



[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

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Honduras: Agrarian reform, including land conflicts and the government's response (2008 - 2009)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

A fact sheet published by FoodFirst Information and Action Network (FIAN), an international organization that advocates for the right to food, indicates that agrarian reform dates back to 1962, the year in which the first version of land reform legislation was published, and that the basic principle of the law was that [official FIAN English version] "land belongs to those who work it" (la tierra es para quien la trabaja) (May 2000). The main objectives of the law are to guarantee social justice in land ownership and to increase agricultural production by making the agrarian structure more equitable (Honduras 16 May 1985, Art. 1). According to FIAN, the most important period of reform was between 1973 and 1977, when 120,000 hectares were redistributed (FIAN May 2000).

An article published by The Miami Herald newspaper indicates that the land that has been claimed and sometimes redistributed belonged to large landowners and transnational companies (12 Sept. 2008). The article also reports that conflicts between landowners and peasants make it difficult to implement land reform in Honduras (The Miami Herald 12 Sept. 2008). The government has reportedly transferred 1,274 acres in 43 years, and some 300,000 peasant families are still waiting to receive land (ibid.). Moreover, 750,000 plots are still without legal title (ibid.).

Cited in an article published in 2009 by the daily newspaper El Heraldo in Tegucigalpa, the director of the National Agrarian Institute (Instituto Nacional Agrario, INA) indicated that, in Honduras, [translation] "land registers are not reliable" (8 Mar. 2009).

A consultant from the Coordinating Council of Peasant Organizations of Honduras (Consejo Coordinador de Organizaciones Campesinas de Honduras, COCOCH) stated in an issue of the Agrarian Review (La Revista Agraria), published by the Peruvian Centre of Social Studies (Centro Peruano de Estudios Sociales, CEPES), that the issue of land ownership is [translation] "worrying" since 70 percent of arable land is controlled by only 3 percent of landowners (CEPES Nov. 2009). He added that the situation in November 2009 was [translation] "worse than before the 1990s," explaining that in 2009, seven out of ten peasants did not own land, while before 1990 that ratio was five out of ten (ibid.).

Land conflicts

An article published by the EFE (Agencia EFE) news agency indicates that the Inter-American Commission on Human Rights (IACHR), one of the organs of the Washington, DC-based Organization of American States (OAS) (OAS n.d) [translation] "is still concerned about the frequency of social conflicts and violence associated with land disputes" (Agencia EFE 13 Nov. 2009). In fact, several sources indicate that there have been many confrontations as a result of land disputes in recent years (The Miami Herald 12 Sept. 2008; La Prensa 16 Oct. 2008; Revistazo.com 18 Mar. 2009; US 25 Feb. 2009, Sec. 1a). An article published by The Miami Herald indicates that on 5 August 2008, 500 peasants armed with machetes, pistols and machine guns attacked a home and then set the house on fire, killing 12 people (12 Sept. 2008; see also La Prensa 16 Oct. 2008).

The Miami Herald reports that, according to various peasant groups, there have been more than 75 massacres and dozens of killings of their members in the last four decades (12 Sept. 2008). According to an article published online by the Honduran magazine Revistazo.com, the assassination of the former president of the Brisas de Occidente hamlet, located in the municipality of Cofradía (Department of Cortés), was a result of his involvement in defending the interests of peasants who were fighting for ownership of the lands they worked (18 Mar. 2009). According to two sources, a member of a peasant organization who was involved in a land conflict was also killed in Trujillo [capital of the Department of Colón] (AI 2009; US 25 Feb. 2009, Sec. 1a).

Government response

In recent years, the government of Honduras has expropriated land in order to redistribute titles of ownership (Revistazo.com 4 Mar. 2009; Hondudiario.com 8 Mar. 2009; El Heraldo 8 Mar. 2009; Revistazo.com 27 May 2009). According to an article published on 4 March 2009 by Revistazo.com, approximately 8,000 titles of ownership were given out in 2008. The article also notes that the Property Institute (Instituto de la Propiedad, IP) planned to distribute approximately 10,000 titles of ownership in 2009 (Revistazo.com 4 Mar. 2009). More specifically, 2,238 titles of ownership were to be issued in March 2009, 1,538 of them in Tegucigalpa and 700 in San Pedro Sula (ibid.).

According to an article published on 8 March 2009 by the online newspaper Hondudiario.com, the president of Honduras and the director of INA, with support from the European Commission, issued titles of ownership to 1,100 families in the Department of Lempira, specifically in the municipalities of Belén, Gracias, La Campa, La Iguala, La Unión, Lapaera, San Manuel, San Rafael, San Sebastián and Talgua.

According to an article published by El Heraldo, the INA has begun an expropriation process that should enable 60,000 families to acquire land (8 Mar. 2009). The article indicates that in 2008, at the request of the executive authority (Poder Ejecutivo), the National Congress (Congreso Nacional) published decree 18-2008, which allows peasants to legally own land they have occupied for more than 30 years (8 Mar. 2009). However, the National Federation of Farmers and Livestock Breeders of Honduras (Federación Nacional de Agricultores y Ganaderos de Honduras, FENAGH) opposes these expropriations, stating that the decree is unconstitutional and an affront to private property, and has filed an appeal with the Supreme Court of Justice (Corte Suprema de Justicia, CSJ) (El Heraldo 8 Mar. 2009; La Prensa 2 July 2008). Further information on the decree could not be found among the sources consulted by the Research Directorate.

An article published on 27 May 2009 by Revistazo.com also indicates that 50,000 residents from 17 hamlets of the municipality of Cofradía, in the Department of Cortés, benefitted from an expropriation decree that was unanimously adopted by the National Congress. Those hamlets were Montes de Sinaí, Manuel Zelaya, Naco, Santa Lucía, La Sequia, La Fortaleza, La Pita, Masicales, La Ética, Paz Rivera, Roberto Micheletti, El Corbano, Altos de Cofradía III, Lisandro Paz, Brisas de Occidente III, Miguel Paz Barahona and Vida Nueva (Revistazo.com 27 May 2009).

Following the coup d'état, President Micheletti also redistributed lands, according to an article published on the website of the government of Honduras (Honduras 23 Nov. 2009). In November 2009, he issued 400 titles of ownership to residents of the Department of Valle (ibid.). This source also notes that more than 40,000 titles of ownership are expected to be distributed in 18 municipalities during his term as president (ibid.).

An article published in January 2010 by El Heraldo reported that the director of INA had distributed titles of ownership to 60 families from three native communities (22 Jan. 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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