

Inter-American Foundation Grassroots Development Program Project Report:

**Linking Decentralization to Participation:
*Building local mechanisms for land-use decision-making and conflict
resolution in post-war Guatemala***

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September 15, 1998

**Written in partial fulfillment of requirements for
“Programs for Field Research in Latin America and the Caribbean at the
Master’s-Level” of the Inter-American Foundation**

Submitted to affiliate institutions:
Consejo de Investigaciones para el Desarrollo de Centro America (CIDECA) and
Infopress Centro America

Introduction:

This report summarizes the practical strategies for mobilizing local resources for grassroots development drawn from my experiences prior to and during the fellowship period with the 'Mesa de Resolución de Conflictos de Alta Verapaz', or *Roundtable for Conflict Resolution of Alta Verapaz* in Cobán, Guatemala. The objective of this study was to research new and potentially efficient locally initiated strategy for resolving land conflicts emerging in Guatemala post-war.

The report is divided into five parts. A background section provides information on the context of social conflict concerning land in the province of Alta Verapaz and discusses the creation of the Mesa as a civil-society centered initiative to address conflicts locally. Section two includes a description of the objectives, forms of participation, institutional structure, and guiding principles of the Mesa. A case study of land conflict resolution by the Mesa is presented to illustrate how principles become practice. Local perspectives on land-related initiatives established in the Peace Accords are presented in order to highlight specific policy areas identified by local 'implementers' as needing change. The report closes with a discussion of the successes as well as the challenges faced by such grassroots, society-centered approaches to land conflict resolution.

Data collection for this research included: 1) semi-structured and focus group interviews with social actors participating in the 'Mesa de Resolución de Conflictos de Alta Verapaz' 2) analysis of case documentation of the Roundtable and 3) direct observation of Roundtable meetings during summer 1998.

1. Antecedents of the Mesa:

The province (*departamento*) of Alta Verapaz has long been known for its extremely inequitable patterns of land distribution and bi-modal production structure. Alta Verapaz established itself as a key center for the Guatemalan coffee industry in the late 19th century. Profitable economic returns from coffee, and later cardamom, have kept the value of land high. With the exception of the failed attempt by President Arbenz to shift national land ownership patterns through Article 900 in the 1950's, political incentive within government for institutional and structural changes that could address land ownership inequality has been consistently weak.

After nearly 30 years of civil war in Guatemala, the recently signed Peace Accords of 1997 opened potential new spaces for addressing issues of access to land and participation through nascent grassroots-based mechanisms. The 90's saw a renewed clamor for access to land and productive resources throughout the nation. In the department of Alta Verapaz the need for immediate action became increasingly evident as multiple land conflicts related to ownership and tenure amongst peasant farmers and between peasant farmers and large landowners arose with increasing frequency. The more serious conflicts occurring in the region have required immediate responses from government

representatives within the province, such as the Office of the Governor (*Gobernación*) and the Provincial Labor Inspection Offices (*Oficina Regional de Inspección Laboral*) as well as the intervention of civil society organizations such as the Pastoral Office of Catholic Diocese of Alta Verapaz.

At the time of the signing of the Guatemalan Peace Accords in December of 1996, the presence of effective mechanisms for land-use decision-making and land conflict mediation remained sparse. Serious land conflicts continued to wrack the province while decision-making structures for provincial land-use have remained deadlocked due to ongoing National Assembly battles over constitutional reform of the departmental development councils (*Consejos de Desarrollo Departamentales*). Though the Governor of Alta Verapaz occasionally intervened to mediate local land conflicts, such interventions were most often passive and overly formal or bureaucratic in nature. Attempts by state representatives to employ formal mechanisms deal with land-conflicts were almost only engaged as a measure of last resort to prevent the eruption of physical violence, and did not consequently serve any preventative functions. Even with the advent of peace land related issues in Guatemala are becoming increasingly more explosive and divisive with the number and gravity of conflicts are the rise.

The numbers of land conflicts registered with CONTIERRA¹ for the province of Alta Verapaz are far higher than any other province in the country. Since the newly appointed government land conflict commission, CONTIERRA opened in 1997, 102 cases have been registered and accepted nationwide, of that total, 46 are from the department of Alta Verapaz (45%).²

Prior to the signing of the Peace Accords, a large part of the conflicts related to land channeled through to the Governor's office. Both indigenous communities as well as land owners in the region turned to the Governor's office in their efforts to find an authoritative alternative outside of a legal system known for its inefficiency, ineffectiveness and lack of impartiality. Yet, even this institutional structure proved to be inadequate for the purposes of negotiating successful resolutions to conflict. Of the cases mediated by the Governor's office, many subsequently arrived at the door of the Cobán regional office of MINUGUA (United Nations Human Rights Verification Mission in Guatemala). Representatives of rural communities that had attended mediation meetings coordinated through the Governor's office complained that mediators were not

¹ CONTIERRA is the state agency with national coverage established through the Peace Accords to promote solutions to conflicts related to use, tenancy and property rights of land.

² Of the 186 requests for intervention received by CONTIERRA, 73 were from Alta Verapaz, followed by Huehuetenango (24), Petén (23), Quiché (22), Quetzaltenango (17), San Marcos (16), Chimaltenango (10), Escuintla (10), Retalhuleu (9), Baja Verapaz (9), Izabal (7), Zacapa (6), Suchitepequez (6), Santa Rosa (4), Jalapa (4), Solola (3), Guatemala (2), Totonicapán (2), Jutiapa (2), Sacatepequez (1) y El Progreso (1). (Source: Miguel Canessa, "Foro de Tierras y Desarrollo Rural", April 23-24, 1998. Unpublished.

impartial or objective, and did approach conflict resolution in a spirit that could instill trust, enable agreements to be respected and more importantly, carried out. Many representatives from indigenous communities in conflict felt that the Governor's office did not conduct its business in a way that could be considered legitimate by them. Although this office possessed legal legitimacy as a regional representative of the executive branch, it did not appear to command a *de facto*, trust vis-à-vis its public users.

As many members of civil society and state organizations who participated in mediation processes became aware that the Governor's office had become saturated with requests a group of them began to meet to explore possible avenues of action that could help to remediate land conflicts in a relatively more accessible and expedient fashion. They felt that existing state structures for land-use decision-making and conflict resolution were not sufficient to deal with the magnitude of the regional crisis and proceeded to establish the *Mesa de Resolución de Conflictos de Alta Verapaz*. This new organization began receiving petitions for mediation in September 1997. Participants cited the importance of having mediation structures outside of the litigation system available as the principal reason for forming the organization. I will refer to this conflict resolution roundtable hereto forth, as the 'Mesa'.

2. Objectives, institutional structure and guiding principles:

a) Objectives

Several types of conflicts exist in the province of Alta Verapaz. These include conflicts concerning land demarcation (borders), lack of cadastral maps used to verify ownership, lack of or incorrect land measurement records from past land demarcation efforts, lack of title, of records of sale and of registry papers, and lastly, labor conflicts that become linked to contestations over land ownership.

As its primary goal, the Mesa has attempted to facilitate space for mediation and conciliation through dialogue between parties in conflict if, and only if both parties recognize and accept their intervention.

The Mesa works with cases of land conflicts and assist in establishing a process of negotiation through dialogue as an alternative to judicially arbitrated resolution, but in many cases truly effective resolution requires the intervention of state agencies to clarify legal issues or to carry out codified procedures. As an example, if two parties hold title to the same property, or there are conflicts regarding boundary measurements, only actions by corresponding state agencies or more commonly, coordinated action between agencies, can legally correct discrepancies [i.e. coordination between the National Property Registry

(RGP) and the now defunct National Institute for Agrarian Transformation (INTA),³ for coordinating re-measurements.]

In such cases, the Mesa seeks to collaborate with state authorities, encouraging intervention with appropriate actions by state agencies in order to support resolutions acceptable to the parties. To that end, the objectives of the Mesa are to:

- 1) Counsel and refer the parties in conflict to the appropriate agencies;
- 2) Promote information sharing between agencies;
- 3) Encourage coordinated inter-institutional action for problem solving;
- 4) Petition and solicit support from agencies with corresponding responsibilities such as INTA, Office of the Governor, the Office of the President, CONTIERRA, and FONAPAZ to encourage their response where swift and effective agency action could promote rapid, effective and lasting interventions supporting conflict resolution.

According to the members of the Mesa, their mission is to provide a space where traditionally opposed sectors can effectively dialogue and look for solutions to the conflicts they face. Such sectors include, but are not excluded to: landowners with large scale agribusiness operations (coffee and cardamom), indigenous communities living on these farms and/or laboring as ‘mozos’ or ‘mozo-colonos’, or ‘comunidades indígenas’ (indigenous communities or rural farming settlements) with their own land (either legally held or partially legalized) who are primarily engaged in subsistence cultivation. As one member of the Mesa commented, “we are conscious that what is lacking in Alta Verapaz are spaces, the opportunity to speak between opposing sides and that both sides learn—both to listen and to speak without fear.”⁴

b) Participation in the Mesa:

The Mesa is made-up of representatives from state agencies as well as from organizations of civil society. Agencies participating include the Ombudsman’s Office for Human Rights (PDH), the President’s Office on Human Rights (COPREDEH), the Ministry of Agriculture, Ranching and Food (MAGA) and the Provincial Labor Inspection Office. According to individual interviews with these participants, all the representatives from government organizations have permission to participate from their agencies but the initiative to participate is inspired by what each of these interviewees identified as personal commitment ‘*compromiso personal*’. Participating organizations from civil society include two agricultural workers’ unions—UNICAN (Union Indígena Campesina Nacional) and CONIC (Coordinadora Nacional Indígena y Campesina), representatives of the commercial coffee growers association—CAFESANO, and others such as

³ (INTA) Instituto Nacional para la Transformación Agraria

⁴ Roberto Alvarado, Mesa representative from COPREDEH, the Presidential Commission for Human Rights, Alta Verapaz Regional Office, Interview 8/08/98.

ODEPAZ⁵ (a local non-governmental organization promoting the Peace Accords) and members of the regional annex of Guatemala's national university, the Universidad de San Carlos de Guatemala (CUNOR).

All government agencies whose legal mandate includes intervention in land issues have been invited to participate in the Mesa. Yet, not all of them chosen to participate— even when invited to attend a particular session in which their agency has a direct role in resolution. Participation of state agencies can also be sporadic due to changes in personnel effecting institutions whose work relates to the Mesa.⁶

c) Principles:

The Mesa defines itself as non-profit service organization, (*buenos oficios*). Its main objective is to mediate, if such intervention is possible. Although the Mesa has no legal authority, based on interviews and direct observation with parties who have used the Mesa, it appears that its users consider it as a legitimate forum for mediation of conflict as well as a recognized authority for this purpose. In other words, it has *functional* legitimacy.

The members of the Mesa participate on a volunteer basis and do not receive financial or other forms of remuneration—what maintains the Mesa is the commitment to serve those involved in land related conflicts. Participation is open to all, there are no special requirements impeding participation by any Guatemalan.

Members cite three basic guiding rules for participation in the Mesa: punctuality, respect and tolerance. In all discussions, with and without the presence of parties in conflict, the basic principles of listening to others and learning to dialogue are repeatedly discussed and explained. The purpose of this, according to Mesa members, is to consciously create an environment where problems can be dealt with in a way that is peaceful and consensus-based. Members of the Mesa have noted that as a result of Guatemala's long history of repression, there is little tradition of public dialogue as an integral part of political and civic culture. According to them, such principles do not form a part of the 'national' custom and they want to encourage the Mesa as a new model for public expression and exchange.

⁵ ODEPAZ members actually initiated the organization of the Mesa.

⁶ In the case of CONTIERRA, the Mesa had developed a very fluid relationship with the anthropologist in charge of the 'mobile' team covering Alta Verapaz. However, this functionary left the institution after 4 months of service to attend graduate school in the US. Although the Mesa has repeatedly attempted to reestablish institutional contacts with this important entity, further coordination has not been possible. At the same time, as CONTIERRA's presence in the department has diminished, as compared to its presence under the original regional coordinator, the Mesa has in effect stepped in to fill in this institutional absence.

Another fundamental principle is that of equality. Members of the Mesa emphasize frequently that both parties in conflict have the right to be heard, equally. They emphasize during sessions that power cannot be swayed according to pressure tactics such as economic power or “strength in numbers”.

Mesa mediators have decided that a fundamental requirement for maintaining the quality of the Mesa as a space available to all potential users is that meetings be bilingual, with translation from Spanish to Q’eqchi’ and visa-versa. Frequently, cases are divided along linguistic and racial lines into Ladino and Q’eqchi’ ‘sides’ as a result of the fact that most *comunidades indigenas* are predominantly indigenous and the majority of larger landholding owners in the region are Ladino. Bi-lingual meetings are fundamental to insuring that Q’eqchi’ participants be able to participate fully in the process. The fact that these meetings are conducted bilingually is significant. Presently, state legal channels are frequently lacking translation services. It is not uncommon that that Q’eqchi’ speakers show up to represent their case in a hearing only to find that the presiding judge or official and ladino land owner discuss the entire case in Spanish with only the verdict or outcome described to plaintiffs or defendants in their native Q’eqchi’. In identifying the essential elements for successful mediation processes the importance of availability of mediation structures in one’s own language cannot be emphasized enough:

“The people have never felt heard. In this sense, there has been no space for them, because we always want to hear everything in our language and we do not hear people in their own language. Something that has been and continues to be fundamental to the Mesa is that it conduct itself in Q’eqchi’, that it be heard in Q’eqchi’ and that it be responded to in Q’eqchi’. This, I think, has been an essential factor.”⁷

Mediation procedures followed by the Mesa are informal in two senses. First, as noted above, the Mesa has no legally recognized authority. Second, in practice there are no pre-established norms for dictating a set course of action, meaning that the types and range of action are defined on a case-by-case basis.

d) Functioning:

The Mesa meets weekly, any person or community who has an issue that they wish to bring before the Mesa can attend. Most often one party will come to the Mesa to register a complaint and request that the Mesa contact the other party to organize a mediation meeting. At times, both parties will jointly present their case for review before the Mesa. At this first meeting those who are present are heard, and if both parties are not present, a second meeting occurs where the other party or parties in conflict are invited to present their particular versions of the case in question. Later, parties are brought together with mediation from the

⁷ Interview with Juan Antonio de Leon, Departmental Labor Inspector, 8/19/98

Mesa, each side presents its points of contention to the other, and issues of discord are identified. *“We call the communities, we call the interested parties, we hear them directly and many times in presence of the other parties, so that they too can hear and respond.”*⁸ In some cases, mediation meetings take place outside of Cobán, the provincial capital, in the villages or communities where conflicts are occurring.

If a case can be mediated, the Mesa, together with the parties in conflict, work to clarify the points of controversy, present their opinions, and proceed to discuss possible terms for conflict settlement “that satisfy both parties as a win-win, rather than a win-lose situation, and if there is willingness on the part of both parties, an agreement is made. The agreement is transcribed into a document (known as an ‘acta’) and signed by both parties and their legitimate representatives.

If a case cannot be mediated, such as those cases whose resolution depends on a state agency for further legal determination of the case—for example, border disputes or cases of multiple titling in one land-use area—the appropriate institution is contacted by the Mesa and notified of the conflict. With agreement from the disputing parties the Mesa will attempt to devise a strategy in conjunction with the relevant agency prior to submission of cases to government agencies for litigation. In effect, acting as a coordinator or facilitator between agencies and the parties seeking their assistance. This role of facilitator appears to be of great assistance to communities that are far from the provincial capital (in some cases up to fourteen hours on foot, or eight to ten hours drive). Facilitation by the Mesa helps to insure that community members only spend their limited resources for travel when such travel will yield steps forward in the settlement of their claim. When the need for intervention from a particular state agency is identified, these institutions are extended further invitations to participate actively at the roundtable with the purpose of solving the conflict in a consensual rather than imposed manner. As one member of the Mesa stated: “Given what our nation has been through, it just does not seem logical for a state agency to impose its mandate without exhausting the resources of dialogue and discussion, of conciliation and negotiation especially when coordination between agencies is so important. It seems that the state agencies involved should really try the path of negotiation as a first resort.”⁹

3. Case Study: The conflict of Pancus-Chiquib:

This case study was chosen to as an example of the range of prospects and limitations facing the Mesa in its multiple roles of mediator, conciliator and facilitator. In October of 1997, the owner of the farm *Finca Pancús* came a meeting of the Mesa to report that earlier that year Q’eqchi campesinos of a

⁸ *ibid.* 8/19/99

⁹ *ibid.*

nearby community called *Chiquib* invaded his farm in March of 1997. According to the farm owner, his goal of involving the Mesa in conflict resolution was to avoid his only other alternative through the legal system—forced eviction through legal order (*orden de desalojo*). Normally, in cases of farm invasions (*invasiones*) the provincial court issues a legal order to regional police and mounts a forced eviction. In handling the case, the Mesa proceeded to hear all claimants, both the owner of Finca Pancús and the *campesino* farmers from Chiquib occupying it. The parties proceeded to explore all possible avenues for solution. Finally, in December 1997, through consensus, the parties reached an acceptable agreement that was written up formally and signed by both parties. The community from Chiquib agreed to abandon the farm peacefully in a period of two months. They were allowed to harvest the crops planted on the farm until March 1998. The owner agreed to present his offer for sale of his property to the Land Fund (Fondo de Tierras) in this way, giving the *campesino* occupiers a possible opportunity to solicit a loan from the newly established Fund and purchase the property through the Fund.

The negotiators reasoned that having the Q'eqchi' community vacate the farm prior to negotiating its transfer would remove any possible barriers to its purchase by the Land Fund, as this Fund is prohibited from making purchases of invaded farms. With the support of the Mayor of the Municipality of Tukurú, it was possible to find a relocation site for the community from Chiquib that had invaded Pancús on the land of another community called Las Flores, while the land purchase was processed.

A few weeks after the agreement was signed, the Mesa had its first meeting with representatives of the Land Fund. The local official for the fund responded positively to the petition, actually giving his preliminary approval and indicating that that the Pancús case would have priority. A few weeks later, Mesa representatives contacted the Land Fund, located in Guatemala City, for a follow-up contact with the official. They were informed that that the official that had been handling their case was no longer working for the Fund, and that the organization was going through a process of administrative restructuring that required the suspension of additional land purchases until further notice.

The facts of this case clearly illustrate how the best intentions of the Mesa, and of parties in conflict can be frustrated by the plain fact that they are ultimately dependant on state entities for legal resolution. Additionally, government agencies may or may not recognize the value the work of the Mesa nor feel commitment to its goals. In some cases the Mesa can even be viewed by some state official as a threat, interpreted as a sort of 'watch-dog group' that might report on their activities to higher-ups. The fragility of non-enforceable mediation lies in that by not forming part of the state, whole processes of resolution can be easily brought to a stand-still and as a result put delicate agreements that are the product of great effort in much danger.

Making matters worse, due to the relocation of the community and the subsequent suspension of actions to enable the purchase of the farm the now transient community of Chiquib began to experience food shortages. After harvesting what was permitted under the agreement from Finca Pancús, and lacking access to alternative land to plant in the interim, the community was faced with a breakdown in subsistence provisioning. Several attempts were made to solicit assistance from the Governor's Office, but the community was unable to obtain any response. In May of 1998, the Mesa renewed contact with the Fondo de Tierras, and together they submitted a request to MAGA to relocate the community temporarily to a nearby National Farm, called Finca Papalhá. The farm had been recently refurbished as a temporary settlement for demobilized ex-combatants upon the signing of the Peace Accords the year prior. The Mesa's policy is to continue to monitor cases after agreements are reached and involve themselves once again if the need should occur. Great efforts are made to follow-up the agreements reached and to assist with associated problems as they arise.

In July 1998, the Land Fund convoked an open meeting in the province of Alta Verapaz to inform soliciting communities regarding their cases. The case of Pancús/Chiquib was one the cases rejected by the Fund on the basis that the actual land parcel did not meet the purchasing requirements for the Fund. According to the Fund regulations all property purchased must have direct access to a paved road—leaving both the community members (willing buyers) and the owner (willing seller) without any possible state support to facilitate the transaction.

The case reveals several issues. First, despite 'failure' in this particular case, it also shows the potential of the Mesa to confront difficult land conflicts, resolve them expediently and in a satisfactory form for the parties involved. Although the community of Chiquib was unable to secure a land purchase of the Pancús Farm, (efforts are ongoing) the parties involved were able to reach an agreeable decision and were satisfied with the role of the Mesa. This kind of 'satisfaction' is even more valuable when considering the overall context. The only other option for the resolution of this case for the owner of Finca Pancús would have been forced eviction, a situation that usually entails a certain risk of violence. Also illustrated by this case is the fact that often, the possibility of resolving conflicts in Guatemala is debilitated in practice by insufficient government institutional capacity to respond to problems occurring on the ground—a land program has been fashioned that will not necessarily be able to address the cases that most closely fit its mandate.

4. Perspectives on national level land-related initiatives established in the Peace Accords

As stipulated in the Peace Accords, a national level cadastral survey is scheduled to begin this year. Mesa members are concerned that this cadastral survey could actually serve to exacerbate conflicts and serve as a source for new ones depending on how it is implemented. As one Mesa participant noted:

“There are times when the cadastral survey really concerns us, especially when one considers the potential magnitude of conflicts that could arise. In Guatemala, there are three layers of property ownership in the National Property Registry. It is going to be a source of innumerable conflicts and God willing that the technicians involved in the project are open to dialogue and can make corrections. If they assume rigid stances, the truth is, I am concerned. Now, if there is going to be a possibility of finding solutions that allow us to emerge from conflicts, negotiate solutions, listen to all parts that will be affected—that is where our space will be. There we will be very willing to collaborate fully.”¹⁰

Other Mesa members reiterated that success of the cadastral project would depend in large part on the quality of the technicians and their ability to maintain mature and sensitive stances through tense situations.” Roberto Alvarado, a Mesa representative from COPREDEH (Presidential Commission for Human Rights) says, “The technicians will need to have great vision, because the social conflicts around land are going to grow.” Alvarado went on to state that the cadastral mapping program is likely to stir up latent conflicts, while the capacity for government institutions to prevent escalation or remediation will most likely remain limited.

For the time being, CONTIERRA is the only organization with legal mandate to intervene in actual resolution of conflicts. However, even that function remains limited owing to its mandate barring intervention in cases where there has been previous legal intervention. Moreover, based on their present infrastructure (a few mobile teams based in the capital that travel out to regions) CONTIERRA's capacity could be limited in proportion to the number of cases that might potentially arise.

Worries about the cadastral process notwithstanding, the Mesa recognizes that such procedures are the only possible options for lasting resolution of many of these conflicts. Members of the Mesa are hoping to be included in local consultation processes concerning implementation of the cadastral mapping project in the region of Alta Verapaz when the time comes.

With respect to its own role in future mapping and conflict resolution processes in the province, the members of the Mesa are decidedly against establishing

¹⁰ Interview with Juan Antonio de Leon, Departmental Labor Inspector, 19 of August 1998.

themselves as a non-governmental organization. Instead, they hope to continue to work as a roundtable that can serve as a place for people from and representing civil society and its organizations, as well as those of the state, to work together. Additionally, they wish to continue to play a role in encouraging government accountability for its conflict resolution responsibilities.

One issue of operational importance to the Mesa is to hire a full-time person to carry out tasks agreed upon in Mesa sessions (contacting officials, researching land records) as well as to develop a database that would serve as a record of events and as a way to conduct follow-up of cases in process. It is important to emphasize that the Mesa does not receive any outside financial support. Consequently, any costs to Mesa participants for travel and other related costs incurred during *in situ* mediation sessions are paid for by the Mesa members out-of-pocket. If they were to receive financial support for their labors, they would like it to be in the form of a contingency fund that would be managed by an outside funder to insure full transparency.

5. Lessons for Grassroots Development: Difficulties, challenges and successes faced by local-level popular conflict mediation initiatives—

The case of the *Mesa de Resolución de Conflictos de Alta Verapaz*

The greatest difficulty that the Mesa has faced is the absence of participation and interest on the part of specific state agencies whose action is central to successful conflict resolution and whose functional mandate includes such responsibilities. When we refer to state participation here, we are referring to their integration in mediation meetings and in facilitating procedures *within their institutions*. Frequently, it is these very procedures that are integral to the full and complete resolution of a case, and often the most problematic aspect of the process.

Another important challenge for the Mesa is the question of representiveness in terms of indigenous participation. Even though all meetings are conducted with simultaneous translation, in terms of numbers, indigenous participation is still greatly outnumbered by ladino representatives. With a recent training initiative by the OEA-PROPAZ on conflict resolution approaching completion in the coming months, there is a possibility that more Maya Q'eqchi representatives of local organizations will also support the work of the Mesa. One participant in the Mesa has been proposing that *ancianos* (elders) be invited to participate in the Mesa. As *ancianos* maintain a great degree of credibility and trust in many villages, and conflicts could, in this way be resolved in ways that are more concordant with Q'eqchi culture and traditional maya-Q'eqchi conflict resolution mechanisms.

In terms of the achievements of the mesa, according to the interviews conducted they are making valuable contributions to the construction of peace and to the creation of a culture of dialogue by acting voluntarily to resolve conflicts in a non-

violent way. By promoting this 'culture' the Mesa contributes to developing social cohesion in regional and local problem solving efforts, opening the realm of conflict resolution mechanisms past that of state-run existing formal conflict resolution mechanisms. Forum users can expect to be able to heard and listened to, multiple settlement options can be explored. Such a process is in contrast to existing legal mechanisms whose resolution mechanisms are litigious in nature and who prove to be ultimately unsuccessful at conflict resolution. Another important success of the Mesa its ability to develop trust with multiple stakeholders, both the business as well as *campesino* sector has had positive experiences with the Mesa. Such experiences have enabled them to invest some degree of trust in the process. As it has been noted throughout the report, the Mesa has achieved its legitimacy through deeds, not by being a legally recognized entity.

As one member of the Mesa described his vision of their work:

"We need to think of what we are going to leave our children, what is going to happen to the new generations? Are we going to leave them a society of violence or do we want to leave them a society where it is possible to sit down and talk. I think the challenge of the future is actually that..."

Abbreviations:

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| CAFESANO | Caficultores Asociados del Norte |
| CONIC | Coordinadora Nacional Indígena y Campesina |
| CONTIERRA | Dependencia Presidencial de Asistencia Legal y Resolución de Conflictos sobre la Tierra |
| COPREDEH | Comisión Presidencial de Derechos Humanos |
| CUNOR | Centro Unidad Norte de la Universidad de San Carlos de Guatemala |
| INTA | Instituto Nacional de Transformación Agraria |
| FONAPAZ | Fondo Nacional Para la Paz |
| MAGA | Ministerio de Agricultura, Ganadería y Alimentación |
| MINUGUA | Misión de Verificación de Derechos Humanos en Guatemala |
| ODE-PAZ | Organización para el Desarrollo y la Paz |
| PDH | Procuraduría de Derechos Humanos |
| RGP | Registro General de la Propiedad |
| UNICAN | Union Indígena Campesina Nacional |

Chart #1: Functioning of the Mesa

