

# Municipal Government and Local Collective Action

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## Abstract:

Municipalities are the main actor in Guatemala's public policy implementation. They are key players in the constitutional mandate to provide and protect the common good whether it be environmental, social or economic. They are important tools to enhance local natural resource management. Policy design includes and empowers municipalities and provides the instruments necessary for sound municipal management of resources towards their mandate. The Municipality Act and de Decentralization Act Public Policy also provides civil society with the means and arenas for local active participation and accountability. However, in the field, the author has encountered an ample and wide array of processes and policy outcomes. The paper dwells on the challenges of several local forest management experiences and the role the Municipal government plays. The author reflects on the varied outcomes of the community-municipality relationships, their impact on forest conservation and on local institutional arrangements. Field research was done as part of the IFRI Research Program in Guatemala and complemented with Land Use/Land Cover change analysis.

*Key words: Natural Resources, municipal management, collective action, nested institutions*

## HISTORICAL FRAMEWORK:

The process of building up the territorial administrative units in Guatemala has its roots in the Colony, with the creation of the "Towns of Indians", territories in which the different indigenous people were forced to live in, under the authority of the Spaniards conquerors. In most of the cases, the ancestral indigenous territory was used to delimitate the new unit, call with the time "municipalities". The extension of these territories have change very little in time, given the people living within these limits, a common history, cultural identity, and a territorial reference. No other administrative unit has change less and means so much to the Guatemalan culture (Luján, 2008). The Municipalities are contained in a larger unit call "department", and several departments conform a region. Over history, this units have changed, in the first case, from 6 to 22, and for 4 to 8, but the number of municipalities has remained almost the same in the same period (250 years), from 300 to 333 (Lujan y Zilbermann, 1995).

The process of overlap the colonial administration over the ancestral community lands has its conflicts. At the very beginning, the community, the municipality

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and the land used by both of them were nearly the same. The community felt represented by the municipality, therefore the land could be named as municipal, because the local institutions for the land management were respected. One of the most important: the Mayor was elected according to the traditional proposal of the Elder Council. This process guaranteed the respect to the local decisions over the management of natural resources.

This process changes with time, and the central government chooses the Mayor among its allies, breaking with the local institutions and extending central control over the local population. In this point conflicts began, because the interests of the municipal authorities were rarely the same of those of indigenous management for common land and natural resources. Municipality and local community are no longer the same concepts. Common land, water and forests came under the control of the municipality, ignoring the communal interest and management institutions (Elías, S. in CEA. 2008)

Along the country's history can be found several examples of communities claiming their legitimate right to manage and possess their ancestral lands. In recent times these claims are mainly against their own municipalities.

Some indigenous communities got from the Spanish Crown the legal right over their lands. But after the independence, during the liberal government of Justo Rufino Barrios, these communities were expropriated under the excuse that their lands were in "dead hands", and the Republic needed them to export agricultural products, and increase the incomes. The president gave these lands away to his half-casted fellows, with the indigenous labor force included, to grow coffee and support the new economic order (Samper, M. 1993).

Nevertheless, some communities achieve to keep their right to their lands, thank to a very strong tradition in collective action and a deep social capital. They bought their own lands to the state, and managed to adapt always under the legal frame, the shifting land policies. Even the same president Barrios who expropriated the lands of those communities placed in good land for coffee growing, gave in legal possession some lands to other poor communities, if they have no productive value (PNUD, 2005). This is the story of communal forests El Chilar and El Gigante, analysed below.

There is another type of historical common land: those given by patriotic service during the countless Central American wars in XIX century (Taracena, A. 1993). This land given to miliciamen and their families has being managed through communal institutions for more than hundred years, as is the case of communal Farm Pacalaj, one of our study cases.

One of the strategies that has work the best for keeping the communal ownership and decision making about indigenous lands is the adaptation they have make for the mandatory figures imposed by law to their own ancestral traditions. For

example, the Elder Council still chooses the community leaders, known by law as the Mayor Assistant, or the members of the Development Community Council. According to their social cohesion and social capital, some communities have organized themselves to participate in party politics, so they can always place a member of the community in the Mayor Council, looking after their own territorial interests.

There is also an important movement of indigenous networks that are claiming that the new protected areas declarations are new ways of usurpation of indigenous lands. This is a very sensitive topic in a country with high biodiversity and endemism, and with a majority indigenous population as well. Several conflicts have arisen in the country side with indigenous population against new protected areas, claiming their right to manage their natural resources with their own institutions. In some cases, governmental officials have been threatened. Mac Chapin (2004) in his article "A Challenge to Conservationists" pointed this problem among the big international non governmental organizations caring for conservation, and the needs and rights of indigenous people. Guatemala was widely mentioned.

Now days are some dialogue processes coming out by important actors of natural resources management trying to find out common interest between conservation and indigenous groups. The conservation concept, as it is understood by governmental and non governmental organizations has to be re-thinking through the lenses of indigenous needs, rights, and territorial management they do to balance their economic activities and the conservation of certain places as water springs and sacred altars. This is a very first step, and the dialogue is still open.

The study cases analyzed below want to give some light in this dialogue. Through academic foundation (CEA, 2006), we show the fact that most of the forest best conserved in Guatemala are placed outside of protected areas, just in the middle of indigenous ancestral lands with high population density. On the other hand, the deforestation rate (1.43% of national forest cover) is annually increased in protected areas, especially at the north, in the Mayan Biosphere Reserve, losing the 64.82% of national forest cover.

### **LEGAL FRAMEWORK:**

The Guatemalan Republic Constitution claims in article 97: “The State, the municipalities and every inhabitant of the national territory are forced to favor the social, economic and technologic development avoiding the environment pollution and sustaining the ecologic balance”.

It is in the Municipal Act (art. 35 letter Y), in which is given to the municipalities the specific task to promote and protect renewable and non renewable resources in the municipal territory, as well the power to create a specific work commission for tourism affairs, environment and natural resources. In Art. 109 of this same Municipal Act is also mentioned that the municipal government is able to establish mechanisms to guarantee the use, conservation and management of communitarian lands by the community members, in consultation with their leaders.

As a frame work, Guatemala has the Decentralization Act (Decree 14-2002) which pretends to decentralize the power and the decision making in the implementation of public policies, guaranteeing the local government and communities participation, as well as the just distribution of the goods and the proper administration of public goods. Among its principals we find: “Reestablishment and conservation of the ecologic balance, human development and reestablishment of local organs for environmental sustainable management”.

As a tool for the decentralization implementations there is de Urban and Rural Development Councils Act (Decree 11-2002), in which the development councils are established as the legal accepted mean of public participation, divided in five levels: communitarian, municipal, departmental, regional and national.

In reality, these social participation legal means has being manipulated by political party interests. Besides, the requirements to be part of these Development councils set aside important society actors like women, elder people, elder councils, family organizations, and others, because of low levels of schooling, cultural factors or an inadequate structure that makes them hard to participate.

Talking about forest community management, is important to mention the Forest Act (Decree 101-96), which creates the National Forest Institute, organization responsible to coordinate with municipalities and communities de forestry development in the municipal territory. Another important task is to organized and supervising the protection and reforestation incentives. In every case these incentives requires the legal property of the land, lacking condition in almost every community. This has being important to force the communities and the municipalities to negotiate an set agreements.

## METHODS

Once clarified the responsibilities and legal rights of the community forestry actors in Guatemala, we can analyze the role of the municipality in our six study cases and defined the nesting degree in the institutional arrangements among municipalities, communities and local non governmental organizations.

Comparing the nested institutions and the forest conditions we can conclude which model has had the better results. We have the hypothesis that highest the nesting degree, better the forest conditions. The institutions we analyze are those coming from the municipalities, the social capital and cohesion in the communities which reinforce forest management institution, and a respectful relationship with ONG's as external agents.

The study cases were conducted by the Center of Environmental Studies, since June 2005 until January 2007, covering a wide spectrum of the national territory and cultural manifestations as well. In the map below we show the studies localization.



1. Morán, Zacapa
2. Bioitza, Petén
3. El Gigante, Chiquimula
4. Pacalaj, Baja Verapaz
5. Cunlaj, San Marcos
6. El Chilar, Escuintla

The project, sponsored by the Netherlands Royal Embassy pursued to understand local institutions for forest and water management in indigenous communities, establishing patterns of success that could be applied in other communities in the same circumstances.

The research was based in IFRI methodology which implies the forest and social analysis in each community, along with the nested institution political analysis. The ten forms were filled out and each case was recorded in the international data base. Besides, a set of five extra forms, specially designed for this research were also filled out for each case, for a more detailed record on water management institutions. Those forms were an adaptation of Ostrom's research on Nepal.

In each forest study we made all the forest calculations as basal area, density, growing of mass forest, a master plant list, but also a carbon sequestration calculation, and land cover/land used study applying remote sensors. In each community we attended at least at 4 community workshops, plus interviews and workshops with external agents.

## **RESULTS**

The land property arrangements founded in the case studies array a very wide variety: from 6 places, two are communal private property, having legal titles. Four are municipal property, two have legal arrangements given the usufruct to the community or some association in its representation. The other two are placed in the multiple uses zone of a Biosphere Reserve, so the decision making is taking place in other levels far away from the community, and even from the municipality. One of these cases reports the most degraded forest found in the research, but all the others report lower deforestation rates comparing to those of their municipalities. In the next chart these data is summarized.

### COVER FOREST CHANGE 1991-2006

SITE	Cover change of the studied forest from 1996 to 2006	Municipality in which the forest is located	Cover forest change in the municipality from 1996 to 2006
Morán	-1.1%	Río Hondo	<b>-1.0%</b>
El Gigante	-1%	Chiquimula	<b>-3%</b>
Cunlaj	<b>+0.14%</b>	Tacaná	<b>-0.26%</b>
Pacalaj	-0.44%	Salamá	<b>-1.1%</b>
El Chilar	<b>+0.2%</b>	Palín	<b>-0.02%</b>
Bio Itzá	0%	San José	<b>-0.12%</b>

The numbers in blue are the percentages of forest won in the last 10 years. The numbers in red are the percentages of forest lost in the same period. In any case, the percentages of forest lost is lower in the studied forest.

In all the cases we found different success and failure experiences, according with the roll played by the municipality and the collective action shown by the community. In the charters below, we found the main results and the relationships among them. In the first one are compared the population density, the land property, the management arrangements, the forest extension, the forest density and carbon sequestrated. In the next chart we can see the ethnic identification of the community, level of local participation in decision making relating to the forest management, the previous experience in social organization, and the quantity and type of external agents involved.

## FOREST DATA

SITE	FOREST EXTENTIO N	MUNICIPAL POPULATIO N	FINAL BALANCE INMIGRATI ON - EMIGRATI ON	KIND OF FOREST	FOREST COVER %	FOREST TOTAL DENSITY  trees / Ha	BASAL AREA m2/Ha	CARBON SEQUESTRA TION tC/Ha
Morán, Río Hondo Zacapa	1996 Ha	17667	+1892	Oak - Pine	46.54	304	19.63	101.35
El Gigante, Chiquimula, Chiquimula	818.89 Ha	79815	-12434	Oak - Pine	74	170.8	12.15	90.41
Pacalaj, Salamá, Baja Verapaz		47274	-12500	Oak-Pine; cloudy forest				
Cunlaj, Tacaná, San Marcos	47.8 Ha	62620	-8559	Coniferous	78.74	138	20.18	162.51
Bioitzá, Son José, Petén	3674 Ha	3584	+104	Humid subtropical forest	98	369	16.84	129.59
El Chilar, Palín, Escuintla	3774.51 Ha	36756	+16768	Dry subtropical forest	88	461.5	40.47	414.73



### MUNICIPAL ROLL, COLLECTIVE ACTION AND EXTERNAL AGENTS

SITE	PROPERTY/ MANAGEMENT	LINGUISTI C GROUP	COMMUNITY INVOLVED IN DECISIÓN MAKING	EXTERNAL AGENTS	YEARS OF COMMUNITY ORGANIZATION
Morán, Río Hondo Zacapa	<b>Private, comunal</b> Múltiple Uses Zone of Sirra de las Minas Biosphere Reserve	Ladino (half-casted)	<b>Low</b> No associations or development activities	NGO in co-administration CONAP INAB Municipality	Over 150 year of possession
El Gigante, Chiquimula, Chiquimula	<b>Municipal / comunitarian possession</b>	Ladino– Maya Ch'ort'i	<b>Medium</b> Partners of ACODAPCHI managed PINFOR	INAB COASO ASORECH PROAM Ch'ort'i	Over 200 years or possession. ACODAPCHI, 25 years of work in the area. PROAM Ch'ort'i coordinates the Dutch foreign aid in the area
Pacalaj, Salamá, Baja Verapaz	<b>Privada Comunitaria</b>	Ladino	<b>Medium</b> Municipality has interests in braking the communal forest management plan	Municipality: water service for the city comes from the springs in Pacalaj forest	100 years of communal management of the farm.
Cunlaj, Tacaná, San Marcos	<b>Municipal / comunitarian</b>	Maya Mam	<b>Medium</b> Distance and fractionation encourage by Municipality make it difficult to protect the forest	INAB Municipality	Over 500 years of possession. Fractionation processes encourage by municipality since 50 years.
Bioitzá, Son José, Petén	<b>Municipal / Comunitaria</b> Zona de Usos Múltiples RB Maya	Maya Itzá	<b>Low</b> CONAP and companion NGO are making all the decisions	CONAP Companion NGO	Over 500 years of possession. Conservation Management since 20 years.
El Chilar, Palín, Escuintla	<b>Municipal / comunitaria</b>	Maya Poqomam	<b>High</b> Indigenous Palín Community Association	INDE, USAC, Municipality, allies cosen by community	Over 3000 yeas of posesión, association over 300 years. Municipality gives them legal backup but doesn't make management decisions.

## **MUNICIPALITY ROLL ENCOURAGING THE LOCAL COLECTIVE ACTION FOR NATURAL RESOURCES MANAGEMENT**

With those results we could identify some patterns of the rolls played by municipalities, communities and external agents, patterns which implies different kinds of nested institutions. The governance (or lack of it) generated from this nested institutions has a direct effect on the forest conditions. The processes and conflicts that had lead to that situation give us ways to understand the problems and hopefully, to guess some viable solutions for improving the social relationships and the forest conditions.

### **1. The Municipality represents its own interests and has a negative influence on community collective action regarding natural resources.**

In this place we have two cases: the private communal farm Pacalaj, and Chemealón forest in Cunlaj village.

#### **1.1. Pacalaj: The struggle for private communal property rights**

From Pacalaj forest flow the springs used for water municipal service in Salamá city, the biggest town in the department. That is a powerful reason for the Mayor to be very interested in forest protection.

Salamá citizens are not clear about the rights of private property the community has over their forest. The Municipality takes advantage from this confusion and supports the opinion that “communal forest” means “municipal forest”, therefore, the forest of all salama people.

With this idea in mind is not a surprisse the conflict arose when pacalaj owners made a forestry management plan to extract wood and sell it for their own needs.

The management plan was formulated in a very participate process, but Salama people were against it, worried for the water they need that comes from the forest, so they suited Pacalaj in courts for environmental damage. The Municipality, kowing the private right the community had for the implementation of their forest plan, didn't help a little to prove their legal right. Helping Pacalaj meant a damage to the political image of the mayor.

After a two year battle in courts and thanks to the help of different allies (not the municipality), Pacalaj won the process and now they are ready for their forestry plan.

#### **1.2. Cunlaj: fractionating the community and depredating the forest**

Other case interesting for its important as water source is Chemealon forest in Cunlja village. In the last 20 year, Cunlaj has being fractionated in a very rapidly way encourage by the municipality. According to Guatemalan's financial laws, the more villages a municipality reports, the more money it gets from the national budget. Therefore, the forest that 20 years ago belonged to

Cunlaj and was surrounded by it, today is surrounded by 5 communities that don't have the right to harvest from that forest. Now Cunlaj Center, the village with rights over the forest, not only has to travel 3.5 miles to the forest, but also walk across community that make it difficult the access to the forest, because they use it, illegally. The importance of water helps to keep the forest, but now it is just an island among all the villages.

Distance and community fractionation have become in big difficulties for Cunlaj to enforce provision an maintenance rules, along with sanctions and monitoring. They are almost along in their efforts to protect the forest. The municipality seems no interested in this task even though it is mandatory by law. Municipality is content to let INAB to make de decisions over the forest and to coordinate with the community and others actors. The lack of the Municipality support make it difficult to implement this decision.

One way we can suggest to try to solve the conflict is taking the Municipality the leadership it has to have, and negotiate among the communities, establishing rules and incentives for conservation. This action could be the best support the municipality can give to Cunlaj, a long to guarantee a sustainable water supply.

## **2. The municipality step aside, leaves the community on their own, and the decision making in hands of external agents.**

Three of our study cases are in this situation:

- El Gigante forest, Chiquimula
- Morán village in Zacapa in Sierra de las Minas Biosphere Reserve
- Indigenous Communitarian Reserve Bioitzá, San José Petén, in Mayan Biosphere Reserve

The three cases are consistent with powerful external agents, big investments an specific interests in conservation making the municipality to retreat, and leaving the communities alone with the external agents.

### **2.1. El Gigante forest: among exclusion, conflict and external influence.**

The marginalization of El Durazno, the village that has possessed and managed El Gigante forest for the last 200 years, has some traces of the structural exclusion in which is built Guatemalan state. El Durazno is far away from the main city in the department just 15 miles up the mountain. They are descendants from the mayan Ch'ort'I, now days one of the poorest indigenous group in the country. This way, El Durazno is like an indigenous island surrounded by white population from Spaniard origins, proud of their "Pure blood". Chiquimula is the largest city in the eastern, a modern city with all services, meanwhile El Durazno lacks of everything, from drinkable water

to bathrooms and health center, under the line of poverty. This is the community that manages the forest El Gigante, one of the most important forest in the driest region of the country as a source of water.

The poverty and the importance of the forest has pointed the attention of an external agent that manages the budget of the Netherlands for this depress ethnic group. The main objectives are to improve life quality and forest conservation.

To prove the legal property of the forest and applied to the reforestation and protection incentives, the external agent support a local organization to get from the municipality the forest usufruct. The problem is that an important number of possessor in the forest are not members of this association, and felt like an betray this action over their forest, over their own land.

A second level of conflict arose among the upper-mountain communities and the lower-mountain ones. One pointed the other to extract wood from the forest in very large amounts, drying the water springs they depend on lowlands. People up the hill claim that they take care for the forest and work hard on it, and lowland they do nothing for the forest but have the drinkable water they don't have.

The external agent trays to be fair between them and gives them the same kind of payment for work. This action increases the conflict because it was perceived like unfair.

Meanwhile, the communities ask INAB to sanction those who are extracting wood illegally, but INAB never appeared. The same happened with the district attorney, with the Environmental Ministry, and finally with the Municipality.

At last, the external agent tried to mediate the conflict and gladly, the actions were well received as the communities found some one to care for their problems and needs. Sadly they were not their own authorities.

As legal owner of the forest, the Municipality is the one expected to establish sanctions and rules to protect the forest, to enforce collective action, to mediate among communities, in other words, to enhance the Municipal Act in its territory. In contrary, Municipality has retreat, waiting for other organizations to play the roll it has by law. Even worse, letting an external agent to take important decisions they has not to take. In Municipality absence, the external agent profile grows, but it has to remember that is not a public authority, an better than playing the state roll, it can find ways to encourage the state to play its own roll.

## **2.2. Moran Village: Conservation village and degradation reality**

This is another case in the eastern region of the country. The village and the forest is placed in the Multiple Uses Zone in Sierra de las Minas Biosphere Reserve, declared in 1990. The population is white, Spaniards descendants with a strong cattle breeder culture. All the families are related and this has created strong social capital between them and a growing mistrust from any external agent since the Reserve was declared.

Moran village is only 13 miles away from the municipality of Río Hondo, but the road is always in bad conditions, and there are no initiatives to improve it, neither to have electricity or drinkable water. Each family has solve this problems the best way they could.

The Municipality, and the NGO co-administrating the Reserve claim that Moran people is very difficult to treat, that deny every improvement initiative they offer to them, and are hostile against externals because they have some illegal and dangerous activities, one of them wood extraction and cattle breeding in the forest.

Cheking out the forest condition, we found that Moran has only the 46% of forest cover and has lost 132 Ha en the last 10 years. Although the basal area and the forest density seems normal, the reality is that natural regeneration is almost inexistent, threatening forest health in the future.

In the study we could see that Moran people destroy natural regeneration on purpose. They cannot cut down trees in the reserve, but there is anything said about young trees. They cannot allow the forest to spread, because this means less land for their livestock. Years ago they didn't care much about the forest, but over night it has become in their worst enemy, forbidden them to feed the cattle and making their living. In other words, external agents have never done anything for them but declare the reserve, against their culture, against their economic needs.

The municipality has stepping aside, understanding Moran as a responsibility of the co-administrator, but this NGO chose not to lead with them, avoiding another problem. This situation leaves the community on their own, without dialogue, without sanctions and institutions for forest management. Even though, this abandon has function as a pressure release in the growing conflict but the forest has paid for this so called peace.

### **2.3. Indigenous Communitarian Reserve Bio Itzá: a Conservation Indigenous Icon without indigenous institutions.**

This is a paradigmatic case in Guatemala's conservation. It is the first protected area legally declared under indigenous management. Bio Itzá Association is responsible for the forest conservation, but it was not the main objective when it was first founded. As an indigenous group with little population surrounded by ladino population, Itzá people created the association to protect and promote Itzá culture, being part of it the use of medicinal herbs and other non-wooden products from the forest.

This initiative and the location of the forest (inside the Mayan Biosphere Reserve) called the attention of national and international conservationist NGOs who convinced the Association to claim the usufruct of the municipal land for pure conservation.

All the legal requirements were satisfied to declare the reserve, including the companionship of a local NGO whose role is to help the Association in the decision-making regarding the forest management. The declaration act is a state recognition of indigenous people rights and institutions in forest management, but specifies that the reserve will be managed according to the state conservation rules, and the Association, before making a decision, must consult the companion NGO and the Protected Areas State Agency (CONAP).

According to the results in our study, Bio Itzá forest is the one with the better conditions. Deforestation rate is 0%, forest cover is 98%, and the plant master list is one of the longest found. Although, there are no indigenous institutions for forest management. On the contrary, all this conservation process broke up the Association and the Itzá community. The benefits distribution has not been fair, so there is mistrust and anger, because only 2 or 3 families have been highly benefited from the process, but not the others.

Stepping aside, the municipality gave to the Association the municipal land in usufruct, but now that land is in the hands of the companion NGO and the state. The municipality, the community, the Association, and even the Itza culture have been useful to achieve international conservation goals.

### **3. Unstable relationships between municipality and community**

This is the most común pattern found in the municipalities – communities relationships in all the country, due to the Mayor's shifting political interests. The Palín Indigenous Community is a perfect example in their fight for the right to manage El Chilar farm.

#### **3.1. Communitarian management of El Chilar forest: a Proud of Ethnical belonging**

In 1785, the Kajkoj Lords Title describe how the Poqomam were forced to leave their place of origin, north of the country, and establish themselves at the south. Through the centuries, this new place is now Palín municipality. In 1878 the Palín Indigenous people organized themselves to ask president Barrios the right to manage the forest. He gave them the forest in possession, because its land was so rough that it was useless for agricultural production. In 1891 the Poqomam travel again to the capital, for asking the new president (Barrios nephew) to delimitate El Chilar forest, because the current mayor was asking them taxes for the use of the forest. So the forest was delimited and the President asked the Mayor not to trouble the people in their forest. The relationship between the municipality and Poqomam people improves after this clarification.

Back in 1950, the state shifted policies, and the Mayor, against the Poqomam people transferred part of El Chilar forest to the National Electrification Institute and another part to the National University. The community suited the municipality and since then a process is followed in courts to get back those lands. Some hectares have been yet restore to the community.

It is in 1947 when Poqomam People legally established the Palín Indigenous Community Association. One of their main objectives is the legal protection of El Chilar land to their own use, because this is the base of the well living of the members. The status of the Association organized the community for the legal protection of the forest, but also for its management through strong institutions for maintenance, harvesting, monitoring and sanctions. The statutes includes western-like institutions, like the President of a Directive Board, but also keeps indigenous institutions like the Eldery Council for serious conflicts among members.

The Association is one of the strongest strategies the Poqomam community has found to protect their right to the forest, but the use others. All of the main directors of the Board have active participation in political parties, just to be sure that any Mayor will have in its Municipality Council at least one Poqomam representat to look after the community interests. This way, the Palín Municipality plays the better roll possible for the Poqomam community.

The municipality has become in a legal back up and important allied that guarantees the historical right to manage and possess El Chilar forest.

Palin Indigenous Community is far away the best example we have found of collective action in forest management, showing a strong social capital and clear goals for the organization. The struggle they have being in to for centuries to keep their right to the forest is now a deep proud of ethnic belonging. The forest is now the icon of the Poqomam identity.

The forest conditions is second best we found after Bio Itzá. The basal area, the forest density and carbon sequestration numbers are the best of all the cases. The forest cover is 88%. That 22% of deforestation is located in the areas given to the Electrification Institute and the National University. We found a very interesting stratification in the forest, base in the land use they have given it through the centuries. One part is manage as agroforestry, were they grow citrics for sell. Using the reforestation incentives, they have a large part of the forest for reforestation and protection. In other part they grow shadow coffee, and in a little spot of the lowlands the have some cattle and fish farms. Springs are highly protected as well as sacred altars used by mayan priests

The good conditions of the forest and the highly organized community is now calling the attention of several external agents interested in conservation and rural development. The Association carefully analyze the objectives of those allies, and if those complements the truth needs of the community, the Directive Board invite those from outside to join them. This guarantees the community the leadership in their own development, empowering their own process.



## **COMMUNITY ADAPTATION STRATEGIES:**

After the analysis of the study cases, we can conclude that the unstable relationships between municipalities and communities, several adaptations can be observed. The communities seek for strategies that help them to keep their right to manage and possess the natural resources in their territories.

- **Isolation:** In Morán Village, Río Hondo. In this way they had being able to continue the cultural and familiar rules for cattle breeding. For them the forest is a new enemy, so they keep away external agents and fight against the natural regeneration of the forest. The isolation and lack of dialogue and communication among community, municipality and external agents are leads the forest into a quick depredation.
- **Illegally Actions :** Morán, El Gigante and Cunlaj. The forest management rules imposed by outsiders are against the local institutions and reality needs of the community. The villagers near by the forest tend to use it, illegally, to satisfy their needs. Usually those outsiders are placed farther than the actual users. In some cases, the illegal activities play the roll of a pressure release from conflict between poverty and pure conservation, but it means a high pressure over natural resources.
- **Organization taked over by external agents:** Bio Itza Petén and El Gigante. The municipalities tend to step aside before powerful external agents with a large amount of Money and concrete interest in pure conservation. In some cases, the community it self feels comfortable with them making the decisions.
- **Indigenous Institutions in legal figures enforced by the state:** Palín Indigenous Community Association is a very good example of this strategy. They founded the Association over the institutions of Poqomam culture and with all the legal requirements from the state. This is a very legitimate and legal way of collective action in the fight for their rights of management and possession.
- **Violence and civil disobedience:** This case is none of the communities in this study, but certainly it has happen in Guatemala, specially when a protected area has being declare by a large NGO interest but without any consultation with indigenous population. The communities have reacted in a very violent way defending their rights and land, threatening state and NGO's officers.

## **CONCLUSIONS:**

Regarding the study cases, we can conclude the following ideas:

The forest with the highest levels of depredation is Morán, even though it's placed in a protected area. There was neither consultation nor information during the process. It is hard for the community to deal with new duties toward a forest that is against their economic and cultural practices. They feel excluded, and now they are trying to keep their right to the land destroying natural regeneration.

In the other hand, forest management in El Chilar is the best case we have. In the community and the forest we can observe the 8 principles for a successful institutional design (Ostrom, 1997) Local institutions are solid and nested in all levels, including municipality and external agents. The forest is in very good conditions as a result of hundreds of years of sustainable management. The forest is because the community, and the community is proud of themselves because of the forest.

Bio Itzá Association has not had that luck, and has lost the management control over the municipal land in hands of external agents. The forest is in very good conditions, but social capital and community sense is lost. There are no indigenous institutions for forest management because the reserve is led according to the rules of the state and international NGO's.

In Pacalaj negotiation is important between Municipality and community. Water supply is necessary for Salama city, as well as property rights recognition for the community.

Cunlaj and El Gigante forests are also important for water supply, therefore their conservation must be a municipality priority. Dialogue and coordination are crucial and the municipality is the best organization to encourage them.

According to municipalities it is important to remember that they have duties by law, and no other organization, no matter how rich or important it may be, has neither the right nor the authority to replace the municipality in the decision making about natural resources in their land. Consultation and community participation is also foreseen in the law and should not be avoided.

Municipalities must be the legal guardians of the community rights, supporting them on their process with the central state. Must defend private and communal property against other interests, enhancing local institutions.

The principal actors in municipal collective action must be the communities, but the success in the decision making depends on the social capital and the degree of social cohesion of the own communities. Participation implies action regarding formulation, implementation and evaluation of public policies and process. The condition of the forest will reflect the success of this participation.

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