
THE CONSTRUCTION OF LEGITIMATE NATURAL RESOURCE PLANS IN THE PETÉN, GUATEMALA

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Introduction

This briefing presents the development of a model of 'legitimacy' by a team from the Institute for Conflict Analysis and Resolution (ICAR) of George Mason University in collaboration with Rafael Landivar University in Guatemala City. The model describes four types of discourse evident in development and natural resource planning in the Petén region of Guatemala as well as four distinct tiers of influence on the cumulative processes of constructing legitimacy. It also presents the theoretical underpinnings of a process to maximise the legitimacy of all stakeholders involved, and through inclusive legitimacy build a sustainable future.

The Conflict in 'El Mirador Basin'

The Petén is a large region of dry and semi-deciduous humid lowland forest at Guatemala's northern border with Mexico. It was once the cradle of Mayan civilisation and has long functioned as a geographic and social 'frontier' of Guatemalan society. The abundant and sparsely populated land was used to reward generals with large land grants in the southern forest – which were mostly cleared for cattle ranges – through much of the 30-year civil war. The army took charge of the remaining forested sections and established protected

parklands. The peace agreement of 1994 and constitution of 1996 included provisions for the continued status of many of these parks as protected areas, as well as for the sustainable use of other sections of forest by residents. Many of the parks and multi-use areas established were within the Petén.

In the past few years, a coalition of Guatemalan elites and concerned foreigners has become alarmed over alleged damage to the forest. Rampant wildfires and allegations of archaeological looting and the trade in protected flora and fauna have contributed to their belief that the forest and its treasures are threatened. This group pushed a rezoning plan into law in 2003 designed to increase the protection of what it calls the 'Mirador Basin'. The plan attempted to create a national park where timber harvesting would be illegal and which would be patrolled with an eye to preserving the archaeological treasures of the zone, which some believe are the basis for a total re-evaluation of the age and complexity of the Mayan empire. The area of the park it zoned overlapped with a section that is currently leased to the Cooperative of Carmelita, a forestry concession based in the nearby village of Carmelita. A part of the group's plan included the development of large-scale eco-tourism for which it sought foreign investment. The cooperative had a very different understanding of the state of the forest and the best way to develop its potential. It and other concession holders in the region asserted that their efforts were doing a better job of protecting the area than the government and that their long-standing sustainable use agreements were vital to their communities. This coalition believed that eco-tourism development should be structured out of the existing concessions instead of redesigned with foreign investment. Lawsuits and counter-lobbying efforts overturned the zoning change almost immediately, but neither group felt that the issue had been resolved and both were still interested in developing the potential of tourism according to their vision.

History of the Engagement

The research team was contracted by The Nature Conservancy in May 2004 to conduct a stakeholder analysis and provide recommendations for its potential engagement with the regional development proposal. The team defined 'stakeholder' as any person or group occupying a role in the development of the any others' narratives and therefore involved in the joint creation of legitimacy within a project.

For more than six weeks the researchers conducted interviews in Guatemala City and the Petén, gathering conflict stories for the analysis. On the recommendation of The Nature Conservancy, they began by talking to the director of the USAID mission and the conservancy's local staff. Using a 'snowball' interview structure, the team collected lists of other interviewees from each stakeholder, asking who might agree with each stated position and who might be opposed. These lists showed who needed to be interviewed and offered insights into the ways that stakeholders themselves were categorising society. Meetings with interviewees were carefully ordered to maintain the investigators' neutrality through conscious engagement with the social networks the subjects identified.

This beginning allowed participants to identify the conflict process in which they were involved, informing the team of the ways the conflict shaped them and of what actions they felt had been relevant for shaping it. The team could then map social networks based on the narratives using analyses of what influenced the granting or denial of legitimacy to planning processes by each stakeholder.

How the Model was Formed

The intensity of feelings in this conflict of visions severely restricted the possibility of a technical or rational solution that would satisfy all parties. The dynamics of polarisation and coalition building caused participants to define the issues in ways that

were irreconcilable because each vision explicitly claimed all legitimacy for itself. 'Facts' were contentious around whether fires were occurring within the territory of the concession, whether looting was taking place, whether the villages were benefiting from concessions' work, and which government agencies had jurisdiction for what. For example, the definition of the 'Mirador Basin' as a geographic/ecological 'basin' was not only contested, but also used to de-legitimise others.

Nonetheless, the research team was able to identify dimensions of agreement between the conflicting parties' stories: for example that Guatemalans should benefit the most from any development, that the process must be controlled by Guatemalans, and that the ecological and archaeological treasures of the forest must be protected through long-term planning. Large differences in narrative composition existed in other areas, such as the appropriate role of international capital, local knowledge and the nature of national governance. It became clear that the process of planning use of the Petén would need to focus on these matters.

All stakeholders and groups had strong ideas on the planning process itself: where it should go in the future and how it had gone wrong so far. Their stories reinforced a self-proclaimed legitimacy through description of the roles of actors and the outcomes of each action. Those who felt victimised would describe an unfair process, usually one from which they had been excluded. Those who felt justified in their decisions would describe a spoiled process ruined by outsiders or discontents. In all cases, legitimacy became the key frame of reference for the conflict.

The Processes of Legitimation

The legitimacy of multi-stakeholder development or natural resource utilisation planning cannot be divorced from history and politics. Legitimacy is a function of discourse in public processes produced in

and through the stakeholder stories and reverberating through networks of social influence. Parties in conflict elaborate stories in which they are victims and their 'others' are victimisers; stakeholders position themselves in a planning process so as to establish and protect their legitimacy. Any process is judged by its stakeholders according to the ways that these positions reverberate through social networks. As ethical practitioners of conflict analysis, our struggle is to create a planning process that legitimises stakeholders while also providing a clear framework for their role in that process.

The team was very aware that conflict analysis as a field tends to assume the possibility of a 'level playing field' between actors – an assumption rejected by this analysis. Local participants of the Carmelita cooperative do not have the same networks of power as the multi-national coalition of interests whose actions they opposed. At the same time, the Carmelita Cooperative's connections to advocacy groups in Guatemala City and abroad served to give the cooperative a different voice than other residents of the villages in the area. The team ensured that stakeholders identified their position in the social networks that they described in order to insure the accuracy of the resulting model.

Stakeholders' stories defined four concrete types of actors using different analytical frames: transnational, national, regional and local. Parties in each field told a qualitatively different story about the history of the conflict, focusing on different issues and highlighting different 'solutions'. Those the team came to call 'transnational actors' usually described the global importance of the region, its impact on archaeology as a field or on the environment as an expression of global biodiversity. 'National level' stakeholders were engaged in a discussion of the relative policy merits of different actions and the relationship of the region to the rest of Guatemala and to the country's national interests. 'Regional level' actors were those most involved in the maintenance and

administration of the region. They discussed the mechanics of zoning and the impact of one area on another, and tended to be technically focused. Finally, the 'local level' actors most frequently presented problems as the actions of one person or group against another person or group, with the immediate consequences of direct actions being of greatest importance. It became clear during the interviews that each of the four levels was vital to the development project, but in different ways. A new stakeholder model was developed to better include the stakeholders' views along two dimensions. Completed, the model consisted of concentric rings representing a hierarchy of decision-making authority crosscut by quadrants demonstrating the layered domains of engagement, as seen in the accompanying diagram.

In the heart of the model, the innermost circle, lies the concrete connection of stakeholder mapping to public policy processes. This connection was designed to increase transparency and to raise awareness of which stakeholders had the power to make decisions and thus carried the responsibility to 'host' the deliberations in a manner that would engage all. In this case, the national-level administrators were the only stakeholders within the innermost circle, being the only group with the authority to make a decision on the use of nationally zoned land. The actions of inner-circle participants thus form the basis for all future judgments of legitimacy. Since all parties agreed that development in the Petén must be a Guatemalan project, the model tells us that only national leaders can convene a planning process. This finding rejects the convening power of international parties and challenges the national government to engage with planning in a transparent and democratic manner; any other beginning will delegitimise many participants.

The importance of local communities in legitimising development plans was expressed by their frequent placement at the second concentric circle, indicating that they would need to be actively represented

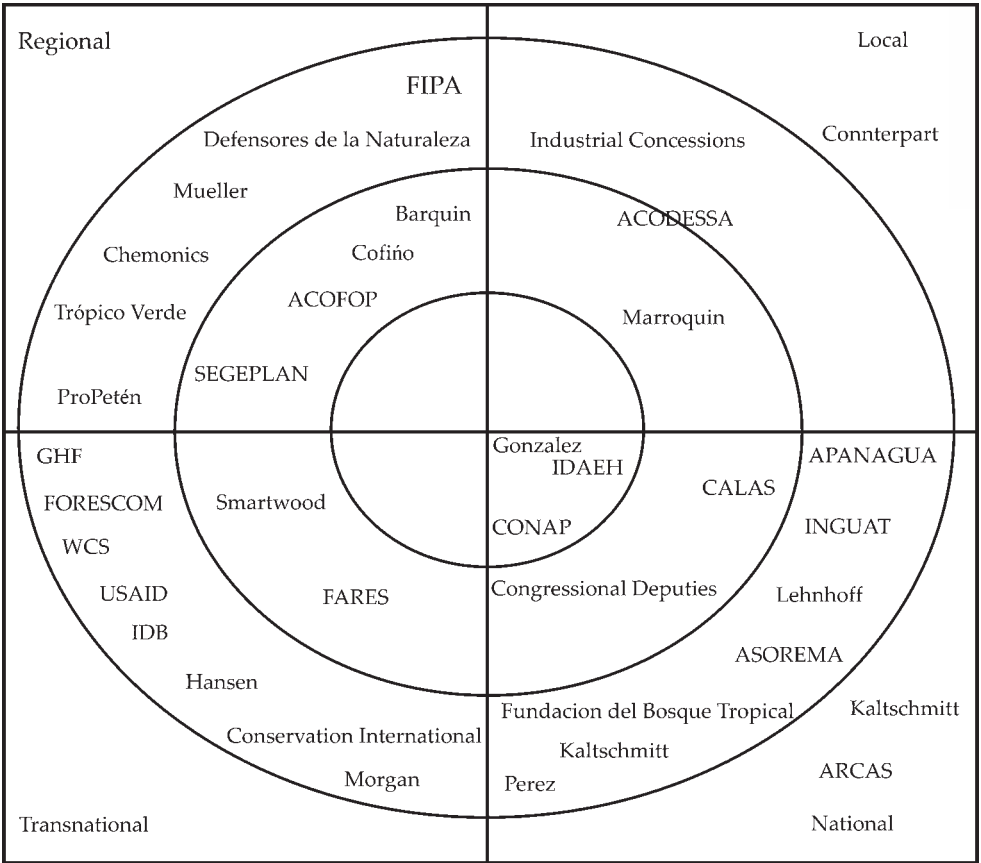
in all decision making but could not be conveners. They were most directly affected by the decisions made in this process and so their presence must be integral for the process be legitimate. The regional and transnational actors were frequently situated within the third concentric circle of the map, signifying that they should not be intimately involved with the actual decision-making process. Nonetheless, they would need to be formally informed of each step in the process, as their resources – technical and financial – would be vital to the success of the endeavour and to post-implementation monitoring. Their input would help to ensure that all relevant information was a part of the process, and that nobody felt under-represented at any stage of planning or implementation.

Conclusion

As the team completed the stakeholder map, the Guatemalan government was undertaking the development of a network of planning councils which ranged from the most local community through the mayors and the municipalities to the regional governors. This network was found to correspond to the stakeholder map. Drawing on their network plans, the team drafted a policy deliberation process that would utilise their infrastructure to engage all stakeholders.

The President’s Chief of Staff charged with addressing the conflict in Petén , Eduardo Gonzalez, has since told the authors that this model will work in the Guatemalan

Figure 1: The stakeholder map representing the hierarchy of decision-making authority in relation to the domains of engagement in the Petén.



context. Its value in this process indicates that the stakeholder map can contribute to successful public policy processes by generating transparency in the resolution of who should be involved and how. This was later confirmed in another case where some of the same transnational stakeholders were seeking to train local residents as an official voluntary park police force. When asked for input, the authors used the map to demonstrate that any steps should arise from the national government, not from outside of the formal mechanisms of the state. Additionally, a campaign of 'active transparency' – the process of carefully informing all NGO and management organisations in the third-circle of the unfolding events – would help any future process to be broadly legitimised.

The weaknesses of the stakeholder map can be seen in the inherent risks of transparency: actors who have presumed that they have decision-making power get upset if the absence of their power is revealed. Transparency and clear stakeholder positioning reduce confusion but have the potential to aggravate underlying tensions over power. Also, the placement of stakeholders within the four analytic quadrants could imply unjustified similarities in narratives. The confusion over the placement of any stakeholder will be especially contentious if it seems they might belong in multiple locations. The purely descriptive nature of the quadrant system, however, allows for this confusion to be viewed as an opportunity to open dialogue between participants.

In the Petén conflict over development and natural resource planning, the stakeholder mapping process presented a clear delineation of roles and responsibilities. The course of ensuring sustainable development clearly remains in the hands of the Guatemalans and they are engaged in this effort. The challenge to other actors now is the assessment of stakeholder maps of legitimacy in the context of other processes.

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