

# RIGHTS-BASED GOVERNANCE: EXPERIENCES OF TERRITORIAL AUTHORITIES IN MESOAMERICA



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**RIGHTS-BASED GOVERNANCE:  
EXPERIENCES OF TERRITORIAL  
AUTHORITIES IN MESOAMERICA**

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# 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, and energy and mining initiatives at the expense of forests and forest communities around the world (RRI, 2012a).

Growing evidence is suggesting that recognizing the territorial rights of indigenous peoples and forest communities could be the most effective way to address these dynamics of deforestation while simultaneously achieving social and economic goals in tropical forests. Such recognition has 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). Despite this mounting literature on the importance of recognizing rights for social, economic and environmental goals, information is sparse concerning how indigenous people and forest communities have leveraged these rights to build territorial governance institutions capable of ensuring these multiple goals. This is not surprising, as in many parts of the world, governments have not recognized the rights of indigenous peoples and forest community to the territories they occupy. Indeed, in regions such as Africa and Asia, where the state claims ownership of 93%

and 60% of forests, respectively, the recognition of territorial rights is still the first and foremost obstacle to achieving governance institutions capable of halting deforestation and climate change. (RRI, 2014a).

Mesoamerica stands in stark contrast to Asia and Africa, since 65% of its approximately 83 million hectares of forests is formally recognized community or indigenous lands. A wide array of experiences in the region has demonstrated the viability of territorial governance as a path to achieve reductions in deforestation, leading to climate change mitigation and adaptation as well as enhancing food security through agro-forestry methods that conserve soil, maintain watersheds, and protect biodiversity. The potential for rights to form the basis for the development of locally defined productive and economic opportunities, such as territorially managed forest enterprises, tourism and payments for environmental services have likewise been demonstrated in a number of different territorial processes in Mesoamerica.

These experiences are particularly relevant, given the broad range of existing pathways and modalities of tenure arrangements, including agrarian communities, ejidos, indigenous territories, municipal lands and forests, as well as community concessions and contracts (PRISMA/AMPB, 2014). Empowered through a variety of forms of rights recognition, Mesoamerican communities have continued in their historic struggle not only in defense of their livelihoods and customs, but also in the act of crafting new governance institutions capable of withstanding the onslaught of external pressures in the form of migrant agriculture, cattle ranching, megaprojects as well as burgeoning illicit activities. In other words, these rights have formed the basis for emergence of a di-

verse assortment of institutional arrangements to ensure territorial governance.

Moreover, indigenous people and forest communities from across the region have constructed new territorial platforms for deliberation and decision-making, guided by principles of full and transparent participation. These platforms have provided the basis for a strong set of rules guiding the actions of the communities that are aligned with the conservation of the region's forests and forested ecosystems and that are evolving to deal with the variety of pressures over indigenous territories and forested landscapes today. In sum, these rights-holders have become the central authorities defending and managing Mesoamerica's forests, actively exercising their authority in order to build stronger governance in the region.

This report presents a series of experiences from throughout Mesoamerica of indigenous peoples and forest communities involved in dynamic processes of rights implementation. The case studies show that rights have not come easily – and have rather emerged through

long periods of historical conflict and struggle. And while the formal recognition of rights has represented a major step forward in consolidating territorial governance, it has not necessarily translated into the implementation of those rights, nor in the generation of new benefits from those rights. Despite legal victories, governments can be slow to implement reforms, or can actively undermine them through mega-projects or direct or indirect support to colonization. Following recognition, rights-holders can be overwhelmed by the new number of tasks that fall to them in the absence of external support, and may be faced with difficult decisions to make in the midst of imminent threats to their territories (Larson & Mendoza, 2012; Hale, 2011).

These experiences offer important lessons and learning for other countries, multi- and bilateral organizations, NGOs and communities throughout the world that seek to implement land rights reforms and promote territorial governance as a key strategy to halt deforestation and climate change.



# The Rise of Territorial Authorities in Mesoamerica

This report presents experiences of territorial governance in Mesoamerica that are based on both traditional customary rights as well as the emergence of new common-property systems. The term territory is employed for two key reasons: first, most of the experiences in Mesoamerica have emerged around multi-community processes of governance, many of them covering vast extensions of land and ecosystems; and secondly, because it is also the preferred terminology used by Mesoamerica's indigenous peoples and forest communities to refer to their endogenously driven processes of control, development and cultural survival. The concept of territory used in these processes is not limited to a mere geographic designation, but has drawn on indigenous notions of territory as a space that is constituted through the social regulation and control, and in which the territory (and all that is contained within) forms a fundamental and inextricable element of identity, culture and notions of development. Accordingly, this concept is deeply intertwined with the right to self-determination and to free, prior and informed consent, and therefore implies varying degrees of autonomy from the state.<sup>1</sup>

The different levels of territorial autonomy from the state can be understood as the “nesting” of territorial governance within a broader national institutional framework inherently created by rights recognition.<sup>2</sup> This “multi-level

governance” has challenged prevailing centralized and top-down approaches to governance, and has been promoted frequently as a method of democratizing governance, through adaptive learning, and promoting greater legitimacy in governance regimes, including accountability and trust. In practice, multi-level governance has many different expressions, however the definition adopted in this paper incorporates the concept of “nested” governance as defined by Marshall (2008) as referring to: “*inclusive systems which aid the autonomous functioning of smaller, more exclusive units operating under broadly shared and agreed principles*” (Kashwan and Holahan 2014, citing Marshall 2008).<sup>3</sup>

As the case studies will show, the nature of institutional<sup>4</sup> evolution in Mesoamerica appears to be moving in at least two ways. First, the scale of coordination has generally been expanding, as individual communities are working together as a part of broader governance processes at territorial levels, involving multiple-community processes of institution building. This scaling out also involves scaling up in

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the state through government, but rather emerges from the interactions of many actors, it can be formally institutionalized or expressed through subtle norms of interaction or even more indirectly by influencing the agendas and shaping the contexts in which actors contest decisions and determine access to resources”.

<sup>3</sup> For further discussion on multi-level governance, see Larson and Lewis-Mendoza (2012), who point out that issues of power are inextricably linked to processes of devolution or decentralization for multi-level governance, and are currently insufficiently addressed in the literature.

<sup>4</sup> This report adopts Elinor Ostrom's definition: “*Institutions can be defined as the sets of working rules that are used to determine who is eligible to make decisions in some arena, what actions are allowed or constrained, what aggregation rules will be used, what procedures must be followed, what information must or must not be provided, and what pay-offs will be assigned to individuals dependent on their actions*” (E. Ostrom 1986a as cited in Ostrom 1990, page 51).

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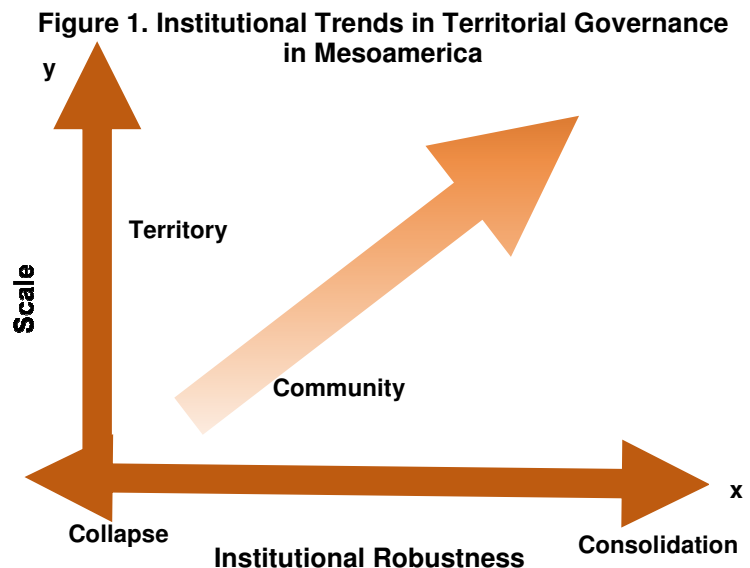
<sup>1</sup> Though we use the term territory, we recognize that the relatively narrow focus on territorial institutions related to resource management does not capture the much broader social, cultural and political dimensions of territoriality as understood by many of the region's indigenous peoples and forest communities.

<sup>2</sup> Territorial governance is understood as the institutional arrangements, decision-making processes, policy instruments and underlying values that encompass territorial management (Kozar, et al., 2014). And as Lebel, et al. (2006) points out “Governance is not the sole purview of

terms of the articulation of these processes with broader contextual factors that influence their territories – leading these actors to engage directly with regional and national actors and policies to support their governance goals. The increasing scale of this coordination is reflected in the (y) axis in Figure 1.

The second trend in the region is reflected in the (x) axis, which relates to “institutional robustness”. This refers to the series of rules and norms that make up the governance conditions of a given territory. While all of the processes outlined here have achieved the recognition of rights, it is important to distinguish between these rights and the way those rights are exercised; ultimately, it is the implementation of those rights through rules and norms that explains the particular governance conditions of a given territory (Hayes, 2007). Ostrom (2005) outlines these “rule clusters” into five types: boundary (specifying who the participants are); scope (specifying the spatial and temporal constraints on land use); choice (specifying what is permitted, required, or forbidden); payoff (specifying the sanctions to be applied) and position (specify who will monitor and enforce). For example, though many communities may have enjoyed strong statutory rights, historically lower levels of external pressures sometimes meant that local management regimes were guided largely by local norms linked to identity, with few explicit rules or sanctions.<sup>5</sup> Yet with increasing pressures

over these territories (especially in the absence of adequate government support), these territorial authorities have developed new sets of rules that are giving more complete expression to their rights, for example, through physical demarcation (scope), the creation of vigilance committees (position), and sanctions (payoff), or through the use of instruments involving several sets of rules, such as formal management plans or protocols for engagement with external actors. The result is an increasing density of rules and norms that are shaping new governance scenarios across Mesoamerica – many times leading to a consolidation of governance institutions.



This general trend is not inevitable – it is the product of the continuing struggle of indigenous peoples and forest communities to exercise their rights and preserve their cultures, identities and livelihoods. The challenges that emerge from these processes have been shared among communities for decades in a sort of regional cross-pollination of experiences in territorial rights recognition and community forest management. This process, involving communities, governments and cooperation

members consciously develop rules defining what may or may not be done, and explicitly agree upon the sanctions for individuals that do not comply.

<sup>5</sup> This paper, following Hayes (2007) and Ostrom (2005) understands norms as “cultural prescriptions” associated with tacit understandings of customs guiding individual behavior, generally without a conscious process of collective decision making or sanctioning, although they may include more subtle mechanisms such as gossip, shunning or related to spiritual beliefs, such as the punishment of a deity. A rule, in contrast, requires some degree of collective action and decision-making where

alike, partially explains why indigenous peoples and communities in Mesoamerica have recognized rights over so much of the regions forests, as well as having many of the world's strongest formal community forest management experiences.

In 2010, indigenous authorities and community forest managers came together to redouble these efforts by forming a regional platform of

dialogue, exchange and advocacy for strengthening territorial governance, known as the Mesoamerican Alliance of Peoples and Forests (AMPB), (see box 1). The AMPB has facilitated a renewed intensity of cooperation and coordination among the region's indigenous peoples and forest communities, promoting the recognition, defense and consolidation of rights for sustainable territorial governance systems.

### **Box 1. The Mesoamerican Alliance of People and Forests (AMPB)**

The Mesoamerican Alliance of People and Forests is a regional platform for coordination, planning, and exchange among the territorial authorities and representatives of community forestry organizations, composed of: the Comarcas Guna Yala and Emberá-Wounaan in Panama, the Bribri-Cabecar Indigenous Network (RIBCA) of Costa Rica, the Mayangna Nation and YATAMA of Nicaragua, Miskitu Asla Takanka -Miskito Peoples (MASTA) and the Agroforestry Producers' Federation of Honduras (FEPROAH) in Honduras, the Community Forestry Association of Petén (ACOFOP) and the National Alliance of Community Forestry Organizations (ANOFCA) of Guatemala, and the Mexican Network of Farmer Forestry Organizations (Red MOCAF) of Mexico.

All members share three key characteristics: They are accredited territorial authorities that have been democratically elected to represent their constituency; they have gained legal recognized rights that support their territorial control; and they manage or have influence over the principal forests in the region.

- The Comarca Guna Yala represents approximately 30,000 people residing in the 240,000 hectares of this indigenous territory with over 85% forest cover, one of the strongest and earliest examples of indigenous autonomy in the Americas.
- The Comarca Embera Wounaan represents approximately 10,000 people living in 430,000 hectares of territory with approximately 90% forest cover.
- The Indigenous Bribri and Cabecar Network (RIBCA) in Costa Rica represents approximately 35,000 people in the largest contiguous mature forests of Costa Rica.
- YATAMA is a Nicaraguan grassroots indigenous and afrodescendent movement present in the Autonomous Caribbean Regions of Nicaragua (North and South), with approximately 63% of the country's forests.
- The Mayangna Nation represents approximately 30,000 people in 9 Mayangna territories representing approximately 810,000 hectares.
- The Miskitu Asla Takanka (Miskitu Unity) represents the 305 Miskitu communities of the Honduran Muskitia, home to the largest contiguous forests in Honduras.
- The Honduran Federation of Agroforestry Farmers (FEPROAH) is made up of 42 community organizations across Honduras in over 500,000 hectares, organized around sustainable forest management.
- The Association of Community Forests of Peten (ACOFOP) is made up of 23 organizations with management and use rights to almost 400,000 hectares of forests in the Mayan Biosphere Reserve, the Guatemalan portion of the Mayan Forest stretching into Mexico and Belize.
- The National Alliance of Community Forests of Guatemala represents approximately 265 grassroots organizations in Guatemala managing approximately 750,000 hectares of forest across the country.
- RED MOCAF includes forest managers organized in agrarian communities and ejidos from across Mexico, with approximately 120,000 members represented in 19 Federations

The AMPB members promote the full recognition of and respect for the rights of indigenous peoples and local communities, the strengthening of their management capacities and influence, and their active participation in the decision-making and policy-planning processes that affect their territories. In this way, the AMPB brings together a combination of leaders that through their day-to-day efforts construct development processes and make decisions in key arenas affecting their communities (natural resource management, local economy, health, education, etc.).

The following experiences are presAMPB, including: governance based on community forestry in Mexico; the community forest concessions of Peten, Guatemala; the Indigenous Bribri and Cabecar Network (RIBCA) in Costa Rica; the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua; the

Miskitu Asla Takanka (MASTA) of the Honduran Mosquitia. The cases highlight the main characteristics of the institutional change led by territorial authorities, the contexts under which authorities won these rights, the nature of territorial institutions and their multiple levels, as well as the results of this governance.

## Mexico: Governance based on community forestry

The emergence of collective institutions for forest governance in Mexico is notable as a process that arose through historical struggle that drove national level reforms recognizing rights through *ejidos* and *agrarian communities*. These institutions evolved over the course of the 20<sup>th</sup> century and ultimately provided the foundation for the development of hundreds of community forest enterprises organized around commercial forest production, which have contributed to the reduction of deforestation experienced in Mexico in recent decades. Despite this progress, major challenges remain: many communities still do not have secure rights, onerous regulations over communities have suffocated many local enterprises, while large scale extractive interests also threaten to undermine the rights gains made in the country.

Mexico has approximately 65 million hectares of forest covering a third of its land area, divided roughly evenly between pine and broadleaf forests (CIFOR, 2010). The country is frequently referred to as a country with “megadiversity”, as the 5<sup>th</sup> most biologically diverse country in the world, in addition to the 10 million indigenous peoples belonging to over 60 different ethnic groups. Mexico has reduced its deforestation rate by 55% in recent years (FAO, 2010), though deforestation continues in various parts of the country. Approximately 60% of the country’s forests are owned by communities, covering 40 million hectares, some 54% of the total national land area (Bray, 2013). In 2002, there were 27,941 *ejidos* and 2,157 *agrarian communities* (the two forms of common property in Mexico) with approximately 3.2 million members (CIFOR, 2010 citing de Ita, 2006 and Brizzi, 2001). The community forest enterprises that have emerged from this process make up the largest group of common property forests dedicated to commercial production of timber in the developing world, measured both by numbers

of communities as well as geographic extension of these forests (Bray et al., 2006). This section outlines the evolution of these common property forests and their contribution to forest governance in Mexico.

### Historical context

The legal framework for community rights in Mexico dates back a century, yet the social struggles which contributed to its creation date back even further to the early colonial period. These movements emerged with different rhythms, timeframes, and intensity with varying geographical, political, and social origins. Yet a major driving force of these movements was the widespread dispossession of indigenous and *campesino* communities throughout the colonial period, continuing through political independence gained in 1821, and intensifying in the second half of the 20<sup>th</sup> century. While the Mexican Revolution in the early 20<sup>th</sup> century was complex and multifaceted, land claims were a major galvanizing force in the conflict, and thus land reform became an important achievement and key legitimizing element of the country’s new constitution of the Revolutionary State, enshrined in Article 27 of the 1917 Constitution (Klooster, 2003; Bray, 2013). The Mexican constitution established three kinds of property: private property, national lands, and the agrarian sector, made up of *ejidos* (a collective land grant to landless *campesinos* of various ethnicities) and *agrarian communities*, (recognized largely to indigenous groups that could show they had been dispossessed from their lands, hereafter referred to as *communities*) (Bray et al., 2006; Klooster, 2003).

Actual land reform did not begin until the 1930s, and would proceed sporadically until its official termination in 1992. Yet the common property forms of *ejido* and *community* along with new governance rules applied over subsequent decades would come to make up the uniquely Mexican form of common property (Bray, 2013). This form of common

property was legislated by the state, inspired by several pre-existing communal institutions in Mexico, including pre-conquest forms of the commons (such as the Aztec Calpuli, a kinship based communal institution), village commons for forest and pasture (imported from Spain), and centuries of evolving colonial recrafting of indigenous rights (Bray, 2013). These precursors were later reflected in legislation which established a land zoning model defining village residential areas, private agricultural plots, and common pastures and/or forests, in addition to specific local governance rules (Ibid.).

The state was therefore active in establishing local governance platforms and specific rules for land and resource management. Yet democratic systems of governance would not flourish for many decades more. Land reform progressed in waves throughout almost the entire 20<sup>th</sup> century, and most of the forested land would not be distributed until after the 1950s. In many cases, communities also had to struggle against multiple interests seeking to undermine local democracy, including use of the *ejido* and *community* system as a form of direct state tutelage. A further obstacle was represented by forest policy which did not recognize community rights to forests for most of the 20<sup>th</sup> century, a point to which we now turn (Klooster, 2003).

As agrarian reform progressed at different speeds throughout the 20<sup>th</sup> century, forest policy also emerged and evolved – posing particular challenges for forest communities that would ultimately contribute to the community forestry successes of today. Under the 1917 Constitution, community lands represented usufruct rights on land which “belongs originally to the state,” which was interpreted in a way that the government could issue industrial concessions to private companies in community forests, with communities receiving only small stumpage fees (Merino-Perez and Segura-Warnholtz, 2005). The country’s first Forest Law promoted

and expanded these concessions, while also including a series of bureaucratic restrictions on local forest access, precluding community benefits derived from forest use.

In the following decades forest regulations became ever more centralized, repressive, and underfunded. New forest laws in 1943, 1948, and 1960 were passed with ambitious goals requiring permits and documentation for any land use change, logging, or transportation of forest products, as well as rigorous oversight of professional foresters (Klooster, 2003; Merino-Perez and Segura-Warnholtz, 2005). Yet centralized decision-making, insufficient financing and high levels of bureaucracy often reduced foresters to the role of low-wage bureaucrats – leading to high levels of corruption and rampant deforestation (Merino-Perez and Segura-Warnholtz, 2005; Klooster, 2003). “Forest bans” emerged parallel to forest concession policies, though they were also centrally controlled and excluded local communities from benefits (Merino-Perez and Segura-Warnholtz, 2005).

On the ground, practices of *rentismo* were widespread, with logging was carried out under short term contracts associated with patronage systems, corruption, and even violence to buy low-priced timber (Merino-Perez and Segura-Warnholtz, 2005; Klooster, 2003). The country’s forests were rapidly felled – with communities cut out from benefits and left with the costs of landscape degradation. By the 1950s, the country’s resource base was highly degraded; one estimate suggested that “of the different types of forest in the country, 34% had been exhausted, 44% had been subject to logging but were still exploitable, and only 22% were still considered virgin forest” (Merino-Perez and Segura-Warnholtz, 2005 citing Klooster 1997).

Grassroots mobilization to oppose these abusive practices emerged in the 1960s and 1970s through regional alliances to combat the renewal of concessions, especially in Oaxaca,

Guerrero, and Durango (Merino-Perez and Segura-Warnholtz, 2005). These communities, supported by the collective action platforms established by land reform, found allies in national agrarian and forestry agencies, and ultimately won a major victory in the 1986 Forestry Law, which rescinded the industrial concessions, requiring that logging permits apply to owners (and not third parties) in addition to recognizing the right of communities to form their own logging businesses (Klooster, 2003 citing Wexler and Bray 1996). These reforms signaled a major shift towards community governance in the country and were complemented by reforms in 1992 (part of broader market-based reforms in Mexico) which removed references to the “usufruct” status of *community* and *ejido* lands, while the state’s role in these local governance structures was substantially reduced (Bray et al., 2006). The cumulative result of this almost eight decade process would produce the strong template and foundation for community governance and the emergence of strong community forest control in Mexico beginning in the 1970s and 1980s (Klooster, 2003; Bray et al., 2005).

### Community-led governance institutions in Mexico

The result of social struggles spanning over seven decades thus established a strong framework for community rights and community governance. Article 27 of the Mexican Constitution lays out a clear framework for collective property rights in *ejidos* and *communities*. The Agrarian Law gave ownership rights to these communities, in addition to alienation rights for *ejidos*, which were given the option to dissolve common property into individual plots – though few have chosen to do so (Segura-Warnholtz, 2014). The 1992 Forest Law (passed in the same set of reforms as the Agrarian Law) prohibits land use change in forests, requiring approved forest management plan for logging (Bray, 2013). Forest communities in Mexico therefore enjoy almost a full suite of tenure

rights, with the exception of the right to convert forests, and restrictions on management rights through nationally prescribed management plan rules (Bray, 2013).<sup>6</sup>

The governance of these community lands has also been established in detail. The organs of representation at community levels were established by Agrarian Code in the 1930s, including the *Comisariado Ejidal (Ejido Supervisor)*, or the *Comisariado de Bienes Comunales (Supervisor of Community Assets)*, with a mandated President, treasurer, secretary, and vigilance committee; by national law, leaders must also be democratically elected (Merino and Martinez, n.d.; Bray, 2013). These bodies are charged with common property management, and serve as representatives of the *ejido* and *community* assemblies to the government and other external actors. General assemblies represent the highest level of authority in the *communities* and *ejidos*. To promote accountability, the duration of *community* and *ejido* leadership has been established at three years or less (Antinori and Bray, 2005). Though the state once played a strong role in these governance affairs, its role was diminished in the 1992 reforms, leaving in its place a strong community-led form of governance (Bray et al., 2006).

These rights and governance institutions have formed the foundation for a resurgence of collective action, in particular beginning in the 1970s as communities began to take back control over their forests from industrial concessions (Bray, 2013; Antinori and Bray, 2005). The relative strength of these institutions varies widely, and they have divergent historical foundations. In many indigenous communities, especially in Southern Mexico, the traditional *cargo* system continues to operate in a sort of “political syncretism” with the agrarian legislation; this civil-religious system has important

<sup>6</sup> It is important to note that the restrictions on management rights for indigenous communities contradict Article 2 of the Constitution, which recognizes the right to self-determination and self-government according to their own institutions.

governance dimensions and is based on rotating responsibilities and social status accumulated by service in a series of hierarchical positions (Merino, 2004; Antinori and Bray, 2005). This contrasts with many *ejidos* where institutions have emerged more recently with fewer institutional antecedents (Antinori and Bray, 2005 citing Bray and Merino-Perez, 2003). Many communities across Mexico still struggle with challenges such as the dominance of local “bosses” or “caciques” and with community boundary conflicts, in addition to barriers to entry in the formation of community enterprises and low value timber resources which hinder collective action. In addition, legislation restricting how *ejidos* can incorporate new members has hindered the inclusion of younger generations, leading to a major challenge for *ejido* management (Merino and Martinez, n.d.; Sanchez, 2015).

Despite these challenges, the evidence suggests that basic community institutions to prevent forest conversion may be widespread. An indicator of local support for collective institutions can be found in the fact that despite reforms in 1992, that allowed *ejidos* to dissolve collective property into individual plots if they so desired, only 0.3% have opted to do so (Segura-Warnholtz, 2014). In addition, in one of the most comprehensive surveys of Mexican community forestry ever performed, by Merino and Martinez (n.d.), found that almost half of the communities surveyed have set aside areas exclusively for community conservation. The same study observed 79% of communities performing forest vigilance activities to prevent illegal logging and forest fires (Ibid.). The study likewise identifies the presence of graduated sanctions that are usually applied by the *ejido* or *community* authority themselves, and found that in only 12% of the cases do infractions go unpunished (Ibid.). Community monitoring is also supported by the threat of higher legal recourse; flagrant violations of management plans may be reported to the Federal Environmental Prosecutor (Procuraduria Federal del Medioambiente), which functions as the highest

environmental legal authority in the country (Bray, 2013).

Mexico also boasts many communities where governance institutions are much more developed, moving beyond mere monitoring and vigilance, and include more sophisticated measures for planning, managing, and benefiting from community forests through commercial timber exploitation. Estimates place the number of community forest enterprises (CFEs) in Mexico engaged in timber production in the hundreds (Bray 2013)). Many of these communities implement more rigorous management plans and activities, including permanent forest extractive reserves and the use of participatory forest inventories for the elaboration of sound management practices (Bray and Klepeis, 2005). These CFEs have emerged from the particular foundation of the collective governance platforms in Mexico, resulting in a unique hybrid form of collective enterprise structures. For example, Antinori and Bray (2005) identify many communities where the *Comisariado* serves as the enterprise manager, while supporting administrative positions are treated as community service posts in the *cargo* or *ejido* systems.<sup>7</sup> Experienced or respected community members make up a sort of “Board of Directors” while General Assemblies function like shareholder’s meetings (Antinori and Bray, 2005). In addition, while Mexico’s community governance template is national, it is notable that a wide diversity of arrangements has arisen to distribute the stock (the standing value of forests) and the flow (the outputs that come from forests) depending on local conditions (Antinori and Bray, 2005). While these community forest enterprises make up a minority of community forests, at least several hundred have emerged as large scale sustainable producers of timber with varying degrees of verti-

<sup>7</sup> The *ejido* system involves mandatory work requirements and maintenance of *ejido* land and resources, while the *cargo* system, as previously mentioned, is characterized by “rotating responsibilities based on merit and accumulated by service in an ascending hierarchy of positions”(or *cargos*) (Merino, 2004; Antinori & Bray, 2005).



cal integration: today, approximately 80% of the Mexican forest industry is fed by community forests (Merino and Martinez, n.d.), while 10% of national timber production, approximately one million cubic meters of timber per year, are part of a national certification process, covering approximately 700,000 hectares in 2009 (Segura, 2014 citing the World Bank, 2009).

These community actions have also risen to form higher levels of governance through second level organizations or Forest Associations (FAs) (networks of forest communities), which provide platforms for linkages between communities and to regional and national bodies. In a study of FAs in Durango, Mexico, Garcia-Lopez (2013) found that these networks are providing connections to government agencies to channel resources, information, investment, and knowledge related to forest management and are helping to address ecological problems that transcend geographical scales, such as forest fires and illegal logging. This process of collaboration has consolidated new inter-community institutions for collaboration in cases of forest fires, or collective bargaining for timber prices (Garcia-Lopez, 2013). Duran et al. (2011) identify the operation of similar multi-level arrangements in Guerrero, Mexico, which are associated with higher levels of governance. As suggested by Garcia-Lopez (2013), however, perhaps the most important role of these FAs may be that of political representation in negotiations, which have been key in reducing transaction costs for both communities and governments.

While the emergence of these multi-governance arrangements is notable, the overall policy and institutional framework of community forests is inconsistent and contradictory at best. Positive experiences include innovative government programs such as PROCYMAF, which began in the late 1990s to support communities in valuing, managing, conserving, and restoring their forests. Through the use of a variety of planning instruments, this program managed to modify and strengthen community institutions,

enhance technical capacities, and consolidate social capital – allowing for stronger community governance (Segura-Warnholtz, 2014). A payment for environmental services program has been operating in Mexico since 2003, with direct payments to *ejidos* and *communities*, which serves as an important precursor to conditional positive incentives under REDD+ (FAO, 2013). However, many of these efforts were not allocated to areas at risk of deforestation and their benefits in poverty reduction did not meet expectations (Segura-Warnholtz, 2014).

In addition to these challenges, there are also a series of trends that make up a more adverse policy context for forest communities. Even following the empowerment of community forestry in the 1980s and 1990s, forest regulations continue to be rigid, bureaucratic, centralized, and inconsistently enforced. The resulting costs to communities can be high and threaten the viability of the community forestry model itself (Segura, 2013; CCMSS, 2014; Merino and Martinez, n.d.). Moreover, economic policies continue to threaten rights, such as the current proposal for Energy Reform, which would involve the implementation of a new series of oil, hydroelectricity, and mining projects in forests across the country. These threats are particularly grave, given the fact that Mexico does not have a legal framework to implement the rights of indigenous peoples to Free, Prior and Informed Consent (FPIC), despite having ratified ILO Convention 169 more than 20 years ago.

### **Outcomes of community-led governance in Mexico**

In 2010, the FAO (2010) showed that Mexico had reduced its deforestation rate in the previous decade in comparison with the 1990s, continuing what is likely a slowing trend of deforestation in the country since the 1970s (Bray, 2010), and a slowing of forest degradation since the 1990s (CIFOR, 2010). While the causes of ongoing deforestation and degradation are complex and regionally varied, a number of

scientific studies have demonstrated the contribution of Mexico's community forests to this national trend in declining deforestation and degradation. In the lowland tropical forests of Quintana Roo, communities began sustainable logging operations in the 1980s, dropping from a deforestation rate of 0.4% from 1976-1985 to 0.1% from 1984-2000 (Bray and Klepeis 2005). An additional study demonstrated how *ejidos* with productive management regimes and second level associations in Quintana Roo have performed just as well as neighboring protected areas, with the same findings in the temperate forests of Guerrero in Southwestern Mexico (Duran, 2005).

Digiano et al. (2013) likewise shows how eight *ejidos* in Southeastern Mexico curbed deforestation more effectively than nearby privatized *ejido* land. Ellis and Porter-Bolland (2008) compare community forests in the Central Yucatan Peninsula against the Calakmul Biosphere Reserve in Campeche, part of the Mesoamerican Biological Corridor. Their findings demonstrated that community forest enterprises played a significant role in the exercise of effective institutions for forest conservation, demonstrating strong outcomes (0.002% deforestation from 2000 to 2004, in contrast to 0.7% of the protected area from 2000 to 2005), leading to the conclusion that the protected area had been ineffective in reducing deforestation. In the Sierra Norte of Oaxaca, a region known for its community forest management in pine-oak forests, forest cover actually expanded by 3.3% between 1980 and 2000 (Gómez-Mendoza et al. 2006). In Michoacan, strong community institutions have been shown to lead to better forest condition, losing much less forest cover (7.2-15.1%) in comparison to areas where community institutions are absent (86.5-92.4%). Finally, Barismontov and Kendal (2012) performed an ambitious study analyzing common property regimes across 733 municipalities in eight states. Municipalities with higher percentages of community-owned and -managed forests

reduced deforestation and increased the rate of forest recovery of coniferous forests.<sup>8</sup>

These studies clearly show the viability of community institutions in protecting and maintaining forests in Mexico. They have also offered social and economic benefits. First, substantial economic benefits have been generated for the several hundred communities across the country that have achieved significant levels of timber management capacity as well as vertical integration of CFEs (Orozco, n.d.). Many communities have also developed stronger social institutions and levels of cohesion based on the platform of collective governance in the *ejido* and *community*. In many cases, these have translated into stronger regional governance, and have been associated with higher incomes, enhanced livelihoods and lower levels of violence (Duran et al., 2011). Many challenges remain, however, for communities that have yet to see such benefits due to unresolved boundary disputes and land tenure conflicts, low levels of social cohesion, and absent rule of law, and where policy support is low (Merino and Martinez, n.d.).

### Lessons from Mexican territorial governance

Mexico's century long institutional experiment holds important lessons for a governance model based on strong community rights. The achievements in social development, livelihood enhancement, and ecological conditions have demonstrated that community rights can serve as the foundation for effective governance, with communities representing the central node of a multi-level institutional architecture. Mexico's experience is unique in that it contrasts with a frequent characterization of communal institutions that have been "designed" or "discov-

<sup>8</sup> The same was not true for non-coniferous forests, demonstrating that forests are better conserved when valued for their timber.

ered” (Alcorn, 2014) or similarly, “emerged” or “endured” (Arnold, 1998). As Bray et al. (2005) point out, Mexico is neither, with institutions imitating and overlaying prior communal institutional arrangements.

The country also stands out for the role of the state in this process. As Bray (2013) outlines, the state has been the “prime institutional mover”: by establishing clear collective rights to property and a detailed set of governance rules, it established a universal template for governance and drastically reduced transaction costs for the formation of these institutions. This achievement is notable, even if this evolution was less a product of deliberate forest governance policy than a historically contingent process involving complex and multi-faceted interests over many decades. Nevertheless, Mexico’s process has demonstrated that clear and secure recognition of a nearly complete bundle of tenure rights, along with local governance rules, and a clear relationship with higher levels of government can form the basis for a large-scale transformation not only for forest conservation, but also for social cohesion and livelihood enhancement. Understanding these lessons can significantly reduce the time and costs involved in the generations-long Mexican process (Duran et al., 2011).

Lessons from the emergence of strong CFEs are also particularly valuable, as they have shown the viability of joining communal traditions with enterprise forms to run successful community businesses, such that that neither tradi-

tional cultures nor collective property are necessarily incongruent with the successful performance of these organizations (Bray and Merino Perez, 2002). These enterprises have also been a source of learning about the universal challenges that emerge in community-based governance regimes, such as tensions between political authority and economic management of community enterprises, trade-offs between competence and healthy rotation of leadership related to the duration of elected community officials, institutional options to prevent or address “covert privatization”, or control of the CFE by a small group of people (Antinori and Bray, 2005)

Just as the emergence of strong community institutions provides lessons, so do the challenges that have impeded their evolution in other areas. For example, low initial levels of social cohesion and low value natural assets have been shown to impede the emergence of these institutions (Segura, 2014; Merino and Martinez, n.d.). Community boundary conflicts – present in 40% of communities in Mexico – have been one of the major obstacles to stronger governance in the country. Finally, an adverse policy environment, such as bureaucratic forest regulations, can suffocate community forest enterprises – ironically leading to the deforestation they were designed to prevent. These are lessons that are useful for Mexico as its common property management system evolves, as well as for other countries seeking to strengthen forest governance.

## The Association of Forest Communities of Petén: Territorial Governance in the Maya Biosphere Reserve of Guatemala

Community forest concessions represented in the Association of Forest Communities of Petén (ACOFOP) have demonstrated the viability of building effective territorial institutions for positive social, economic, and ecological outcomes. Born out of a struggle to gain recognition vis-à-vis conservation policies, this process has built strong institutions for governance over a short period of time, organized around formal community management plans and commercial production. Accompanied by significant investments and technical support initiatives, these institutions have succeeded in preventing the expansion of the agricultural frontier that has deforested major portions of neighboring protected areas. Despite these gains, the 25-year term of community concessions places the future of this progress in doubt, making renewal or an extension of these contracts an urgent necessity in Petén.

The community forest concessions of Petén, Guatemala, are located in the north and north-eastern portion of the department and situated in lowland and hilly humid tropical forests. Nine of these concessions are represented in the Association of Forest Communities of Petén, which manage more than 352,000 hectares of forests under community concession contracts, 90% of which are certified by the Forest Stewardship Council (FSC).

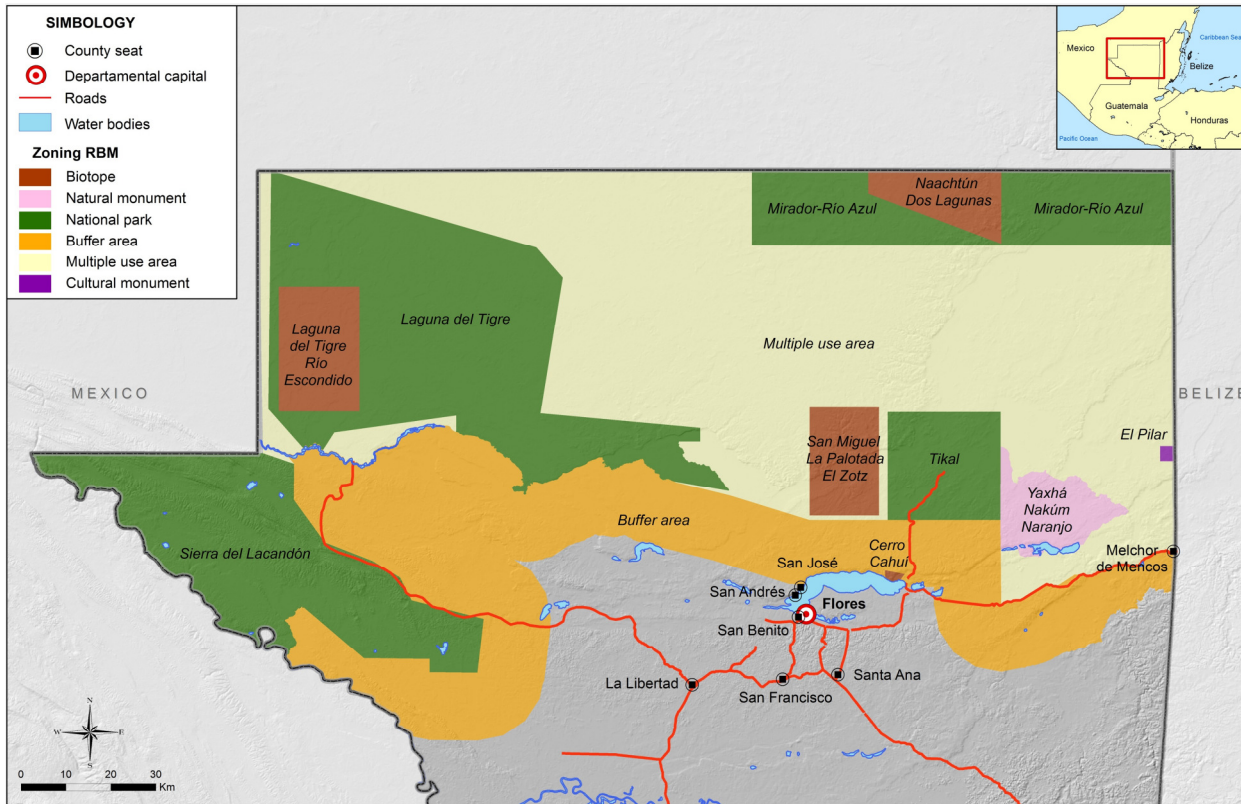
### Historical context

The origins of tenure reform in Petén can be found in the dramatic influx of migrants from other Guatemalan departments beginning in the 1960s. A recently created and autonomous departmental authority called the Enterprise for the Promotion and Development of Petén (FYDEP), charged with distributing the land and resources of Petén, promoted this migration into the most forested department in the

country (Schwartz, 1990). This colonization policy attempted to alleviate demand for land from poor and landless farmers in a country marked by extreme inequality, using Petén as an “escape valve” to compensate for the land reforms truncated by the overthrow of the Árbenz administration in 1954 (Ibid.). Yet FYDEP ultimately encouraged the distribution of land to poor farmers while simultaneously promoting 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, Petén had degenerated into a territory dominated by a 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 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 to deforestation and environmental degradation, that the government mustered a response in the form of the Maya Biosphere Reserve (MBR). This complex of protected areas stretches over 2 million hectares in the Northern half of the department and comprises three different land-use categories: the “core” zones (747,000 ha) containing protected areas, bio-topes, and natural monuments representing the strictest conservation areas; the buffer zone (467,500 ha), a horizontal strip running across the southern end of the park, where the National Council of Protected Areas (CONAP) would monitor and regulate private property activities; and the Multiple Use Zone (MUZ) (864,300 ha), where CONAP would allow certain management activities (Elías and Monterroso, 2014).

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

Source: Created by PRISMA based on CONAP (2001).

The signing of Legislative Decree 5-90 into law in 1990 entrusted the MBR to the newly formed CONAP, following the dissolution of FYDEP in 1989. More significantly, it effectively outlawed the basic livelihood activities of communities residing within the MBR (Gómez and Méndez, 2007; Radachowsky, 2012). Tensions quickly escalated: communities protested against the onerous regulations, demanding access to forests, and CONAP found itself unable to control the vast expanses of the MBR. Meanwhile, chaotic deforestation rapidly accelerated within the MBR as loggers and ranchers took advantage of the governance void to exploit the area's plentiful natural resources (Gómez and Méndez, 2007).

In the midst of this degradation, disparate social groups began to converge around common interests and proposals to form a united front, bringing together an alliance of some long-standing labor unions for timber and *chicle* pro-

duction, in addition to other communities that had arrived more recently and had a history more strongly rooted in agriculture (Gómez and Méndez, 2007; Elías and Monterroso, 2014). In 1995 these communities formed the Consultative Committee of Forest Communities of Petén (CONCOFOP), which by 1997 had obtained formal legal status as the Association of Forest Communities of Petén (ACOFOP). ACOFOP actively lobbied the government for community access and management for the MUZ of the MBR – and after several years of struggle, achieved an agreement with the government which recognized the rights of communities living within and nearby this zone.

### **Governance institutions of the community concessions**

The rights recognized through the community concessions are supported by the Forest Law (Decree 101-96) and the Protected Areas Law

(Decree 4-89), which allow CONAP to issue forest concessions to individuals or companies; in 1992 the Guatemalan government approved a proposal to initiate procedures to establish co-management of the MBR MUZ. The concession contracts issued within this legal framework formally recognized broad and extensive rights of access, withdrawal, management, and exclusion. Nevertheless, management rights were conditioned upon state approval, as the government required the community concessions to formalize their organizations, develop management plans, and obtain certification from the FSC. The state retained alienation rights and limited the duration of rights to 25 years in renewable concession contracts.

Despite their strict limitations, these rights have formed the foundation for the construction of governance institutions in a very short period of time. The community concessions are managed by individual organizations, such as cooperatives, associations or civil society organizations. As such, the right to forest management rests in the incorporated entity, rather than in individual people, and this right is supported by a contract with the group, rather than by a title or certification of tenure (Radachowsky et al. 2012). Many of these groups formed quickly in order to respond to the concessions requirements, and thus the legal and administrative structures reflect more external demands than the evolution of local institutions (Gomez and Mendez, 2007). Yet these organizations have proven remarkably resilient, led by general assemblies, elected Presidents, and Leadership Boards. These bodies facilitate collective decision-making in each concession (in line with prevailing regulations) as well as the implementation of management decisions.

Natural resource management institutions in the community concessions have organized themselves around formal management plans for the production of commercial timber and non-timber forest products (NTFPs), including annual and five-year plans specifying specific measures for each product to be harvested,

subject to CONAP approval and in line with FSC certification. Timber management plans include full resource inventories, environmental impact assessments, and detailed plans for harvesting operations. Failure to meet these requirements could result in the cancellation of the concession contract (Larson et al., 2009). The initial costs associated with meeting these regulations were high, estimated at approximately US\$10 million, while the direct costs for individual community concessions to register formal organizations are estimated at \$2,000 each (Ibid.). Communities likewise incur expenses of approximately 5-8% of operating costs to prepare and approve annual operating plans. These requirements have proven too onerous for a small set of community concessions, which have been unable to achieve FSC certification, preventing the possibility of economic benefits from forest management. This cost has led to an erosion of community institutions for governance, as some families have looked to the expansion of agriculture or cattle as livelihood alternatives, and rules to exclude outsiders have sometimes been unable to prevent the incursion of severe external pressures linked to illicit activities (Radachowsky et al., 2012).<sup>9</sup>

Despite these experiences, clear rules for forest management have provided a strong framework for the emergence and strengthening of community forest institutions in the large majority of community concessions. Communities boast sophisticated institutions around the commercial production of timber and NTFPs, and perform regular and intensive activities to monitor their forests for encroachment and forest fires. In some cases, these institutions overlay previous rules, for example, the management unit perimeters (based on timber) in the community of Carmelita follow the same pattern as previous informal *xate* production boundaries;<sup>10</sup> the current cooperative is like-

<sup>9</sup> These communities also share other important characteristics, including a short historical duration in the area, a historical dependence on agricultural based livelihoods, and are also “resident” communities, in contrast to some others which reside outside of the concession areas.

<sup>10</sup> *Xate* is the latex of the sapodilla tree.

wise based on a previous *xate* extractive organization (Monterroso and Barry, 2009). In other cases, community institutions have emerged with little to no historical foundation. In all of these cases, however, communities have made major leaps in collective resource management under strong new governance institutions, including the commercial production of timber at large scales (Gomez and Mendez, 2007; Radachowsky, 2012; Taylor, 2009). These communities have overcome major technical and financial challenges related to obtaining FSC certification (Pulhin et al., 2010), increased market resilience (by diversifying away from an initial dependence on mahogany (Radachowsky et al., 2012)), and met major market and organizational challenges to form an umbrella enterprise for the community concessions in the MBR called FORESCOM (Rosales, 2010; Elias and Monterroso, 2014).

These community institutions are part of multi-level arrangements beyond the regulatory relationship with the government. CONAP has participated in a number of jointly coordinated monitoring efforts, such as boundary patrols, fly-overs, and the staffing of guard posts. Though at times this coordination has been substantial, and even demonstrated very strong examples of co-management, this joint work has been inconsistent; on many occasions the community concessions have been left to fend for themselves in the monitoring and defense of their territories (Larson et al., 2009).

An additional and important aspect of this multi-level governance can be found in ACOFOP, which as a second-level organization represents and coordinates work among the individual concessions. 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-granting process, ACOFOP has functioned as a representative organization of the community

concessions, and has played a critical role in assisting individual concessions in market negotiations, management issues, and even meeting day to day needs (such as transportation to hospitals for remote communities). Perhaps more importantly, ACOFOP has played a critical role in defending the communities from the multiple external pressures that threaten to overturn the concessions either in practice or in law (Eliás and Monterroso, 2014).

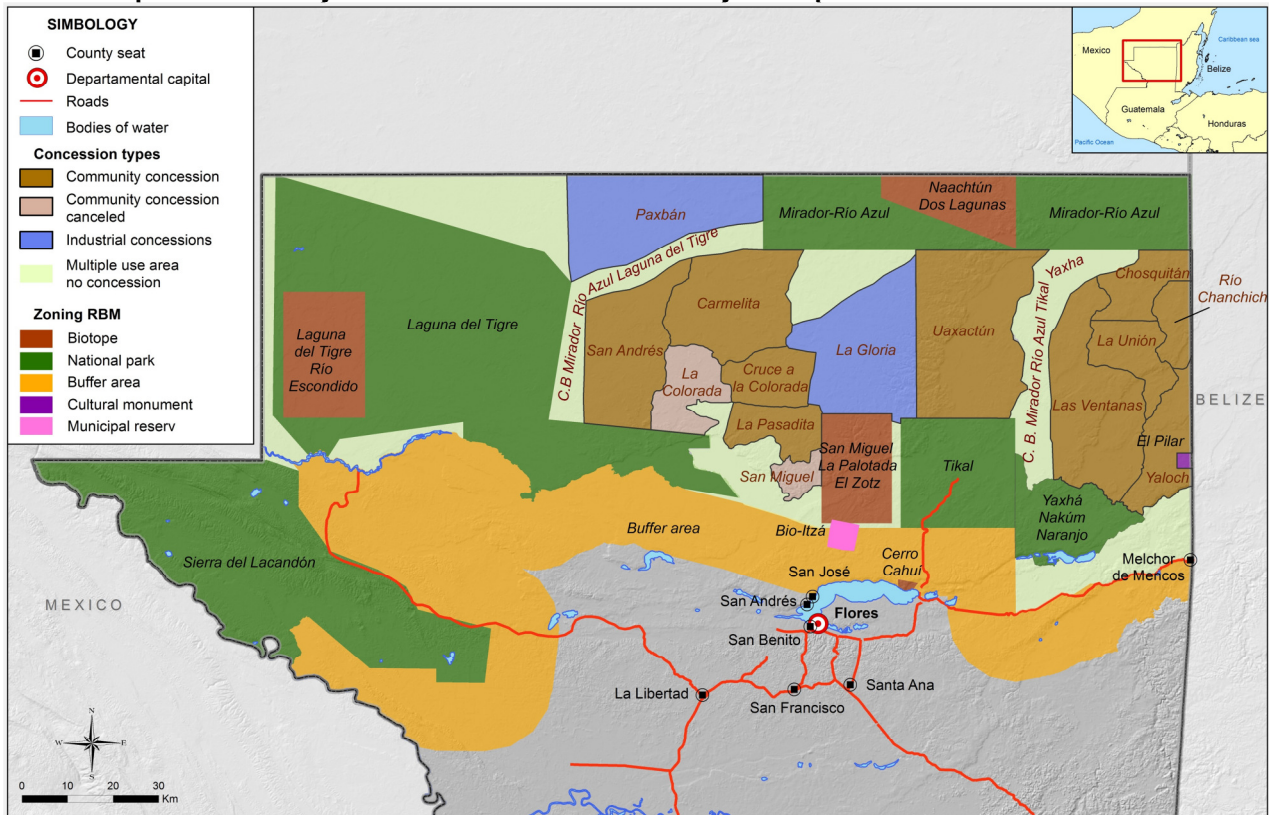
The overall territorial and policy context facing the community concessions has proven to be adverse. The threat of expropriation for extraction of the vast oil reserves underneath the concessions has emerged several times during the lifetime of the concessions, underscoring the concession holders' lack of subsoil rights. Large scale tourism interests in the region, such as the the creation of the Mirador Basin National Park, have also threatened to infringe upon the rights of several community concessions (Cuéllar et al., 2011). A Presidential Decree in 2002 (Governmental Decree 129-2002), actually supported this national park initiative, which was later overturned after strenuous efforts by ACOFOP to defend its rights. These threats are exacerbated by significant encroachment originating from the south that has substantially increased over the past 10 to 15 years as land value has increased thanks to a new highway pulling Petén into the orbit of new markets, facilitating the expansion of cattle ranching, palm oil, and other agro-industrial plantations. These changes have driven both dislocated communities and large scale commercial interests northwards towards the MBR and the community concessions (Cuéllar et al., 2011). Illicit actors have been closely linked to cattle ranching and oil palm expansion, and they have viewed Petén as a transit and exchange platform, using these economic activities to launder money and to justify their presence in the region. The oil exploration and associated pipeline inside the MBR in the Laguna del Tigre National Park have been significant facilitators of these pressures.

## Results of Territorial Governance by ACOFOP

The institutions described in the previous section have combined to provide a strong governance model in the MBR, especially compared with neighboring areas where the government did not recognize community rights. Nittler and Tschinkel (2005) found that “when compared to neighboring national parks and multiple use zones whose conservation is dependent on government institutions and conservation NGOs, [Maya Biosphere Reserve communities’] forest concessions have great impact on reducing fires, deforestation and illegal extraction, thereby conserving this valuable ecosystem”. Other studies have confirmed this finding, which is visually reflected in land use change maps of the Maya Biosphere Reserve (Maps 2 and 3), depicting a stark contrast between the surrounding national parks which have been ravaged by forest fires and the

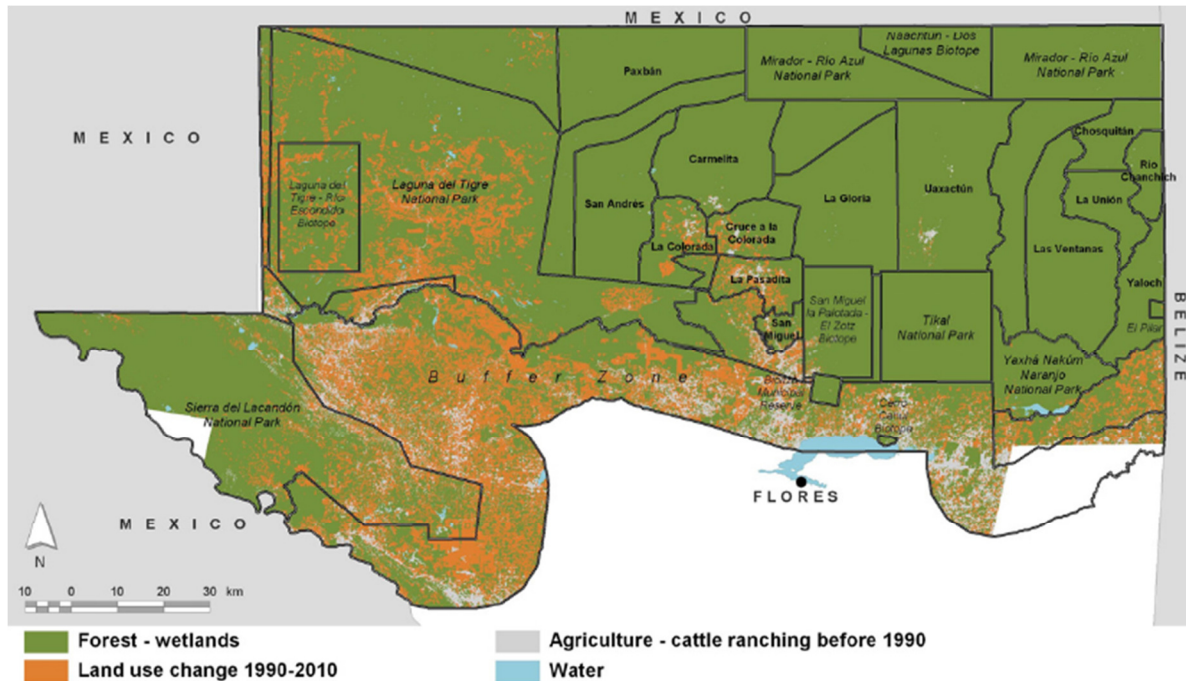
community concessions, which remain intact. Other key studies supporting these findings include Radachowsky et al. (2012), which found that the FSC certified concessions have seen deforestation rates of 0.008% between 2001 and 2009, in comparison to the national park average of 1.18% during the same period. Even including the concessions that have not achieved certification, 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.). Additional studies, such as Hughell and Butterfield (2008), have found the certified community forest concessions to be more than 20 times more effective than protected areas at conserving forests. Numerous other studies have affirmed the strong governance model represented by the community concessions, such as Monterroso and Barry (2010), Larson et al. (2010), and Bray et al. (2008), among others.

**Map 2. Community Forest Concessions in the Maya Biosphere Reserve of Guatemala**



Source: Created by PRISMA based on Elías and Monterroso, 2014, CEMEC-CONAP (2013) and CATHALAC (2007).



**Map 3. Land Use Change in the Maya Biosphere Reserve 1990 to 2010**

Source: Radachowsky et al., 2011.

These ecological achievements are closely linked to the enhanced livelihoods and improved local economies facilitated by community forest enterprises, as the economic benefits have strengthened livelihoods as well as local perceptions of the legitimacy of the entire concession process. The community concessions generate significant levels of income from a range of activities, including timber management with high-value species such as mahogany, but also 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). Monterroso and Barry (2012) highlight this process and show that timber management activities generated over 50,000 jobs in the region during 2007, and directly involved 2,000 families in addition to another 3,000 indi-

rect beneficiaries. Monterroso and Barry (2010) also document a 33% increase in incomes from cedar and mahogany sales, and an increase in benefits from NTFP activities of over 60% when compared to livelihoods before the concessions. In 2003, the estimated average income for concession members (including wages and dividends) was approximately US\$ 1,140 for an average of 39 days of work, the equivalent of approximately 6 months of average wages in Petén (Radachowsky et al., 2012). These activities, organized through the umbrella economic organization for the concessions, FORESCOM, generate significant levels of income: in 2008, it produced approximately US\$ 5.8 million in income from timber sales and US\$ 181,000 from xate sales. These benefits have dramatically altered social and economic realities in the MUZ, and have made this area into one of the last parts of Petén where large scale forest conversion and the institutional collapse associated with illicit actors has been prevented.

## **Lessons from the community concession process**

The community concessions of Petén have demonstrated the viability of territorial institutions fused with enterprise models in delivering substantial economic and social benefits for their members while maintaining the ecological integrity of significant forest areas. Perhaps even more importantly, these institutions were built over a very short period of time; in comparison with the generations and sometimes centuries-old institutions in other cases in this report, ACOFOP's process appears almost instantaneous. Key enabling factors for this institutional emergence have included strong levels of social cohesion and legitimacy, due in good measure to the emphasis of community leaders on promoting broad and active participation within and between the communities (Monterroso, pers. comm.) as well as the broad base of

economic benefits generated by the concession system (Nittler and Schinkel, 2005)

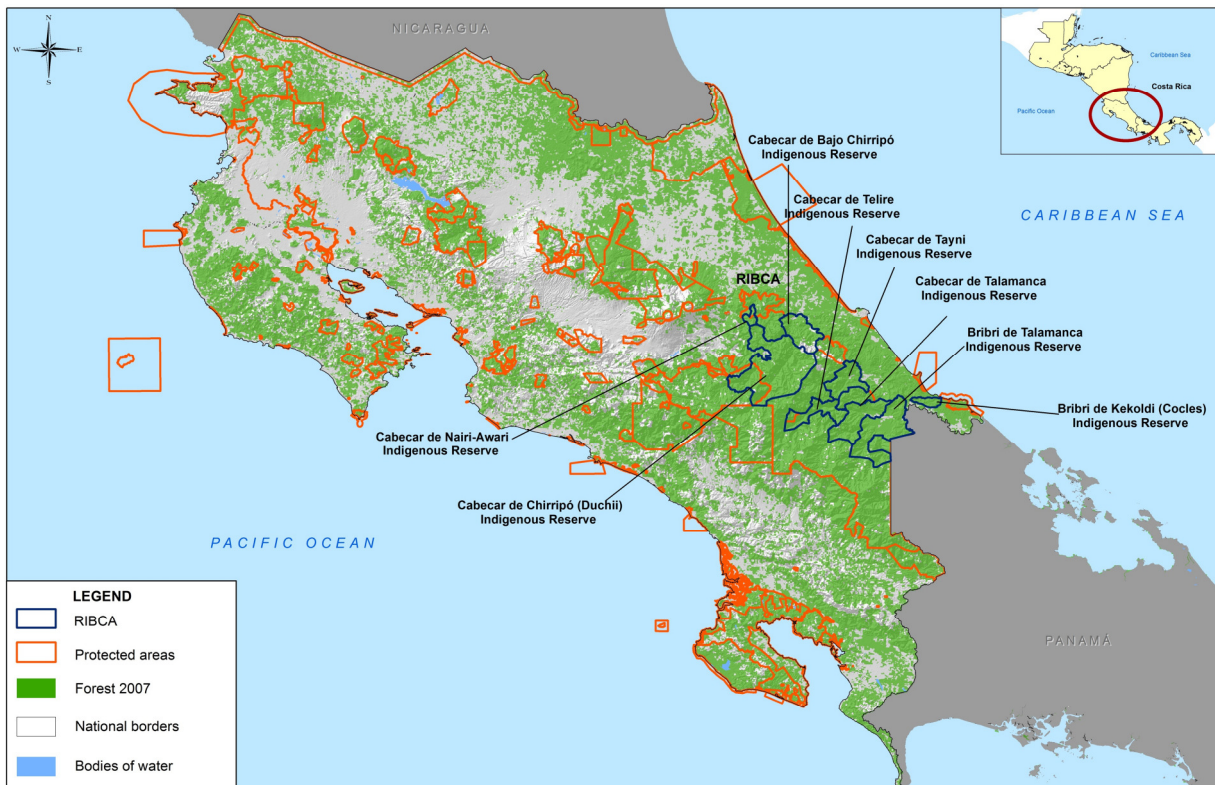
The strict conservation regulations guiding the implementation of forest management have served as an important tool in the construction of community institutions by providing a clear set of rules for communities to follow. Yet the high costs of these regulations have also been counterproductive in some cases, leading to weakened institutions when lack of certification has led some families to seek viable livelihood strategies in other activities. Despite the challenges faced by a relatively small group in the community concession process, the large majority of the community concessions have remained ecologically intact, with strong economies and local social benefits. In the face of a prevailing pattern of deforestation and degradation, the ACOFOP model represents the last bastion of forest governance in Petén, further emphasizing the importance of community concession renewal for continued success.

## Costa Rica: Institutions for territorial governance in the Bribri Cabécar Indigenous Network (RIBCA)

The case of RIBCA demonstrates the capacity of local actors to lead in the construction of territorial governance, even when facing severe limitations. A 1977 legal framework recognized territorial rights in Costa Rica, yet constrained the exercise of self-determination by recognizing them to new organizations with no basis in traditional governance institutions. While these organizations have been associated with major problems in other parts of the country, RIBCA

has made important progress in transforming them to conform to traditional values and institutions. The resulting legitimacy has allowed for the strengthening of territorial governance based on traditional values, including the generation of new rules to address current threats to the territory. The articulation of this process of territorial governance, supported by significant funds from the national Payment from Environmental Services (PES) program, and the development of self-designed protocols for FPIC represent major achievements led by RIBCA's territorial authorities.

**Map 4. RIBCA Territories and Protected Areas in Costa Rica**



Source: Created by PRISMA based on RIBCA, ITCR and Digital Atlas Costa Rica, 2000.

RIBCA brings together eight territories<sup>11</sup> in the provinces of Limón and Turrialba, representing a population of 35,909 Bribri and Cabécar people, approximately one third of the indigenous population of Costa Rica (INEC, 2013).<sup>12</sup> The ancestral territories of these peoples extend far beyond the currently recognized territorial extent of 168,000 hectares, forming part of the largest contiguous and most biodiverse forest area in Costa Rica (SINAC, 2014), and bordering and containing parts of the largest protected area system in the country.

### Historical context

The Bribri and Cabécar Peoples have a long history of struggle in defense of their territories, which have been subject to mounting pressures since the early colonial period. These threats intensified from the late 1900s through the 1930s as the large scale banana plantations of the United Fruit Company expanded in the Talamanca Valley, driving a mass displacement of Bribri and Cabécar communities. This forced migration into the mountains contributed to great adversity for these communities who struggled to maintain their traditional livelihoods and ways of life. At the same time, the Bribri and Cabécar were faced with concerted efforts by the government as well as banana companies to undermine the traditional political-military Chiefdom system, resulting in its collapse in Talamanca in the 1920s (Borges, 1996).

In the following decades, many of the banana companies withdrew from the Talamanca Valley in response to major floods and plagues, facilitating the return of the Bribri and Cabécar

<sup>11</sup> These territories are: Cabécar Talamanca; Cabécar Tayni, Limón; Cabécar Bajo Chirripó, Matina; Cabécar Telire, Talamanca; Cabécar Nairi Aware, Siquirres; Cabécar Alto Chirripó, Limón; Bribri Talamanca, Talamanca; and Bribri Kekoldí, Talamanca.

<sup>12</sup> The eight indigenous peoples of Costa Rica (Bribri, Brunka or Boruca, Cabécar, Chorotega, Huetar, Maleku, Ngabe and Teribe) have organized into four regional “blocks” based on similarities and shared characteristics: on the Caribbean (RIBCA) the South Pacific, Central Pacific and North Central.

Peoples to their homes. While these communities were able to recuperate large parts of their territory, they were forced to continue their struggle for the recognition of their rights against official repression for several more decades, both by the State and the Catholic Church. A window for change opened toward the end of the 1940s, as the Costa Rican government began a transition toward seeking civil-society counterparts in a model that Guevara Burger (2000) calls “State-Benefactor Capitalism”. This model ultimately translated into new modes of state relations as the government created new agencies with the stated objective of supporting Indigenous Peoples, though in practice, a paternalistic approach prevailed that frequently sought their co-optation (Ibid.). This series of policies began with the creation of the Board of Protection for Aboriginal Races (Junta de Protección de Razas Aborígenes, JPRA) in the 1950s. In 1974, the National Commission on Indigenous Issues (CONAI) replaced the JPRA, and three years later, the Indigenous Law of 1977 created the Indigenous Integral Development Associations (ADII) and designated them as territorial governments, while also establishing CONAI as the national representative of indigenous peoples.

### Governance institutions in the Caribbean indigenous territories of Costa Rica

The Indigenous Law of 1977 establishes the rights of Indigenous Peoples as the sole and exclusive owners of their territories, while also recognizing their rights to the access, withdrawal, and reproduction of the natural resources in their territory, barring deforestation (Article 7). The Law recognizes the rights of Indigenous Peoples to self-government according to their own organizations and customs; however, the regulation of the law established the ADII as the representative organs of each territory. In addition, the Law defined an ADII governance system, structured to include a General Assembly as the highest authority, a Board of Directors, a Prosecutor, and an Execu-

tive Secretary, as well as specific rules regarding the functions of these positions, including that the Board of Directors and the the President be democratically elected (established based on Law Number 3859 and its regulations in 1967). The framework for these indigenous rights were strengthened almost 15 years later upon the ratification of the ILO Convention 169, which has been recognized at a Constitutional level in the country, establishing a strong legal basis for the exercise of self-government, FPIC, and a complete bundle of tenure rights for indigenous peoples (Cajiao Jimenez, 2002).

While the ILO 169 consolidated indigenous rights in the 1990s, it was the Indigenous Law of 1977 which sparked the beginning of a new territorial governance process in Talamanca. This process is significant especially in contrast with other territories in the country, where ADIIs have suffered from difficulties, such as low levels of representation and general inactivity with respect to rights. In addition, CONAI on several occasions has intervened in negative ways in the development of these organizations, ultimately weakening rights claims. Therefore, for many territories, the Indigenous Law did not put an end to the usurpation of land and the violation of rights, in many cases it actually facilitated them (Guevara y Chacón, 1992).

In contrast, the indigenous communities of Talamanca have achieved high levels of legitimacy and independence from the formal indigenous institutions of the state through a strong social appropriation of the ADIIs (Guevara Berger, 2000). They achieved this in part through deliberate efforts to build legitimacy based on existing institutional structures in the area, including through the inclusion of Justices of the Peace, important authority figures in Talamanca following the collapse of the Chiefdom system in the 1920s (Borge, 2015). These Bribri and Cabécar leaders took the helm of the ADIIs at a time characterized by peaking interest in oil in Talamanca, prompting these territorial authorities to lead a movement for the protection of

indigenous territorial rights. A broad process of social appropriation of the ADIIs ensued, resulting in the modern day territorial governments of Talamanca Cabécar (ADITICA), Talamanca Bribri (ADITIBRI), and Kekoldi.

Over time, the Cabécar and Bribri have molded the institutional arrangements of the ADIIs to conform to their own cosmovisions, cultures, and traditions. This has meant supporting traditional authorities, such as Useklas (among the Cabécar), Awapas (Bribri), as well as Justice Tribunals and Elder Councils in the territorial governments, leading to strong territorial governance independent of the formal institutions of the Costa Rican State (Guevara Berger, 2000). The Indigenous Bribri and Cabécar Network (RIBCA) was formed in the process of this institutional strengthening of Bribri and Cabécar territories as a platform to ensure territorial governance and establish a united front vis-à-vis external actors.<sup>13</sup>

RIBCA's agenda has focused on the promotion and revival of the cosmovision of the Bribri and Cabécar Peoples, which are fundamentally linked to the relationship these people maintain with their natural environment. These Peoples consider themselves to be an integral part of nature, and maintain a spiritual, ethical, and social code that dictates behavior and traditional norms, in what has been described as a "pact of honor" with nature (Borge y Castillo, 1997). These traditional institutions principally consist of norms associated less with explicit sanctions, and more with spiritual consequences, such as sickness or death, applied by nature's deities (Ibid). These values underlie these Peoples' traditional land use zoning systems, which generally include community forests, made up

<sup>13</sup> A wide range of other entities (NGOs, Forestry Committees, municipalities) have also affected the management of natural resources in the territory in different ways as have CONAI and the National Community Development Directorate (DINADECO). However, this section focuses on territorial governments as the main centers of institutional construction, and those who have endured over time despite the sometimes contradictory efforts of other entities that have sought to advance different proposals for indigenous territories in the Caribbean Coast.

of large upland areas near headwaters, generally used for hunting and gathering, and where local communities manage the access and use of these forests (Herrera-Ugalde and Pérez-Castillo, 2012). Ownership of forest areas by specific clans is also common, and these tend to be located in lower altitudes and used with greater intensity. In small family plots, agroforestry polycultures prevail in the production of bananas, plantains, cassava, cocoa, and coffee (Herrera-Ugalde and Pérez-Castillo, 2012; ADITICA, 2009).

These traditional institutions have been evolving to meet the challenges emerging at territorial levels, both in response to external demands and internal needs. Internally, population density has been increasing, not merely due to demographic growth but also due to the substantial reduction of the Bribri and Cabécar territories that occurred with their official demarcation, involving usurpation by agricultural plantations and tourism complexes in the lowlands, and by protected areas in the mountains (ADITICA, 2009). At the same time, the presence of properties illegally held by outsiders within the territories exacerbates this problem. Taken together, these trends represent a scenario where the population density has grown in some cases to be much higher than that which existed traditionally with hunter and gatherer societies, and to more closely resemble agriculture based indigenous peoples (Herrera-Ugalde and Pérez-Castillo, 2012).

In response to these challenges, new rules have been developed at territorial levels. These rule-making processes have been most well consolidated in the Bribri Talamanca territory, which have created Support Commissions (Comisiones de Apoyo) to implement rules guiding natural resource management and use. These rules include monitoring and sanctions at community levels as a part of a nested system where the territorial government supports the actions of these Commissions, and addressing conflicts that are not resolved locally. These territories also have individuals charged with

monitoring the natural resources in the territory, in a position similar to that of a “forest guard”, though this position holds a cultural meaning beyond the utilitarian sense of this word. These rules are most common in territories such as ADITIBRI and ADITICA, and are more incipient in territories such as Nairi Awari and Alto Chirripó.

These shifts represent a general trend in institutional arrangements of the Bribri and Cabécar, involving traditional norms complemented by new rules, coordinated at community and territorial levels. This territorial governance occurs relatively independently from conservation organization in the country, despite a legal framework that calls for an active coordination between these indigenous territories and the National System of Protected Areas (SINAC). Regulation 27-800 issued by SINAC in 1998 ignores the management rights recognized in the Indigenous Law of 1977 and ILO 169 and establishes a series of limitations over land use in indigenous territories, such as outlawing the commercial sale of timber. These laws have an impact on local management plans and activities, impeding productive proposals for community forest management even when SINAC does not have a consistent local presence to coordinate with territorial governments. Nevertheless, one of the achievements of SINAC in indigenous territories includes the training of indigenous forest rangers in ADITICA and ADITIBRI, leading to an important intercultural process that combines scientific and local traditional knowledge.

The strongest interactions between the indigenous territories and the national government have come through the Forest Financing Fund (FONAFIFO), a PES program. After its inception in the late 1990s, vigorous advocacy by territorial authorities managed to introduce PES in the indigenous territories of the Caribbean (making up the bulk of indigenous territories participating in the FONAFIFO program), given their extensive forests that meet the requirements of the program. The payments pro-

vided to the territories are raised through national-level fuel taxes as well as other international sources such as the Eco Markets Programs (I and II) financed by the World Bank and the German government owned development bank KfW. These funds reached US\$ 14.8 million between 1997 and 2009, at a substantial rate of annual payment per hectare (US\$ 8.57).<sup>14</sup> These resources have financed social projects (infrastructure, community centers, investments in health care, etc.) and recovered ancestral territories. They have also been used to strengthen territorial governance through the exercise and application of territorial rules, promoting the work of forest guards in addition to improving the capacities for political negotiation with the national government.

The designation of relatively small areas (generally between 10% and 20%) in a given territory represents a new rule, guided by the PES modality applied in these forests of “forest protection”, where forest use and withdrawal are prohibited. This is an issue that remains under negotiation, including in the current REDD+ process, as it is incongruent with the traditional use of forests. Nevertheless, the Bribri and Cabécar have proven themselves to be effective in conserving the forest under these modalities. According to Herrera-Ugalde and Pérez-Castillo (2012), these conservation payments have been successful, achieving additionality in reducing emissions from deforestation and degradation.

Attempts to achieve a more consistent and consent-based coordination with the government has been central to RIBCA’s agenda since its inception, when it formed to present a common negotiating platform facing the Costa Rican Social Security Agency (CCSS). The importance of clear and consistent protocols for engagement with external actors has also applied in dealing with interests and proposals for hydro-

electric, oil, and mining projects that have been proposed for these territories, but have been stopped to date due to the local resistance. One of the main achievements in these efforts has included an Indigenous Consultation Plan that has established the rules and steps necessary to convert the principle of FPIC into a reality within the REDD+ initiative, based on a process designed by indigenous peoples. This initiative is currently underway, with important potential to set a precedent for future FPIC processes. The REDD+ consultation has financing of US\$ 1.2 million and represents an important step in the construction of multi-level governance relationships in the country (Cuéllar et al., 2014).

### **Results of RIBCA’s Territorial Governance**

The efforts of the territorial authorities represented in RIBCA have demonstrated concrete economic, social, and ecological results. The productive agenda of these territories has made progress in cocoa, plantain, banana, and coffee production thanks to the recognition of territorial rights and the leadership of territorial governments. Many of these efforts have benefited from communal infrastructure such as bridges, housing, and meeting and productive centers, built using PES funds. Despite this progress, the indigenous territories still remain far behind in socio-economic indicators in comparison with the rest of Costa Rica, despite living amongst natural wealth.

The Bribri and Cabécar territories boast forests that are stable and intact. While other areas of the country continue to suffer deforestation as in the Central Pacific, as well as the Southern or Central Northern regions of the country, RIBCA’s territories have not suffered from significant degrees of deforestation (Calvo-Obando and Ortiz-Malavassi, 2012) and have contributed to the conservation of the largest mature forests in Costa Rica. In addition, the boundaries of the protected areas of La Amistad International Park, which borders indigenous territories, are in better condition

<sup>14</sup> Calculated based on Herrera Ugalde and Pérez-Castillo (2012) for the period of 2007 through 2011, corresponding to the PES Program in all indigenous territories.

than those that do not (Herrera-Ugalde and Pérez-Castillo, 2012). This territorial stability also relates to the region's topography, which makes access relatively difficult, in addition to the prevailing socio-environmental conditions in the surrounding regions. Yet the stability of the region is clearly the fruit of the actions of indigenous leaders in RIBCA who have defended their territories against invasion, internal cultural erosion, and the incursion of the multiple proposed mega-projects (IUCN, 2009).

### **Achievements, challenges and lessons from the RIBCA process**

RIBCA's process highlights the capacity of the Bribri and Cabécar Peoples to transform state-driven institutional arrangements to accommodate their traditional forms of organization, in an governance process endowed with legitimacy at local levels. As Borge (2003) reflects regarding the ADIIs, one of the most important processes of a society is the *"expressed form of the social contract that is established between the different members of a human group that wishes to form a community of norms, rules and customs,"* suggesting that state-designed institutional arrangements for indigenous territories can generate conflicts or even undermine legitimacy, as has occurred in Costa Rica, such as in the southern part of the country. The imposition of the ADII represents a violation of the right to self-determination. Yet in the case of the indigenous territories of the Caribbean, these ADIIs and their pre-set governance rules also established the foundation for dialogue and the promotion of rights-claims, allowing an evolution towards self-government drawing on the cultural foundations of the Bribri and Cabécar as well as the principle of self-determination guaranteed by ILO Convention 169.

This progress towards self-government has allowed a strengthening and evolution of indigenous institutional arrangements in the

management of natural resources in their territories, reflected in the collective decisions to establish areas for the PES program, the formulation of new rules in the Support Commissions, and the implementation of territorial rules by forest guards. The agreements in the PES program have also allowed for the capacity development of territorial leaders, consolidating the efforts of advocacy of these Peoples vis-à-vis the national government, a key factor in the construction of FPIC processes and the prevention of mega-projects in the region (e.g., tourism, hydroelectricity). This set of factors have contributed significantly to the continued conservation in the largest contiguous forest in the country. The PES program in indigenous territories thus represents a key example of territorial climate finance, where funds are channeled directly to indigenous authorities, achieving a result so sought after in international fora: strengthened governance, the mitigation of climate change through forest conservation, and a reduction of emissions from deforestation and degradation.

Future challenges include tensions related to scale for the Bribri and Cabécar population, economic options for its people, the articulation of territories with conservation agencies, and the use of future PES funds under possible REDD+ schemes, all of which are closely inter-related. The seizure of indigenous territories by protected areas and private plantations are also pending issues for discussion in the Caribbean zone. Resolving these historical debts and achieving a more constructive articulation between conservation agencies and indigenous territories could contribute to resolving these challenges in the territory, which could be linked to promoting the economic potential of the socio-cultural wealth in the Bribri and Cabécar territories, without jeopardizing their ecosystems. The PES programs, and potentially future climate funds, could play an important role towards such a territorial transformation.



## Territorial Governance in Panama: The case of the Embera/Wounaan Comarca

The prevailing territorial governance in the Embera/Wounaan *Comarca* (region) is a product of the historic struggle for territorial rights in Panama and the internal organizing efforts of the Embera and Wounaan Peoples dating back to the 1960s. Today, Panama has one of the strongest and well-recognized frameworks for indigenous rights in Latin America, despite the fact that the country has not ratified ILO Convention 169. In addition to the formal recognition of territorial rights, the Embera/Wounaan *Comarca* has a detailed series of rules for internal governance. Putting this system of government into practice – as an exercise of self-determination – has been one of the main agenda items of *Comarca* authorities since the formal recognition of its Internal Charter in 1999. Community forest management has proven to be a useful tool for strengthening governance and promoting territorial planning processes, as well as for generating new economic opportunities within the territory. Despite ongoing external pressures and weak national government support in various aspects, the *Comarca* has gained valuable experience in building constructive relationships with government agencies. Through these relationships, the *Comarca* and government have been able to respond jointly to severe threats to the territory and the country.

The Embera and Wounaan peoples reside mainly in communi-

ties spread across the Province of Darién, a forest frontier that is home to most of the mature forests in Panama. The Embera/Wounaan *Comarca* is one of five formally recognized *Comarca* regions in Panama, and it is made up of 41 communities organized in the non-contiguous districts of Cémaco and Sambú. The region covers 4,398 km<sup>2</sup> (6% of the national territory) and includes approximately 10,000

Map 5. Darién Province with the National Park and Comarca



Source: Created by PRISMA based on CATHALAC (2007) and GIS database of Mesoamerica /CCAD-BM (2002).

inhabitants. On a country-wide level, the areas of collective rights recognized as Comarcas or "Collective Lands" in Panama reach 23,742 km<sup>2</sup>, covering 31% of the national territory.

### Historical context

The Embera/Wounaan political organization emerged in 1968-1969, when the First Indigenous Congress was held in Altos de Jesús, in the province of Veraguas, and the first Embera chiefs, or Caciques, were elected (Dogirama, 2015). This congress was a watershed moment for the political and social reorganization of the Embera and Wounaan People in Darién, stemming from efforts to respond to a scenario of multiple threats and opportunities. In the 1960s, construction began on a highway that would divide Darién, which put unprecedented pressure on the Comarca. Nonetheless, this period also presented an historic opportunity for the assertion of territorial rights, especially since the Guna People had achieved recognition for their territory following a brief but successful rebellion in 1925, setting an important precedent for Panama (Herlihy, 1995). This example helped to guide the advocacy efforts for indigenous rights in the country, and influenced Embera organizing efforts as well. In their quest for recognition, the existing territorial governance system from the Guna Yala Comarca was adopted. This system is known for its use of institutions such as Congresses and Caciques (Ibid.).

The Political Constitution of 1972 made progress on the legal framework for indigenous rights in Panama, as the government recognized rights to property and political participation for indigenous peoples, placing indigenous regions, or Comarcas, at the highest level of subnational jurisdictional hierarchy in the country, on par with provinces. Nonetheless, the Embera and Wounaan peoples in Darién did not yet have specific recognition, leading them to continue their advocacy efforts with the national government. These efforts ultimately produced recommendations not only for the

formation of specific indigenous territories (Comarcas), but for the recognition of their own systems of governance as well, enshrined in Internal Charters (Herlihy, 1995).

After over two decades of holding General Congresses throughout the Darién region, Embera leaders mobilized in a 1983 march to Panama City to demand recognition for their territorial rights. After intense negotiations with the national government, they struck an agreement to set aside two territories from the Province of Darién to establish a new Comarca. These efforts and agreements led to the passage of Law 22 in November 1983, which created the Embera/Wounaan Comarca. Actions to develop the Internal Charter for the Comarca would continue for another 16 years, until its final recognition and approval in 1999. This instrument includes a detailed set of rules for territorial governance and land use within the Comarca (Gobierno Nacional de Panama, 2010).<sup>15</sup>

### Governance Institutions in the Embera/Wounaan Comarca

Despite the lack of support from international instruments such as ILO Convention 169, the indigenous peoples in Panama have one of the strongest legal frameworks for their rights in Latin America (Roldán, 2004). The Constitution of 1972 establishes that "The State must guarantee a reserve of necessary lands and collective property for indigenous communities to ensure their economic and social wellbeing" (Article 123). Along with Law 22 from 1983, this legal framework recognizes access, withdrawal, management, and exclusion rights for the Em-

<sup>15</sup> It is important to note that 43 Embera communities were left out of the territorial designation of the Comarca. After 25 years of constant struggle, Law 72 (the "Collective Lands Law") was passed on December 22, 2008. This law establishes the procedures to freely grant collective ownership rights of lands that have been traditionally held by indigenous communities, but were left out of the existing Comarcas. Other indigenous peoples in Panama have yet to achieve official recognition and designation of their territories, leading to an ongoing negotiation process.

bera and Wounaan Peoples (Gobierno Nacional de Panama, 2010). Management rights face important limitations to their practical implementation, particularly with respect to forest resources. The Forestry Law of 1994 states that any logging activity must be approved by the National Environmental Authority (ANAM), with the exception of plantations on private lands (Legislative Decree No. 1, 1994). Usage of natural forests requires a forest inventory, a management plan, and identification and marking of the trees to be cut. Other limitations on management rights are related to the Darién National Park; 34% of the Comarca overlaps with nationally protected areas. The Internal Charter establishes that actions within these areas must be defined jointly with the General Congress and ANAM (Gobierno Nacional de Panama, 2010), although the institutional presence of ANAM has been very limited.

These rights have provided greater recognition of and strength for the traditional institutions of the Embera and Wounaan Peoples. These peoples' relationship with natural resources is a fundamental part of their identity: the rivers, swamps, forests, and oceans in their territory play a foundational role within their culture, spirituality, and world-view (UNESCO, n.d.). The management of natural resources under this worldview has traditionally revolved around the community as the central reference point. In response to the threats to these traditional institutions, Embera and Wounaan communities drove a process of territorial reorganization that found support in the legal framework of Law 22. This law recognized the General Congress of the Comarca as the highest traditional decision-making authority and the expression of the Embera and Wounaan Peoples vis-à-vis the national government and public or private external entities. It also recognized the General *Cacique* as the main representative of the Comarca and the Nokora Council as the principal consultation body (Gobierno Nacional de Panama, 2010). The Internal Charter outlines a detailed series of provisions, functions, and powers for the territorial government, includ-

ing the rules of operation and the powers of the General Congress, General *Cacique*, and a Board of Directors, as well as the regional and local congresses, and the Nokora Council. Additionally, the Internal Charter contains the administrative rules at different levels for the Comarca, as well as the directives for territorial planning according to traditional institutions. This instrument contains the following classifications for land use: communal, collective, forest usage, bio-cultural subsistence, and land for reforestation (Ibid.). The Comarca also has a series of administrative institutions at its disposition, such as the Departments of Planning, Finance, Natural Resources and Environment, Culture, Health, and Education (Ibid.).

Putting this formal institutional structure into practice has been a central goal for Embera and Wounaan authorities since the recognition of its Internal Charter in 1999 (Aji and Quintana, 2015). The General Congress of the Comarca, held in 2000, agreed upon a series of activities to reach this goal, including the promotion of formal community forest management in order to create a base of production that could facilitate the resources necessary to implement the full scope of the territorial governance system. The first steps in this process included the description and characterization of land uses in the Comarca in 2003, and the search for allies to help undertake the experiences in community forest management in 2004. Initially, the Comarca faced obstacles: there were no specific governmental provisions for community forest management, and the existing regulations only allowed usage permits and concessions for areas from 1,000 to 5,000 hectares. The Government of Panama also showed little interest in supporting this initiative (Aji and Quintana, 2015). Nonetheless, with active advocacy from the Comarca authorities and support from the United States Agency for International Development (USAID), through the World Wildlife Fund (WWF), the government issued an executive decree to allow a pilot plan for forest management in Río Tupiza, with a total proposed surface area of 26,720 hectares for management.

After learning from community forest management processes in Guatemala and Mexico, today a total of 110,648 hectares are managed under this model in seven communities. Of this total, 43,500 hectares have been certified by the FSC. An additional 66,107 hectares are pending approval by the Ministry of the Environment (Dogirama, 2015). These initiatives operate with the approval and support of the Comarca authorities, but are administered at a community level. The resources generated through these activities have been used to strengthen territorial governance, with a percentage of revenue going to the Comarca, in addition to a number of projects to reach this goal (ex: construction of community meeting spaces, purchase of outboard motors, building paths and roadways, etc.). The resources from community forest management activities have also helped to build homes, start schools, and purchase medicine, all with local approval through decision-making processes in assemblies (Aji and Quintana, 2015; Dogirama, 2015a). As a result, community forest management has driven production activities in addition to strengthening territorial institutions (Dogirama, 2015). Currently, ongoing local monitoring and surveillance activities are being undertaken, including community mapping efforts and use of drones.<sup>16</sup> These efforts have been some of the main drivers to strengthen and defend local territories, particularly given the limited state support allocated for the Comarca.

The most consolidated multi-level arrangements have centered on engagement between Comarca authorities and representatives from the National Border Services (SENAFRONT by

<sup>16</sup> In 2015, the first phases of training on community mapping and drone piloting began, as well as capacity-building on the use of monitoring tools for current forest coverage and territorial border surveillance in the Comarca. With this initiative, communities can monitor the encroachment of the agricultural borders that deforest or degrade forested areas. The initiative allows for improved territorial governance and control, and early response by traditional and public authorities in the region, despite the little technical assistance provided for indigenous communities by the Panamanian state.

its Spanish acronym), the national agency in charge of national border surveillance and security. These relationships were built following a problematic series of interactions from 2000 to 2010, during which time armed individuals and groups were crossing the Panamanian border illegally, leading to situations of displacement, violence, and even killings within and outside the Comarca territory (PRISMA/AMPB, 2014). For many years, rather than working with the existing governance structure in the Comarca, the government response worked against it, through a refusal to recognize the internal regulations of the Comarca and imposing restrictions on local livelihoods and movement, and settling in communities in a way that ran contrary to the traditions in the Comarca (Ibid.). On many occasions, the result was a lack of effective coordination between the communities and national authorities, thus weakening efforts to respond to the cross-border threats.

Starting in the year 2010, an open dialogue was established between Comarca authorities and SENAFRONT in order to foster more constructive engagement. This dialogue has reached many of the goals established at the outset of the process: regulations and restrictions imposed upon the communities have been eliminated, there is greater awareness of the internal rules for the Comarca, Embera and Wounaan People have been trained and have been integrated into SENAFRONT teams, and there is ongoing coordination and communication between the state agency and Comarca authorities (Dogirama, 2015a). While the flow of illicit goods is still a reality in Darién, the presence of armed groups has been greatly reduced.

## Results of territorial governance

The strengthening and consolidation of territorial governance institutions in the Embera/Wounaan Comarca has produced important environmental, economic, and social outcomes in a complex situation of threats from settlers, ranchers, and even criminal groups. The territorial institutions in the Comarca have

been able to conserve their forests in the face of external pressures, maintaining forest coverage over 90% of their territory, with a minimal rate of forest loss, calculated at 0.14% from 1992 to 2008 (ANAM, 2009). This rate contrasts with the current trends for deforestation in the surrounding Province of Darién, which has seen an annual deforestation rate of 0.81% and a lower overall forest coverage, at 70% (Ibid.).

In social and economic terms, the Comarca has made important strides through community forestry enterprises. From the years 2007 to 2010, sales reported by these initiatives totaled US \$426,800, and they created 8,562 direct jobs (Dogirama, 2015). The revenue has been invested in various community projects that have helped to improve living conditions, strengthen conditions for governance, and reinforce the institutions of the Embera/Wounaan Congress. Experiences in community forest management have facilitated capacity-building processes on topics including community organizing, project management, forest planning and production, and marketing and sales, among others.

The main achievements of this process can be seen in the social changes and collective responses to the threats from criminal actors, as well as engagement with SENAFRONT. While illicit actions and actors still move across the region, many of these groups are now traveling at night and are unarmed; the attempts by armed groups to take control of large swaths of territory in Darién have largely been quelled in recent years. Additionally, many of the social

and institutional conflicts with SENAFRONT have been resolved (Dogirama, 2015a).

## Lessons learned and challenges

The Embera/Wounaan *Comarca* case provides an important example of how community forest management has proven to be a useful tool to consolidate territorial governance. Areas now under sustainable management cover a quarter of the total land of the Comarca, making it one of the most consolidated experiences in Central America of formal indigenous forest management with timber market articulation. This experience demonstrates that linkages with external markets can still be congruent with traditional institutions, and may even strengthen territorial governance processes. The simultaneous engagement with external stakeholders such as SENAFRONT also demonstrates an example of multi-level governance that is rooted fundamentally in respect for territorial rights. As a result, this experience has generated benefits not only within the *Comarca*, but for the entire country through forest conservation and pioneering governance models. The success of the *Comarca* is an example of constructive collaboration between indigenous territories and the state, in which, after struggles for territorial autonomy, the latter has learned to recognize and support the rights of the Embera and Wounaan Peoples, and in the process generate stronger social, economic, and environmental outcomes.

## Territorial Governance in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua

Currently, Nicaragua has a legal framework that formally acknowledges the rights of indigenous peoples and Afro-descendent communities over their lands and natural resources, as well as boasting a series of well advanced demarcation and land titling processes. However, this has not been sufficient to guarantee the full and effective exercise of these rights, among other reasons, because this institutional framework overlaid existing laws and entities, such as municipalities and protected areas, resulting in a series of contradictions, inconsistencies, and gaps. Furthermore, the continuing incursions of settlers into recognized indigenous territories is generating strong deforestation and degradation dynamics, adversely affecting biodiversity and local livelihoods. Despite all these challenges, communities are making sig-

nificant efforts to counteract these dynamics and continue with their traditional practices, which historically have allowed them to manage their resources in a sustainable manner.

The Autonomous Region of the Northern Caribbean Coast (RACCN) represents 28% of the national territory, including 42% of the country's forests. Most of these forests are located within 17 officially recognized indigenous territories with an extension of 2,453,766 hectares and an average forest cover of 63% (CRAAN, GRAAN, CCF-A, 2012). Institutionally, the RACCN represents multiple and overlapping levels of governance, where indigenous and Afro-descendent communities, Indigenous Territorial Governments (GTI), the Regional Council and Government, municipalities and central government bodies interact. This situation poses important challenges for strengthening governance, and as such demands the development of new arrangements to favor greater levels of coordination at different scales.

Map 6. Forests and indigenous territories in the Autonomous Regions of Nicaragua



Source: PRISMA based on CATHALAC, 2007; Larson and Soto, 2012.

## Historical context and recognition of rights on the Nicaraguan Caribbean Coast

The 1986 Nicaraguan Constitution recognized the rights of the indigenous peoples from the Nicaraguan Caribbean Region to enjoy their own forms of tenure and traditional organizations, while guaranteeing rights over their lands and the resources available on these lands. The rights of access, extraction, management, and exclusion were established for the indigenous and Afro-descendent communities, along with the subsequent autonomy laws (Autonomy Statute from 1987/Act 28 of Property Regime/Act 445 from 2003). Similarly, the legal framework states that communal lands are unalienable, inalienable, and inviolable (Articles 3 and 24, Law 445). Without a doubt, these laws represent important milestones within the historical process of the struggle for recognition of the rights on the Nicaraguan Caribbean Coast, which reaches back several centuries. This section highlights some of the key moments of that struggle.

During the colonial era, while the Spaniards were settling the main cities of Nicaragua on the Pacific coast, the relations established by the English with the Miskitu people allowed for the preservation of the existing traditional institutions of the Caribbean Coast, such as communal property-holding and forms of internal organization. In contrast, different forms of management were being imposed by the Spaniards in the rest of the country, such as private property and municipalities (Frühling, González and Buvollen, 2007). The Managua Treaty led to the withdrawal of Great Britain and the creation of the Muskitia Reserve, including provisions to retain communal ownership of the land and recognition of the right of the Miskitu to self-determination. However, both the title of Reserve, as well as the conditions accompanying it, disappeared with the Harrison-Altamirano Treaty of 1905, which served to definitively incorporate the Muskitia into Nicaragua (ibid). During the second half of the 20th century, the

first indigenous organizations started to form around the political struggle for recognition of autonomy and territorial rights, with the participation of the Miskitu, Mayangna, and Rama Peoples (Ibid).<sup>17</sup> These groups formed the base of the subsequent movements, such as the multi-ethnic political party YATAMA and Mayangna Nation, the main body representing the Mayangna People.

The victory of the Sandinista Revolution in 1979 brought about new expectations regarding the recognition of the rights for the Caribbean Coast. However, the relations between the new government and the Coastal organizations began to deteriorate – among other reasons – due to mutual distrust, a lack of knowledge on the part of the government regarding the socio-cultural characteristics and historical processes in the Caribbean, as well as the central government's decision to control the use and exploitation of the regions natural resources (ibid). These differences, along with the national and international political tensions of that time, sparked a conflict that led to the loss of lives, high economic costs, and internal clashes amongst the indigenous peoples. The conflict finally ended after a process of consultation and negotiation regarding autonomy and the approval of the 1986 Constitution were completed, marking the beginning of a new stage of the struggle (Del Cid, Moreno, and Mairena, 2014).

In 2001, another key milestone was reached as the Inter-American Court of Human Rights (IACHR) ruled in favor of the Mayangna community Awas Tingni in its lawsuit against the Nicaraguan Government.<sup>18</sup> Among the com-

<sup>17</sup> Among these organizations were the Alliance for Progress for Miskitu and Sumo (ALPROMISU), the cluster of Mayangnas Communities SUKAWALA, the Indigenous Union of the Nicaraguan Coast (Unidad Indígena de la Costa Nicaragüense, MISURA/KISAN), and the Union of the Miskitus, Sumos, Ramas, and Sandinistas (Unidad de Miskitus, Sumos, Ramas and Sandinistas, MISURASATA) (Frühling, González and Buvollen, 2007).

<sup>18</sup> Despite the fact that the Nicaragua Supreme Court in 1997 declared illegal a private logging concession located within the Awas Tingni territory, the State did not comply with this ruling; therefore, the *Sindico* (trustee) of the

mitments that the State had to assume as a result of the decision, was the adoption of measures for the demarcation and titling of indigenous territories, enacted through the establishment of Law 445. The approval of this law was preceded by important mobilization and consultation efforts, with the presence of representatives of indigenous peoples, traditional authorities, political leaders, academics, and professionals from the Autonomous Regions (Larson and Mendoza, 2009).

The return to power of the Sandinista National Liberation Front (FSLN) in 2007, sparked the territorial demarcation and titling processes. The agreement signed between the leaders from YATAMA and FSLN underpinned this trend, with the latter committing to promote the claims of indigenous people from the Coast (Larson et. al, 2009). The commitment and active participation of indigenous leaders and communities in activities such as the establishment of boundaries and the resolution of conflicts were deciding factors enabling the establishment of the demarcation processes (Francis, Dálvez, and Mairena, interviews). Currently, 22 territories that were originally foreseen as parts of the Autonomous Regions have been titled (Henríquez, personal communication),<sup>19</sup> although challenges remain for consolidating and fully implementing the acquired rights, such as the resolution of third party claims, the last phase of the demarcation and titling processes.<sup>20</sup> It is essential to move in this direction as it

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Community brought the case before the IACHR. In August 2001, this international body ruled that the rights of the community had been infringed upon and ordered the State of Nicaragua to pay compensation and –even more importantly – to adopt the measures for demarcation and titling of indigenous territories (Larson et al., 2009; Larson, and Mendoza, 2009; CIDH, 2001).

<sup>19</sup> The 22 titled territories in the RACCN, RACCS and the Jinotega Special Development Regime Zone add up to 37,252.91 km<sup>2</sup>, which is equal to 31% of the total land area of Nicaragua, benefiting 300 communities and a population of 205,317 citizens. The indigenous people and Afro-descendent communities conserve approximately 63% of the Nicaraguan forests within these territories (Henríquez, personal communication).

<sup>20</sup> Article 45 of Act 445 establishes the five phases of the demarcation and titling process: 1) Filing of application; 2)

involves determining who can remain in the territories; this determination is key to addressing the constant invasions of settlers coming from Nicaragua's central and Pacific coastal zones.

## Governance Institutions of the Caribbean Coast of Nicaragua

The process of autonomy and recognition of rights in the Caribbean Coast of Nicaragua gave way to a series of new structures and levels of governance, which overlaid existing institutions. These structures included the Autonomous Regions<sup>21</sup> and Indigenous Territorial Governments (GTI), which represent the highest authority of these territories. Within these territories, the legal framework authorizes the traditional authorities to administer the communities and their resources. This new institutional framework overlaid a series of entities with specific presence in and authority over the territories and indigenous communities, such as municipalities and departments of the central government; as well as over existing laws and institutions such as protected areas that imposed restrictions on the recognized rights over the management of the natural resources.

The foundation of autonomy and governance for the indigenous and Afro-descendent peoples of Nicaragua is the community (Larson and Soto, 2012). At this level, there are traditional authorities (Council of Elders, Trustee, and Witah) who perform their specific roles within the communities: the Trustee is the designated person in charge of land administration and communal resources; meanwhile the Witah is responsible for conflict resolution and the

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Conflict Resolution; 3) Measuring and Marking; 4) Titling; and 5) Remediation of conflicting land claims.

<sup>21</sup> Initially the Autonomous Regions corresponded to the North and South Atlantic (RAAN y RAAS, respectively). The names of the Autonomous Regions have been changed to North and South Caribbean Coast (RACCN and RACCS) since the approval of the Law of Partial Reform to the Nicaraguan Constitution. Each one is represented through a political representative organization (Regional Council) and an administrative body (Regional Government).



enforcement of justice (Bonilla, 2012). Moreover, the norms and rules are linked to the communal world-vision and traditional practices of each People, and it includes social, cultural, economic, and environmental aspects.<sup>22</sup> These can be written down in documents (statutes or regulations) or transmitted orally and include the provision of sanctions in the event they are violated (Mairena, 2007). The *Sindico* (Trustee) and *Witah* are responsible for ensuring compliance with norms and rules at the community level.

Ongoing and increasing intrusions into indigenous territories continue to erode these traditional institutions and the conditions for governance. The productive practices of the colonizers – based on cutting down the forests – not only affect the communities' traditional livelihoods but also weaken the capacity of the communities to enforce their own rules and regulations. Sometimes, different bodies (municipalities, central government, cooperation agencies) have taken action to improve the living conditions of these illegal settlements, exacerbating the weakening of indigenous communities (Del Cid, Moreno, and Mairena, 2014; Dálvez and Mairena, interviews).<sup>23</sup>

Efforts to coordinate community level institutions with the territorial level – represented in the GTIs – have produced a variety of outcomes. In some cases, there has been effective adoption of the GTI organizational form by the communities, while in other cases, important challenges to achieving the consolidation of territories continue, especially given that communities grouped together during the territorial formation processes did not necessarily share affinities and historical ties. These groupings resulted from territorial demarcation efforts

<sup>22</sup> For example, these provisions relate to the amount of land assigned to each family, for production and conservation areas, and to hunting areas, to name a few.

<sup>23</sup> It is important to differentiate between the colonizers that enter the territories through illegal invasions and the mestizos that have co-existed with the indigenous communities for many decades and have been complying with all of the relevant rules and regulations.

that aimed to take advantage of the favorable political moment and to title the greatest possible amount of territory, which would avoid the temporal and economic costs in rolling out each step of the titling process in each one of the communities (Antonio, 2008; Larson and Mendoza, 2009).

It is worth pointing out that while the GTI were recently created, efforts and organizations already existed in some communities and territories, such as NGOs and community associations, which had emerged to promote development processes and confront the pressures associated to intrusions by land settlers (Larson and Soto, 2012). As a result, the consolidation of the GTI as a territorial institution was easier in communities with previous experiences with organizing, with greater levels of ownership and identification of the communities with the GTI. An example is the case of the Mayanga territories, where the community associations created in recent decades evolved more organically into new territories (Lino and Taylor, interview). This shift has facilitated the creation and consolidation of entities for territorial control and oversight based on inter-community actions and agreements.<sup>24</sup>

The RACCN offers examples of progress in territorial consolidation through management and land-use planning initiatives, which are promoted to maintain sustainable natural resource management and compliance with the norms and rules associated with traditional institutions. For example, in Miskitu territories such as Tasba Pri, agreements have been reached for settlers to recognize traditional community authorities, rules and norms. (Larson and Soto, 2012). The land-use planning initiatives at the Mayangna territories have resulted in zoning that considers production and usage of areas (agriculture, forestry, min-

<sup>24</sup> In contrast, the consolidation of territories encountered some difficulties when factors such as historic relations, economic interests, and the feasibility of land management in terms of communications, coverage, and resources were not considered (Monterroso and Larson, 2013; Mendoza, interview).

ing) and also watersheds, conservation areas, and sacred sites (Larson and Soto, 2012; Bonilla, 2012). Other actions are intended to promote territorial security and the resolution of third party claims, such as the placement of indigenous communities in strategic areas of the Sauni Bas Mayangna territory to counter invasions by settlers and to coordinate with other institutions to remove them.

The coordination of communities and territories with the Regional bodies from the Caribbean Coast has presented certain inconsistencies and challenges; though some positive experiences of coordination have been achieved. Some of the main problems related to coordination have been linked to the process of recognition and certification of elected community-territorial authorities, a responsibility that falls on the Secretary or President of the Regional Council (Art.8, Act 445). Despite these difficulties, examples also exist that demonstrate that the GTI and Regional Government bodies can coordinate actions effectively, such as the Natural Resources Secretariat of the RACCN. This cooperation has allowed for capacity building of indigenous leaders and the channeling of technical assistance to community forest management initiatives (Martínez, interview).

Other important experiences demonstrate progress made in the coordination of multilevel governance. In 2009, the creation of the Mayangna Nation as the main body and political coordination organization of the Mayangna people provided an example of the initiatives that are aimed in that direction. This body, which brings together the nine Mayangna territories of Nicaragua, serves as a key strategy for ensuring territorial defense and the preservation of the Peoples' culture and values. Additionally, political advocacy and coordination of joint actions with the regional and national entities has made it possible to establish new agreements and opportunities to advance towards rights consolidation. For example, the creation of the Ecological Battalion of the Nicaraguan Army (BECO) in 2011, and of the Inter-

institutional Commission in Defense of Mother Earth in 2013, were the result of the mobilization and advocacy of the Mayangna territories. Similarly, the community and territorial authorities of the RACCN increased their participation in forums for dialogue, consultation, and the formulation of public policies, which contributed to the development of their management capacities.<sup>25</sup>

The relationship of the communities and the GTIs with the municipalities and central government bodies varies. In each case, problems have arisen where the responsibilities and the scopes of each organization have not been clearly defined, a situation that is further complicated by the existence of ambiguity, overlaps, and contradictions in the existing legal and institutional framework. For instance, the conservation frameworks promoted by the Ministry of Environment and Natural Resources (MARENA) create natural resource use and management rules that limit the traditional livelihoods of the communities in the Bosawas protected areas, located within the Mayangna and Miskitu indigenous territories and thereby contradict the legal framework for Autonomy (Mairena, 2007). At the same time, broader national policies such as promoting livestock expansion motivate the displacement of people who settle on indigenous lands to create pastures, inasmuch as it is a profitable activity and responds to a market need (Mairena, interview).

There are also examples of policies and actions from the central government that make a positive contribution to strengthening conditions for governance. Since 2014, GTIs have begun to receive financial transfers from the national

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<sup>25</sup> An example of this trend is the participation of indigenous leaders in the Forestry and Environmental Consultative Council of the RACCN, which is the main regional stakeholders' platform. Also participating in this body are representatives from the Regional Council and Government, institutions from the central government, entrepreneurs, local NGOs, and the academic sector to name a few.

budget to cover their operational expenditures and to improve their capacities through the involvement of professionals and technical experts. Another important opportunity that could help to improve the levels of coordination between institutions of the RACCN is the implementation of the National Avoided Deforestation Strategy (ENDE-REDD+), which includes the participation of representatives from GTI at the highest levels of decision-making and operations. It is important to note that these opportunities for citizen involvement had not been originally included and were created only after indigenous leaders confronted the Nicaraguan government and international institutions, such as Forest Carbon Partnership Facility (FCPF).

### Outcomes from the territorial governance

Despite the constant threats and pressure they face, indigenous and Afro-descendent communities continue to develop options to protect the forests and other natural resources in their territories. Based on their world view and traditional institutions, these options include sustainable production practices, the design of land management plans, and the creation of surveillance and control organizations. These types of initiatives have contributed in a strategic way to the fact that 63% of the Nicaraguan forests are concentrated in the Autonomous Regions, approximately two-thirds of which are conserved by the RACCN, primarily within indigenous territories (Government of Nicaragua, 2013).

The experience of the Bosawas Biosphere Reserve makes the importance of promoting and strengthening institutions and indigenous practices clear. With a territorial extent that exceeds two million hectares (15.2% of Nicaragua), there are seven indigenous territories within the area of the Reserve with an estimated population of 35,000 residents and recognized land titles on 628,810.8 hectares, of which 88.9% are considered forested (Jörg Kräuter and Speiser,

2010; Mairena, 2012).<sup>26</sup> Despite its significance, Bosawas is currently experiencing a critical invasion of colonists and the associated deforestation dynamics leading to the establishment of pasture for cattle-raising.<sup>27</sup> According to information from MARENA, the forests are mainly located in the areas where indigenous peoples live, which is reflected by the average rates of deforestation: in Bosawas, deforestation per capita by colonists (2.15 hectares per person in 2002) has been recorded at a rate of 15 times that of indigenous communities (0.15 hectares per person in the same year) (Stocks et al, 2007; MARENA, 2012).

The above reality is an indication of how the outcomes of strict conservation frameworks and regulations for the preservation of forests have been insufficient vis-à-vis the institutions and traditional practices of indigenous people. Even through the Autonomy Statute (Law 28) already existed, the indigenous peoples residing within Bosawas were not consulted during the creation of the administration bodies nor during the definition of the environmental management regulations for the Reserve. This is a challenge, since the provisions and controls of the protected areas have limited the access, use, and management rights over natural resources. These restrictions may have also contributed to changes to traditional practices in the specific case of the Mayangna, which has seen some increase in livestock and cultivation of basic grains for commercializing in nearby markets, such as in the town of Siuna (Mairena, 2007).

<sup>26</sup> The Bosawas indigenous territories are: Sauni As, Sauni Bas, Sauni Arungka and Sauni Bu (Mayangnas); Miskitu Indian Tasbaika Kum, formed by Miskitu and Mayangnas; and the Miskitu territories of Kipla Sait and Li Lamni (Jörg Kräuter and Speiser, 2010).

<sup>27</sup> There is a yearly approximate loss of 270,000 hectares for the Bosawas forests; this figure is far higher than the national deforestation average (76,000 hectares/year), resulting from the considerable increase of the grassland coverage for cattle-raising. This land-use category increased from 64,809.7 to 641,659.8 hectares during the 1987-2010 period (Jörg Kräuter and Speiser, 2010; MARENA, 2012).

Despite this situation, the Mayangna communities are taking actions to deter the entry of colonizers into their territories while keeping their traditional shifting agriculture and designation of conservation areas. Even though the 2012 Bosawas Management Plan recognizes the claim by indigenous peoples to play a more significant role in the design and implementation of the planning for and administration of the Reserve, this role has been limited due to the lack of financial support to cover the corresponding mobilization costs (MARENA, 2012).

### Challenges and lessons learned

The formal recognition of the rights of the indigenous peoples and Afro-descendent communities in Nicaragua represents an important step forward within the process of consolidating autonomy and self-determination. These peoples and communities perform important sustainable management activities, and in practice they are faced with different obstacles and pressures that threaten the exercise of their rights. In order to overcome these limitations, communities and territories need enhanced capacities and to develop leadership skills, and at the same time, they require greater levels of interinstitutional coordination with the regional, municipal, and national bodies. The establishment of institutional coordination processes requires political will and governance arrangements at different levels and scales in the case of RACCN, but they also requires economic resources that can be managed at the territorial level.

Traditional conservation regulations and frameworks have clearly not succeeded in stopping deforestation and environmental degradation dynamics. On the contrary, there are sufficient examples, such as the Bosawas Biosphere Reserve, that show the efficiency of the institutions and regulations of indigenous and Afro-descendent communities and their positive impact in managing the natural resources. The harmonization of legal frameworks can be seen as measures of progress towards greater

institutional coordination for overcoming the inconsistencies, contradictions, and current gaps that have sometimes weakened indigenous institutions. Additionally, the construction of effective FPIC mechanisms together with the strengthening of supervision and accountability across all levels of governance will provide opportunities to improve the conditions for governance in this region.

All institutional coordination efforts must be nested within broader development proposals. Within the indigenous and Afro-descendent territories and communities, a large socio-economic gap remains in comparison with the rest of the country that requires interventions that respond to a full and endogenous perspective of development and that can be built through comprehensive participation processes. Recognizing that the community is the basic unit of organization, it is important to strengthen its institutions and give support to authorities like the GTI to increase the levels of territorial cohesion and place them in a better position to interact with other stakeholders. Given the characteristics of the RACCN, this implies higher logistical costs, which are not always available to the territorial and community structures.

The deforestation and degradation dynamics in the RACCN are associated with invasion of colonists and their agricultural-pastoral practices, which represent a growing threat for biodiversity and traditional livelihoods. Different strategies and actions have emerged from the communities and territories to address this problem, requiring a considerable investment in resources. Consequently, moving forward on the issue of the resolution of third party claims is one of the major pending challenges in terms of strengthening rights, but at the same time, also provides an opportunity to strengthen institutions and governance. In this context, the commitment and effective coordination of all of the authorities with influence in the Caribbean Coast of Nicaragua will be vital.

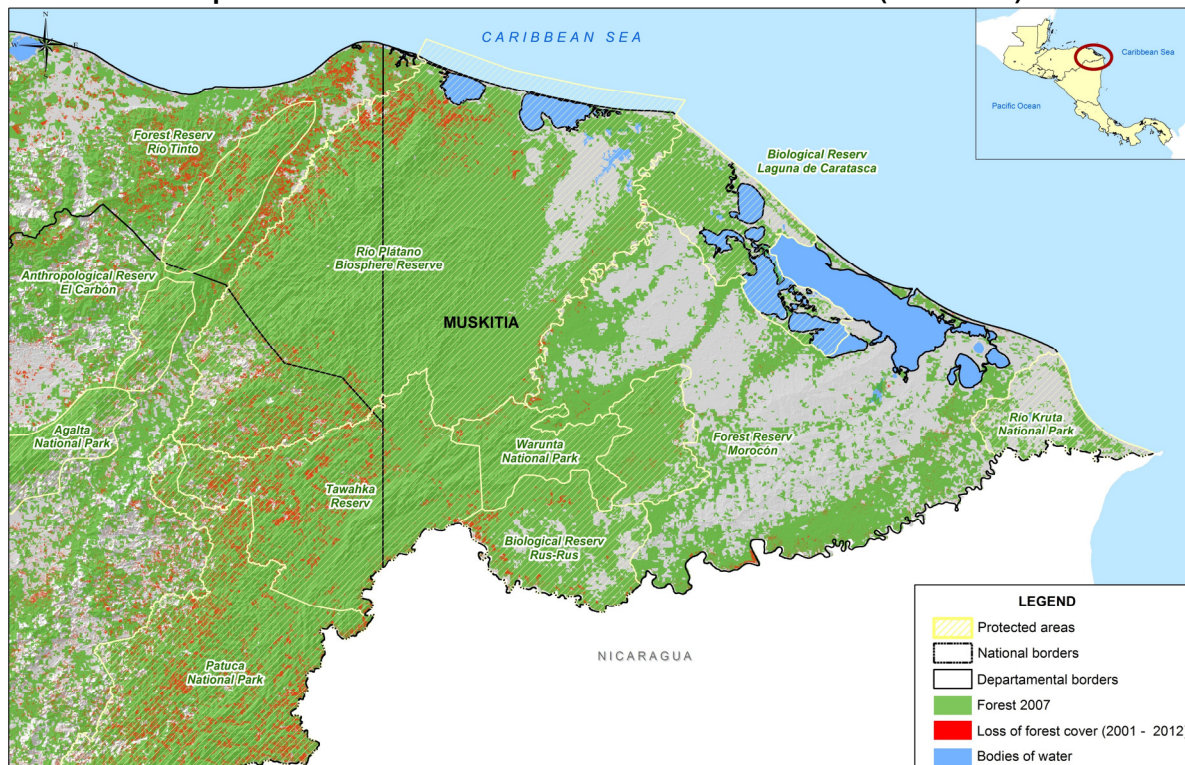
## Miskitu Asla Takanka (MASTA): Territorial Governance in the Honduran Muskitia

The Miskitu People of Honduras have only recently won territorial rights recognition through a process of titling underway since 2011. The struggle for rights spans several centuries, yet their claims have been growing in recent decades, as burgeoning pressures on Miskitu communities in the form of colonization, the establishment of protected areas, and extractive projects have threatened traditional Miskitu institutions. Local responses attempted to curb these pressures through new forms of territorial organization – though these efforts went unrecognized by the government and were sidelined by official conservation efforts, resulting in a general weakening of governance. In 2011, a massive mobilization of Miskitu People resulted in a historic agreement to grant

collective titles in the Muskitia, a process that has now recognized the majority of Miskitu territories across over 1 million hectares. This recognition has reversed the trend of weakening institutions in the Muskitia and has led to the strengthening of territorial governments and the exercise of FPIC through a protocol developed by the Miskitu People.

The Honduran Muskitia spans approximately 16000 square kilometers of territory in the far eastern part of Honduras, with a population of approximately 130,000 people, the majority Miskitu, as along with Pech, Tahwaka and Garifuna communities, in addition to migrants from outside the Muskitia. The Miskitu Asa Takanka (Miskitu Unity), or MASTA, is the representative authority of the Miskitu People in the Honduran Muskitia, bringing together the 12 Territorial Councils of the Muskitia, also known as Gracias A Dios. The region has no major transportation infrastructure linking it to

Map 7. Forests and deforestation in Honduran Muskitia (2001-2012)



Source: Elaborated by PRISMA based on USGS-Eros Data Center (2005) GIS Mesoamérica/CCADB (2002) databases.

the rest of the country, and thus remains somewhat removed from Honduras' internal dynamics. It contains a variety of ecosystems including coastlands, marshes, savannahs, pine forests, and humid tropical forests in the hilly to mountainous interior. It contains 23% of Honduras' forests, and approximately 80% of its flora and fauna (ONU-REDD, 2012). Along with Nicaragua's Caribbean Coast, this region is considered the heart of the Mesoamerican Biological Corridor, and includes the largest protected areas system of Honduras, including the Rio Platano Biosphere Reserve, the Patuca National Park and the Tawahka Asagni Reserve.

### Historical context

The struggle for cultural survival of the Miskitu people can be traced back to the beginning of the colonial period, when the Honduran Muskitia became the arena for competing Spanish and English colonial control. While Spain controlled the Pacific-based capitals of the region and most of Central America's territory, England took hold of over significant portions of coastal lands from Mexico to Belize, Honduras, Nicaragua and even as far South as Panama (Hall and Perez-Brignoli, 2003; MASTA, 2011). The Miskitu became one of the strongest allies of the British government, in a system of indirect control that contrasted with the outright attempts at subjugation by the Spanish (Hall and Perez-Brignoli, 2003). These ties continued even after Honduran independence from Spain in 1821 and through the mid-19th century. This alliance successfully prevented Spanish colonization attempts, allowing the Miskitu People to multiply and maintain control over large areas of the Muskitia. This period of influence and territorial control continues to live on in the collective memory of the Miskitu people.

The English finally withdrew their claims to the Honduran Muskitia in 1859 through the Wike-Cruz treaty, recognizing the Central American government's sovereignty over the territory, but also guaranteeing continued indigenous

possession of the Muskitia (MASTA, 2012). Over the course of the next century, however, Miskitu rights were systematically violated through a program designed to exert national sovereignty in the Muskitia, incorporate and acculturate indigenous peoples into the national "mestizo" culture, and exploit the natural resources of the region. The rich natural resources of the Muskitia were concessioned off to private companies, and the government designated the region as a colonization frontier (MASTA, 2012).

These pressures came at different points and in varying waves of intensity, yet a notable turning point came with the reassertion of state power in the 1950s, as a territorial dispute with Nicaragua led the government to deploy military forces to the Muskitia on a permanent basis and to create the Department Gracias a Dios. This move preceded the imposition of municipal governments and the Honduran school system in the region – together posing a grave threat to the reproduction of the Miskitu culture. In the midst of an opening for rural movements in the 1970s, the Miskitu Asla Takanka (MASTA, meaning "Unity of the Miskitu People") was founded in 1976 by the Student Organization of Gracias a Dios, to defend the rights of the Miskitu People. This student movement initially focused principally on lobbying the national government in Tegucigalpa.

More dramatic changes would arrive in the following years as the Muskitia was thrust once again into international geo-political disputes, this time as Central America became embroiled in civil wars in the 1980s. The Muskitia became a point for refugees fleeing the conflict in Nicaragua, and a staging ground for counterrevolutionary military units supported by the United States Government. The presence of new populations, markets and political interests led to an unprecedented level of threats to the Muskitia – as its period of relative isolation from the rest of Honduras came to a close.

## 1990 – 2011: Resurgence of Miskitu claims as conservation and economic interests converge over the Muskitia

The increasing encroachment into the Muskitia galvanized a new generation of efforts to defend and promote indigenous rights. Almost two decades into its existence, MASTA had become an important actor on the national stage advocating for Miskitu rights. The signing of ILO 169 in 1992 (its ratification in 1994 and entering into effect in 1995) was a landmark achievement for indigenous rights in Honduras, though it was largely meaningless for the Miskitu and other indigenous peoples in the country whose territories had not been demarcated or titled.

Following this major event, MASTA joined part of a broader movement to demand a concrete realization of these rights, participating in a massive mobilization of indigenous peoples to Tegucigalpa, known as the “Indigenous Pilgrimage”. The mobilization managed to negotiate an “action plan” to suspend logging in several departments (Intibuca, La Paz and Lempira) as well as to title several small and dispersed indigenous communities, none of them in the Muskitia (OACNHUDH, 2011). However, MASTA proposals for territorial, rather than communal, titling were rejected by the government, which asserted that such a process would create a nation within another.

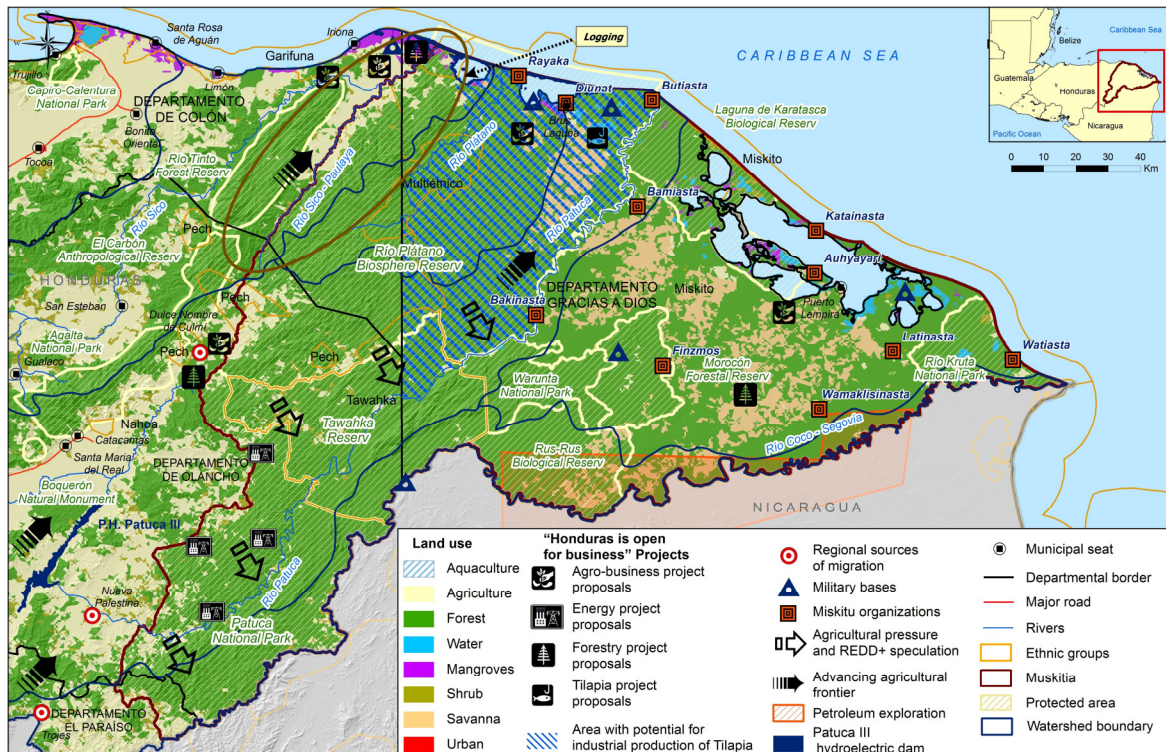
In the following years, pressures over the Muskitia only increased, as migrants and large scale cattle ranching descended from the interior highlands down through the natural corridors of the Sico-Paulaya, Platano, Patuca and Coco-Segovia watershed basins (Cochran, 2008 citing Bass, 2002; Davidson, 1991; Herlihy, 1997). New policies also exerted additional and significant pressures over the region. The first was the commencement of actions to implement the Rio Platano Biosphere Reserve (RPBR). The RPBR had been established in the early 1980s, yet had not been implemented until financing materialized with the support of GTZ

and KfW in the form of the Rio Platano Biosphere Project (Hayes, 2007). This protected area covers 815,000 hectares in the Northeastern Muskitia (Gracias a Dios) and is made up of a buffer zone, on the Western Edge of the Reserve, a central core zone, and a “cultural zone” on the Eastern side: Miskitu communities are located in both the cultural zone and core zone. At this time, ownership of the RPBR was granted to a government agency, the Honduran Corporation of Forest Development (COHDEFOR),<sup>28</sup> while the Biosphere Project itself was granted management rights over the reserve (Hayes, 2007) – without a process of consultation or consent and in direct violation of the indigenous rights recognized by ILO 169.

Alongside the Biosphere Reserve, the Muskitia began to see increasing pressures from mega-projects, such as a series of interconnected dams on the Patuca River (called Patuca I, II and III). MASTA protested against the dam in the 1990s, including issuance of a joint “Declaration of Ahuas” made with the Tahwaka people, to denounce the project which had been proposed and planned without prior consultation or consent (OACNHUDH, 2011). Despite these efforts, the dam moved forward in the late 2000s, literally paving the way for new migration towards the Muskitia, in addition to disrupting the flow and quality of water resources so critical to the transportation, livelihoods and ecosystems of the indigenous peoples of the Muskitia (Cuéllar et al., 2011). Continued pressures from migration were exacerbated by new palm oil projects, large scale cattle ranching as well as illicit actors seeking to use the territory as an exchange, transportation and money laundering platform, driving major processes of deforestation and social dislocation (McSweeney, 2014). These were accompanied by prospective mega-investment projects promoted by the “Honduras is Open for Business” initiative – threatening to scale up the level of

<sup>28</sup> This institution was replaced by the Forest Conservation Institute in 2007.

Map 8. Threats and pressures over the Honduran Miskitia



Source: Elaborated by PRISMA, based on Rivera (2011); ENEEE – UEPPER (2011); USGS-Eros Data Center (2005) and GIS databases of MesoamericaAD-RM (2002)

threats over the Miskitia. These threats were mapped in 2011 by PRISMA (view Map 8).

### Miskitu territorial institutions 1990 to 2011

All of the aforementioned pressures represented major threats to the traditional Miskitu communal property rights system, where land and territorial management are closely intertwined with culture and identity and managed at family and community levels. Plots are managed in a rotating fashion, with generally less than one hectare in use per family. The belief that God created the earth, and that humans therefore have no right to own God's land – and that the land exists for the collective good – is commonplace among the Miskitu. Individual plots exist within a broader common property rights system, where fences are uncommon in a complex system of overlapping rights which govern reciprocal individual and community relations, and where forests, rivers and their

resources are considered common property for the use of all communities (Hayes, 2007). This system is clearly incompatible with the property rights institutions associated with external pressures which hold that the clearing of land constituted individual ownership rights, and that rights over a plot include full use, management and exclusion rights solely to the individual, and that these plots can be sold or bought at the discretion of the owner (alienation rights) (Ibid.).

The burgeoning pressures over land and marine resources galvanized communities to take action against the erosion of their institutions. This has involved new collective decision-making between different communities – including the organization of new inter-community platforms for decision making in Federations or Vigilance Committees. The first of these organizations was created in defense of Miskitu territory in the RPBR, originally organized as a Territorial Vigilance Committee



emerging in the late 1980s, and later becoming the Rayaka Territorial Council. About half of the territorial councils would form by the late 1990s, with the rest following in the 2000s. The last territorial government formed in 2011, making up 12 territorial councils represented in MASTA. The central organizing principle for these governments was the defense of their natural resources, which involved the creation of new rules: first, that the Miskitia was the exclusive home to indigenous peoples (previously assumed); and second, that land sales to outsiders was prohibited (previously a norm) (Hayes, 2007).

Despite these efforts to locally organize and conserve the Miskitia, prevailing donor and government conservation efforts were unable to forge a constructive relationship with these territorial governments. The declaration of the RPBR as COHDEFOR property in 1997 had a dampening effect on early efforts to defend territory from encroachment, especially as it was accompanied by the legalization of outsiders within the area that had arrived before 1997 (Mollet, 1997). These signals were demoralizing for local people already struggling for recognition amidst an onslaught of incursions (MASTA, 2011). Some programs even promoted individual Miskitu property rights within the reserve; focused on the stated goal of *changing* local systems and deeming Miskitu property rights institutions to be “impractical” and “unnecessary” (Mollet, 2015). Not surprisingly the efforts met with fierce resistance and were suspended in the early 2000s, though not without weakening local communal institutions (Ibid).

Other efforts by COHDEFOR would attempt to include Miskitu people in the management of the reserve, as a part of an effort to promote community based conservation. Yet as Hayes (2007) documents in detail, the management plan that was ultimately produced did not include the rules proposed by Miskitu communities, which led to local alienation from the entire conservation effort. The management plan

implemented by COHDEFOR also established parallel organizations to implement the monitoring of the Reserve – ignoring the locally-organized Vigilance Committee. The result was a net loss for governance in the RPBR: the marginalization of local rules and organizations in governing the reserve not only failed to incorporate the key local actors and their conservation rules, it actually ended up weakening them. This refusal to recognize local institutions combined with continued encroachment led many to believe their actions were futile, and Miskitu institutions collapsed in several communities at the agricultural frontier, while the government conservation program lacked funds and local personnel to enforce the management plan that had been developed. In sum, the official RPBR conservation effort had prescribed new rules it was unable to implement or monitor, and weakened the only existing rule system in place to resist deforestation (Hayes, 2007). The result can be seen in the deforestation frontiers that have emerged in the Rio Platano Reserve– as seen in map 7.

In the midst of this wave of external threats, the Miskitu People – gathered in a MASTA General Assembly meeting – made the decision to mount a massive protest over the continued violation of Miskitu territorial rights, especially in light of the Patuca hydroelectricity project. In October 2011, several hundred Miskitu people took to the streets of Tegucigalpa, marching outside the Presidential Residence and the National Congress for a month, in addition to constant protests in the major population centers of the Miskitia. Their persistence paid off; the President finally agreed to meet with MASTA. While the hydroelectricity project was not halted, during negotiations, the government made a commitment to title Miskitu territories, a historic agreement that would soon be fulfilled. Rights strengthen Miskitu governance

The titling of Miskitu territories in Honduras is an historic milestone supporting the rights and institutions of the Miskitu people. These titles are based on the Property Law of 2004, modi-

fied in 2010, which has a special chapter on the regularization of the property of indigenous peoples and Afro-descendants. It recognizes the rights of these peoples over the territories that they traditionally possess (article 93), to the tenure and usufruct of their lands according to their traditional forms of communal property (article 94) and that their territorial rights prevail over other titles emitted to other parties that never held possession of said lands (OACNHU, 2011). The law also recognizes that the communal regimen for land is unalienable and the land is not subject to seizure or to statutory limitation.

To date, a total of 10 territorial titles have been issued to the Territorial Councils of the Muskitia, as shown in the table 1 below.

Intercommunity titles in the RPBR are in the process of being issued. Currently, however, only the Bakinasta Territorial Council – located outside of the RPBR – has received its title from the National Agrarian Institute (INA). Inside the RPBR, the Institute for Forest Conservation (ICF) issues titles. The Reserve had previously been titled to the state in the mid-1990s – which allowed the government to implement projects, sign international agreements and establish management plans and rules without the participation of the Miskitu people. These titles were annulled through a Legislative Decree in 2013 to allow for Miskitu titles to be issued.

Just a few short years since Miskitu territorial organizations were suppressed and ignored by external actors, they have recently been strengthened by official recognition and have functioning territorial governments, called Territorial Councils, led at the highest level of authority by the General Assembly and overseen by a Board of Directors and a Elder's Council, which rule ac-

ording to the customary institutions of the Miskitu People. The leaders of these Territorial Councils in turn participate in the overarching (Honduran) Miskitu governance body, MASTA, which is likewise guided by its highest authority in a General Assembly and a Board of Directors made up of territorial representatives (MASTA, 2011). Since titling began, the Miskitu people have been engaged in an intensive process of designating new conservation areas governed by Miskitu values, as well as land use planning and individual and organizational capacity building to manage, monitor and supervise these new arrangements. The enthusiasm and Miskitu solidarity in this process can be witnessed in the valiant efforts of territorial governments to defend their lands from incursions (Box 2).

In perhaps the most important process of institutional reconfiguration in the Muskitia, MASTA is also negotiating a revision of the rules governing the RPBR, as the titling process has placed these lands under the ownership of the Miskitu People. It is still unclear what rights the government will assert in the area: despite clear management rights granted in the ILO 169 and the Property Law, previous interpretations

**Table 1. Information on the Territorial Councils titled in the Honduran Muskitia**

Name of Territorial Council	Communities Benefitted by titling	Families Benefitted by titling	Population Benefitted	Titled Area	
				Square Kilometers	Hectares
1. KATAINASTA	39	1,323	6,759	552.92	55,292.13
2. AUHYA YARI	9	2,081	8,916	520.24	52,024.31
3. FINZMOS	22	997	5,029	3,749.49	374,949.00
4. LAINASTA	34	1,036	5,602	538.45	53,844.71
5. WAMAKKLISINASTA	9	423	2,316	1,158.35	115,834.68
6. WATIASTA	14	1,285	6,348	531.80	53,180.43
7. TRUKTSINASTA	22	432	2,556	565.88	56,587.83
8. BAKINASTA	13	718	3,784	1,027.06	102,705.50
9. BAMIASTA	7	854	4,695	1,188.31	118,831.40
10. BATIASTA	7	310	1,628	511.08	51,107.50
<b>TOTAL</b>	<b>176</b>	<b>9,459</b>	<b>47,633</b>	<b>10,343.57</b>	<b>1,034,357.49</b>

Source: MASTA Technical Team, 2015.

**Box 2. The WAMAKKLISINASTA Territorial Council (Auka Area) promotes the resolution of third party claims in its territory**

In march of 2015, the leadership of the Wamakklisinasta Territorial Council decided to directly address the damages caused by more than 50 outsiders who had invaded and occupied 50% of its titled ancestral territory – after calls for government support went unheeded. One hundred and fifty community leaders faced the invaders, ultimately detaining 27 of them after a peaceful resolution to the situation was not immediately reached. Worries regarding a possible escalation grew, given that violence with impunity against rural people in Honduras is common. A massive mobilization of Miskitu People ensued, with leaders arriving from the neighboring territories of Truktsinasta, Lainasta, Auhya Yari, and Finzmos – ultimately bringing over 500 Miskitu leaders together to face the invaders. A governmental commission intervened and guaranteed the peaceful withdrawal and resettlement of the group, along with the signing of an agreement promising continued actions to resolve such third party claims in indigenous territories of the Muskitia (Radio América, 2015; MASTA Technical Team, 2015).

of the Forest Law and Fishing Law have given the government certain management rights. In the ongoing negotiation process, MASTA has called for a clear legal framework for the resolution of third party land claims, an *in situ* governance structure to monitor and report violations, and respect for Miskitu territorial and self-determination rights (MASTA Technical Team, 2015). In the latest of these meetings, the government proposed co-management, met by a counter-proposal from MASTA for territorial management and a reform to the Forest Law (Ibid).

Beyond territorial levels, MASTA has also actively promoted a clear protocol for engagement with the national government and other external actors. The Miskitu People have developed this mechanism through MASTA, called the Biocultural Protocol, in order to outline the steps deemed necessary by the Miskitu themselves for FPIC. The implementation of this instrument on a large scale occurred in 2013, following a contract signed by the Honduran government with a foreign oil company. In a break with some previous practices, where

transnational companies would be sent to governmental offices on indigenous affairs (currently the Dirección de Pueblos Indígenas y Afrohondureños, or the Office for Indigenous Peoples and Afro-Hondurans), the government instead directed the company to the representative body of the respective territory, MASTA. After initial discussions in which the company promised to respect the results of the process, the protocol was carried out with meetings held in all 12 Territorial Councils in addition to the MASTA General Assembly, leading to the consent of the Miskitu People to exploration, contingent on 17 conditions established in the process, including a prohibition on any environmental damage as a result of the exploration. MASTA continues to monitor the company's actions to ensure compliance with these conditions.

**Governance Lessons from the Honduran Muskitia**

The lessons that can be drawn from the Muskitia include that of the importance of supporting territorial rights as the key foundation for ensuring the presence of rules that effectively maintain forest cover. In the Muskitia, it is clear that alternative institutional forms – private property and publicly managed protected areas – have not only been associated with landscape degradation, but also have deteriorated the territorial institutions responsible for the conservation of the Muskitia. The resulting degradation contrasts with cases with comparable cultural and biophysical settings, where indigenous authority was recognized and strengthened, resulting in forest conservation (Hayes, 2007). While the Muskitia continues to face significant challenges from external encroachment, including links to narco-trafficking, as well as continued proposals for megaprojects and other initiatives that clearly violate indigenous rights, the strength of Miskitu governance vis-à-vis external actors has been immensely strengthened in recent years due principally to the recognition of territorial rights by the Honduran government.

## Discussion & Final Reflections

The preceding cases have provided a broad overview of the multi-level governance processes that have emerged in Mesoamerica on the basis of territorial rights recognition. These experiences demonstrate how the recognition of rights at local levels has not only fortified traditional community and indigenous land use institutions, but has provided the foundation for the construction of new institutions at increasing scales – illustrating the trend towards stronger and higher levels of governance in processes in Mesoamerica. The results have demonstrated the ability of indigenous people and forest communities to address deforestation and promote conservation, and draw benefits through community forest enterprises – as demonstrated in Mexico, Guatemala and Panama.

### **Rights: product of historical struggle, foundation for participation and legitimacy**

As outlined in each case study, the rights won by indigenous peoples and forest communities have resulted from long periods of struggle that have come at great cost for those involved. It is notable that in every case rights claims intensified in varying degrees in response to external threats to local livelihoods and resources. The pathways towards rights have been diverse, ranging from long periods of state-led institution building as in Mexico, in other cases it was the result of indigenous reorganization and demands for ancestral rights in response to external threats (Nicaragua, Costa Rica, Panama, Honduras) or the response of local communities marginalized by conservation policies and threatened by encroachment (Guatemala). Some of these represent the recognition and strengthening of centuries old institutions, in other cases, they were developed over a very short period. Yet where basic governance platforms have been established from the outset,

the recognition of rights has provided the institutional framework for democratic participation in natural resource governance, leading to high levels of legitimacy held by territorial authorities. This legitimacy, in turn, has allowed for the construction of shared rules and norms to respond to the ongoing threats to the region's rural territories. While challenges remain, the recognition of rights has clearly transformed the governance scenarios facing the region, as indigenous peoples and communities have now become empowered rights-holders engaged in the preservation of their livelihoods, cultures and territories.

### **Implementing territorial rights: increasing costs and challenges, little support**

Although rights have provided a new institutional framework for governance – Mesoamerica's experience has clearly demonstrated that statutory recognition of rights does not automatically translate into the exercise of those rights. Governments have frequently been weak or inconsistent enforcers of territorial rights; and even where support is provided, sectorial policies from other branches of governments often simultaneously promote encroachment. The region's indigenous peoples and forest communities have responded with dynamic processes of institutional evolution – converting them into the central rule-makers, monitors and authorities in their respective territories.

This trend has built upon traditional institutions which largely evolved around individual or small groups of communities, and has shifted towards broader scales involving multiple communities spread across broad geographies. This can be seen in the inter-community territories and their broader level expressions in Panama, Costa Rica, Nicaragua and Honduras, and

through second level forest community organizations in Mexico and Guatemala. Alongside this trend of scaling up, these institutional processes are simultaneously enabling organizations to more fully exercise their rights, in many cases developing new rules for decision-making and resource management that move far beyond traditional norm-centered institutions, and towards deliberative and participatory decision-making at larger scales, (see Figure 1, page 10) which graphically displays this institutional trend in Mesoamerica). As the figure points out – as one scales up from individual communities to encompassing many communities within a larger designated territory, the construction of norms and rules is much more complex, and thus the processes of constructing resilient institutions may be either strengthened or weakened depending on how these processes unfold and the attention they receive.

These dual trends have represented a formidable new force for governance in the region's territories. The strengthening and scaling up defies conventional notions of communal institutions as relics of the past, or destined for dissolution into private property once land market values increase. Yet the costs involved with such governance processes are high. Monitoring and vigilance activities require funds for transportation, communication and coordination. The mobilizing, hosting and performing large-scale participatory processes imply transportation, infrastructure, health, housing and food costs – not to mention the opportunity cost of community members who make long journeys to participate (sometimes up to a week). The increasing intensity and frequency of external threats also forces these decision-making processes into an accelerated pace of internal decision-making; when such processes exceed local organizational and logistics capacity, accountability can suffer. The Nicaraguan case demonstrates just how difficult these processes of institution development can be – especially when subject to extreme external pressures.

In sum, despite their central contributions to governance with a number of ecological, social and economic benefits at different scales, these governance processes have frequently been left to shoulder the bulk of the burden by themselves – with little policy or financial support from governments or international cooperation.

### **Territorial Economic Systems: key pillar for governance**

The territorial governance processes that have generated some sort of stable economic foundation for benefits have underpinned a sort of virtuous cycle of benefits and institutional strengthening: where institutions are effective at generating and fairly distributing benefits, collective action institutions are strengthened. Numerous examples show how this dynamic can make for strong governance institutions, as discussed in the case of payments for environmental services in indigenous territories in Costa Rica, or through community forest enterprises in Mexico, Guatemala and Panama. The ACOFOP case study is perhaps the most emblematic of the potential of community forest enterprises, having withstood enormous external pressures through a shared management system based on timber and non-timber forest production. Indigenous experiences with such systems, in Mexico and in Panama, have demonstrated that economic models can be developed to support traditional institutions and are not necessarily incompatible with indigenous values and cosmovisions.

Strengthening these systems through targeted investment and policy support could be a key way of addressing the costs and responsibilities falling on the shoulders of territorial authorities. Although some experiences, such as Mexico, evolved over long periods of time, the lessons generated by these processes have shown that the construction of such models can be significantly shortened, as demonstrated in the case of ACOFOP and the Comarca Embera Wounaan.

### **Nested arrangements: constructively articulating different governance levels**

A particularly important part of the institutional evolution underway in Mesoamerica relates to the linkages and relationships between governance levels. The first and most problematic articulation relates to the national and international level forces that contradict or undermine rights – in the form of infrastructure development, extractive projects, markets that promote encroachment, etc. The most visible display of a contradictions in territorial, regional and national policies can be seen in Nicaragua, where a mechanism ensuring clear protocols of coordination and communication between governance levels has been absent and contributed to weakening local efforts to defend the RACCN. This is a central issue to be addressed across Mesoamerica – which has led to the innovative steps taken by MASTA and RIBCA, for example, in developing their own instruments for FPIC. These constructive proposals have made important progress in establishing the concrete steps necessary for building more constructive relationships between territorial and higher level governance authorities.

Just as territories are scaling upwards, the institutional evolution highlighted in this report also has a number of implications for local level institutions that operate at a level of detail that was too fine to be included in this report. While the generation of new institutions at higher levels has led to a strengthening and protection of the traditional levels of institutions at community levels, this result is not a foregone conclusion. Local institutions involving complex systems of overlapping rights and reciprocal relations frequently contain shifting or numerous boundaries that depend on the resource in question, the time of year, or a particular context (food shortage or natural disaster, for example). To take one example, the physical demarcation of territories along a single boundary have not been a part of the traditional local practices and can potentially disrupt those local

institutions they are designed to protect. The Nicaraguan case is instructive in this sense, as the grouping of communities was sometimes forced (under pressure to title quickly) – leading to a more challenging process of territorial appropriation. It is important therefore for higher levels of governance to be attentive to these relationships.

### **Rights-based governance: an exceptional opportunity for achieving multiple goals**

These case studies have clearly demonstrated the contributions of indigenous peoples and forest communities to biodiversity conservation and climate change mitigation. Ironically, these goals have been achieved largely through rights reforms that were not directly related to conservation or climate policy (ACOFOP is one notable exception). In many occasions, conservation policies have actually worked at cross-purposes with territorial institutions – as witnessed most clearly in two protected areas at the heart of the Mesoamerican Biological Corridor, the Bosawas and Rio Platano Biosphere Reserves. Yet examples such as ACOFOP in the Maya Biosphere Reserve also show that strong protected areas can be developed through the recognition of rights – and the renegotiations of the Rio Platano Reserve in Honduras may soon reach a similar constructive arrangement.

Similar to the conservation processes, the emergence of territorial institutions outlined in the preceding chapters have arisen relatively independently from REDD+ processes and funding. Where countries have committed to dialogue on articulating REDD+ with territorial institutions – progress has been made, in particular in countries such as Costa Rica, Nicaragua and Honduras and more recently in Panama. The lessons from these experiences are critical for the implementation of strategies, programs and policies that address the multiple demands from climate change mitigation, adaptation, biodiversity conservation and economic development. If conservation and particularly

climate financing were leveraged to support and complement rights-based governance – a much more formidable response to natural resource pressures could be mounted.

### **Shared platform of rights-holders: The Mesoamerican Alliance of Peoples and Forests**

Transnational cooperation, exchange and sharing has been occurring for many years in Mesoamerica. In fact, it is thanks in good part to these historical exchanges that communities have become empowered through rights, and have shared their experiences with governments, international cooperation and other communities to highlight the potentials and universal challenges that are associated with rights recognition. The case study of ACOFOP may have unfolded very differently without the example of Mexico's community forests, while the same could be said of the community forest management experiences in the Comarca Embera Wounaan. Likewise, advocates for territorial titling in the region have benefitted from the various modalities of rights recognition in the region ranging from agrarian communities, ejidos, community forest concessions, municipal contracts to ancestral territorial rights. As each of these processes have evolved, they continue to look to other experiences to understand how to address the challenges of collective-rights based management, including articulation with broader national and international policy trends.

A major shift in this cooperation was achieved in 2010, when the Mesoamerican Alliance of People and Forests was formed, a shared platform created and led by community forests and indigenous authorities. This platform has driven a renewed intensity of the cross-pollination and development of instruments to strengthen those rights and build territorial governance. It has also allowed democratically elected territorial authorities to be their own spokespersons on key issues in regional and international arenas whose deliberations and decisions directly

affect these communities, allowing for more effective participation in these spaces. Many of the processes briefly mentioned in this study are a part of this accelerating pace of institutional consolidation that have occurred over the past five years – as communities share experiences on FPIC, community forest enterprises, territorial monitoring and vigilance, and articulation with policy processes related to climate change, biodiversity conservation and economic development.

### **Final reflections: Integrating climate, conservation and development through territorial governance**

The multiple demands from climate change mitigation, adaptation, biodiversity conservation and economic development are simultaneously converging on the same geographies, most often the tropical forests of the world. In many cases, these vital ecosystems remain standing largely due to the presence of indigenous peoples and forest communities, with an estimated presence of more than 300 million people. Excluding these peoples and communities from economic, conservation or climate initiatives are unlikely to lead to sustainable social and environmental outcomes.

The diverse and complex dynamics driving deforestation and exacerbating climate change have put renewed attention on the need for territorial governance for addressing environmental challenges in the context of diverse institutional landscapes. Forest management, and more generally, natural resource management, requires the construction of robust and resilient institutions that are capable of adjusting to and addressing ever more complex and rapidly changing dynamics. The cases presented in this report suggest that recognizing the rights of forest peoples plays a vital role in creating the types of institutions that can effectively protect natural resources over time. At the same time, as these cases clearly demonstrate, statutory rights alone are insufficient to address deforestation and other environmental threats

where rights-holders lack adequate financial or political support, or where they are not constructively nested within broader governance domains.

The work of the AMPB and its member organizations demonstrates that rights can form the foundation of democratic institutional frameworks able to produce outcomes that respond to threats to forests and produce positive social and economic benefits for communities. As these groups have consolidated their rights within their territories, enhancing institutional robustness and producing the types of rules that achieve important social and environmental goals, they have also scaled up to both link communities into territories and to create important networks across national borders.

The evidence for the efficacy of rights-based approaches to natural resource governance continues to amass, and increasingly, territorial authorities as rights-holders are providing this key evidence themselves through strong networks and multi-level governance structures. International organizations, including the emerging UN and World Bank REDD+ programs, and national governments are increasingly turning to tropical forests as a site to secure global environmental goods and services. In doing so, they must recognize that forest governance, in particular, requires the recognition and implementation of territorial rights, as fundamental to achieving social, economic, and ecological security.



# Bibliography

- ADITICA (2009). *Plan Indígena de Desarrollo Comunitario*. Costa Rica. BID/PMIIE/CICA/MESA INDIGENA CR/ADITICA.
- Aji, E. y Quintana, T. (2015). *Territorialidad en la Comarca Emberá Wounaan (entrevista)*. Flores, Guatemala.
- ANAM (2009). *Informe del Estado del Ambiente*. Autoridad Nacional del Ambiente/Centro del Agua del Trópico Húmedo para América Latina y el Caribe (CATHALAC)/ Programa de las Naciones Unidas para el Medio Ambiente.
- Antinori, C. y Bray, D.B. (2005). *Community forest enterprises as entrepreneurial firms: economic and institutional perspectives from Mexico*. *World Development* 33: 1529–1543.
- Antonio, M. *¿De quiénes y para quiénes son las tierras costeñas?*. Revista Envío. Número 321, Diciembre 2008. Disponible en: <http://www.envio.org.ni/articulo/3904>
- Asamblea Nacional de Nicaragua. *Ley de Reforma Parcial a la Constitución Política de la República de Nicaragua (Ley 854)*. Vigente desde 10 de febrero de 2014.
- Asamblea Nacional de Nicaragua. *Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maíz (Ley 445)*. Vigente desde enero de 2003.
- Barismantov, J. y Antezana, J. (2012). *Forest Cover Change and Land Tenure Change in Mexico's Avocado Region: Is Community Forestry Related to Reduced Deforestation for High Value Crops?* *Applied Geography* 32: 844–53.
- Barismantov, J. y Kendall, J. (2012). *Community Forestry, Common Property and Deforestation in Eight Mexican States*. *The Journal of Environment and Development* 21(4): 414–37.
- Bonilla, A. (2012). *Justicia Indígena y Autoridades Tradicionales Mayangna y Miskitus de Nicaragua*. Instituto de Investigación Aplicada y Promoción del Desarrollo Local NITLAPAN – UCA. 2012.
- Bonilla-Moheno, M., Redo, D., Aide, T. M., Clark, M., y Grau, H.R. (2013). *Vegetation Change and Land Tenure in Mexico: A Country-wide Analysis*. *Land Use Policy* 30: 355–64.
- Borge, C. (s.f.). *Resultados del PSA en los territorios indígenas apoyados por el PPD-GEF/PNUD: Casos de Conte Burica, Guaymí de Coto Brus y Bajo Chirripó*. PPD/FMAM/PNUD. San José, Costa Rica.
- Borge, C. (1996). *Talamanca en la Encrucijada*. Editorial Universidad Estatal a Distancia, San José, Costa Rica.
- Borge, C. and R. Castillo (1997). *Cultura y Conservación en la Talamanca Indígena*. Editorial Universidad Estatal a Distancia, San José Costa Rica.
- Borge, C. (2003). *PSA Indígena*. Informe para FONAFIFO y MINAE-ACLAC. San José, CR.
- Borge, C. y Martínez, J. (2009). *El Pago por Servicios Ambientales en Territorios Costa Rica*. Latin America and Caribbean Sustainable Development Department. World Bank, Washington, D.C.
- Borge, C. 2015. *Interview performed the 5th of August, 2015 in San José, Costa Rica*.
- Bray, D. y Kleipis, P. (2005). *Deforestation, Forest Transitions, and Institutions for Sustainability in Southeastern Mexico, 1900-2000*. *Environment and History* 11 pp 195 – 223.
- Bray, D., Merino-Pérez, L. y Barry, D. (2005). *Community Managed in the Strong Sense of the Phrase: The Community Forest Enterprises of Mexico In The Community Forests of Mexico*, 3-27. D. Bray, L. Merino-Pérez, y D. Barry (eds). Austin, TX: University of Texas Press.
- Bray, D. (2010). *Toward 'Post-REDD+ Landscapes': Mexico's Community Forest Enterprises Provide a Proven Pathway to Reduce Emissions from Deforestation and Forest Degradation*. CIFOR Infobrief 30. Bogor, Indonesia.
- Bray, D. (2010a). *Forest Cover Dynamics and Forest Transitions in Mexico and Central America: Towards a "Great Restoration"?* In *Reforesting Landscapes Linking Pattern and Process*, Nagendra, H. y J Southword (eds). Landscape Series 10.
- Bray, D. (2013). *When the State Supplies the Commons: Origins, Changes and Design of Mexico's Common Property Regime*. *Journal of Latin American Geography*, Volume 12, Number 1, 2013, pp. 33-55 (Article)
- Bray, D., Antinori, C. y Torres-Rojo, J.M. (2006). *The Mexican model of community forest management: the role*

- of agrarian policy, forest policy, and entrepreneurial organisation. *Forest Policy and Economics* 8: 470-484.
- Cajiao Jiménez, M. (2002). *Guía Legal para Reconocer el derecho de los Pueblos Indígenas al aprovechamiento y manejo de los recursos naturales en los territorios indígenas de Costa Rica*. Los derechos de los pueblos indígenas a sus recursos naturales. San José, Costa Rica. Oficina Internacional de Trabajo. Serie Guías Legales - Derechos Indígenas No. 2.
- Calvo-Obando, A. y Ortiz-Malavassi, E. (2012). *Fragmentación de la Cobertura Forestal en Costa Rica durante los Períodos 1997-2000 y 2000-2005*. *Revista Forestal Mesoamericana Kuru*. Volumen 9, NO. 22, Junio 2012.
- CIFOR (2010). *Forests, Land Use and Climate Change Assessment for USAID/Mexico*. USAID/CIFOR.
- Congreso Nacional de Honduras (1992). *Ley para la Modernización y Desarrollo del Sector Agrícola*. Decreto Número 31 - 92. Emitida el 5 de marzo de 1992 en el gobierno del presidente Rafael Leonardo Callejas.
- COONAPIP (2011). *Diagnóstico socioambiental y territorial de los Pueblos Indígenas de Panamá*. Panamá.
- Corte Interamericana de Derechos Humanos (CIDH) (2001). *Caso de la Comunidad Mayagna (Sumo) Awastitang vs. Nicaragua*. Sentencia emitida el 31 de agosto de 2001.
- CRAAN, GRAAN, CCF-A (2012). *Estrategia de Desarrollo Forestal de la RAAN*. Aprobada mediante la resolución No.33 del 11 de abril de 2012.
- Cuéllar, N., Kandel, S., Davis, A., Díaz, O., Luna, F. y Ortiz, X. (2011). *Dinámicas Territoriales en Centroamérica: Contextos y desafíos para comunidades rurales*. Fundación PRISMA. San Salvador.
- Cuéllar, N., Kandel, S., Davis, A. y Luna, F. (2013). *Informe PRISMA: Pueblos Indígenas y Gobernanza en la Preparación para REDD+ en Panamá: Estudio de Caso sobre la COONAPIP, ANAM y el Programa de ONU REDD*. Fundación PRISMA. San Salvador.
- Cuéllar, N., Luna, F., Kandel, S., Díaz, O. y Davis, A. (2014). *REDD+ Jurisdiccional en Centroamérica: Oportunidades e Implicaciones para Pueblos Indígenas y Comunidades Forestales*. Fundación PRISMA, San Salvador.
- Dálvez, M. (2014). Entrevista realizada el 26 de febrero en Bilwi, Nicaragua.
- Davis, A. (2014). *De la degradación y conflicto a la gestión territorial: el reconocimiento de derechos comunitarios en Gualaco y Guata, Honduras*. Fundación PRISMA. San Salvador.
- Decreto Ley No.1 (1994). *Por la cual se establece la legislación forestal en la República de Panamá y se dictan otras disposiciones*. 3 de Febrero.
- Del Cid, V., Moreno, E. y Mairena, E. (2014). *Demarcación y titulación de territorios indígenas: La reivindicación de derechos ancestrales*. CADPI.
- Del Gatto, F. (s.f.). *Breve historia de la Cooperativa COATLAHL: Al fin un poco de optimismo*. ITTO, Forest Trends, Rights and Resources Initiative.
- Digiano, M., E. Ellis, and E. Keys (2013). *Changing Landscapes for Forest Commons: Linking Land Tenure with Forest Cover Change Following Mexico's 1992 Agrarian Counter-Reforms*. *Human Ecology*, 41: 707-723.
- Dogirama, E. (2015). *Informe técnico, Manejo forestal comunitario Comarca Emberá y Wounaan, Darien, República de Panamá*. Panamá, agosto de 2015 (por publicar).
- Dogirama, E. (2015a). *Situación Territorial de la Comarca Emberá Wounaan (entrevista)*. Marruganti, Comarca Emberá Wounaan, Panamá.
- Duran, E., Mas, J. y Velázquez, A. (2005). *Land-use Cover Change in Community based Forest Management Regions and Protected Areas in Mexico*. In *The Community Forests of Mexico*, 215-40. D. Bray, L. Merino-Pérez y D. Barry (eds). Austin, TX: University of Texas Press.
- Elías, S. y Monterroso, I. (2014). *La lucha por los derechos territoriales para las comunidades rurales: la Experiencia de ACOFOP en la Reserva de la Biosfera Maya, Petén*. Fundación PRISMA. San Salvador.
- Ellis, E.A. y Porter-Bolland, L. (2008). *Is community-based forest management more effective than protected areas? A comparison of land use/land cover change in two neighboring study areas of the Central Yucatan Peninsula, Mexico*. *Forest Ecology and Management* 256: 1971-1983.
- Equipo Técnico de MASTA (2015). *Titulación en la Muskitia Hondureña (entrevista)*. 15 de julio, 2015.
- FAO (2010). *Global Forest Resources Assessment 2010*. FAO Forestry Paper, No. 163. Food and Agriculture Organization of the United Nations. Rome, Italy.
- FAO (2013). *Forest Conservation in Mexico. Ten years of Payments for Ecosystem Services*. [http://www.fao.org/fileadmin/user\\_upload/pes-project/docs/FAO\\_RPE-PES\\_PSAH-Mexico.pdf](http://www.fao.org/fileadmin/user_upload/pes-project/docs/FAO_RPE-PES_PSAH-Mexico.pdf)
- Forest Trends (2013). *La Forestería Comunitaria en Honduras: Un camino hacia una mejor gobernanza forestal*.

- tal. Forest Trends Information Brief #8. Washington, D.C.
- Forest Trends (2015). *La Emergencia de una Territorialidad Indígena en la Mosquitia Hondureña y sus Implicaciones para los Pueblos Indígenas y los AfroHondureños del país*. Forest Trends Information Brief #4, Washington, D.C.
- Francis, R. (2014). Entrevista realizada el 26 de febrero en Bilwi, Nicaragua.
- Frühling, P., González, M. y Buvollen, H. (2007). *Etnicidad y Nación: El desarrollo de la autonomía de la Costa Atlántica de Nicaragua (1987-2007)*. F & G Editores. Guatemala.
- García-López, G. (2013). *Scaling up from the grassroots and the top down: The impacts of multi-level governance on community forestry in Durango, Mexico*. International Journal of the Commons, [S.l.], v. 7, n. 2, p. 406-431, aug. 2013. ISSN 1875-0281. Disponible en: <<http://www.thecommonsjournal.org/index.php/ijc/article/view/437>>.
- Gobierno de Costa Rica (2011). *Readiness Preparation Proposal* (Agosto 2011). San José.
- Gobierno de Nicaragua (2013). *Propuesta de Preparación para REDD+ (Readiness Preparation Proposal, RPP)*. Documento presentado al Fondo Cooperativo del Carbono de los Bosques (FCPF), sometido a revisión el 1 de junio de 2012. Versión Formal 7, preparada el 17 de marzo de 2013.
- Gobierno Nacional de Panamá (2010). *Ley N. 22 de 1983 Carta Orgánica Administrativa de la Comarca Emberá*. Wounaan Decreto Ejecutivo No. 84 de 9 de abril 1999. Con notas técnicas sobre el cambio climático. Gobierno Nacional de Panamá, Comarca Emberá/Wounaan, Fondo para el Logro de los ODM. Tercera edición.
- Gómez, I. y Méndez, E. (2007). *El Caso de la Asociación de Comunidades Forestales de Petén. (ACOFOP)*. CIFOR/Fundación PRISMA. San Salvador.
- Guevara Berger, M. (2000). *Perfil de los Pueblos Indígenas de Costa Rica: Informe Final*.
- Hall, C. y Pérez Brignoli, H. (2003). *Historical Atlas of Central America*. University of Oklahoma Press. Norman. Oklahoma, United States.
- Hayes, T. (2007). *Controlling Agricultural Expansion in the Mosquitia: Does Tenure Matter?* Human Ecology 35(6): 733-47.
- Hayes, T. (2007a). *Forest governance in a frontier: An analysis of the dynamic interplay between property rights, land-use norms, and agricultural expansion in the Mosquitia forest corridor of Honduras and Nicaragua*. Ph.D. Dissertation School of Public and Environmental Affairs and Department of Political Science, Indiana University, February.
- Henríquez, N. (2015). *Comunicación personal realizada el 8 de abril*.
- Herlihy, P. H. (1995). *La revolución silenciosa de Panamá: las tierras de Comarca y los derechos indígenas*. Mesoamérica, 16(29):77-93.
- Herrera-Ugalde, M. E. y Castillo, J.P. (2012). *Propuesta de Indicadores Socio-Económicos y Ambientales para Evaluar el efecto del Programa de Pago por Servicios Ambientales en la Reserva Indígena Cabécar de Talamanca, Costa Rica Durante el Periodo 2007-2011*. Universidad Nacional de Costa Rica.
- Hughell, D. y Butterfield, R. (2008). *Impacto de la certificación FSC sobre la deforestación y la frecuencia de incendios forestales en la Reserva de la Biosfera Maya*. Rainforest Alliance.
- INEC (2013). *Territorios Indígenas: Principales Indicadores Demográficos y Socioeconómicos*. Instituto Nacional de Estadística y Censos. San José, Costa Rica.
- IUCN (2009). *Pueblos indígenas afectados por desarrollos mineros, petroleros y represas en Mesoamérica, el Caso de Costa Rica*. IUCN, Gland.
- Jörg Kräuter, H. y Speiser, S. (2010). *Nuestro desarrollo en nuestro territorio: experiencias de ordenamiento territorial con los Mayangnas en la Reserva de Biosfera Bosawas*. Nicaragua.
- Kozar, R., Buck, L. E., Barrow, E. G., Sunderland, T. C.H., Catacutan, D. E., Planicka, C., Hart, A. K. y Willemen, L. (2014). *Towards Viable Landscape Governance Systems: What Works?* EcoAgriculture Partners. Washington, DC.
- La Estrella de Panamá (2015). *Darién con la tasa más baja de homicidios según el Ministerio Público*. Consultado el 1 de Septiembre: <http://laestrella.com.pa/panama/nacional/darien-tasa-baja-homicidios-segun-ministerio-publico/23868636>
- La Gaceta (2008). *Ley Forestal, Áreas Protegidas y Vida Silvestre. Decreto 98-2007*. La Gaceta, Núm. 31,544, publicado el martes 26 de febrero, 2008.
- Larson, A. y Ribot, J. (2007). *The poverty of forestry policy: double standards on an uneven playing field*. Sustainability Science. Special Feature: Original Article.
- Larson, A. y Mendoza, J. (2009). *Desafíos en la tenencia comunitaria de bosques en la Región Autónoma del*

- Atlántico Norte (RAAN) de Nicaragua. URACCAN. Managua.
- Larson, A., Cronkleton, P., Barry, D. y Pacheco, P. (2009). *Más allá de los derechos de tenencia: El acceso comunitario a los recursos forestales en América Latina*. CIFOR. Indonesia.
- Larson, A. y Soto, F. (2012). *Territorialidad y gobernanza: Tejiendo retos en los territorios indígenas de la RAAN, Nicaragua*. Instituto Nitlapan, UCA. Managua
- Larson, A., Barry, B., Dahal, G.H. y Pierce Colfer, C. (eds.) (2010). *Forests for People: Community Rights and Tenure Reform*. Earthscan, London. Washington D.C.
- Lebel, L., Anderies, J. M., Campbell, B., Folke, C., Hatfield-Dodds, S., Hughes, T. P. y Wilson, J. (2006). *Governance and the capacity to manage resilience in regional social-ecological systems*. *Ecology and Society* 11(1).
- Lino, G. y Taylor, P. (2015). Entrevista realizada el 20 de agosto en Flores, Guatemala.
- Mairena, E. (2007). *Gestión de los Recursos Naturales en Comunidades Indígenas de la Costa Caribe de Nicaragua*. Nitlapan, UCA. Managua.
- Mairena, D. (2012). *La Reserva de Biosfera de Bosawas y el territorio Mayangna Sauni As en Nicaragua: desafíos para la gobernanza territorial*. Caso de estudio publicado como parte de la compilación "Gobernanza en territorios indígenas y áreas protegidas, traslapadas o solapadas", realizada por Henao, D. Informe de Sistematización. ILSA. Bogotá.
- Mairena, D. (2014). Entrevista realizada el 1 de marzo en Managua, Nicaragua.
- MARENA (2012). *Plan de Protección y Manejo Conjunto de la Reserva de Biosfera de Bosawas*. Managua.
- Martínez, P. (2014). Entrevista realizada el 26 de febrero en Bilwi, Nicaragua
- MASTA (2011). *Plan de Vida del Pueblo Miskitu 2010 a 2023* (no publicado). MASTA. Puerto Lempira, Honduras.
- MASTA (2012). *Protocolo Biocultural del Pueblo Miskitu: el Derecho al Consentimiento Libre, Previo e Informado en nuestro territorio la Muskitia Hondureña*. MASTA. Puerto Lempira, Honduras.
- McSweeney et al. (2014). *Drug Policy as Conservacion Policy: Narco-Deforestation*. *Science*. Vol. 343, 31 January 2014.
- Mendoza-Lewis, J. (2014). Entrevistas realizadas el 25 y 27 de febrero en Bilwi, Nicaragua.
- Merino, L. (2004). *Conservación o Deterioro: el impacto de las políticas públicas en las instituciones comunitarias y en las prácticas de uso de los recursos forestales*. Instituto Nacional de Ecología, México, D.F.
- Merino, L. y Martínez, A. (2014). *A Vuelo de Pájaro: Las condiciones de las comunidades forestales de México*. Instituto de Investigaciones Sociales, Universidad Autónoma de México.
- Merino-Pérez, L. y Segura-Warnholtz, G. (2005). *Forest and Conservation Policies and Their Impact on Forest Communities in Mexico* in *The Community Forests of Mexico: Managing for Sustainable Landscapes*. David Bray, Leticia Merino-Pérez y Deborah Barry (eds).
- Monterroso, I. (2006). *Comunidades locales en áreas protegidas: reflexiones sobre las políticas de conservación en la Reserva de Biósfera Maya*. En Alimonda, H. (comp.) *Los tormentos de la materia: Aportes para una ecología política Latinoamericana*. 239-274p.
- Monterroso, I. y Barry, D. (2010). *Sistema de Concesiones Forestales Comunitarias: Tenencia de la tierra, bosques y medios de vida en la Reserva de la Biósfera Maya en Guatemala*. Guatemala: Editorial de Ciencias Sociales.
- Monterroso, I. y Barry, D. (2012). *Legitimation of forests rights: The underpinnings of the forest tenure reform in the Protected areas of Petén, Guatemala*. *Journal of Conservation and Society* 10 136-150.
- Nelson, A. y Chomitz, K. M. (2009). *Protected Area Effectiveness in Reducing Tropical Deforestation. A Global Analysis of the Impact of Protection Status*. Evaluation Brief 7. Independent Evaluation Group World Bank.
- Nittler, J. y Tschinkel, H. (2005). *Manejo comunitario del bosque en la RBM de Guatemala: Protección mediante ganancias*. Georgia, Sustainable Agriculture and Natural Resources Management; Collaborative Research Support Program: 32.
- Nygren, A. (2005). *Community Based-Forest Management Within the Context of Institutional Decentralization in Honduras*. *World Development* 33(4): 639-655.
- Oficina Regional para América Central del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (2011). *Diagnóstico sobre la situación de los Derechos Humanos de los Pueblos Indígenas en América Central*.
- ONU-REDD (2012). *La tenencia de los territorios indígenas y REDD+ como un incentivo de manejo forestal: el caso de los países mesoamericanos*. FAO-PNUD-PNMA.

- Orozco, C. (s.f.). *El Ejido El Balcón: El Caso de una Pequeña Aldea Campesina Mexicana Dueña de una Gran Industria Forestal*. Rights and Resources Initiative, Washington, D.C.
- Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press, Cambridge, UK.
- Ostrom, E. (2005). *Understanding Institutional Diversity*. Princeton University Press, Princeton NJ.
- Pellegrini, L. (2009). *Forest Management in Bolivia, Honduras and Nicaragua: reform failures?* Working Paper No. 474. Institute of Social Studies. The Hague, Netherlands.
- PRISMA/AMPB (2014). *Mesoamerica at the forefront of community rights: lessons for making REDD+ Work*. San Salvador, Fundación PRISMA and the Mesoamerican Alliance of Peoples and Forests.
- PRISMA/AMPB (2014a). *Informe PRISMA: Pueblos Indígenas y comunidades rurales defendiendo derechos territoriales: Estudios de Caso sobre Experiencias de Prevención y Defensa ante el Narcotráfico y Crimen Organizado en Mesoamérica*. San Salvador, PRISMA/AMPB.
- Pulhin, J., Larson, A. y Pacheco, P. (2010). *Regulations as Barriers to Community Benefits in Tenure Reform*. In Larson, A., D. Barry, G. Ram Dahal y C.J. Pierce Colfer (eds.) *Forests for People: Community Rights and Tenure Reform* (139 - 159) Earthscan, London, Washington D.C.
- Radachowsky, J., Ramos, V. H., McNab, R., Baur, E. H., Kazakov, N. (2012). *Forest concessions in the Mayan Biosphere Reserve: A decade later*. *Forestry Ecology and Management* 268: 18-28.
- Radio América (2015). *La Mosquitia: Calma en Auka tras conflicto por tierras entre nativos y ladinos*. <http://radioamerica.net/2015/03/21/la-mosquitia-calma-en-auka-tras-conflicto-por-tierras-entre-nativos-y-ladinos/>
- Roldán Ortiga, R. (2004). *Models for Recognizing Indigenous Land Rights in Latin America*. Paper No. 99. Biodiversity Series. The World Bank Environment Department.
- RRI (2012a). *Turning Point: What future for forest peoples and resources in the emerging world order?* The Rights and Resources Initiative, Washington, D.C.
- RRI (2014a). *What Future for Reform? Progress and slowdown in forest tenure since 2002*. Rights and Resources Initiative, Washington, D.C.
- Sanchez, G. (2015). *Interview performed July 13th, 2015 in San Cristóbal de las Casas, México*.
- Santos Zelaya, J. (s.f.). *Tendencias de la propiedad forestal, la tenencia de los recursos forestales y los acuerdos institucionales en Honduras: ¿contribuyen a una mejor gestión forestal y reducción de la pobreza?*
- Schwartz, N. (1990). *Forest Society: A Social History of Petén, Guatemala*. Philadelphia: University of Pennsylvania Press.
- SEGEPLAN (2011). *Franja Transversal del Norte: Un corredor de Desarrollo. Diagnóstico Territorial, tomo I*. Gobierno de Guatemala.
- SINAC (2014). *Parque Internacional la Amistad*. Consultado el 8 de septiembre, 2014: <http://www.sinac.go.cr/>
- Stocks, A., McMahan, B. y Taber, P. (2007). *Indigenous, colonist, and government impacts on Nicaragua's Bosawas reserve*. *Conservation Biology* 21(6): 1495-1505.
- Sunderlin, W.D., Ekaputri, A.D., Sills, E.O., Duchelle A.E., Kweka, D., Diprose R., ... y Toniolo, A. (2014). *The challenge of establishing REDD+ on the ground: Insights from 23 subnational initiatives in six countries*. Occasional Paper 104. Bogor, Indonesia: CIFOR.
- Tucker, C. (2006). *Institutions, Biophysical Factors and History: An Integrative Analysis of Private and Common Property Forests in Guatemala and Honduras* [https://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/3536/Tucker\\_et\\_al\\_HumanEcology2007.pdf?sequence=1&isAllowed=y](https://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/3536/Tucker_et_al_HumanEcology2007.pdf?sequence=1&isAllowed=y)
- UNESCO (s.f.). *Nombre Grupo: Emberá Wounaan*. Consultado el 31 de Agosto, 2015. [http://www.unesco.org/uy/shs/fileadmin/phi/ag-uaycultura/Panama/EMBERA\\_-\\_WOUNA\\_AN\\_-\\_INFORMACION\\_PRINCIPAL.pdf](http://www.unesco.org/uy/shs/fileadmin/phi/ag-uaycultura/Panama/EMBERA_-_WOUNA_AN_-_INFORMACION_PRINCIPAL.pdf)
- Utting, P. (1996). *Bosques, Sociedad y Poder*. UCA, Managua.
- Vallejo Larios, M. (2012). *El Proceso de Descentralización en el Ordenamiento Forestal en Honduras*. Tesis Doctoral, Universidad de Alicante.
- Vela, M. (2012). *Peritaje Histórico Social Caso La Masacre de las Dos Erres*. Expediente MP001-2005-96951. Ministerio Público. Guatemala.
- Villalobos, V. y Borges, C. (1995). *Talamanca en la encrucijada*. Editorial Universidad Estatal a Distancia. San José, Costa Rica.







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