



INTERNATIONAL
LAND CONSERVATION
NETWORK

The International Land Conservation Network is a project of the Lincoln Institute of Land Policy



LINCOLN INSTITUTE
OF LAND POLICY



International Outlook for Privately Protected Areas

Country Profile: GUATEMALA

Suggested citation: **Fabiano, C. and Ahmed, H. *International Outlook for Privately Protected Areas: Guatemala Country Profile*. International Land Conservation Network (a project of the Lincoln Institute of Land Policy) - United Nations Development Programme, 2019.**

Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

Copyright © 2019 Lincoln Institute of Land Policy
All rights reserved.

NOTE: The views expressed in this publication are those of author(s) and do not necessarily represent those of the United Nations, including UNDP or the UN Member States, the Lincoln Institute of Land Policy, or the ILCN (a project of the Lincoln Institute of Land Policy). The material contained herein has been obtained from sources believed to be reliable but is not necessarily complete and cannot be guaranteed.

Information from this publication may be freely reproduced but not for sale or for use in conjunction with commercial purposes. Any use of information on the website should be accompanied by an acknowledgement of UNDP and the ILCN (a project of the Lincoln Institute of Land Policy) as the source, citing the URL of the publication. At all times, UNDP and the ILCN (a project of the Lincoln Institute of Land Policy) must be acknowledged as the source when content is extracted from this publication.

¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

GUATEMALA (*República de Guatemala*)

Outlook for Privately Protected Areas

The ILCN and UNDP would like to thank the following volunteer for reviewing this document for accuracy to the best of their ability.

1. Tarsicio Granizo, Senior Manager on Markets and Bioeconomy, WWF-Ecuador

I. Country Overview

Land Area

Guatemala's total land area is approximately 10,716,000 hectares (ha), with 3,793,800 ha (35 per cent) utilized for agriculture and 3,576,400 ha (33 per cent) remaining as forest cover.³ The country hosts a wealth of biodiversity, which some studies estimate at 7-10 per cent of the world's species.⁴

Land Ownership and Tenure

Guatemala features private land tenure, although oftentimes land is held informally, without legal title. Landholdings in Guatemala are unequally distributed; according to the Food and Agriculture Organization of the United Nations, 92 per cent of smallholders own 22 per cent of the country's land area, while 2 per cent of commercial landowners have 57 per cent of the land.^{5, 6}

Protected Areas in Guatemala

Protected areas in Guatemala are registered under the authority of the National Authority of Protected Areas ("Consejo Nacional de Áreas Protegidas" or CONAP).⁷ Article 8 of the *Regulation of Protected Areas Law* outlines the different classifications of protected areas within the following categories: National Park, Biological Reserve, Habitat Reserve, Natural Monument, Cultural Monument, Historical Park, Area of Multiple Use, Springs, Forest Reserve, Wildlife Refuge, National Recreation Area, Regional Park, Scenic Routes, Biosphere Reserves, and Private Natural Reserves.⁸ While most of these categories can include private land in part of their territory, National Parks and Biological Reserves are exclusively assigned to state owned land.⁹

³ Food and Agriculture Organization of the United Nations, "Guatemala," 2014, FAO website <http://www.fao.org/countryprofiles/index/en/?iso3=GTM> accessed on August 3, 2017

⁴ Consejo Nacional de Áreas Protegidas, "Estrategia Nacional de Diversidad Biológica y su Plan de Acción 2012-2022," 2012, p. 56 CONAP website <https://www.cbd.int/countries/?country=gt> accessed on August 2, 2017

⁵ Brown, M, Daly, J, & Hamlin, K., Guatemala Land Conflict Assessment, 2005, USAID, http://pdf.usaid.gov/pdf_docs/pnadc728.pdf Accessed on August 8, 2017

⁶ FAO, <http://www.fao.org/americas/noticias/ver/es/c/879000/>, accessed online December 2, 2018

⁷ CONAP, Áreas Protegidas, 2017, CONAP website, <http://www.conap.gob.gt> accessed on August 9, 2017

⁸ Article 8 of Regulation of Protected Areas Law of August 22, 1990

⁹ Article 8 of Regulation of Protected Areas Law of August 22, 1990

II. Law and Policy for Private Land Conservation

In Guatemala, private land set aside for conservation can be managed as reserves held by private individuals, universities, and non-governmental organizations, or can be formed through conservation easements and usufruct.¹⁰

Private Natural Reserves

Guatemala's National Protected Areas System (CONAP) includes a special designation for privately-owned reserves, which are protected within the system.¹¹ These are designated as Private Natural Reserves and are defined in Article 8 of the Regulation of Protected Areas Law as, "areas of property of individuals or legal entities whose owners voluntarily designate land for an estimated period of time for the conservation and protection of habitats of flora and fauna as well as biotic communities or environmental features."¹² Private Natural Reserves "count on the support and full recognition of the State for the protection of the integrity of the land and its resources."¹³ The general nature of the wording within Article 8 leaves the element of permanence rather vague, in that those landowners that voluntarily wish to designate their land as protected areas are not bound by a set period of time. Additionally, the law does not establish requirements for management plans to be developed for areas designated as private natural reserves.

As of 2008, there were 102 Private Natural Reserves comprising 50,000 ha formally declared through the government entity CONAP, the public authority responsible for protected areas.¹⁴ Many such reserves are located in buffer zones adjacent to other protected areas.¹⁵

National Biodiversity Strategy and Action Plan

Strategic Objective 2 of Guatemala's National Biodiversity Strategy and Action Plan (NBSAP) includes a strategy related to private land conservation: "Developing the National Program of Incentives for conservation, sustainable use and restoration of biological diversity and ecosystem services."¹⁶ In addition, Goal 9 of the country's NBSAP seeks to "promote community businesses based on the sustainable use of biological diversity and the fair and equal distribution of the biological resources and collective traditional knowledge which permit economic and social development."¹⁷ Strategic Objective 1, which calls on strengthening institutions involved in organization of territories, also mentions including the private sector as a key player in implementing the action plan.¹⁸

¹⁰ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 137

¹¹ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 137

¹² Article 8 of Regulation of Protected Areas Law of August 22, 1990

¹³ Article 8 of Regulation of Protected Areas Law of August 22, 1990

¹⁴ Solano, P. & Chacón, C., "Conservación voluntaria por la sociedad civil en América Latina," 2008, *Voluntad de Conservar: Experiencias seleccionadas de conservación por la sociedad civil en Iberoamérica*, p. 4

¹⁵ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 138

¹⁶ Consejo Nacional de Áreas Protegidas, "Estrategia Nacional de Diversidad Biológica y su Plan de Acción 2012-2022," 2012, p. 66 CONAP website <https://www.cbd.int/countries/?country=gt> accessed on August 2, 2017

¹⁷ Consejo Nacional de Áreas Protegidas, "Estrategia Nacional de Diversidad Biológica y su Plan de Acción 2012-2022," 2012, p. 77 CONAP website <https://www.cbd.int/countries/?country=gt> accessed on August 2, 2017

¹⁸ Consejo Nacional de Áreas Protegidas, "Estrategia Nacional de Diversidad Biológica y su Plan de Acción 2012-2022," 2012, p. 81 CONAP website <https://www.cbd.int/countries/?country=gt> accessed on August 2, 2017

University-Owned Reserves

As of 2003, there were eight reserves owned and managed by universities in Guatemala, totaling 153,100 ha of land.¹⁹ These reserves are categorized legally under the Private Natural Reserves category of CONAP, following the same criteria for designation and timeframe. Oftentimes these reserves are located in critical habitat areas, some of which are dedicated to conserving endangered species along with scientific research.

Land Managed by Non-Governmental Organizations

Twenty-nine landholdings were owned by non-governmental organizations as of 2003, conserving 37,370 ha of land.²⁰ Organizations such as Fundación Defensores de la Naturaleza, Amigos del Bosque and FUNDASELVA are several examples of nonprofit groups that have designated lands as private reserves. These reserves also form part of the Private Natural Reserves registered with CONAP.

Conservation Easements

While less common in practice, appurtenant easements are utilized in Guatemala, typically through NGOs, to ensure long-term conservation of privately owned land. As of 2003, four easements were established on 7,233 ha of land between Private Natural Reserves, mainly as a way to enhance the permanence of their protection.²¹

Usufruct

In addition to other legal mechanisms that can potentially be utilized for conservation, a form of civil contract can be applied to declare usufruct rights for conservation over private land in Guatemala for a given period of time, which can be utilized in already established Private Natural Reserves. Such was the case for the 2,455 ha Maya Biosphere Reserve, which was conserved by a non-governmental organization.²²

III. Funding for Private Land Conservation

Tax Incentives

While direct tax benefits for property owners who establish Private Natural Reserves have been rescinded by the Guatemalan government,²³ there are still options to receive payments for ecosystem services. Guatemala's National Forestry Institute (INAB), provides financial subsidies for different ecosystem services, which could potentially be obtained through the establishment of private reserves.²⁴

¹⁹ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 138

²⁰ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 137

²¹ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 139

²² Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 139

²³ Environmental Law Institute & Centro de Derecho Ambiental y De Los Recursos Naturales, "Guatemala," 2003, *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, p. 140

²⁴ vonHedemann, Nicolena and Osorne, Tracey, "State Forestry Incentives and Community Stewardship: A Political Ecology of Payments and Compensation for Ecosystem Services in Guatemala's Highlands," 2016, *Journal of Latin American Geography* 15(1). <http://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1037&context=ilag> accessed on August 9, 2017

In 2013, Guatemala signed on to the USAID program, Climate Nature and Communities in Guatemala (CNCG), with the objective to promote climate change mitigation activities through rural communities.²⁵ This project provides funding for different biodiversity conservation projects in rural communities including through utilization of concessions as a financial incentive for conservation.

IV. Organizations for Private Land Conservation

Government

- *Consejo Nacional de Áreas Protegidas, CONAP* (National Authority of Protected Areas): CONAP was formed in 1989 as the managing body of protected areas in Guatemala.²⁶ CONAP's system includes formally registered Private Natural Reserves.

Non-governmental organizations

- *La Asociación de Reservas Naturales Privadas de Guatemala* (Private Natural Reserves Association of Guatemala): The nonprofit organization *La Asociación de Reservas Naturales Privadas de Guatemala* (ARNPG) was formed in 1998 by six property owners in order to provide technical and legal support to other private reserves.²⁷ Currently, the network organizes its membership into 13 subgroups based on the geographic region and natural characteristics in order to help property owners and find common solutions.

V. Best Practices/Case Studies

Reserva Para La Conservación de Anfibios en Sierra Caral – Reserve for the Conservation of Amphibians in Sierra Caral

This reserve was formed as a Private Natural Reserve in 2012 by the non-governmental organization *Fundación para el Ecodesarrollo y la Conservación* (FUNDAECO), with additional financing from the Global Wildlife Conservation (GWC) and Rainforest Trust.²⁸ The reserve's 2,299.42 ha²⁹ helped to conserve of some of the region's most vulnerable amphibians and paved the way for the national government to create even broader forms of protection.

The Sierra Caral mountainous region is home to the highest number of threatened amphibians in Guatemala, with five species listed as critically endangered.³⁰ Located in the Morales Municipality, the reserve operates a variety of activities, including a biological research station, visitors center, and hiking trails.

²⁵ The REDD Desk, "Climate, Nature, and Communities in Guatemala," 2017, The REDD Desk website, <http://theredddesk.org/countries/initiatives/climate-nature-and-communities-guatemala>, accessed on August 9, 2017

²⁶ CONAP, Áreas Protegidas, 2017, CONAP website, <http://www.conap.gob.gt> accessed on August 9, 2017

²⁷ Asociación de Reservas Naturales Privadas de Guatemala, "Quiénes Somos?" n.d. ARNPG website <http://www.reservasdeguatemala.org/quienes-somos/> accessed on August 7, 2017

²⁸ Amphibian Survival Alliance, "Guatemalan Government Creates 47,000-acre Sierra Caral Protected Area," 2014, Amphibian Survival Alliance website <http://www.amphibians.org/news/guatemalan-government-creates-4700-acre-sierra-caral-protected-area/> accessed on August 12, 2017

²⁹ Amphibian Survival Alliance, "Guatemalan Government Creates 47,000-acre Sierra Caral Protected Area," 2014, Amphibian Survival Alliance website <http://www.amphibians.org/news/guatemalan-government-creates-4700-acre-sierra-caral-protected-area/> accessed on August 12, 2017

³⁰ FUNDAECO, "Reserva para la Conservación de Anfibios en Sierra Caral," 2016, FUNDAECO website <http://www.fundaeco.org.gt/areas-trabajo/fichas-tecnicas/sierra-caral.html> Accessed on August 12, 2017

Building from the private natural reserve, the national government declared roughly 19,000 ha including the previously formed reserve, into a National Protected Area in 2014.³¹ Through the initial leadership of private institutions, this area was able to be conserved in the short-term until the national government was in a position to provide greater levels of protection. This could potentially serve as an example for other protected areas that, while under private ownership, may benefit from the State ownership.

Ni'tun Private Natural Reserve

In addition to NGO-driven conservation, private individuals are significant players in the creation of private reserves in Guatemala.

The Ni-tun Private Natural Reserve is located in the Petén Municipality of Guatemala adjacent to Lake Petén Itza. Founded in 1993 by owner Lorena Castillo, the reserve combines conservation with ecotourism.³² The reserve includes four guest houses along with a variety of outdoor activities for visitors, helping to financially sustain Ni'tun.

The Ni'tun Private Natural Reserve covers roughly 20 hectares in total, protecting habitat for six different species of hummingbirds and other local wildlife.³³ In addition to its contributions to local natural resources, Ni'tun also contributes to the greater community of private reserves. The reserve is part of APROBOSQUE, a local organization forming all of the Private Natural Reserves within the municipality of Petén.³⁴ In addition to this membership, Ni'tun also is part of the ARNPG national network. Overall, the reserve serves as an example of a successful tourism enterprise within the realm of private land conservation.

³¹ FUNDAECO, "Reserva para la Conservación de Anfibios en Sierra Caral," 2016, FUNDAECO website <http://www.fundaeco.org.gt/areas-trabajo/fichas-tecnicas/sierra-caral.html> Accessed on August 12, 2017

³² Ni'tun, Petén-Guatemala, "Natural Reserve," n.d. Ni'tun website <http://www.nitun.com/> Accessed on August 13, 2017

³³ Ni'tun, Petén-Guatemala, "Natural Reserve," n.d. Ni'tun website <http://www.nitun.com/> Accessed on August 13, 2017

³⁴ Ni'tun, Petén-Guatemala, "Natural Reserve," n.d. Ni'tun website <http://www.nitun.com/> Accessed on August 13, 2017