants under this law where land rights are unclear.²⁴³

Issues with Land Titling in Guatemala

As discussed in Chapter 2, proponents of land titling programs claim that there are a number of benefits to be gained through increased levels of land registration. However, scholars have criticized these claims, stating that the implementation and structure of most land titling programs in developing countries have prevented them from attaining the majority of these

²⁴¹ Gould, "Everyday Expertise," 2354, 2360.

²⁴² Deininger. *Land Policies for Growth*, 50.

²⁴³ USAID, *Guatemala - Property Rights*, 5-6, 8.

predicted benefits.²⁴⁴ Attempts by the Guatemalan government to promote titling have been subject to the pitfalls faced by many other governments in the region (see Table 4). The following is a discussion of those issues and the ways in which they restrict potential beneficial outcomes of land titling.

The first issue is the inefficiency and ineffective implementation of the Guatemalan land titling and registration system (items 1 and 2 of Table 4). Since the peace accords were signed in 1996, more than six thousand agricultural conflicts have been registered with the Presidential Secretary of Agricultural Affairs. Of the 1,370 unresolved cases on the register in 2013, 71 percent dealt specifically with disputes over land rights.²⁴⁵ Land dispute resolution is currently handled by the Civil Courts, which are inefficient and ill-equipped to handle the number of claims with which they are faced. Rules regulating land ownership and titling remain unclear and non-uniform, causing further confusion.²⁴⁶ In some cases, conflicting titles have been issued, while in others boundaries were never clearly defined. Particularly in cases involving older titles, some dating back to the seventeenth century, it becomes increasingly difficult to resolve disputes.²⁴⁷ Further complicating the matter are the complexities of land tenure; there are a number of types of legally recognized land titles, including the following: “private ownership, communal, use (*colonato/usufructo*), leasehold, municipal, and state.” However, there is no legal registration process for truly communal land; instead, communal land may be registered in the name of one of its owners. In most cases, communal land is not registered. The lack of

²⁴⁴ Gould, “Everyday Expertise,” 2354.

²⁴⁵ Castillo Zamora, “Identificados seis focos de conflictividad en el país.”

²⁴⁶ USAID, *Guatemala - Property Rights*, 9.

²⁴⁷ Castillo Zamora, “Identificados seis focos de conflictividad en el país.”

efficiency may also be a result of a lack of funding; programs like FONTIERRAS, aimed at increasing land access and titling, have been cutback in recent years.²⁴⁸

A second expected positive impact of land registration is increased credit access (item 3, Table 4). In Guatemala, there are many informal lenders who are willing to loan money for extremely high interest rates. However, it is illegal to take out a mortgage without a nationally

Table 4. The Guatemalan Land Titling System²⁴⁹

<i>Benefit</i>	<i>Arguments for Land Titling</i>	<i>Guatemalan Land Titling System</i>
1. Increases tenure security	The title provides legal recognition of an owner's right to the land, which provides the owner security from claim disputes and potential eviction	Government titling programs often lack sufficient funding and/or resources to be fully implemented; communal land rights are not recognized
2. Gives land owners the right to dispute land claims in court	This creates a system through which land owners can appeal to an universally recognized authority to resolve their disputes	There is a general perception that the Guatemalan government tends to side with large landholders; courts are also inefficient, leading to slow resolution of disputes
3. Increases credit access and leads to higher land values	Title can legally be used as collateral for credit	Creditors may deny credit if the foreclosure cost outweighs the land value; regularization (titling) makes the region "legible" to outsiders and facilitates sale to outsiders; potential increase in landowner's tax burden
4. Increased likelihood of property improvement	As a result of increased tenure security and increased access to credit, owners are more likely to invest in property improvements	Titling alone without land improvements has been shown to have little impact
5. Reduces land disputes	Conflicting claims are fewer and are resolved legally through the courts	In some cases (in Colombia, in Petén, Guatemala), disputes have increased
6. Registration leads to increased access to public services	Government services are more likely to be provided in regularized areas where the government has official records of the population	This is true if enough people register in a densely populated area, but it is unlikely in rural areas where the dispersion of housing makes it difficult to provide services

²⁴⁸ USAID, *Guatemala - Property Rights*, 6-7.

²⁴⁹ Gould, "Everyday Expertise," 2359-2360; Ballantyne et al., "How Can Land Tenure and Cadastral Reform Succeed?," 694, 700; USAID, *Guatemala - Property Rights*, 6; Castillo Zamora, "Identificados seis focos de conflictividad en el país"; Feder and Nishio, "The Benefits of Land Registration and Titling," 1; Deininger. *Land Policies for Growth*, 50; Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20.

registered deed.²⁵⁰ Therefore, registering land should lead to increased access to credit, by the simple fact that formal institutions could legally provide loans to the homeowner. However, Deininger hypothesizes that lenders will still be unlikely to grant loans in cases where land holdings are particularly small. If the land parcel is too small, the investment may not seem worth the potential cost of foreclosure.²⁵¹ There is a secondary argument related to credit access, which says that the increased tenure security associated with land registration makes owners more likely improve their property (item 4, Table 4).²⁵² However, the IADB makes a counterargument, claiming that, in fact, increased titling alone generally does not lead to property improvements. Rather, governments must actively pursue accompanying credit programs to promote property improvement.²⁵³ Implicit in the IADB's argument is the fact that land titling also fails to provide a great enough increase in credit access to promote these property improvements.

A third argument in favor of titling is that it will decrease land conflicts (item 5, Table 4). However, due in part to conflicting historical land claims and in part to the inefficiency of the legal mechanisms and agencies dealing with land conflicts, disputes remain common. Disputes may occur due to competing titular claims (often a result of the non-unified titling legislation or of corruption), due to the occupation of privately owned land (typically as a political movement to demand land redistribution) and due to boundary disputes, which may result in violence. Government initiatives to resolve land disputes have been limited and often ineffective. They

²⁵⁰ Aguilar, in discussion with the author, March 28, 2015.

²⁵¹ Deininger. *Land Policies for Growth*, 50.

²⁵² Feder and Nishio, "The Benefits of Land Registration and Titling," 27.

²⁵³ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20.

have generally been poorly funded, with unclear rules, and in many cases lack the resources to process disputes in a timely manner. Corruption is also an issue.²⁵⁴ As discussed above, Guatemala has historically passed legislation designed to provide a legal basis for the eviction of indigenous people from lands desired for export crop production. Highly unequal land distribution and forced evictions have continued into modern times, with much of the country's land controlled by wealthy farmers, government officials (particularly army officers), and multinational companies.²⁵⁵ Although land titling is expected to resolve land disputes, ineffective processing of dispute claims could potentially lead to increased violence, as seen in Colombia.²⁵⁶

A final argument is that increased rates of titling are associated with increased regularization and improved access to services, such as utilities and public services, like schools (item 6, Table 4). However, regularization will likely manifest itself in very distinct ways in urban versus rural areas. In urban areas, informal settlements are notable due to their lack of services relative to the surrounding areas.²⁵⁷ In rural areas, the level of services are universally lower than they are in urban areas due to the simple fact that housing is dispersed, and it is harder to provide centralized services.²⁵⁸ Thus, for the Guatemalan rural poor, increased titling is likely to have relatively little impact on access to services.

As evidenced by the numerous comparisons that can be made between the country's history and that of the region at large, Guatemala's land tenure and land access issues clearly tie

²⁵⁴ USAID, *Guatemala - Property Rights*, 9.

²⁵⁵ Brockett, "Malnutrition, Public Policy, and Agrarian Change," 480, 482, 489.

²⁵⁶ Ballantyne et al., "How Can Land Tenure and Cadastral Reform Succeed?," 700.

²⁵⁷ FOPAVI, *Informe de cierre ejercicio fiscal 2013*, 4.

²⁵⁸ Bouillon, *Un espacio para el desarrollo*, xxv; Carr, "A Tale of Two Roads."

into a larger pattern that represents a wider, Latin American experience. Across the board, the countries in the region have experienced patterns of land concentration and exclusion of minority groups from land access. Land also tends to carry with it not only a monetary value but also a value related to social status, again, excluding minority groups from an important resource. In the early and mid-twentieth century, a number of governments attempted to enact wide-reaching land reform to address these problems, but nearly all reforms failed or were reverted. Today, discussions about land reform tend to revolve around land titling. Because of these similarities, experiences with land titling in other Latin American countries could be helpful in shedding light on the Guatemalan situation.

Interestingly, after a long and violent civil war was fought over land rights, we see no political discussion of Guatemalan land reform beyond conservative attempts to protect land rights through titling. The persistence and pervasiveness of land issues in Guatemala fit into a larger regional pattern, but the country's experience is notably extreme. The segregation between rural and urban, indigenous and non-indigenous, and the violence between these groups, is particularly marked in the country's history. Land issues remain largely unresolved, and representation of the indigenous people remains poor. In order for real improvements to be made, there will need to be much broader reform. Present policy may protect the poor from further infringements on their rights, but it will never lift them out of poverty or correct the imbalance of wealth and social power that is ingrained in the country's society after centuries of discriminatory land policy.

Chapter 4

CASSA: Land Tenure and the Guatemalan Housing Deficit

In Guatemala, there is a serious problem with land tenure and land access in general, which is in part responsible for another of the country's major issues: an enormous housing deficit. The Guatemalan Housing Fund (FOPAVI) estimated that the country's housing deficit in 2014 was nearly 1.5 million, a number that includes households living in inadequate housing (i.e. without basic services or on hazardous terrain) as well as those with no access to housing at all.²⁵⁹ Given the gravity of the impacts of inadequate housing on a family—it has been shown to impact everything from health to happiness to wealth—there are a number of organizations currently working to address the housing deficit in Guatemala.²⁶⁰ These organizations include the international nonprofit Habitat for Humanity, regional organizations like Spectrum and TECHO, and the Guatemalan government's FOPAVI housing program. CASSA is unique in the services it provides to low-income homeowners, creating self-sufficient houses intended to address a range of issues related to inadequate housing, such as the high cost or unavailability of important utilities like water and electricity. Given the importance the company places on using its products and services to provide its clients with a better quality of life, CASSA's 2014 Impact

²⁵⁹ FOPAVI, *Informe de cierre ejercicio fiscal 2013*, 4; Reyna Gilbert and Julio Linares, *CASSA: Social Housing Market Research Report* (CASSA.com, 2014): 6, accessed February 25, 2015, <http://cassa.com.gt/wp-content/uploads/2014/10/SHM-Final-Report-v1.0.pdf>.

²⁶⁰ Paul Munro-Faure, et al., *Land Tenure and Rural Development*, FAO Land Tenure Studies 3 (Rome, Italy: Food and Agriculture Organization of the United Nations, 2002), accessed September 25, 2014. <ftp://ftp.fao.org/docrep/fao/005/y4307E/y4307E00.pdf>.

Assessment Manual intern team, of which I was apart, advised that CASSA should consider another potential impact its houses could have on its clients: increased financial risk as a result of making a significant investment in their land without acquiring a nationally registered deed.²⁶¹

While there is no doubt that there is a great demand for quality, low-cost housing in Guatemala, it is also important to consider the context in which those houses will be built. As was demonstrated in the previous chapter, Guatemala has a uniquely challenging situation surrounding land access, particularly dealing with land tenure legislation. CASSA, as a provider of housing for low-income consumers, should be well informed on the issues its clients face relating to land tenure, and representatives of the company should consider it their responsibility as a socially minded business to advise clients on options and best practices surrounding titling prior to construction. To that end, this chapter will draw on the previous chapters to address the realities CASSA's clients are likely to face regarding land registration and provide valuable information for best practice procedures.

The CASSA Business Model

CASSA is a Guatemalan social housing company dedicated to providing low-income Guatemalans with affordable, intelligently designed, dignified housing.²⁶² The company provides design, construction, and repair services at prices it considers affordable to its target clients, Guatemalans living in poverty or extreme poverty.²⁶³ Founded in 2013, CASSA is still a young

²⁶¹ Barbosa Garzon and Lenze, *CASSA: Impact Assessment Manual*, 20.

²⁶² Construcción Autosuficiente, S.A., "Who We Are."

²⁶³ Construcción Autosuficiente, S.A., "What We Do" (CASSA.com, 2015), accessed January 2, 2015. <http://cassa.com.gt/en/services/whatwedo/>.

company, but it has already completed construction on one prototype house (see Figure 6 and Figure 7), with work underway on a second house, and a number of interested clients engaged in the design process.²⁶⁴ The cost of the house is estimated by CASSA at Q2,000 per square meter (equivalent to 250-300 USD per square meter), a number that is kept low by, among other things, minimizing the company's profit margins and utilizing local labor and materials.²⁶⁵ The Guatemalan Construction Chamber (a non-governmental organization of Guatemalan construction companies) estimates that a fifty-square-meter cinder block and sheet metal house, the most common type of housing for low-income Guatemalans, would cost roughly Q100,000, which aligns with the low end of CASSA's price estimate and with the actual cost of the company's prototype house.²⁶⁶

The company also argues that its design model offers a "strong added value" for its clients, as the houses are designed to be self-sufficient, providing clean energy, clean water, and waste sanitation.²⁶⁷ To this end, the company's prototype house design includes solar panels; rainwater collection, storage, and filtration capabilities; and an underground waste treatment system. It also includes other significant improvements on the standard home design for low-income owners, including a chimney to funnel smoke from the traditional wood-burning stove

²⁶⁴ Construcción Autosuficiente, S.A., *Plan de negocios* (unpublished work, CASSA, 2015): 1; Aguilar, in discussion with the author, March 28, 2015.

²⁶⁵ Construcción Autosuficiente, S.A., "First CASSA – Client: Amílcar Cochoy," (CASSA.com, 2015), accessed January 2, 2015. <http://cassa.com.gt/en/portfolio/amilcar-cochoy-2/>; Aguilar, Cole, Gadala-Maria, "Building Prosperity."

²⁶⁶ Manuel Antonio Aguilar, "CASSA: vivienda social inteligente," Universidad Francisco Marroquín video, 50:22, March 26, 2014, accessed January 4, 2014. <http://newmedia.ufm.edu/gsm/index.php?title=Aguilarviviendainteligente>,

²⁶⁷ Construcción Autosuficiente, S.A., "What We Do."

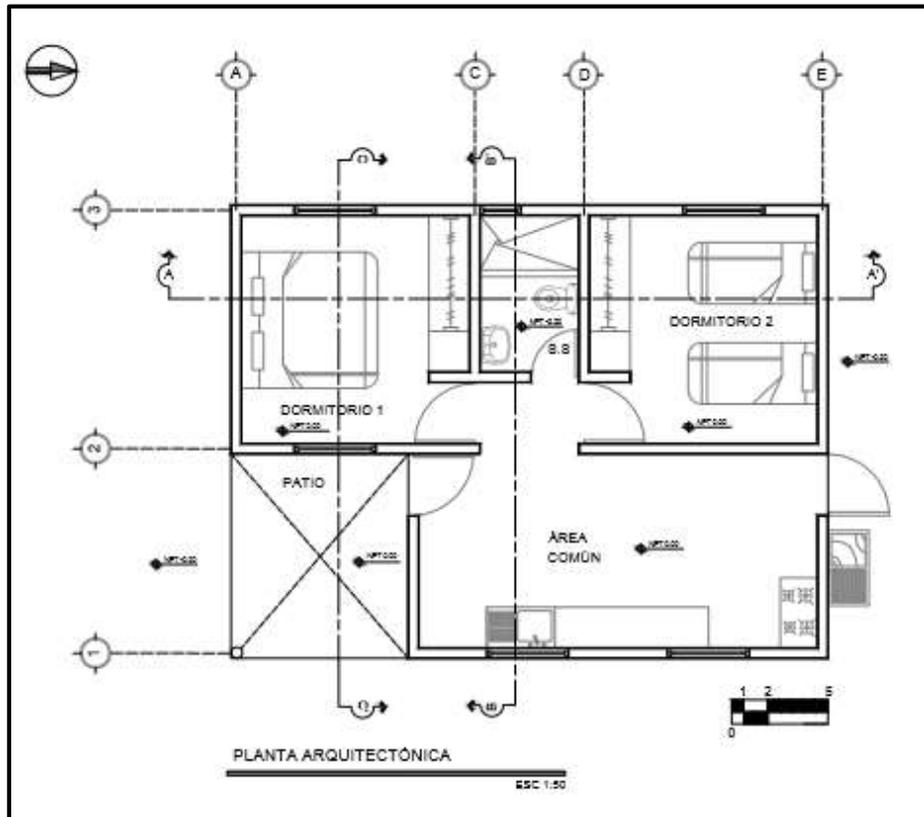


Figure 6. CASSA House Blueprint²⁶⁸



Figure 7. CASSA House Exterior and Kitchen Interior²⁶⁹

²⁶⁸ Construcción Autosuficiente, S.A., "First CASSA."

²⁶⁹ CASSA, Facebook Profile, accessed April 9, 2015. <https://www.facebook.com/cassagt/timeline>.

out of the house (an important improvement given that the high incidence of pneumonia, the number one cause of deaths in the country according to the 2012 census, is associated with open wood-burning stoves) and bamboo walls that, in comparison with the standard cinder block walls, are much more resistant to earthquakes (which occur frequently and leave many families homeless).²⁷⁰ In addition, the company expects that the house will allow homeowners to save money long term, as they will no longer have to pay for certain services, such as water and energy.²⁷¹ CASSA's prototype house of fifty square meters, which cost approximately Q100,000, was sold at a discounted price of Q60,000 to a Guatemalan school teacher in Sololá, Guatemala in October of 2013. Construction began in December of the same year and was completed in March of 2014.²⁷² Construction on a second house, also in the department of Sololá, began in March of 2015, and designs are in the process for several other interested clients' houses, including three in Guatemala City.²⁷³

CASSA is aware that the price of its houses, although comparable to that of cinder block and sheet metal houses, is simply not accessible for many Guatemalans. It is common for multiple generations of a family to live together in one house, and when constructing a new house, families often look for ways to cut costs. For example, one homeowner who consulted with CASSA had built her current house without rebar for reinforcement inside the cinderblock walls. Credit accessibility is a major problem for low-income Guatemalans hoping to build a

²⁷⁰ Aguilar, "CASSA: vivienda social inteligente"; Narciso, et al., *Caracterización estadística: República de Guatemala 2012*, 17; Brenda Martínez and Andrea Orozco, "El asesino de la cocina" (Guatemala, *Prensa Libre*, December 15, 2013), accessed April 1, 2015. http://www.prensalibre.com/noticias/Titulo-articulo-edicion-imprensa_0_1048095205.html.

²⁷¹ Aguilar, Cole, Gadala-Maria, "Building Prosperity."

²⁷² Aguilar, "CASSA: vivienda social inteligente."

²⁷³ Aguilar, in discussion with the author, March 28, 2015.

home, as they frequently have not registered their property in the national registry, a process that costs anywhere between 500 and 1,000 USD, and the municipal title legally cannot be mortgaged. Credit cooperatives do exist, and they will accept a municipal title as collateral, but they often charge extremely high rates of interest and typically require the homeowner to leave the original copy of the deed until the loan has been repaid.²⁷⁴ CASSA had planned to raise funds for an independently managed “non-profit mortgage lending bank” that was to grant microloans, of Q50,000-200,000 to CASSA clients in need of financial support.²⁷⁵ However, the company has decided instead to assist its clients in acquiring credit from other existing loan sources, such as Banrural (the Guatemalan government’s rural lending bank) and various micro-finance organizations. The company is currently in discussions with a number of these lending agencies to establish relationships and look for the mortgage-type loans it hopes to help secure for its clients.²⁷⁶ A 2014 online crowd-funding campaign to raise funds to loan to current CASSA clients raised \$8,410 of its \$33,000 goal, which was a large enough loan to begin construction on one house, the company’s second.²⁷⁷ In April of 2015, the company was awarded a grant of one hundred million USD from the IADB.²⁷⁸

Through internally conducted market and social well-being research, CASSA determined that many of its potential clients possessed either no title or only a municipally recognized title. As discussed previously, this means that no recognition of their land ownership was documented

²⁷⁴ Aguilar, in discussion with the author, March 28, 2015.

²⁷⁵ Aguilar, Cole, Gadala-Maria, “Building Prosperity”; Aguilar, “CASSA: vivienda social inteligente.”

²⁷⁶ Aguilar, in discussion with the author, March 28, 2015.

²⁷⁷ Aguilar, Cole, Gadala-Maria, “Building Prosperity”; Aguilar, in discussion with the author, March 28, 2015.

²⁷⁸ Doris Ajin, “Proyecto guatemalteco de casa autosostenible, reconocido por el BID” (n.p.: Soy502.com, April 9, 2015), accessed April 12, 2015. <http://www.soy502.com/articulo/construiran-casa-social-familia-izabal-fondos-recaudados>.

at a national level.²⁷⁹ Given the complex context surrounding land tenure in Guatemala, it is particularly important that CASSA be prepared to advise its clients, who are making a large investment in their land, on their options for land registration and its potential benefits and ramifications.

CASSA and Land Tenure

The following section will compare the land tenure issues covered in the previous chapters with actual problems faced by potential clients based on data produced as part of two reports issued by CASSA in 2014. The two reports are *CASSA: Social Housing Market Research Report* and *CASSA: Impact Assessment Manual*. Data from a series of unpublished interviews, conducted as part of the creation of the second report, will also be included with permission from CASSA. The two reports examined issues related to housing quality, including home financing, construction, and quality. The data in the reports was gathered by four CASSA interns, myself included, through interviews in five municipalities in the departments of Sololá and Quiché. The interns identified interviewees by going door to door and to town squares, and a total of 58 interviews were conducted.²⁸⁰ Respectively, Sololá and Quiché have the country's first and third highest poverty rates (77.47 percent and 71.85 percent in 2011).²⁸¹ Based on interviews with potential clients conducted as part of these reports, CASSA has determined that many of its

²⁷⁹ Barbosa Garzon and Lenze, *CASSA: Impact Assessment Manual*, 20; Gilbert and Linares, *Social Housing Market Research Report*, 37.

²⁸⁰ Gilbert and Linares, *Social Housing Market Research Report*, 48; Jorge Guillermo Barbosa Garzon and Michelle Lenze, *Pruebas de encuesta* (working paper, CASSA, 2014).

²⁸¹ Sánchez Domínguez, Toledo Chaves, and Rodríguez Valladares, *Encuesta nacional de condiciones de vida 2011*, 10-11.

potential clients have either no land title or only a municipally registered title. Ninety-six percent of the respondents in the *Social Housing Market Research Report* reported owning their home, but ownership in many cases did not mean possession of a land title.²⁸² Currently, the company does not require clients to acquire any kind of land title. However, the company hopes to be able to advise its future clients on best practices for land registration.²⁸³

In the following section, a selection of issues that arose from the two 2014 CASSA reports is presented, and each one is paired with a discussion of how the issue would likely be impacted by a homeowner's lack or possession of a nationally registered deed. These discussions are based on the arguments and information on the intended and actual outcome of land registration, which were presented in previous chapters.

1. *Poor housing quality*: A major issue addressed in both reports was the homeowners' desire to improve the quality of their housing. Housing issues had to do primarily with space, crowding, and damaged roofs. When asked how they would like to improve their house, 47 percent of respondents said they would want more space. Ninety-one percent of respondents also said they would like to stay on the land on which they currently resided. Houses tended to be overcrowded, with an average of 2.4 people per room and 5.4 people per bathroom in the homes surveyed. Eighty-six percent of respondents reported having access to water in their home, although in many cases it was untreated and service was irregular. Common building materials included wood, cinder block, cement, sheet metal, and adobe. When asked what areas of their house were in need of repair, the most

²⁸² Gilbert and Linares, *Social Housing Market Research Report*, 37.

²⁸³ Aguilar, in discussion with the author, March 28, 2015.

common answer was the roof, followed by the walls, followed by the entire house.

Respondents frequently cited natural disasters, such as earthquakes and flooding, as the cause of the damages. When asked what obstacles they had faced as homeowners, the majority (70 percent) of respondents to the CASSA surveys cited financial issues as obstacles, and lack of land tenure was not mentioned.²⁸⁴ Proponents of land registration claim that acquisition of tenure makes residents more attached to their land, less susceptible to the risk of forced eviction, and more likely to make improvements on the land (in this case, home improvements). However, in reality, it was seen that sale rates rose after registration in the region of Petén, Guatemala.²⁸⁵ Additionally, the IADB actually cites land improvements as a necessary separate initiative from titling programs that must be implemented simultaneously in order for the titling process to actually bring about other desired beneficial effects.²⁸⁶ More specifically, CASSA clients will have already elected to make land improvements through the construction of a new house with built-in water, electricity, and sanitation services, and so the title would clearly not be the stimulus for such improvements.

2. *Dependence on land for livelihood*: The market report found that agriculture was the most commonly reported profession, meaning that many respondents were reliant on their land not only as a place of residence but also as a source of income.²⁸⁷ Although most large estates produce export crops and underutilize their land, most small farms are

²⁸⁴ Gilbert and Linares, *Social Housing Market Research Report*, 38, 40, 44-45, 48, 50.

²⁸⁵ Gould, "Everyday Expertise," 2359.

²⁸⁶ Buvinic, Mazza, and Deutsch, *Social Inclusion and Economic Development in Latin America*, 20.

²⁸⁷ Gilbert and Linares, *Social Housing Market Research Report*, 54.

highly productive and cultivate for domestic consumption.²⁸⁸ One interviewee living in a more urban area used her home as a place to produce textiles and make sales of her product.²⁸⁹ Assuming registered land tenure does in fact correlate to increased tenure security (discussed below), then it would also correlate to increased job security for those dependent on their home and the land it sits on for their livelihood. However, it is important to remember that small farmers in Guatemala, as in the rest of Latin America, tend to have subfamily-sized plots, meaning the plots are too small to support the family on subsistence agriculture alone.²⁹⁰ Thus, an agricultural family may be protected from the risk of losing their land as a source of income, but other reforms are needed if the rural poor are actually expected to be able to support themselves through farming.

3. *Credit access*: The market research report found that savings and income were the most common methods of home financing, with less than 15 percent of respondents having financed their homes with loans.²⁹¹ Legally, only a nationally registered title can be mortgaged, and interviewees who did find agencies willing to grant loans with only a municipal title were charged extremely high interest rates. One CASSA client took out a loan to pay for his property and is being charged an interest rate of 36 percent.²⁹² In spite of the sizable investment CASSA clients will be making in their land, it is possible that the small size of most of these properties may lead creditors to deny loans, even when a deed has been acquired. However, the investment in improving the property will raise its

²⁸⁸ Brockett, "Malnutrition, Public Policy, and Agrarian Change," 490.

²⁸⁹ Barbosa Garzon and Lenze, *Pruebas de encuesta*.

²⁹⁰ Brockett, "Malnutrition, Public Policy, and Agrarian Change in Guatemala," 480.

²⁹¹ Gilbert and Linares, *Social Housing Market Research Report*, 38.

²⁹² Aguilar, in discussion with the author, March 28, 2015.

value, hopefully opening more doors to credit opportunities. In this case, then, the title will potentially be helpful in improving credit access.

4. *Lack of services*: Another major issue faced by those interviewed by CASSA is a lack of access to services. Eighty-six percent of respondents also reported having electricity in their homes. Sanitation systems were present in 77 percent of households but ranged from flush toilets to open latrines. Eighty-nine percent of households reported cooking with a wood burning stove.²⁹³ USAID reports that 98 percent of the urban population and 88 percent of the rural population of Guatemala has access to improved water sources.²⁹⁴ Improved water sources are typically defined as private or public piped water and wells, protected springs, and rainwater collection, but CASSA's field research shows that these "improved" water sources are often not potable. In Santa Catarina, a municipality of the state of Sololá, nearly all residents have access to a water source, but less than one percent of people have access to safe drinking water. Additionally, more than half of the residents of the municipality receive water for five hours or less per day, while the rest receive it for ten hours or less. Most of the municipality uses open latrines, with less than 20 percent of the population having flush toilets in their homes. In Santiago Atitlán, also in Sololá, the main water source is Lake Atitlán, and all water must be treated as there is no water treatment or sewage system in the municipality, and all waste water (as well as a substantial amount of trash) ends up in the lake. Another municipality of Sololá, Concepción, has no water purification system and a very limited sewage system. In the

²⁹³ Gilbert and Linares, *Social Housing Market Research Report*, 46.

²⁹⁴ USAID, *Guatemala - Property Rights*, 11.

Chajúl municipality of Quiché, water is similarly left untreated and there is no sanitation system. In Chajúl, access to energy is also significantly lower, with just over 20 percent of the population having electricity in their homes. Access to these services is better in the urban centers of all of these municipalities than in rural areas.²⁹⁵ Land tenure, however, is unlikely to impact this issue in rural areas. While in poor areas of urban Guatemala there is a general lack of services due to the typically illegal and informal nature of the settlements, those services, which range from basic utilities to schools and hospitals, are lacking throughout rural Guatemala, in large part due to the dispersion of housing.²⁹⁶ CASSA is attempting to address this issue directly through its construction techniques, making its houses self-producers of energy and drinking water, among other things, but tenure is unlikely to assist with this problem.

5. *Tax increase*: Various types of financial issues were the number one reason cited when CASSA asked what obstacles people had faced as homeowners, with 70 percent of the responses falling into this category. Although municipal titles also are subject to taxation, the fact that they are not on the national registry makes it difficult to track whether or not the taxes have been paid. Nationally registered properties cannot be sold until back-taxes are paid.²⁹⁷ In this way, registration in the national cadaster could mean a significant increase in tax payments for some families.

²⁹⁵ Gilbert and Linares, *Social Housing Market Research Report*, 13, 16, 17, 23, 28-29, 32.

²⁹⁶ FOPAVI, *Informe de cierre ejercicio fiscal 2013*, 4; Bouillon, *Un espacio para el desarrollo*, xxv; Carr, “A Tale of Two Roads.”

²⁹⁷ Aguilar, in discussion with the author, March 28, 2015.

6. *Tenure security*: This issue was only brought up in one of the CASSA interviews, in which the interviewee's home was located on hazardous land. The property is situated on a steep drop off at the edge of a river and has been shrinking due to landslides. It has been declared hazardous and unsuitable for residence. In this case, there was little to be done regarding titling, as residence on the land had been declared illegal.²⁹⁸ However, in other cases where the potential cause for eviction is conflicting land claims, tenure security should theoretically be increased by registering the property in the national register. However, the Guatemalan courts deal with claim disputes extremely slowly, and a low-income family may not be able to afford the luxury of waiting for their court case to be processed.²⁹⁹ In this case, acquiring the title is certainly not detrimental to tenure security, but it may not actually be helpful to CASSA's clients should a case of forced eviction due to competing land claims arise.

In conclusion, it appears that many of the positive impacts land registration is supposed to bring about are unlikely to be experienced by poor Guatemalan homeowners. However, there are two very important benefits that CASSA should consider when deciding whether or not to recommend that its clients register their property, the first being increased access to credit, and the second is improved tenure security. In both cases, there are doubts as to the certainty of securing these benefits through titling, in the first case due to the low value of most of CASSA's clients' properties and in the second due to the inefficiency of the courts that handle land disputes. Two separate issues the company should consider are the prohibitive cost of the

²⁹⁸ Barbosa Garzon and Lenze, *Pruebas de encuesta*.

²⁹⁹ Castillo Zamora, "Identificados seis focos de conflictividad en el país."

complete property registration process and the potential liability for CASSA as the contractor. Regarding the first issue, the cost of registration, ranging from 500-1,000 USD, is likely to be prohibitive to many potential clients. A potential solution to this problem would be to include the cost of the registration process in any loan package the homeowner were to secure. With respect to the second issue, CASSA has determined that it will not be held responsible or in any way liable for the construction of a home on land without legal registration. In this sense, CASSA legally is in no way obligated to concern itself with the status of its clients' land registration.³⁰⁰ However, as a socially minded business, CASSA has and should take a serious interest in this issue, due to the potentially profound effect it could have on the company's clients.

Possible Courses of Action and Recommendations

In response to these issues, CASSA must make a decision about how to handle clients whose land is not fully registered. The first option would be to continue with the current policy, simply taking no action with regards to clients' land registration status. The opposite extreme would be to require all clients to have land registered in the national cadaster. Both of these options seem extreme given the complexity of the land tenure situation in Guatemala. A third, more moderate option might be to require clients to at least acquire a deed from the municipality so that some legal record of their property existed. A fourth option would be to provide counselling to clients, putting forth no requirements but helping clients to understand their options prior to construction. This option seems most appropriate given two primary factors: 1)

³⁰⁰ Aguilar, in discussion with the author, March 28, 2015.

forced evictions are much more common in certain regions of the country and may not be a particularly imminent problem for all CASSA clients, 2) there are relatively few potential benefits gained by land registration (likely benefits are limited to better credit access and increased tenure security) and those are somewhat uncertain.

CASSA's best course of action, therefore, is to make recommendations on a case-by-case basis. Upon acquiring clients in a new region, the company should approach the municipal government and inquire about potential forced evictions in the area. If there have been numerous claim disputes and forced evictions, CASSA should strongly recommend that its clients in the area complete the full land registration process. CASSA should also inquire with the clients themselves to find out if they are aware of any competing claims that are likely to be brought against them, in which case the full registration should be recommended. If there appears to be minimal threat of forced eviction, then the client should be informed of the various positive and negative aspects of land titling, as presented in Table 4, and the decision should be left to the homeowner.

Chapter 5

Conclusions

CASSA's mission to improve the living standard of Guatemala's poor through access to intelligently designed, quality housing is indeed an ambitious one, and not without its challenges. Yet, infinitely more challenging are the dilemmas faced by Latin American governments seeking to right imbalances in land access. In the context of this Latin American land dilemma, CASSA's task will be to help its clients be informed and proactive about protecting themselves from the injustices of the land titling system. The company's clients will be taking on a risk that many of us in the United States take for granted – a mortgage. However, that risk is magnified greatly by the complexities of the legal and social practices surrounding Guatemalan land.

As land law evolves in Guatemala, and indeed throughout Latin America, there must be a much more serious, wide-sweeping effort to address issues of land inequality. Guatemala's thirty-year conflict demonstrated the severity of the issue: social inequality is very real in Guatemala, and land access is one of the most important ways in which it is manifested. Little has been done in the last two decades to follow through on promises of land reform, and land concentration is worse than ever before.³⁰¹ In Guatemala, and in so much of Latin America, ineffective and inefficient implementation of land programs is rampant and programs take the form of important but extremely narrow reforms, like property registration. Although legal

³⁰¹ Viscidi, "A History of Land in Guatemala," 2; Castillo Zamora, "Identificados seis focos de conflictividad en el país."

recognition of all citizens' rights to their land is incredibly important, titling alone has been shown to be a relatively limited tool for the correction of wealth and land access inequality. A greater breadth of programs is needed, encompassing a whole range of issues related to land and addressing the structural inequalities that have plagued the region for so many centuries.

Hopefully, the day will soon come when CASSA will not need to seek out private investors for its housing projects because the credit programs will already be in place, when land registration really will guarantee increased tenure security, and when more initiatives, both public and private will endeavor to provide opportunities to those living in poverty. Until then, CASSA's clients, like so many others, must navigate a system that seems to be stacked ever against them.

BIBLIOGRAPHY

- Aguilar, Manuel Antonio. "CASSA: vivienda social inteligente." Universidad Francisco Marroquín video, 50:22. March 26, 2014. Accessed January 4. <http://newmedia.ufm.edu/gsm/index.php?title=Aguilarviviendainteligente>.
- Aguilar, Antonio, Ruby Cole, Ana Lucia Gadala-Maria. "Building Prosperity." *Indiegogo*, December 31, 2014. Accessed January 2, 2015. <https://www.indiegogo.com/projects/building-prosperity#home>.
- Ajin, Doris. "Proyecto guatemalteco de casa autosostenible, reconocido por el BID." N.p.: Soy502.com, April 9, 2015. Accessed April 12, 2015. <http://www.soy502.com/articulo/construiran-casa-social-familia-izabal-fondos-recaudados>.
- Alabama Maps. "The Americas." University of Alabama Department of Geography, February 4, 2014. Accessed April 8, 2015. <http://alabamamaps.ua.edu/contemporarymaps/world/americas/index2.html>.
- Baer, Werner. "Import Substitution and Industrialization in Latin America: Experiences and Interpretations," *Latin American Research Review* 7, no. 1. N.p.: The Latin American Studies Association, Spring 1972. <http://www.jstor.org.ezaccess.libraries.psu.edu/stable/2502457>.
- Barbosa Garzon, Jorge Guillermo and Michelle Lenze. *CASSA: Impact Assessment Manual*. CASSA.com, 2014. Accessed March 17, 2015. <http://cassa.com.gt/wp-content/uploads/2014/11/Impact-Assessment-Manual-v0.7.pdf>.
- Barbosa Garzon, Jorge Guillermo and Michelle Lenze. *Pruebas de encuesta*. Working paper, CASSA, 2014.
- Ballantyne, Brian, Michael Bristow, Buster Davison, Sean Harrington, and Khaleel Khan. "How Can Land Tenure and Cadastral Reform Succeed? An Inter-Regional Comparison of Rural Reforms." *Canadian Journal of Development Studies/Revue Canadienne D'études Du Développement* 21, no. 3 (2000): 693-723. <https://psu.illiad.oclc.org/illiad/UPM/illiad.dll?Action=10&Form=75&Value=1879168>.
- Bethel, Leslie, ed. *The Cambridge History of Latin America*. Cambridge, England: Cambridge University Press, 1984. doi: 10.1017/CHOL9780521232234.
- Brockett, Charles D. "Malnutrition, Public Policy, and Agrarian Change in Guatemala." *Journal of Interamerican Studies and World Affairs* 26, no. 4 (Nov. 1984): 477-497. Accessed December 2, 2014. <http://www.jstor.org/stable/165477>.

- Bouillon, César Patricio, ed. *Un espacio para el desarrollo: los mercados de vivienda en América Latina y el Caribe*. Washington D.C.: Inter-American Development Bank, 2012. Accessed November 7, 2014.
<http://publications.iadb.org/bitstream/handle/11319/3472/Un%20espacio%20para%20el%20desarrollo%3a%20los%20mercados%20de%20vivienda%20en%20America%20Latina%20y%20el%20Caribe.pdf;jsessionid=35C818A0CD16D6F62ED62D558BB9F01F?sequence=1>.
- Buvinic, Mayra, Jacqueline Mazza, and Ruthanne Deutsch, eds. *Social Inclusion and Economic Development in Latin America*. N.p.: Inter-American Development Bank, 2004.
- Caviedes César and Gregory Knapp. *South America*. New Jersey: Prentice Hall, 1995.
- Carr, David. “A Tale of Two Roads: Land Tenure, Poverty, and Politics on the Guatemalan Frontier.” *Geoforum* 37, no. 1 (January 2006): 94-103. Accessed April 1, 2015.
<http://www.sciencedirect.com/science/article/pii/S0016718505000333>.
- CASSA. Facebook Profile. Accessed April 9, 2015. <https://www.facebook.com/cassagt/timeline>.
- Castillo Zamora, Juan Manuel. “Identificados seis focos de conflictividad en el país.” *Prensa Libre*. Guatemala City: Prensa Libre, January 19, 2014. Accessed March 18, 2015.
http://www.prensalibre.com/noticias/comunitario/CONFLICTOs_0_1069093099.html.
- Construcción Autosuficiente, S.A. “First CASSA – Client: Amílcar Cochoy.” CASSA.com, 2015. Accessed January 2, 2015. <http://cassa.com.gt/en/portfolio/amilcar-cochoy-2/>.
- Construcción Autosuficiente, S.A. *Plan de negocios*. Unpublished work, CASSA, 2015.
- Construcción Autosuficiente, S.A. “Who We Are.” CASSA.com, 2014. Accessed November 24, 2014. <http://cassa.com.gt/en/about/>.
- Construcción Autosuficiente, S.A. “What We Do.” CASSA.com, 2015. Accessed January 2, 2015. <http://cassa.com.gt/en/services/whatwedo/>.
- Deininger, Klaus. *Land Policies for Growth and Poverty Reduction*. Washington, D.C.: World Bank and Oxford University Press, 2003. Accessed December 1, 2014.
<http://siteresources.worldbank.org/EXTARD/Resources/336681-1295878311276/26384.pdf>.
- Feder, Gershon, and Akihiko Nishio. “The Benefits of Land Registration and Titling: Economic and Social Perspectives.” *Land Use Policy* 15, no. 1 (1998): 25-43. doi: 10.1016/S0264-8377(97)00039-2.
- Paul Munro-Faure, Paolo Groppo, Adriana Herrera, Jonathan Linday, Paul Mathieu, and David Palmer. *Land Tenure and Rural Development*, FAO Land Tenure Studies 3. Rome, Italy: FAO, 2002. Accessed September 25, 2014.
<ftp://ftp.fao.org/docrep/fao/005/y4307E/y4307E00.pdf>.

- Frankema, E.H.P. *The Colonial Origins of Inequality: The Causes and Consequences of Land Distribution*. The Netherlands: Groningen Growth and Development Centre University of Groningen, June, 2006.
http://siteresources.worldbank.org/INTDECINEQ/Resources/1149208-1147789289867/IIIWB_Conference_ColonialOrigins_of_InequalityREVISED.pdf.
- Fredriksen, John C. *Encyclopedia of Latin America*. New York: Infobase Publishing, 2010.
- Foster, Lynn V. *A Brief History of Central America*, 2nd ed. New York: Facts on File, Inc., 2007.
- Furtado, Celso. *Economic Development of Latin America: Historical Background and Contemporary Problems*. New York: Cambridge University Press, 1976.
- Gilbert, Reyna and Julio Linares. *CASSA: Social Housing Market Research Report*. CASSA.com, 2014. Accessed February 25, 2015. <http://cassa.com.gt/wp-content/uploads/2014/10/SHM-Final-Report-v1.0.pdf>.
- Gledhill, John. "El derecho a una vivienda." *Revista de antropología social* 19 (2010): 103-129, 405. <http://www.redalyc.org/articulo.oa?id=83817227005>.
- Gobierno de la República de Guatemala. *Sistema Nacional de Diálogo Permanente*. Guatemala: Gobierno de la República de Guatemala, 2008: 3. Accessed March 5, 2015.
http://www.segeplan.gob.gt/2.0/index.php?option=com_remository&Itemid=274&func=startdown&id=330.
- González, Francisco E. "Mexican Revolution." *The Concise Oxford Dictionary of Politics*, 3rd ed. N.p.: Oxford University Press, 2009. Accessed March 5, 2015.
<http://www.oxfordreference.com/view/10.1093/acref/9780199207800.001.0001/acref-9780199207800-e-820>.
- Gould, Kevin A. "Everyday Expertise: Land Regularization and the Conditions for Land Grabs in Petén, Guatemala." *Environment and Planning A* 46, no. 10 (2014): 2353-368. doi: 10.1068/a140188p.
- Guatemala Travel Guides. "Map of Guatemala." [Guatemalaguides.com](http://guatemalaguides.com), 2011. Accessed April 8, 2015. <http://guatemalaguides.com/Travel-information/23-02-2011-Map-of-Guatemala.htm>.
- Hauberg, Clifford A. *Latin American Revolutions*. Minneapolis: T.S. Denison & Company, Inc., 1968.
- Helweg-Larsen, Simon. "The Peace of the Oligarchs: Land Distribution and the Guatemalan Peace Process." *Canadian Journal of Development Studies* 24, no. 4 (2003): 617-632.
<http://psu.illiad.oclc.org/illiad/UPM/illiad.dll?Action=10&Form=75&Value=1879169>.

- Heuman, Gad. *The Caribbean: A Brief History*. London, England: Bloomsbury Academic, 2014.
<http://pensu.eblib.com.ezaccess.libraries.psu.edu/patron/FullRecord.aspx?p=1388997&echo=1&userid=cxnsJTeBte0%3d&tstamp=1428876905&id=CDDDECE841ADD591CD1F4D82F3BE5D40EDC1749E>.
- Lastarria-Cornhiel, Susana. *Guatemala Country Brief: Property Rights and Land Markets*. N.p., Land Tenure Center, University of Wisconsin–Madison, March 2003: 1. Accessed October 31, 2014. <http://www.nelson.wisc.edu/ltc/docs/guatemalabrief.pdf>.
- Lovell, W. George. *A Beauty that Hurts*. Austin: University of Texas Press, 2000.
- Luján Muñoz, Jorge. *Breve historia contemporánea de Guatemala*. Mexico City: Fondo de Cultura Económica, 1998.
- Map, “Industry and Agriculture.” 1983. Call number: G48101983.U51. The Pennsylvania State University Maps Collection. The Donald W. Hamer Maps Library.
- Martínez, Brenda and Andrea Orozco. “El asesino de la cocina.” Guatemala, *Prensa Libre*, December 15, 2013. Accessed April 1, 2015. http://www.prensalibre.com/noticias/Titulo-articulo-edicion-impresa_0_1048095205.html.
- Mesoamerican Famine Early Warning System, Food and Agriculture Organization, and Secretaría de Seguridad Alimentaria y Nutricional. “Zonas de Medios de Vida de Guatemala.” N.p.: MFEWS, FAO, SESAN, February 2010. In Giorgia Nicolo, Edgar Escobar, Gustavo García, Ariel Ortiz, Juan Manuel Morales, and Carmen Galarz. *Informe Especial: Misión FAO/PMA de Evaluación de Cosecha y Seguridad Alimentaria en Guatemala*. N.p.: FAO and PMA, February 23, 2010. <http://www.fao.org/docrep/012/ak344s/ak344s00.htm>.
- Ministerio de Comunicaciones, Infraestructura y Vivienda. *Informe de cierre ejercicio fiscal 2013*. Guatemala: FOPAVI, March 2013. Accessed March 5, 2015.
http://fopavi.gob.gt/web/Portal_Decreto_13-2013/Files/13-13%20A%204%20N%201%20Presupuesto,%20ejecucion%20fisica,%20ejercicio%20fiscal%202013.pdf.
- Narciso, Rubén, Danilo Estrada, Pamela Escobar, and Marvin Reyes. *Caracterización estadística: República de Guatemala 2012*. Guatemala: Instituto Nacional de Estadística Guatemala, November 2013. Accessed November 30, 2014.
<http://www.ine.gob.gt/sistema/uploads/2014/02/26/5eTCCFIHErnaNVeUmm3iabXHakGxTww0C.pdf>.
- Narciso, Rubén, Orlando Monzón, Jaime Mejía, Carlos Mancia. *Encuesta nacional agropecuaria, 2013*. Guatemala: Instituto Nacional de Estadística, February 2013. Accessed March 2, 2015. <http://web.maga.gob.gt/download/ena-2013.pdf>.

- Pop, Álvaro. *Informe evaluación de la declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas en Guatemala*. Guatemala City: United Nations, 2013. Accessed October 31, 2014. <http://www.un.org/esa/socdev/unpfii/documents/2013/CRP-3.pdf>.
- Rodríguez, Ana Cristina. *Guide to Legal Research in Guatemala*. N.p.: New York University Hauser Global Law School Program, 2006. Accessed April 1, 2015. <http://www.nyulawglobal.org/globalex/Guatemala.htm>.
- Sadalmelik. "Guatemala Topography." Wikimedia Foundation, September 16, 2007. Accessed April 8, 2015. http://commons.wikimedia.org/wiki/File:Guatemala_Topography.png.
- Sánchez Domínguez, Luisa Fernanda, Pablo Francisco Toledo Chaves, and Fernando Rodríguez Valladares. *Encuesta nacional de condiciones de vida 2011*. Guatemala: Instituto Nacional de Estadística Guatemala, 2011. Accessed November 30, 2014. <http://www.ine.gob.gt/sistema/uploads/2014/01/16/BDX213J67zPD3mfAoBSeBI34p7xmyc0g.pdf>.
- UN Habitat. *State of the World's Cities, 2012/2013: Prosperity of Cities*. New York: Routledge, 2013. Accessed November 30, 2014. <http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2917>.
- Uribe, Alberto, Shigeo Sakai, Javier Cuervo, Henrik Franklin, Pascal Girot, Sergio Mora-Castro, Luis Ferraté, Isaac Perez, Caroline Clark, and Stephen Bender. *Reducing Vulnerability to Natural Hazards: Lessons Learned from Hurricane Mitch, a Strategy Paper on Environmental Management*. Working paper, Stockholm, Sweden: The Inter-American Development Bank, May 25-28, 1999. Accessed April 8, 2015. http://www.iadb.org/regions/re2/consultative_group/groups/ecology_workshop_1.htm.
- USAID. *Guatemala - Property Rights and Resource Governance*, Profile 23. N.p.: USAID, August 2010. Accessed November 7, 2014. http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Guatemala_Profile_0.pdf.
- Van Hemert, Jan. *Experiences with Land Registration in Guatemala*. The Netherlands: Kadaster International, 2004. Accessed September 25, 2014. https://www.fig.net/commission7/geneva_2004/papers/lapca_05_vanhemert.pdf.
- Viscidi, Lisa. "A History of Land in Guatemala: Conflict and Hope for Reform." Silver City, New Mexico: Interhemispheric Resource Center, Americas Program, September 17, 2004. Accessed November 7, 2014. http://www.nisgua.org/themes_campaigns/land_rights/Background/A%20History%20of%20Land%20in%20Guatemala%20091704.pdf.
- Weaver, Jerry L. "Assessing the Impact of Military Rule: Alternative Approaches" in *Military Rule in Latin America: Function, Consequences, and Perspectives*, edited by Philippe C. Schmitter. Beverly Hills, Sage Publications, Inc., 1973.

ACADEMIC VITA

MICHELLE LENZE

MichelleLenze@gmail.com
www.linkedin.com/in/michellelenze

EDUCATION

**The Pennsylvania State University,
Schreyer Honors College**

University Park, PA
Expected Graduation May 2015

Honors Thesis: *Issues of Land Registration in Rural Latin America:
The Case of the Guatemalan Construction Company, CASSA*

Bachelor of Arts in Human Geography

Minors in Geographic Information Systems, Latin American Studies, and Spanish

PROFESSIONAL EXPERIENCE

**Penn State Undergraduate Research Opportunities Connection
Cartographer**

University Park, PA
August 2014 - Present

Performing data analysis; Designing and producing maps to be published in a doctoral thesis

**Penn State Undergraduate Research Opportunities Connection
Research Assistant**

University Park, PA
August 2014 - Present

Rewriting lab instructions for an introductory cartography class to incorporate ArcPro, a new ESRI application

**Construcción Autosuficiente, S.A (CASSA)
Impact Assessment Intern**

Panajachel, Guatemala
July - August 2014

Created wellness metrics and performed field interviews for a socially sustainable Guatemalan home builder

**The Pennsylvania State University Learning Center
Spanish Tutor**

University Park, PA
August 2012 - Present

Tutors students for beginning and intermediate level Spanish courses taught at Penn State

VOLUNTEER ACTIVITIES

**Penn State Alternative Spring Break Service Experience
Site Development Director**

Baltimore, MD
August 2014–May 2015

Managed site selection/trip planning and led a 20-person community service trip

**Fundación Chacras de Buenos Aires
Volunteer**

Buenos Aires, Argentina
August–December 2013

Constructed urban gardens and eco-friendly houses, translated for other volunteers

**Fuller Center Alternative Spring Break
Volunteer**

Atlantic City, NJ
March 2013

Performed repairs on houses damaged by Hurricane Sandy

**The Phoenix Project
Classroom assistant**

Antigua, Guatemala
July 2011

Taught fifth grade subjects in an after school program for underprivileged indigenous children

SKILLS

Fluent Spanish, written and spoken: *Certificado de Español Lengua y Uso: Advanced–Excellent, 2013*

Advanced Portuguese, written and spoken

ArcGIS: experience using the software for cartography, data analysis, and remote sensing

Microsoft Excel: experience with functions for statistical analysis

SPSS: experience with statistical data analysis

INTERNATIONAL STUDY EXPERIENCE

São Paulo, Brazil: Pontifícia Universidade Católica de São Paulo *January-June, 2014*
Buenos Aires, Argentina: Universidad de Buenos Aires, Universidad del Salvador *August-December, 2013*
Salvador, Brazil, Penn State language and culture program, Salvador, Brazil *June-August, 2012*
Guatemala City, Guatemala: Personal Immersion Trip: studied at local high school *July-August 2010*

AWARDS

G.D. Richardson and Kathy LaSauce Undergraduate Scholarship in Geography in the College of Earth
College of Earth and Mineral Sciences *2014*
Schreyer Ambassador Travel Grant for travel to São Paulo, Brazil *2014*
Marie Radomsky & Vernon W. Elizy Honors Scholarship *2013*
Balmart Family Fund in Geography for Honors Scholars *2013*
Schreyer Ambassador Travel Grant for travel to Buenos Aires, Argentina *2013*
Schreyer Ambassador Travel Grant for travel to Salvador, Brazil *2012*
Pennsylvania State University Dean's List *All Semesters, Fall 2011-Present*

ADDITIONAL ACTIVITIES

Resident, International Special Living Option: The Globe *August 2011–May 2013*
Member, Geography Club: UnderDOGS *August 2012–May 2013*
Member, Fencing Club *August 2011–May 2012*