



## Tenure security on paper or in reality: *De jure vs. de facto* forest rights in Nicaragua and Guatemala

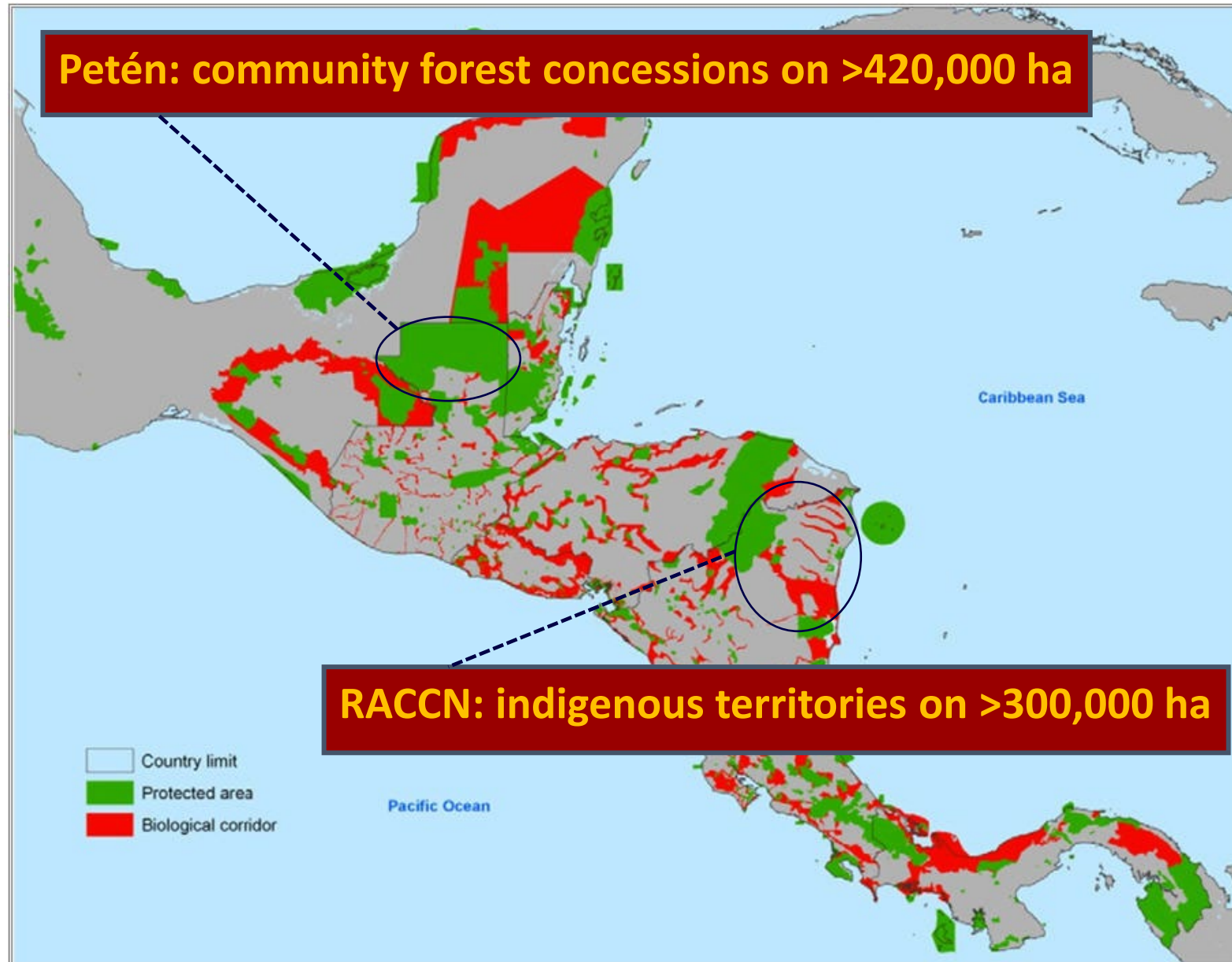
Dietmar Stoian

World Bank Land Conference "Securing Land Tenure and Access for Climate Action"

Session on "Indigenous Peoples' and Local Communities' Tenure Rights, Livelihoods and Conservation"

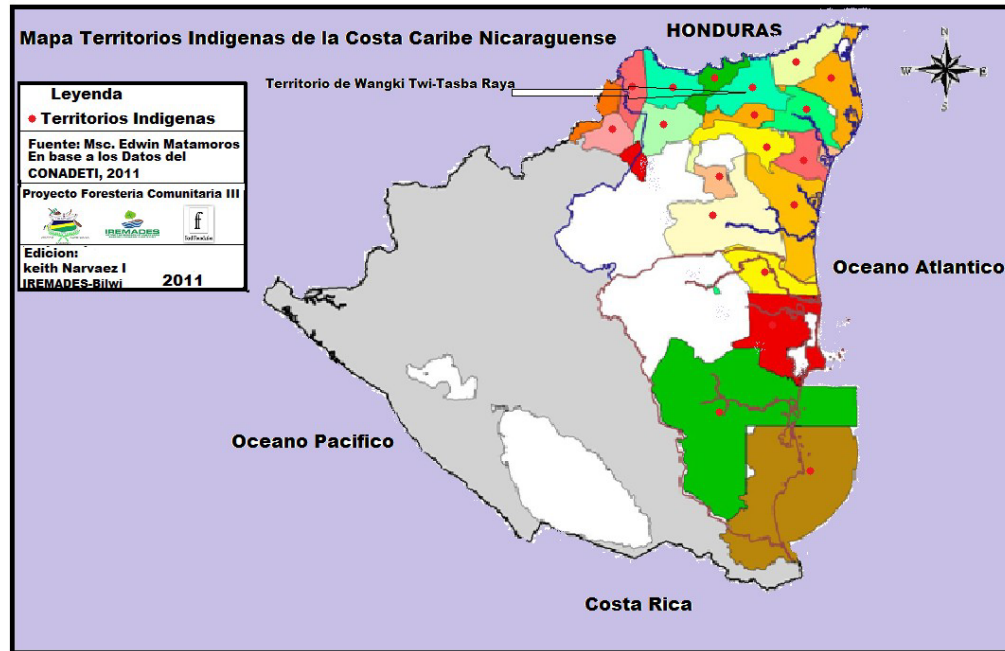
Washington, D.C., 14 May 2024

# Community Forest Areas in Petén, Guatemala and RACCN, Nicaragua



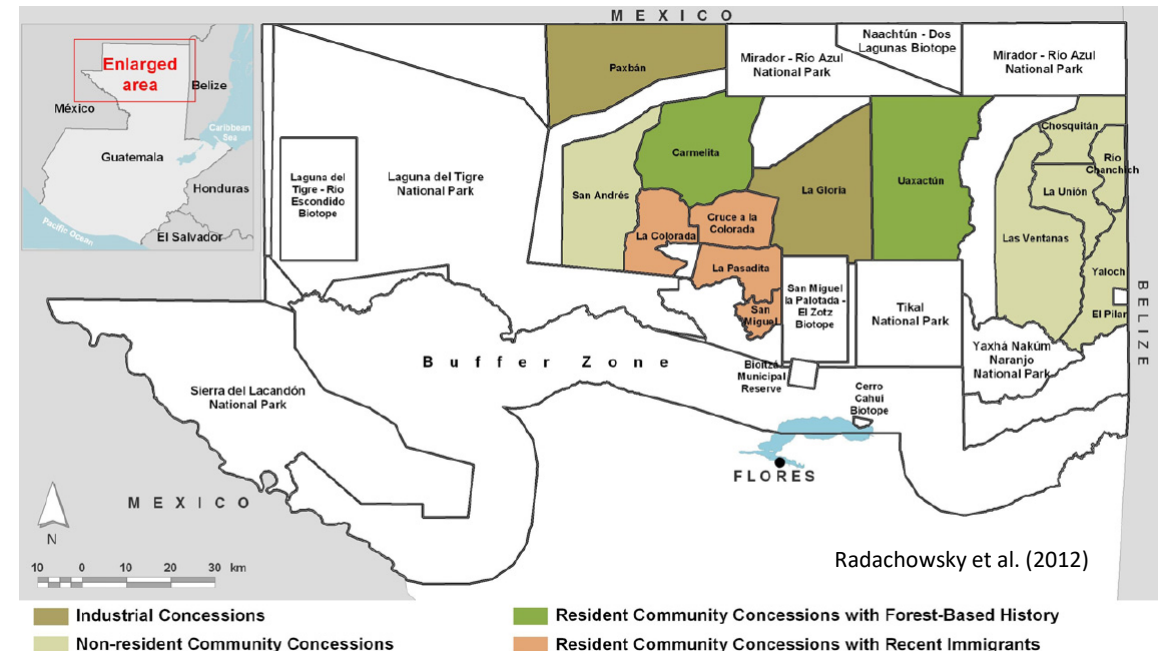
# Key aspects of forest tenure and economic performance

## Nicaragua (RACCN)



- **19 indigenous territories** managing community forests on <100,000 ha
- **>100,000** direct and indirect **beneficiaries**
- Timber sales: <US\$ 0.5 million per year
- Timber sales: <US\$ 50,000 per CFE per year
- Timber income: US\$ 230-630 per CFE member per year

## Guatemala (Maya Biosphere Reserve)



- **11 community forest enterprises (CFEs)** managing as many **community forest concessions** on 423,907 ha
- **>23,000** direct and indirect **beneficiaries**
- Timber sales: US\$ 4-5 million per year
- Timber sales: US\$ 220,000-880,000 per CFE per year
- Forest income: ~US\$ 500-10,000 per CFE member per year

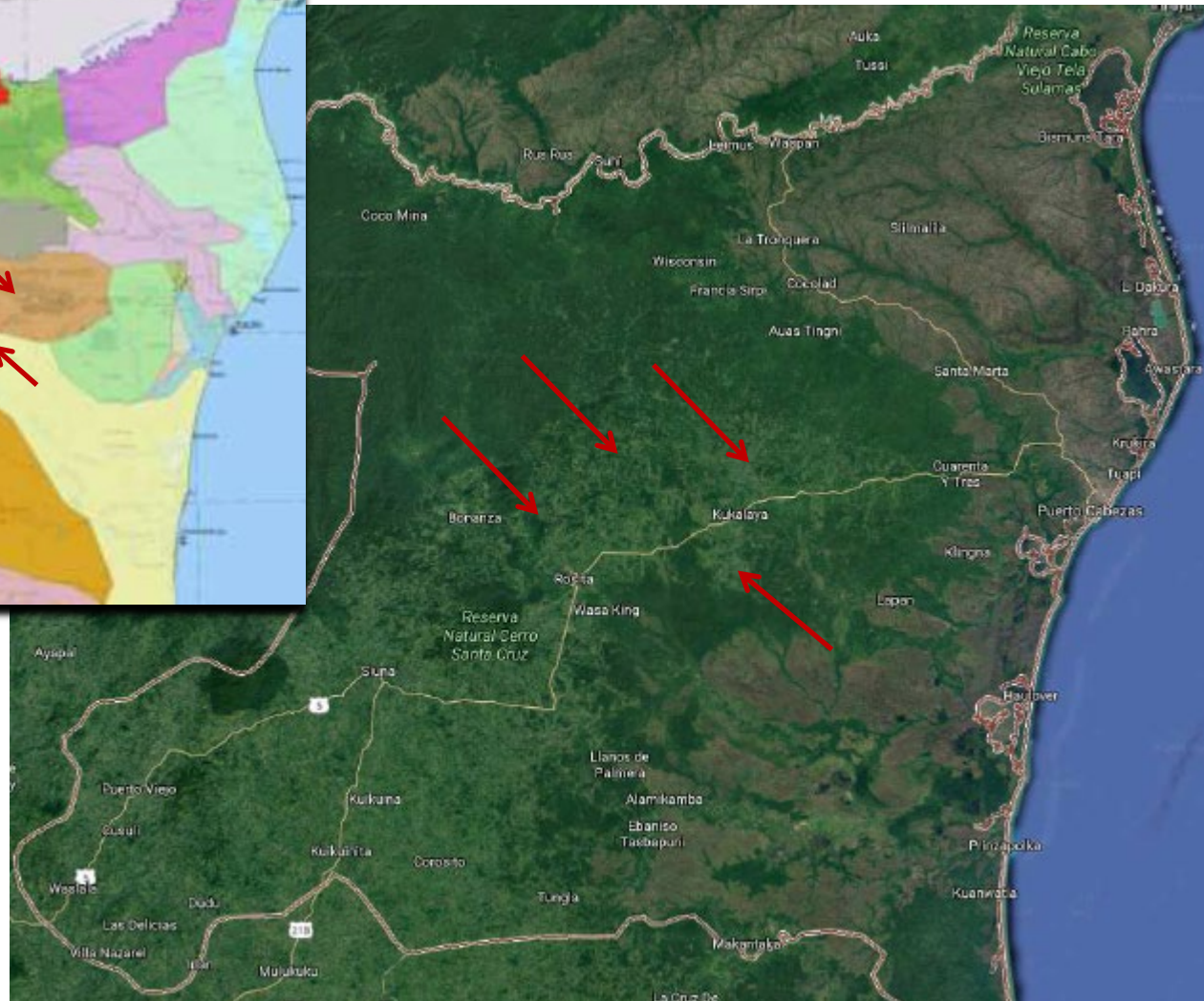
# Devolution of forest rights and emergence of CFEs

|                                                  | Nicaragua                                                            | Guatemala                                                                                           |
|--------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Start of the devolution process                  | 1987                                                                 | early 1990s                                                                                         |
| Usufruct rights                                  | 'permanent' (titled)                                                 | 25-year concessions (renewable)                                                                     |
| Types of communities                             | Indigenous and afro-descendants                                      | <i>Mestizo</i> communities;<br>Resident vs. non-resident                                            |
| Emergence of community forest enterprises (CFEs) | early 2000s                                                          | early 1990s                                                                                         |
| Political advocacy                               | Multi-layered governance                                             | ACOFOP (since 1995)                                                                                 |
| Shifting focus of govt. authorities              | From initial support, brokered by IACHR, to increasing confrontation | Recognition that forest conservation requires socio-economic benefits accruing to local communities |
| Forest rights disputed by                        | Colonists, illegal loggers, politicians                              | Cattle ranchers, tourism developers, politicians, conservationists (NGOs)                           |

# Forest cover change in indigenous territories in RACCN, Nicaragua

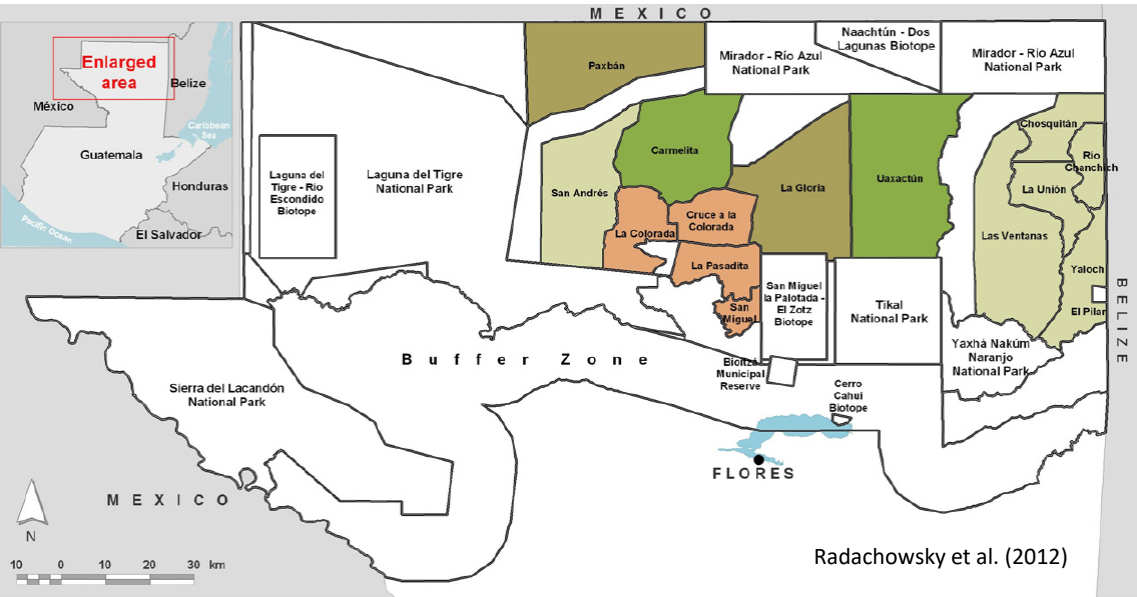


Titled indigenous territories

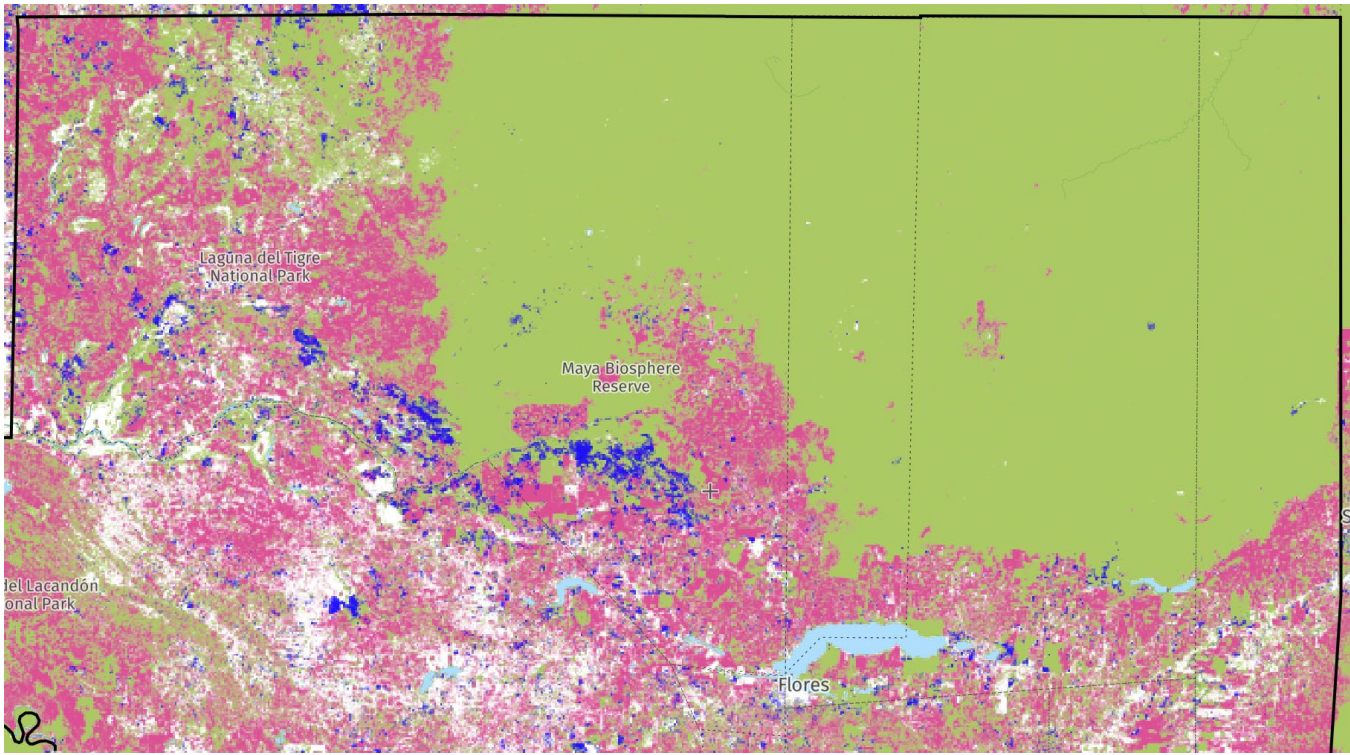


**Ineffective protection of indigenous territories, mainly along principal roads (encroachment)**

# Forest cover change in community forest concessions in Petén, Guatemala



Forest concessions in Maya Biosphere Reserve, Petén



Forest cover change over the period 2001-2023 (Global Forest Watch 2024)

**Effective protection of community forest concessions (social fencing)**

# Community Forest Enterprise (CFE) Assets

| Capital   | Nicaragua                                                                                        | Guatemala                                                                                   |
|-----------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Natural   | 7,000 – 35,000 ha broadleaf forest (andiroba hardwood), but encroachment                         | 19,000 – 54,000 ha FSC certified broadleaf forest (mahogany), with good conservation status |
| Human     | Poor business management skills, low educational/health status                                   | Decent business management skills, moderate educational/health status                       |
| Social    | No umbrella organization, weak internal organization, distrust, high dependence on NGOs/projects | Umbrella organization, strong network of long-term business partners and service providers  |
| Physical  | Poor or no processing equipment, buildings, or transport means                                   | Moderate processing equipment, buildings, and transport means                               |
| Financial | Low income flows, low indebtedness, no working capital                                           | Significant income flows, moderate indebtedness, low working capital                        |

# Enabling/disabling factors for forest conservation and livelihoods development

| Enabling/disabling factors                                                                                               | Guatemala                                                                       | Nicaragua |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-----------|
| <b>Factors outside of the reach of the forest-dependent communities</b>                                                  |                                                                                 |           |
| Tenure security ( <i>de jure</i> )                                                                                       |                                                                                 |           |
| Tenure security ( <i>de facto</i> )                                                                                      |                                                                                 |           |
| Sense of ownership of forest resource base                                                                               |                                                                                 |           |
| Policy/institutional support from the government                                                                         |                                                                                 |           |
| Forest/tree management guidelines that account for growth rates and regeneration of trees harvested for timber and NTFPs |                                                                                 |           |
| Access to forest certification (FSC)                                                                                     |                                                                                 |           |
| Scientific evidence of sustainability of timber harvesting with emphasis on species protected by CITES                   |                                                                                 |           |
| Sense of ownership of forest management/conservation process                                                             |                                                                                 |           |
| Technical support from the government                                                                                    |                                                                                 |           |
| Advocacy and technical support from NGOs/projects                                                                        |                                                                                 |           |
| Access to finance for logging and processing operations                                                                  |                                                                                 |           |
| Availability of forest products with high commercial value                                                               |                                                                                 |           |
| Availability of forest products with high importance for meeting subsistence needs                                       |                                                                                 |           |
| Access to markets for high-value timber species                                                                          |                                                                                 |           |
| Access to markets for lesser-known timber species                                                                        |                                                                                 |           |
| Access to markets for NTFPs                                                                                              |                                                                                 |           |
| Complementarity/compatibility between timber and NTFP use                                                                |                                                                                 |           |
| <b>Factors within the reach of the forest-dependent communities</b>                                                      |                                                                                 |           |
| Effective umbrella organization of community forest enterprises (CFEs)                                                   |                                                                                 |           |
| Effective internal CFE organization                                                                                      |                                                                                 |           |
| Technical skills for timber extraction and wood processing at CFE level                                                  |                                                                                 |           |
| Business management skills at CFE level                                                                                  |                                                                                 |           |
| Socio-economic benefits of CFE members                                                                                   |                                                                                 |           |
| Positive spillover effects to local communities                                                                          |                                                                                 |           |
|                                                                                                                          | effective, readily available, advanced, well developed, highly functional       |           |
|                                                                                                                          | moderately effective, existent, developing, functional                          |           |
|                                                                                                                          | ineffective, unavailable, rudimentary/inexistent, underdeveloped, dysfunctional |           |



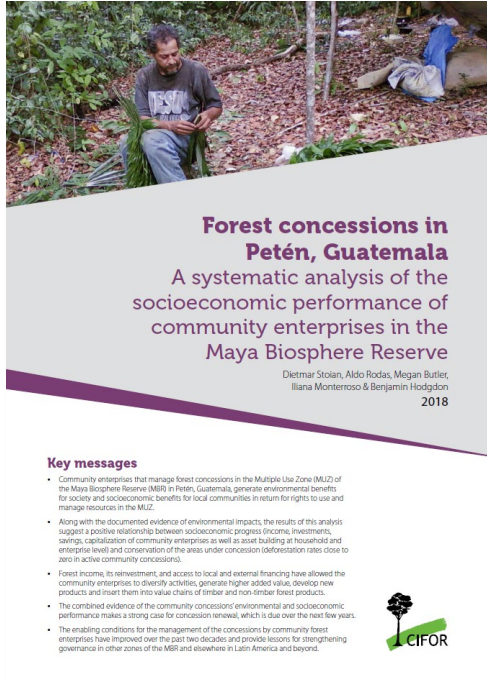


## Take-home messages

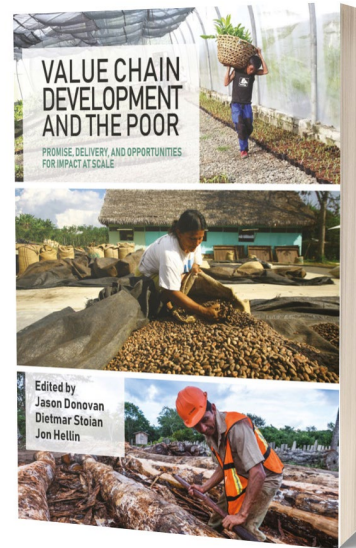
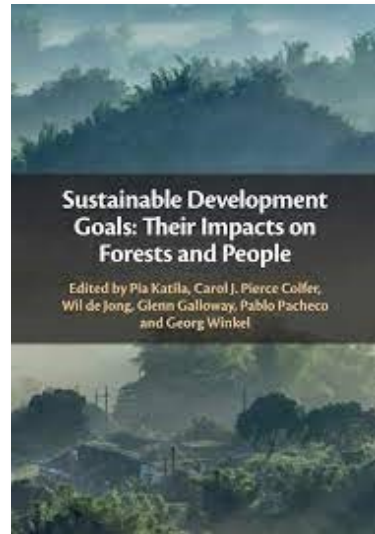


- **Critical distinction:** *de jure* vs. *de facto* forest rights
- *De jure* rights necessary, but to be backed by govt. enforcement
- **Enabling/disabling conditions** determine the performance of community forest enterprises (CFEs) ... but little control by forest-based communities
- **With appropriate combination of enabling conditions:** CFE development can lift people out of poverty and ensure forest conservation
- **Positive feedback loops:** asset building at CFE level → asset building at hh level
- **Threats and risks:** need for better protection of forest rights, focused approaches to enterprise and value chain development, and cross-sector collaboration for aligned service provision and continuous improvement

# Thank you



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Volume 21 – Number 1  
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**Special issue**

"Value chain development in agriculture: improved support for smallholders and SMEs"

**Volume 28 – Number 1-2**  
March 2017

Edited by  
Donovan, J. Stoian, D & Ferris, S.

**Socio-economic benefits of community forestry in the North Caribbean Coast Autonomous Region, Nicaragua**

Authors: Jessenia Argüello Pérez & Dietmar Stoian  
June 2016

**PROJECT**  
Forestry to enhance livelihoods and sustain forests in Mesoamerica: How institutional arrangements and value chains affect benefits and resources

# Three decades of community forestry in Viet Nam

Washington DC, 14<sup>th</sup> May 2024

Tan Quang Nguyen – CIFOR-ICRAF Viet Nam



# Overview of the presentation

Background to Viet Nam

Overview of three decades of community forestry in Viet Nam

Key achievements

Key issues

Key factors influencing the success community forestry

Lessons learned and the way forward



# Background to Viet Nam

- **Location:** Located in Southeast Asia, bordered with China (North), Laos and Cambodia (West) and sea (South and East)
- **Population:** 99.5M people in 2022, with est. 25M living in or near forests, mostly ethnic minority (EM) people
- **Economic status:** become low-middle income country since 2008.
- **Poverty:** Poverty rate at 4.12% nationally, and 23.79% for EM in 2022
- **Biodiversity:** Ranks 15th among the world's most biodiversity-rich countries
- **Climate change:** One of the five most vulnerable countries to climate change.
- **Community forestry:** Local communities traditionally manage various areas of forest that are important to their livelihoods and biodiversity



# Three decades of community forestry: Key Milestones

- **1976:** Nationalization of forest resources in the whole country. All forest assets are placed under state agencies;
- **1991:** Forest Protection and Development Law (FPDL) approved, recognizing forest tenure rights to households (HH);
- **1993:** Land Law (LL) approved, entitling 50-year renewable land-use rights to users of protection and production forest land;
- **Since 1993:** experiments in forest land allocation (FLA) to HH, HH groups and communities marked the start of recent wave of CF.
- **Since 1999:** reform of state forest enterprises (SFE)
- **2003:** new LL approved, with specific provisions on land tenure rights to communities
- **2004:** new FPDL approved, with specific provisions on forest tenure rights to communities (yet communities not recognized as owner of forest).
- **2017:** Forestry Law (FL) approved, recognizing community as a legal owner of forest
- **2024:** Land Law (LL) approved, recognizing community as user of special-use forest land;



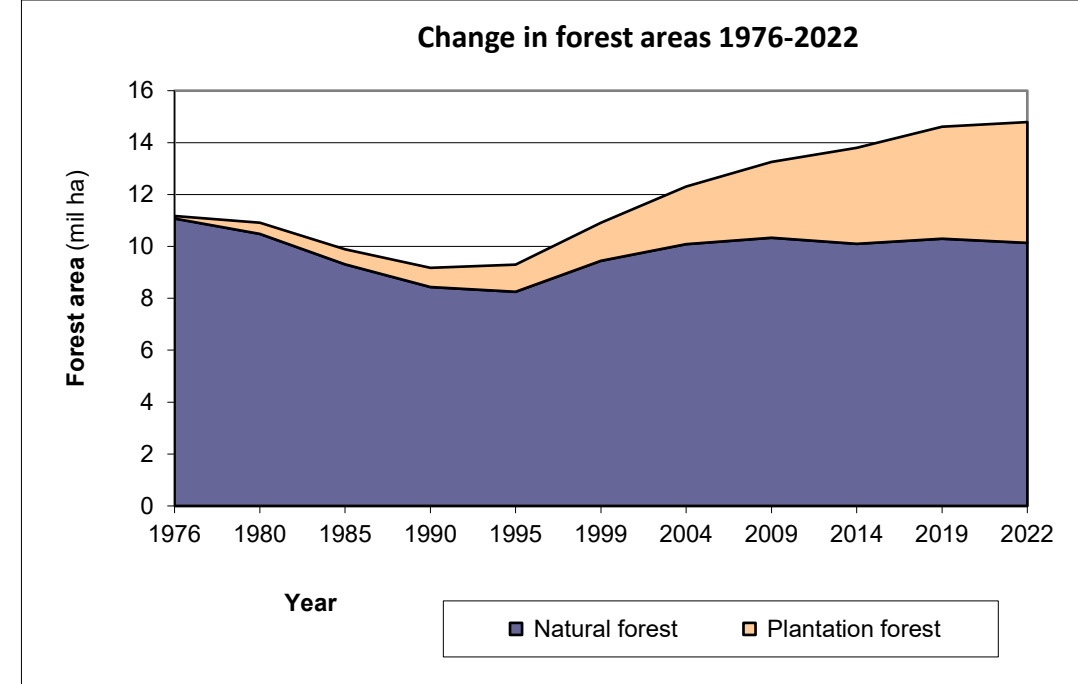
# Main typologies of community forestry in Viet Nam

- Forest contracting: a partnership between a state agency and local community in forest management (can also be classified as joint-forest management).
- Co-management of forest: sharing of responsibilities between local community and a state agency for management of protected areas.
- Social forestry: people-centered forest management by households, household groups or communities
- Community forestry: a (village) community collectively manage a forest area formally allocated to them.
- Village forestry: similar to community forestry.
- Smallholder forestry: refers to forestry practiced by smallholders on forest land that is privately owned.



# Key outcomes

- A platform for different forestry, climate and rural development initiatives to run
- Capacity development (awareness, knowledge, skills) for concerned actors, particularly local people
- Improvement of local forest governance for collective responsibility to manage and protect forests.
- Slowing down the process of deforestation and forest degradation, increasing forest cover and enhancing local biodiversity
- Contribution to improved local livelihoods and poverty reduction among forest dependent populations





# Traditional community forestry

- Various traditional forms of CF exist in Viet Nam. The Department of Forestry estimated at least 1.5% of total forest land area is traditionally managed.
- Although there is still no legal recognition, traditional CF has been widely seen as a sustainable way of managing the forest resources.
- Without legal recognition, many traditional CF are at risk of losing their forest and the benefit stream

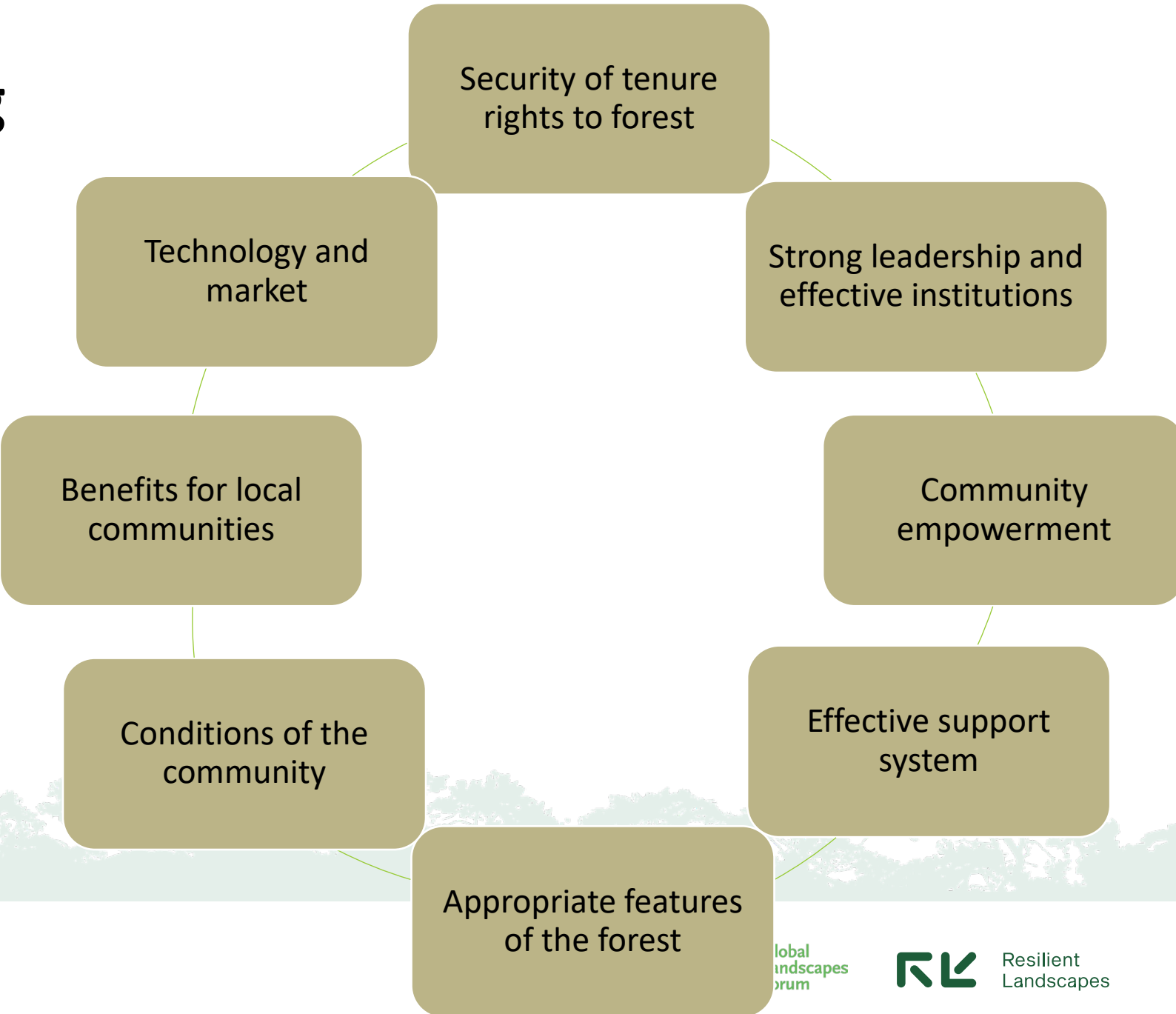


# Key issues

- The support system for CF is weak and not clearly defined and there is a general lack of participation of non-government actors in facilitating CF development;
- Insufficient benefits for local communities as most of the forests allocated to them are of poor quality;
- Approach to CF is not appropriate. CF is made too technically demanding for local community to adopt;
- Mismatch between current form of CF and traditional CF and current CF structure does not reflect traditional forest governance and representation of women
- Difference between de jure and de facto rights
- Most decision-making with regard to the CF forest is still with the state (access with little control)



# Key factors influencing success of community forestry



# Key lessons learned and the way forward

- Revise procedures for forest management planning and benefit-sharing, allowing local communities and authorities to negotiate management plans and distribution of benefits
- Make communities partners in the upcoming climate programs, enable voluntary, performance-based contracts about the provision of forest ecosystem services and carbon sequestration
- Expand forest land allocation to local communities, developing and applying responsive allocation procedures
- Regulate local forest governance, introducing procedures for the negotiation of shared forest governance between communities and local authorities
- Provide support to local communities managing forests, creating an enabling legal and financial framework for non-government organizations to facilitate the development of CF.



# Thank you

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