

ANNEX 1

Central American countries and their REDD+ preparation phase

	Scheme (1)	National plans	Financial support	Related initiatives	Indigenous component
Costa Rica	FCPF UN-REDD (OM)	R-Pin (2008) R-PP (2010)	FCPF World Bank GIZ TBD Teneska power Other	<ul style="list-style-type: none"> • National preparation initiative • Payment for Environmental Services • Strengthening of Protected Areas • Land use policies • Purchase and incorporation of private land in Protected Areas 	Indigenous territories on the Pacific and Atlantic coasts Participation of Association for Integral Indigenous Development (ADII)
Guatemala	FCPF UN-REDD (OM)	R-Pin (2008) R-PP def. (2012)	FCPF/IDB World Bank IDB USAID Gibor, Baren	<ul style="list-style-type: none"> • National preparation initiative with MRV • National strategy to reduce deforestation, including forestry incentives PINFOR and PINPEP • Sustainable forest management (including community forestry) • Forestry management plan • Institutional transparency 	Prioritization of certain key territories in forest management. Current stakeholders: <ul style="list-style-type: none"> • Guatemala's Indigenous round table on climate change (MICCG) • National Alliance of Community Forestry Organizations • Network of Indigenous Authorities (under way)
Honduras	FCPF UN-REDD (OM)	R-Pin (2008)	FCPF World Bank	<ul style="list-style-type: none"> • Consultations • Strengthening of regulatory framework • Forest certification • Sustainable Forest Management 	<ul style="list-style-type: none"> • REDD+ preparation activities stopped in 2008 and there is no clear information on possible impact of REDD+ in indigenous territories • Indigenous peoples took part in consultations for R-PIN in 2008: Federation of Xicaque Tribes of Yoro (FETRIXY), Association for the Development of Honduran Mosquitia (MOPAWI), Coordinating Association of Indigenous and Community Agroforestry, Honduran Black Fraternity Organization (OFRANEH), Honduran Lenca Indigenous Federation (FHONDIL), National Federation of Rural Workers (CNTC) and the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH)
Mexico	World Bank FCPF UN-REDD (OM)	R-Pin (2008) R-PP (2010) R-PP (2011) revised	World Bank Government of Norway	<ul style="list-style-type: none"> • National preparation initiative with MRV • Project in preparation for Forestry Investment Programme (FIP) to strengthen early REDD-type actions and subnational projects • Subnational initiatives in the state of Chiapas (agroforestry, reforestation, carbon capture) 	<ul style="list-style-type: none"> • Several indigenous communities and <i>ejidos</i> in forest areas currently benefit from the CONAFOR PES programme, as well as receiving support from community forestry programmes • Representatives from indigenous communities are on the Technical Advisory Committee for REDD+ and CONAFOR is proposing to set up local technical advisory committees with the National Commission for Indigenous Peoples

	Scheme (1)	National plans	Financial support	Related initiatives	Indigenous component
Nicaragua	FCPF	R-Pin (2008) Draft R-PP (2011)		Strengthening of forest governance Modernization of forest management system	<ul style="list-style-type: none"> Nicaragua has made efforts in the demarcation and titling of indigenous territories in the RAAS and RAAN regions. Governments from the two autonomous indigenous regions have taken part in consultations and have been but forward to be part of the decision-making system. The RAAS and RAAN regions will probably be made a priority for REDD+ Training planned for indigenous communities
Panama	FCPF UN-REDD (MF)	R-Pin (2008) R-PP (2009) Draft NPD (2010)	ONU-REDD BM	<ul style="list-style-type: none"> National preparation initiative with a unified framework for results among FCPF, UN agencies and Government of Panama System of indigenous participation Forest plantations Forest conservation 	<ul style="list-style-type: none"> The REDD+ project will probably have a strong impact on indigenous territories and <i>comarcas</i>. The National Environment Authority (ANAM) has held several meetings with indigenous peoples. National Coordination for the Indigenous Peoples of Panama (COONAPIP) has been invited to be part of the National Group for REDD+ Institutional strengthening of COONAPIP is part of the REDD+ preparation plan
El Salvador	FCPF	R-Pin (2008)	World Bank	<ul style="list-style-type: none"> National preparation initiative Law on Forestry and Climate Change Institutional strengthening Agro-forestry and coffee production 	<ul style="list-style-type: none"> The preparation plan is still at the general stage. There are not considered to be any relevant indigenous groups in the country.

(1): DR countries are members of UN-REDD and are known as Countries Receiving Support for National Programmes. OM refers to Other Partner Countries that are members of UN-REDD but that do not receive its resources to prepare National Programmes.

Source: www.forestcarbonpartnership.org and http://www.un-redd.org/Partner_Countries/tabid/102663/Default.aspx, reviewed in July 2012 and CIFOR, 2009, Emerging REDD+.



ANNEX 2

Legal Reforms on Land and Management of Natural Resources in Mesoamerican countries

Mexico

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/ Initiatives	Natural resource management laws
<p>1917: Constitution and Agrarian Reform Laws</p> <p>1992: Agrarian Law reform</p>	<p>From 1917 to 1970, Mexico promoted a significant distribution of land through <i>ejidos</i> (State lands granted as concessions to small producer communities) and the restitution of land to indigenous communities. Indigenous communities and <i>ejidos</i> form part of the Agricultural Units that currently make up 50% of the Mexican territory. The agricultural unit lands are non-transferable, inalienable and have their own legal personality.</p> <p>PROCEDE (Programme for the Certification of Ejidal Rights and Titling of Urban Plots) was created. This was to strengthen the delimitation of <i>ejidos</i> and communities and the certification of plot rights (only for <i>ejidos</i>) to fortify the collective and individual certainty of ownership. In <i>ejidos</i>, it is now possible to hire and possibly sell plots to third parties, with the agreement of the <i>ejido</i> assembly.</p>	<p>1917: Article 2 of the Political Constitution of Mexico recognizes the right of indigenous peoples to the self-determination of their rights, which includes governing themselves using their own rules and traditions. This article also guarantees the land rights of indigenous communities.</p> <p>1975: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination^a</p> <p>1990: Ratification of the ILO Convention 169 on the strengthening of territorial rights.</p> <p>1992: Article 27 of the Constitution was reformed. State distribution of land was suspended and ownership of <i>ejidos</i> and communities transferred to those legally occupying the land. Article 4 recognizes the multicultural composition of the country's indigenous population.</p> <p>1996: The San Andrés Accords proposed the Indigenous Rights and Culture Law in 2001, but this was amended mainly in terms of autonomy, responsibility and rights of indigenous peoples. The Law characterizes indigenous peoples as public interest entities, rather than legal entities, and does not include a definition of important concepts such as territories, habitat and lands.</p>	<p>Indigenous peoples recovered some of their territories through Agrarian Reform. Peoples that had property titles awarded by the Spanish Crown successfully set themselves up as Indigenous Communities, while other adopted the <i>ejido</i> option. In all cases, titling for indigenous communities and <i>ejidos</i> (State land) is carried out in the community sphere and not the territorial sphere.</p> <p>1936: A specific institution was set up for indigenous communities: the National Indigenous Institute, which operated until 2000.</p> <p>1992: PROCEDE was less accepted by indigenous communities, as they feared that the certification of plots in their midst would weaken the sense of collective territorial management. Communities that accepted it simply certified their external boundaries.</p> <p>2004: The production means and land access programme was created to facilitate the handover to new generations in indigenous communities and <i>ejidos</i> through the Young Rural Entrepreneur and Land Fund (FTJER), financed by the Secretariat for Agrarian Reform and the World Bank.</p>	<p>1988: The General Law on Ecological Balance and Environmental Protection (LGEEPA), created in 1988 and reformed in 2012, gives communities (including indigenous ones) the right of protection, preservation, use and sustainable exploitation of natural resources, and the safeguarding and use of biodiversity.</p> <p>This Law also regulates protected natural areas that are often set up in agricultural units. Protected natural areas come under the National Council for Protected Areas (CONANP) and are administered through management programmes. However, ownership is retained by <i>ejidos</i> and/or communities that are involved in territorial management through the Technical Advisory Committee.</p> <p>1992: The Agrarian Law allows forest lands to be managed under a communal use system. Most of these lands belong to communities and <i>ejidos</i>. This Law also prohibits their subdivision.</p> <p>1993: Ratification of the Convention of Biological Diversity.</p> <p>1996: The LGEEPA Law was reformed, The National System of Protected Areas (SINAP) was strengthened and the participation of indigenous communities, social groups, <i>ejido</i> members and physical and moral persons were allowed to take part in territorial management through the Technical Advisory Committee. The concept of co-management does not exist as such.</p> <p>2000: The National Forestry Commission was created and a national Payment for Environmental Services programme is launched that remains in force today and that is laying the foundations for REDD+ implementation.</p> <p>2000 and 2003: The General Wildlife Law (2000) and the General Law on Sustainable Forestry Development (2003) recognized carbon capture as an environmental service.</p> <p>2012: Reform and addition of several provisions to the General Law on Ecological Balance and Environmental Protection, General Wildlife Law (2000) and the General Law on Sustainable Forestry Development concerning management and relevance of environmental services. The main points include the establishment by the Wildlife Law of the right of forest landowners to receive economic benefits resulting from environmental services and maintenance, and the inclusion of safeguards recognized in international law including free, prior and informed consent (FPIC).</p>

^aThis Convention gives ownership rights to indigenous communities.

Guatemala

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/Initiatives	Natural resource management laws
<p>1952: Agrarian Reform</p> <p>1954: Development of a State programme of land distribution</p> <p>1996: Peace Accords (policy)</p> <p>1999: Land Fund Law</p> <p>2002: Government Agreement No. 136-2002</p> <p>2005: Land Registry (RIC) Law by means of Decree No. 41- 2005</p>	<p>Substantial reform attempted but abandoned in 1954. Owing to the short reform period, 20% of farmable land was distributed, and this benefited 24% of the population. As a result of the 1954 coup d'état, all reform beneficiaries were again expelled from their plots.^b</p> <p>Marginal reform in the context of the Alliance for Progress programme.</p> <p>1996: Creation of the Land Fund (FONTIERRA) to allocate, sell and title individual and collective land, and the Sub-Secretariat for the Resolution of Land Conflicts (CONTIERRA).</p> <p>This Law seeks to make the Peace Accords operational in relation to land (its three parts address the issue of indigenous peoples' lands).</p> <p>Creation of the Secretariat for Agrarian Affairs (SAA), which subsumes CONTIERRA.</p> <p>Creates the Land Registry (RIC) to strengthen the legal certainty of land tenure by regulating land registry processes and updating land registry information. The Property Register simply grants the restitution of land seized under previous regimes</p>	<p>1983: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>1985: The National Constitution recognizes the rights of indigenous communities, also stipulating that the State will use special programmes and appropriate legislation to provide State lands to indigenous communities that may need them for their development.</p> <p>To date, however, Communal Lands have been more frequently registered as cooperatives, producer associations or Community Agricultural Enterprise.</p> <p>June 1996: Ratification of ILO Convention 169 but with limitations, as this ratification does not apply retroactively.</p> <p>2009: The Regulations for the Land Registry Law established the procedure for the Declaration of Communal Land, which aims to promote recognition of communal lands and prevent the Land Registry from breaking up collective-use lands.</p>	<p>From 1999 to 2005 the Land Fund (FONTIERRA) provided 71,500 hectares to 15,500 individual and collective beneficiaries.</p> <p>2010: The Land Administration Project (PATH II)^c and the Land Registry began the process of recognizing lands that meet the requirements for submitting formal applications for communal land certification.</p>	<p>1989: The Law on Protected Areas created the Guatemalan System of Protected Areas (SIGAP) and the National Council for Protected Areas (CONAP) as the most senior management and coordination body for SIGAP. Forest and flora and fauna usage was granted through permits awarded by CONAP.</p> <p>1990: Creation of the Maya Biosphere Reserve.</p> <p>1994: Approval of the Rules on the Allocation of Forestry Concessions that enable communities and/or groups of producers to commercially exploit forests within Protected Areas of the Department of El Petén.</p> <p>1995: Ratification of Convention on Biological Diversity.</p> <p>1996: The Forestry Law establishes that any type of forest exploitation must be awarded by concession (State or communal lands) or by license (private property).</p> <p>1999: The Law on the Forestry Incentives Programme for small forest landowners (PINFOR) facilitated development of a subsidy payment programme for forest owners who set up conservation or sustainable management schemes.</p> <p>2011: The 2011 Law on the Forest Incentives Programme for Small Forest and Agroforestry Landholders (PINPEP) is similar to PINFOR but is for families and communities that are not formal owners, but whose status as possessor is recognized. There are difficulties in operating this programme due to differing legal interpretations of the status of possessors.</p>

^b AARC information leaflet, Judith Seemann, January 2003, Publisher: FIAN Internacional (<http://www.fian.org/recursos/publicaciones/documentos/tierra-y-paz-en-guatemala/pdf>).

^c PATH is an adaptable loan project funded by the World Bank and implemented by the Land Registry. The aim is to foster the process of achieving secure land tenure in nine Departments (Alta Verapaz, Baja Verapaz, Chiquimula, Escuintla, Izabal, Sacatepequez and Zacapa) and the municipality of Palachum in the Department of Quiché, by providing efficient and accessible land administration and land registry services. For more information, see: <http://web.worldbank.org/external/projects/main?Projectid=P087106&theSitePK=500797&piPK=64290415&pagePK=64283627&menuPK=64282134&Type=Overview>.



Honduras

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/Initiatives	Natural resource management laws
<p>1961: Decree Law No. 69</p> <p>1962: Agrarian Reform Law</p> <p>1974: Law of the Honduran Forestry Development Corporation</p> <p>1975: Decree 170 of the new Agrarian Reform Law</p> <p>1982: Political Constitution of the Republic of Honduras</p> <p>1992: Approval of the Law on the Modernization and Development of the Agricultural Sector (LMDSA)</p> <p>2001: Executive Agreement No. 035-2001</p> <p>2004: Approval of Property Law (Decree No. 82-2004) by the National Congress</p>	<p>Creation of the National Agrarian Institute (INA).</p> <p>This Law focuses on, inter alia, land titling, recognition of private, public and municipal rights in forest lands and the creation of a land fund.</p> <p>Creation of the Honduran Forestry Development Corporation (COHDEFOR) to manage the country's forest resources.</p> <p>Recovery of national rural land. Titling of land suitable for forestry is prohibited.</p> <p>Its Chapter III recognizes Agrarian Reform as an integral process and means of transforming the country's agrarian structure.</p> <p>The Property Institute (IP) is set up as a decentralized entity of the Presidency of the Republic. It has its own legal personality and assets, and functions in a way that is technically, administratively and financially independent.</p> <p>This Agreement sets up the Intersectoral Commission for the Titling, Extension, Sanitation and Protection of the Lands of the Garifuna and Miskito Communities of Honduras to help protect the property rights of these communities over their lands.</p> <p>Through this Law, the process of regularizing land for indigenous and Afro-Honduran peoples will be applied by the Property Institute.⁹</p>	<p>1962: 1962: With the Agrarian Reform Law, the National Agrarian Institute (INA) carries out titling of indigenous community lands from now on.</p> <p>1982: The Constitution recognizes the State's responsibility for taking measures to protect the rights of indigenous communities, particularly those related to property, land and forests.</p> <p>1992: Law on the Modernization of the Agricultural Sector, including provisions on land titling for communities of indigenous peoples.</p> <p>May 1995: ratification of ILO Convention 169.</p> <p>2001: Executive Agreement No. 035 sets up the Intersectoral Commission for the Titling, Extension, Sanitation and Protection of the Lands of the Garifuna and Miskito Communities of Honduras.</p> <p>2002: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>2011: Approval of the Regulations for the Property Law, in which Chapter II of Title VIII stipulates the procedures for processes of "Regularization of land ownership for Indigenous and Afro-Honduran Peoples" (validating the inter-community titling procedures).</p> <p>2007: proposed Special Law for the Comprehensive Development of Indigenous and Afro-Honduran Peoples of Honduras (not yet approved).</p> <p>2010: the regulations for the Property Law (resolution CD-IP no. 003) clarified the process of land regularization for indigenous and Afro-Honduran peoples.</p>	<p>1997: establishment of the Support Programme for Indigenous Peoples (PAPIN-DIPA) for the preparation of a draft law submitted in 2007 with the bill "Special Law for the Comprehensive Development of Indigenous and Afro-Honduran Peoples of Honduras"</p> <p>2004: National Forestry Programme (PRONAFOR)^d aims to consolidate the competitiveness of forest resources for the satisfactory fulfilment of their main functions: social, economic and environmental.</p> <p>1997-2004: Rural Areas Administration Project (PAAR), funded by the World Bank to modernize territorial administration and the management of natural resources (particularly public forest land).</p> <p>2004-2010: Land Administration Programme in Honduras Phase I (PATH I) set up to succeed PAAR, aimed to set up an integrated and decentralized land administration and land survey system for greater inclusion of indigenous peoples.^e The National Property Administration System (SINAP) was set up as part of this project.</p> <p>2011- 2017: implementing Phase II of the Land Administration Programme in (PATH II), which helps to demarcate and title territories for the Miskito indigenous population.</p> <p>The project on Land Planning and Environmental Protection in the Río Plátano area (PROTEP), which was launched in 2010, set up a bilateral project involving the Governments of Germany and Honduras. The project seeks to support the titling of ancestral lands, contribute to the good management of land and natural resources and encourage the population of the area to get involved with protection, conservation, monitoring and oversight actions in the regions of western Honduras, Olancho and the Río Biosphere Reserve.</p>	<p>1952: The law establishing the Ministry of Agriculture established one of its main activities as the supervision of forest concessions. No State permit was required for forest exploitation on State or <i>ejido</i> lands.</p> <p>1972: Enactment of Forestry Law with the first regulations for forest areas. The property regime defined public and private forest areas. The Catalogue of Inalienable Public Forestry Heritage (CPPFI) was created. This nationalized forest administration.</p> <p>1974: Creation of the Honduran Forestry Development Corporation (COHDEFOR) as the government institution for the national exploitation of forest resources. This law nationalized forest administration and exploitation and strengthen the State's control over forest lands. The law also set up the Social Forestry System through which the Areas of Integrated Management (AMI) were set up.</p> <p>1984: General Forestry Regulations established the definition and classification of public and private <i>ejido</i> forest areas and protected natural areas.</p> <p>1992: The Law on the Modernization and Development of the Agricultural Sector (LMDSA) returned forest management to landowners. A management plan was required for forestry exploitation. The process began to regularize the rights of populations settled in national forests.</p> <p>1995: Ratification of the Convention on Biological Diversity.</p> <p>2004: The approval of the Property Law recognized customary law and the right to communal property, exploitation of natural resources, management of Protected Areas within indigenous territories in conjunction with the State and the legal situation in terms of third parties.</p> <p>2007: Law on Forestry, Protected Areas and Wildlife (Decree No. 98 of 2007) declared the forest land of owners as being private or State property. Recognition of the right of indigenous and Afro-Honduran peoples over forest areas in land traditionally owned by them. This Law is an exemption from the prohibition of human settlements in protected areas by indigenous and Afro-Honduran peoples.</p>

^d Establishes one of the four programmes in the Agro-food and Rural Environment Sector.

^e In this phase, the modernization of property records continued and a more permanent management structure was developed through the Property Institute, while attempts were also made to develop a consistent legal and regulatory framework for the land rights of indigenous and Afro-Honduran communities.

^f Unlike the *ejidos* in Mexico, in Honduras this term refers to municipal land.

⁹ Decree 82-2004 of 28 May 2004, Chapter III, Article 94.

Nicaragua

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/Initiatives	Natural resource management laws
<p>1981: Agrarian Reform Law (Decree No. 782).</p> <p>1981: Executive Decree No. 830.</p> <p>1986: Reform of the Agrarian Reform Law.</p> <p>1987: Law 28 (Autonomy Statute of the Regions of the Atlantic Coast of Nicaragua.)</p> <p>1995: Property Stability Law No. 209.</p> <p>2002: Law No 445 on the Communal Property Regime of Indigenous Peoples and Ethnic Communities in the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maiz rivers.</p>	<p>The aim was to democratize ownership through a new distribution of idle or poorly used estates.</p> <p>The Nicaraguan Institute of Territorial Studies (INETER) was set up as a State technical and scientific body to generate and provide basic information on land tenure. It was responsible for carrying out territorial planning studies. It established the principle of joint titling in territorial planning programmes.</p> <p>This legal reform paved the way for expropriation of land.</p> <p>This Law created the regions of the Atlantic Coast (RAAS and RAAN).</p> <p>In order to increase the efficiency of the institutional framework for land management, the Government merged several State institutions under the Intendancy for Property, which was part of the Ministry of Finance and Public Credit.</p> <p>Law 445 makes CONADETI (the National Commission for Demarcation and Titling) the coordinating body for the demarcation process, budget administration and so on.</p>	<p>1978: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>1987: Law 28, Statute of Autonomy of the Indigenous Regions of the Atlantic Coast of Nicaragua, formation of the South Atlantic Autonomous Region (RAAS) and the North Atlantic Autonomous Region (RAAN).</p> <p>2002: Law 445 recognized communal lands and natural resources, awarded sovereignty to the Autonomous Regions and regulated the land demarcation and titling processes in the RAAS and RAAN regions.</p> <p>2010: ratification of ILO Convention 169.</p>	<p>2007: The Property Regularization Programme in Nicaragua (PRODEP), financed by the World Bank and the Millennium Challenge Account, updates the land registry and regularizes tenure in several western Departments. It is also involved in demarcating Protected Areas and in indigenous territories in the autonomous Atlantic regions. PRODEP demarcated and titled 15 Miskito and Mayagna inter-community territories (covering 214 indigenous and Afro-descendent communities). The territory covers 22,478.996 km²: RAAN: 13,913 km² (11 territories); RAAS: 6,481 km² (2 territories); and central region: 2,229 km² (3 territories).^h The Programme is still in force and is being extended.</p>	<p>1987: Article 9 of Law No. 28 refers to natural resources. In terms of rational exploitation of natural resources in the RAAS and RAAN regions, it recognizes "the ownership rights over communal lands and that it shall benefit in a fair proportion its inhabitants through agreements between the Regional Government and Central Government".</p> <p>1995: Ratification of the Convention on Biological Diversity.</p> <p>1996: Law No. 217. The General Law on the Environment and Natural Resources set up the National Ombudsman for the Protection of the Environment and Natural Resources.</p> <p>2001: Resolution of a complaint against Nicaragua brought by indigenous people from the Mayagna (Sumo) Awas Tingni community in relation to the award of a concession authorized by the Nicaraguan State to a third company in their territory, as well as to the State's failure to comply with the American Convention on Human Rights.</p> <p>2006: The Forest Closed Season Law made commercial forestry exploitation impossible in the RAAS and RAAN regions.</p> <p>2007: The regulations on Protected Areas allow administration of such areas to be granted to indigenous communities by the Ministry of Environmental and Natural Resources (MAREN). For protected areas within the RAAS and RAAN regions, the Ministry must coordinate with the authorities of the Autonomous Regions. Demarcated indigenous territories in the Biosphere Reserves are run under the joint management system.</p>

^h http://www.territorioindigenaygobernanza.com/web/index.php?option=com_content&view=article&id=192&Itemid=191 o http://www.undp.org.ni/files/doc/1306430943_PNUD%20EXPERIENCIAS%20TERRITORIALES%20BAJA%20RESOLUCION.pdf.



Panama

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/Initiatives	Natural resource management laws
<p>1962: Law No. 37 approving the Agrarian Code of the Republic</p> <p>1994: Law 1 of 1994</p> <p>1998: Law 41 (General Environment Law of the Republic of Panama)</p> <p>2007: Resolution N° 583-R-267, of the Ministry of Government and Justice</p> <p>2009: Draft Law No. 459</p> <p>2010: Law No.59 creating the National Land Authority of Panama (ANATI)</p> <p>2011: Reform of Law 1 of 1994</p> <p>2011: Enactment of the new Agrarian Code</p>	<p>The main objective of the Agrarian Code is comprehensive agrarian reform and the abolition of land grabs of unfarmed or idle land.</p> <p>Established the National Institute for the Management of Renewable Natural Resources (INRENARE) as the body responsible for managing the forests and lands that make up the State's forestry heritage.</p> <p>INRENARE representation and functions come under the National Environment Authority (ANAM).</p> <p>The Law also set up the National Advisory Commission on the Environment, as a consultative body of ANAM for decision-making on matters of national and intersectoral importance, comprising representatives from Government, civil society and <i>comarcas</i>, who may also issue recommendations to the National Environment Council.</p> <p>This resolution created the National Directorate for Indigenous Policy to plan and coordinate orientation and assistance programmes and projects for indigenous peoples</p> <p>This regulation was approved for the allocation of coastal areas and stipulates legislation for implementing a mass titling process of ownership rights in favour of those people who have lived or worked on land for many years.</p> <p>ANATI combined the National Geographical Institute (IGN), the National Directorate for Agrarian Reform (DINRA), the National Land Administration Programme (PRONAT) and the Land Registry Directorate in a single body that will govern all titling and land administration processes.</p> <p>Reform of Law 1 of 1994 is expected to result in the establishment of the National Forestry Directorate (DINAFOR)</p> <p>Its basis is to regulate agrarian activity, enterprises and contracts, as well as sustainable land use. One of its aims is food security. The State leases out public land to achieve this.</p>	<p>1938: Law 2 of 1938 created the first Kuna Yala comarca (Kuna ethnic group). The <i>comarca</i> established a form of inter-community titling.</p> <p>1941: Definition of State responsibility to recognize land claims from indigenous communities.</p> <p>1967: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>1972: The new Constitution enabled recognition of new indigenous <i>comarcas</i>. It was recognized that indigenous lands should be handed over as property and not under another type of recognition of usage rights (Art. 126).</p> <p>1983: Article 10 of Law 22 creates the Embera-Wounann comarca (Embera and Wounann ethnic groups).</p> <p>1996: creation of the Madugandí comarca through Law 24 of 1996 (Kuna indigenous group with 12 communities: Akua Yala, Ibedi, Pintupu, Icandi, Piria, Cuinupdi, Nargandi, Ogobnawila, Diwar Sikua, Capandi and Tabardi).</p> <p>1997: Law No. 10 of 1997 created the Ngöbe-Buglé comarca (Ngöbe and Buglé indigenous groups).</p> <p>1998: Law 41 made it easier for the State to give special attention to indigenous and rural communities and to ensure that communities manage their lands under a communal regime.</p> <p>2000: Creation of the Wargandí comarca through Law 34 (Kuna indigenous group with 3 communities: Nurra, Wala and Morti).</p> <p>2008: By means of a special procedure established by Law 72 in 2008, indigenous communities that were left out of titled <i>comarcas</i> can apply for a collective title. Unlike the <i>comarcas</i>, these communities are subject to government authority (Recio, 2011).</p>	<p>2001: Launch of the National Land Administration Programme (PRONAT) financed by the World Bank, IDB and the Government of Panama. The aim of the Programme was to strengthen land security by updating the Land Registry and regularizing tenure in protected areas and indigenous reserves (titling and demarcation), in and beyond Chiriqui and Bocas del Toro. This helped to consolidate the National System of Protected Areas (SINAP).</p> <p>2009: Two petitions presented to the Inspection Panel of the World Bank: one from the Naso indigenous group; the other from the Nögbé-Buglé group, referring to World Bank policies OD 4.20 (on indigenous peoples) and 13.05 (on project supervision). This situation and other problems led to an early withdrawal of World Bank funding in 2010.</p>	<p>1994: Title 1 of Chapter II of Law 1 of 1994 stated that forest lands are considered forest heritage owned by the State (Art. 10). It also stated that the administration of forests and lands (that are State heritage) is the responsibility of INRENARE.</p> <p>1995: Ratification of the Convention on Biological Diversity.</p> <p>1998: Law 41 established the following constitutional principles: the State respects, protects and maintains the knowledge, innovations and practices of indigenous communities, as well as their traditional ways of life with respect for conservation and sustainable use of biological diversity. Carbon storage was recognized as an environmental service (Art. 79). The State was given the authority to manage these services, as they result from goods that belong to its heritage. Also, projects resulting from carbon storage activities should be shared with indigenous peoples, whether they live within or outside <i>comarcas</i> governed by a special regime. The National System of Protected Areas (SINAP) was created.</p> <p>2011: The draft bill of Law No. 97 sought to amend Law 1 of 1994.</p>

Costa Rica

Legal land reforms		Legal reforms on titling of indigenous lands		Legal reforms on management of natural resources in indigenous communities
Laws	Institutional change	Titling laws	Programmes/Initiatives	Legal and regulatory provisions
<p>1961: Law No. 2825</p> <p>1982: Law No. 6735</p> <p>Executive Decree No. 8487 of 26 April 1978 and Executive Decree No. 13568 of 30 April 1982</p>	<p>Institute of Land and Colonization (ITCO) set up to help convert hundreds of poor farmers into owners of their plots and small farms.</p> <p>ITCO became the Institute for Agrarian Development (IDA), with the same objectives carried over from the previous Law.</p> <p>These decrees established the legal personality and legal representation of indigenous communities as Associations for Integral Indigenous Development (ADII).</p>	<p>1967: Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>1977: Indigenous Law No. 6172 (Art. 2) established ownership of the indigenous communities known as reserves within the country. This is a form of collective private property (although ownership is individual based on an internal right). It is inalienable, imprescriptible, non transferable and for the exclusive use of the indigenous community.ⁱ</p> <p>1993: Costa Rica ratified ILO Convention 169 of 1989.</p>	<p>1997: The PES Programme began to be implemented in indigenous communities, mainly under the Protection arrangement.</p>	<p>1977: Indigenous Law (Arts. 2 and 5) recognized the administrative authority of indigenous communities over the natural resources in their land, and recognized that the right to exploit those resources belonged exclusively to those communities.</p> <p>1996: Ratification of the Convention on Biological Diversity.</p> <p>1996: Forestry Law 7575 created the National Forestry Financing Fund (FONAFIFO) – which comes under the Environment and Energy Ministry – as a governmental institution to fund the forestry sector and manage the payment and sales of environmental services (Payment for Environmental Services (PES) and Certificate for Environmental Services). Carbon capture was officially recognized as an environmental service. The Law prohibited the change of land use in private territories to protect forest areas and, in accordance with the Civil Code, guaranteed exclusive rights for the use and administration of the resources on such land.^k</p> <p>1997: Decree 26,511: prohibited the commercialization of wood species within indigenous reserves.</p> <p>2002: Executive Decree No. 30762 centralized all State management of PES within FONAFIFO.</p> <p>2007: The Procedures Manual for the payment of environmental services, Agreement IX, of Session 2 of 14 February 2007, established priority criteria for awarding PES in indigenous reserves for forest conservation purposes or to promote agro-forestry systems. Given the high running costs, the Manual authorized the regional director of Conservation Areas to certify the area. According to the Manual, the beneficiary of the PES contract is the indigenous community through the Integral Development Associations (ADI) and the Ministry of Environment, Energy and Telecommunications. The community then distributes the benefits.</p>

ⁱ <http://www.una.ac.cr/ambi/Ambien-Tico/102/cajiao102.htm>.

^j Roque Roldan, Models for Recognizing Indigenous Land Rights in Latin America, 2004, and Ulate Chacón, Dr. Enrique Napoleón, Implicaciones de la tenencia y la gestión forestal, FAO, 2009.

^k Roque Roldan, Models for Recognizing Indigenous Land Rights in Latin America, 2004.



ANNEX 3

Content of R-PPs on the situation of indigenous territories: Mesoamerican countries

Country	R-PP document/ paragraphs on the situation of indigenous territories	Page number of R-PP document
Guatemala		
Source: Readiness Preparation Proposal (R-PP) for Guatemala, 02.03.2012, Forest Carbon Partnership Facility (FCPF), United Nations REDD Programme (UN-REDD).		
	The recent reforms of property regimes have had negative effects on equality and social relations, particularly in Petén. Historical discrimination against indigenous peoples in terms of use and land tenure systems has hampered their participation in sustainable forest management.	p. 54
	In Guatemala there are more than 1.5 million hectares of communal lands which include lands of indigenous people and mestizo communities which for many years have been protected and managed in a sustainable manner by indigenous peoples and local communities.	p. 54
	The Guatemalan Land Registry Law (Decree number 41-2005, Congress of the Republic of Guatemala) defines the communal land as collective entities, which are under the "ownership, possession or tenure" of farmer or indigenous communities. Also, this Act contains provisions which recognize those lands that have traditionally been under communal regimes even if they are registered in the name of the State, municipalities or individual people as communal which could generate some expectation for indigenous peoples and communities, in the regularization or recognition of their rights.	p. 54
	Challenges and opportunities for REDD+: Respect, recognition and exercise of indigenous rights, particularly those relating to land and territory, FPIC processes and the recognition of contributions of traditional knowledge.	p. 60
	Territorial management must take special care in recognition of the collective and individual rights to land, as well as the clarification of these lands where REDD+ activities could be implemented, all this with an emphasis on respect for the rights of indigenous peoples to their territories and natural resources.	p. 66
	The consultation process with indigenous peoples is essential to legitimize and take into account their rights. This policy seeks to identify and address the impacts of REDD+ on indigenous peoples.	p. 86
	The State will ensure the legal recognition and protection of these lands, territories and resources. Such recognition shall duly respect customs, traditions and indigenous land tenure systems. The indigenous peoples will be guaranteed their right to redress, by means that can include restitution or, when not possible, a fair and equitable compensation for the lands, territories and resources that traditionally have been owned or occupied or used otherwise.	p. 86-87
Honduras		
Source: Readiness Preparation Proposal Draft (R-PP) for Honduras, 10.2011, Forest Carbon Partnership Facility (FCPF), United Nations REDD Programme (UN-REDD).		
	Relevant Interested Parties are identified for the REDD+ processes: owners of land suitable for forestry with no trees; forest owners; users of national forests; indigenous peoples according to definition of ILO Convention 169, and their local, regional and national organizations.	p. 4
	<i>REDD+ National Working Group</i> The REDD+ National Working Group was set up to promote inter-sectoral dialogue between the Government, civil society, indigenous peoples, relevant international cooperation and academia, on all matter relating to forestry sector issues.	p. 20
	<i>Preparation of consultation</i> Given that Honduras recognizes the right of indigenous peoples to be properly consulted in accordance with guidelines defined by themselves, and following notification of 182 leaders of 70 grassroots indigenous organizations.	p. 5
	<i>Plan for consultation and participation in the preparations for REDD+</i> As part of follow-up, a consultation plan has been prepared on asking indigenous communities what, how, when and with whom consultation will take place for the preparation process of this R-PP.	p. 27

<p><i>Framework of implementation for REDD+</i></p> <p>In terms of entitlement to rights, Honduras recognizes the right of indigenous and Afro-Honduran peoples over forest areas on land traditionally owned by them, in accordance with national laws and ILO Convention 169 (Article 45 of the Law on Forestry, Protected Areas and Wildlife, 2007). The interpretation is that, during community management contracts, carbon rights and rights on Payment for Environmental Services can be transferred to the beneficiary community. The rights of indigenous and Afro-Honduran communities are also established in the above-mentioned Article 45.</p>	p. 7
<p><i>The REDD+ National Strategy respects the knowledge and rights of indigenous peoples and takes into account relevant international obligations</i></p> <p>Based on the Forestry Law and the Property Law and their respective regulations, there is a procedure to regularize the community rights that indigenous peoples have over certain lands. This REDD+ National Strategy has demonstrated the need to harmonize this legal framework to propose legal foundations to enable the provision of and compensation for ecosystem services within their ancestral lands.</p>	p. 13
<p><i>Main observations in the consultations in preparation for REDD+</i></p> <p>Some participants are sceptical about whether the Government really will consider what indigenous peoples say about REDD+. Organization leaders state that they distrust the Government because historically it has not delivered, and they could end up with a REDD+ National Strategy that has not been the subject of consultation. Some considered that the Government should demarcate indigenous territory, with a view to increasing commitment to conservation.</p>	p. 29
<p><i>Ill-defined tenure of forest land</i></p> <p>The new Law establishes a forest land regularization process in coordination with the Property Law and Convention 169 on Indigenous Peoples. The results of applying this article cannot yet be presented, but serious obstacles are predicted owing to a lack of financial resources for recognizing established rights.</p>	pp. 45- 46
<p><i>Options for regulating the recognition of indigenous peoples' rights</i></p> <p>Creation of a coordination mechanism between the Property Institute (IP), the Institute for the Conservation of Forests (ICF) and the Secretariat of Environment and Natural Resources (SERNA) in terms of the rights of indigenous peoples living in national land suitable for forestry; Encouraging harmonization of the regulatory framework concerning land regularization for indigenous peoples (Property Law and its regulations and the Law on Forestry Development and Conservation, Protected Areas and Wildlife and its regulations); or promoting the regularization of forest lands where indigenous peoples have ancestral rights.</p>	p. 57
<p><i>Options for reducing poverty that may in turn promote sustainable forestry management of national forests</i></p> <p>Implementing the valuation and payment of ecosystem services at the national and particularly the local level, to bring about true recognition of these externalities for the local communities and indigenous populations involved in sustainable forest management and forest conservation.</p>	pp. 58 - 59
<p><i>Entitlement of rights</i></p> <p>During community management contracts, carbon rights and rights on Payment for Environmental Services can be transferred to the beneficiary community. The rights of indigenous and Afro-Honduran communities are also established in the above-mentioned Article 45.</p>	p. 64
<p>Social and environmental impact: social and environmental risks and opportunities for indigenous peoples and local communities must be identified and measured, as well as protecting the rights of indigenous peoples. The World Bank's operational policies on indigenous peoples (4.10), environmental assessment (4.01) and forests (4.36) provide the reference framework for the proposal that arises from the REDD+ strategy.</p>	p. 67
Panama	
Source: Readiness Preparation Proposal (R-PP) for Panama, 16.05.2009, Forest Carbon Partnership Facility (FCPF), United Nations REDD Programme (UN-REDD).	
<p>In the short term, the Strategy has to deal with a series of consequences of the old development model which are still negatively affecting deforestation in Panama, including the low opportunity cost represented by forests for the productive activities of the indigenous communities. These problems have generally been tackled by a series of initiatives designed to facilitate the change process in environmental management, by the organization of a well-structured market for environmental goods and services, as the best way of developing natural capital by developing social capital.</p>	p. 10, 11
<p>The Sustainable Forestry Model based on the National Environment Strategy focuses on three main programs: the Ecosystem Restoration Programme; the Forest Administration Programme and the Training, Research and Dissemination Programme. These programmes use watersheds as a unit of management, thus including the protected areas, to encourage industrial and community reforestation on lands with a forestry potential and to improve social, economic and environmental indicators.</p>	p. 11



<p>The R-PP establishes that, for activities, works or projects carried out within the territory of indigenous communities, consultations will focus on concluding agreements with community representatives. Article 103 of Law 41 of 1998 states that for activities, works or projects carried out within the territory of indigenous communities, consultations will focus on concluding agreements with community representatives relating to their rights and customs, as well as on the granting of benefits to compensate for the use of their resources, knowledge or land. When granting any type of authorization relating to the development of natural resources, in the <i>comarcas</i> or on lands of indigenous communities, preference will be given to projects submitted by their members, provided that they comply with the requirements and procedures laid down by the competent authorities. Article 105, for its part, establishes that, in the case of activities involving the development of natural resources on land of comarcas or indigenous peoples, they are entitled to a share in any resulting economic benefits, if such benefits are not covered by existing laws.</p>	<p>p. 17</p>
<p>Nicaragua</p>	
<p>Source: Readiness Preparation Proposal (R-PP) for Nicaragua, 20.04.2012, Forest Carbon Partnership Facility (FCPF), United Nations REDD Programme (UN-REDD).</p>	
<p>In Nicaragua, the main achievements in the governance process have allowed for significant advances in communication and alliances with regional governments of the Autonomous Regions of the North and South Atlantic, which has allowed an active participation of the indigenous communities representatives in the country, and has promoted local participation and consultation of the different stakeholders involved and interested in the development of the forest sector in the country.</p>	<p>p. 83</p>
<p>Over the last 5 years, certain rights have been restored to the indigenous peoples and communities, among them, the demarcation, entitlement and title transfer of their ancestral lands, that are mainly in broad leafed and conifer forested areas.</p>	<p>p. 84</p>
<p>In 5 years the Government has handed over property titles a over 250 communities belonging to 17 indigenous territories of the Caribbean Coast, equivalent to 30% of the national territory . Another 5 territories are undergoing this entitlement process.</p>	<p>p. 84</p>
<p>In addition, in the majority of the territories, their authorities have been recognized, and Indigenous Territorial Governments have been constituted, with the power to manage their own territories. An important matter that is still pending with part of these territories refers to their territorial reorganization process. These territories were indefinitely occupied over a large number of years by colonists, who in the last decades have settled in these territories. Due to the delicate nature of this situation, this Government has proceeded with extreme care. There is a permanent dialogue, the implementation of plans of cohabitation and reorganization that allow for non-violent alternatives, as well as the implementation of conflict resolution instances, to facilitate the fluidity of these processes.</p>	<p>p. 83</p>
<p>With the support of the core project of the biological corridor of the Trans-border Reserve, carried out by Ministry of Environment and Natural Resources (MARENA) and financed by the World Bank, the management plan for the BOSAWAS Biosphere reservation (located in the RAAN) was updated. This initiative is monitoring the effectiveness of the management of the reservation through socio-environmental indicators validated and applied by the indigenous communities, which represents an significant contribution to the REDD+. Additionally, the exchange rates over the last 5 years of the indigenous territories in BOSAWAS are 9 times lower than the average municipalities with "mestizos" present in the buffer zone.</p>	<p>p. 85</p>
<p>Costa Rica</p>	
<p>Source: Readiness Preparation Proposal (R-PP) for Costa Rica, August 2010, Forest Carbon Partnership Facility (FCPF), United Nations REDD Programme (UN-REDD).</p>	
<p>The R-PP uses the terms Indigenous Peoples and Local Communities, in accordance with ILO Convention.</p>	<p>p. 65</p>
<p>Costa Rica operates a Programme to Establish (and Maintain) a Land Registry to improve legal certainty on land rights. The Registry aims at encouraging public and private investments in Costa Rica. The Programme is made up of three components, the second of which supports the implementation of actions to identify, prevent and resolve conflicts in the ownership and use of lands in special lands. This component currently operates in 15 of Costa Rica's indigenous territories, collecting information relating to land tenure and land use. To date, there is a map at a scale of 1:5000 of the majority of territories; preliminary cadastral mosaics and identification of occupants and non-indigenous owners.</p>	<p>p. 43</p>
<p>Costa Rica continues to reduce the rate of deforestation in regenerated and old growth or ancient forests. If the rate of deforestation observed during the period 2000-2005 in old growth and secondary forests were reduced by half, the natural regeneration in the private forest outside of Guanacaste would double and triple in indigenous reservations.</p>	<p>p. 44</p>



FONAFIFO should make available additional incentives above the current level in the PPSA for a total of 8,500 ha per year for the private owners of this land, to induce the regeneration and establishment of forest plantations. Both the regeneration and retention must be focused on land whose opportunity cost implies that the PSA is more cost effective than the alternative land use (e.g. lands that are suitable for afforestation, Indigenous Territories and private reserves).	p. 45
To generate options concerning the lack of competitiveness in the use of forests in indigenous territories, there are plans to: i) maintain the PES programme to conserve coverage, ii) adapt forest management systems to the reality of primary indigenous forests, and iii) support the National Certification System through the sustainability commission to establish principles and criteria for the management of natural forests by indigenous communities. Another cause of deforestation are the squatters within indigenous territories. This will have to be dealt with through coordination and support from the Office for the Registration and Regularization of Special Lands, which include indigenous territories.	p. 52
Given that the owner of the land and the forest is the owner of the emission reduction rights, it is important to clarify the possession and ownership of lands in areas of public domain, as well as to promote the regularization of the land titles in indigenous territories. This would avoid that those in possession of the land but without land title are excluded from REDD+ benefits.	p. 61
Social and environmental risks and opportunities, specifically for indigenous peoples and local communities, should be identified and measured. Safeguards that guarantee the rights of the indigenous peoples are required.	p. 65
México	
Source: Readiness Preparation Proposal (R-PP) for Mexico, June 2011, Forest Carbon Partnership Facility (FCPF).	
<i>Participation and consultation plan.</i> The design of the REDD+ strategy will involve the National Commission for the Development of Indigenous Peoples (CDI). The strategy will generate significant reductions in emissions and offer benefits thanks to the active involvement of land owners and indigenous communities. A series of criteria and indicators will be developed in close consultation with stakeholders to identify key areas for REDD+ activities, with the emphasis on indigenous communities and ejidos.	P 8 y 9
Other issues for the consultation process include indigenous rights, how to include marginalization indices of forest communities, and law enforcement and governance matters.	P 14
A significant percentage of woodland with forest coverage is administered by ejidos and indigenous communities. As a result, it is important to note that effective and inclusive consultation with these interested parties is essential for implementing REDD+ in Mexico. Consultation with indigenous peoples should be based on the principles of FPIC, respecting ILO Convention 169 and World Bank operational policies 4 and 10 on safeguards for indigenous peoples.	p. 15
For indigenous communities, the three levels of Government recognized their property and the way they conduct themselves on the property to use the natural resources and land in accordance with their customs and practices, as stipulated in Article 2 of the Political Constitution of Mexico.	P 20
<i>Ownership of forest carbon and land tenure</i> Mexican legislation recognizes the right of indigenous peoples to determine their own rights, which includes governing themselves using their own rules and traditions. The same article also protects the right to lands for indigenous communities. This is an advantage for Mexico in the process of conceptualizing land tenure and its links with carbon rights, as this relationship is not defined in any law.	P 35
<i>Implementation of REDD+</i> Agrarian communities, ejidos and indigenous communities now have recognizable patterns of community governance that are part of Mexico's rural culture and with which the State is used to interacting. Consideration is being given to the involvement of indigenous communities and ejidos, so that they can take part in defining a community monitoring system using free, prior and informed consent.	P 36



ANNEX 4

Programmes to Update Land Registries and Regularize Land Tenure in the Region

Country	Name	Area of intervention	Implications for indigenous lands	Sources of cooperation	Launch
Guatemala	Land Administration Project (PAT), Phases I and II	8 Departments 12 + 41 municipality.	Application of the Regulations on the Declaration of Communal Lands	World Bank	1997
Honduras	Land Administration Project in Honduras (PATH), Phases I and II	10 Departments 27 + 21 municipalities.	Demarcation and titling of 3 indigenous territories in the Department of Gracias a Dios	World Bank, Nordic Development Fund	2004
Nicaragua	Property Regularization Programme (PRODEP)	4 Departments (38 municipalities) 2 autonomous regions	Demarcation and titling of 15 indigenous territories in RAAS and RAAN	World Bank, Millennium Challenge Account, Nordic Development Fund	2005
Panama	National Land Titling Programme (PRONAT)	5 provinces 21 municipalities	Demarcation of two <i>Comarcas</i> (Ngobe Bugle and Kuna Yala) and indigenous territory of the Teribe-Naso	World Bank, IBD	2000
Mexico	Programme for the Certification of Ejidal Rights and Titling of Urban Plots (PROCEDE)	National	Delimitation of indigenous communities Titling of <i>ejidos</i> in the name of members	Mexican Government	1994

Sources: World Bank, Project Appraisal Documents available on World Bank website.

P.A. 2006: Estadísticas Agrarias 2006, Dirección General de Estadística y Publicación de la Procuraduría Agraria, Mexico, D.F.

