



Mesoamerica at the forefront of community forest rights: Lessons for making REDD work

Introduction

Mesoamerica stands out for the enormous progress it has made in the recognition of community forest rights. Forest communities and indigenous peoples either own or manage over 60% of the region's forests, in tenure reforms that have demonstrated a broad diversity of pathways to community rights (ejidos, usufruct contracts, ancestral claims, municipal forests, indigenous territories, reserves and Comarcas, community forestry concessions, forest cooperatives etc.). Several decades of experience have already been generated from these reforms, and confirmed that the recognition of community rights has enormous potential not only in reconciling local environment and development dilemmas, but also for enhancing livelihoods, combating climate change, increasing resilience, and strengthening forest governance. These experiences contain critical lessons for large forested regions in other areas of the world – in particular for REDD+ – where many large forests are in the hands of governments with little capacity to manage them effectively.

In Mesoamerica, indigenous peoples and community forest actors have actively sought to engage REDD+ processes, as owners or managers of the majority of the region's forests. These actors are actively participating in political processes, nationally as well as globally, with the formation of the Mesoamerican Alliance of Peoples and Forests (AMPB), a coalition of territorial authorities that control and/ or manage the majority of the forested areas of Mesoamerica. This document seeks to analyze the experiences of community actors in these processes, identifying the opportunities and challenges that have emerged in each country. The high levels of social organization observed in the region – which have been strengthened immeasurably by tenure reforms – have turned out to be critical across the region, as community actors have turned out to be the most effective counterparts for developing sustainable strategies in rural territories. Where governments have demonstrated political will to move REDD+ strategies forward, establishing and maintaining a clear framework for participation and open dialogue with these rights-holders – significant progress is being made. However, the outlook for some countries is not so sanguine; processes have languished in other countries where political will is absent, or meaningful dialogue with territorial actors is not maintained.

The implications of these lessons are far-reaching. Clearly, the recognition of community rights offer many critical lessons for many parts of the developing world, in particular how to move forward on REDD+. Yet recent lessons in Mesoamerica are demonstrating additional benefits; tenure reforms have opened the possibility for meaningful dialogue between community rights-holders and governments, in a way that is pointing the way forward for a wide range of initiatives or investments. Though this document examines the possibilities flourishing in REDD+ processes, the lessons extend much more broadly to include other forest initiatives such as FLEGT, as well as other development proposals in rural territories.

Experiences and lessons from REDD + processes in Mesoamerica

Progress and challenges in Nicaragua

In Nicaragua, the vast majority of forests – and the largest potential areas for REDD+ - are found in indigenous territories, making up more than 62% of forest cover in the country. Recent years have seen a new opportunity for consolidating territorial security for the communities, thanks to an alliance formed in 2007 between YATAMA, a political party in the Autonomous Regions of Nicaragua's Atlantic Coast, and the national government – to complete the autonomy process outlined in the Law 445 passed in 2003. Significant advances have been achieved: 17 territories covering a total of 2.5 million hectares have been titled, while 9 of these territories are implementing the final stage of *saneamiento* (the resolution of third party claims). These processes are complemented by increasingly sophisticated efforts in sustainable forest management and the defense of indigenous territories from intense pressures from migrant farmers and extensive cattle ranching. The Mayangna Nation, made up by 9 territories on the Atlantic Coast, has organized advocacy efforts to denounce external pressures over their territories, in addition to recent progress in integrating local economies with sustainable resource management. Other notable efforts can be found in Miskitu territories, where community forestry efforts have been certified by the FSC and highlighted by the FAO as exemplary cases of forest management.

This context has posed a strategic opportunity for REDD+ in the country. Since territorial security is recognized as a necessary condition for any REDD+ strategy, the completion of the indigenous autonomy process has been identified as critical for REDD+. Indigenous representation from territorial and regional levels have been included in the three decision making levels of REDD+ in the country, while the regions have also achieved an agreement to allow the development of indigenous sub-national REDD+ strategy to help achieve endogenously defined goals.

Lessons learned and next steps

The progress made in the Autonomous Regions of Nicaragua demonstrates what is possible when a strategy is constructed that is congruent with the proposals and realities of indigenous peoples and their territories. Next steps include building on the foundation of participation established in the country, leveraging political and financial support to advance the proposals made by Regional Autonomous Governments and their Indigenous Territorial Governments, and ensure that complex political challenges such as *saneamiento* do not constitute an obstacle for moving forward with this strategic opportunity.

Progress and challenges in Honduras

Since the Forest Law of 2007 which created a framework to allow communities to access forests, Honduras has been a leader in community tenure reform in Central America, with over 400,000 ha being handed over to communities in less than five years. The Federation of Agroforestry Producers of Honduras (FEPROAH) has played a critical role in this process, and has sought to consolidate these gains through a number of strategies, including engagement with REDD+. Progress for the organization includes participation in key REDD+ spaces, forming part of the High Level Committee of the National Climate Change Strategy and the National REDD+ Working group. The organization has proposed the construction of a REDD+ strategy based on community forestry, a proposal that has been supported by the World Bank.

The process has evolved differently for the indigenous peoples of Honduras– including those that reside in the Mosquitia, the largest forested region in the country. The initial Readiness Preparation Proposals (R-PP) were rejected due to a lack of consultation. Yet since that time, a framework for participation has been established for the Confederation of Indigenous Peoples of Honduras (CONPAH) – which includes twelve Territorial Councils of the Mosquitia represented in Moskitia Asla Tananka (MASTA). This framework recognizes indigenous ancestral rights, and commits the Honduran government to ensuring compliance with ILO 169 and the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP). These advances have occurred

simultaneously with gains in the formal titling and recognition of five indigenous territories in the Mosquitia, totaling almost one million hectares and containing more than 30% of the forest cover in the country.

Lessons learned and next steps

The critical role of community advocacy efforts can be attested for in both tenure reform processes in the country – which have now made Honduras one of the most encouraging opportunities for establishing community-based REDD+ strategies in the region. For both forest communities as well as indigenous peoples in the Mosquitia, critical next steps include continuing constructive dialogue, ensuring resources and consolidating a solid institutional framework to build on this progress.

Costa Rica Progress and Challenges

Costa Rica is on the forefront of REDD+ in the world, with the approval of its Emissions Reduction Program Idea Note (ER-PIN) in 2012. Costa Rica's conservation programs, and in particular its national payment for environmental services program (FONAFIFO) form a key institutional foundation for the REDD+ strategy; and REDD+ is seen as a key component for maintaining the financial viability of these programs into the future.

Costa Rica's indigenous peoples make up less than 2% of the population, yet their territories – recognized in the country's Indigenous Law of 1977 – hold 11.9% of the country's forests, and play critical roles in maintaining forest cover both within indigenous territories and in neighboring protected areas (many of which overlap traditionally indigenous claimed areas). Several territories have achieved innovative strategies for territorial management, including articulation with FONAFIFO which has allowed the development of several models of indigenous involvement in this program. Though experiences are varied, PES in indigenous territories has transferred a significant level of funds (\$14.8 million between 1997 and 2009) and in several territories have been associated with significant community level investments and positive impacts (health, education, infrastructure, housing, organizational capacity building). Despite these advances, major challenges remain, including invasions

of indigenous territories, boundary disputes and severe restrictions on the marketing of forest products.

The experience of negotiation with systems such as PES in Costa Rica, along with the high level of organization of Costa Rica's indigenous peoples, has been key in the negotiation of the REDD+ strategy. The Indigenous Bribri and Cabecar Network (RIBCA) led a proposal for an indigenous consultation plan, which has now ensured financial support of \$1.2 million dollars (for approximately 35,000 indigenous peoples), and has defined several key aspects of the consultation process, such as agreements regarding structures of indigenous representation, the role of different actors, and plans for monitoring the REDD+ process at a national and territorial level. With this clear vision of representation and the right of participation, indigenous peoples in Costa Rica have made significant strides in their participation in national processes, including REDD+ and broader processes such as the National Plan for Forest Development.

Lessons learned and next steps

Costa Rica's commitment to the indigenous consultation process is unprecedented in the region – and will surely be a reference point for other consultation processes in Mesoamerica and beyond. Next steps include overcoming the obstacles that have delayed implementation of the plan. It also remains to be seen how the Costa Rican government will respond to the political dialogue that will surely result from this process, especially regarding fundamental issues for indigenous peoples (and key for REDD+) such as the resolution of third party claims and overlaps with protected areas.

Progress and Challenges in Mexico

Several characteristics make Mexico unique for REDD+. It is the 5th most forested country in the Americas, with approximately 138 million hectares of forests and is considered among the most bio-diverse countries in the world. The country is also highly culturally diverse, with 68 different indigenous peoples numbering approximately 14 million, of which 6.9 million continue speaking their indigenous tongue. The country is also well known for its community forestry, and boasts one of the largest extensions of land in community hands, following reforms in the 1980s that ended the

domination of these lands by private enterprises and para-governmental organizations.

Mexico was one of the first countries to formally begin the REDD+ process, and continues to be considered one of the most advanced countries at an international level, even though it is only now about to sign the readiness agreement with the FCPF. Yet serious problems relating to the lack of participation of peasant and indigenous communities have plagued the development of this R-PP which was actively developed between 2008 until its approval in 2011, then recently taken up again in 2013.

Parallel to the elaboration of the R-PP, other processes have also emerged. This includes the Consultative Technical Committee (CTC) on REDD+, which articulated a vision of REDD+ through a participatory process with indigenous peoples and communities, and was later presented at the COP 16 in Cancun. Unfortunately the results of this process were not politically binding. At the same time, other “early actions” for REDD+ have received significant levels of investment, despite continued ambiguity with respect to safeguards, and without necessarily being aligned with national REDD+ discussions.

Since the CTC-REDD+ is not a politically binding body, civil society members sought and attained a modification of the General Law of Sustainable Forest Development to include safeguards, which sets the foundation for developing a binding National Safeguard System. The Mexican Network of Peasant Forest Organizations (RED MOCAF) with the Indigenous Tourism Network (RITA) have proposed that the discussion take place in the National Forest Council (CONAFOR), the consultative body based on the General Law of Sustainable Forest Development, where all forest planning activities should be consulted. This proposal has been accepted by the Mexican government and in July 2013, the National Working Group for the REDD+ Strategy has been established, which includes actors recognized by the National Forest Council, and a proposal has been made to have a document that incorporates observations and opinions of CONAF at the end of 2013.

One of the major challenges that remain is for civil society, in particular peasant and indigenous

organizations, to remain informed of progress in the different stages of REDD+, and to have the opportunity to fully participate. Regarding financing, it is clear that investments are not being made in a balanced fashion, and key issues are being left out, such as safeguards, communication and dissemination for indigenous and peasant populations, and a Consultation Protocol that respects the rights of indigenous peoples and the peasant population.

Lessons learned and next steps

It has become clear that a formal, politically binding forum for discussion is urgently needed, so that substantive dialogue can move forward between communities and the government. At the same time, the level of effort required of communities to stay abreast of the REDD+ process is considerable – alliances with NGOs could potentially diminish this burden for communities and ensure more meaningful participation. Urgent next steps for the process include the design of a consultation protocol that respects the rights of indigenous peoples and local communities, making finance transparent and more balanced to address participation and safeguards, and prioritizing the recognition of carbon rights of forest communities. Moreover, it will be necessary to strengthen the REDD+ Working Group in the CONAFOR as a permanent space in relation to the REDD+ process, as well as promote the creation of a broad group of actors to define, accompany and execute the communication and consultation plan for indigenous peoples and local communities.

Progress and Challenges in Guatemala

Guatemala is unquestionably a pioneer in community forest management. One of the most well-known of these experiences has been advanced by the Association of Forest Communities of the Peten (ACOFOP) where 25 year community concessions have allowed for successful management of almost 500,000 ha of forests, 75% of which have been FSC certified, despite enormous external pressures for forest conversion. These concessions are only of one many types of community forest management flourishing in Guatemala, where a total of 1.5 million ha of forests are managed collectively. At a national level, a little more than 20% of the country’s forests are either communal and/or municipal, many of which have been

conserved despite high population density and various pressures for deforestation. Critical in promoting the rights of these forest communities is the National Alliance of Community Forestry Organizations of Guatemala, formed in 2011 and composed of 11 indigenous and peasant organizations.

Early progress around REDD+ was made in Guatemala in a set of voluntary carbon projects in three protected areas, one of which focused on collaboration with ACOFOP and the community concessions. The national REDD+ process would later build on these initial voluntary REDD+ project efforts, which for ACOFOP was a key opportunity to ensure the renewal of their concession rights, as the 25 year concession period will soon be expiring for many communities. Despite significant technical and methodological progress in these voluntary projects, Guatemala has failed to clarify ambiguity regarding carbon rights (referred to in Guatemala as rights over emissions reductions) which has impeded community actors from accessing REDD+ mechanisms. The recently passed Climate Change Law (September 2013) has excluded proposed legislation to remove this obstacle for communities, the latest in a series of legislative processes that have failed to incorporate the concerns of forest communities.

Lessons learned and next steps

Despite the enormous advantages provided by community forestry in Guatemala, it is clear that little political will currently exists to build on the achievements of these communities towards enhanced territorial governance, more vibrant local economies and reduced deforestation and degradation.

Panama Progress and Challenges

The reunification of Panama's indigenous peoples in the National Coordinator of Indigenous Peoples of Panama (COONAPIP) in 2009 was a key part of a broader movement of indigenous peoples defending and claiming their collective territorial rights. Major portions of Panamanian territories have been recognized as indigenous *Comarcas* or *Collective Lands*. These areas, along with a smaller amount of unrecognized claimed lands, cover 31.6% of the

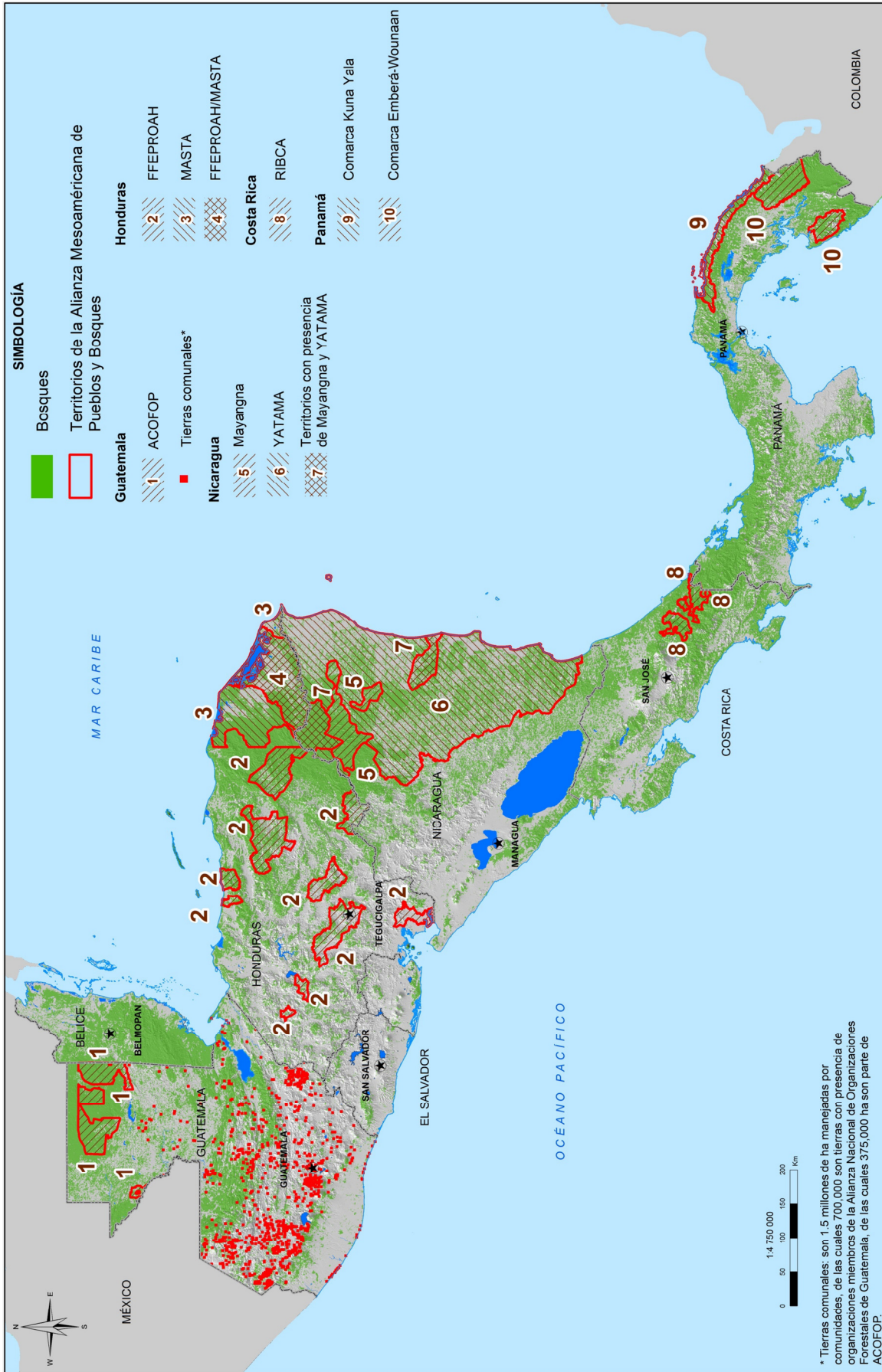
country's territory, and contain 54% of the mature forests of Panama.

In its initial stages, prospects for REDD+ in Panama looked bright, with a "quick start" in the UN REDD program and an initial validation process at the program's inception in 2009. Yet the following years saw the consistent exclusion of indigenous peoples, as clearly demonstrated by the lack of support for the Strategic Policy Advocacy Plan (PEIP). This Plan laid out a detailed framework and work plan for the participation of indigenous peoples in the REDD+ process, developed in a series of meetings of technical staff and the General Assembly (COONAPIP's highest authority) in 2010 and 2011. The REDD+ process lacked a clear institutional framework to guarantee the rights advocated in UN REDD's "rights based approach" – ultimately leading to the definitive withdrawal of COONAPIP in 2013 in response to these failures. A few months later, the Kuna-Yala Comarca rejected a voluntary REDD+ project in the territory, and prohibited further discussion of REDD+.

Despite these disappointing results, Panama's indigenous peoples remain the principal implementers of REDD+ actions on the ground, with increasingly sophisticated strategies for territorial defense and sustainable forest management; and significant gains in forest management. Examples include the Embera Wounaan *Comarca*, which now has 177,000 ha under management plans, while over 36,000 hectares of forest have been FSC certified.

Lessons learned and next steps

While the suspension of the UN REDD program in response to COONAPIP's withdrawal is notable, it remains to be seen how the UN REDD Policy Board will move forward in Panama. A closure of the program would recognize COONAPIP as a necessary actor in any REDD+ strategy would set a positive precedent for the rights of other indigenous peoples in such programs. A failure to do so would seriously deteriorate confidence in the stated objectives of this and other REDD+ initiatives to meaningfully engage indigenous peoples.



* Tierras comunales: son 1.5 millones de ha manejadas por comunidades, de las cuales 700,000 son tierras con presencia de organizaciones miembros de la Alianza Nacional de Organizaciones Forestales de Guatemala, de las cuales 375,000 ha son parte de ACOFOP.

Concluding remarks

An analysis of these processes demonstrates two contrasting dynamics in the construction of national REDD+ strategies in Mesoamerica. On the one hand, one route stands out because of its qualitative progress. This route is mainly characterized by the combination of the political will of governments to recognize tenure rights, and consequently, the building of a consistent institutional framework that ensures the participation in the design and strategy of these rights-holders. This is the case in Nicaragua, where 62% of the forests are located in the Autonomous Regions, and rights holders are involved in the three levels of management of the National Strategy for Avoided Deforestation. In Honduras, the Forest Law of 2007 has established an adequate framework to consolidate community access to forests. Moreover, the titling of indigenous territories in the Mosquitia is moving forward, in addition to the establishment of a space for dialogue and negotiation with these rights holders. In Costa Rica, there is a consistent legal and institutional framework with territorial counterparts recognized by law, such as the Indigenous Development Associations that have the status of territorial governments, as well as a framework institutionalized through the National Payment for Environmental Services System.

In contrast to this first dynamic, other processes in the region demonstrate technical advances and surface-level dialogue, but do not show any qualitative progress. In these cases, there is a lack of political will for the recognition of rights, which has impeded the construction of adequate institutional arrangements in the design of REDD+ strategies. Panama exemplifies this scenario: although it is among the most advanced countries on the American continent in the recognition of rights (Indigenous Comarcas, Collective Lands Congresses), the recognition of these rights is constantly disputed. Nevertheless, advances have been made in the recognition of the special rights of indigenous peoples at an international level, where indigenous peoples have exercised their right to deny their consent, as has occurred in the case of the UN REDD Program in Panama. In this case, the lack of political will not only failed to generate the institutional arrangements to ensure the participation of rights-holders, but as a result, the UN REDD Program

lost its principal partner in the country, rights-holder of 54% of the forests and forest carbon in Panama.

Guatemala is another emblematic case, as the country with the most experience in large-scale community forest management – it is a living example of what could be achieved with sub-national REDD+ initiatives. Guatemala has shown significant progress in technical studies, with experiences that meet the typical requirements of Monitoring, Reporting and Verification systems, as well as reliable, well organized local actors with strong institutions that form the basis of territorial governance (which explain the progress made to date). The country stands out for these technical advances and for a proven capacity for dialogue between the interested parties – yet its main shortcoming is the absence and fragility of its territorial rights. For example, the community forest concessions were formed by a Governmental Agreement and not a National Law. The recent Climate Change Law does not recognize community rights, demonstrating a lack of political will to advance on critical issues such as carbon rights and the distribution of benefits of eventual income from the national REDD+ strategy. Nor has the wealth of collective management models been recognized, and with the exception of forest incentive programs, there are few institutional arrangements that would allow the possibility of integrating community forests into the REDD+ strategy outside of the Peten.

Mexico is also an illustrative case, considering the financial resources allocated to the “early investments” and in other REDD+ components, yet not for social issues. This process has been characterized by a REDD+ agenda significantly influenced by the international agenda (World Bank, early REDD+ investments) – as well as the country in the region with the most financial resources for REDD+. Yet these resources have been invested in an unbalanced way; one of the key challenges is to overcome chronic shortcomings in its institutions, which have been incapable of dialogue, negotiation and the construction of binding arrangements. It has also been unable to build transparency and inclusion for the early investments in the design of financial mechanisms that are beginning to appear with the Carbon Fund. The Mexican Network of Peasant Forest Organizations (RED MOCAF) and the

Indigenous Tourism Network of Mexico (RITA) withdrew from the National Consultative Committee on REDD+ in search of other institutional arrangements, such as CONAFOR, as it is a formal and binding space for dialogue which could represent a real possibility to influence key issues: the fundamental content of the national REDD+ strategy, the orientation of the initial proposals to the Carbon Fund, and the destination of the early investments in REDD. This is to ensure that these initiatives build towards a consistent national strategy, based on territorial governance, the recognition of rights and the community benefits derived from them. The government of Mexico has accepted the proposal of RED MOCAF and RITA, and is now functioning in a new participatory space in a recently created consultative body. Political will is now being put to the test.

Participation and representation in dialogues and in the current institutional arrangements are emerging as critical issues in the processes of national REDD+ strategy construction. Defining with whom dialogue will occur is related to the content and objective of that dialogue. The dialogue on REDD+ is a territorial issue, found in the geographic areas where the main compact forests of the region are located, which are scenarios with their own characteristics of territorial governance, managed by local authorities that are territorial rights-holders: indigenous peoples (Panama, Honduras, Nicaragua, Guatemala, Costa Rica, Mexico), or organized forest communities with long term community contracts (ACOFOP, FEPROAH).

All of the countries in the region have implemented national roundtables on Climate Change and REDD+

technical committees, responding to the demands of participation from civil society. These spaces are characterized by the active participation of actors interested in the issue (NGOs, academic institutions, international development projects, etc.) and have made important contributions in the dissemination of these issues, yet they are clearly insufficient to address the issues of local governance (key for REDD+) that are the domain of territorial authorities, as rights-holders in their own jurisdictions.

In the case of Panama, it is clear that any international mechanism (such as the Participants Committee of the FCPF and the Policy Board of UN REDD) even with their structures of indigenous observers (some even from Panama) must have the participation of territorial authorities, in order to appropriately and legitimately address the issues of forests and governance in specific territories. Panama also illustrates that when there is a deficit of participation, insufficient institutional arrangements and a lack of political will, indigenous peoples through their authorities, exercise their right to deny consent to any initiative that has not adequately and previously conducted consultations.

Mesoamerica clearly demonstrates that the common denominator of the national strategies that show the most progress, are those that are built on the pillars of territorial governance: clear territorial rights, appropriate institutions, decisive political will, mechanisms of direct dialogue with rights-holders, as well as the capacity of management of territorial authorities and community organizations.

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