UNITING FOR LAND RIGHTS IN

GUATEMALA

HOW OUR MEMBERS ARE CONTRIBUTING TO CHANGE

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NLC GUATEMALA works towards the realisation of the following ILC commitments for People-Centred Land Governance:

» Commitment 2: Strong small-scale farming systems
» Commitment 4: Equal land rights for women
» Commitment 5: Locally managed ecosystems
» Commitment 10: Protected land rights defenders
Guatemala is primarily a rural country with high poverty rates and massive inequalities in land access and distribution. Despite the ratification of the Peace Accords in 1996 ending the 36-year-long (1960-1996) armed conflict and establishing measures to ensure land access for indigenous and peasant populations, the country’s agrarian institutions remain weak and insufficient. The prevalence of violence against land and environmental (LED) defenders further perpetuates the agrarian problem, while the country holds the fifth-highest murder rate of human rights and LED defenders (Global Witness, 2022) and struggles with countless cases of other rights violations.

This report provides an overview of the work of ILC and its members in advancing people-centred land governance in Guatemala. The report focuses on the progress and outcomes of the National Land Coalition (NLC), also known as the Platform for the Defence of Land and Territory (PDTT) that works to ensure the land rights of indigenous peoples and peasant communities since its inception in 2013.

Amidst a highly unfavourable political context marked by the closure of civic spaces, impunity, and the criminalization of ILC members and others striving for democracy, NLC Guatemala members have worked to (i) strengthen the national platform as a space for formulating policy proposals and political dialogue; (ii) generate data and analyses on land governance; and (iii) link national efforts with regional and global advocacy work with a focus on human rights and LED defenders, women’s land rights, as well as family farming.

The main results catalysed by the NLC in Guatemala include the promotion of legislative and political changes through dialogues with the State, including the National System of Integral Rural Development (Law initiative 40-84), the Family Farming Law (4947), and the Women’s Economic Development Law (DEM Law initiative, 5452). The NLC also contributed to improving the resolution of agrarian conflicts, and influenced the reactivation of the Family Farming Committee thanks to its advocacy work with the Ministry of Agriculture, Livestock and Food (MAGA), the former Secretariat of Agrarian Affairs (SAA), and the Land Fund FONTIERRAS; among others.

A key strategy to catalyse change has been the NLC’s collective actions to denounce, analyse and provide timely recommendations on the numerous unfolding crises. These actions include, among others, an International Mission undertaken with the ILC in response to the escalation of murders of human rights and LED defenders carried out in 2018, as well as various efforts to halt anti-democratic measures promoted by the government.

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1 Previously referred to as National Engagement Strategies (NES)
2 A state institution in charge of regularising access to and adjudication of land via the market
3 Such as the reform of the NGO law, the repeated states of siege in indigenous communities, and efforts to legalise the repression of citizen protests, among other attempts to limit the rights of organisations.
COUNTRY CONTEXT: THE STATE OF LAND IN GUATEMALA

INEQUALITY
Guatemala has among the world’s highest rates of violence, poverty, and child malnutrition— as well as the highest inequalities in land distribution in Latin America. In recent decades, the neoliberal system has opened a new cycle of agrarian property concentration to expand non-native monocultures, the privatization of public services (including electricity and telephony), as well as subsoil exploitation licences for foreign companies. The agrarian framework is characterised by the concentration of land in the hands of the political and economic elite, and by the resulting land insecurity that indigenous and peasant populations face. According to ILC’s Global Land Governance Index, there is a high lack of political will, institutional support and funding to formalise land titles and to promote sustainable rural development. These factors heighten the vulnerability of local and indigenous communities to being dispossessed from their lands.

DEMOCRACY
Despite the ratification of the 1996 Peace Agreements, the post-conflict period continues to be characterised by democratic fragility, institutional corruption, and a lack of political recognition of ethnic diversity and the rights of the country’s indigenous peoples. In the last ten years, the context of impunity and the weakening of democratic and human rights institutions has increased; a clear example of this was seen through the expulsion of the International Commission Against Impunity (CICIG) in 2018 due to corruption investigations concerning key public officials. In the case of the Ministry of Agriculture and Livestock (MAGA), the democratic setback was expressed through the non-approval of the Family Farming Program for the Strengthening of the Peasant Economy (PAFFEC).

LAND, ENVIRONMENTAL AND TERRITORIAL DEFENDERS
Although the Guatemalan constitution recognizes indigenous communities and the need to protect them, it fails to recognize the right to self-determination as well as the right to self-government (LANDex, 2022). Over the past decade, and in the context of mounting pressures on land by agribusinesses and widespread extractivism, members of indigenous and peasant organisations have been increasingly murdered and/or criminalised for their political participation, environmental protection, and for defending their ancestral territory. According to the Unit for the Protection of Human Rights Defenders (UDEFEGUA), Guatemala experienced 96 attacks against LED defenders in 2021 alone. Between 2018 and 2022, over 31 LED defenders from ILC/NLC member organisations have been killed.

FOOD SYSTEMS
Policies and programs to support family farming are scarce in Guatemala. Legislative proposals such as the National Policy for Comprehensive Rural Development (PNDRD) and the Family Farming Law project have not been a political priority and are yet to be approved. Moreover, the budget linked to family agriculture is minimal, deficient and poorly focused, as are the programs to serve women’s economic development. LANDex data also indicates that family farmers in Guatemala do not have access to small-scale credit programmes as policies prioritise large-scale farming and monocultures. In this context, social organisations, peasant communities and indigenous peoples continue to call for food sovereignty in line with genuine sustainable development.
The report “Monitoring progress towards land rights in the SDGs in Guatemala” is formulated using LANDEX data.

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The Guatemalan Congress approves the DEM Law (5452) in its first reading.

An International Mission to Guatemala is carried out, culminating in a report entitled “Losing One’s Life Defending the Land”.

NLC members and partners present a joint petition to the Public Prosecutor’s Office (El Ministerio Público) for the investigation and resolution of 50 land conflict cases.

The NLC denounces the low budget execution and neglect by the Ministry of Agriculture and Livestock in the context of the COVID-19 pandemic.

The NLC, with the support of the CCDA and deputies, manages to question officials from MAGA, the SAA and FONTERRAS, on cases concerning criminalization, extrajudicial expulsion, and state abandonment of communities.

A Technical Table is created with deputies, advisors and women’s organisations from the Ley DEM platform, in which the NLC participates.

Priority is given to advocacy efforts for the approval of Law initiative 40-84 on the National System for Integral Rural Development. Despite popular support, the initiative was shelved.

The NLC launches a monitoring system to track the execution of the Ministry of Livestock and Agriculture’s budget to support peasant family farming and rural women.

The Antigua Declaration, an outcome of ILC’s Global Land Forum in Guatemala, recognises the need for land to be valued not only as a productive asset, but also for its cultural, spiritual and ecological functions. In addition, the declaration first defined and set out ILC’s 10 commitments, to which all members of the Coalition subscribe to.

The National Land Coalition in Guatemala is established.
ILC works to secure land rights for and with people, namely through support to (i) National Land Coalitions, (ii) the generation and use of people’s data for accountability, and (iii) regional and global advocacy with the aim to influence governments, traditional authorities and corporations to realise people-centred land governance. ILC’s 2022–2030 Strategy comprises the following three strategic objectives that guide the work of the NLC:

**STRATEGIC OBJECTIVE 1**
**NATIONAL LAND COALITIONS ADVANCE PEOPLE CENTRED LAND GOVERNANCE**

National Land Coalitions are key to ILC’s work and Theory of Change. As land issues vary from country to country, there is no one-size-fits-all solution, and each NLC develops a unique strategy in line with its particular context. However, all NLC platforms draw on the diverse strengths of ILC’s membership and allies to help improve land-related policies and practices, while strengthening accountability and protecting civic spaces. NLCs prioritise peer learning, fundraising support, and leadership development—especially for grassroots organisations and women.

In Guatemala, the NLC platform is made up of five ILC members, and one non-ILC grassroots women’s organisation. A significant feature of the Platform is that the majority of its members are people’s organisations representing peasant and indigenous groups on the front-lines of the fight for land and territorial rights in the country.

The key work-areas and strategic objectives of the platform for 2020–2024 include:

- **Land and peasant farming rights**: With the goal of bringing about a comprehensive transformation of the country’s agrarian institutions, as well as equitable, gender just, and secure access to land at the individual and collective levels. Moreover, the platform seeks to influence policies and programs for the strengthening of family farming in line with the UN Decade, and with a gender lens.

- **Protecting defenders of land, territory and the environment**: With the aim of fostering adequate conditions for the work of LED defenders and communities as the necessary foundation for the realisation of people-centred land governance and climate-resilient rural development.

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5 Ch’orti’ New Day Peasant Central (CCCN); the Altiplano Peasant Committee (CCDA); the Coordinator of NGOs and Cooperatives (CODECA); the Verapacense Union of Peasant Organizations (UVOC)

6 MAMÁ MAQUÍN

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STRATEGIC OBJECTIVE 3
REGIONAL AND GLOBAL ADVOCACY BUILDS POLITICAL COMMITMENT TO PEOPLE-CENTRED LAND GOVERNANCE
The impact of NLCs is further amplified by members and partners (especially people’s organisations) supporting ILC’s thematic platforms at regional and global levels. These efforts contribute to fostering an enabling environment to advance political will for people-centred land governance; to move towards the recognition of land as a human right; and to facilitate peer-to-peer learning across borders.

The NLC in Guatemala collaborates with the following ILC regional/global platforms:

- Family Farming in LAC (Agricultura Familiar), with which the NLC works to generate data to strengthen national advocacy in favour of family farming, as well as with other regional and global processes to promote the UN Decade of Family Farming.
- Land and Sustainable Development Goals in LAC (ODS y la Tierra), to which the NLC contributed to with the formulation of alternative national reports on SDG progress in Guatemala.
- Women’s Land Rights in LAC (Mujer Rural), with which the NLC collaborated on the formulation of alternative CEDAW reports, and through work to strengthen the gender approach in the DEM Law proposal.
- Land Rights Now (LRN), through which the NLC launched its national campaign calling on the State to end the criminalisation of LED defenders, and demanding the implementation of policies for their protection. In addition, the campaign leveraged global support to call for the release of Bernardo Caal, who was unjustly imprisoned for defending the Mayan q’eqchi’ people’s right to land and the Cahabón river.

At the global level, Guatemala was the host of the Global Land Forum held in 2013. The Forum marked a milestone within ILC through the Antigua Declaration that recognises the need for land to be considered not only as a productive asset, but also valued for its cultural, spiritual and ecological functions.

7 LandEx data was further utilised in the preparation of the CEDAW report prepared in 2022 together with the regional initiative on women’s land rights.

8 In 2022, after four years of imprisonment, Bernardo Caal was released for good behaviour.
CONTRIBUTIONS TO LAND GOVERNANCE CHANGES

PROGRESS TOWARDS THE APPROVAL OF WOMEN’S ECONOMIC DEVELOPMENT LAW (LAW DEM)

The DEM Bill (No. 5452) seeks to facilitate access to credit, the means of production, and economic and productive programs for women in Guatemala, and further proposes to institutionalise their right to access and own land. Currently, this is the main legislative initiative promoted by the NLC to advance the security of land rights in the country.

In 2018, the DEM Law Platform was created as a national alliance made up of more than 100 women’s groups calling for the approval of the DEM LAW. The NLC is a partner of the DEM platform, and has helped facilitate the set-up of a Technical Table in 2020 that further spread awareness about the law’s contents and strengthened political alliances. These actions contributed to the formulation of the 2021 bill that was approved in its first reading by the Congress of the Republic. The persistent efforts of the women calling for the approval of this legal initiative exemplifies their strengthened leadership and empowerment in land-related decision making and in the formulation of proposals for their economic development.

INTERINSTITUTIONAL DIALOGUE WITH THE VICE PRESIDENCY

In 2021, a dialogue process chaired by the Vice Presidency of the Republic garnered the widespread participation of civil society organisations, ministry delegates and community leaders. The indigenous organisation and ILC member, Central Campesina Ch’orti ‘Nuevo Dia, accompanied community leaders to present their demands, needs and proposals for territorial development in the country’s Eastern region. The process further illustrated the importance of political will when advocating in favour of rural communities.

ESTABLISHING DIALOGUE WITH AGRICULTURAL INSTITUTIONS

The NLC works to bring about a comprehensive transformation of the country’s agrarian institutions and to ensure equitable and secure land access and ownership both at the individual and collective level. Amidst a context riddled with restrictions on social mobility, coupled with the government’s reluctance to engage in dialogue with peasant organisations, the NLC was notably able to establish spaces for dialogue with agrarian institutions. In 2017, a Memorandum of Understanding was signed between the Secretariat of Agrarian Affairs of the Presidency and the International Land Coalition (ILC), yet after changes in government, the process was unfortunately dismantled. In 2020, the Secretariat of Agrarian Affairs was furthermore formally dissolved, paralysing the established agreement. However, the NLC managed to maintain dialogue with the Land Fund (FONTERRA) in order to develop a proposal for a new agrarian institutional framework that integrates a gender approach to address the specific problems with women’s access to land.

In recent years, the Platform has focused its advocacy efforts on pushing for the Congress’ approval of the Family Farming Law project. To this end, the platform has worked to influence the Ministry of Agriculture, Livestock and Food so that the Peasant Family Farming Support Program would allocate larger budgets and incorporate a gender focus. The NLC’s awareness raising efforts around the MAGA’s low budget execution managed to incorporate the debate in the public agenda. In addition, the platform successfully reactivated its participation in the Family Farming Committee, a space for dialogue and advocacy that unites peasant and indigenous organisations with State representatives in order to promote the approval of the Family Farming bill and other relevant policies.

9 This illustrates the position of the Presidency, and explains the extrajudicial eviction of 58 families from the Chicoyou community in August 2022.
**KEY CHALLENGES**

**CRIMINALISATION AND LACK OF PROTECTION OF LED DEFENDERS:**
In Guatemala, the criminalisation of people, organisations and communities that defend human rights is a relentless tragedy. The international mission carried out by ILC in 2018 bore witness to the climate of violence and agrarian conflict in the country. Since then, criminalisation has only increased due to the closing of democratic spaces. In light of this, one of the key lessons noted by the NLC has been the importance of working together with international organisations in the field of human rights, public denouncement and legal support as a resistance strategy to foster greater visibility and awareness of the situation.

**LACK OF INTEREST AND COMMITMENT OF THE STATE IN FAVOUR OF BETTER LAND GOVERNANCE:**
Access to land for peasant families and the resolution of agrarian conflict are not topics of key interest to the State. Ministries (such as MAGA) show a deficit in budget execution, a reduction in the budget to combat malnutrition and the elimination of support for Family Farming. The situation was compounded by the elimination of the Secretariat for Agrarian Affairs that left hundreds of cases of agrarian and territorial conflict on hold. Achieving genuine people-centred land governance therefore necessitates continued efforts as well as substantial and profound changes in the State model, including more representatives of the peasant and indigenous populations.

**LACK OF QUALITY DATA AND INFORMATION ON LAND RIGHTS:**
The NLC platform confirms that work on data generation is essential for advocacy as it constitutes substantial evidence of the state of land governance at the national level. Such data further enable demands for the generation of new official data on land and the rights of peasant communities by the state. The data generated by LANDex in Guatemala will therefore be a key tool in future dialogues with public officials and intergovernmental organisations.

**RURAL DEVELOPMENT IS NATIONAL DEVELOPMENT**
The extent of rural poverty was seriously aggravated as a result of the Covid-19 pandemic. The NLC demonstrated the capacity of family farming and the peasant and indigenous economy to contribute to national development, while managing to place the broader issue on the national agenda in the context of the pandemic.

**ALIGNING STRATEGIES AND STRENGTHENING COLLABORATION AT THE LOCAL AND NATIONAL LEVEL**
Grassroots and people's organisations that work at the local and territorial level make up the majority of the NLC's membership. As the platform evolved, it managed to organise national actions with greater collaboration and wider participation. Territorial level interests and issues now also include a form of organisation with inputs by multiple actors that serves to unify efforts to secure land and human rights.

The pandemic and the adverse political context moreover required a shift in the NLC's strategy and the adoption of new methodologies and tools. Going forward, the continuous strengthening of collective action will be key to the type of work carried out by the NLC and should be enriched through other alliances to contribute to progressing the platform's objectives.
By working within broad partnerships, ILC’s impact is considerably broader than the limits of its network or budget. These collaborations contribute to changing the agendas, policies and practices of governments, traditional authorities and companies to secure land rights for and with people.

In Guatemala, the platform established dialogue and collaborations with key actors working to address agrarian conflict and strengthen support for family farming, including FONTIERRAS, MAGA, and the Public Prosecutor’s Office. Moreover, the NLC was able to engage with Madre Selva, the Protection Unit for Human Rights Defenders (UDEFEGUA), the Office of the United Nations High Commissioner for Human Rights in Guatemala (OACNUDH), as well as Protection International to promote actions regarding the protection of LED defenders.

**PLATFORM MEMBERSHIP**

The National Land Coalition in Guatemala is made up of five ILC member organisations and one non-ILC grassroots women’s organisation (MAMÁ MAQUÍN) that together form the Steering Committee and implement activities throughout the country.

The members of the NLC platform in Guatemala are:

**CENTRAL CAMPESINA CH’ORTÍ’ NUEVO DÍA (NUEVO DÍA)**

The social movement of the Central Campesina Ch’ortí’ Nuevo Día was founded in 2003 by communities uniting in a solidarity and welfare network. The movement notably took a leadership role in founding of the national Agrarian Platform, an alliance seeking legislative reform in favour of integral rural development, while the organisation has also successfully halted mega-investment projects that would have devastated the economic productivity and social structure of indigenous communities.

**COMITÉ CAMPESINO DEL ALTIPLANO (CCDA)**

Founded in 1982, CCDA is committed to ensuring sustainable rural development through social, economic, cultural and political initiatives that promote gender equity and empower farmers living in rural and indigenous communities. The organisation is active in 20 departments of the country, representing more than 100,000 families.

**COMITÉ DE DESARROLLO CAMPESINO (CODECA)**

CODECA is an indigenous peasant farmer organisation established in 1992. Over 90% of families affiliated to CODECA are landless daily workers in large land estates. CODECA works to improve the living conditions of peasant communities towards participatory rural development and social inclusion, as well as to influence rural-oriented policy formulation through the inclusion of marginalised and excluded sectors.

**COORDINACIÓN DE ONG Y COOPERATIVAS (CONGCOOP)**

CONGCOOP has focused its efforts on contributing to the development and democratic process in the country since its formulation in 1992. The organisation’s mission is to consolidate a dialogue and coordination space that promotes equitable and sustainable development and helps strengthen peace and democracy, through participation and advocacy in policy-making.

**UNIÓN VERAPACENSE DE ORGANIZACIONES CAMPESINAS (UVOC)**

UVOC is a grassroots movement that unites over 200 indigenous and peasant communities in the departments of Alta and Baja Verapaz, Izabal and El Quiche, so as to coordinate joint actions in claiming their rights to land and territory.

**ORGANIZACIONES DE MUJERES GUATEMALTECAS MAMA MAQUÍN (MM)**

Mama Maquin is a pioneer organisation in the fight for women’s land rights in Guatemala, as well as for the rights of girls and women to education, health, housing and dignified work. The organisation is also a key actor in advocacy actions that reject the neoliberal extractivist model.
NATIONAL LAND COALITIONS (NLCs) - previously referred to as NATIONAL ENGAGEMENT STRATEGIES (NESs) - are multi-stakeholder platforms set in motion by the International Land Coalition (ILC).

They are led by ILC members and include both members and non-members, to realise the Coalition’s joint goal of people-centred land governance and to push forward national land reform and agendas.