

CHAPTER 5

Opportunities and limitations for REDD+ processes in the indigenous forest territories of Mesoamerica

As shown in the analysis contained in this study, the Mesoamerican region is an area of great potential interest for UN-REDD, FCPF and other agencies in the development of REDD+. This is not only because of its significant forest mass, but also because of the relevant experiences that have been gained in developing incentives for good forestry management; the progress over the past 20 years in terms of recognizing the ownership and use rights of forest populations over land and natural resources; and lastly the institutions and governance infrastructure that can form a considerable support base when it comes to implementing REDD+ processes.

In this regard, what does this document's analysis reveal about the potential opportunities and limitations of developing REDD+ processes in Mesoamerican indigenous territories? As mentioned in Chapter 1, REDD+ includes many aspects that must be guaranteed for its implementation, including: minimum scale of forest territory to receive compensation; permanent nature of the effects so that territorial land owners have secure and legally recognized rights of tenure to ensure CO₂ capture processes through the forest; implementation of social and environmental safeguard mechanisms that require basic legal frameworks and participation and consultation processes; the application of MRV mechanisms; and the additionality of ensuring that compensation will generate an extra income compared with the incentive-free situation.

Although the situation is somewhat uneven, these requirements can generally be more or less satisfied by countries in the Mesoamerican region. In terms of scale, as stated in Chapter 2, the region's countries have vast territories of forest mass where any REDD+ incentive mechanisms could be applied. Traditionally, these territories belong to indigenous groups that use ancestral sustainable forest management that can be hugely valuable. In terms of the legal recognition of these populations' rights over the land and natural resources that would guarantee the scale and long-lasting effects, progress has been ongoing for the past 15 to 20 years. In the Atlantic areas, there have been relevant processes to recognize rights and define territories since the beginning of this century in Nicaragua. Such processes are just beginning in Honduras, and in terms of the recognition of the existing collective and communal rights in forest lands in southern Mexico and indigenous reserve lands in Costa Rica and Panama. Most Central American countries (see annex 4) have delimitation projects, including land administration, land registry and property record services, that involve actions in indigenous lands carried out by national governments in conjunction with international agencies such as the World Bank, the IDB, FAO, Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ), the Norwegian Government and so on.

Having said that, developing the REDD+ initiative can involve certain risks and limitations. Some of these have been expressed by indigenous movements, who have concerns about the effects that this mechanism could have on their land, including the following:

- There is the risk of halting current processes to transfer or strengthen the tenure rights of indigenous peoples, due to the possible interest of governments in maintaining formal ownership of lands involved in REDD+ initiatives, and therefore ownership of any eventual income from carbon sales.
- Given the possible interest of central or local governments in controlling financial incentives, there is the risk that the legal consolidation processes for indigenous territorial rights might be hampered, if the authorities want the territories to remain public land. In the context of possible REDD+ actions, this would potentially increase the number of forest concessions to private carbon capture enterprises in indigenous lands, and would expand the scale of protected natural areas within those territories.
- Indigenous peoples also point to the risk that the commercialization of environmental services may weaken community organization and ancestral practices for the collective management of natural resources, thereby increasing the number of conflicts over boundaries and access to resources.



The risks described by indigenous population will have to be carefully considered by governments in Mesoamerican countries and organizations taking part in developing REDD+ mechanisms in indigenous territories. The goal would be to streamline, rather than hamper, processes to recognize the rights and define the boundaries relating to these territories. In this sense, it is vital for the formulation of the REDD+ incentive models and programmes to closely involve the populations who live in the territories concerned, so as to avoid any risk of harm.

Institutional aspects are another potential limitation that must be considered as part of REDD+ processes in terms of secure tenure and recognition of indigenous rights over land and natural resources. As mentioned in Chapters 2 and 3, the institutions responsible for the tenure of indigenous lands are managed by agrarian reform institutes (that come under ministries of agriculture), land registry and property records agencies, and lastly by environment and forestry ministries (in terms of protected areas). Inter-institutional work on aspects relating to indigenous lands in Mesoamerican countries suffers from overlapping functions, inefficiency, excessively bureaucratic processes and a lack of coordination. The fact that each agency comes under a different government ministry makes the work even more difficult. In addition, in terms of indigenous lands, the transformation of the region's land administration sector has given a dominant role to institutions such as the Land Registry or Property Registers, which do not always have enough capacity or experience to provide a comprehensive response when dealing with aspects of territorial and traditional organization, regularization of tenure over land and natural resources and conflict resolution. As a possible counterpart for REDD+, these institutions should be more involved in the processes to prepare this initiative and should work closely with institutions that have more experience in such areas. It therefore follows that, with the support of UN-REDD, governments should support the development of smooth and efficient inter-institutional coordination processes with an integrated and participatory approach when working with the territories of indigenous populations.

In terms of implementing social and environmental safeguard mechanisms requiring the amendment of existing legal frameworks and participation and consultation processes, this document has shown that there have been major national and international advances in terms of rights recognition and secure tenure over land and resources in indigenous territories in the Mesoamerican region. Annex 2 describes the specific development and current situation of legislation in each Mesoamerican country, in terms of land and natural resource management. Generally speaking, the current situation and the development of such legislation are heading in the right direction, mainly because there is ongoing political will to close the legal loopholes and resolve the contradictions in some frameworks, including the unfinished implementation of processes to recognize rights and define indigenous territories.

In terms of what remains to be done, it will be vital to amend existing legal frameworks to clarify ownership of environmental and carbon capture services, and to strengthen the security of tenure over land and natural resources in indigenous territories. Another important aspect to be considered is the need to work on simplifying the rules and regulations of some laws, particularly environmental and forestry legislation, as they have generated considerable barriers to accessing support programmes or usage permits in indigenous territories, thereby weakening the implementation of the Convention on Biological Diversity, particularly Article 8(J) on the benefits of traditional knowledge (mentioned in Chapter 3).

As for participation and consultation processes, as shown in Chapter 3, many of the region's countries are drafting guidelines on FPIC, not only because of the forthcoming roll-out of REDD+ processes, but also in response to national and international movements that have described the need to include FPIC as a requirement for preparing and implementing investment programmes that have an impact on forest territories and other spheres. To respond to the need for FPIC in REDD+ processes, and above all to tackle the risks identified by indigenous organizations in terms of the possible effects of REDD+ on their territories, UN-REDD and FCPF are jointly proposing changes to the approaches to be used in Latin America. This is why aspects of sustainable management, rather than just conservation, have been included. Furthermore, operational guides and safeguards that include the principle of FPIC are being produced for the participation of indigenous peoples,⁵⁸ as well as capacity-building programmes for indigenous peoples who depend on the forests.⁵⁹ In addition, the nested approach of REDD+ seeks to facilitate the inclusion of subnational initiatives, so that countries can launch programmes with a local and less centralized approach that can subsequently become a national focus; or for the simultaneous recording and receipt of credit at the subnational and national levels (CIFOR, 2009).

⁵⁸ <http://www.forestcarbonpartnership.org/fcp/node/321>.

⁵⁹ See information in <http://www.forestcarbonpartnership.org/fcp/node/248>.



Lastly, the efforts of various international agencies to decide on a common approach to social and environmental safeguards should be mentioned, without ignoring the need to adapt processes to national legal and institutional frameworks. All of these initiatives definitely form a solid base for strengthening trust among the various actors involved in preparing and implementing REDD+.

In terms of the need to guarantee additionality, namely ensuring that compensation will generate an additional impact compared with the incentive-free situation, indigenous movements are afraid that the need for such guarantee will mean that the conservation of forest resources and ecosystems based on traditional management and the worldview of resident indigenous peoples will be overlooked. They claim that landowners that make efforts to recover natural resources that they have previously destroyed may benefit more than indigenous territories that are subject to great pressure in terms of demand for land. Population increase (indigenous and migrant) in territories, spontaneous colonization processes and the illegal exploitation of resources threaten the sustainability of traditional indigenous management of forests and ecosystems. In this sense, the additionality requirement will have to be interpreted in the light of a current analysis of territories and their prospects, so as to assess future trends of occupation and resource conservation in the short and medium term. Above all, however, the additionality requirement should prioritize the importance of maintaining over time the ecosystem services and conservation efforts that indigenous peoples are currently implementing in their territories.

As far as the multi-purpose nature of REDD+ incentives are concerned, reducing the poverty suffered by most of the region's indigenous territories and communities should definitely be considered a priority. It would be unwise to think that this aim could be fully achieved through forest conservation subsidies alone. This is why the UN-REDD Programme, FCPF and other agencies involved in REDD+ preparation should work alongside national governments to encourage the development of initiatives conducive to a sustainable use of wood and non-wood forest resources on the territories, as well as for food production and job creation, particularly for women and young people, who usually have limited access to forest incentives.

In terms of PES programmes and other forestry incentives implemented in the region, they appear to have had a mainly positive effect in indigenous territories, which explains why there is an increasing demand for such initiatives on the part of communities in Costa Rica, Guatemala and Mexico. The experience of these programmes, and their various preparation and implementation arrangements, is a rich source of learning and should be used as a reference for processes linked to REDD+, not only in the Mesoamerican region but in Latin America in general (especially for territories where the land is worked collectively or communally).



Conclusions

In conclusion, bearing in mind the contents of this document, it is necessary to list some of the key recommendations for the preparation and implementation of REDD+ and other incentive programmes in forest and indigenous territories of the Mesoamerican region.

Strengthening trust between governments and indigenous peoples appears to be an urgent task in the region. It is vital to recognize the specific characteristics of territories and communities, not only in terms of their cultural and organizational aspects, but also the features of their ecosystems and tenure systems. Countries such as Costa Rica and Mexico have successfully implemented PES and other forestry incentives with indigenous population groups because they recognized the need to establish different procedures and rules from those operating in other forest territories, in the light of significant differences among territories in terms of territorial management and organization.

An effective option for the preparation and future implementation of REDD+ in the region is perhaps **the nested approach of REDD+**, whereby governments can use other existing programmes as a model or basis, including existing PES or other forestry incentive programmes. In addition, second- and third-level organizations that have been set up to accompany the implementation of such programmes in Costa Rica, Guatemala, Honduras and Mexico, could become significant partners in negotiating the larger areas required for REDD+.

Another necessary aspect of increasing trust would be to **remove the barriers to commercial forestry exploitation in indigenous territories and communities**, such as those that still exist in Costa Rica, Nicaragua and to some extent in the protected areas of other countries in the region. Although the plus sign is now included in the REDD+ initiative to recognize sustainable ways of managing natural resources, aspects such as national forestry closed seasons special decrees or restrictions in management plans reinforce the feeling that REDD+ could represent a new threat to community forestry, which has been an important element of the sustainable management of natural resources in forests and indigenous territories.

It is important to **establish closer links between current investments to prepare for REDD+ with initiatives under way to strengthen the legal certainty of indigenous territories**. Considering that most of these countries have investment for the next six years (see annex 4), the RRP and other REDD+ preparation and implementation plans could usefully include more specific targets in terms of regularizing indigenous tenure. Another idea would be to include indigenous professionals familiar with territorial issues in the coordination units for the tenure regularization programmes under way,⁶⁰ as they could facilitate links with REDD+ processes and support coordination between the relevant bodies.

The Strengthening of public and civil society bodies for conflict resolution should be a priority in the preparation work of REDD+ and for the titling or tenure regularization initiatives in indigenous territories. The current weakening of such bodies is undoubtedly a threat to tenure regularization processes and to the implementation of programmes to manage and conserve natural resources. In this sense, sharing experiences at the Latin American level and more widely through South-South initiatives could be important in developing organizational and human capacities for conflict resolution.

Efforts to implement FPIC with indigenous peoples will not be entirely successful if they are not accompanied by measures needed to strengthen trust in and legitimacy of government actions within indigenous territories. Given that the conditions are right to establish a dialogue, prior to consultation it will probably be necessary to agree on a detailed training, information transfer and FPIC implementation plan for each territory concerned. The design of dialogue processes in the implementation plan must consider the needs for representation and legitimacy of the actors involved and the expected outcomes of the consultation. The design of consultation processes for REDD+ in the region could use the consultation under way for the land titling and regularization programmes in Guatemala, Honduras and Nicaragua as a valuable reference, in terms of its successes and any lessons learned.

⁶⁰ This aspect has been considered in the PROCYMAF project in Mexico, and particularly the implementation unit for the programme in the state of Oaxaca.



Lastly, the experiences of PES and regularization and tenure over land and natural resources have also shown **the need to strengthen governance** within territories. Particular emphasis should be placed on communication processes for the entire population; the development of internal statutes or regulations to support local self-regulation practices for territorial management; and organizing land planning in a participatory way. All of the above can become useful instruments for strengthening good governance practices over land and natural resources.

