Chapter 17

State, Forest and Community: Decentralization of Forest Administration in Guatemala

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INTRODUCTION

The recent political decentralization of forest administration in Guatemala is a complex process involving a diverse set of actors and management practices. Communal and regional forestlands have been historically considered ‘open access’ by a state that has systematically ignored ancestral land and citizenship rights and destroyed local communities. However, local forest management has been effectively practised since the colonial period. Especially in Guatemala’s Western Highlands, community groups have struggled to maintain access and control over their lands and natural resources, and defended communal property, traditional knowledges and customary rights, and local government systems. Government initiatives during the past decade have promoted the deconcentration of forest regulation to the municipal level. At the same time, local communities are demanding recognition and restitution of ancestral rights over land and natural resources, including national, communal and municipal forests. Community forestry in Guatemala faces many challenges, especially in the areas of social inequality and democratization. Experiences discussed here from several communities in the Western Highlands illustrate the local issues and institutional capacities in the current process of decentralization. For decentralization of the forest sector to fulfill its objectives of controlling deforestation and environmental degradation, it is necessary to establish a better balance of power, to empower local organizations and to increase capacity for local management regimes in communities and municipalities.

DECENTRALIZING FOREST ADMINISTRATION IN GUATEMALA

In Guatemala, recent laws passed in favour of decentralizing forest admini-
stration seek to streamline natural resource use and conservation while increasing the participation of civil society in decision-making around forests. This process has emerged from an imposed structural adjustment programme combined with the signing of the 1996 peace accords, which put a formal end to 36 years of civil war. The peace accords included provisions that recognized the historical claims of local communities over land and natural resources. Despite recent advances in these areas, progress has been slowed by a lack of dialogue between local stakeholders and government agencies, and by the maintenance of powerful interests that seek to maintain control over forests and other natural resources. In practice, decentralization of forest management in Guatemala has taken the form of ‘municipalization’, or deconcentration, in which a highly centralized forest regulatory system has been delegated to municipalities.

The principal challenge for decentralization in Guatemala is not only to transfer new responsibilities and administrative functions to local levels, but also to fundamentally transform historical power relations that have long excluded local villages and communities from participation in forest policy. In the natural resource sector, this challenge proves to be doubly problematic because land, forests and other resources have historically been principal sites of social contention between local communities and government institutions, especially municipalities.

This chapter analyses the situation of local institutions for forest management in Guatemala’s Western Highlands. Rural communities have preserved mechanisms that have served to protect the few remaining forest areas in the Western Highlands since ancestral times, despite adverse conditions of social exclusion, extreme poverty, high population density and extreme land concentration. In this chapter, we describe the historical diversity and complexity of forest management systems in the Western Highlands and evaluate the recent decentralization initiatives, asking the following questions. In what ways does the Guatemalan process of decentralization via municipalization of forest regulation take into account the effectiveness of local institutions? How can rural communities overcome historical situations of exclusion vis-à-vis municipalities to become important allies in the efforts to democratize forest management?

**STRUGGLE FOR CONTROL OF LAND AND FORESTS**

Guatemala’s Western Highlands are one of the poorest areas in Latin America. Poverty rates exceed 93 per cent among indigenous populations, and population density is the highest in the country outside of Guatemala City. More than 95 per cent of farms in the region suffer from poor soils and are below subsistence size. Highland forests are important not only because they produce benefits for local populations, but also for their contribution to global systems, including protection of water sources and conservation of endemic species (Elías Gramajo, 1997).
Present-day deforestation and conflict over the Western Highlands' remaining forests stem from the agrarian policies imposed since the colonial period that have defined mechanisms of access, property rights and land use. The confrontation between indigenous populations who sought to defend their patrimonial rights and governmental insistence on creating municipal jurisdictions for social control of these populations (Tiu and García, 2002) generated a chaos expressed in agrarian conflicts. During the colonial period, the Spanish Crown appropriated all land, subsequently granting ‘royal titles’ to select indigenous communities. During the Liberal period at the end of the 19th century, the state pressured these communities to sell, rent or divide their lands. Despite the existence of the royal titles, land rights were lost or ceded to municipalities, which in turn passed use rights or titles to large coffee producers. Legal battles over these land rights continue to the present day. Despite provisions in the 1996 peace accords, which commit the state to recognition of traditional and communal land rights for indigenous communities, almost no such recognition has yet been achieved. Today, 70 per cent of the land is concentrated in just 7.9 per cent of rural properties (INE, 2004).

The link between poverty and environmental degradation has been well recognized in the literature (see Blaikie and Brookfield, 1987). This link holds true in privately owned areas in Guatemala, which are almost completely deforested. However, aggregate forest cover in the Western Highlands has been retained at a higher rate than other areas in Guatemala. Several studies have attributed this conservation to greater community participation in the preservation of communal forest areas administered by a social collective – that is, a village community or municipality (Veblen, 1978; Utting, 1993; Elías Gramajo, 1995, 1997; Katz, 1995; Secaira, 2000; Wittman and Geisler, 2005). Villages, in particular, continue to exert control over these areas based on internal norms, customs and regulations that are periodically renegotiated and reinforced to fortify customary law, physical boundaries and local social relationships. For example, local forest guards and village leaders (honorary rotating positions) police forest areas for infractions, oversee communal plantings, regulate harvests and maintain common lands for multiple community uses. Until the present day, management and administration have been differentiated between community and municipal entities depending upon local history, customary rights and circumstances. These mechanisms constitute the basis for locally sustainable management institutions, which have made possible the conservation of resources worldwide but often lack adequate recognition in the design of national and international policies (McKean and Ostrom, 1995; Ostrom, 2000).

**FOREST SECTOR INSTITUTIONS**

State initiatives to regulate land and forest use during the past 30 years have been based upon three principal laws and a variety of administrative agencies. At least four levels of decision-making for forest management exist, overlapping
at different moments during any given decision process. The international level comprises international agencies and non-governmental organizations (NGOs) that pressure the Guatemalan government to adopt policies, agreements and global discourses (for example, structural adjustment, free trade, global climate change, biodiversity and sustainability). The influence of these international actors has been especially pronounced in the creation of parks and protected areas, which tend to emphasize the protection of environmental services (biodiversity and carbon sequestration) while failing to recognize the forest goods and services utilized by local populations.

A second level is represented by the governmental agencies that are linked to land and forests – the National Forest Institute (INAB), the National Council for Protected Areas (CONAP), the Ministry of the Environment and Natural Resources (MARN) and the Land Fund – and also to projects, networks, commissions, coordinating councils and technical assistance offices, whose policies change according to the current government’s orientation. At a third level, ‘intermediary institutions’, including municipal governments and a variety of national or regional NGOs, act as extensions of the state or are used by the state to extend its influence or control towards civil society.

Finally, a fourth level includes grassroots organizations with varying foci and levels of integration. Most related to forest initiatives are the Indigenous Community, parcialidades, local associations, indigenous mayoralties, auxiliary mayoralties, local development committees, communal assemblies and other organizational forms. The Indigenous Community is a legal entity operating mainly in eastern Guatemala, adopted by local organizations to ensure autonomy over local territorial issues. Parcialidades are communal and kin-based organizations primarily oriented around community forest management in the Western Highlands. They and the local associations also have legal status; the others operate based on customary and ancestral rights. The lack of legal representation is often utilized by the state to de-legitimize these organizations, despite their effectiveness and contributions to sustainable forest management practices in the Western Highlands.

The four institutional levels are linked and result in a complex dynamic of scales, encounters, contradictions and cooperation related to forest management. In Guatemala, the decentralization process currently under way follows a top-down model, a process that tends to ‘increase the power of the state at local levels, creating new organizational structures to control local populations’ (Ferguson, 1994). In addition, institutional levels are cross-referenced by ever more powerful and diverse market pressures for forest goods and services.

RIGHTS AND RESPONSIBILITIES

What is the current direction of the decentralization process in Guatemala, given the complex framework of forest management institutions and the
current emphasis on deconcentrating authority for forest management to municipalities? Is it enough to strengthen the technical and administrative capacity of municipal agencies? What is the role assigned to community organizations?

Faced with the failure and high costs of governmental forest management (PAF-G, 2000), the state is currently attempting a decentralization policy to organize and ensure a better use of forest goods and services. The recent rapid changes in, and implementation of, policy imply that no final evaluation can yet be made regarding the direction or impact of the evolution of the forest sector and community forest management institutions. However, considering the historical relations of power surrounding forest access and management, the complexity of the related institutional sectors and, above all, the concrete experiences of the communities who currently manage communal forests, several observations can be made to help understand and reorient the current process of decentralization.

The new decentralization model was initiated in 1996 in an attempt to dispel the image of bureaucracy and corruption inherited from previous government forest agencies. At the same time, the state sought new mechanisms to organize social relations around forests and to delegate specific responsibilities to municipalities, which were guaranteed a position on the director's council of the newly created National Forest Institute. A sub-agency, the Communal Forest Office, National Forest Institute (BOSCOM) was created to deal specifically with community groups, but since 1996 has developed relationships with just five communities. BOSCOM today prioritizes working with municipalities, especially in the creation of municipal forest units.

The National Forest Institute has focused on strengthening municipal capacity to the degree that municipalities function as extensions of the central government. Communal forests have historically been a 'headache' for the government institutions. As these forests represent practically the only remaining forest cover in the Western Highlands, communities, government and NGOs are all interested in their preservation. However, community organizations continue to have little confidence in the government's capacity to administer these areas since historically government entities have placed communal patrimony at risk. Scepticism and resistance to government initiatives remains high. For example, at the end of the 1970s, the US Agency for International Development (USAID) project Bosques Comunales (exercised through the now-defunct government forest agency INAFOR) pressured various communities of the Western Highlands to implement forest management activities based on timber extraction, arguing that such management would improve forest benefits and forest health. Communities saw the initiative as a means for external actors to appropriate local timber and other forest resources. As a result, the community of San Francisco el Alto in Totonicapán made the decision to prohibit the municipality from entering into agreements with any external entity (governmental or non-governmental) for communal forest
administration, and resistance to government initiatives in the region has continued. Nonetheless, the communities continued with their own programmes of forest administration, including the development of tree nurseries and seedling production, reforestation, forest monitoring and harvest regulation, resulting in maintenance of forest cover to the present day.

CONFLICT, ADAPTATION AND RESISTANCE

The Western Highlands represents a rich diversity of community and traditional management experiences. Guatemala’s 23 ethnic and linguistic indigenous groups account for more than 65 per cent of the country’s population, and each community has developed a set of relations and experiences over time based upon local conditions, resources and history. Power relations and dynamics within communities are as diverse as the communities themselves. Women and the poorest sectors of society have historically had little formal participation in the traditional rotating authority system of communal governance. In practice, however, women have maintained their access to fuelwood and forest products, while men have been reserved the right to harvest timber. Women also have important roles in seedling production, reforestation and maintenance of communal areas for grazing. Issues of gender equity are at the forefront of discussion in several indigenous organizations in Guatemala and continue to be a subject of negotiation.

Guatemala’s recent policies for deconcentration and decentralization of forest administration and management do little to recognize the diversity of local systems that are adapted to the history and local conditions of each community. Instead of integrating a process of strengthening local capacity and increasing participation for all sectors of society (such as women and the poor) in forest administration, the policies have created yet another layer of exclusion in which municipal governments and external organizations have assumed the right to regulate forest use and management.

Negotiations between local and municipal actors

One positive experience illustrates the potential of municipal–communal negotiations over forest access and administration where local rights and customs gain legal recognition. Acknowledging the importance of local actors in forest administration, the municipalities of San Juan Ostuncalco and Concepción Chiquirichapa in the Quetzaltenango region have used their capacities, newly awarded through the forest decentralization initiatives, to pursue collaboration agreements and reaffirm links to community groups. Here, local capacity is not only recognized by the municipal government; but efforts are also made to strengthen it. In San Juan Ostuncalco, a municipal office has been created to coordinate and support capacity-building activities
with local groups, and in Concepción Chiquirichapa the municipality has signed an agreement with local farmers to regulate the harvest of forest litter, traditionally used as the principal organic fertilizer in potato cultivation.

However, such positive collaboration has not been the norm throughout the Western Highlands. The historical relationship between municipal and village-level authorities in the Quetzaltenango region has been characterized as more horizontal and balanced compared with other municipalities in the Western Highlands (Grandin, 2000). The main contradiction expressed in this region is that despite the growing recognition of local contributions and capacity for forest protection, state policies and actions have not always respected or strengthened these initiatives. Instead, local experiences abound in which the state has destroyed, annulled, failed to recognize or co-opted local institutions. Instead of recognizing and legitimizing local- and community-level capacity for forest management and protection, the Guatemalan decentralization process, in general, seeks administrative efficiency through the imposition of top-down models of forest control administered through municipal forest offices.

For example, governmental policy and National Forest Institute regulations now require communal forests to be submitted to licensed technical ‘management’, which clashes with local perspectives. Community members associate ‘management’ with timber harvest practices and clear-cutting, based on what they see occurring on private and government-managed forest areas. Communal forests, on the other hand, are conserved for fuelwood extraction (usually deadwood) and harvest of forest litter and other non-timber forest products. In addition, these forests serve as catchments for local water sources (perhaps the most valuable benefit of Western Highland forests) and as sites for sacred or religious activities. Government insistence on a specific kind of externally approved and licensed ‘management’ ignores local practices, knowledge, norms, rights, local governments and local arrangements or ‘institutionalities’ that have persisted for many generations and have sustained local forest management practices.

**Adapting local administration models**

Because of communication difficulties and lack of legal recognition, many local communities have resorted to creating or transforming themselves into legally constituted entities to better negotiate with municipal and state entities. Some of these ‘new’ organizations were established to represent the entire social collective, whereas others were created to represent special interest groups or small groups of power holders (Elías Gramajo and Reyna Contereras, 1999). For example, the Parcialidad de Vicentes was formed just 15 years ago (all the other parcialidades in Totonicapán date back more than half a century) as a local defence strategy to reaffirm territorial rights following a conflict with the state. Currently, this group continues to administer the forest in coordination with the traditional local governments, the Alcaldía Auxiliar and the Asamblea Comunal.
After many years of autonomous management, the Parcialidad Baquiax in the municipality of Totonicapán established links to BOSCOM in order to implement a forest management plan in the area. This parcialidad, like all others in Totonicapán, existed for the purpose of forest administration and had legal standing, statutes and even a registered land title for the communal forest holdings. To facilitate its work with the parcialidad, BOSCOM required the creation of a forest committee with higher standing and authority than the original leadership. This committee became an intermediary between the original director’s council and assembly and the government agency. The internal forest committee emitted even more rigid regulations for access and forest extraction in order to comply with the BOSCOM forest management plan. These new regulations principally affected the poorest members of the parcialidad and members of the neighbouring village, who had traditionally been allowed to harvest certain forest products.

In similar cases in the area, grassroots organizations resisted compliance with rules imposed by outsiders. Realizing that they were putting their control over local processes at risk, the local organizations chose to continue operation based on their own collective initiatives (ADEGO et al, 2002).

IMPLEMENTATION OF NEW ENTITIES AND RULES

New models and regulations

As part of their alliances with state agencies and environmental and development organizations, several municipalities have adopted new forest administration models that centralize decisions at the municipal level, in addition to creating new administrative entities. For example, in the municipalities of Quetzaltenango, Totonicapán, Zunil and San Martín Sacatepequez, the ProBosques project has stimulated the creation of protected areas departments to facilitate implementing new rules and regulations in which local management is formally and completely suspended in favour of municipal administration.

Costs and benefits

In the municipalities of Sibinal, Tacaná, Ixchiguán and San José Ojetenam in the department of San Marcos, communal forests are administered by community groups that have continued to struggle for recognition of their ancestral rights to these forests. Informal agreements had long existed between municipal and village-level governments regarding use rights over municipal forest resources. Here, local control has historically resided not in the municipalities, but in community organizations that have been linked to the resources and have effectively protected forests by limiting access and use to local needs, including fuelwood, water protection, local construction and space for religious activities (Wittman, 2001; Reyna, 2002). With the recent
creation of municipal forest offices as part of the decentralization process, decisions and licences for forest activities are now generated from these external offices. This measure has increased municipal power over the forest areas within municipal territorial boundaries and has also, in turn, severely weakened the capacity of local groups who historically have protected the forests, putting forest stability at risk in addition to limiting forest access for traditional users.

With the installation of municipal forest offices, municipalities have effectively increased administrative capacity and collected revenue from licensing fees authorized within their jurisdiction. However, these funds are rarely reinvested or shared with the communities who live in and near the forests. For example, in the municipality of Ixchiguán, each communal forest was linked to a specific local community group charged with control and administration. The establishment of a municipal forest office in Ixchiguán has fuelled the desire of municipal elites to take control over the remaining timber from the traditional village groups.

Such agreements are mutually beneficial in that the municipality obtains income and increases its jurisdiction, and the National Forest Institute is able to ‘delegate’ the implementation of politics and administrative instruments to the municipality. However, communities have been faced with increased responsibility (and accountability) for forest protection, while local benefits have been reduced, as well as local administration and negotiation power. For example, where permission for fuelwood extraction had traditionally been granted at the local or community level, municipal licences are now required even for subsistence use from communal forests, thus ‘centralizing’ control over these resources. At the same time, failure to obtain a licence for extraction thus criminalizes subsistence use of local resources. Local experience indicates that fewer than 10 per cent of local residents can obtain municipal licences, requiring travel in addition to literacy and money to pay the fees. Fearful of retribution for failing to obtain a licence, many families either harvest fuelwood at night or send women and children to collect the wood, a task that traditionally had been carried out by men. Usurping the authority of local forest guards in favour of municipal forest guards has reduced forest monitoring overall and led to an increase in illegal logging by outsiders.

New local associations

An example from recent history illustrates some possible outcomes – including corruption and co-option – of new intermediate layers. During the 1980s, an epidemic infestation of pine beetles (Dendroctonus spp) and restrictions imposed by the armed forces during the civil war led to an increase in illegal extraction of forest products by non-community members. Faced with rapid forest degradation, several external environmental organizations offered assistance but found that local groups lacked legal standing. The environmental agencies promoted the constitution of a new
umbrella organization, *Uleu Ché Já*, in the municipality of Totonicapán, meant to serve as a parallel institution to the traditional representatives of the *Asociación de las Alcaldes Auxiliares* and the *Comité de los 48 Cantones*. The new organization quickly became a point of reference for community forest management initiatives, but soon lost credibility, suspected of being controlled by the municipality, which for years had openly opposed the recognition of local and community management rights.

Some local community organizations in the Western Highlands have recuperated from this state co-option, however, and traditional community groups have continued to function despite the political pressures and governmental intervention (Dary et al, 1998).

**FROM COMMUNAL FORESTS TO PROTECTED AREAS**

Faced with the difficulty of implementing forest management plans and the growing interest in conservation, the future of the Western Highlands communal forests may be increasingly directed towards newly created protected areas, moving even further away from a decentralized or local communal forest management. Promotion of such areas dates back to the 1960s, when the National Park Maria Tecún was created to protect the communal forests of Totonicapán. The highlands’ many volcanoes were next declared parks; more recently, protected areas were designed around Lake Atitlán, the Sierra de los Cuchumatanes and the Visis Cabá Biosphere. However, in almost all of these cases government implementation never left the planning stages.

Since 1997 several municipalities – Tecpán Guatemala, Quetzaltenango, Zunil, Totonicapán y San Martín Sacatepequez, Cuilco and Tacaná – have been converting communal and municipal forests within their jurisdiction into protected areas, with the support of environmental NGOs. International organizations have shown increasing interest in Western Highland forests, including the World Bank with the Integrated Management of Natural Resources in the Western Highlands (MIRNA) project; the Inter-American Development Bank with the Prioritization of Strategic Areas in the Western Highlands (PARPA) project; and projects under the Global Environmental Facility (GEF)/United Nations Development Programme (UNDP).

However, government forest protection measures have had harmful effects in certain cases. For example, during the 1980s, the state sought to protect the pinabete tree (*Abies guatemalensis*), one of the Western Highlands’ endemic species that is severely threatened by commercialization as a Christmas tree. The measure was a typical example of responsibility transfer and reduction of local benefits: the state totally restricted any local use of this traditional resource, but required communities to participate in its protection, even though many community organizations already controlled use of this species. With the new legal measure, many communities abandoned their traditional protection systems since they no longer were allowed
to use the resource, and the consequence was an increase in illegal harvesting. This example raises the issue of the future role of rural communities in the local administration of their traditional natural resources, and the benefits that local communities will gain through the new initiatives.

CONCLUSIONS AND LESSONS LEARNED

The new powers assigned to municipalities by the 1996 Forest Law, the creation of municipal forest units and access to forest incentives by municipalities and communities have been cited in a recent Center for International Forestry Research (CIFOR) study as positive examples of the decentralization of the forest sector in Guatemala (Ferroukhi and Echeverría, 2003). However, little attention was given to the impact of these measures on existing local institutions and administration programmes.

Local institutions in Guatemala have played an important role in the management and administration of local and communal forest resources. Strengthening municipal forest management programmes is important for decentralization in Guatemala but does not guarantee authentic decentralization to traditional user communities. Currently, the decentralization programme does little to support the rights of local institutions linked to communal forests, and it actually weakens systems of communal management that have protected the few remaining blocks of Western Highland forest.

Rural communities have little chance to participate in state-subsidized reforestation and forest management programmes. Strict government requirements for participation (including legal land titles and legal standing) are out of reach for many communities. The subject of land title, for example, continues to be taboo in many parts of the Western Highlands, where communities historically have struggled with the state to protect their land rights (Lovell, 1985; Davis, 1997; Palma and Taracena, 2002; Grunberg, 2003). The required elaboration of a costly technical forest management project is another barrier. Finally, projects that must conform to management practices approved by the National Forest Institute generally do not make allowance for local needs.

Financial incentives could potentially be useful to local communities not only to finance forest programmes, but also to stimulate other productive activities and strengthen local organizational capacities and social equity programmes. For example, the Association of Eulalensis Women for Pixan-Komop Development (AMEDI PK), a women’s group in Huehuetenango, has achieved recognition for its forestry activities; another association in Sololá has successfully based its employment and income strategy on forest management. However, additional study is needed to better understand how these forest resources contribute to improving living conditions, social equity and local administration. Caution must be taken to ensure that resources are not used to consolidate the power of existing traditional economic and political elites.
The focus on strengthening municipal forest administration capacity has increased the power of the municipalities to generate income (via licensing and sales of municipal forest products) and to exercise control over all forest resources within their territorial jurisdiction. It has also extended state control over these natural resources, as municipalities have historically represented centralized power. The process of decentralization has been severely limited, however, by the failure to develop instruments to implement decentralization as a national strategy. In the forest sector, current programmes resulting from the 1996 Forest Law assign responsibilities to municipalities but are not linked to other decentralization initiatives, such as those emanating from the more general decentralization laws passed in 2002 requiring the implementation of urban and rural development councils.

Increased capacity for forest management at the municipal level does not necessarily mean an increase in the capacity at the local level. The subordination of community organizations to municipal agencies is counter-productive within a framework of policies designed to improve the quality and benefits of forests for local development. Local institutions in the Western Highlands have made important contributions to the conservation and management of remaining forests in the region; but this contribution has not been sufficiently recognized in the decentralization policies. How can local capacity for forest management be recognized and strengthened through a decentralization programme? We recommend the following:

- Regularize and legalize communal land tenure based on ancestral rights to guarantee community control over forest use and administration.
- Develop community land-use planning programmes in coordination with state agencies. This may be a challenge. In addition to issues of power inherent in such negotiations, the state views land-use planning as a technical exercise rather than as a social and political process.
- Create a dialogue about how traditional forest management practices and knowledge can be integrated with technical forest management practices promoted by state and non-governmental agencies. At the global policy level, increasing recognition and legitimization of local knowledge and management systems should facilitate discussion on how to integrate these objectives.

Within the framework of the proposed decentralization of forest and natural resources management, governmental and related agencies should establish mechanisms to recognize and support local administration carried out by local institutions, adapting these mechanisms to local specificities and strengthening local organizations. Such measures would serve to consolidate social capital and implement the proposals of grassroots organizations, establishing clear rules of interaction but not subordinating local governance structures to municipal authorities and other governmental, political or economic agencies. Only in this way can a truly effective and democratic decentralization occur for Guatemala’s forest administration system.
The Politics of Decentralization

NOTE

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