

Good Governance Impact Example Series

Colombia and Guatemala: A South-South Model in Latin America Tackles Land and Governance

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Challenges to good governance in Latin America are historically linked to inequitable land distribution, cumbersome land tenure processes and conflicting land-use priorities. The inability of governments to resolve land conflicts and engage the wide range of actors has led to systematic forced displacement, distorted land prices and armed conflict in both Colombia and Guatemala. Violence often prevails over dialogue and good governance as the main land dispute mechanism.

Key governance themes: accountable decision-making, rule of law, government responsiveness, decentralization

Recognizing the potential for a mutual exchange of best practices and lessons learned in land conflict resolution between Colombia and Guatemala, Mercy Corps launched the Latin America South-South Initiative in 2009. The South-South model for cooperation is an exchange of peer expertise between CSOs, governments and individuals from developing countries. The Initiative leverages pragmatic, contextually relevant knowledge based on local capacities and experience.



Mercy Corps team members from Guatemala and Colombia during a cross-visit to learn about the experience of indigenous communities in natural resource management, as well as relevant policies. Photo: Miguel Hernandez/Mercy Corps. Colombia, 2010

“By strengthening government’s capacity to peacefully resolve land conflict and manage natural resources, the South-South Initiative will contribute to successful post-conflict transitions in Colombia and Guatemala.”

– Miguel Balán, Mercy Corps Guatemala

Land Conflict Mediation in Guatemala

In 1996, the Guatemalan Peace Accords put an end to 36 years of armed conflict and outlined the good governance components for a successful post-conflict transition. Specifically, the Agreement on Socioeconomic Aspects and the Agrarian Situation (AASSA) provided a framework for participatory, decentralized rural development. However, a coffee market crash in 2000 and unfulfilled peace agreement commitments heightened land tenure tensions and overwhelmed local governments. In response, Mercy Corps set out in 2003 to confront agrarian problems with an innovative land conflict resolution program named *Tierras* (Land). Guided by the good governance principals enshrined in the Peace Accords, *Tierras* has achieved unprecedented results in resolving land conflict and contributing to more equitable rural development.

According to Article 27 of the AASSA, “the transformation of the structure of land tenure and land use should have the objective of incorporating the rural population into economic, social and political development, given that the land constitutes a socioeconomic stability base and is fundamental to the progressive social well-being and guarantee of freedom and dignity for those who work on it.” leverages the knowledge of local mediators and technical specialists to resolve land conflict and streamline land titling in an otherwise overburdened bureaucratic process. Once a conflict over land is resolved, new landholders and local government have a greater incentive to invest in the productive capacity and sustainability of the land. Working with its local partners, JADE and ADIM, Mercy Corps has resolved 249 land conflicts in Guatemala, benefiting 12,553 marginalized indigenous families with 47,143 hectares of arable land.

Convinced by the results of *Tierras*, numerous local authorities in Guatemala have adopted key elements of the program. For example, the national government’s Secretary of Agrarian Affairs provided over US\$70,000 to finance field studies and the acquisition of land for a *Tierras* agreement that benefited an indigenous community in the Tucurú municipality. Many of the municipal governments have also provided resources to support the mediation centers, such as personnel.

Agrarian Policy Advocacy Helps Pass Agrarian Reform Laws

Despite the initial success of *Tierras*, Mercy Corps-Guatemala recognized that its achievements could be undermined without deeper structural changes in agrarian policy. With the goal of making governance more participatory, Mercy Corps developed an advocacy component for *Tierras* in which diverse stakeholders work alongside government representatives to develop more equitable and coherent agrarian policies. Locally, the main vehicle for advocacy has been the municipal land commissions, which include the participation of government, civil society, indigenous farmers' associations, academia, ecclesiastical organizations, NGOs, land owners and the private sector. The land commissions give a diverse range of stakeholders a venue for sharing their concerns and aspirations with local government officials. The land commissions have proved vital in establishing local governance priorities and galvanizing greater participation in political processes.

At the departmental (provincial/state) level, the *Tierras* program developed a Multi-Sector Coordinating Body for Land Issues called *CMTierras*, which was designed to engage civil society, municipal and government representatives to analyze the historical, political and economic causes and effects of land conflict. Together the municipal land commissions and *CMTierras* serve as platforms for lobbying national congress and department officials to reform agrarian codes, cultivate alliances and bring visibility to land tenure insecurity for marginalized indigenous communities. The *Tierras* program has served as a critical instrument in the design and/or passage of numerous pieces of legislation, the most notable being the Law on the Registry of Cadastral Information and the Comprehensive Rural Development Law.

Similar Land Dilemmas in Colombia

Struggling to overcome a more than 45 year-old internal armed conflict, Colombia faces similar challenges of land conflict and governance. Building on the success of *Tierras*, Mercy Corps will use the South-South approach to transfer land conflict resolution methods from Guatemala to the Darién region of Colombia. The Darién region has recently experienced a delicate post-conflict calm, but latent land conflicts threaten to throw communities back into conflict.

The South-South participants are engaged in an invigorating dialogue on best practices and lessons learned. As a result the first two land conflict mediation centers in Colombia were launched in April 2010. The centers aim to resolve over 100 land conflicts within their first two years of operation, and engage the participation of local and regional governments in developing lasting solutions. The South-South exchange also includes technical training for Guatemalan participants on Colombia's official land-use planning processes, which serve as important governance tools for ensuring long-term peace and development after land tenure has been secured.

Mercy Corps Colombia anticipates that the Initiative will influence public policies and enhance good governance. For example, agreements between disputing parties will entail the participation of the Colombian Institute for Rural Development (INCODER), the government agency responsible for land reform and rural development. As a result, INCODER will assume more responsibility in preventing land disputes and adopt best practices for demarcation and land titling. Furthermore, land dispute resolution will enhance land tax collection, which is the main source of revenue for local government. While land use planning is mandatory, local government capacity for adopting and utilizing the latest technologies is limited. The South-South Initiative will provide local officials with training and tools in satellite imagery and other practices that support sustainable development and natural resource conservation.

Future Goals; Sustainable Natural Resource Management and the Regional Network

Protecting and managing natural resources is another important governance issue in Latin America. In November of 2009, Mercy Corps added natural resource management to the South-South Initiative. By exchanging lessons learned and best practices, each country is developing comprehensive programs in sustainable resource management for local governments. The Initiative is also building a regional network that examines current land and natural resource policies and proposes more equitable and sustainable solutions. This multi-sectoral network will include government officials from various levels and agencies, as well as leaders from indigenous, Afro-descendent and other marginalized groups.

This Good Governance Impact Example is one of a series included in Mercy Corps' Guide to Good Governance Programming. For more information, please contact Ruth Allen, Director for Community Mobilization, Governance and Partnerships at rallen@bos.mercycorps.org

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