



Social forestry movements and science-policy networks: The politics of the forestry incentives program in Guatemala

Mariel Aguilar-Støen

Centre for Development and the Environment, University of Oslo, P.O. Box 1116, Blindern, NO-0317 Oslo, Norway



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ABSTRACT

In this article I discuss the factors contributing to the drafting and approval of the forestry incentives law (PINPEP) in Guatemala. This is a remarkable law because (a) it is among the few in the country recognizing property rights to land other than private property; (b) it has a stronger focus on subsidies and social benefits than on market mechanisms and; (c) the law is the result of the effort of forestry community organizations. My findings indicate that community organizations can, through their alliances with science-policy networks, participate in law-making and by that, in democratizing environmental governance. My study nuances the role of experts in environmental governance showing that their power and status should be understood as relational and historically contingent. Furthermore, some key and charismatic individuals can act as door openers to link community forestry organizations and science-policy networks. Although the identity of the grassroots organizations that participated in the process of making the law is tied to forestry, these organizations have a long history in the country. This history has been shaped by their experiences in exile and in refugee camps during the civil war as well as by their contact with development assistance organizations.

1. Introduction

The idea to implement monetary transfers to forest owners or forest dwellers to promote global forest conservation has become popular in national and international policy-making circles. Programs such as “Payments for Ecosystem Services-PES” and “Reduced Emissions from Deforestation and Forest Degradation-REDD” are good examples of such initiatives. This increased focus on so-called “market-based” mechanisms for nature conservation is in part related to what many have called “the neoliberal turn” in nature conservation, involving also the privatisation and commoditization of nature (Castree, 2004, 2008; McCarthy and Prudham 2004; Mansfield 2004; Bakker 2005; Heynen and Robbins, 2005). Fairhead et al. (2012) observe that there has been an explosion in studies analysing the effects of the neoliberal turn in environmental conservation. They argue that such literature has however tended to adopt a rather uniform position assuming a singular hegemonic project, failing sometimes to analyse the consequences for diverse, differentiated and contingent settings. This paper aims to contribute to a better understanding of how neoliberal ideas are transformed, re-shaped, negotiated and contested in national and local contexts. This paper offers a detailed analysis of a policy making process to reveal the underlying processes at play that contribute to shape the outcomes of the expansion of neoliberal programs in Central America. Investigating the complex interactions between science and

politics allows me to suggest a more nuanced understanding of the conditions under which unexpected alliances and policy outcomes emerge. These alliances might not change radically the position of marginalized actors, but contribute to advance their agendas and to improve their political possibilities in the future.

In 2010, the Guatemalan congress passed the law on forestry incentives for smallholders (PINPEP law, Decree 51-2010). This is a landmark law for various reasons. First, this is one of the few in the country, acknowledging the existence of communal land tenure regimes and recognizing property rights that are not formalized in the National Property Register. Land tenure is a contested issue in Guatemala, a country featuring enormous inequality in access to land and land distribution, where an estimated five percent of the population controls 80 percent of arable land, complicated by insecure land tenure for the majority (Gauster and Isakson, 2007). Second, the approval of the law was pushed by community forestry organizations. Many other proposals for laws promoted by peasant organizations or petitions to reform laws have not had the success that one would expect considering the broad mobilizations behind these initiatives. Third, the spirit of the law focuses on providing subsidies to small landholders for conserving or planting trees in their lands. While the winds of commodification of nature were blowing across Latin America (Aguilar-Støen, 2015a, 2015b; McAfee and Shapiro, 2010) organizations promoting the law excluded ideas related to commodification of environmental services

E-mail address: mariel.stoen@sum.uio.no.

and markets from the law's text. The law stipulates that the funding of PINPEP program will comprise between 0.5 and 1% of the annual state's budget. Individuals with properties as small as 0.1 ha and organized groups with up to 15 ha can apply. The PINPEP law is a direct response to the forestry law (Decree 101-96) and the "Forestry Incentives Programme-PINFOR" which directed forestry incentives to properties larger than 2 ha. This in practice excluded 45% of land owners in Guatemala (INE, 2004). The implementation of PINPEP shows that most beneficiaries are located in the north-east and north-west of the country, whereas the PINFOR program has extensively benefited large properties in the north. According to the forestry institute's own estimations¹ between 2007 and 2014, 13,003 projects received subsidies through the program PINPEP. The value of the incentives paid is close to 36 US\$ million for the same period, distributed in 46.5 thousand ha. The program has benefited over 139 thousand people (46% are women). It is beyond the scope of this article to assess the environmental and social impacts of the law and the program, but the program has been distributed in more projects than the PINFOR program (4889 projects between 1998 and 2012) although the latter covers a much larger area (112 thousand ha).

I understand the process of drafting and approving the PINPEP law, as part of the transformation of environmental governance, 'a set of mechanisms, formal and informal institutions and practices by way of which social order is produced through controlling that which is related to the environment and natural resources' (Bull and Aguilar-Støen 2015:5). Decentralization of environmental governance (see Agrawal and Ribot, 1999: 475) has been the main perspective used to examine forestry issues in Guatemala. This paper contributes to the literature on forest governance in Guatemala but emphasizing policy making processes, in doing so I want to highlight the relevance of studying such processes as political rather than technical ones.

In 1985, prior to the first democratic election to be held in the country, as a start for the negotiation of the peace accords that would put an end to the 36 years-long civil war, a new constitution was promulgated by the Constituent Assembly of Guatemala (Jonas, 2000). The constitution stipulated that eight per cent of the national budget should be transferred to municipalities, later the amount to be transferred to municipalities increased to ten per cent (Gibson and Lehoucq, 2003). In 1996, Guatemalan congress passed a new forestry law that devolved significant authority and financial incentives to municipalities to manage forests within their jurisdiction (Andersson et al., 2006). Guatemala's forestry law is considered by some as one of the most ambitious and innovative ones in Latin America (Andersson et al., 2006, Gibson and Lehoucq, 2003). The forestry law of 1996 created the program of forestry incentives (PINFOR) by which economic incentives are paid to land owners for reforestation or conserving forests. The program targets individual properties larger than 2 ha registered in the National Property Register. According to the forestry institute's own evaluations between 1997 and 2009, 81% of beneficiaries of PINFOR were individuals or private companies (Monterroso and Sales, 2010).

Elías and Wittman (2005) argued that institutional barriers like lack of land titles prevented rural communities' participation in state-subsidized reforestation and forest management programs established by the forestry law. Decentralization of the forestry sector in Guatemala weakened systems of communal management not recognized by the state but communal management has contributed to the protection of communal forests throughout the country and in particular in the Western Highlands. The PINPEP law addresses some of the issues raised by Elías and Wittman (2005). It recognizes communal land property and allows participation with land not registered in the national cadastre but recognized by indigenous regimes.

In this article, I analyse the factors that contributed to make the PINPEP law possible. To do so, I look at alliances that forestry

organizations forged with science-policy networks, and the tactics used by the movement to put pressure on politicians and lawmakers.

2. Conceptual and methodological framework

The question of participation has become central to contemporary debates about environmental governance. Participation is assumed to contribute to bridge the gap between scientifically defined environmental problems, and the experience, values, and practices of actors who are at the root of the cause and the solution of such problems. It is also assumed that participation helps clarifying different views and interests contributing to problem definition that are broadly supported by affected stakeholders. Participation also contributes to learning by those involved in decision-making and to improve the quality of decision-making, by establishing commitment among stakeholders (Bulkeley and Mol, 2003). Several criticisms have been raised regarding participation specially for becoming a-political processes that fail to challenge entrenched structural power inequalities (Cornwall and Brock, 2005; Cornwall and Coelho, 2007). Jasanoff (2003) has criticized the trivialization of the participatory process and of its purposes and the focus on formal mechanisms for participation (methods, tools, models) calling for a shift in focus towards the culture of governance and the substance of participatory politics. In this paper, I examine a process in which a social movement claimed a space for participation in the process of law making. Gaventa (2006) defines claimed spaces as those created by less powerful actors, emerging out of sets of common concerns through popular mobilizations or by like-minded people coming together.

My analysis will show the ways in which power relations are central to the control of participation by setting the frame of what is possible to transform and what would go untransformed, even when laws are approved and laypeople participate in the process (Hayward, 1998; Cornwall, 2004a, 2004b).

In addition to forestry grassroots organizations, I pay attention to politicians and experts and their role in the process of passing the law. I use the term expert to refer in this paper, to a person who has skills and knowledge in the field of forestry and whose role and legitimacy to participate in public arenas of decision-making regarding forestry is socially acknowledged. Experts include scientists, technocrats and development cooperation agents.

Fieldwork in Guatemala was conducted between April and October 2013. I carried out a total of 27 interviews. Interviewees included representatives from grassroots and second tier community forestry associations, congressmen and women, public servants from the Ministry of Agriculture, Cattle and Food (MAGA) and from the National Institute for Forests (INAB), non-governmental organizations, forestry cooperatives, members of the national network of forestry associations, public servants from different municipalities, the office for defence of indigenous peoples, academics, one representative from the Forestry Union that is part of the Chamber of Industry and member of the business peak association Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations-CACIF.

Questions asked during the interviews included an account of the events that lead to the formation of the network of forestry grassroots organizations, the activities in which this network was involved to promote the law, the goals pursued by the organization interviewed and the aspirations in relation to the law. In the case of congressmen and women, questions included the reasons for their support of the law and the different negotiations that took place within the congress prior to the approval of the law. In the case of the private sector, issues addressed included their view about the law and the process and their involvement in the law approval. During the interviews with technocrats I also asked about their academic and ethnic background.

In addition, I reviewed secondary sources like newspapers and magazines, websites of different organizations and documents published by academics (but that are not academic publications). By

¹ <http://www.inab.gob.gt/Paginas%20web/Pinpep.aspx>.

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