

Community-based Forestry and the Changes in Tenure and Access Rights in the Mayan Biosphere Reserve, Guatemala

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Introduction

Clear rights over resources and locally legitimized tenure regimes for managing natural resources are essential for good governance in forest areas (Cousins 2007).³ External efforts to change local development conditions and the goals of natural resource-dependent communities—be they attempts to link them to commodity markets as a poverty alleviation strategy, schemes for environmental services rewards, or participation in international treaties to mitigate climate change, must build upon this level of collective action and social legitimacy to be successful. Internationally promoted conservation efforts face similar challenges.

More often than not, conservation and community interests in tropical forests run a path of dispute, sometimes conflict and negotiation, and seldom, a successful reconciliation of differing proposals for forest resource protection, ownership, and use. However, there are cases where the expansion of forest areas under conservation has gone hand-in-hand with an increase in community tenure and access rights. This is possible when there is a process of negotiation and social legitimization of a working model of shared rights and responsibilities over resources, which leads to a land-use pattern that contributes to the dual goals of improved human well-being and forest conservation (Bray et al. 2007).

This paper presents the history, evolution, and initial outcomes of the joint effort to establish the Mayan Biosphere Reserve and the community forest concessions in the Department of Petén, Guatemala. Then it lays out some of the challenges emerging from initial success. The paper argues that initially antagonistic proposals for conservation and livelihood interests from these highly biodiverse forests—the first externally induced and the latter local practice—were only able to be achieved by developing complementary tenure and land-use regimes, each incorporating goals of the other and legitimized by all participating parties.

Through a deliberative, sometimes confrontational process, conservation and livelihood interests battled until a workable solution was found. At the heart of the solution is an approach to community-based forestry. The paper highlights the initial conditions and contradictions that led to the proposal of community forestry concessions, gives an overview of how these shaped the resulting tenure and rights regimes, and lays out the challenges now emerging from its initial success.

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³ The most appropriate approach is to make occupation and use rights socially legitimate, as they are currently held and practiced, the point of departure for both their recognition in law and for the design of institutional frameworks for administering land.

Historic Conditions and Trends

The Selva Maya (7,272,379 hectares) is the second largest tropical forest reserve in Latin America and the most important in Meso-America. It comprises the most remote regions of Guatemala, Mexico, and Belize, together creating a vast forest hinterland for all three countries. The largest area under a protection regime is located in Guatemala (2,082,900 hectares) in the Department of Petén. Before the 1990s this large forested area, with shallow clay and karstic soils, a harsh environment for sustained agricultural productivity, remained sparsely populated.⁴ By the end of the 1920s, only 25,000 inhabitants lived in this region, isolated politically and economically from the administrative center in Guatemala (Schwartz 1990). The Guatemalan Government established its first official institution with a physical presence in the Petén only in 1959. The Enterprise for the Promotion of Development of Petén (Empresa de Fortalecimiento y Desarrollo de Petén, FYDEP), was the Government agency responsible for the implementation of forest colonization programs, popular throughout Latin America at that time.

The FYDEP had the mandate to colonize the region, to allocate land titles and usufruct rights for forest resources (mainly access and extraction). It fulfilled the first objective by allocating collective titles to small groups of landless peasants, mainly through the formation of agricultural cooperatives. However, the more common practice was the allocation of large individual landholdings to those associated with the ruling elite and the military (Clark 1998; Schwartz 1990). During this period, over 74 peasant cooperatives were established in Petén. The population was organized in their distant homeland areas and brought to Petén where they were “dropped” into the remote forest areas, with little or no infrastructure, basic services, or access to technical support. Natural resource extraction (mainly timber and rubber) was established in a woodland reserve in the northern part of the Department, under concessions.

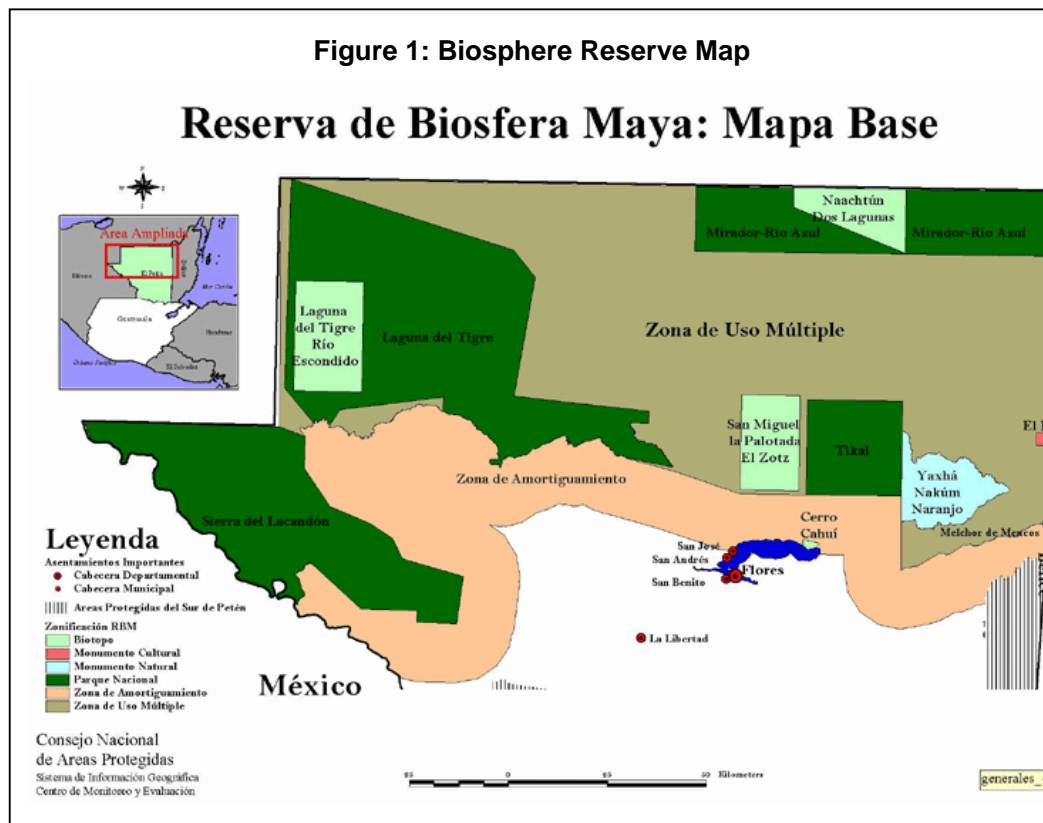
Access and extraction rights were allocated by the FYDEP to timber concessions for up to five years, while other private enterprises—all associated with the military—managed rubber tapping enterprises. Between the 1920s and 1950s rubber became one of the most important export products, setting off a “white gold” rush into the forest, which, together with a logging fever unleashed an influx of poor peasants, particularly from the southeast regions of Mexico and Guatemala looking for “the land of opportunities.” An unorganized and lawless local economy emerged, characteristic of the “wild west” scenario of massive resource extraction and brought with it large, informal cash flows and unchecked investments.

However, harsh conditions and the eventual decline of the price of rubber in the international markets by the 1980s saw the profits wane, but not the population. The last census showed the population in this region had grown over 20 times in the past 50 years (Grandia et al. 2001). According to Clark (1998), since the 1970s, two booms of spontaneous colonization occurred in Petén. The first, after the FYDEP, disappeared in the late 1970s, *de facto* land seizures called *agarradas* triggered a new legalization process attracting landless peasants into the southern region of Petén. The second, after the Mayan Biosphere Reserve was established (1991–1996) in the forest reserve area of northern Petén, was characterized by little Government presence and unclear regulations for allocation of usufruct rights. By the 1990s Petén was considered the last agricultural, immigration, and geopolitical frontier of Guatemala. Today, it is the department with the highest population growth rate (5.68% annually, Census 2003), holds 30% of the country’s maize production, and close to 20% of the nation’s cattle production. Over 50% of the population is dedicated to agricultural activities exerting pressure on these fragile forest ecosystems.

⁴ It should be noted however that this same area supported a vast expanse of the Mayan forest-based agricultural system for hundreds of years.

In the 1990s growing international interest in conservation, particularly from the US conservation nongovernment organizations (NGOs) met with willingness in the United States Agency for International Development (USAID) to foster the expansion of protected area regimes throughout the Central America region. With the end of the civil war in Guatemala in sight, the Government could now participate in the multicountry undertaking to establish the Mayan Biosphere Reserve (MBR) in 1990 (National Decree 5-90). According to the 2001 Master Plan three management zones were created within the MBR (Figure 1). The **core zone** is a restricted area for the conservation of natural and archaeological resources. This area is formed by five national parks and two protected biotopes. It represents 36% of the MBR.

Only strict conservation activities are allowed and no population settlements or productive activities are permitted. The **buffer zone** is a 15-kilometer strip that is located at the southern part of the MBR. It represents 24% of this protected area. Productive activities as well as population settlements are allowed under sustainable management plans. The largest portion of the MBR (represents 40%) was established as a **multiple-use zone** as a way to promote sustainable activities but with no human settlements allowed. The original proposal was that this area be given out in concession to private timber industries held to commitments of strict sustainable management criteria.



Source: SI-PETEN Database (2001).

However, despite initial Government intentions to organize this deliberate and dramatic shift in the land-use regime through the legal establishment of the MBR and the initiation of conservation activities in the region, its efforts met with unexpected local resistance and eventual conflict between the project and the resident peasants and extractivist communities. In one fell swoop, long-term resident communities had lost their historic settlement and land-use rights granted under the previous regime and sanctioned by the FYDEP. The conservation

authorities and particularly the US conservation NGOs were seen as invaders, who, far from bringing the expected postwar reaffirmation of local rights, were undermining the very basis of their subsistence in Petén.

By the mid 1990s with the civil war winding down, now under a tenuous process of implementing the Peace Accords, the Guatemalan Government faced—in Petén—a new and somewhat unpredictable conflict. Evictions of the families living in what had now been delimited as core protected areas and lack of clarity on how new regulations would be implemented infuriated many and made communities prey to conjecture. Word spread like wildfire that this was only the beginning of a possible further disenfranchisement of local residents. In a region characteristically lacking normal channels of communication and minimal mechanisms for governance (to inform, discuss, deliberate, channels for legal recourse, etc.), the conservation agencies made little visible effort to reach out to the distant and atomized community settlements throughout the vast forest area (Sundberg 1998). However, local radio programs—listened to mostly by local residents—ricocheted fear, outrage, and rejection of this externally imposed regime of conservation. Vehicles and offices in key areas were burnt down in anonymous protest. In a relatively short period of time, widespread polarization set in between communities and those associated with the MBR while a distant central government remained anxious to maintain peace.

The area had been previously logged under industrial concessions, which were no longer seen as an option under the new logic of forest conservation (Tshinkel 1992; CONAP 1993; Synnot 1994). And, it was clear that the political cost of removing communities from the region was too high. Some of the recently formed settlements were occupied by refugees, sympathetic to the guerrillas, who could not return from exile to their original homes in the highlands. A solution had to be found that could appeal to the interests of all the major interest groups involved. The solution had to recognize the historic and recent settlement rights of these communities and at the same time address the underlying logic of the forest and biodiversity conservation agenda, while not totally alienating the timber industrial sector. In 1994 the Government, with the strong backing of USAID, legalized a formal community concession system in the Multiple Use Zone (MUZ) of the Mayan Biosphere Reserve.

The Evolution of the Conflict

What was to emerge as a system of community concessions surrounding the protected areas and parks, responding to demands from organized resident and nonresident local community groups, appeased the fears of local and international conservation NGOs, and complied with the mandate regarding land allocation in forest lands from the Peace Accords (1996) at the end of Guatemala's 30-year civil war.⁵ It also left a reduced but important role for the timber industry. Between 1994 and 2001, 12 concessions (over 70% of the total management units) were allocated to organized community groups and two industrial enterprises (15% of total management) in large swathes of land surrounding the core protected areas of the Biosphere.

Following the establishment of the MBR, a newly created government agency—the National Commission of Protected Areas (CONAP)—replaced the FYDEP with the mandate to implement environmental programs and policies. In close coordination with US NGOs, sophisticated land-use maps were crafted to delimit zones for different land uses. A set of restrictive regulations and norms accompanied by legal sanctions for transgressors was set forth in the MBR Master Plan. The logic for land use in the northern part of Petén would now suffer a major reverse; the underlying goal was conservation, not agriculture and ranching.

⁵ According to the Peace Accords, the socio-economic and agrarian agreement establishes that at least 100,000 hectares should be allocated to organized community groups.

As a state-of-the-art conservation project, hope was high for success in the capital, but the conditions in the field were chaotic. The novice Government officials mandated to enforce exclusion from the protected areas and promote a new order in Petén were faced with a daily reality far beyond their control. Their oversight reported constant invasions into the areas under protected status, plundering of archaeological sites, trafficking of endangered species, and illegal logging of precious woods, which all seemed beyond their reach. In Petén, the outlaws were the “law” in this hinterland of informality and ungoverned territories, a haven for every ilk of illegal activity. CONAP entered the stage with a proposal to change the rules of the game but lacking knowledge of the lay of the land and who-was-who. With little credibility at the local level, or the financial means and human resources to match its task, (either policing such a large region or strengthening local governance structures and institutions) it quickly became the target of local discontent.

In an attempt to reinforce the capacity of the conservation agenda, USAID designed a major bilateral donor project, MAYAREMA, to be implemented by Conservation International and The Nature Conservancy to both lead and reinforce the role of CONAP in the MBR. Between 1990 and 2006, over US\$50 million were invested solely by USAID for the implementation of the MBR Master Plan (CCAD-RUTA 2000). Much of the funding would be directed through CONAP to provide human resources and technical expertise to a fledgling official environmental sector. Other donors such as the German agency Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) and the Inter-American Development Bank (IDB) had projects in the region as well (Gomez and Mendez 2005).

In 1992 the Guatemalan Government approved a procedure for establishing the co-administration of concessions in the MUZ. A consultative committee was set up to prepare general guidelines for this process (CONAP 1993). USAID financed further research to help produce a more coherent technical and legal model for forest management for Petén (Synnot 1994). The model was informed by experiences in other regions such as Africa and Belize, but particularly Mexico. What became known as “The Synnot Report” departed from a series of previous assumptions by proposing that lands in the MUZ were State property, that privatization was forbidden by new environmental law, and that settlements established before the MBR implied an ancestral right to maintain landholdings. The emerging proposal staked out a role for each of the principal interest groups that might be able to work toward complementary goals. There were several logging industries already working in the area, the local government entity had little legitimacy and scarce capacity to control the region, and finally there were conservation NGOs financed by international cooperation support (mainly USAID) that could provide technical assistance to local communities to log under sustainable management plans.

With conservation at the heart of the proposal, the alienation rights to the forest should not have been ceded by the State. Thus, concessions became the only feasible model to establish a system of control that could count on collaboration from all parties: residents, industries, nongovernmental and local governmental institutions, and the conservationists. Additionally, concessions based on timber management—a high value forest product—would ensure short-term economic benefits for residents, in comparison to other options based on the extraction of nonwood forest products (NWFPs) or tourism. They were seen to be sufficient incentive for local participation and eventually long-term sustainability. The model sought to promote sharing of decision making and benefits as well as decentralized responsibilities and rights between local communities and the Government. The following step was to define management units and allocate usufruct rights.

Despite the fact that communities were seen as an important beneficiary group under this model, community concessions were initially defined as small landholdings (the largest were 7,000 hectares) adjudicated only by groups that had a legal identity and with historical rights to the land (settlements existing before MBR establishment). These groups were seen

primarily as local agents who would play the role of protecting these areas from incursion by landless peasants and illegal loggers. But the Synnot Report framed the guidelines that would be used later to allocate the first timber concession to a community as a pilot plan for extraction based on existing timber inventories in certain areas (CONAP 1993). The first community concession was given to the Community San Miguel La Palotada in 1994 and was accompanied by a technical service project implemented with technicians from Centro Agronómico Tropical de Investigación y Enseñanza (CATIE [Project Olafo])⁶ (Jimenez Burgos and Reyes 2001). Concession contracts were initially only for timber, but the Association of Forest Communities of Petén (ACOFOP, a legal secondary level organization of community members) advocated and eventually broadened the concession rights to include holistic use of all renewable forest resources.

From 1995 onwards the conservation NGOs, not forestry extension services, were designated to provide the technical assistance for timber management to the communities located within the MUZ. Progress was slow. First, conservation staff were not steeped in silviculture, well equipped, or experienced in timber processing, much less in community organization or schooled in development. Quite the contrary, the paradigm for conservation was to protect the forests *from* development. Secondly, the heterogeneous social composition of the community groups meant dealing with different levels of experiences, degrees of trust and organization, interests, and capacities. Those with a history of extraction of NWFPs such as gum (chicle) tapping considered timber logging a destructive activity. Other groups had more experience as laborers in the timber extraction industry, but lived outside the concession area. Still others had expectations for expanding their rights for agriculture and cattle ranching. However, under the new conservation regime, the concession became the only opportunity for all the communities to hold onto their settlement or residence rights, and gain legal usufruct over land and its forest resources. This prompted interest among all of the community groups inside and outside the MUZ who started to organize for concessionaire status.

Meanwhile, local government representatives and charismatic leaders within the MUZ began to gather information on the emerging model for community concessions and began to actively discuss with more community groups the possibility of obtaining concessions through association. By the end of 1995, a Consultative Council of Forest Communities of Petén (CONFOCOP) was established by community leaders with the support of the rubber tappers' union Sindicato Unico de Chicleros y Laborantes en Madera (SUCHILMA). The intent and purpose for communities was to establish a legal entity at the secondary level, integrating their local community organizations into a single representative body that could advocate before the Government and NGOs the possibility of expanding community concessions across the MUZ. They proposed to take the initial small areas under control of communities to a significant and workable scale. At the end of 1997 this council became the Association of Forest Communities of Petén (ACOFOP) a legal secondary level entity that during these years had expanded the number of member organizations from four to 23 legal community group members. This entity would prove key to not only the expansion of community concessions but the survival of the model, working as a political advocate for their interests.

A community concession represents a 25-year contract between an organized and legally recognized group and the Guatemalan Government that grants usufruct rights to the first to manage renewable natural resources in protected areas (timber and NWFPs).⁷ The size of the

⁶ Conservation for Sustainable Development in Central America (OLAFO) was implemented by CATIE with USAID funds.

⁷ The differences between the community concessions and industrial concessions are determined by contracts. Two differences are important. First, contracts establish that industries have usufruct only to manage timber products while community concessions include timber and NWFPs. Second, while

concessions eventually was increased and ran from 6,500 hectares to 85,000 hectares, with low population densities (according to the Census in 2001[CEMEC]; 48% of the population inhabiting the MBR was located within the buffer zone while 17.3% was in the MUZ).⁸ Regulations and norms were established by the National Council of Protected Areas (CONAP 1998) describing rights, responsibilities, and benefits. Norms required that an NGO accompany communities to provide administrative, financial, and technical support. It was also stipulated that usufruct rights should be paid during the first 10 years of the contract and that during the first three years all groups (communities and industries) should be certified by the Forest Sustainable Council. Five-year management plans, environmental impact assessments, and annual operation plans should be approved by CONAP in order to initiate timber extraction. Currently over 75% of the area corresponding to community concessions is certified (359,561 hectares).

There is also a range of relations of communities and their organizations with the actual forest lands in concession. Some are nonresidents, being members of outlying communities that gain access to a large tract of forest land through collective action. Here, individuals from nine communities organize into a community association to access a large concession area that is treated as common property. Other concessionaires are resident communities with a higher rate of community members in the concession organizations. While some groups were legally organized before they signed a concession contract others swiftly followed suit, obtaining their legal status with the support of an NGO.⁹

Undoubtedly, significant levels of donor investment into the region complemented the tenure reform underway. There is little research that documents and analyzes the dimension of this assistance directed toward the establishment of the MBR, the concession system, and the technical assistance model that was put in place. What is known is that sums were large¹⁰ and that most of the funding was channeled to and through many international conservation organizations, which in turn engendered local NGOs to carry out the fieldwork (CCAD-RUTA 2000; CCAD 2000). However, the community concessions themselves and their secondary level organization ACOFOP were not direct recipients of this funding. They were seen as the ultimate beneficiaries and thus received training, but their own organizations were supported by other donors interested in helping them maintain their protagonist role in shaping the community concession model (Gómez and Méndez 2005). This is an important issue that needs to be further analyzed and discussed.

The Initial Outcomes

The resulting arrangement between conservation authorities, community concessionaires, the timber industry, and local government is a rather unique experiment for Central America, or Latin America at that. Thus, Petén has become a center and source of learning for other community leaders, NGOs, donors, and government officials as far away as Africa and Asia. Outside of Mexico, nowhere in Latin America has such a large bundle of rights to land and forest resources been transferred in such a short period of time, and at the same time—not without problems—received Government and donor investment and support.

community concessions pay the usufruct of the land (between US\$1–1.50/hectare), industries pay the intrinsic value of timber (Q/m^3) depending on the species and the amount logged.

⁸ This is a low value considering the extent of the area in comparison with 19% of the population found within two of the national parks (CONAP 2001).

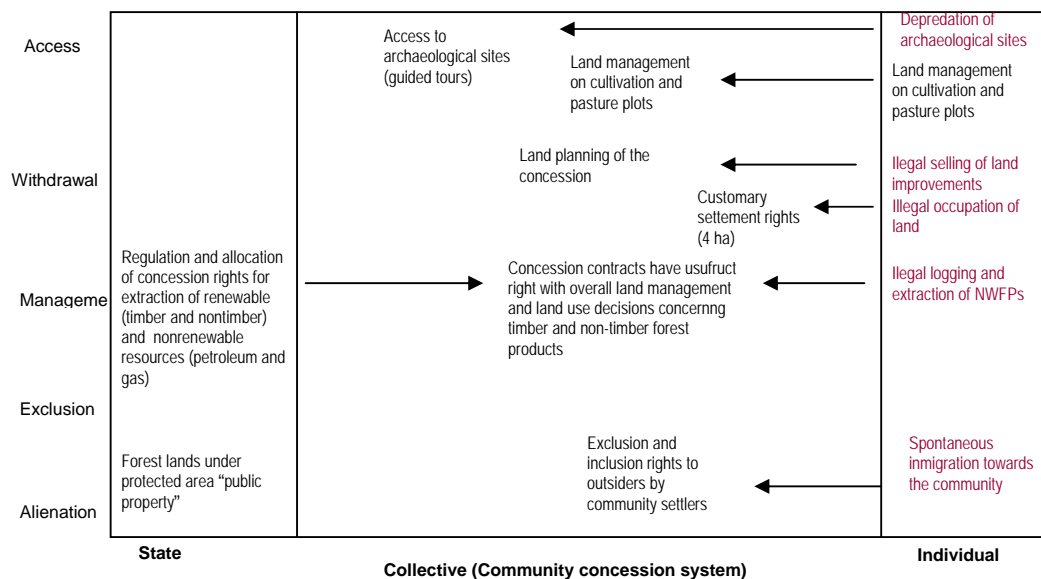
⁹ There was no precedent for this type of association; legal assistance was needed to design the appropriate figure that would comply with all of the regulations.

¹⁰ CCAD-RUTA (2000) calculates that besides USAID investment (over US\$50 million) in the MBR, a similar quantity was allocated by summing funds from other donors (the European Union, German development agencies, the IDB).

In terms of regional impacts across the concession areas, the initial benefits are clear and documented. The concession model applied to communities allowed them to secure their residence in the area for at least 25 years, renewable. Their members could now begin to exploit the forest resources under criteria for sustainable use, where standards and indicators were being elaborated for different resources. Time series Landsat images and maps of the MBR show that compared to the period before the community concessions, forest fire has been reduced significantly throughout the areas under community control in comparison to those in the protected areas or bordering the entire MBR. The difference is significant and sustained (WCS et al. 2001–2005; Bray et al. 2007).

Illegal logging and archaeological contraband had diminished significantly until recently. The maintenance of forest cover in the areas under community concession marks a stark contrast to the heavy deforestation occurring on the other side of the Mexican border and is relatively better than that of the protected areas themselves (Bray et al. 2007). Between 1990 and 1999 the deforestation rate for this management zone was 0.17% while for the Buffer Zone it was 3% and for the Core Zone 0.34% (Tattenbach et al. 2000: 22). The community members themselves have been able to establish their own local governance systems, based on an expanded set of rights of access, use, and decision making over their natural resources. This includes organizing for constant vigilance and patrol of the boundaries of the concessions as part of their responsibilities.

Figure 2: Evolution of Tenure Rights from the Establishment of Community Concessions



Source: Own elaboration based on fieldwork in 2007

Figure 2 shows the evolution of tenure rights in three different aspects. First, it shows the evolution from de facto individual open access, extraction, and use towards a collective organization scheme to manage resources. This is possible thanks to the community concession contract that allocated collective usufruct rights for overall land-use decision making for timber and NWFPs. On the other hand, it legitimizes the way in which communities held land management rights. Planning and management of specific forest resources, such as *xaté* (decorative palm), allspice, and rubber also required collective action, allowing for subgroups to organize within the larger concessionaire membership. Finally, it illustrates the boundaries of the model; it shows that the State holds both alienation rights and usufruct rights over nonrenewable resources (such as petroleum and gas).

Communities had the exclusive right to the concessions and were charged with excluding third parties/invasions. Government officials, though weak and underfunded, would back them up when possible in the field, and definitely at the legal level. With the amount of investment in the region for equipping lumber mills and training communities in trade and certification standards, these rights to resources were successfully converted into livelihood and income improvements (Mollinedo et al. 2002; Chemoniqz 2003 and 2006). Community organizations and ACOFOP were forced to increase their capacity, strengthen their organizations, and project their agendas nationally and regionally in order to meet the challenges. A different host of donors and regional allies (for example Asociación Coordinadora Indígena y Campesina de Agroforestería Comunitaria Centroamericana [ACICAFOC]) funded and directly assisted them throughout the decade (Gomez and Mendez 2005).

However, these significant changes rest upon a tenuous tenure agreement, a concession. Communities must meet the standards and comply with the regulations for timber production and other forest resource extraction in order to renew their concession rights. Transaction costs increase considerably not only in terms of the money required to cover all regulations but also the time it takes for communities to engage in these bureaucratic processes. This becomes more problematic when the organizational and technical expertise of some community concession groups is limited. Additionally, when matters require full support, communities require longer time for reaching consensus (if compared for instance with a private timber industry). This is more relevant in particular cases such as processes required to export mahogany, to obtain the annual certification evaluations, and the fact that export of NWFPs requires separate procedures for all products (for certification, for development of management, and for annual operation plans as well).

From an economic perspective, community concessionaires have increased incomes notably as they reap the benefits of harvesting high value timber (over 33% including cedar *Cedrela odorata* and mahogany *Swietenia macrophila*), and lesser-known species on the international market (over 60% including timber species *Bucida buceras*, *Lonchocarpus castillo*, and *Calophyllum brasilienses*). Timber management activities provide over 50,000 work places in the region, involving directly 2,000 families and over 3,000 indirect beneficiaries. Meanwhile, over 50% of the 17 timber species managed are exported; 70% of the production is sawnwood. Eight community concession groups have bought their own sawmill. Concession contracts also ensure community access to credit programs. Although timber production may have slowed in the early years of the concession model, communities now manage their own concessions and sell to industry and channel their sawn wood through community enterprises. With two industrial concessions and a flow of logs and sawn wood into the industrial sector, there are no major losers in the configuration of actors (ACOFOP 2005; CEMEC 2001; Cancino and Maas 2001).

Further understanding of the benefits of this model and the lessons learned vary according to the reading of the reality of the Petén model. There are different interpretations of the role of CONAP and other Government agencies in the development and implementation of policy regulations. While some refer to the central role NGO representatives played in the task of developing new rules in the management of the MBR, foreign aid representatives consider that Government position is crucial in establishing the new legal framework (interview, Tschinkel, 2007). Government agencies could either accelerate or slow the process. According to Tschinkel (personal communication, 2007) it was lack of clarity and slow processes for approving concession norms that delayed the allocation process between 1994 and 1998 (only three community concessions were allocated during this period).

Unfortunately local government had little participation in the process of defining the MBR and concessions, despite the importance it played in mediating local conflicts. The MBR is

considered CONAP's "territory" (a branch of central government) where local municipal authorities have no say (interviews with the mayors of San Andres and Melchor de Mencos municipalities, 2007). External aid agencies and NGOs had a major influence on the role of Government actors, during the first phase of the MAYAREMA when project funds were channeled via CONAP. Project design and direction came mainly from the donor agency and its partner NGOs. Many consider that they substituted the Guatemalan institutions and thus stifled the option of building up local official capacity for long-term governance in conjunction with the communities. The small efforts to build capacity among local technicians led to their being headhunted by international NGOs that were able to provide better employment conditions (UAESPNN 2004). With the end of international project funding, the consequence of this "project" strategy has left weak national and local institutions behind.

Regardless of the perspective, all parties have agreed that for the last several years, Petén has been transformed into a governable, workable territory with a population that is earning benefits from the forest while protecting it. Most of the evidence demonstrates that the forest under community concession is better off than elsewhere under other land-use regimes, including the core protected areas themselves and the outlying agricultural farms and communities south of the MBR itself.

The Challenges Emerging from Success

The increase in governability in the region brought peace and relative security to its population. Fears were calmed, and agreements were reached between the interests and parties mentioned. Of equal or more importance nationally, clandestine and illicit activity was held at bay, at least in the large expanse of nearly 500,000 hectares under community concessions. Nonetheless, as was to be expected, illegal loggers and drug traffickers were forced to concentrate their activity in smaller geographical spaces, precisely within the protected areas. During the initial period of strong donor support for the projects in the MBR, and the past political administrations, the Government showed its support with surveillance and presence in these areas, keeping up the pressure on the outlaws. The combined efforts worked well for stabilizing the region.

After several years of relative stability and calm, other interest groups have rekindled or struck up new plans for penetrating the MBR and areas under community concessions. Tourism in general is expanding exponentially in the greater region of Meso-America (at 8.4% growth rate in the last 10 years according to the Rainforest Alliance) and with Petén finally "under control" investments could be expanded into the area. External investors interested in developing a major new tourism site in the old Mayan forests have linked with archaeological projects underway in the concession area over the last 15 years. Unfortunately, the interests and style of those leading the endeavor have no tolerance for community concessions. At first directly hostile, their proposals have now been organized to divide and undermine the communities involved in the concessions in order to make headway into their territories, while perpetrating distorted visions of Petén internationally.¹¹ These and other

¹¹ Through various initiatives, the Global Heritage Fund (GHF) and the Foundation for Anthropological Research and Environmental Studies (FARES) became major promoters of Executive Decree 129-2002, to roll back legislation that created the MBR and the concessions, in order to establish a "special archaeological zone" in which to develop their tourism project "Mirador Basin" (GHF and FARES 2004; 2006). This same project directly had planned to allocate 60% of the budget for community concession buy outs. While community concession representatives (ACOFOP) were able to force a cancellation of the Decree, respecting previous legislation, recent articles and press releases found at the website www.miradorbasin.com continue to point to loggers (and not organized community concessions under strict regulations) as being a major threat to the MBR.

projects for the region put constant pressure on the community concessionaire organizations to remain informed, keep their member communities informed, and advocate for their concessionaire rights to be respected. These are significant tasks to undertake, distinct from managing timber.

Meanwhile, the presence and power of the drug traffickers has risen to alarming heights in Guatemala, expanding their use of Petén as a route for smuggling into the United States (UAESPNN 2004). Government vigilance has subsided, leaving CONAP and ACOFOP as lone actors in an increasingly dubious scenario of shrinking governability. Areas within the protected areas have come under the full control of the “narcos” who are reported to have expanded their operations into illegal land sales, as a means of protection. This has set off a dangerous precedent in the entire region (CONAP 2006a; CONAP 2006b; CONAP 2007). Illegal land markets for “improvements” or falsified titles in the registry will require higher level intervention by the State to put things in order. Both of these conditions have serious implications for the community concessions, their collective voice—through ACOFOP, and the future of the MBR.

But, the challenges also lie within. Community organizations and eventually enterprises that made up the concessionaire system were, in the beginning, nearly the only and surely most significant ones with a presence in this forested region. They became the salient reference point for all transactions outside the Government and conservation “extensionists” (international and national NGOs). In effect, they constituted the backbone of forest management and political peace within the MBR. However, since then many other organizations have come into being, as communities reap the benefits from their forest enterprise earnings, improved infrastructure, and communications. Committees and organizations for health and education, community affairs, and religion are far more numerous in the concessions than before.¹² The plethora of organizations within each concession has reduced the singular role of representation that the concessionaire organizations once enjoyed. Initially, they were the single most important interlocutor with outside interests. Today, they are one among many, who are sought after by outside interests. Additionally, the size of their membership base varies widely from concession to concession, only reaching the majority of community households in a few cases.¹³ Lastly, the relation between community and community enterprise is often not clear, leading to problems of decision making over reinvestment vs. benefit sharing, and eventually accountability.

The differences in the physical or biological endowments of the forest land allocated to communities make a fundamental difference in the opportunities they have for the success of their livelihood strategies. Forest extent and density of marketable species and NWFPs set the stage. While this is known, it is often not taken into consideration in the design of technical assessments, organizational strategies, and market projects. The dangers of underestimating these differences are serious when the secondary level organizations are established for the processing, transformation, or commercialization of products (timber or otherwise). Individual community participation will be different, as will livelihood and income benefit streams. Often expectations are created for equitable rewards, when the starting point for participation is seriously limited and inequitable.

A highly underestimated role of community forestry organizations is their need to defend the exclusion rights to their lands. This goes far beyond the physical role of defending borders. It

¹² Most of the community concessionaires have internal bodies (committees, commissions) dedicated solely to providing solutions to social issues related to water, education, and health. Some of them allocate a percentage of timber earnings to finance activities of communal social interest.

¹³ Community concessions where over 90% of the members are community settlers (Carmelita, Uaxactún) while others reside outside their forest areas whose members represent less than 10% of their municipality (although they represent over 263 members and over 700 direct beneficiaries).

implies sophisticated and healthy levels of representation with capacity for interpretation and communication to its membership of outside threats to tenure and resource rights. Leadership must have political savvy; it must develop extensive external networking with a budget and time frame to invest heavily in this role. In most of these remote forest areas, building the political linkages and capital with peasant organizations, Government officials, human rights organizations, international donors, and their forums for debate have been crucial for bolstering local capacity to defend exclusion rights from petroleum extraction, mining interests, and now tourism. Usually, this is coupled with the need for internal capacity to monitor, interpret, and constantly report incursions into the extensive forest lands under concession. This alone requires budget, mobilization, and time.

Finally, as new central governments are elected, the long-term commitment to the larger conservation efforts in the country may come into question. Community forestry concessions are hinged on this commitment. What will happen if a new government reverts its interests to the previous treatment of Petén (expansion of the agricultural frontier) attempting to roll back the gains made over the last 15 years? Will it be able to stave off the narco-power so prevalent in the region? Despite the fact that community concessions have labored arduously to meet the standards and criteria for certification of timber and NWFP production, advocate for community forestry at a significant scale, and train their own members to run their enterprises and represent their community interests, they are still a concession, with contracts (the bundle of rights) that must be ratified in the next 10 years.

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