

Security and Dignity: Land Access and Guatemala's Returned Refugees¹

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Abstract

This article addresses land recovery and access to new land for returning Guatemalan refugees as a way of exploring the nuances and complexities of a repatriation operation often judged a best-case scenario. It argues that the returnees who fared best in obtaining land did so because of their visible organization and ties to international organizations that intervened on their behalf. The positive examples of land access notwithstanding, a number of unresolved problems regarding land use and titling remain. Furthermore, land in itself is insufficient for social and economic reintegration if the larger context of sustainable and regional development is not addressed.

Résumé

Cet article examine les questions de récupération de terres et d'accessibilité aux terres nouvelles pour les réfugiés guatémaltèques retournant au pays. En fait, cet examen n'est qu'un prétexte pour explorer les nuances et les complexités d'une opération de rapatriement souvent donnée en exemple. L'article soutient que les « retournants » qui ont le mieux réussi à obtenir des terres doivent leur succès à leur organisation très visible et aux liens qu'ils avaient avec des organismes internationaux qui sont intervenus en leur faveur. Nonobstant les exemples positifs d'accessibilité aux terres, un certain nombre de questions restent en suspens, notamment celles touchant à l'exploitation des terres et aux titres de propriété. En outre, la terre en elle-même ne suffit pas pour assurer la réintégration sociale et économique si le contexte plus vaste du développement durable de la région n'est pas abordé.

Between 1981 and 1984, the UNHCR recognized more than 45,000 rural Guatemalans as refugees in southern Mexico.² Most arrived in 1982 and 1983, fleeing the worst of the counter-insurgency war that the Guatemalan Army had been waging against a revolutionary guerrilla movement since the 1960s. Successive military governments first used selective and then wide-scale repression, which was aimed at not only guerrilla collaborators, but anyone considered a sympathizer or potential sympathizer. Thus whole villages were victims of indiscriminate massacres. Survivors fled and neighbours picked up and ran when they knew the army was en route. Refugees were indigenous small-scale farmers (*campesinos*), representing about eight language groups, from isolated border regions, and most ended up in Chiapas, in southern Mexico. Families subjected to the same terror further inland normally did not make it to the border but joined the ranks of the internally displaced, whose numbers peaked at an estimated 1.5 million in 1982 (some 20 per cent of Guatemala's population at the time).³ The Guatemalan Army used mass displacement of the civilian population, immediately followed by controlled resettlement, as a military strategy to gain the upper hand on the guerrillas' real or potential social base (AVANCSO 1990; CEH 1999).

Those displaced persons not "recovered" and resettled by the army in the short term were frequently branded as guerrilla sympathizers. The army included the refugees within this category, and in many cases refugee lands, both private and state-controlled, were given out to new settlers in the early 1980s. From this point on, Guatemalan refugees in Mexico would point to the "land question" as a principal one in determining if and when they would go home.⁴

When successive military regimes gave way to a civilian and elected president in 1986, the new government sent delegations to woo the refugees home, promising, among other things, that they could resettle their land. In part this was to demonstrate to an international audience that Guatemala's

human rights problems were over. But many refugees knew at the time that their lands were occupied or in conflict zones and mistrusted government promises. In 1987 a group of male political activists began to organize as many refugees as possible to demand a “collective and organized return,” with land issues at the top of the agenda:

The struggle for land is one of the most important aspects in the process of the collective and organized return. Our lands in Guatemala were obtained with much sacrifice and legally they are ours but we had to leave them due to army repression . . . We know that the government is giving out our lands to other campesinos. (Comisiones Permanentes 1988)

After many setbacks and several years of negotiations, the Guatemalan government and refugee representatives signed an agreement known as the October 1992 Accords. The October Accords state that the Guatemalan government will guarantee basic security and living conditions, and they allow for international institutions to act as witnesses and guarantors. Since the Guatemalan peace process was far from nearing conclusion at that point, the refugees advocated returning in collective groups in order to maximize their security and attract maximum (mostly international) aid. The international donor community supported the novel situation of refugees participating so directly in establishing the terms of their repatriation. Within Guatemala, these October Accords contributed by example and in content to the broader peace process, which culminated with guerrilla-government agreements in December 1996. From the point of view of the Guatemalan refugees, the October 1992 Accords were especially important because they directly addressed the issues of land access and recovery.

The Lands Left Behind

Previous to their flight, a majority of the refugees came from the large province of Huehuetenango bordered on the west and north by Mexico. They were mostly from highland Indian communities settled for centuries, and from lowland regions on the Mexican border. In general, their land tracts were small, often too small to support a family, and younger couples frequently had no land to claim at all. Labour migration and commerce helped these families supplement their livelihood. Some families had usufruct of municipal lands controlled through the local municipal authorities. Other families had individual private holdings backed by documentation more valid between neighbours than in a court of law, or land titles never inscribed in the property registry. Still others had land in collectively held private tracts with titles in the name of founding commu-

nity members from a century ago. In these cases, customary law would dictate how land was used by, and divided among, the current generation.

At least a third of refugees came from newly settled areas on the agricultural frontier that had been populated under state and Church colonization schemes from the 1960s on (CEH 1999). Refugee families from these colonization areas left behind large tracts in the subtropical lowlands. Land holdings in these cases were either on national lands under government jurisdiction or on lands bought and privatized by the Catholic Church with a land title in the name of a community cooperative. In the second case, “ownership” was derived from being a cooperative associate, of which there was one per family (always a male head-of-household if one was present). In the case of national lands, plots were allocated to individuals (mostly men) on behalf of their families. Not all families managed to be properly registered with the government land institute, however, and even where the government had distributed “provisional titles,” these did not constitute ownership of national land. Incomplete national land registry records and ambiguity in the law about provisional titles became critical issues when refugees sought to recover these lands.

Though refugees could often make only tenuous legal claims to the land they once occupied, their emotional claims were powerful. Stories abound of elderly men and women who stayed behind to die on their land rather than leave it, and of refugee families who would sneak back to check on their lands and even harvest abandoned crops. Most refugees conceived of their flight into Mexico as a desperate and temporary measure. They could not envision a refuge lasting more than a few weeks or months. Only hindsight permitted the refugees to realize that leaving had put their lands in jeopardy.

The Struggle for Land Recovery, Mediation Strategies, and Local Conflict

Though refugees had left their land reluctantly and felt tied to it spiritually, few landholdings remained unoccupied in their absence. Land left by refugees was occupied by a combination of government-induced and spontaneous population movements. The motives of the occupying farmers covered a broad spectrum. There are cases in which family members or neighbours of the refugee family took care of the land in their absence with the full intention of returning it as soon as the rightful owner returned. In other cases, a powerful member of the community, often someone deriving power and protection through links to the army, usurped an individual plot. These two examples were more

common in communities where some families were displaced and others stayed behind. In villages where the entire population was displaced, the government land institute actively campaigned for landless *campesinos* to occupy “vacant” lands or looked the other way when such families arrived on their own. A review of case studies of occupied refugee lands for the Guatemalan Historical Clarification, or “Truth,” Commission, mentioned more than a dozen cases of occupation of national lands and specified six cases of fomented occupation of collectively held private lands.⁵

Refugee attempts to recover occupied lands occurred in two distinct periods. Small groups of repatriates that pioneered the land-recovery attempts beginning in 1987 (but prior to the onset of the collective return process in 1993) eventually gained access to their former communities, but alongside the newcomer families who continued to occupy other refugee-claimed lands. In these cases, the government negotiated the return of a small number of families but in a way that undermined the chances of additional refugee families to do the same. In different cases, for example, the occupying group was promised improved tenure security in exchange for ceding vacant lands to repatriates benefiting the latter in the short term but setting the stage for conflicts when other groups of refugees attempted to return later.⁶

The negotiations initiated from 1993 on by the refugees advocating collective and organized returns resulted in some of the most confrontational incidents of the entire repatriation process. By this time, those occupying refugee lands had lived there for ten years or more and were loath to give them up. Examining seventeen cases where refugees were active in trying to recover national lands, basically four different outcomes occurred:⁷

1. The majority of the group received their former lands, and the new occupants were compensated with alternative lands and/or money or divided the lands under dispute (five cases).⁸
2. The new occupants remained on refugee lands, and the refugees received other lands at no cost, although only after years of negotiation (six cases).⁹
3. Refugees received neither their original lands nor alternative lands as a collective group. Some remained in Mexico, and others individually signed up for new lands as landless refugees (four cases).
4. Part of the land was never occupied and therefore easily recovered, but an additional, occupied portion of land claimed by the group was not recovered. The community therefore had to make do with less overall extension than farmed previous to the violence (two cases).

The text of the October Accords was not always helpful in aiding recovery of national land: the accords committed the government to aid refugees with land recovery within a stipulated time period but did not qualify or quantify the type or extent of efforts to be made. Therefore it is important to analyze why some groups obtained a satisfactory solution (land recovery or alternative lands provided at no cost) and others were completely unsuccessful. As a rule, groups that were less dispersed during wartime displacement and more united as a community were able to lobby and mediate on their own behalf. They mostly appealed to the Mediation Group created by the October 1992 Accords. Or they appealed directly to the UNHCR and/or otherwise brought their cause to their international and Guatemalan public. The Mediation Group paired respected Guatemalan institutions (the Catholic Bishops Conference and the Human Rights Ombudsman’s office) with the UNHCR and a Mexican-based Guatemalan human rights organization. A complementary international support group (known by the acronym GRICAR) was made up of four embassy representatives (Canada, France, Mexico, and Sweden) and two international private organizations. These organizations acted as witnesses to mediation efforts and therefore brought pressure by the international donor community to bear on the Guatemalan government to respond fairly and promptly to refugee demands. The refugees were not beyond using pressure tactics (*medidas de hecho*) to dramatize their cause and to force government action. These included sit-ins at government offices as well as marches from refugee camps towards the border or merely the threat to do so. While some such activities backfired as the Guatemalan government reacted punitively, others prompted more timely solutions.

The active intervention of the Mediation Group and/or ongoing direct pressure from the UNHCR closely correlates with positive outcomes for refugee groups in relation to land recovery and/or alternative solutions.¹⁰ Satisfactory results were more likely where this kind of intervention occurred, regardless of the kind of land claim held. Conversely, not all cases with stronger legal claims resulted in land recovery or compensation, unless significant pressure was generated. In any case, when the disputes were between two groups of *campesinos* for the same piece of land, just solutions were contingent on the existence of sufficient resources for both groups to receive some kind of compensation.

State Land Purchase Programs for Refugees

As roads penetrated remote regions, unoccupied national lands in Guatemala became few and far between. As the

last remaining tracts of national land were being set aside as ecological reserves in the 1980s and 1990s, demographic pressures and political movements in rural areas prompted the government to create new land programs no longer based on national land grants. Because land reform programs were anathema to Guatemala's land-holding elite, these new programs were based on government acquisition of private lands bought at market prices. The idea was that poor beneficiary families would repay the purchase price to the government over several years.

In 1992, in the agreement signed with refugees, the government promised that all adult refugees without land could become landowners and that the "credit" extended for its purchase would be repaid to a community development fund, not to the government. The refugees were jubilant over this solution, and some viewed it as historical retribution for lands systematically stolen from Indian communities since the Spanish conquest. Outsiders, even those sympathetic to the refugee cause, wondered at the government's apparent demagoguery in promising generous terms that at best would not be replicable to any group in Guatemala other than the refugees and at worst would simply be unworkable because of the resources they would require.

By the time the last organized group of refugees had returned to lands purchased by the Guatemalan government, the latter estimated that \$29.7 million had been spent on land for returnees (CTEAR 1999).

Primarily two state programs were used to purchase lands for refugees. One program, known as FORELAP, was exclusively for returning refugees and offered the "revolving credit" scheme already described in which funds were not reimbursed to the government. The other, FONATIERRA, was based on much less favourable terms, and was open to other rural families demonstrating sufficient need. The national land institute, known as INTA, which allocated available national lands at subsidized prices, benefited one group of returnees but thereafter argued that unoccupied national lands no longer existed. The government had phased out all three programs by early 1999 when legislation took effect, creating a new land fund mandated by the 1996 peace agreements.¹¹

The land-acquisition programs for Guatemalan refugees were complex and evolved continually. Since in essence these programs were substitutes for other kinds of government-initiated land-reform measures, it is of special interest to examine the problems encountered:

- Much land was purchased at inflated prices. Given the many irregularities of the Guatemalan land market, and the prevalence of informal and therefore undocumented land sales (UNDP 1999), it is difficult to determine how

much money was overspent. Nevertheless, the political (and international) pressure on the government generated by the refugees permitted landowners to name their price.¹²

- Because of the high costs involved, the government had a financial incentive to direct refugees towards less productive lands and to crowd more people together in order to achieve a better ratio of cost per family.
- Some refugees were able to obtain expensive, more productive lands, and others settled for less costly (and therefore more isolated and less productive) lands. This resulted in great disparities between communities.
- For lands bought with credit due to the government over the next ten years (through the now-defunct program FONATIERRA), the payment schedules were not feasible, based on projected production. For lands bought through FORELAP, the program provided no mechanisms for the returnees to channel land payments into a community-development fund as mandated. When some communities expressed interest in creating such funds, no technical support was offered.
- Given the high investment made by the government on land purchase itself, the government has been unwilling to give additional funds for production-oriented credits or projects.
- There are few administrative mechanisms in governmental agencies to easily or automatically incorporate married women as joint owners of lands purchased. Government oversight continued, even in the face of women's mobilization to reclaim this right, and was mainly due to the inability of government officials to conceive of a man and a woman as joint heads of the same family.

Despite these limitations, about 30 per cent of the nearly 23,000 refugees arriving as part of the self-defined collective return movement returned to their own lands, and the rest solicited new lands under the purchase programs (or received lands in compensation), sometimes together with non-refugee families.¹³

Given that the land fund (known as FONTIERRAS) created by the 1996 Peace Agreements mimics many aspects of the previous land-purchase programs for refugees, a closer examination of the latter could have yielded many important lessons, both positive and negative, for the new project. As it happened, those administering the FORELAP project were never consulted, nor were they asked for advice when the new Land Fund was being designed.¹⁴ If the weakest points of the former land programs were an underfunded budget, high land prices, and unrealistic repayment plans, the new Land Fund is maintaining the status quo.

Early in 2000 the fund was anticipating a serious shortfall against funds committed, and even if the funding goal is met, it will address perhaps 5 per cent of rural families demanding land (MINUGUA 2000) if only five hectares per family are given at current prices. As for repayment, even a per family subsidy, flexible grace period, and slightly below-market interest rate will not guarantee payment possibilities if crop prices are less than optimum or any other complication arises. A review of FONTIERRAS land purchases in the last three years reveals a tendency for more inexpensive farms to be purchased, as opposed to farms with good access or quality farmland. One probable reason is the concern of beneficiary groups (and the lending institutions involved) about high indebtedness.

Land Titling Practices, Community Organization, and Women's Land Access

With notable exceptions, the vast majority of returnee communities are not vulnerable to losing those lands from lack of legal ownership.¹⁵ This is to say that their land tenure is stable against threats from outside the community, and most hold legally registered titles showing property either in the name of several individuals or of a community-level organization such as a cooperative or an association.

Even where ownership is assured, however, there are problems. Not all lands were purchased with the precise boundaries demarcated and/or with registered boundaries that coincide with the on-ground perception (by the former owner or by neighbours) of where the property lines are. Thus communities often cannot have access to all of their lands for cultivation or do not even know what areas can be included in their land-use planning. Such boundary problems have sometimes led to violent conflicts between returnees and their neighbours and have led to prolonged and costly court cases. And on some returnee lands, other *campesinos* have undertaken land takeovers or incursions.

Where group land tenure is assured, one growing tendency is to parcel out and privatize family-sized plots. Many returnees express the opinion that holding individual private titles would give them more independence and freedom. Practical obstacles for the returnees to put this into practice are the exorbitant cost of land measurement and legalization. Some negative consequences include the complexity of splitting up collectively managed areas (rubber tree plantations, for example) and the increasing ease with which individuals within the community would be able to sell their land. The latter is considered problematic, despite the flexibility it offers, given that other individuals, perhaps from outside the community, could accumulate disproportionate amounts of land, and also that high turnover

or speculation is likely to result in ecological degradation.

But there is another kind of problem pitting collective land security against individuals and the rights of individual families to live and farm in the community. Where lands were allocated collectively through cooperatives or associations (registered entities legally apt to own land), it is relatively easy for a majority of voting members to expel other members from the organization and deny that person and his or her family any rights in the community. Several members have been expelled in this way, sometimes by community consensus, but often through manipulation by a few leaders.¹⁶

The land rights of women, especially women with partners (married or common-law) are not upheld in the majority of returnee communities where the community enjoys clear title. Whereas there is practice and custom associated with letting a widowed woman or single mother with dependants represent her family on a land title or in a land-owning cooperative, the movement for all adult community women to be joint property owners has met with limited success. As previously mentioned, government institutions continually discriminated against women, even when explicitly petitioned that women represent their families side by side with their spouses. Aside from wanting the status and power derived from being recorded as joint owners, female refugees were concerned that women who separate or are abandoned often lose access to household lands or goods. The UNHCR and several non-governmental organizations supported the refugee women and their organizations in their quest to develop these ideas and lobby the government institutions to uphold their rights. While most refugee groups after 1996 began to include women in the documents transacting land purchases, women encountered many problems back home when they tried to become cooperative members (Morel 1998; Lozano 1997). Where land ownership was subsequently transferred into the name of the cooperative, women were newly excluded because they were not members and also lost their potential role in many community affairs as more and more decision making was passed to the cooperative and its leadership.

Returnee men are more passive about—and sometimes directly opposed to—women's organizing in return communities, as compared to a more supportive stance in Mexico, where women's mobilization helped make the refugee struggle to return home visible and appealing to an international audience. But there are also differences in how the communities define productive work. For example, the institutions that work with cooperatives reinforce the concept that every single member must contribute with co-op

dues and community labour in the same way. Men, therefore, put pressure on women to pull their own weight with equal contributions of cash and physical labour in order to be members. While such expectations are especially onerous for widows and single mothers, this approach also misses the heart of the matter articulated by female leaders: women's work (in the fields and with children and domestic responsibilities in the home) subsidize the labour and cash contributions credited to their husbands. Were this work visible and valued, the community would recognize that women are already paying membership dues and have been doing so for some time. Despite the ongoing work by returnee women's organizations on the topic, the daily struggle for economical survival seems to have derailed or postponed most returnee women's abilities to organize around these rights, and outside advocates have given only limited assistance. As a result, most land titles and/or cooperatives in the returnee communities exclude women with partners, and households headed by women alone are subject to a disproportionate burden of work in order to have land.¹⁷

Repatriation with Land: A Durable Solution in Itself?

Given the apparent lack of restriction upon where returning refugees could settle, it is surprising to observers that some communities ended up on agricultural lands with good potential and others in extremely remote areas with lands of poor quality. This disparity is the result of two factors. First, many refugees chose to return to their lands and/or areas of origin as a result of cultural and family ties, despite the limitations that these areas represented. Second, from 1993 until 1998, state land-acquisition programs explicitly limited refugees to seek new lands in more isolated areas of the country and gave them strict price limitations, which further limited their options. With few exceptions, therefore, lands were not acquired in the more accessible and land-rich Pacific coast and piedmont regions until 1998–9, when the government changed its purchase policy. Some of the more recently established communities, therefore, have better long-term potential (if capital for productive activities is made available) but received less short-term assistance from the UNHCR and many other funding initiatives that targeted returnees but were disbanded by this late return date.

Returnee villages vary in many ways that affect their development potential (length of time established, degree of external support, internal organization, land quality, production, proximity to markets, access, and infrastructure). The majority, however, are relying on a combination of

subsistence agricultural (corn and beans) and cash crops (coffee, cardamom, rubber, sugar cane) and/or beef cattle to launch them into the new millennium and out of poverty. Except for a handful of communities close to major roadways and already producing coffee, the immediate prospects for returnee villages are bleak. Neither credit for agricultural production nor technical support is readily available, and there are no safeguards against market fluctuation, environmental degradation, or natural disasters. The emergency and resettlement programs by international and Guatemalan development organizations, the UNHCR, and the government dwindled once most refugees had crossed the border home, and the initial euphoria over the culmination of the peace process was soon over. The major peace and development initiatives, however, by the likes of AID, the European Union, the World Bank, and the Inter-American Development Bank, are yet to generate visible results for returnee communities and their neighbours.

For repatriation scenarios during and after armed conflict, with similarities to those of Guatemala, some lessons can be concluded. In recovering land or receiving due compensation, it is critical that refugee groups be supported and given the necessary legal assistance and technical advice. Ensuring adequate resources that guarantee compensation and a positive solution for competing parties is important, so that economic development is promoted and tensions are diminished between population groups. In land titling, a model that permits both women and men to jointly represent the beneficiary family is one way of protecting women's interests. Such a model is appropriate, especially when women are not recognized as farmers (as in much of Latin America), even though they fully share farm labour and generate the payments used for land purchase. In any case, the trade-off between community and individual rights is at issue in community-held joint titles, both in gender equality and in the security of political or ethnic minorities. Mechanisms that permit due process protecting individual rights can therefore be important for community prosperity.

In promoting land acquisition programs to enable repatriation, the laudable efforts of the Guatemalan government to purchase private lands for returnees are yet to be tested as the soundest and most cost-efficient way to allocate land to those who would farm it. While it does avoid the politically sensitive problem of land redistribution through other means, the model has resulted in the purchase from large-scale landowners at high prices the lands that they themselves no longer find lucrative. This is not exactly the open land market benefiting buyers that its advocates would like to see.

In summary, the Guatemalan returnees are probably better off than many of their national rural counterparts, but they still share the same overall limitations that the country has as a whole in relation to the international economy. Despite having land, the returnees are still on the losing side of the vast and growing inequality that continues to characterize Guatemalan society. In an eminently agrarian society, land is an important starting point for the Guatemalan refugees, even when their livelihood has long been supplemented with economic strategies that are not land-based. By the same token, however, land itself, in the absence of supporting structures that make farming viable, is only the beginning.

Endnotes

1. Initial ideas for this article were developed by the author in UNHCR (1998), UNDP (1999), and Worby (2000).
2. Many more Guatemalans arrived in Mexico but continued north, returned quickly to Guatemala, or settled outside of areas that would become refugee camps. The figure of 45,000 is taken from a UNHCR internal report for 1984, also cited in CEH (1999). While it includes the first children born in the camps before 1984, it ignores others who stayed only briefly.
3. This frequently cited number for internally displaced has its origins in estimations made by the Catholic Church. The estimate is plausible, after a review of additional data such as a 1984 study of abandoned villages in conflict areas. For further discussion, see CEH, chap. 4, vol. 4, 1999.
4. This paper will not go into a history or description of land problems in Guatemala, a topic amply documented elsewhere. It is enough to say that inequality that results from land distribution is one cause of Guatemala's long conflict. The demand for land by the rural poor and disputes over specific lands remain sources of ongoing tension and violence.
5. Details in CEH (1999), chap. 3, paragraphs 408–15, and annex 5 of the same chapter. Municipal lands and individual cases are not described in detail in this article, although occupation of both occurred. In general, those reclaiming municipal lands were more successful the sooner they returned; most problems occurred for those wishing to return by the mid-1990s, often in large groups. Occupation of individual private holdings was probably underreported to the UNHCR and other relevant authorities. Often families quietly negotiated their re-entry into their village of origin with no outside aid or decided not to pursue potentially difficult claims but rather signed up with other "landless" refugees in the hope of obtaining new and superior lands elsewhere. The last option allowed such families to maintain the sense of community created in exile with other refugees and in that sense was preferable to the isolation they would have experienced as repatriates in their village of origin.
6. See Manz (1988), WOLA (1989), and AVANCSO (1992) for ample description of these cases and government policy towards repatriation at the time.
7. The seventeen cases represent sixteen communities (one with two different outcomes) and are the total number of cases known to the UNHCR of communities with national lands where at least a handful of families (fifteen or more) expressed interest in returning. They are located in four municipalities: Nenton, Huehuetenango; Ixcán, Quiché; La Libertad and Sayaxché, Peten. The list excludes two other communities (in Nenton and Ixcán, respectively) where national lands were recovered because no new occupants were present as a result of the conflictive and isolated nature of the sites.
8. A similar positive solution occurred in five of the six cases previously mentioned where collectively held private lands were occupied. Refugees had more leverage in these cases, given the sanctity accorded to private lands by government politicians.
9. While it resolved the problem from a material standpoint because the same amount of land was granted, the solution ignored emotional and other factors. For some communities, the lost chance to go "home" meant that the fragmentation and dispersion of its former members were indeed permanent.
10. In the seventeen cases of occupied national lands previously cited, for example, there were eleven cases where the Mediation Group, the UNHCR on its own, or entities later set up with the peace accords intervened with significant effort, and refugees either regained their lands or received others in their stead. For the six that were less successful, five received little or no support from the institutions mentioned.
11. Special credit conditions for refugees were maintained until the last group of refugees petitioning for new lands returned in March 1999. By this date, it was assumed that the vast majority of the 22,000 Guatemalans still in Mexican camps (half of which were born there) would choose to integrate into their country of exile. In the future, any new group of refugees petitioning for land will have to use the new fund created by the peace agreements, open to any qualifying low-income Guatemalans, in which beneficiaries are granted a per-family subsidy and below-market interest rates but are obligated to repay lands purchased at market prices. At current land prices, the subsidy is equal to the cost of about half a hectare in the fertile coastal region or up to eight hectares in isolated rainforest ill-suited for agriculture (according to land prices reported by MINUGUA 2000). This compares to thirty to forty-five hectare plots given out to colonizers by the government in the 1960s and 1970s in the then isolated agricultural frontier.
12. This situation led to the ironic situation in which refugees advocated higher prices for the land-owning class they theoretically opposed. The land purchase program was also unable to attract international aid given the (well-founded) perception that the majority of funds benefited landowners who were already wealthy.
13. These figures are derived from UNHCR data and familiarity with the destination of each returnee group. In total, 43,600 refugees repatriated with UNHCR and government assistance between 1984 and June 1999, including a high proportion of children born in refugee camps. Of those who did not arrive with the collective return groups, the vast majority returned to their lands of origin. Thus, calculated as a percentage of *all* repatriates, about 60 per cent went, at least initially, to their former communities.

14. Interview by author of high-level FORELAP official in May 1997. The preliminary fund designed by government staff in 1997 underwent modification when Congress approved the legislation formalizing the fund in May 1999. In the interim, a peace accord “parity” commission with *campesino* and Maya organization representatives alongside the government representatives had significant input into the draft law. No women were a part of this process and neither were groups identified with displaced or returned population.
15. The notable exceptions include three communities of returnees whose lands were purchased under the FONATIERRA program previously cited. The communities allege that their status as returnees under the October 1992 agreements exempt them from the strict repayment terms required by the program, and that the government’s choice of FONATIERRA as a funding mechanism was based on a fallacious argument that the program providing credit not repayable to the government, FORELAP, could not legally purchase lands in the land-rich Pacific coast region. As of this writing, the lands in question are now under the jurisdiction of a new government institution, and a solution (partial payment and partial condoning of the debt) is under negotiation.
16. Political and/or personal differences have been at the root of most cases. While one group of returnees averted their disputed expulsion that was related to political differences between themselves and community leaders in one 1997 publicized case, other communities have quietly purged families with unpopular political views or those opposed to the cooperative or association leadership.
17. A preliminary review of fifty communities (mostly collective return sites and representing roughly 25,000 people) shows that if (1) recent non-discriminatory legislation and administrative rules affecting national lands are respected as titling occurs on untitled lands, and (2) if women do not lose access in the several communities where they have already gained co-ownership through purchase agreements or co-op membership, then women would have outright tenure security in perhaps seventeen. Losing ground is possible: in the last two years, female owners were dispossessed through land transfer to cooperatives in at least six cases. The other communities do not include women as owners, with the exception of (some) widows, although some leaders affirm that the plan is to title women and men together as the communities achieve their long-term goal of legally dividing up their lands for each family.

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