

2014

**PATHWAYS TO FOREST GOVERNANCE  
IN CENTRAL AMERICA:  
LESSONS FROM FOREST TENURE  
REFORMS PROCESSES IN  
PETÉN (GUATEMALA) AND  
GUALACO AND GUATA (HONDURAS)**

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303.31  
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Pathways to forest governance in Central America: Lessons from forest tenure reforms processes in Petén (Guatemala) and Gualaco and Guata (Honduras) / Andrew Davis. – 1ª. Ed. – San Salvador, El Salv.: Fundación PRISMA, 2015.

sv

36 p.; mapas, col.; 28 cm.

ISBN: 978-99961-924-6-3 (inglés)

1. Tenencia de la tierra. 2. Manejo Forestal. 3. Pueblos Indígenas - Centroamérica. 4. Desarrollo Sostenible – Guatemala. 5. Desarrollo Sostenible – Honduras. I. Título.

This study was performed with the support of the ClimateWorks Foundation.



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# PATHWAYS TO FOREST GOVERNANCE IN CENTRAL AMERICA:

LESSONS FROM FOREST TENURE REFORMS  
PROCESSES IN PETÉN (GUATEMALA),  
GUALACO AND GUATA (HONDURAS)



Andrew Davis





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## Abbreviations and Acronyms

ACOFOP	Asociación de Comunidades Forestales de Petén
AFE- COHDEFOR	State Forest Administration – Honduran Corporation for Forest Development
AMPB	Alianza Mesoamericana de Pueblos y Bosques
CONAP	National Commission for Protected Area (Guatemala)
CONCOFOP	Comité Consultivo de Comunidades Forestales de Petén
FEPROAH	Federation of Agroforestry Farmers of Honduras
FORESCOM	Forest Services Community Enterprise
FPIC	Free, Prior and Informed Consent
FYDEP	Enterprise for the Promotion and Development of the Petén
FSC	Forest Stewardship Council
GIZ	Agencia Alemana para la Cooperación Internacional
ICF	National Institute for Forest Development and Conservation, Protected Areas and Wildlife
MBR	Maya Biosphere Reserve
MUZ	Multiple Use Zone
NGO	Non-Governmental Organization
NTFP	Non Timber Forest Product
PRORENA	Program for the Promotion of Sustainable Management of Resources and Local Economic Development
REDD+	Reducing Emissions from Deforestation and Degradation, Forest Conservation, Carbon Stock Enhancement and the Sustainable Management of Forests
RED HACAFOGG	Honduran Network of Community Forest Areas of Gualaco and Guata
RRI	Rights and Resources Initiative
USAID	United States Agency for International Development

# Introduction

The fate of the world's tropical forest ecosystems is increasingly recognized as closely intertwined with the global goals of poverty alleviation, addressing climate change, biodiversity conservation and the promotion of social and economic development (Belcher, 2013; Seymour & Busch, 2014). Yet despite the critical importance of achieving these goals, tropical deforestation continues unabated, and has even accelerated since 2000, with forests disappearing at an average rate of 2,100 km<sup>2</sup> per year (Hansen et. al., 2013). Nearly 75% of tropical deforestation between 2000 and 2012 was due to commercial agriculture (Lawson, 2014), promoted by policies that continue to support the expansion of large-scale agriculture, transportation infrastructure, energy and mining initiatives at the expense of forests and forest communities around the world (RRI, 2012a).

Increasing evidence is suggesting that recognizing community rights could be the most effective way to address these dynamics of deforestation while simultaneously achieving social and economic goals in tropical forests. The potentials of this approach have become clearer as lessons emerge from a number of forest tenure reforms, representing a growing trend towards community rights recognition since the 1980s (RRI, 2012). In the 20 years following the 1992 Rio Summit, over 50 rights-related laws were passed around the world, while recognition of indigenous and community areas rose from 21% to 31% (Ibid). These processes have generated a number of experiences showing community actors to be the most effective stewards of forests (Porter-Bolland et. Al., 2012; Nelson & Chomitz, 2009) while also demonstrating positive livelihood outcomes (Larson et. Al., 2010). In Latin America, where the bulk of these reforms have occurred, indigenous and commu-

nity forests have demonstrated particularly notable achievements – curbing deforestation several times more effectively than protected areas (Nelson & Chomitz, 2009).

Mesoamerica has remained on the cutting edge of these Latin American experiences, boasting a rich set of tenure reform processes. Approximately 65% of Mesoamerica's 83 million ha of forests is formally recognized community or indigenous lands. The modalities of the new tenure arrangements have varied widely, endowing the region with a broad array of institutional arrangements facilitating and mediating community access and management to forests, ranging from indigenous territories, to municipal lands and forests, to community concessions and contracts (PRISMA/MAPB, 2014).

Despite these advances, few of these processes have been analyzed and documented – depriving communities, academics and policy makers alike of critical lessons for achieving development and ecological goals in forests. This paper therefore attempts to contribute to filling this gap with a greater understanding of tenure reforms, through a review of two experiences of community forestry where major progress has been made:<sup>1</sup> One in Gualaco and Guata, Honduras and another in the Maya Biosphere Reserve of Petén, Guatemala. The community concessions of Petén manage approximately 380,000 hectares of forests in Guatemala's Maya Biosphere Reserve represented in the Association of Community Forests of Petén (ACOFOP),

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<sup>1</sup> For more detailed information on these experiences see the full reports (available in Spanish): From Degradation to Conflict: The Recognition of Community Rights in Gualaco and Guata, Honduras and The Struggle For Territorial Rights of Rural Communities: The Experience of ACOFOP in the Maya Biosphere Reserve available on-line at [www.prisma.org.sv](http://www.prisma.org.sv)

while the 58,000 hectares managed by Gualaco and Guata have led the way in a broader forest tenure reform in Honduras encompassing approximately 470,000 hectares of community forests across the country led by the Federation of Honduran Agroforestry Farmers (FEPROAH).

These experiences add to the body of evidence confirming the potential for rights to form the institutional foundation for community management of forests, aligning social and economic goals and incentives with environmental integrity. Like many other processes (Larson et al, 2010), these emerged from external encroachment on local lives and livelihoods. There may be an opportunity, therefore, to more actively support communities around the world subject to external pressures of deforestation towards better outcomes, especially where official state ownership of forests dominates, such as in Africa (93%) and Asia (60%) (RRI, 2014a).

Lessons from these two case studies in Guatemala and Honduras are also useful in understanding how community forests can best be supported to achieve optimal outcomes. This includes lessons on regulations: in both cases, government measures designed to ensure responsible stewardship have actually bogged communities down in bureaucracy, stifling opportunities for development, and even jeopardizing the community management model. Fortunately, both community groups analyzed here have effectively managed these obstacles and obtained positive local benefits thanks to a number of factors, including strong capacity to negotiate and respond to external requirements,

access to valuable timber resources, improved technical capacity, and effective articulation with markets.

Despite these successes, the rights held by the communities in each process are fragile and under serious threat of roll-back. In both cases, though especially in the highly coveted lowland forests of the Petén, communities have been forced to continuously struggle to maintain their rights and the ability to generate benefits from their forests. Second level organizations – umbrella organizations representing individual community forests – have been critical in these efforts through negotiations, dialogue and interaction with external actors to maintain community rights and benefits.

All of these experiences are useful for ongoing discussions and debates regarding forests and their role in addressing climate change, conserving biodiversity, reducing poverty and supporting social and economic development. Their lessons are particularly important and timely for discussions around payment-for-performance mechanisms such as Reducing Emissions from Deforestation and Degradation (REDD+), a global initiative that has seen enormous sums of money dedicated to complex technical issues, with much less progress on actual institutional transformations at local levels to enhance forest governance (RRI, 2014). The communities of Gualaco and Guata, and the community forests of the Petén add to a growing body of evidence showing how rights can establish the foundations for forest governance, critical for REDD+ and other forest-related initiatives.



# Origins of tenure reform in Petén, Guatemala and Gualaco and Guata, Honduras

The origins and evolution of the forest tenure reforms are critical in understanding the nature and scope of the new rights regimes in the community forest concessions of Petén and the community areas located in the municipalities of Gualaco and Guata, in Northern Olancho. These distinct pathways to reform are therefore briefly outlined in this section.

## Petén, Guatemala

The community forest concessions of Petén are located in the north and northeastern half of the Petén, Guatemala, situated in lowland and hilly humid tropical forests, with conditions considered suitable for agriculture, including several high-value agricultural goods such as African palm and papaya. These communities also sit above a highly coveted oil reserve, and are located amongst one of the highest concentrations of archeological remains of the ancient Mayan Civilization in the world. The communities discussed in this process are made up of a largely peasant (ladino) population with diverse forest and agriculture histories.

The origins of tenure reform in Petén can be found in the dramatic influx of migration from other Guatemalan Departments beginning in the 1960s, promoted by the newly created and autonomous Departmental Authority named the Enterprise for the Promotion and Development of the Petén (FYDEP), charged with distributing the land and resources of the Petén, the most forested Department in the country (Schwartz, 1990). This colonization policy attempted to alleviate demands for land from poor and landless farmers in a country marked by extreme inequality, turning the Petén into an

“escape valve” which came to replace the land reforms truncated by the overthrow of the Arbenz administration in 1954 (Ibid). Yet FYDEP ultimately encouraged the distribution of land to poor farmers but also aggressively promoted the expansion of large-scale ranching and industrial forest concessions (Ibid). By the second half of the 1970s, in the midst of a civil war which stretched from 1960 to 1996, the Petén had degenerated into a territory dominated by the parallel political power structure of military elites, who distributed land unequally and unsustainably to political allies. During the same time period, the brutal repression of peasant and indigenous organization led to the massacre of hundreds of communities, and the flight of many more to Mexico – leading to a general breakdown of rural life in the country (Vela, 2012). In the Petén, the result was a chaotic “no man’s land” where brute force prevailed and deforestation continued unabated through the 1980s (Schwartz, 1990; Elías, 1997; Vela, 2012).

It was not until the late 1980s in the context of increasing national and international attention around this environmental degradation that a response was mustered. This took the form of the Maya Biosphere Reserve (MBR), a complex of protected areas in over 2 million hectares in the Northern half of the Department, split into three different land-use categories: “core” zones (747,000 ha) containing protected areas, biotopes and natural monuments and representing the strictest conservation areas; the buffer zone (467,500 ha) – a horizontal strip running across the Southern end of the park where private property activities would be monitored and regulated by CONAP; and the Multiple Use Zone (MUZ) (864,300 ha) where certain man-

Map 1. Location of the Maya Biosphere Reserve, Petén Guatemala



Created by PRISMA based on CONAP (2001).

agement activities would be permitted (Elías and Monterroso, 2014). The signing of Legislative Decree 5-90 into law in 1990 entrusted the MBR to the newly formed National Council of Protected Areas (CONAP), following the dissolution of FYDEP in 1989. Yet more importantly, it effectively outlawed basic livelihood activities of communities residing within the MBR, (Gómez & Méndez, 2005; Radachowsky, 2012). Tensions quickly escalated: communities protested against the onerous regulations, demanding access to forests, and CONAP found itself unable to control the vast forests of the MBR. Meanwhile, chaotic deforestation rapidly accelerated within the MBR as loggers and ranchers took advantage of the governance void to exploit its plentiful natural resources (Gómez & Méndez, 2005).

In the midst of this degradation, disparate social groups began to congeal around common interests and proposals into a united front, bringing together an alliance of some longstanding labor unions for timber and chicle<sup>2</sup> production, in addition to other communities that had arrived more recently and had a history more strongly rooted in agriculture (Gómez & Méndez, 2005; Elias & Monterroso, 2014). In 1995 these communities formed the Consultative Committee of Forest Communities of the Petén (CONCOFOP), which by 1997 obtained formal legal status as the Association of the Community Forests of Petén (ACOFOP). ACOFOP lobbied the government for community access and management for the multiple use zone (MUZ) of the Maya Biosphere Reserve

<sup>2</sup> Latex of the sapodilla tree.

(MBR), which had initially been envisioned as an area for use by industrial forest concessions (Elías and Monterroso, 2014). Though this proposal met substantial opposition from both government and forest industry interests, a series of factors converged to tilt the scales in favor of the communities, including continued pressure from community groups; ongoing chaos and deforestation in the MBR and CONAP's inability to mount an effective response; the signing of the Peace Agreement ending Guatemala's 36 year old civil war in 1996, which stipulated that 100,000 ha of forest must be turned over to groups organized for forest management; the growing perception by

NGOs that communities could be potential allies of conservation organizations; and the poor environmental track record of industrial forest concessions during previous decades (CONAP, 1993; Gómez & Méndez, 2005; Nittler and Tschinkel, 2005; Monterroso, 2006).

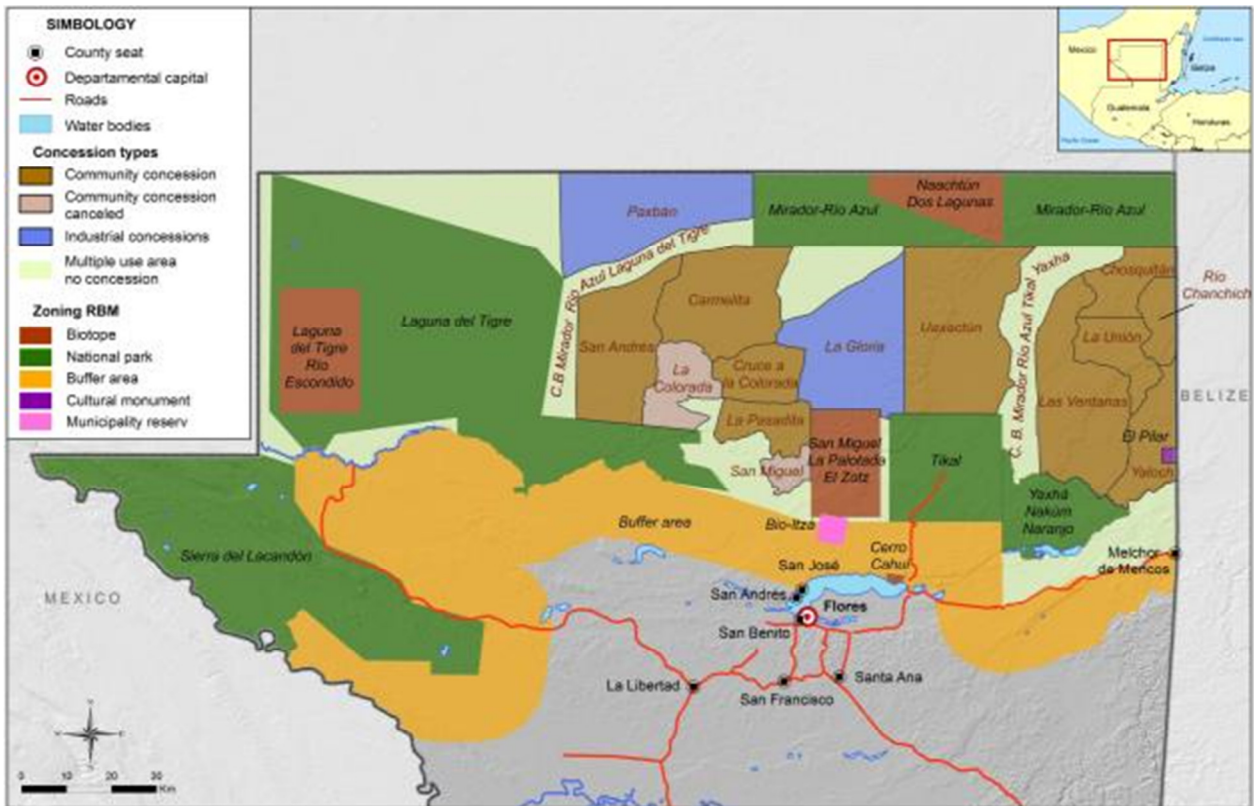
The community concessions were thus created, constituting a new mechanism for communities to exercise rights inside the MBR. The first pilot concession had been created in 1994; by 2001 the territorial extension of community forest concessions had grown to over 378,000 hectares (Gómez & Méndez, 2005).

**Table 1. Community Forest Concessions of Petén**

Management Unit	Organization	Ha	Contract signing date	# of Partners or # of direct beneficiaries
Rio Chanchich	Sociedad Civil Impulsores Suchitecos SCIS	12,173	1997	50
Chosquitán	Sociedad Civil Laborantes del Bosque	19,390	2000	96
Uaxactun	Sociedad Civil Organización, Manejo y Conservación	83,558	2000	225
La Union	Sociedad Civil Custudios de la Selva	21,176	pending	96
Yaloch	Sociedad Civil El Esfuerzo	25,386	pending	41
Las Ventanas	Sociedad Civil Arbol Verde	64,974	2001	344
Cruce a la Colorada	Asociación Forestal Integral Cruce a La Colorada	20,469	2001	65
San Miguel la Palotada	Asociación de Productores de San Miguel - Suspendida	7,170	1994	30
La Pasadita	Asociación de Productores de La Pasadita	18,817	1997	74
Carmelita	Cooperativa Integral de Comercialización Carmelita	53.797	1997	88
San Andrés	Asociación Forestal Integral San Andrés	51.940	2000	178

Source: Compiled by author based on interviews and Canales Motiño et. al., n.d.

Map 2. Community concessions of the Maya Biosphere Reserve, Petén



Source: Created by PRISMA based on CEMEC, CONAP (2013).

### Community Areas in the Municipalities of Gualaco and Guata, Honduras

Similar to the Petén, the forests of Northern Olancho were long considered a region rich in natural resources and generally isolated from the rest of the country. The forest communities in the municipalities of Gualaco and Guata reside principally on mountainsides where pine predominates alongside smaller extensions of broadleaf forests. These communities have lived in the territories of Northern Olancho for generations; many are descendants of indigenous Nahuatl people, though the culture has largely been lost in this area. Small scale subsistence farming and ranching are the main traditional livelihood activities, while larger scale ranching has grown in recent decades in

the surrounding valleys. The sandy soils of this region are considered poorly suited for agriculture – the principal large scale economic interests in the region come from the forest industry, ranching and some recent speculation from mining companies (RED HACOFOGG, n.d.; MFEWS, 2005).

The rights reform in Gualaco and Guata finds its origin in a resource conflict that began to intensify in the late 1980s and early 1990s, as new pressures over the forests of Olancho emerged. The most serious of these came from the forest industry, which arrived in force following the depletion of reserves in other parts of the country (Davis, 2014). A new Modernization Law (1992) also played a role in facilitating these pressures by returning private and mu-

municipal forests to their owners prior to the nationalization of forestlands in 1974. In practice, however, the law had more far-reaching effects, leading to new private claims and illegal private appropriations of national forest land. The Modernization Law also privatized the forest industry, which would operate and manage forest concessions allocated by the AFE-COHDEFOR (State Forest Administration – Honduran Corporation for Forest Development) through licenses, auctions and permits. Yet the limited capacity of the forest agency, along with numerous reported cases of corruption, led to the exploitation of forests far beyond the officially allotted limits. As these patterns of environmental destruction increased, so did local “chemiceria”, or the small-scale and haphazard felling of trees for individual sale (Documento de Sistematización, 2013).

This degradation became widespread across Olancho, the national hotbed for resource conflict during the 1990s and early 2000s as uncontrolled logging and the expansion of the agricultural frontier eroded the natural resource base. Between 1990 and 2000 the department lost 10% of its forests, inducing dramatic soil and water degradation, and severely damaging the livelihoods of the majority of rural communities practicing subsistence agriculture and agroforestry (EIA, 2005; Soso y Tinoco, 2007). Pine was the most highly illegally exploited species, the majority of which was exported internationally. The bulk of these illicit activities enjoyed close ties to prominent businessmen and politicians, a fact which was later delineated by a report from the Environmental Investigations Agency (EIA, 2005). The forests of Gualaco and Guata were particularly severely damaged – the largest and best timber reserves were felled, and by 2004 forest fires covered almost the entire municipality of Gualaco, placing it among the areas most affected by forest fires in the country (Documento de Sistematización, 2013).

This context of degradation and livelihood erosion gave birth to new community responses in Gualaco and Guata. The damage to water resources in particular sparked collective responses in the communities, thanks in part to local watershed management committees. Various defense strategies were employed, including public demonstrations, road blocks, protests outside of the local municipality and the regional office of the national forest administration (located in Gualaco) (Davis, 2014).<sup>3</sup> The voices of these communities were amplified with the creation of a “Forest Forum” in 1998, where the recently elected Mayor – concerned with the social and environmental degradation in his municipality (and the less than 1% royalties received by the municipal government) – convened forest communities, ranchers, industrial forest representatives and the national forest administration for open dialogue. Though the larger economic interests did not remain active in this forum for long, the space continued to be an incubator for community action and proposals – strengthening cohesion between many communities around their common resource interests (Ibid).

In 2002 the Forest Forum ceased to function with the departure of the Mayor, though the dialogue between these communities continued, and benefitted from important support from an international cooperation project called the Program for the Promotion of Sustainable Management of Resources and Local Economic Development (PRORENA) funded by GIZ. During this time period communities learned of other initiatives in Honduras where communities had gained access to forests, and discussions emerged regarding the possibility of a similar proposal for Gualaco and Guata. This occurred within a broader context of intensify-

<sup>3</sup> These were deployed in parallel to other more hazardous individual methods such as enforcement of the “war tax”, where local residents would charge external actors for access to their forests under threat of violence.

ing outcries regarding the widespread corruption institutional failure in the forest sector that contributed to the ongoing deforestation in the country, and had given rise to environmental protests and conflict across Olancho (Sosa y Tinoco, 2007). Conflict, including violence, was breaking out in numerous confrontations between communities, loggers and security forces. The state found itself under pressure not only from local protests, but also from the forest industry who saw their concessions disputed by local communities. In the midst of these circumstances and increasing pressure over the government to respond, the pro-active proposals made by the communities in Gualaco and Guata prospered: the government negotiated contracts which would allow the commu-

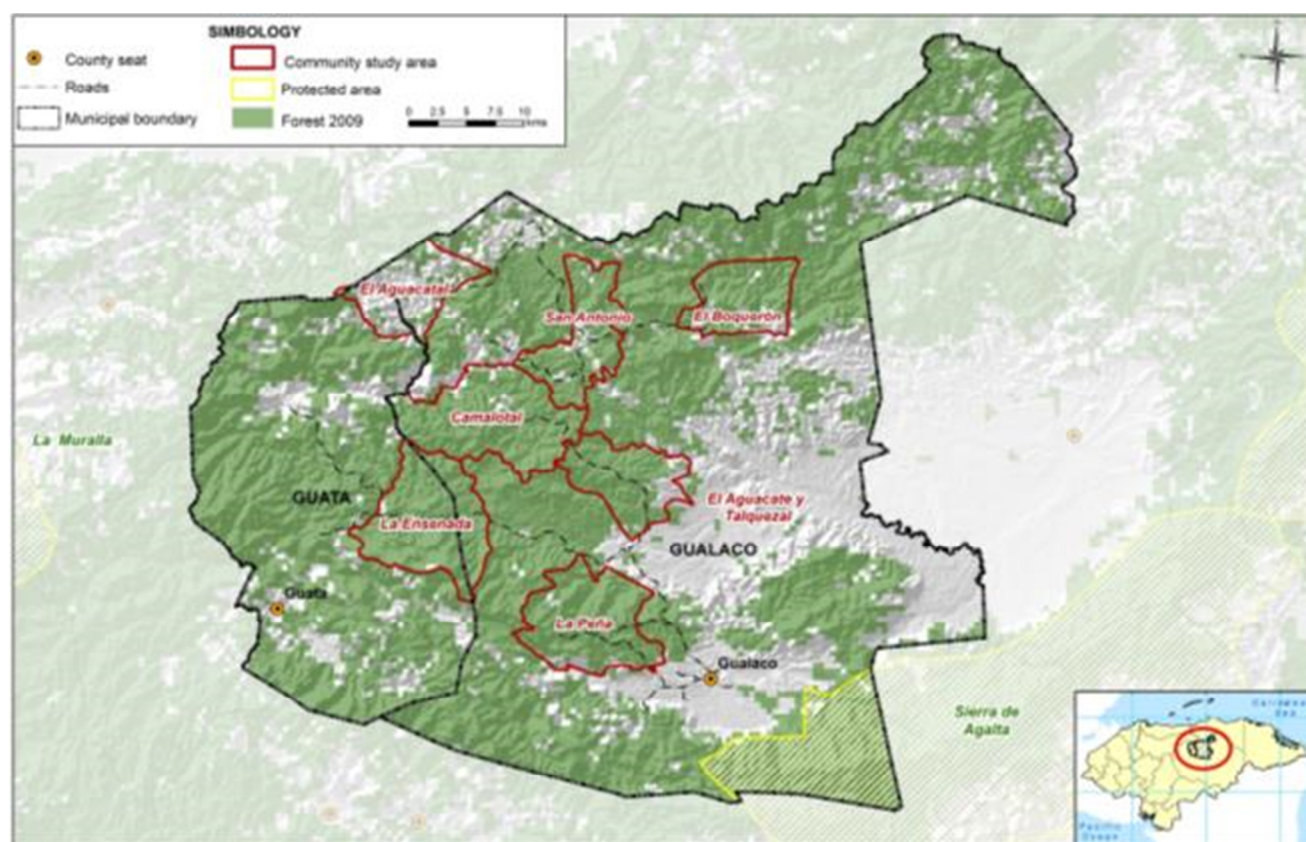
nities long term access, use and management rights in national forests. It was understood that this community rights mechanism would be part of the eventual Forest Law ultimately passed in 2007. These were initially short term contracts signed between 2004 and 2006, which were later replaced by long-term 40 year contracts protected by the 2007 forest law. The Gualaco and Guata communities thus became the pioneers of a growing movement in Honduras promoted by the Federation of Agroforestry Farmers of Honduras (FEPROAH), which has ensured community rights over 470,000 hectares of forests nationally and representation across the country based on the Forest Law of 2007 (PRISMA/MAPB, 2014).

Table 2. Community Areas in Gualaco and Guata

Community Area	Agroforestry Organization	Ha	Date of contract signing	Year of Expiration	Number of families
La Peña	Agroforestry Cooperative Flores Nuevas	8,238.96	06/03/2011	2051	195
San Antonio	San Antonio Cooperative	6,153.00	06/03/2011	2051	127
La Ensenada	Áreas Verdes Agroforestry Cooperative	9,296.45	06/03/2011	2051	265
Talquezate-El Aguacate	El Paisaje Agroforestry Cooperative	5,669.00	06/03/2011	2051	70
Camolatal	Brisas de Oro Verde Agroforestry Cooperative	10,185.00	06/03/2011	2051	120
Boquerón	Boquerón Limitada Agroforestry Cooperative	5,130.92	13/05/2009	2014	250
El Aguacatal	El Tesoro Association of Agroforestry Farmers	5,423.21	13/05/2009	2014	437

Source: Compiled by author based on interviews and Canales Motiño et. al., n.d.

Map 3. Community Areas of Gualaco and Guata, Honduras



Source: Created by PRISMA based on SINIT (2009) and Documento de Sistematización (2013).

## New rights & new rights-holders: building new governance institutions

While each process of rights recognition emerged from its own context, the rights regimes eventually implemented have striking similarities. In order to understand the similarities and differences in each tenure reform, this section draws on the conceptualization of tenure as a “bundle of rights” (Box 1). This discussion is accompanied by Table 3 and 4 which visually depict the bundle of rights in a matrix, vertically separating each right, and horizontally distinguishing between the community and individual rights-holders. The arrows illustrate the change of each right involved in the tenure reform (state to community, individual to community, etc.).

Access rights were recognized in both cases. The Guatemalan concessions granted access rights for non-resident communities (ie. communities living outside the management area) as well as the formalization of access rights for

resident communities. Communities in Gualaco and Guata, meanwhile, saw their previously informal access rights as residents formalized in the reform. Use rights were also expanded for both groups, as new extraction opportunities became available in what was previously a protected area (Guatemala) and a nationally owned forest (Honduras). In Guatemala, this also meant that previous informal and individual chicle and xate activities were formally transferred to the community concessions.

Importantly, both cases also involved the transfer of management rights which were subject to ongoing state approval. Exclusion rights were also partially granted, in agreements where both communities and the state would in principle share the responsibility of excluding third parties from accessing the community forests (Larson et. al., 2010; Elías and Monterroso, 2014; Davis, 2014).

### Box 1. The bundle of tenure rights

Tenure rights are frequently understood as a ‘bundle’ of rights divisible into two categories: user and decision-making rights. User rights include access, which refers to the right to enter a defined physical area, and withdrawal, which refers to the right to obtain “products” from a given resource (Schlager & Ostrom, 1992). Decision-making rights refer to management, or the right to “regulate internal use patterns and transform the resource by making improvements”, exclusion, which refers to the “right to determine who will have an access right, and how that right might be transferred”, and alienation, understood as the right to sell or lease either or both management and exclusion rights (Ibid).



**Table 3: Tenure Reform in the Community Forest Concessions in the Maya Biosphere Reserve (MBR)**

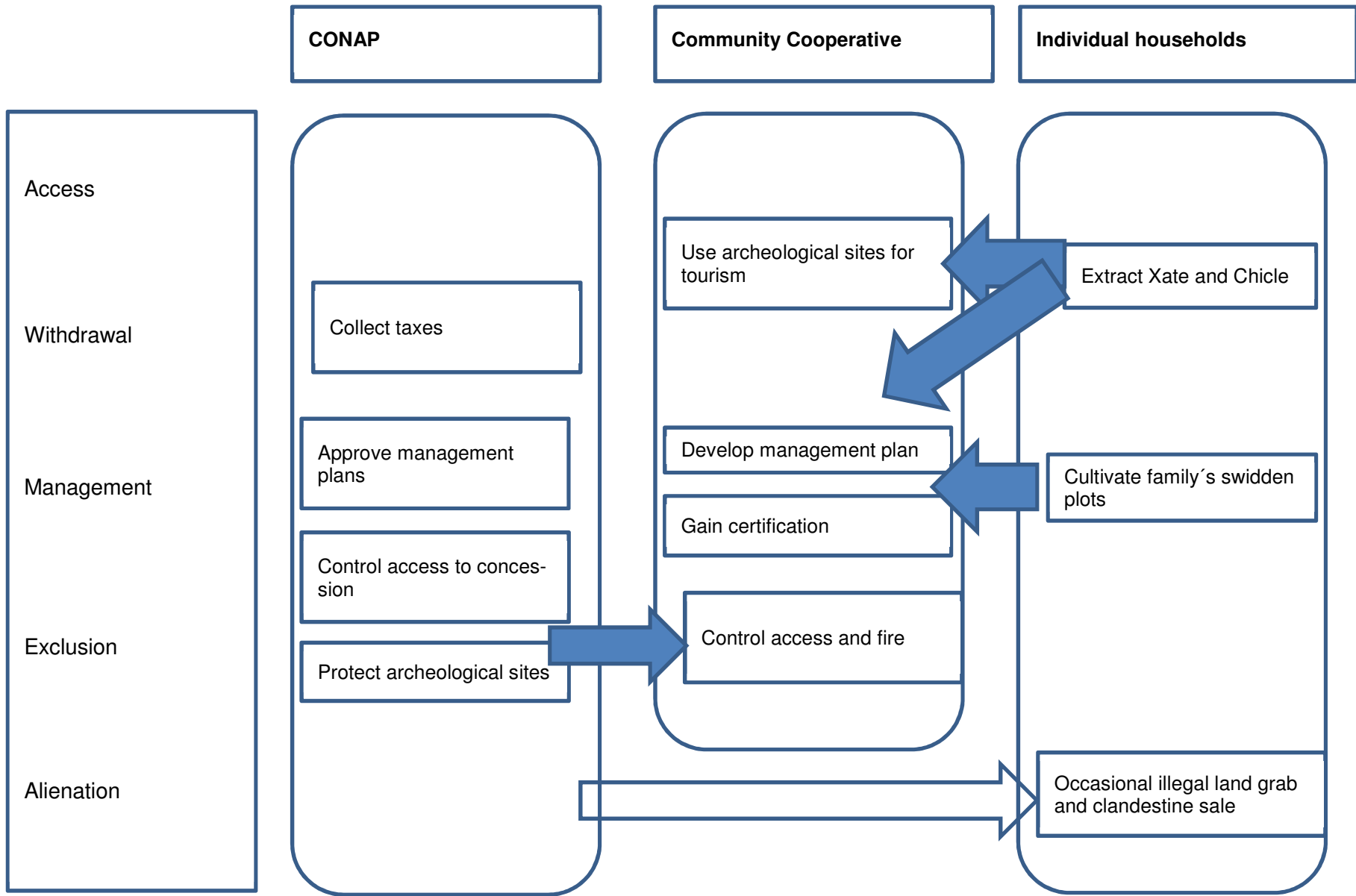
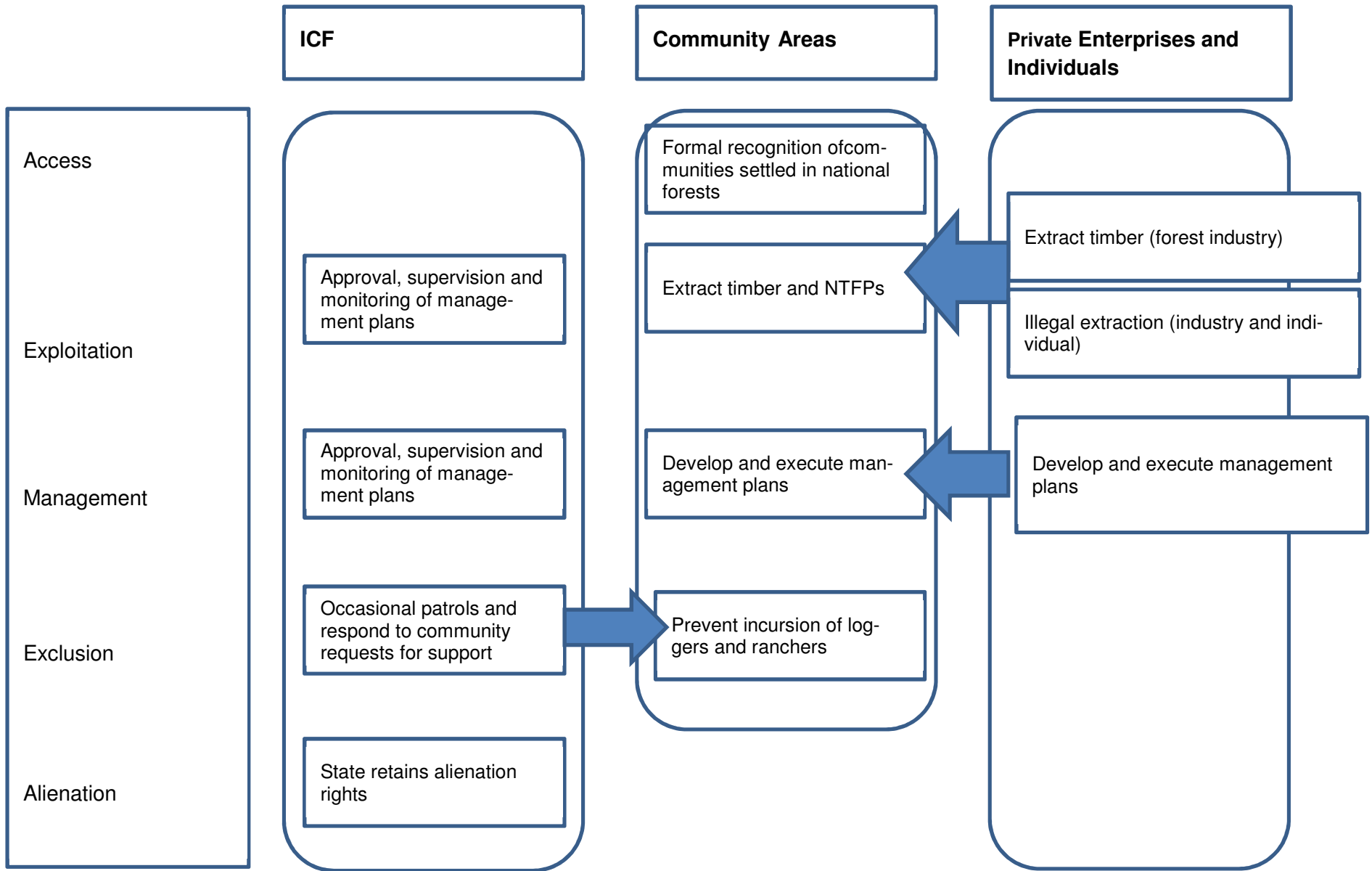


Table 4. Tenure Reform in Gualaco and Guata



The implementation of these rights has required the construction of a new series of organizations and internal rules, norms and practices. The local organization charged with developing these internal institutional arrangements consists of 7 Community Cooperatives in Honduras, and the 12 Cooperatives, Associations and Civil Society Organizations created in Guatemala, each of which correspond to individual “management units” (in Guatemala) or “community areas” (Honduras). The transfer of rights was conditioned upon the existence (or formation) of these organizations which have led the on-the-ground implementation of rights in individual areas (Elias & Monterroso, 2014; Davis, 2014). Both processes have emphasized participation from the early stages of the concessions – which emerged as a natural extension of the social movement for rights. In both Guatemala and Honduras, these organizations have created transparency and accountability mechanisms, and hold regular assemblies for addressing community wide issues, defining community priorities and for the election of leaders (Eliás & Monterroso, 2014; Davis, 2014).

The conditional management rights in both cases have implied co-management arrangements with the state: CONAP in Guatemala, and the Institute of Forest Conservation (ICF) in Honduras. This included a series of requirements that communities had to comply with to obtain rights. In Guatemala, rights were only transferred after local organizations had gained legal status, in addition to the presentation of formal management plans approved by CONAP, delivering an environmental impact statement (EIA), and achieving Forest Stewardship Council (FSC) certification of forests within three years of the granting of the concession (Larson et. al., 2010). In Gualaco and Guata, communities were obligated to form community cooperatives<sup>4</sup> with the participation of at

least one family member from every family in the communities, in addition to a formal commitment to sustainable forest management according to the regulations of the ICF (Eliás & Monterroso, 2014; Davis, 2014).

In order to maintain their rights over time, these communities are also obliged to comply with ongoing requirements and regulations such as passing certification audits, evaluations and compliance with management measures defined by CONAP and ICF. In both cases, this has meant a substantial burden on communities, either imposing costs, restricting benefits, or both. In the case of ACOFOP, the requirements to obtain certification implied heavy start-up costs: approximately US\$10 million was invested to create the start-up conditions for the concessions, and to introduce and support the FSC certification scheme (Larson et al, 2010). Meanwhile, the costs of preparing and approving Annual Operating Plans are estimated at 5 to 8% of operating costs. The first pilot concession – San Miguel la Palotada – was actually unable to meet these requirements, as it had been assigned a small forest area with depleted resources, in addition to a heavy regulatory burden (Ibid).

The Gualaco and Guata communities are also subject to Annual Operations Plans, in addition to a number of regulations that have substantially increased operating costs. A tax on timber exploitation to the ICF, for example, represented 36.5% of operating costs – pushing total costs only one to two percentage points over market prices, a margin sufficient to effectively stall sales. Other requirements include down

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though they are part of a dual institutional structure shared with Intercommunity Councils of *Patronatos*. These councils represent groupings of individual *patronatos*, the most local form of government present at the level of each community. Rights are actually devolved to the Councils of Patronatos, with an agreement that the cooperatives have the mandate for forest management, and that benefits from forest management are shared between the Cooperatives and the Councils.

<sup>4</sup> These community cooperatives are in charge of the forest management activities performed in the community area,

payments for Annual Operating Plans, of up to US\$10,000 for a single year, approximately half of average revenue earned in years with strong market demand (Davis, 2014). Fortunately, thanks to persistent lobbying and negotiations performed by the communities, these restrictions have been reduced or eliminated (some only very recently), opening new commercial opportunities for the communities in 2014 (Ibid).

The exercise of shared management and exclusion rights and responsibilities between communities and the state have generated mixed experiences. On the one hand, positive results have been achieved through technical capacity building, made possible especially due to donor support (GIZ in Gualaco and Guata and USAID and in the Petén) (Davis, 2014; Elías and Monterroso, 2014). Some support has also been provided in preventing outsider intrusion in both cases, through checkpoints, for example, in the MBR, and occasional patrols in Gualaco and Guata. Important assistance has also been available to respond to large forest fires in Gualaco and Guata. Despite these experiences, however, state support is not always forthcoming due to limited budgets and capacities. It is common therefore for significant burdens to fall on communities – who are constantly at the front line of defense of their forests and obligated to respond to threats, whether assistance is available or not (Davis, 2014; Elías and Monterroso, 2014; Larson et. al., 2014). This burden is especially acute in the Petén, where ongoing land pressures and illicit activities are rampant, and state capacity to support the community concessions has been limited. This has become particularly evident in three small community concessions that have experienced serious challenges with external land grabbing linked to organized crime, and have thus not achieved certification (Radachowsky et. al., 2012).

## Second level community organizations

The acquisition of new rights has implied the construction of institutional arrangements on three levels. The first involve the institutions related to the arrangements within each community area/concession already discussed. The second relates to the rules that mediate interaction between these individual areas, while the third encompasses the agreements, relations and interaction with external actors and processes (Elías and Monterroso, 2014). In an interesting parallel, the second and third level institutional arrangements have been implemented in both processes by second level organizations, or umbrella institutions that bring together and represent the different community areas. In Guatemala, this involved the formation of ACOFOP, which – as previously described – actually pre-dated the concessions and led the demands for community rights. ACOFOP is made up of a General Assembly – the highest level of authority of the organization, with representation from each of its members – in addition to a Board of Directors, Auditing Committee and Executive Management team. Since the inception of the rights process, ACOFOP has functioned as a representative organization of the community concessions, and has ended up playing a critical role in assisting individual concessions in market negotiations, management issues, and even day to day needs (such as transportation to hospitals for remote communities). Perhaps most importantly, ACOFOP has actively defended the concessions from external threats. This includes, for example, successful lobbying efforts that fended off a legislative initiative for the expansion of the Mirador National Park, as well as efforts to defend the communities from oil concessions, both of which would have implied the loss of rights and damage to livelihoods for the concessions (Elías and Monterroso, 2014; Larson et. al., 2010).

In Gualaco and Guata, individual community area organizations also decided to form a second level organization, called RED HACAFOGG - which brings together the 7 community areas of Gualaco and Guata. This space emerged out of the dialogue between communities that dealt with similar issues of ensuring territorial security, building successful enterprise models, etc. After many informal meetings and collaboration between these different communities, the second level organization of RED HACOFOGG was officially formed in 2008, and is made up by both Inter-communal Patronatos and Cooperatives from all of the community areas, as well as three women's groups that have organized in the community areas (Davis, 2014). RED HACOFOGG has been crucial in ensuring equity in market participation and access of individual communities, for example, establishing

cooperative rules that safeguard fair access to markets when timber demand has been limited, ensuring that individual cooperatives share and rotate access to buyers, and avoiding advantages emerging from some concessions due to relative distance to markets (which vary substantially between some communities) (Ibid). At the same time, the RED HACOFOGG communities have incorporated themselves in the national Agroforestry Farmers Federation of Honduras (FEPROAH). This second level organization has been critical in advocating for key community efforts, such as the removal of regulatory obstacles for the development and consolidation of community forest enterprises. It has also led the national forest movement, promoting and drawing on the experience of the communities of Gualaco and Guata, to expand the recognition of community rights across the country (Davis, 2014; PRISMA/AMPB, 2014)

# Results of forest tenure reforms

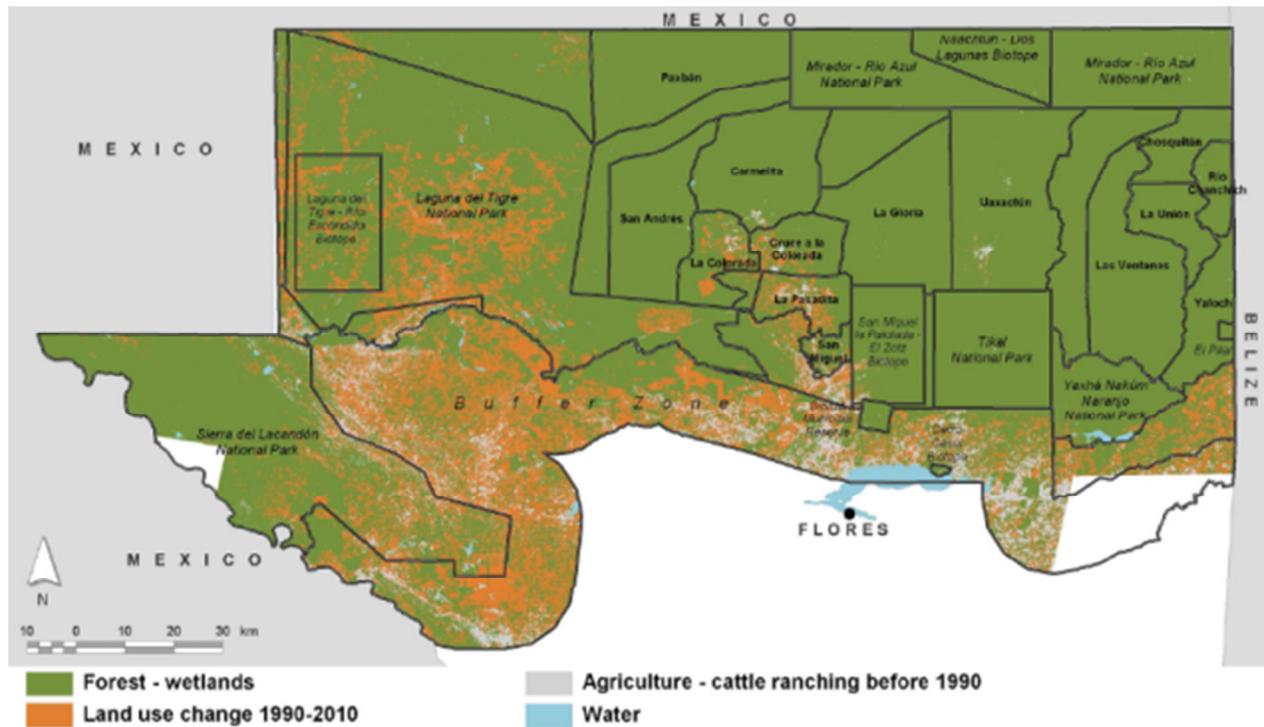
The implementation of rights in both Guatemalan and Honduran cases have led to significant ecological, social as well as livelihood and economic benefits. This section briefly outlines these outcomes.

## Ecological Results

Both cases have demonstrated remarkable achievements in reversing the deforestation and degradation that prevailed prior to the recognition of rights. In ACOFOP, the community concessions stand in stark contrast to the other areas in the MBR, including the “buffer zone” to the South and the “core” protected areas to the West (Sierra del Lacandon and Laguna del Tigre) which have experienced significant deforestation. The most dramatic deforestation in

the Sierra del Lacandon Park came prior to 2000, while the deforestation in Laguna del Tigre has increased substantially since that same year (Radachowsky, 2012). The overall result has been dramatically lower deforestation rates in the community concessions as compared to the other areas of the RBM. The FSC certified concessions have seen deforestation rates of 0.008% between 2001 and 2009, in comparison to the national park average of 1.18% during the same period (Radachowsky, 2012). Even taking into consideration the concessions that are not certified due to illegal land grabs linked to organized crime, the average deforestation rate of concessions in the MBR between 2001 and 2009 stands at 0.45%, over two and a half times lower than the average rate in the MBR (Ibid).

Map 4. Deforestation in the Maya Biosphere Reserve 1990 – 2010



Source: Radachowsky et al., 2011.

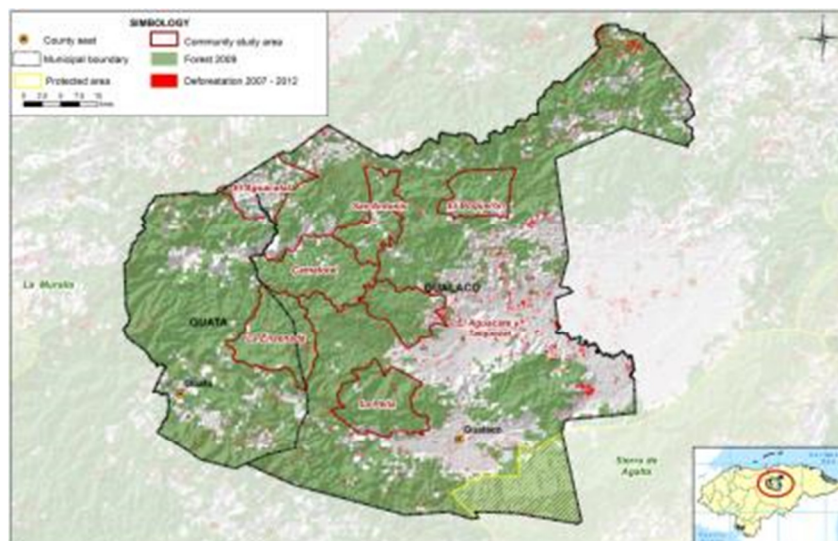
The community areas of Gualaco and Guata in Honduras have also shown positive ecological results. The forest fires that were widespread prior to the formation of the community areas have been all but eliminated: since the creation of the community areas, fires have only affected 1.5% of community forests (Documento de Sistematización, 2013). Government officials also confirm that communities have now completely eliminated illegal logging in their forests

(Davis, 2014). These ecological results are also illustrated in maps of the community areas, comparing the time period prior to the formation of community areas (2000 to 2006) and that following this formation (2007 to 2012). This also contrasts with ongoing and accelerated deforestation that continues in neighboring territories to the West, North and East of Gualaco and Guata (Cuéllar et. al., 2014).

**Map 5. Deforestation in Gualaco and Guata 2001 – 2006**



**Map 6. Deforestation in Gualaco and Guata 2007 - 2012**



Source: Created by PRISMA based on SINIT (2009), Documento de Sistematización (2013) and Hansen (2013).

## Livelihood and economic results

Both ACOFOP and the communities of Gualaco and Guata have achieved important gains in building local economies to support local lives and livelihoods. The success in the community concessions – with over two decades of progress and consolidation – is particularly notable, and now includes significant levels of income not only from the timber exploitation, including high-value species such as mahogany, but also include FSC and Rainforest Alliance certification for many value-added activities such as kiln drying, timber carving, sizing and surfacing as well as the production of staves, wood floors, doors and furniture (seats, cabinets, bookshelves, dressers, etc.) for both national and international markets (Elías and Monterroso, 2014). A great deal of progress has also been made with non-timber forest products, for example, such as xate (a decorative palm), which also boasts linkages with both national and international markets, and is entirely in the hands of female members (Ibid). These economic activities are now organized in FORESCOM, bringing the economic activities of the different concessions together. In 2008, FORESCOM generated approximately USD\$5.8 million in income from timber sales, and USD\$181,000 from xate sales. Timber activities generate approximately 3,000 jobs annually, and in 2003, it was estimated that the average income for concession members (including wages and dividends) averaged USD\$1,140 for an average of 39 days of work, the equivalent of approximately 6 months of average wages in the Petén (Radachowsky et. al., 2012).

In Gualaco and Guata, rights have clearly strengthened community livelihoods, beginning with improved quality of water and soils – which has been critical for adapting to changing climate patterns that have severely affected Honduras (Documento de Sistematización, 2014). Immediately following the granting of

rights in 2007 and 2008, the organizations registered an average gross income of US\$62,500 per organization, and profits of US\$19,230 (Documento de Sistematización, 2013). These margins even increased in the following years thanks to collective negotiation performed by the RED HACOFOGG. Impressive as they are, this revenue could have been much higher and remained within the sustainable management plans outlined by the forest administration ICF (especially following the outbreak of pine beetle plagues in 2005 and 2006 which left large amounts of dead wood), but the communities were unable to do so due to a 1992 law that limited all community forest production to 1,000 cubic meters per year (Davis, 2014). From 2010 to 2014, timber production entered into a period of stagnation, due to a drop in prices (due in part to illegal logging in national forests in other parts of the country resulting in market flooding). In the absence of timber markets, the communities have developed other non-timber forest product opportunities, such as resin and pine needle artisan work – which have constituted important sources of income. The employment generated in the community areas averaged approximately US\$5 per day from 2007 to 2010, and by 2013 were averaging almost US\$7 per day, several times higher than the average daily wage of US\$1.8 – 2.5 per day prior to rights recognition (Davis, 2014). Thanks to aforementioned negotiations which achieved the removal of community restrictions– timber market opportunities appear to be increasing: at the time of publication, the communities of Gualaco and Guata were entering into new commercial negotiations (Davis, 2014).

It should also be noted that the community rights granted have translated into other benefits observed at the household level. For example, the recognition of these communities has provided formal legal standing, which has eluded the majority of rural people in Honduras and constituted a major obstacle to credit



(PNUD, 2011). This recognition in Gualaco and Guata has allowed households to obtain credit through the community organization for improvements in household economies, such as shade-grown coffee initiatives (Davis, 2014).

## Social Results

Both the community forest concessions and Gualaco and Guata boast a number of achievements in social impacts. In ACOFOP, a number of community concessions have invested in education, training and scholarship programs which have benefitted community members and their families. Illiteracy rates have fallen in some communities, for example in Carmelita, from 40% in 2001 to 32.8% in 2007 (Monterroso and Barry, 2010). The gains in technical capacity for forest management are also a major achievement in both processes, with community members performing critical roles once performed by NGOs or state institutions (Elías and Monterroso, 2014; Documento de Sistematización, 2013). In Gualaco and Guata, a number of impacts have also been observed – with over \$40,000 being destined to social projects through 2010 (Documento de Sistematización, 2013). This has included the provision of electricity through solar panels by the municipality with co-financing from the community areas, along with the construction of a potable water aqueduct system. Road construction and maintenance have also been a major benefit for these remote mountainous communities, which have improved access to markets as well as to other public and private services (Davis, 2014).

Both ACOFOP and Gualaco and Guata have also demonstrated progress in gender equity in regions where patriarchy is a prominent cultural feature. In ACOFOP, since the early years of the community concessions, a gender unit has worked to promote the participation and benefit generation for women in the concession process, leading to important achievements in a

relatively short period of time. In some communities, female membership has increased significantly, rising in one community from 14% in 1996 to almost 50% in 2007 (Monterroso and Barry, 2010).

Some of the most important gender gains in both processes have occurred in through women's groups organized around Non-Timber forest Products (NTFPs). In ACOFOP, women's groups have organized around the production of xate, and ramon; women's groups control the entire production chain for these products. These products have strong market linkages and have generated important benefits: for example, the production of xate in 2007 generated a total of \$181,000 in revenue for women's groups. These activities have played a key role in the empowerment of women – which despite ongoing challenges, have made important progress in amplifying women's participation in the community concession process (Elias and Monterroso, 2014).

In Gualaco and Guata, three women's groups have formed around the production of artisan work (bowls, vases, etc.) made of pine-needles. These groups are subsidiaries to the cooperatives and have their own mechanisms of production, quality control and marketing, and generate an annual income of above US\$50,000. Permanent commercial agreements have been achieved in nearby towns. The sale of these products is based on an hourly rate of US\$1.00 per hour, more than three times the average wage rate prior to the creation of the community areas. The women receive individual wages, although they also have created small mutual support funds for the administrative management of the business. Members report an increase in personal income, a greater ability to fulfill basic needs in the home, and are also demonstrating leadership in the community areas: in 2014, a member of one group (The Landscape Microenterpris/Microempresa el

Paisaje) was elected President of the Aguacate Community Area (Davis, 2014).

Other notable results for the community concession process and Gualaco and Guata include those related to social cohesion and collective action. First, the very formation of new collective action institutions capable of organizing large scale forest management and forest enterprises is an enormous achievement in itself. This success is especially notable given the fact that these organizations are actually new social arrangements that embody the transition of spontaneous and defensive social protest into permanent institutions for collective action. In Gualaco y Guata, historical inter-community rivalries or disputes were overcome through years of dialogue (Davis, 2014). In Guatemala, the brutal repression of social organizations during the civil war made for a particularly adverse backdrop for social organization (Elías and Monterroso, 2014). Yet both processes were able to overcome these challenges, achieving the livelihood and ecological gains previously mentioned.

Finally, the social and political empowerment of these communities has also been a critical achievement in the community processes. In Gualaco and Guata, communities report enhanced political clout in municipal level politics, as community divisions based on national parties have weakened, while local politics based on the rights and livelihoods of the community concessions have strengthened, resulting in greater influence in municipal level policies. One community member in el Aguacate, Guata describes this transition:

*Before, we were sorry because the future of our children was in the hands of other people who held the power. Now we have that power and we can define the future. Now we can go to international cooperation or the municipality and we can make our own proposals, even with our own money as a community area; before, we never imagined that could even be possible.*

Since the recognition of rights, the community areas in Honduras have also freed themselves of most forest industry pressures over their forests - allowing the communities focus on strengthening and consolidation of the community benefits (Davis, 2014). Similar empowerment is reported in ACOFOP, where prior to the recognition of rights, communities found themselves weak and fragmented and with little capacity to form a united front against powerful external actors. Even at the early stages of the concession process - communities were forced to struggle against NGOs to gain decision-making power in individual concessions. Today, they have formed a solid front and successfully fended off threats from major economic interests, and have repeatedly put forward counterproposals that have succeeded in maintaining the rights and the forests intact in the concession areas (Elias and Monterroso, 2014).

These achievements therefore demonstrate substantial changes in power relations in these forested territories, and represent a major step towards inclusive forest governance. Nevertheless, these gains should not be overstated, as communities continue to face multiple pressures from actors with significant influence, making a roll-back of these gains a constant threat.

# Lessons and Potential for Community Forest Tenure Reform

The community forest concessions of Petén as well as the community areas of Gualaco and Guata have clearly demonstrated significant achievements and therefore add to the growing body of evidence indicating the potential for forest tenure reform to transform forest landscapes and ensure the long term well-being of forests and the communities that inhabit them (Larson et. al., 2010). This final section discusses some of the key lessons and factors for success that can be drawn from these experiences.

## Rights as key foundation for reversing deforestation and achieving forest governance

The tenure reforms in both processes found their genesis in the collective responses to livelihood threats, and the subsequent recognition of rights by community-based social movements. These rights transitioned communities from virtual invisibility to empowered rights-holders with new legal capacity to obtain benefits from their environment, but also to exercise new authorities regarding how those benefits should be ensured, managed and distributed. It also formed the foundation for the development of new production systems and new economic opportunities from timber and non-timber forest products, including sophisticated value-added activities. At the same time, social progress was made on the basis of rights with progress in infrastructure, health and education. The social and economic gains have reinforced the foundation of collective action and social cohesion that had initially brought the communities together in defense of their territories. Of course, these gains have also necessarily been achieved through a sustainable

management of their forests – the main condition for the recognition of rights. In sum, rights have effectively formed the institutional foundation for a set of mutually supportive and sustainable social, economic and ecological relationships.

A particularly interesting parallel in these cases can be found in the fact that the tenure reform was in part brought about by social movements pushing back against external encroachment on their lives and livelihoods. Larson et. al. (2010) describe this as a common feature in many tenure reforms around the world. This casts ongoing pressures over forests around the world in a new light: although accelerating deforestation is indeed troubling, these threats could also represent an opportunity to support social movements responding to these dynamics, especially in Asia and Africa, where state owned forests dominate.

Finally, It is worth noting that these two processes were built on only partial foundations related to forest livelihood cultures or collective action institutions by these mostly peasant (campesino) communities. This contrasts with many indigenous peoples from Mesoamerica and around the world, who boast traditional cultures, practices and institutions that form a robust starting point for building stronger governance arrangements (Alcorn, 2014). There is therefore an enormous potential for strategically building on these indigenous and traditional foundations which hold an influence in the vast majority of the world's remaining tropical forests.

### **Regulations over community forestry: supporting or stifling?**

In both cases described here, forest tenure reform included management rights, though these rights were contingent upon a series of new regulations that imposed significant costs on communities. These regulations can be divided into two general categories. The first generally arises from a conservationist rationale related to misgivings of community capacity as good forest stewards, creating the need for certifications, operating plans, audits, etc. These can be seen in Gualaco and Guata – in the annual 1,000 cubic meter national limit on community production (applicable only to communities, not industry) which substantially reduced local benefits (Davis, 2014). In the MBR, regulations implied enormous start-up costs for certification that were overcome only with external support. Although these regulations, and in particular certification, can also present opportunities for communities (niche market access, recognition and visibility), these experiences show that ongoing administrative, financial and labor costs involved in seeking compliance can ironically threaten to undermine the very sustainability they were designed to ensure.

The second category of regulations stem principally from historical practices of the forest industry. This appears more clearly in Gualaco and Guata, where serious barriers appeared in regulations that expected communities to pay large sums of capital for down payments and deposits on Annual Operating Plans, in addition to high taxes paid to the forest administration (Davis, 2014). Just as rights were reassigned from forest industry to forest communities, these requirements appear to have been also merely re-applied to communities with little regard to their vastly different capital levels, as well as administrative and productive capacities (Ibid). These regulations have thus also threatened the viability of the community

forest enterprises, underscoring the need to develop contracts and management plans appropriate to the conditions and capacities of community actors.

In sum, regulations continue to constitute a significant burden for communities and in some cases a serious obstacle to benefits. This finding is echoed by a number of studies examining co-management arrangements in community forestry that have observed communities around the world frequently bearing a disproportionate share of regulatory related costs (Larson et. al., 2010; Cronkleton et. al., 2012). Lessons could therefore be applied for both nascent and mature community forestry processes alike: as suggested by Cronkleton et. al. (2012), there is a significant opportunity for strengthening community forestry by adjusting regulatory frameworks to promote greater freedom of community-level actors.

### **Turning rights into benefits: natural resources, community capacity and market engagement**

The ability to convert new rights into concrete benefits for communities is not a foregone conclusion –and it is notable that both processes have successfully managed a series of obstacles to achieve many tangible community benefits. The first crucial element in this success is the state of the forests at the moment of rights recognition. Although few of the forests were in ideal management conditions, both the community forest concessions of Guatemala and the communities of Gualaco and Guata were granted timber exploitation rights, and enjoyed a basic level of natural stock available to begin commercial exploitation. The failure of the pilot project San Miguel la Palotada due to a lack of timber resources and small forest area is instructive in this sense.

The second critical element for generating benefits from these natural resources has been the community technical and administrative capacity to manage and exploit these resources. In both cases, technical knowledge has been successfully built within the communities, and it is community members who now perform their own internal training and demonstrate a high level of skill. This is a major contrast with the initial conditions of these communities, where such knowledge was controlled mostly by NGOs and state agencies. Donor support was important in building these capacities in both cases.

A third element relates to economic diversification. A significant portion of the benefits generated in both concessions were produced through timber sales (pine in Gualaco and Guata and mostly mahogany in the Petén) and therefore made for a relatively narrow productive base that was vulnerable to market fluctuations. Both communities responded to this challenge with diversification, giving rise to the series of NTFPs and finished product goods previously described. These activities have ended up playing key roles in sustaining the communities during timber market downturns, as occurred in Guatemala between 2008 and 2010 (Radachowsky et. al., 2011), as well as Honduras from 2010 to 2014 (Davis, 2014).

Apart from the regulatory obstacles and market fluctuations already discussed, neither community process has had significant difficulties in accessing markets. Certification has been key for the success of the community forest concessions in Guatemala in accessing premium markets, while a forest-based economy at (relatively) accessible distances from the community areas of Gualaco and Guata have allowed for the productive sale of community forest products.

Taken together, the sufficient starting conditions for community exploitation, along with enhanced community capacity, economic diversification and access to markets has allowed these communities to produce tangible and lasting benefits at community levels.

### **The critical role of second level community organizations**

Second level community organizations have come to play key roles in both processes. As previously described, these organizations have been crucial both in developing and consolidating inter-community institutional arrangements, as well as negotiations and interaction with external actors. These arrangements have also been important in ensuring equity and defending community areas from threats to rights. And since both processes involve temporary contracts and experience threats of roll back (especially in the case of the community concessions of Guatemala), these second level organizations are likely to play central roles in the defense and preservation of rights into the future.

The development and consolidation of these organizations was by no means the inevitable result of each forest tenure reform. The recognition of rights to a collective raises the question regarding to whom the rights will be recognized, and thus it is common - as in both cases described here - for the state to condition rights on the formation of new organization which the state will hold responsible (Larson et. al., 2010). Yet sometimes these bodies can overlay existing organizations, or be formed with little local mandate, or fail to adequately address internal needs, and can thus suffer from significant difficulties to lack of community representation, accountability or legitimacy (Larson et. al., 2010).

The Guatemalan and Honduran communities avoided these pitfalls through a strong emphasis on grassroots participation from the early stages of the processes. In Gualaco and Guata, the rule that community cooperatives could only be formed if every household in the community had one participating member ensured a broad base of support for the process that had been maturing through several years of dialogue. Flexibility of the state to allow communities to decide how they would organize (which communities would join together and where) also allowed for an organic transition from historical relations into formalized community organizations. For ACOFOP, engagement with communities from the early stages, even prior to rights recognition, has clearly strengthened the organization from the beginning. Both pro-

cesses have continued to place an emphasis on representation through assemblies as well as internal accountability mechanisms, undoubtedly an important element for the legitimacy of the second level organization. These political mechanisms have been key for the development of inclusive economic benefits, which in turn have also played essential roles in strengthening the legitimacy of these organizations and the entire community rights process.

These experiences suggest that other reform processes would be well served to pay close attention to existing social organizations and institutions, with a strong emphasis on participation, representation and accountability in both first and second level organizations.

## Implications for forest-related initiatives

As discussed in the introduction, the emergence of effective governance processes based on the institutional foundation of community rights is presenting new opportunities to reconcile environment and development dilemmas. The results in these processes can demonstrate key opportunities for both environment and development projects, and have particular relevance for the ongoing REDD+ initiatives. The first lesson can be found in the potential of community forest rights as the foundation for ensuring effective institutions for forest governance. It is already broadly recognized that unclear or insecure forest tenure lies at the heart of many of the deforestation processes around the world (RRI, 2014) yet few REDD+ processes have managed to address tenure as a part of REDD+ initiatives (Ibid). There is thus significant opportunity to shift the focus of these mechanisms towards the recognition of rights as a core institutional foundation for forest governance.

The second lesson that emerges relates to the construction of legitimacy in the governance of forests and forest initiatives. In both the Guatemalan and Honduran cases, the absence of accountability to, and representation of, forest communities played a key role in undermining the locally perceived legitimacy of the prevailing governance regime – leading to conflict, degradation and local resistance. Many REDD+ initiatives suffer from similar challenges related to unclear or weak representation and accountability, and have thus raised questions regarding their legitimacy over indigenous and community forests (Cuéllar et. al., 2013; PRISMA/AMPB, 2014) in addition to concerns related to the reduction of rights (Phelps et. al., 2010). In this context, REDD+ initiatives could make significant gains by drawing on the negotiation and dialogue processes outlined in this study,

for application in ensuring Free, Prior and Informed Consent (FPIC). Instead of one-off meetings designed to obtain a “yes” or “no” to specific forest initiatives, there is significant potential to use FPIC and consultation processes to develop long term mutual trust and social legitimacy for new governance arrangements, with benefits extending far beyond a payment-for-performance mechanism. There is already evidence to suggest the potential of this approach: in Mesoamerica the REDD+ processes that have made the most progress are those that have established clear frameworks for participation and dialogue; where these have not been achieved, REDD+ has stagnated and/or remained a largely technical endeavor, making little headway in the domain of forest governance (PRISMA/MAPB, 2014).

Finally, there is still significant potential for investments in supporting indigenous and community organizations that are struggling for the recognition and/or defense of their rights. As previously mentioned – this includes opportunities for supporting the forest rights based movements that are seeking rights recognition in state owned-forests – similar to the Honduran or Guatemalan cases in their infancy. Yet there is also significant progress to be made in supporting those organizations which have already won their rights, yet continue to struggle in their defense. As shown here, second level community organizations can be critical in defending rights, and will most likely be crucial and positive actors in future transitions of forest governance, and thus merit serious consideration for additional support.

The recognition of community rights of course is not a panacea for the world’s forests. Yet the

lessons from Gualaco and Guata and the community concessions of Petén, along with a growing body of evidence around the world are demonstrating that where community rights are recognized and supported, and

where they are allowed to freely benefit from those rights, enormous strides can be made in achieving simultaneous environmental, social and economic goals.



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