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Development of a Feedback Grievance Redress Mechanism (FGRM) for REDD+ Implementation in Belize

Context Research Report

Assessment Report

By: Equal Chances @ Green Development Paramaribo, January 6, 2020

**Development of a Feedback Grievance Redress Mechanism (FGRM) for REDD+ Implementation in Belize**

REDD+ Readiness Project (Grant no. P152415/TF018492; Contract no. REDD+/SER/009)

Context Research Report – Deliverable II

Assessment Report – Deliverable III

**Client**

Government of Belize

Protected Areas Conservation Trust (PACT)

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**Photography on the cover page:**

Workshop with community members on May 02-03, 2019, Punta Gorda, Toledo district

# Executive summary

This report is comprised of three sections:

1. Introduction to the study, which provides background information and sets out the methodology and limitations of the study,
2. Context research, describing the stakeholders and the context of grievances in the land-use sector relating to land ownership and forest resource use, and
3. Assessment, outlining a typology of these grievances and the policies which (will) influence grievance patterns. This section also contains an identification and assessment of the institutions related to land-use grievances.

Recent data produced by the REDD+ Coordination Unit shows that the highest rate of deforestation is taking place in the Cayo, Orange Walk and Toledo Districts.The main drivers are agriculture and national policies and measures. As such, grievance patterns are related to these drivers, as well as institutional factors.

This study has identified three types of grievances:

1. **Institutional grievances-** This type of conflict refers to stakeholder concerns about the functioning of government institutions and civil servants related to institutions related to land-use. This stems mainly from distrust of the government by the stakeholders.
2. **Resource grievances-** related to the access to resources. There are significant levels of dissatisfaction at the local level related to decreased availability of resources due to the inaccessibility of areas and environmental damage.
3. **Land-related grievances** – These type of conflicts have to do with institutional grievances, resource grievances, and issuance of licenses and tenure/ownership.

Lack of and contested land rights are currently a critical cause of conflicts. Particularly Maya and Garifuna stakeholders are extremely concerned about land rights and the lack thereof, as their livelihoods and identity are strongly connected to their land, the forest, and its resources. There are also lessons to be learned from customary sustainable forest management practices.

This research identified 14 FGRMs that are available to stakeholders for land-use feedback and grievance redress. These are located at the local community level (3 mechanisms), in specific sectors (4 mechanisms), within the judiciary (4 mechanisms) and 3 special purpose forums. The 14 FGRMs were evaluated on the basis of the 8 principles as outlined in the FCPF Guidelines for evaluating GRMs: legitimacy, accessibility, predictability, fairness, transparency, rights compatibility, continuous learning and engagement.

* Some local level mechanisms scored particularly well because of their accessibility and legitimacy in the eyes of complainants, notwithstanding that they are dependent on other institutions for redress.
* Sector mechanisms have a high potential for grievance research and redress but need strengthening of their structures with regard to predictability, transparent procedures and continuous learning. Stakeholders particularly request institutional strengthening of the Lands and Surveys Department.
* The judicial system scores well on all accounts but is a more time and resource intensive option.
* The ombudsman has a high potential for conflict resolution, but its mandate and resources are limited. The general public is not fully aware of the role of this office for grievance redress.

The study team experienced some challenges, such as:

* Future grievances are linked to a wide array of drivers, which Geist & Lambin (2002, p. 144) categorize as direct drivers and underlying drivers. For example, even markets are one of the underlying economic factors affecting deforestation and degradation, and consequently also the type of grievances. Differentiation between the existing and future grievance drivers in the land-use sector was difficult because most of the available policy documents provided guidance on State mid-term actions. Additionally, the future of strategic environmental and forest investments and actions are uncertain at the time of this analysis. As long as the State mid-term intentions have not been conceptualized in specific policies and funded interventions, grievances such as related to benefit sharing do not exist (yet).
* As the establishment of an FGRM is not a requirement of the Warsaw REDD+ Framework under the UNFCCC, REDD+ countries have some leeway in its timing. Some countries in the region have opted to establish the FGRM through a phased approach. Suriname conducted preliminary research in 2013, before developing a final design in 2019. Belize has identified the immediate need for a mechanism to effectively address queries and grievances in the REDD+ readiness phase and has established a interim FGRM, while this assignment is being conducted. It is recommended, however, to integrate the various safeguards and related components (e.g. FGRM, benefit sharing, policies and laws) (Rey et al., 2016, p. 49). The SESA process in Belize has not started yet and the REDD+ strategy is available in draft-form. As such these tools could not provide adequate input and guidance for the FGRM design.

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# Abbreviations

|  |  |
| --- | --- |
| APAMO  | Association of Protected Areas Management Organizations |
| BENIC | Belize National Indigenous Council |
| BSIF | Belize Social Investment Fund |
| CAPI | computer-assisted personal interviews  |
| DOE | Department of Environment  |
| ECGD | Equal Chances @ Green Development |
| FGRM | Feedback and Grievance Redress Mechanism  |
| FGD | Focus group discussions |
| FAO | Food and Agriculture Organization |
| FD  | Forest Department  |
| FSM | Forest Stakeholder Mapping |
| FPIC | Free, Prior and Informed Consent |
| FCD | Friends for Conservation and Development  |
| GoB | Government of Belize |
| IEC | Information, Education and Communication |
| IACHR | Inter-American Commission on Human Rights |
| KII | Key Informant Interviews |
| MLA | Maya Leaders Alliance |
| MAFFESDI  | Ministry of Agriculture, Fisheries, Forestry, Environment, Sustainable Development and Immigration  |
| NCCO  | National Climate Change Office  |
| NES | National Estates Section  |
| NGC  | National Garifuna Council |
| NMAB | Northern Maya Association of Belize |
| PACT | Protected Areas Conservation Trust |
| R-PP | Readiness Preparation Proposal |
| R+CU | REDD+ Coordination Unit |
| R+SC | REDD+ Steering Committee |
| REDD+ | Reducing Emissions from Deforestation, Forest Degradation, Conservation of Forest Carbon Stocks, Sustainable Management of Forest, and Enhancement of Forest Carbon Stocks  |
| SESA | Strategic Environmental and Social Assessment |
| SDG | Sustainable Development Goals |
| SIDSTEG | Small Island and Developing StateTechnical Experts Group |
| ToR | Terms of References  |
| TAA | Toledo Alcaldes Association |
| TIDE | Toledo Institute for Development and Environment |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UN-REDD  | UN-REDD Programme |
| WCS | Wildlife Conservation Society |

# Introduction

Belize is an upper-middle-income country in Central America with close sociopolitical and economic ties to the Caribbean. Belize consists of a land area of 22,970 square kilometers (8,867 sq. mi) and a population of 408,487 people. Belize with its unique cultural heritage, is the only English-speaking country in Central America. The demographic composition includes people of mixed Maya and European descent (Mestizo), Creoles, Q’eqchi, Mopan and Yucatec Mayas, and Afro-Amerindian (Garifuna). The other ethnic groups are Caucasian, East Indian, and Asian(the Statistical Institute of Belize, 2013, p. 20).

According to the World Bank Group’s Country Partnership Framework for Belize 2018-2022, Belize’s prospects for sustainable growth and inclusion depend significantly on maintaining environmental preservation and building economic resilience. Belize possesses extensive areas covered by pristine tropical forests that are vital to limiting soil erosion, runoffs, and flooding. This ecosystem also plays a central role in the Belizean economy as the key agricultural and tourism industries are strongly dependent on Belize’s natural resource base, a major comparative advantage of the country (World Bank Group, 2017, p. 2).

Belize seeks to use REDD+ as a tool to conserve Belize’s forests while promoting sustainable development. Belize also recognizes REDD+ (Reducing Emissions from Deforestation, Forest Degradation, Conservation of Forest Carbon Stocks, Sustainable Management of Forests, and the Enhancement of Forest Carbon Stocks) as an important opportunity to contribute towards global climate change mitigation while strengthening the socio-economic situation of its forest resource owners and protect and restore its forest ecosystems. The REDD+ program is implemented within the framework of the REDD+ Readiness project, under the leadership of the National Climate Change Office (NCCO) and the Forest Department (FD) of the Ministry of Agriculture, Forestry, Fisheries, the Environment and Sustainable Development (MAFFESD).

This report reflects the findings related to the FGRM process in Belize as part of the REDD+ Readiness Project. It necessary to note, however, that the concept of REDD+ is not yet institutionalized in the country and it still requires much understanding and capacity building of the rules that govern the REDD+ implementation under the Warsaw REDD+ Framework. Additionally, as a Small Island and Developing State (SIDS) Belize is provided some flexibility in complying with all REDD+ requirements under the UNFCCC.

According to the Collect Earth/Open Foris Land Use and Land Use Change Assessment for the Agriculture, Forest, and Other Land Use Sector (2019) conducted by the REDD+ Coordinating Unit et. al, the highest rate of deforestation is taking place in Cayo, Orange Walk and Toledo Districts. The deforestation rate in protected areas is low (0.69%) (REDD+ Coordination Unit & National Climate Change Office, 2019, pp. 52, 61). Approximately 43% of deforestation in Belize is attributed to the conversion of forests to croplands and 53% for the establishment of grasslands; out of which half of the grasslands corresponded to pasture and the other half of the grasslands remained with shrubs and bushes. These land-use changes from forests to pastures are driven by cattle husbandry activities, while land use changes from forest to shrubs/bushes seem to respond more to the need of clearing land to retain land rights as part of the improvement activities. The National Lands Act, for example, states that a person after receiving a long, term lease, is required to undertake improvement activities as a prerequisite to retaining the land rights. Chapter 191, 200, Article 2 states that an “improvement” inland is – any beneficial work done upon land to “increase its value, productiveness, or powers of carrying stock and includes buildings, machinery, mines, canals, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, clearing and keeping clear of bush” which in turn was an incentive for land use change (Government of Belize, 2003, p. 12; REDD+ Coordination Unit, 2019, p. 5). According to the Geist & Lambin (2002, p. 144) classification of the main drivers of deforestation and forest degradation in Belize are due to direct causes (agriculture) and indirect causes (national policies and measures).

The successful implementation of REDD+ in Belize is likely to strengthen the forestry sector by having a significant impact on the dynamics of conflicts over the ownership and access of forest resources and improving costs and benefits of REDD+ to local communities. Effective mechanisms for grievance and dispute resolution are therefore important for adequate management of the REDD+ Initiative. There are currently several countries in the Latin American region that are designing the REDD+ Strategy and each of these countries, including Belize, needs to develop feedback and grievance redress mechanisms (FGRMs) as part of the readiness preparation process under the World Bank FCPF Program. The primary purpose of FGRMs is to ensure that national stakeholders who wish to ask questions or raise concerns about the impacts of REDD+, or who have a dispute with government or other REDD+ stakeholders, have an accessible forum for raising and resolving their concerns and disputes and receive feedback (positive and negative) to resolve implementation issues in a timely and cost-effective way.

# Methodology

## Objective

The Government of Belize (GoB) has identified that the Feedback and Grievance Redress Mechanism (FGRM) is necessary in order to identify procedures to effectively address conflicts and grievances arising from REDD+ readiness activities and the broader land-use sector. The GoB intends to utilize the FGRM for the following purposes:

1. Receive, process and investigate complaints.
2. Answer queries regarding the national approach to REDD+ and its related activities.

Engage and promote dialogue and mediation with effected parties/communities.

## Approach

The FGRM is being developed in three phases by Equal Chances @ Green Development (ECGD): 1. Preparation, 2. Situational analysis and FGRM design, and 3. Operationalization. During the second phase of the development of the Land-use Feedback Grievance Redress Mechanism (FGRM) in Belize, ECGD has developed four deliverables, two of which are: D2 Context Research Report, and D3 Assessment Report. The Context Research and Assessment report were developed, through the following tasks:

1. **Review and** **analysis of the historical and current context of complaints/grievances in sectors that relate to land ownership and forest resource use, and characterization and creation of a typology of historical and current grievance patterns and trends.**

The activities included a situation analysis of historic, existing and potential socio-economic and environmental conflicts related to the rights over land ownership and forest resources, their use, conservation and protection: land tenure rights or resource use rights, cross-sectoral competing interests, decision-making processes and opposing views over market-based solutions to environmental problems and benefits sharing.

This task considers the key stakeholders to the identified issues: their interests and perceptions of the issues, and the history and current state of their interaction on the issues.

It also includes a preliminary identification of the current systems and capacities available to address grievances by the government agencies, track record of receiving grievances and seeking to resolve them, and historic and current patterns: frequency, profile of the complaints, types of issues raised, responses used, their effectiveness and efficiency, and perceptions of their legitimacy and fairness.

1. **Assess the existing national formal and informal feedback and grievance mechanisms.**

ECGD reviewed existing formal and informal grievance and feedback mechanisms within the current regulatory framework, and assessed the availability, credibility and capabilities of local and national institutions to address the issues that are related to the land and forest resources as described in a). This phase includes an assessment of the existing national grievance procedures and systems performance and the factors affecting performance. The Assessment utilizes the GRM evaluation tool attached to the FCPF Guidance Note on GRM’s.

The activities for the development of the aforementioned deliverables have included a review of secondary data sources, and data collection through field visits, stakeholder workshops (amongst others with Garifuna, Yucatec-, Mopan- and Q'eqchi Maya, government) and key informant interviews.

## Study challenges and limitations

It was a challenge to utilize an engaged approach for the data collection and the design processes. We had to schedule meetings in the weekends as it was often difficult to meet on weekdays for stakeholders. This challenge was overcome through the support of and mobilization by the indigenous peoples’ organizations; BENIC, MLA/TAA, NGC and NMAB (in alphabetical order). As these institutions also have on-going projects and activities, it was a challenge to schedule meetings.

As the establishment of an FGRM is not a requirement of the Warsaw REDD+ Framework under the UNFCCC, REDD+ countries have some leeway in its timing. Some countries in the region have opted to establish the FGRM through a phased approach. Suriname conducted preliminary research in 2013, before developing a final design in 2019. Belize has identified the need for a mechanism to effectively address queries and grievances in the REDD+ readiness phase and has established a interim FGRM, while this assignment is being conducted. It is recommended, however, to integrate the various safeguards and related components (e.g. FGRM, benefit sharing, policies and laws) (Rey et al., 2016, p. 49).

In June 2019 the R+CU launched the consultation process for the construction of REDD+ SESA (REDD+ Coordination Unit, National Climate Change Office, et al., 2019, p. 3). As the SESA process is still in an early stage, it could not provide substantial input and guidance for the FGRM design. The availability of comprehensive SESA would have been able to inform the FGRM study for example about the risk for displacement of deforestation and degradation (environmental risk) and/or land speculation (social risk). This challenge was partially mitigated by utilizing the draft government-based REDD+ Strategy (2019), to inform the basis for the FGRM, complemented with primary data. However, a lack of the SESA provides an incomplete analysis of potential risks. Additionally, there are fundamental changes envisioned for the REDD+ Strategy due to the new outcomes of Forest Reference Levels.

Future grievances are linked to a wide array of drivers, which Geist & Lambin (2002, p. 144) categorize as direct drivers and underlying drivers. For example, even markets are one of the underlying economic factors affecting deforestation and degradation, and consequently also the type of grievances. The study team experienced some challenges to differentiate between the existing and future grievance drivers in the land-use sector, because most of the available policy documents are formulated in broad terms, and do not provide adequate guidance on State actions beyond 2023 (mid-term plans). Future grievances will strongly be influenced by the development of sectoral projects and the availability of funding, such as the Green Climate Fund among others. With regard to the latter, Belize is implementing adequate preparations for example through the access funding through the accreditation of national institutions (Protected Areas Conservation Trust (PACT), Belize Social Investment Fund (BSIF)). However, the future of strategic environmental and forest investments and actions are uncertain at the time of this analysis. As long as the State mid-term intentions have not been conceptualized in specific policies and funded interventions, grievances such as related to benefit sharing are not yet contemporary.

## Definitions

For this analysis, ECGD has utilized the following definitions.

Feedback and Grievance Redress Mechanisms (FGRMs) are the formal frameworks which individuals can use to express their disappointment with the delivery of particular services and to demand redress, and which the government can use to manage and respond to grievances from affected people (UN-REDD Programme, 2015, p. 261).

Feedback refers to the arrangement whereby individuals express their satisfaction or dissatisfaction about the performance of the service delivery to policymakers (Rao, 2014, p. 1).

Grievance is defined as stakeholder concerns about the actual or potential impact that a national approach, such as the REDD+ program is having or will have on the stakeholder. Grievances are sometimes referred to as “complaints, feedback or another functionally equivalent term” (FCPF & UN-REDD Programme, 2015, p. 4; UN-REDD Programme & United Nations Environment Programme, 2015, p. 262).

Redress refers to a remedy or compensation for a wrong, undesirable or unfair situation (Rao, 2014, p. 1).

Conflict refers to “a situation in which one or more party pursues goals and interests through behavior or actions that impairs another party.”5 As such, a grievance may flow from a conflict. Conflicts need not involve violence (The Center for People and Forests, 2016)

Stakeholders refer to “those groups that have a stake/interest/right in the forest and those that will be affected either negatively or positively by REDD+ activities. They include relevant government agencies, formal and informal forest users, private sector entities, indigenous peoples and other forest-dependent communities” (FCPF & UN-REDD Programme, 2012, p. 1; UN-REDD Programme & United Nations Environment Programme, 2015, p. 240).

Forest in Belize refers to land with a tree canopy cover of more than 30 percent and area of more than 0.5 ha, and 5 m height in situ (REDD+ Coordination Unit & National Climate Change Office, 2019, p. 64).

Deliverable II: Context Research Report

# Situation Analysis

## Land tenure and deforestation

Land tenure is the relationship, whether customary or statutory, that people have in respect to lands, natural resources, and access to land. Land tenure sets the laws and institutions that determine the rights to access and use of lands and resources for people that live in a particular country (FAO, 2002, p. 7). In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions or circumstances. Land tenure is an important part of social, political and economic structures. It encompasses a multiple dimension where social, technical, economic, institutional, legal and political aspects are often ignored but must be taken into account. Land tenure relationships may be well-defined and enforceable in a formal court of law or through customary structures in a community or territory. Alternatively, they may be relatively poorly defined with ambiguities in the country´s legal framework. As a result, conflicts arise with different social groups (FAO, 2002, p. 18) particularly if areas of land have been statutorily declared by the state/government and when the state/government grants or leases land property rights without consultation with customary owners such as the case of indigenous peoples.

Among the processes often resulting in forest deforestation and degradations, in our region, are an expansion of commercial agriculture and cattle ranching, timber harvesting and increased exploitation of forests for firewood (Dorner & Thiesenhusen, 1992, p. 3) These, in turn, are frequently enhanced or intensified by particular government policies - highway and road construction, taxes, credits and various subsidies (FAO, 2002, p. 25). Government policy may encourage deforestation by recognizing and legitimizing the tenure of those who clear the land of forest and transform it into cattle ranches or other land-uses (Dorner & Thiesenhusen, 1992, p. 5). Land tenure arrangements can, therefore, be a causal factor for deforestation.

Clear and secure rights to forest land are a [critical enabling condition](https://usaidlandtenure.net/node/217) for successful REDD+ programs, yet many REDD+ countries face significant challenges in this regard. For example, land laws [often fail to recognize](https://www.rightsandresources.org/publication_details.php?publicationID=4924) the property rights of indigenous peoples or forest communities that depend on forest resources for food, fuel, and income. Furthermore, current land policies [may encourage](https://www.cifor.org/publications/pdf_files/Books/BAngelsen0902.pdf) forest clearing as a means of securing land title.

Recognition and respect for tenure rights have long been recognized as an important concern for development, conservation, and natural resource governance. At the same time, there is wide variation in understandings of tenure rights and priorities for rights recognition across different actors and contexts. There are eight core readiness needs that are critical to ensuring that REDD+ programs are equitably and effectively governed (Williams, 2013, pp. 2–3):

 1. Full and effective stakeholder participation and consultation processes

**→2. Clear and secure land and forest tenure rights**

 3. Equitable REDD+ benefit distribution mechanisms

 4. Effective conflict resolution mechanisms

 5. Transparent and accountable systems to manage REDD+ revenues

 6. Transparent and comprehensive systems for non-carbon monitoring

 7. Institutional coordination and policy coherence across sectors that affect forests

 8. Institutional coordination across levels of government that manage forest

Deforestation and forest degradation must be effectively tackled to reduce greenhouse emissions and reduce social and environmental risks associated with deforestation. REDD+ recognizes the importance of result-based payments to reduce emissions from forest deforestation and degradation as well as the implementation of different policy approaches (UNFCC 2016 p. 5)-In the case of land tenure, strengthening the security of land and property rights in forests and improving the effectiveness of systems to uphold these rights are regarded important particularly for the local and indigenous communities for REDD+ readiness (Gilmour, 2016, p. 125) since one of the limiting factors that they have is the lack of formal recognition to manage their forests. This lack of formal recognition also limits forest stewardship and governance (Fortuna, 2019, p. 2).

The engagement and participation of relevant stakeholders in the decision-making processes therefore will be important in order to understand the importance and establish rights, responsibilities and benefit-sharing associated with REDD+ activities.

## Land tenure in Belize

### Historical context and patterns in land-use change

Prior to colonial times, indigenous peoples, residing in Belize utilized a communal land system based on customary law (a set of customs, practices and traditional beliefs that are part of the local socio-economic system and way of life) but none of this collective land tenure was recognized or valued by the Spanish conquistadores and the English pirates and buccaneers that visited the region in the 17th century. In 1670, the Treaty of Madrid between Spain and England ended piracy and forced pirates to seek out other activities which led them to the exploitation of logwood and other woods which gave rise to an extractive timber industry and the initial establishment of settlements in Belize (Hoffmann, 2014, p. 21). Back then Belize was sparsely populated and land was readily available so settlers acquired land by claiming land for timber extraction and as an area became timber exhausted, people moved to a different place (Iyo, 2003, p. 5; Pemberton, 2012, p. 181). Before 1817 there were no laws that allowed people to officially register land on their h ands. It was until 1817, that the crown colony made its first effort to regulate land acquisition in Belize by claiming sole rights to unclaimed land. It was in 1854 that a new constitution streamlined a legal and administrative framework to guide land and property rights in Belize known as the Land Tittles Act. The Land Titles Act legalized all previous lands and created a mechanism to resolve land disputes and registration however indigenous groups were excluded from this process (Iyo, 2003, p. 10).

Land policy in Belize before 1871 was characterized by private ownership of all lands. Land ownership was concentrated in the hands of wealthy people comprising mainly the white population and few “coloreds’”. The rest of the population remained landless or at best, could gain access to such lands under strictures defined by the tenure requirements of the landowners or forcibly gaining access to land by squatting. By 1871, through a process of land acquisition, most of the privately owned land north of the Sibun River fell into the hands of foreign companies and rich individuals. Furthermore, the Crown Lands Ordinance of 1872 consolidated Garifuna land reserves but did not allow them to hold land under freehold land titles (Bolland & Shoman, 1977, p. 133).

The Crown Lands Act (CLA) of 1872 initiated a process of land acquisition with the purpose of delineating forest and agricultural reserves but both the Maya and the Garifuna were deprived the right to own land. However, the Maya and Garifuna peoples could occupy certain lands as defined by the Crown. These were known as the Indigenous reserves. The Crown Lands Act of 1872 promoted the establishment of over 60,000 acres of land for agriculture mainly for corn, sugarcane and bananas. By 1911, 15% of Belize’s population were working in agricultural activities (Barnett, 1991, p. 46).

Land policy suffered changes between 1920 and 1968 as a direct result of the reduction in agricultural imports to Belize during and after WWI. The government directed its efforts in the implementation of a strategy to promote agricultural production by offering unlimited use of land for agriculture and resettlement schemes. These incentives generated the establishment and expansion of agricultural fields through the issues of Annual Tenancy Permits of Occupancy in Land Reserves. Once the permit was issued, it allowed the holder to establish agricultural land for a payment known as the “occupancy fee”. The permits allowed the tenant to farm the land for one year (Iyo, 2003, p. 8)

These policies generated social displacement and conflicts, particularly from the indigenous people. In addition to the distribution of national lands, reform of privately-owned lands was attempted through the introduction of the Law of Property Act (LPA) and General Registry Act (GRA) to register land titles.

During the 1950s the districts of Corozal and Orange Walk experienced the rise of the sugarcane industry. The Commonwealth Sugar Agreement of 1959, obliged Belize to comply with sugar quotas influencing land use change to sugarcane plantations (Iyo, 2003, p. 8). The government introduced new changes in land policy and established the Land Administration Committee in 1061 with the objective of “examining the whole problem of the ownership, occupation and utilization of land.” The Land Administration Committee established new land reforms including:

* The Land Reform (Security of Tenure) Ordinance of 1962.
* The Land Tax (Rural Land Utilization) Ordinance of 1966.
* The Land Tax (Amendment) Ordinance of 1971.
* The Aliens Landholding Ordinance of 1973.

These reforms favored major landowners and the establishment of extensive plantation agriculture so very few landowners started to own large areas of land in Belize. The concentration of landholdings among just a few, oftentimes these absentee landowners exacerbated land conflicts particularly with squatters occupying lands who performed slash-and-burn. After a period of years, people claimed that they have adversely possessed the portion of the land they have used, leading to confusion and uncertainties about their lands in Belize (Marsan, 2004, pp. 20–21).

In 1977, the Registered Land Act (RLA) was introduced to simplify procedures to formally claim land. In 1981 the Land Utilization Act (LUA) was introduced with the purpose of preventing its subdivision and maximizing its best use. The management and legally recognition of national lands (government-owned lands ) was integrated through the passage of the National Lands Act (NLA) in 1992, which replaced the Crown Lands Act (CLA)(Iyo, 2003, p. 16).

It was through the National Lands Act of 1992 that created the Land and Surveys Department under the Ministry of Natural Resources and Agriculture to control the mechanisms of land distribution and secure in Belize. Currently, if a person wants to recognize the property right for a piece of public land, the person will have to apply for a long–term lease. The applicant is required to incorporate improvements (prove that the land has been worked/farmed) in order to secure land rights. Unfortunately, many times the implementation of land improvements involves land use change from forest into agricultural land. The Act also grants to the Government all mineral and timber rights in lands therefore local and indigenous communities have very limited access to forest/timber resources It should be noted that state land declared as Forest Reserves or protected areas fall under the National Park Systems Act (Forest Department et al., 2015, p. 48).

### Land tenure for the Maya and Garifuna peoples

**Relevance of land tenure for the indigenous people**

Indigenous peoples have fought before international courts and the United Nations to have their rights recognized to their land and resources, to full and equal participation in society, and for the right to self-determination. In addition to providing the basis for their livelihoods and cultures, indigenous peoples assert that rights to lands, territories and resources are fundamental to their ability to protect and maintain their environments (Tauli-Corpuz, 2016, p. 9). Land tenure is of particular importance for indigenous people. Some of the most intact ecosystems are found in their ancestral lands. Research has indicated that indigenous people who have secure land rights are better able to conserve the forests in their lands (Tauli-Corpuz, 2016, p. 7). It is also the foundation for their governance structures and livelihoods. After a long history of resource centralization in Belize, it is important to start to shift toward decentralization and devolution of forest/land resource rights which dates back from the pre-colonial times.

**Maya indigenous people**

Of the 28 Maya linguistic subgroups that exist in Mexico and Central America, those that are currently present in Belize are the Yucatec, Mopan and Q’eqchi Maya, the latter two currently located in the south of the country.

At the time of European exploration in the sixteenth and seventeenth centuries, many Maya still occupied Belize (Shoman, 1994, p. 20). The Q’eqchi and the Mopan Maya of Belize inhabited the Toledo District of southern Belize and the surrounding region long before the arrival of Europeans and the colonial institutions that gave way to the modern State of Belize while the Yucatec Maya have resided mainly in the northern districts of Corozal, Cayo, and Orange Walk. They originally came from Yucatán, Mexico to escape the Caste War during 1840s.

The Maya of southern Belize have experienced a harsh history of colonization and continue to be deprived of their human rights, especially in relation to the lands and resources that they have traditionally used and occupied. Part of the issues that arise with land tenure and indigenous people is that the land policies that were implemented by the British colonial administration established "reservations", contestable for the benefit of several of the Maya villages within lands considered to be "Crown lands." These reservations, now on presumed national lands, continue to exist and include roughly half the Maya villages. Conflicts have occurred because customary land tenure patterns and rights of those villages extends well beyond the reservation boundaries. However, the Caribbean Court of Justice in its April 22, 2015 Decision in *Re of Maya Land Rights*, affirmed the rights of the Maya people to territories that they currently use and occupy through ancestral ties, despite the fact that the state considers those lands terra nullius. The Maya Peoples have fought to have their rights recognized and on April 22, 2015 won a landmark decision from the CCJ affirming their rights to their lands and resources. Prior to this there was no official recognition of their ownership of the lands that they use and occupy.

Land tenure conflicts arose in 1994 when the government of Belize unilaterally designated a significant portion of Maya ancestral land as a national park without prior consultation. Other conflicts included granting at least seventeen logging concessions on lands totaling approximately 480,000 acres in the Toledo District. During the same period, the government granted oil exploration concessions in the area to AB Energy, Inc., a company based in the United States(De Vries et al., 2003, p. 59). In response, the Maya put pressure on the government to recognize their rights over lands and natural resources, considering their longstanding and historical use of the land. Supported by national and international NGOs, research institutions, and attorneys, Toledo Maya leaders advocate their cause vigorously at national and international levels (De Vries et al., 2003, p. 57).

In 1996, Maya organizations initiated an action in the Supreme Court against the government of Belize for granting oil and logging concessions that were impacting in a negative way the local communities. In the lawsuit, the Maya declared land rights violations when the logging concessions were granted (Anaya, 1998). In response to the lawsuit and the failure to achieve a legal solution through the national court system, the affected Maya communities brought a petition before the Inter-American Commission on Human Rights (“IACHR”) in 1998 (De Vries et al., 2003, p. 61)The IACHR affirmed that these traditional land rights constitute property equal in legitimacy to any other form of property under Belizean law. In 2004, the IACHR issued a decision recommending that Belize delimit, demarcate, and title the traditional lands of the Maya peoples of the Toledo district and cease and desist from any further interference, destruction, or use of the lands that would interfere with the Maya peoples’ enjoyment of their lands. The IACHR also awarded damages to the Maya people in compensation for the moral and physical harm brought by the bulldozing of crops and destruction of rainforests and watersheds caused by outside concessions granted by the State for logging, oil exploration, and other development without the Free, Prior and Informed Consent of Maya communities. An interesting aspect of the decision is that the court retained supervision of the implementation of the ruling to ensure that the government complies and could enforce fines if they do not (Interamerican Commission of Human Rights, 2004). Many see the decision in this case as gaining new and important ground for Indigenous Peoples globally by setting a precedent in international law.

**Land tenure situation for the Garifuna people**

The Garifuna people's history is also linked to the land. During the 17th century, the first Garífuna settlers originally came from St. Vincent Island. They arrived to St. Vincent from a shipwreck that originally came from Africa. Once they arrived in St. Vincent they integrated and mixed with the Arawak Caribs indigenous people and as a result they became to be known by the European colonists as "Black Caribs" and later "Garifuna". As the English pushed out the French settlers in St. Vincent strong conflicts arose with the Garifuna people. Many of them were imprisoned and shipped to the coastal regions of Belize, Guatemala, Honduras and Guatemala, where they settled (Thorne, 2004, p. 21). Access to land is important for the Garifuna communities for their cultural, economic, environmental and social security. Garifuna groups have asserted a common claim to their occupied lands since the colonial era. The groups call for recognition as a distinct ethnic group with access to land and territory, particularly in the communities which are historically inhabited by the escaped slaves of St. Vincent. However, legal and constitutional instruments do not recognize the Garifuna's diverse way of life and its link to forest management. Garifuna peoples as an ethnic group have also experienced a lot of discrimination as well as conflicts associated to social and civil rights (Thorne, 2004, p. 22).

### Institutional framework of land tenure

Land use and land ownership patterns started to change before and immediately after the Independence of Belize. Many attempts have been made to control or alter the pattern of land ownership by passing laws to regulate foreigners ' acquisition of land and speculation. What occurred in this period was a combination of further allocation of national property, including private land purchased by the national estate, and a change from large-scale to small-scale landholdings.

Another notable feature in land tenure after independence was the rise of plantation agriculture and livestock systems which have impacted the forest cover of the country (Iyo, 2003, p. 11). The Lands and Surveys Department was created in 1992 for the national management and administration lands in Belize. It´s operating structure was decentralized to the degree that there were district offices for the provision of national land-related services and strictly restricted to the reception of applications for land purchases and leases of national lands. Today, the Department's structure has been redefined to reflect the increased emphasis on planning and information management (Iyo, 2003, p. 14).

The Land and Surveys Department, under the Ministry of Natural Resources and the Environment (MNRE) has prime responsibility for all aspects of land tenure in Belize. The department’s primary functions are (Forest Department et al., 2015, p. 47):

* Management and allocation of national lands
* Registration of Land Tenure
* Authentication of Plans for illegal surveys
* Sub-division of lands
* Valuation of Lands
* Land Use Planning
* Land Information Management

### Indigenous perceptions on Sustainable Forest Management

The land-use sector and forests are extremely important to indigenous communities.

In their words of the Maya Mopan and Q’eqchi stakeholders: ‘Our relationship to the land is based on a sacred kinship- our Mother- where life is derived, connected by an umbilical relationship.’ The Maya Yucatec stakeholders added: ‘It is part of our sense of original identity and ownership/belonging.’ The Garifuna stakeholders explained: ‘Land tenure is a view from the outsiders for material gains and not for the relationship between humans and land. Traditions were passed on how to conserve the forest, when was the best time to plant and to harvest without damaging the environment. This would also ensure success of crops and durable houses.’

The relevance of land and forests to the well-being of IP communities is very extensive and included as Annex I. The following section provides an overview of the perceptions of the consulted IP stakeholders on Sustainable Forest Management.

**Relevance and positive experiences**

The consulted IP stakeholders in Belize are convinced of the importance of sustainable forest management because of the forests’ contribution towards water conservation, biodiversity conservation, soil quality conservation and carbon sequestration. There is an existing permitting system established for customary use. Customary rules are developed at village meetings and the Alcalde enforce these customary rules. Community establishes the rules on timber extraction; there is a fee agreed by the community (Maya Mopan and Q’eqchi). The place for timber extraction is communicated to the forestry department, which is followed with an assessment and application. The application documents are forwarded to FD’s headquarters for approval. FD and the applicant visit area to assess if there are harvestable trees before a final approval is made. The approval process takes approximately 5 months to 2 years. Permits are provided by FD.

**Challenges**

* When timber extraction is registered by the government, it is controlled by a few families and not managed by the community. In this case the community is not involved in the monitoring.
* In general community members are not given concessions, there is a preference for outsiders. Additionally, customary practices are not recognized in Belize´s legislation.
* Illegal logging is present in various parts of the country. The Forest Department gives the logging permits and concessions but there is a perception that once a permit is given, there is a lack of following up and monitoring. There have been situations in which loggers cut more trees than allowed in the permit. According to the local stakeholders, there is limited monitoring and law enforcement.

# Stakeholder mapping

Stakeholder engagement supports the development of strong, constructive, and responsive relationships that are critical for good REDD+ design and implementation. Effective stakeholder engagement enhances acceptance and ownership and strengthens the social and environmental sustainability and benefits of supported interventions. It is both a goal in itself – upholding the rights of citizens and others to participate in decisions that may affect them – as well as fostering an effective means for achieving positive outcomes to foster democratic governance, forest protection, promotes the respect for human rights, and prevents and resolves conflicts.

Complaints are a valuable source of information because in a sense it allows decision-makers to improve the present functioning of a policy, program or project and ensures that those affected by the actual program can interact with and will not be negatively affected. By addressing REDD+ implementation, this mechanism would not only help improve the effectiveness of specific activities but would also help to identify strengths and weaknesses in the REDD+ implementation phase to ultimately secure long-term effectiveness.

Engaging stakeholders is critical in this process therefore the stakeholder mapping was a useful tool to identify the relevant stakeholders, understanding the interests and perceptions of stakeholders in relation to forestry and climate change issues. Their feedback provided important considerations for the design and application of the FGRM.

Relevant stakeholders were identified and contacted, and their response provided input into the design of the FGRM. Stakeholders that participated in the process represented:

**Government Institutions** – This included government agencies whose work was directly related to the initiative, may be impacted or have an impact on the implementation of the REDD+ initiative. Interviews included representatives of different Departments of MAFFESD including the Department of Agriculture, , Department of Forestry, Department of Environment, and the Forest Department.

**Civil Society Organizations** – These included representatives of the co-managers or organizations involved in terrestrial protected areas and organizations working in forest conservation such as the Association of Protected Areas Management Organizations (APAMO).

**Private Sector –** The private sector category included primarily representatives of the agri-business sector but also include tourism and agriculture particularly from the sugarcane industry.

**Rural Communities** – This category included representatives from rural communities that occupy forested areas and utilize forested areas based on their reliance on subsistence and small-scale agriculture as their primary means of livelihoods.

**Indigenous Communities -** This category included indigenous communities such as the Mopan and Q’ekchi Mayas, Yucatec Maya and Garifuna Peoples

Within the stakeholder mapping, discussion and dialogue we considered the principles of:

* Transparency and fairness: The FGRM requires elements that can contribute to improvements of the transparency, clarity, integration of local culture, and appropriate language. In the case of local communities, we ensure to use local interpreters/cultural facilitators that could help to explain the information to the indigenous audience.
* Accessibility and cultural appropriateness: Every member of the community or groups should have access to the grievance procedure. Any individual or group that is directly or indirectly affected by the Project’s and its contractors’ activities, as well as those who may have an interest in the Project or the ability to influence its outcome, either positively or negatively, can raise a grievance. To allow all stakeholders to have access to the mechanism, the grievance redressal procedure will be made available in the local languages and any other language preferred by the community.
* Meaningful Information: As part of the engagement process, meaningful information should be disclosed to the stakeholders to allow for active and informed engagement.
* Openness and communication regularity: There are multiple channels available for individuals and groups to choose their preferred method of lodging grievances.
* Channels of communication are kept open throughout the process of addressing each grievance.
* Written records: All grievances are registered on a Grievance Form.
* Dialogue and site visits: All grievances are considered to warrant discussions with the complainant and a site visit, if required, to gain a first-hand understanding of the nature of the concern. The purpose of the visit is to verify the validity and severity of the grievance.
* Timely resolution: The REDD+ Readiness project aims to resolve all grievances within an appropriate time.
* Incorporation of feedback: The feedback received to-date from the engagement and grievance redressal process shall be incorporated into the REDD+ Readiness Project.

## Institutional framework at the national level

Belize have established a governance structure at a national level to coordinate and implement climate change management initiatives in order respond to the various international commitments that the government of Belize has agreed to international legal and regulatory frameworks including the UNFCCC and its Paris Agreements, the Sustainable Development Goals (SDG), Convention of Biological Diversity, among others. A robust institutional framework is critical for the coordination and implementation of the commitments and opportunities that might arise from the REDD+ Readiness project.

**Ministry of Agriculture, Fisheries, Forestry, Environment, Sustainable Development and Immigration (MAFFESDI)**

The Ministry of Agriculture, Fisheries, Forestry, Environment, Sustainable Development and Immigration (MAFFESDI) is the government institution responsible for the management of natural resources for the country of Belize. MAFFESDI is currently split into the following departments:

1. Department of the Environment (DoE). It is the Department responsible to ensure the protection of the environment in Belize. The Department seeks to strengthen the coordination to resolve environmental issues and conflicts between government institutions and relevant stakeholders; improve the enforcement of environmental regulations; implement actions to reduce human impacts in the environment (Department of the Environment, n.d.; REDD+ Coordination Unit, Forest Department, et al., 2019, pp. 7–8)
2. Forest Department. The Forest Department is in charge of managing the forest resources in national lands and protected areas. According to REDD+ Coordination Unit, et al. (2019, p. 8), the FD plays an important role in the regulatory and management of forests including the issuing of forests licenses and permits, regulations and management plans. The FD is also responsible for implementing its Strategic Action Plan (SAP) 2019-2023, a “*plan that seeks to respond to local, regional and global sustainable development challenges”*. Some important Plans include the *draft* Forest Policy (2015), Belize’s National Biodiversity Strategy and Action Plan (NBSAP 2016-2020), the United Nation’s Strategic Plan for Forests (2017-2030) and the Sustainable Development Goals (2015) and more recently with the REDD+ Strategy of Belize.
3. Department of Agriculture. One of the main pressures leading to deforestation and forest degradation is agriculture. Increase deforestation caused by slash-and-burn clearing for the establishment of more permanent agriculture, plantations and extensive pastures, have resulted as an important driver for forest deforestation and forest degradation; therefore it is fundamental to engage the Department of Agriculture to implement adequate measures to reduce the impacts, increase the sustainability and good agricultural practices in the private sector of agribusiness development (REDD+ Coordination Unit, Forest Department, et al., 2019, p. 8).
4. The National Climate Change Office is found within the MFFSD and its role is to coordinate and implementation of climate change policies in Belize (MAFFESD & CCCCC, 2014, p. 70) including the REDD+ Project (Forest Department et al., 2015, p. 11). The National Climate Change Committee (NCCC) was created to coordinate and implement climate change policies across the different Departments and Ministries at the local, regional and international level (Forest Department et al., 2015, p. 11; MAFFESD & CCCCC, 2014, p. 70).

According to Massai 2019 “*the presence of different departments within the Ministry facilitates the collaborative efforts to implement, monitor and evaluate the strategic sustainable long and medium-term development of the country”. See Figure 1.* MAFFESDI is also responsible for guiding and following up with the countries responsibilities and compromises with the ratification of international agreements including the United Nations Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), and the United Nations Convention to Combat Desertification (UNCCD), Sustainable Development Goals (SDG) among others (REDD+ Coordination Unit, Forest Department, et al., 2019, p. 6).



Figure 1 National Institutional Framework on climate change, figure adapted from (REDD+ Coordination Unit, Forest Department, et al., 2019, p. 6)

### Indigenous Peoples’ Organizations

In Belize there are three different Maya Indigenous Peoples - Yucatec, Mopan and Q’eqchi’; and the Garifuna. The Yucatec Maya are concentrated in the north and west of the country, while the Mopan and Q’eqchi' are mostly in southern Belize. The Garifuna are mostly coastal, being concentrated on the southern coast of the country. There are several NGOs that are working to support the Maya communities. These are the Maya Leaders Association and the Toledo Alcaldes Association (TAA). These NGOs arose to address social and economic needs, cultural and gender concerns, and the lack of political representation. The rising importance of land availability and tenure necessitated the incorporation of an overtly political slant to the missions of these organizations. The politicization of land in Southern Belize prompted these Maya organizations to form the Maya Leaders' Alliance (MLA) in 1999. The following is a description of some of the indigenous organizations that are important to engage in the REDD+ discussions.

Toledo Alcaldes Association

With the participation of the alcaldes from thirty-six Mayan communities, the Toledo Alcaldes Association (TAA) was created in 1992. The TAA provides legal support to the Mayan communities and tries to preserve the traditional leadership and governance structures. In doing so, the TAA strengthens the roles of the alcaldes in decision-making processes and engaging local communities.

Maya Leader’s Alliance of Toledo (MLA)

The Maya Leader´s Alliance of Toledo (MLA) was established in 1999 to support Maya communities with development challenges for example related to land claims, the implementation of development projects in Maya communities and safeguarding traditional knowledge of the Maya cultural heritage. The MLA aims at strengthening Maya leadership structures to participate effectively in the dialogue and negotiation of key issues that pertains the Maya communities.

The Northern Maya Association of Belize (NMAB)

The Northern Maya Association of Belize (NMAB) has been established in 2017 to preserve and promote the Maya Mestizo Culture of Belize. The organization is comprised of ten culture groups and various other stakeholders interested in the promotion of culture and history. As part of its objectives, the association organizes several festivals and public events which highlight the Maya (Mestizo) Culture and its contribution to Belize, such as music, clothing, and dances, Maya gastronomy, academic forums for the discussion of research and papers published on the Maya of Belize, drama events that tell the history of Belize’s Maya (Mestizo) and its folklore characters (Y. Vega, personal communication, August 20, 2019).

The National Garifuna Council (NGC)

The National Garifuna Council (NGC), since 1981, represents the Indigenous Garifuna people of Belize. The NGC’s mission is to preserve, strengthen and develop the Garifuna culture, to promote economic development, interracial harmony of the Garifuna people, and maintain traditional respect for the environment and the preservation thereof. The Garifuna people came to Belize from St. Vincent in the early 19th century (NGC, 2019).

Deliverable III Assessment Report

Scoping Study on Grievance Patters and Existing Redress Mechanisms

# Introduction of the Assessment Report

This second part of the report contains an assessment of the national formal and informal feedback and grievance mechanisms in Belize. The identified FGRMs were assessed based on the 8 principles (legitimacy, accessibility, predictability, fairness, transparency, rights compatibility, continuous learning, engagement) that characterize sound FGRMs according to the FCPF and UN-REDD.

In this section we have also examined the issues and grievances surrounding REDD+ and other land-uses and created a typology for them. They have been taken into account for the FGRM, because they are significant governance challenges, which will influence the number and type of complaints towards the REDD+ and Land-use FGRM. This assessment was required in order to provide recommendations on strategies and actions for strengthening the FGRM (*see* Joint Plan and Implementation Framework), in order to, in the long-term reduce the risk of these type of grievances, or at least facilitate their redressal.

The methodology to develop the assessment report has been to review literature and collect data via workshops and key informant interviews in order to develop a typology for the grievances in Belize. The FGRM team has attempted to consider the relevant for current, and future grievance patterns for REDD+ and land-use in general. However, as mentioned previously in the section on study challenges and limitations, the limited availability of related, secondary information that could give insights into temporal patterns (such as an SESA study or previously conducted grievance study) were limiting factors to envisage the future grievance patterns with confidence.

# Primary issues and policies with REDD+ grievance risks

**Introduction**

Belize, similar to many other countries in the region, can be considered a country that has inherited and is familiar with structural conflict. For example, during colonialism, European powers utilized various forms of violence, and a strategy of divide and rule, to subjugate the Indigenous Peoples, Africans, Garifuna and Asians (Channel 5 Belize, 2017).

A review of grievances surrounding natural resource management over the past years suggests that REDD+ related grievances fall into three categories: institution-related grievances, resource grievances and land-related grievances.

## Institutional grievances

**Institutional grievances** refer to stakeholder concerns about the functioning of specific government agencies, its officers and management, and the overall management of natural resources in Belize. According to the literature and key informants, citizens are particularly concerned about the functioning of the Lands and Surveys Department, the police force, Ministry of Works and the MAFFESD departments of Agriculture, Forestry, and the Environment.

* Land management grievances exist widely, including as related to forestry or agricultural concessions, or land titling. Every year, the Office of the Ombudsman records several complaints alleging unreasonable delay and/or procedural impropriety at the Lands and Surveys Department involving national lands. The other two 2018 land management complaints involved unreasonable delays with applications to purchase parcels of national lands; in one complaint, the complainant alleged that he had paid the respective purchase prices in full but, after years, had not received titles for most of the parcels. In 2017, one complainant alleged his lease was forfeited or canceled without written notice by the National Estates Section (NES), Lands & Surveys Department; another stated his lease application was denied without written reason(s). Even unsubstantiated grievances need a system to be handled properly, as this is within the rights of persons.

In 2018, the Office of the Ombudsman recorded two complaints against the Belmopan City Council Belize and City Council, respectively. The first involved an allegation that the complainants, squatters, were unlawfully evicted from a nature reserve by the Belmopan City Council. This complaint has been resolved and the squatters have relocated elsewhere in Belmopan City. The second alleged that the Belize City Council continuously breached their statutory duties in resolving a longstanding dispute whereby one person was “squatting” on an area reserved for a public road, which blocked the neighboring property from street access without reasonable right of way. At the time this report was developed, this complaint was still under investigation (Office Of The Ombudsman, 2019, p. 14).

* Significant levels of dissatisfaction are perceived about the performance of forest-related institutions also arise from lacking or limited stakeholder engagements. For example, in 1994, without proper consultation, a significant portion of Maya ancestral land was designated a national park. Three years later, after objections from the Maya communities, a co-management agreement was put in place. In 2001, again without proper consultation, a Production Sharing Agreement was announced that granted a private company exclusive rights to conduct oil exploration within a twelve-square-mile area of the park (Maya Leaders Alliance & Cultural Survival, 2013, p. 3). On the other hand, there are reports that when attempts at consultations occur, some leaders have made agreements with the company without consulting other community leaders, as they aim to benefit personally (Purvis, 2013, p. 7). Hence the importance of national or agency-specific standard operating procedures for stakeholder engagements, including as relates to REDD+ guidance and FPIC. Proper engagement should ascertain the views and opinions of stakeholders corroborated by transparent information provided by Forest Monitoring System. Businesses should not ‘interfere in indigenous governance processes by politicizing a project or offering special benefits to politically powerful groups or individuals to gain support’ (United Nations Global Compact, 2012, p. 22), and neither should the State. The perspectives of women should always be taken into account during consultation processes as they have the right to equality (Human Rights Council, 2011, p. 8). During a SWOT analysis conducted by IP leaders, they emphasized the importance of applying FPIC: FPIC provides a mechanism to involve IP stakeholders from the start (strength), FPIC is not always utilized and IP stakeholders are excluded from important decision-making processes (weakness), FPIC provides an opportunity to obtain input from IPs (opportunity), and not applying FPIC is a threat to sustainable development (Tanya Santos et al., 2019, p. 12).
* The aforementioned land-use grievances occur within a context of already generally low levels of public confidence in public institutions. Here, involved government agencies are variously accused of bureaucracy, opaque discretionary practices, corruption, inefficiency and inequity. For example, in 2017 two (2) complainants alleged fraud by private persons with respect to dealings in lands and insinuated some sort of complicit behavior or negligence on the part of the Registrar of Lands (Office Of The Ombudsman, 2018, p. 12). However, our research for the REDD+ FGRM development indicated that in general there are notable efforts being made by some agencies regarding systems for managing these grievances. The Department of Environment for example has set up a system whereby complaints are received via (e-)mails, phone calls, in person or even social media. DoE utilizes a complaints log to register, follow-up, track, redirect and close out the grievances (Edgar Ek, personal communication, May 7, 2019). Another, informal, less traceable system is via the Department of Rural Development. For example, village complaints are often submitted to the Rural Development Coordinator. The Rural Development office in Belmopan, using RD’s vast decentralized network, attempts to alleviate the situation (Ernest Banner, personal communication, February 21, 2019).
* The management and use of roads.During REDD+ preparation and implementation, issues are also likely to arise relating to roadaccess, with private companies often using roads to access logging areas and farms causing damage and leading to conflicts with communities. McNish and Granada, in an IDB publication, write that ‘*the transport infrastructure network is Belize’s single most expensive asset, which needs to be protected and maintained.’* Although Belize is aware of the importance of maintenance for the optimal performance of road infrastructure, investments in road maintenance are limited (McNish & Granada, 2013, p. 3). After recent complaints that children from Machakil Ha in Toledo had to walk more than five miles in the dark of night to the nearest village that had a road and transportation, in order to get to their exam venue in another village, the Chief Engineer of the Ministry of Works, outlined the challenges with regard to the rural road infrastructure. The challenges include: a limited available budget, distance between villages, necessary investments in other structures, such as a bridge and culverts over waterways.

A lack of investment in road maintenance could lead to a deteriorated road network, which could become a constraint on future investment, particularly in agriculture, a sector that is highly dependent on rural roads. This is reinforced by the consideration that publicly owned and maintained roads can also be destroyed if trucks belonging to farms and logging companies are overloaded. Impassable or dangerous public roads negatively affect the public, both citizens and businesses, introducing further grounds for grievances. Rural roads in Belize were built for agriculture and agricultural products, to be specific sugar cane farming in Corozal; forestry and general agriculture production in Cayo, Orange Walk, and Toledo; and rice, citrus, banana, and general agriculture production in Stann Creek. The condition of these roads is positively correlated with the economic circumstances of the industries for which they were built. Many farm access roads need upgrading and some of them are in a bad condition year-round (Belize News, 2019; McNish & Granada, 2013, p. 8).

## Resource grievances

**Resource grievances**, on the other hand, tend to involve foresters, farmers, and Indigenous communities, and relate to titled and traditional Maya and Garifuna land as well as protected areas. Resource conflicts, in general relate, to:

* Infringements of protected areas. Issues that arise in protected areas range from ambiguity, such as relating to boundaries, for example, to grievances with the processes used to establish protected areas or issue concessions. In case of the establishment of National Parks, Indigenous and local communities lose legal jurisdiction and access of the area and their livelihood resources. This is problematic because the communities rely on the resources of the park areas. The village water supply is now inside the park area. Medicine used to be extracted from and hunting used to take place in the newly established park area. The Indigenous and local communities experience particular challenges in the case of a no-take protected area, or if the community are not involved in the management. On the other hand, even when the communities report infringements by outsiders, no actions are taken as the Forest Department possibly lacks the staff capacities to manage the protected areas adequately (ECGD, 2019, p. 7). The several indigenous leaders expressed severe concerns regarding the aforementioned situation. However, in the near future, with the implementation of the CCJ court order, the Maya and Q’ekchi indigenous communities will no longer lose legal jurisdiction of their traditional lands.
* Environmentaldamage and threats to wildlife affect the biodiversity of the forests and harm the health and well-being of local communities. Deforestation and forest degradation disrupt habitatsand force wildlife into closer contact with humans (Rhett Butler, 2019). Environmental damage can cause an outbreak in viral diseases that can pose significant threat to humans and wildlife. Food security and access to clean water are also areas of concern (Carol J. Pierce Colfer et al., n.d.). Indigenous People traditionally depend on the land to provide them with food. When this supply is threatened, lives are threatened. The Belizean Forest Department et al. (2015, p. 43) linked different drivers of deforestation to varying degrees of environmental damage, with agriculture, infrastructure and logging being the highest and tourism being the lowest ranking driver (assessed on the criteria: severity scope, contribution, irreversibility).

## Land-related grievances

This category of **land-related grievances** combines institutional grievances (dissatisfaction with the performance of State agencies), resource grievances (dissatisfaction with the access to resources) with grievances about tenure and ownership, and licensing thereof. They tend to involve State institutions, foresters, farmers, and Indigenous and local communities. A particular land-related grievance is the Belize-Guatemala territorial dispute. Local land-related conflicts, in general relate, to:

* **License issuance:** The overlapping allocation of lands for multiple users. In 2018, three complaints were made by persons who stated that they had acquired rights to parcels of national lands which were then leased or sold to third parties (Office Of The Ombudsman, 2019). If the infringement is from an outsider, the Q’eqchi and Mopán villages write to the State and question about the license but often they don´t get response. As a result, they contact the office of Maya Leaders Alliance to seek advice and involve the Alcalde Association to seek intervention (ECGD, 2019, p. 7).
* **Tenure and ownership:** International Labour Organization Convention No. 169 enshrines the right of ownership to indigenous and tribal peoples over their traditionally occupied land. It obliges governments to formally recognize and protect their land rights, consult them when extracting natural resources from tribal lands, and seek their consent when considering legislative or administrative measures that may affect them directly. Although Belize is not a party to this convention, the Inter-American Commission on Human Rights (IACHR) views it as ‘a relevant factor in interpreting Inter-American human rights norms. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes indigenous peoples’ right to traditionally owned or occupied lands, obliges states to formally recognize and protect these lands, and requires that states consult with indigenous communities ‘in order to obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories and other resources’. UNDRIP does not legally bind states directly, but both the IACHR and the Supreme Court of Belize consider it accurately represents international legal guidelines in this area. The government of Belize voted in favor when the UN General Assembly adopted UNDRIP in 2007 (Purvis, 2013, pp. 2–3; REDD+ Coordination Unit, Forest Department, et al., 2019, p. 19).
* **License issuance, tenure and ownership:** The allocation of agricultural and logging concessions by the Government of Belize to outside entities in the customary lands of Maya and Garifuna villages is a grave concern of the consulted community members. The titling of indigenous lands continues to be at the forefront of the concerns mentioned by indigenous stakeholders. In 2018, the Office of the Ombudsman received one (1) complaint of trespass on leased lands in Southern Toledo, possibly forming part of customary Mayan lands (Office Of The Ombudsman, 2019, p. 14). In 2016, the Ombudsman’s office received one (1) complaint from a person leasing a parcel of national lands. The complainant could not renew her lease because it forms part of communal Mayan lands in the Toledo District as declared by the Courts in Belize’s judicial system (Office Of The Ombudsman, 2017a, p. 15). As these Maya land rights are becoming clearer and demarcation of the communal lands continues, more of these types of complaints may arise. The conflict between the practice of indigenous land ownership and the State system of land ownership should be resolved systemically.

## Belize-Guatemala territorial dispute

Another conflict which Belize deals with is the Guatemala claim of Belizean territory for 150 years, ever since the colonial era. While several attempts have been made to settle this dispute, with no final resolution, several problems both on the land and sea still exist. They range from illegal fishing, illegal hunting, illegal settlements, illegal logging, illegal farming, poaching of wildlife, the illegal harvesting of forest products, illegal settlements, robberies, ambush attacks on the Belizean military and murders on both sides of the border. These problems have created conflict between the two nations along with a series of confrontations among the military forces, communities, and fishermen in the two countries. Both countries now seek to finalize the settlement at the International Court of Justice (Groff & Axelrod, 2013, p. 277; Perez et al., 2009, p. 11).

Guatemalans have supposedly been active in four Belizean protected areas: the Vaca Forest Reserve, the Chiquibul National Park, Caracol Archaeological Reserve, and the Columbia River Forest Reserve. Illegal activities in protected areas also occur from the Temash River up into the Bladen Nature Reserve, Golden Stream Biological Corridor, the Deep River Forest Reserve, and the villages Jalacte, Dolores, Poite, Machacakilha, and San Vicente. The Chiquibul forest is seemingly an crucial entry point for Guatemalans to enter Belize. Here the Guatemalans illegally conduct activities such as milpa farming and hunting. Perez et al. (2009, p. 16) reported that illegal activities are less frequent in the Sarstoon Temash National Park because allegedly over time all the mahogany has been illegally harvested by Guatemalans., large areas have been deforested for milpa farming, which has led to the destruction of entire habitats of plants and animals. Historically satellite imagery has shown large disturbances in the Chiquibul Forest Reserve due to illegal agriculture activities. Additionally, there are reports of forest destruction in the adjacency zone, possibly by the local Guatemalan communities. Guatemalan families, fences, cattle, milpas, logging, and thatch houses have been observed inside the Caracol Archaeological Reserve and the Chiquibul National Park (David Benavides, personal communication, August 21, 2019; Perez et al., 2009, p. 16; Rafael Manzanero, personal communication, August 20, 2019; Starrett Greene, personal communication, August 19, 2019).

## National policies

The most significant national policies aimed at the sustainable development of Belize as related to REDD+ are: the Nationally Determined Contribution (NDC) presented in 2015 before UNFCCC whereby REDD+ is the main mitigation activity of Belize contribution, the Horizon 2030 Vision (2010-2030), Growth and Sustainable Development Strategy 2016-2019, The National Climate Change Policy, Strategy and Action Plan (NCCPSAP) 2015-2020, the Strategic Action Plan for the Forest Department (2019-2023), The National Biodiversity Strategy and Action Plan 2016-2020 and The Integrated Coastal Zone Management Plan (2016). Although these policies, apart from the NDC, may not be directly related to REDD+, nor do they contemplate an FGRM, in light of this assessment report we will mention them because of their relevance for GoB’s policy direction and possible future grievance patterns. All reviewed policies are linked to REDD+ and in the future can lead to institutional, land or resource feedback and conflicts.

### Nationally Determined Contribution (NDC) under the United Nations Framework Convention on Climate Change (UNFCCC)

Belize’s Nationally Determined Contribution (NDC) under the United Nations Framework Convention on Climate Change (UNFCCC)is in line with its Growth and Sustainable Development Strategy (GSDS) for economic development, poverty reduction and sustainable development. The NDC contains the following priority sectors: Coastal and Marine Resources, Agriculture, Water resources, Tourism, Fisheries and aquaculture, Human health and Forestry. The aim with regard to forestry is to utilize sustainable forest management to maintain and restore healthy forest ecosystems, by increasing afforestation and reforestation, in order to increase the resilience of human communities (Government of Belize, 2017, p. 1,13).

### The Horizon 2030: National Development Framework for Belize 2010-2030.

**The Horizon 2030 Vision (2010-2030)** is organized into seven thematic areas under four main pillars, amongst others responsible environmental stewardship. The four pillars of the Horizon 2030 and their strategies are:

Pillar 1: Democratic governance for effective public administration and sustainable development

Pillar 2: Education for Development - Education for Life

Pillar 3: Economic resilience: Generating resources for long term development

Pillar 4: The Bricks and the Mortar - Healthy Citizens and a Healthy Environment

Healthy Environment strategies relate to Belize’s emission profile:

1. Incorporate environmental sustainability into development planning and Strengthen Protected Areas Management
2. Promote Green Energy (Government of Belize, n.d., pp. 11,34-5)

### Growth and Sustainable Development Strategy 2016-2019

The Growth and Sustainable Development utilizes an integrated, systemic approach for medium-term economic development, poverty reduction and long-term sustainable development. This planning document is in line with Horizon 2030, and identifies four critical success factors:

* Critical Success Factor 1: Optimal National Income and Investment: Strengthen efforts to improve productivity and competitiveness, by improving the capacity of workers, using better technologies, improving organizational (operational) allocation, boosting efficiency, and increasing the scale and scope of operations.
* Critical Success Factor 2: Enhanced Social Cohesion and Resilience: Eradicate poverty by 2030 and achieve more equitable income distribution.
* Critical Success Factor 3: Sustained or Improved Health of Natural, Environmental, Historical and Cultural Assets: Tourism and agriculture, crucial sectors for the Belizean economy, dependent for their sustainability on care of the environment and the integrity of Belize’s ecosystems. Also of importance for tourism are the quality of Belize’s historical and cultural assets.
* Critical Success Factor 4: Enhanced Governance and Improved Citizen Security: GoB will reduce wastage, abuse of government resources, and inappropriate procurement; while improving public sector management including budgeting and hiring practices, and accountability mechanisms (Ministry for Economic Development, Petroleum, Investment, Trade and Commerce, 2016, pp. 10–11).

### The National Climate Change Policy, Strategy and Action Plan (NCCPSAP) 2015-2020

The National Climate Change Policy, Strategy and Action Plan (NCCPSAP) provides policy guidance for the development of an administrative and legislative framework in the period 2015-2020. The NCCPSAP is in line with sectoral policies and strategizes a low-carbon development path for Belize by focusing on the reduction of anthropogenic greenhouse gas emissions. The Vision outlined in the plan stipulates: Leadership and commitment to fully address the challenges of Climate Change and sea level rise and harness the necessary resources in support of the development of special programmes that are effective, resilient and sustainable. This will be achieved by:

1. Integrating Climate Change adaptation and mitigation into key national developmental plans, strategies and budgets.
2. Strengthen Climate Change resilience to prevent, reduce or adapt to the negative impacts of Climate Change on key sectors, economic activity, society and the environment through policies and strategic processes.
3. Capacity building and networking across all implementing agencies
4. Secure adequate financing over the short, medium- and long-term periods for effective and timely adaptation and mitigation responses.
5. Utilize opportunities available through Climate Change negotiation processes that can enhance the economic and social development prospects of the nation (Government of Belize, 2017, p. 2; MAFFESD & CCCCC, 2014, p. 8).

### The draft REDD+ Strategy and the Forest Department Strategic Action Plan 2019-2023

Belize will implement all five REDD+ activities. Belize will reduce emissions from deforestation, reduce emissions from forest degradation, conserve forest-carbon stocks, enhance forest-carbon stocks, and apply sustainable forest management. In order to do so, it needs the right MRV tools to monitor forest dynamics. The draft REDD+ Strategy provides special attention in forest protection and forest restoration due to the high potential to store and capture CO2 emissions. Belize’s proposals for a future REDD+ Strategy contemplates the implementation of the Forest Department Strategic Action Plan 2019-2023 and other FD policy documents (REDD+ Coordination Unit & National Climate Change Office, 2019, p. 89; Reyes, 2019) which integrates the following goals and strategic objectives (Government of Belize, 2018, p. 10; REDD+ Coordination Unit & National Climate Change Office, 2019, p. 90):

|  |  |
| --- | --- |
| **Goals**  | **Strategic Objectives**  |
| Utilize Sustainable Forest Management for proactive forest stewardship | 1. Foster resilient, healthy functioning ecosystems
2. Enhance economic, social and environmental benefits of forests through sustainable utilization of forest resources by stakeholders
3. Deliver focused programmatic strategies with measurable and impactful results
4. Maintain no net loss in forest cover in priority areas
 |
| Organizational excellence | 1. Enhance collaboration and stakeholder’s participation for improved efficiency and implementation of Forest Department programs
2. Create a supportive, cohesive and inclusive work environment, and maintain Sustainable Forest Management expertise through professional development
3. Build the Forest Department as an efficient and effective service delivery organization
4. Harmonize and strengthen forest policies and legislation
5. Develop stable, diverse, sustainable sources of finances
 |

The REDD+ Draft Strategy is being reviewed and will be finalized in the first quarter of 2020. This strategy will be in line with the Forest Reference Level report that Belize is presenting for the UNFCCC and will model possible results-based outcomes in line with Forest Strategy 2019-2023.

### The National Biodiversity Strategy and Action Plan 2016-2020

**The National Biodiversity Strategy and Action Plan** **(NBSAP) 2016-2020** is aligned with the Horizon 2030, and is designed to achieve the following national vision ‘Belize’s natural environment is valued, enhanced and enjoyed by all, and contributes to improving the quality of life of its people’. The NBSAP includes five thematic areas:

1. Mainstreaming: Improved environmental stewardship is demonstrated across all society in Belize, as is an understanding and appreciation of marine, freshwater and terrestrial biodiversity, their benefits and values.
2. Reducing Pressures/Sustainable Use: Direct and indirect pressures on Belize’s marine, freshwater and terrestrial ecosystems are reduced to sustain and enhance national biodiversity and ecosystem services.
3. Protection: Functional ecosystems and viable populations of Belize’s biodiversity are maintained and strengthened.
4. Benefits: Strengthened provision of ecosystem services, ecosystem-based management and the equitable sharing of benefits from biodiversity.
5. Implementation: The NBSAP is implemented effectively through capacity building, informed strategic decision-making and integrated public participation (Walker et al., 2016, pp. 8,14-6).

### Integrated Coastal Zone Management Plan

**The Integrated Coastal Zone Management Plan (ICZMP) (2016)** outlines a vision and implementation plan for sustainable use of coastal resources and supports an integrated approach to development planning and adapting to Climate Change. The goal of coastal area management in Belize is as follows: ‘To support the allocation, sustainable use and planned development of Belize’s coastal resources through increased knowledge and building of alliances, for the benefit of all Belizeans and the global community’ (Coastal Zone Management Authority and Institute, 2016, p. 4).

With regard to Protected Areas Management, the Management Plan envisions the following actions: a. Increase the technical and management capacity of both management and co-management agencies in order to ensure sound management practices, b. Support local and national initiatives to achieve the target of 20% full protection of the marine territory of Belize. The Management Plan recommends several areas in the Informed Management Zoning Scheme for Conservation (conservation, informed management, development), some of which includes privately held lands. The Plan takes into consideration the options and legal implications from land use standards for the conservation and retention of natural features of title hold lands, such as private negotiation to purchase the land or development rights, claim of eminent domain, voluntary subsidies, conservation covenants. REDD+ is mentioned as another option, namely, to grant resources to landowners to offset conservation management costs and support compatible economic development activities, and possibly to contribute to corridor maintenance. The resources, according to the Plan, can be made available through the sale of carbon credits (Coastal Zone Management Authority and Institute, 2016, pp. 65–66).

The Plan also takes into consideration the need to pass legislation in support of REDD+ and Blue Carbon sinks (mangroves and seagrass beds) initiatives. The Management Plan takes into consideration the use of mangroves as adaptive measures to mitigate projected Climate Change impacts and recommends the following actions, in this regard:

* Advocate for the adoption of revised Mangrove Regulations.
* Implement mangrove restoration projects as a means to mitigate the effects of climate change, and to ensure the delivery of coastal protection services especially in areas, such as the Central and Southern regions of Belize, which are highly prone to erosion and inundation.
* Develop an inventory on Belize’s mangrove cover and distribution, which should be updated on a bi-annual basis.
* Identify areas for mangrove conservation.
* Conduct research to better capture the biomass, coverage, spatial distribution and rates of change for mangroves in Belize, and make this information available to support decisions on the issuing of mangrove alteration permits (Coastal Zone Management Authority and Institute, 2016, p. 72).

# National institutional capacities to address REDD+ grievances

Belizeans have several feedback grievance redress options - such as the traditional indigenous authorities, the police, the ombudsman office – and state institutions – such as the department of rural development, the forest department and the department of environment. This section sets out the national institutional structures related to land-use conflicts and their resolution, as it will inform the process of defining the FGRM’s goals, institutional form, structure and performance measures.

**The Legal System**

The legal system of Belize is based on the common law of England. Beginning with the Alcalde Court (only in Maya Mopan and Q’eqchi’ communities), Magistrate Court, Supreme Court, the Court of Appeal and the Caribbean Court of Justice. Hearings of less serious civil and criminal cases are held in the district courts which include alcalde and Magistrates’ Court with cases often tried summarily.

The Constitution of Belize establishes Belize's Supreme Court of Judicature and Court of Appeal. *The Supreme Court* hears serious civil and criminal cases before judges and jury.  The Court in its criminal jurisdiction sits 4 times or holds four sessions in the calendar year in each of the three judicial districts: The Northern, Southern, and Central districts. *The Court of Appeal* exercises appellate jurisdiction over both the Supreme Court and Magistracy and has jurisdiction and powers to hear and determine appeals in civil and criminal matters. A panel of three Justices sits at any one time. The Court of Appeal may sit in Belize four times for the year; however, in practice, it usually sits three times.

In 2010 the Caribbean Court of Justice in Port of Spain, Trinidad and Tobago, became the final court of appeal, replacing the Privy Council in the UK (Commonwealth Governance Online, 2019, p. 1).

Belize is not a party to the American Convention on Human Rights, yet the case of the Maya Indigenous Communities of the Toledo District v. Belize was raised at the Inter-American Commission on Human Rights (IACHR). The considerations for admissibility were the following:

* The ‘American Declaration of the Rights and Duties of Man’ became the source of legal norms for application by the Commission when Belize became a member of the Organization of American States in 1981. Moreover, the Commission has authority under the Charter of the Organization of American States, Article 20 of the Commission's Statute, and the Commission's Regulations to consider alleged violations of the Declaration related to acts or omissions that occurred after the State joined the Organization of American States.
* For a petition to be admitted by the Commission, the remedies under domestic jurisdiction must have been invoked and exhausted, unless: a. The domestic legislation of the State concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated, b. The party alleging a violation of his rights has been denied access to the domestic law or has been prevented from exhausting them, c. There has been an unwarranted delay in rendering a final judgment under the aforementioned remedies.
* Commission found that the State implicitly waived its right to object to the admissibility of the petition based upon the exhaustion of domestic remedies rule (Inter-American Commission on Human Rights, 2000, pp. 11–13).

After a favorable decision from the IACHR the Maya communities filed a related lawsuit in domestic courts using the decision of the IACHR years later and proved successful. In 2007, the Supreme Court set a precedent by ordering the State to recognize Maya land rights, demarcate and title their land, and cease and abstain from interfering with their right to property. In 2010, the Supreme Court clarified that the 2007 judgment was valid for Maya lands throughout the Toledo district and issued an injunction prohibiting concessions in the district (Center for World Indigenous Studies, 2013; United Nations High Commissioner for Refugees, 2013). In 2013, the Court of Appeal affirmed Maya land rights and found that Maya of Toledo possessed rights to land and resources in Southern Belize based on their longstanding use and occupancy (Minority Rights Group International, 2013). However, the Court of Appeal also revoked the Supreme Court’s order of injunction against Government, concerning interference with Maya land. This decision by the Court of Appeal was petitioned at the Caribbean Court of Justice and the matter was decided, in 2015, with the recognition of Maya land rights and entitlement to titling of their land forming a major part of the judgment (Caribbean Court of Justice, 2015; Tanya Santos et al., 2019, p. 6).

**Ombudsman Office of Belize**

The Ombudsman’s authority is to examine grievances made by any individual or collection of people who claim to have experienced foul play, damage, or misuse (including inconsiderateness, or refusal to act, or any act motivated by discrimination), or claims that an authority has been guilty of wrongdoing, such as corruption (CFNHRI, 2016). The Ombudsman received and researches complaints related to injustice, damage or misuse or other bad behavior by State departments. The Freedom of Information Act (FOIA) gives the Ombudsman the authority to review decisions made by ministries and State authorities, such as denying or postponing access to information requested by citizens. The Ombudsman may not investigate protests made against privately owned businesses. After an investigation, the Ombudsman shares his findings and recommendations with the Executive of the relevant ministry, department, agency of government, local authority, public corporation (Office Of The Ombudsman, 2017b, 2018, p. 17, 2019, p. 13). The Ombudsman Act forbids the Office of the Ombudsman from researching grievances concerning the commencement or conduct of court cases. In such cases, complainants are advised to contact private lawyers at-law or to the Legal Advice and Services Center for legal advice and representation (Office Of The Ombudsman, 2019, p. 13).

Based on its experience, the Office of the Ombudsman has the following recommendations to reduce institutional grievances:

* The Ministry of Natural Resources (Land Registry and Land Titles Unit and National Estates Section) needs to improve its procedures, such as providing written notices, fair hearings before finalizing administrative decisions, and written decisions with reasons.
* The Lands Registry and Land Titles Unit needs upgrading and to increase its efficiency regarding the timeliness, accuracy, consistency and completeness of processing of applications and transactions.
* The Land Registry and Land Titles Unit and National Estates Section need to be strengthened in order to be able to detect fraud in registration and recording processes.
* Every land transaction at the Lands and Surveys Department should be logged in real-time in a database, which should be protected from internal or external manipulation. In light of transparency, this database should be made available online for interested persons, such as applicants, lessees, landowners, and purchasers (Office Of The Ombudsman, 2015, pp. 6–7, 2017a, pp. 15–16, 2018, p. 31, 2018, pp. 13–14).

**The Forest Department**

The Forest Department (FD) welcomes the multi-sector integration for the planning and management of interventions that affect existing forests and resources. The Forest Department oversees and manages the forest estate, while considering critical aspects for their sustainable development. Management considerations prioritizes local communities. Access and benefits of the existing natural resources must be ensured in order for communities to voluntarily participate in its management (Belize Forest Department, n.d.). Unfortunately, reality may sometimes diverge from intentions, as the consulted stakeholders from Barranco village shared their grievances with regard to the establishment of protected areas on their traditional lands. The Barranco community members reported: ‘Government issues logging licenses to outsiders with no community consultation. Government has also been selling off lands which were important for our spiritual practices. Garifuna people now need to seek special permission to harvest certain products.

The Forest Department was in charge of the State’s Protected Areas Management Program (PAMP) and is responsible for the proper protected areas (PAs) management. The following PAs are indicated in the National Parks System Act: national parks, natural monuments, nature reserves, and wildlife sanctuaries.  FD conducts monitoring and enforcement activities through patrols in collaboration with co-managers and law enforcement agencies; the Police Department and Belize Defense Force. The patrols within protected areas are aimed at identifying and controlling illegal activities such as logging and hunting.

During our interview the FD Executive mentioned that ‘One of the main challenges to the Forest Department is the engagement of local communities’. (That engagement of local communities by State agencies is a challenge, was also corroborated by various other sources, such as the Garifuna community members of Barranco. *See* also the section on institutional grievances for more examples of engagement challenges.) A significant conflict which was mentioned, during our FD interview, was when the co-management agreement for the Sarstoon Temash National Park was not renewed with the Sarstoon Temash Institute for Indigenous Management (SATIIM). Despite SATIIM’s argumentation of their communal rights, the matter could not be resolved informally, and legal action was filed. Some organizations whom the department currently have co-management agreements with are the Ya'axché Conservation Trust, the Toledo Institute for Development and Environment (TIDE) and the Belize Audubon Society (Belize Forest Department, 2015; Channel 5 Belize, 2013; Saul Cruz, personal communication, May 24, 2019). The following table depicts an analysis of possible grievances involving the Forest sector in the past, current, or future.

Table 1 Possible grievances involving the forest sector

|  |  |  |  |
| --- | --- | --- | --- |
|  | Past and present | Future | Possible policies and measures |
| Institutional grievances | Forestry concessions and titling.Insufficient stakeholder engagement.  | Possibly unchanged in a business as usual scenario.  | Improve the process to allocate concessions.Community Measurement Reporting and Verification (cMRV) within the REDD+ program provides opportunities for collaboration and engagement. |
| Resource grievances | Infringements in protected areas to sustain livelihoods.Uncontrolled illegal logging can cause environmental damage. | Possibly unchanged in a business as usual scenario.  | Conducting a Social Impact Assessment before establishing protected areas will act as a safeguard. |
| Land-related grievances | Similar as above.  | Similar as above. | Demarcation of Indigenous lands and clarifying property and ownership will be an adequate measure to reduce this type of grievance. The guidance and experiences from the REDD+ project will benefit other State institutions through best practices for stakeholder engagement.  |
| Other grievances |  | Benefit sharing modalities may provide a cause for new grievances.  |  |

**Agriculture**

The Department of Agriculture’s aims to create an enabling environment for production and productivity, investment and private sector involvement in agribusiness enterprises, to empower competitiveness, quality production, trade and sustainability. The National Agriculture and Food Policy 2015-2030 reflects the department’s aforementioned goals through five strategic policy objectives:

1. Sustainable Production, Productivity and Competitiveness;
2. Market Development, Access and Penetration;
3. National Food and Nutrition Security and Rural Livelihoods;
4. Sustainable Agriculture and Risk Management;
5. Governance Accountability, Transparency, and Coordination (cross-cutting) (Ministry of Agriculture, 2015, p. 12).

DoA will also invest in innovation, research and development, and partnerships to utilize available opportunities. One such opportunity related to REDD+, which MoA has identified, is the use of agroforestry and planting shadow trees in pasture. Additionally, the consulted sugar cane farmers were positive about REDD+, as the program is in line with and will possibly strengthen their Fairtrade certification efforts. The sugar cane farmers reported that the agriculture sector is experiencing the adverse effects of climate change, related to changing weather patterns, heavy rainfall, floods, droughts and forest fires (Andrew Harrison, personal communication, May 15, 2019; Sugar Industry Research and Development Institute, personal communication, May 9, 2019; van Lidth & Ramdin, 2018, p. 36) Agricultural land use and land use changes (LULUC) are possible drivers of deforestation and degradation and as such causes for REDD+ related grievances. The following table depicts an analysis of possible grievances involving the agricultural LULUC in the past, current, or future.

Table 2 Possible grievances involving the agriculture sector

|  |  |  |  |
| --- | --- | --- | --- |
|  | Past and present | Future | Possible policies and measures |
| Institutional grievances | Agriculture concessions and titling.Correlation between transport infrastructure maintenance and profitability of local commodities.  | Possibly unchanged in a business as usual scenario.  | Improve the process to allocate concessions.Utilize a fair infrastructure investment plan.  |
| Resource grievances | Infringements in protected areas to sustain livelihoods.Agriculture classified as a high-risk sector to cause environmental damage. | Possibly unchanged in a business as usual scenario.  | Conducting an Environmental Impact Assessment at the start of high-risk agriculture programs and businesses will help reduce damage. |
| Land-related grievances | Similar as above.  |  Similar as above.  | Demarcation of Indigenous lands and clarifying property and ownership will be an adequate measure to reduce this type of grievance. The guidance and experiences from the REDD+ project will benefit other State institutions through best practices for stakeholder engagement. |
| Other grievances |  | Perhaps if Belize in future wants to start a program for Payment for Environmental Services, new types of complaints will develop related to payments and/or other benefit sharing. |  |

**Ministry of Labour, Local Government and Rural Development**

The Ministry of Labour, Local Government and Rural Development (MLLGRD) coordinates the two systems of local government in Belize, namely the municipal and village systems. The Department of Local Government coordinates for municipalities, and the Department of Rural Development is responsible for villages and communities. The Ministry’s responsibilities include:

* Providing legislative and regulatory oversight to the local government sector
* Providing administrative and legal advice
* Promoting and coordinating interactions between the public, private and NGO actors
* Supporting programming and budgeting through financial and technical assistance
* Monitoring and evaluation of progress on sector activities (Commonwealth Local Government Forum, 2018, pp. 29–30)

The following table depicts an analysis of possible grievances involving the Ministry of Labour, Local Government and Rural Development in the past, current, or future.

Table 3 Possible grievances involving the MLLGRD

|  |  |  |  |
| --- | --- | --- | --- |
|  | Past and present | Future | Possible policies and measures |
| Institutional grievances | Unsatisfactory leadership given its vast potential due to its decentralized structure.  | Possibly unchanged in a business as usual scenario.  | Collaboration with the REDD+ program will benefit the engagement of local communities and grievance submissions.  |
| Resource grievances | None identified.  | None identified.  |  |
| Land-related grievances | None identified. | None identified. | Can support and facilitate the demarcation and titling processes of Indigenous lands and other local communities.  |
| Other grievances | None identified. | None identified. | Can support and facilitate early warning information sharing regarding deforestation and degradation. |

**Local authorities**

Belize is a parliamentary democracy with two levels of government: a state government and a local government. There is no constitutional provision for local government and the main governing acts are the Belize and Belmopan City Council Acts 1999, the Village Councils Act 1999 and the Inferior Courts Act 2003. The following institutions are traditional authorities at the local level: The Maya Leaders Alliance (MLA), the Toledo Alcalde Association (TAA), National Garifuna Council (NGC), Northern Maya Alliance of Belize (NMAB), Belize National Indigenous Council (BENIC), Village council associations: DAVCO and NAVCO. There are various types of local governance councils in Belize:

* City and town councils: two city councils (Belize and Belmopan) and seven town councils adhere to the needs of the urban population in the six administrative districts of the country. The aforementioned councils manage urban municipalities in accordance with their respective Acts (i.e. Belize City Council Act 1999, Belmopan City Council Act 1999, Town Councils Act 1999). Their portfolios cover a broad range of issues including environmental protection, town zoning, tourism and recreational planning. Our research was not able to identify any grievances, nor temporal patterns involving the City and Town councils.
* Village councils, formalized by the Village Councils Act 1999, have the authority to administer village affairs. Most villages have councils, which function as community organizations to enhance village development and educational, sporting, and civic activities. The village councils are chosen every three years and have seven members. A frequent complaint is that the village councils and lands committees are vulnerable to become politicized. Village councils do not receive payment from the central government. Government provides a subvention for them to run their organization. Only the Chairperson collects a small stipend (BZD50 per month) out of the subvention. and raise revenue from license fees and fines for failing to comply with by-laws. Municipal councils also collect property taxes. Village councils maintain streets and drains, sanitation and waste disposal, parks, markets and cemeteries. These councils have several areas of responsibilities such as ensuring that sound environmental practices are considered by all community members. There is an accountability system in place, as the village chairperson needs to provide the Ministry of Labour, Local Government and Rural Development with receipts for example for the collected fees (Commonwealth Local Government Forum, 2018, pp. 32–33; Ernest Banner, personal communication, December 27, 2019; Steven Harper, 1992; Tanya Santos et al., 2019, p. 11). Village councils and the Alcalde System are separate entities, with some interesting, unfavorable power dynamics going on in the Toledo district. During data collection in Southern Belize, it was noted that village councils do not function well and have been susceptible to political bias. It was also shared with us that Alcaldes have been told their role is limited to local magistrates.

The following table (Table 4) is a SWOT analysis of the village councils, conducted by REDD+ stakeholders (Tanya Santos et al., 2019, pp. 11–12).

**Table 4 SWOT analysis of the village councils**

|  |  |  |  |
| --- | --- | --- | --- |
| **Strengths** | **Weaknesses** | **Opportunities** | **Threats** |
| * Community based elected officials
* Supported by the Village Councils Act
* Empowerment of villagers
 | * Lack of enforcement of Village Councils Act
* Weak leadership: decisions can be overridden by politicians or ministry executives
* Lack of respect for the village council
* Lack of knowledge on policies and laws
* Susceptible to political manipulation
 | * Work on the availability of resources (land)
* Opportunity for improvement of the village lands committee, including capacity strengthening
* Provide access to international support
* Inform and educate the community on important land tenure processes
 | * High price of land
* Lack of enforcement of Village Councils Act
* Political interference
* Encroachment on village lands
 |

* The alcalde system: This form of local government operates at the village and community level and is practiced by the Maya Mopan and Q’eqchi communities. The alcalde system is made operational through the Inferior Courts Act (Part VIII) (2000-2003), as well as through customary law, which defines the role and powers of alcaldes. Elections are held every two years to select a first alcalde, a second alcalde, a secretary, and village policemen. In contrast to a village chairperson, the alcalde has a judicial as well as a traditional role. The alcalde can for example judge disputes over land and crop damage, decide who lives in the village and call for a communal cleaning (fajina) of the village. The alcaldes answer to their communities, and are also regulated through the Attorney General and the Supreme Court of Belize. The alcalde has responsibilities related to maintaining law and order, and to hear and pass judgment on petty crimes and civil claims within its jurisdiction. However, the alcalde’s decision-making powers are limited. Decisions in the village are generally made by consensus after village elders’ direct open discussion. As was mentioned by FGRM interviewee: ‘The community makes the rules and the Leader´s Alcalde/Chairman enforces the rules.’ The customary use of forest resources and land use is regulated or managed by Alcaldes, which reportedly results in reductions of illegal logging. However, there are reports of Alcaldes abusing their discretionary powers and omitting the process of getting the communities consent, which can get him into trouble with his community members (Commonwealth Local Government Forum, 2018, p. 33; ECGD, 2019, p. 17; Steven Harper, 1992). The process for land-related grievances is as follows. If an infringement takes place the Mayan village people will contact a Forest Department officer. Q’eqchi and Mopán community members stated that they feel that they have a moral obligation to report it to the Alcalde, after which the Alcalde commissions an investigation. The Alcalde utilize different options to address the issue, such as: 1) Inform the community and the community define the local actions. 2) Seek advice of the Alcalde Association to proceed. For minor infringements often the Alcalde will resolve it at a village level. If materials are confiscated, the materials will remain in the community. In the past, the Forest Department would take the materials away for government use (ECGD, 2019, pp. 6–7).

**The Department of Environment**

The Department of the Environment (DOE) was established in 1992 by the enactment of the Environmental Protection Act (EPA). DOE has the responsibility to ensure that the nation’s development is through sound environmental management. By working with other government agencies, DOE tries to ensure that environmental concerns are considered in all development plans. These include issues such as urbanization, mining, petroleum development, agriculture, and aquaculture among others. DOE’s activities are focusing on five major areas:

* The Environmental Law & Policy Unit provides advice on policies relating to environmental matters and reviews and revises existing environmental legislation regulations as well as strengthening their enforcement.
* The Public Awareness/Information Management Unit educates the public on environmental matters in order to encourage community-based environmental planning and enforcement of regulations.
* The Environmental Enforcement/ Compliance Monitoring Unit ensures compliance with the Environmental Protection Act and its regulations. It also regulates matters potentially hazardous to the environment by establishing and enforcing standards for pollution control.
* The Project Execution Unit coordinates project activities to ensure its successful implementation.
* The Project Evaluation/EIA Unit examines and evaluates environmental impact assessment and risk analysis and makes recommendations to mitigate against harmful effects of any proposed environmental action (Department of the Environment, n.d., pp. 1–2).
* The following table depicts an analysis of possible grievances involving the environment sector in the past, current, or future.

Table 5 Possible grievances involving the environment sector

|  |  |  |  |
| --- | --- | --- | --- |
|  | Past and present | Future | Possible policies and measures |
| Institutional grievances | None identified.  | None identified. | Not applicable |
| Resource grievances | Environmental damage negatively impacts available resources and livelihoods.  | Possibly unchanged in a business as usual scenario.  | Environmental Enforcement in accordance with the Environmental Protection Act.  |
| Land-related grievances | Similar as above.  | Similar as above. |   |
| Other grievances |  | The REDD+ program can, in theory, provide causes for new grievances, such as negative effects due to the replacement of natural forest with plantation or planted forests with new tree species, or non-native species.  | A thorough safeguard study will help to prevent any negative effects that could arise from the REDD+ program.  |

**The Lands and Surveys Department**

The Lands and Surveys Department falls under the Ministry of Natural Resources (MNR) and is responsible for all aspects of land tenure in Belize, such as:

* Management and allocation of national lands
* Registration of Land Tenure
* Authentication of Plans for all legal surveys
* Sub-division of lands
* Valuation of Lands
* Land Use Planning
* Land Information Management

The department’s mission states ‘A commitment to efficiently manage the processes of determining, recording and disseminating all information about land including ownership, value, its coordinates, its highest and best use for the socio-economic benefit and sustainable development of Belize.’ (Ministry of Natural Resources, 2019) The following table depicts an analysis of possible grievances involving the Lands and Surveys Department in the past, current, or future.

Table 6 Possible grievances involving the Lands and Surveys Department

|  |  |  |  |
| --- | --- | --- | --- |
|  | Past and present | Future | Possible policies and measures |
| Institutional grievances | Low level of public confidence due to delays and procedural mistakes.  | Possibly unchanged in a business as usual scenario.  | Increase efficiency regarding the timeliness, accuracy, consistency and completeness of processing applications.  |
| Resource grievances | None identified.  | None identified.  |  |
| Land-related grievances | Overlapping allocations to multiple users. Allocation of land and concessions in IP lands.  | Possibly unchanged in a business as usual scenario.  | Demarcation of Indigenous lands and clarifying property and ownership through an electronic database will be an adequate measure to reduce this type of grievance.  |
| Other grievances | Land speculation constrains the availability of land and inflates land prices.  | Possibly unchanged in a business as usual scenario.  | Utilization of property taxes.  |

# Assessment of the existing national formal and informal feedback and grievance mechanisms

In this section, we take stock of all existing formal and informal grievance and feedback mechanisms at both the institutional- and land-related levels. Grievance mechanisms are developed under the objective 'Adequate access to justice, including procedures that can provide an effective remedy for infringement of rights, and to resolve disputes', and relate to three safeguards, namely: a. Transparent and effective national forest governance structures, taking into account national legislation and sovereignty; b. Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations (e.g. UNDRIP), national circumstances and laws, and c. The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities (UN-REDD Programme & United Nations Environment Programme, 2015, p. 151). Grievance investigation, management, and resolution are complex tasks requiring the collaboration of multiple entities. Depending on the specific grievance, a resolution may require the participation of all or some of the following entities: Ombudsman, the Police department, the Court system, Forest department, Land and Surveys department, Rural Development, Agriculture, and local authorities, including MLA, TAA and BENIC.

## Current Mechanisms

This research identified 14 FGRMs (Table 7‑1) that are available to stakeholders for land-use feedback and grievance redress. These are located at the local community level (3 mechanisms), in specific sectors (4 mechanisms), within the judiciary (4 mechanisms) and 3 special purpose forums[[1]](#footnote-1). The following matrix summarizes the various mechanisms, their mandates and the processes used in each mechanism.

### Review

The FCPF Guidelines for evaluating GRMs identifies 8 principles against which the existing national grievance procedures and systems performance and the main factors affecting performance should be assessed: legitimacy, accessibility, predictability, fairness, transparency, rights compatibility, continuous learning and engagement. The assessment was a qualitative assessment using data from our interviews, workshops and desktop review. In order to assess the weight of the principles related to each mechanism, we have used a 5-point scoring system, numerical values from 1-5. The scale range for the analysis is as follows: 1= strongly negative, 2= negative, 3= neutral, 4= positive and 5= strongly positive.  The following questions were utilized for this assessment:

1. Legitimacy (L): Is the FGRM regarded as independent?
2. Accessibility (A): Is the FGRM accessible to all stakeholders, irrespective of their remoteness, language, education or income level?
3. Predictability (P): Does the FGRM offer a clear procedure with time frames and clarity on the types of results it can deliver?
4. Fairness (F): Are grievances treated confidentially, assessed impartially, and handled transparently?
5. Transparency (T): Are the FGRM’s procedures and outcomes transparent?
6. Rights compatibility (RC): Are the FGRM procedures and outcomes in accordance with national and international standards?
7. Continuous learning (CL): Are there any systematic reviews of the FGRM’s performance conducted?
8. Engagement (Eng): Do FGRM officials consult stakeholders to address and resolve grievances?

Table 7 FGRMs available for land-use feedback and grievance redress

| **Level** | **No.** | **Institution** | **Legislation/Policy** | **Characteristics** | **Type** | **Effectiveness** |
| --- | --- | --- | --- | --- | --- | --- |
| **Local community-level mechanism** | 1. | The alcalde system | Inferior Courts Act (Part VIII) (2000-2003) andCustomary Law | 1.Decision-making through community consultation2.Investigate and enforce breaches of rules 3.Judicial role4.Allocate lands and resolve land disputes4. Customary Role5. Negotiate commercial agreements on traditional lands | Statutory and Customary Law | Independent, with a specific constituency. Dependent on other institutions for redress.Score: 3.5 |
| 2. | The Maya Leaders Alliance (MLA), the Toledo Alcalde Association (TAA), Belize National Indigenous Council (BENIC) | Institutional statutes | 1.Support Alcaldes (MLA/TAA) and indigenous communities2.Investigate complaints and mediate resolution 3.Provide administrative support and advice | Collaborative | Comparative advantage due to structure, size and proximity to complainants.Score: 4.0 |
| 3. | Village council associations, Regional Development Agency | Village Councils Act 1999 | 1.Investigation and resolution of complaints2. raise revenue, property tax and fines 3. promote village development and educational, sporting and civic activities | Statutory | Decentralization of Governance. Unclear procedures, timeframes and outcomes. Score: 3.0 |
| **Sector-specific mechanisms** | 4. | Lands and Surveys Department | National Lands Act (Amendment) 2003, Land Utilization(Amendment) Act2017, Land Tax Act 2003, Land AcquisitionAct 2000 | 1. Investigation and resolution of complaints2.Allocation of state lands by lease or sale 3.Enforcement of terms and conditions of leases, license and permissions4. Subdividing lands and determining tax for different lands | Administrative | In need of institutional strengthening. Unclear procedures. Score 2.0 |
| 5. | Department of the Environment | Environmental Tax(Amended) Act 2017, Environmental Protection Act Art.4 | 1. Investigation and resolution of Environmental Impact Assessments and complaints2.Recommendimprovements strategies and coordination of environmental activities3.Law enforcement4. Public education on environmental issues | Statutory | Accessible in various ways. Structure limitations to investigate grievances. Score: 3.0 |
| 6. | Forest Department | Forest Act (Amendment) 2017, Forest Subsidiary Act 2003, Forests (protection ofmangroves) Regulations2018, Forest (Protection ofTrees) Regulations 2010, Private Forest(Conservation) Act 2000, Forest Fire Protection Act2000, National BiodiversityStrategy and ActionPlan (NBSAP) (2016-2020) 2016, Biodiversity Finance Initiative 2018  | 1.Investigation and resolution of complaints2.Promote long-term conservation, management, and sustainable use of Belize’s protected areas3.Promotion and management of Sustainable Forest Management practices | Statutory | Powerful FGRM potential. Limited institutional delegation regarding handling of complaints. Need for clearer procedures. Restricted public confidence. Score: 2.5  |
| 7. | Department of Agriculture | National Agriculture andFood Policy of Belize(NAFP) (2015-2030) 2015, National AdaptationStrategy to addressClimate Change in theAgriculture Sector inBelize 2014, Agricultural Fires Act2000 | 1.Promote Sustainable Agriculture, Productivity andCompetitiveness2. Support Market Development, Access andPenetration3.Climate Change Technology Development andDiversification | Statutory | Similar to FD. Score: 2.5 |
| **National Legislative System** | 8. | Magistrates’ courts | Section 3 (1) of the Inferior Courts Act (Chapter 94 of the Constitution) | 1.Small Claims2.Summary Offences | Judicial | Operates at local level in strict timeframe. Transparent. Based on rule of law. Score: 4.5 |
| 9. | Supreme Court | Section 94 of the Constitution | 1.Criminal Prosecutions2.Civil Litigation3.Judicial Review | Judicial | Based on rule of law. Legitimate. Less accessible. Score: 4.3 |
| 10. | Court of Appeal | Section 94 of the Constitution  | Appeals from lower courts | Judicial | Similar to Supreme Court. Score: 4.3 |
| 11. | Caribbean Court of Justice | Caribbean Court of Justice Act No 5 of 2010 | Appeals from Court of Appeal | Judicial | Less accessible. Score: 4.0 |
| 12. | Ombudsman | Ombudsman Act (Amendment) 1999 | 1.Investigation of complaints against government bodies2.Recommendation of remedial actions3.Reporting to the National Assembly4.Publication of reports | Administrative | Limited financial resources. Lack of decentralization. Score: 3.0 |
| 13. | Conflict Resolution Authority | April 22, 2015 CCJ Consent Order, par. 4 (Reporting and Dispute Resolution Framework) | 1.Investigation of complaints against infringements of Indigenous lands2.Recommendation of remedial actions3.Publication of reports | Administrative | High potential. Recently established structure needs to establish track record. Score: 3.5 |
| **Special Purpose Forum** | 14. | OAS Adjacency Zone Office | Agreement on a framework for negotiations and confidence building measures between Belize and Guatemala (2005) | 1.Verify complaints2.Report to Foreign Affairs of Belize and Guatemala3.Report to headquarters and for donors | Administrative | Path of diplomacy. Dependent on external actors, such as State governments. Score: 4.0 |

**Summary findings for table 7.** The highest scores were awarded to the Belizean court systems: Magistrates’ courts, Supreme Court and Court of Appeal. The Caribbean Court of Justice scored a little lower, because of accessibility (There is a higher cost to access this option).

At the local level, the Indigenous Peoples’ organizations scored relatively better than DAVCO/NAVCO, because:

1. Of their local presence.
2. The dedication, experience and effectiveness of the MLA/TAA in supporting local community members to submit their grievances.
3. At the local level, the IP organization seemed a more trusted option by the consulted stakeholders.

Lastly, the sector-specific mechanisms need to be strengthened to meet their FGRM obligations better.

### The following section provides a summary of the findings as related to the eight principles: legitimacy, accessibility, predictability, fairness, transparency, rights compatibility, continuous learning and engagement.

**Transparency, accessibility, engagement and predictability**

* Awareness about the FGRMs. While not all stakeholders may be aware of the various mechanisms available for redressing grievances, and there is no specific communication strategy or plan involved to the FGRMs, grievances are still being filed. Word-of-mouth by intermediaries, such as village leaders, play a key role in bridging awareness gaps. The Department of Rural Development has been able to overcome awareness limitations by having a strong decentralized network of local offices.
* Increasing and encouraging the use of dialogue. Respectful dialogue and discussion as a primary means of addressing grievances, as opposed to formal processes associated with courts and tribunals, for example, represent international good practice.
* Limited accessibility. Some FGRM use multiple uptake systems for receiving grievances, such as use of internet, telephone or other digital means of filing grievances, and these options shall be explored further for the REDD+ FGRM. However, the respondents from the Toledo district mentioned that most villagers prefer face-to-face and personal interaction.
* Limited predictability. There are no common procedures established, i.e. streamlined grievance management processes, for redressing grievances. To the best of our knowledge, there are no timelines or details associated with implementing these steps that would lend predictability to the process or otherwise clarify what the aggrieved can expect from the FGRM.

### Legitimacy, fairness and rights compatibility

* Trust and the threat of bias. FGRMs can be accused of bias if there is insufficient separation between the FGRM and the institution against which the grievance is leveled. Aggrieved parties will be less likely to submit complaints, because of the perception that persons will influence the outcome of the investigation.
* Fairness. Grievances need to be handled with proper consideration as complainants have to right of confidentiality and due process.
* Timeliness. Institutional approaches are often very formal and even legalistic. Stakeholders often complain that it takes too long to process grievances and they don’t receive redress.

### Capability and continuous learning

* Limited systems capacity. Officers tasked with grievance-related duties typically have other competing organizational duties. Additionally, they are often not (re-)trained.
* Limited resources. None of the identified GRMs seem adequately resourced, in terms of adequate numbers of dedicated staff and funding.
* Limited capacity for continuous learning. There are no monitoring and evaluation components incorporated in the existing FGRMs to facilitate system improvement.
* Scarcity of data and reports.Few FGRMs appear to systematically collect and publish grievance-related data. There is no available information indicating the total number of grievances per year, limited categorization of grievances, and the systematic monitoring of FGRMs functioning and performance. This has significant implications for the ability to implement continuous learning for FGRM performance improvements.

Finally, the report reflects the findings found related to the FGRM process in Belize as part of the REDD + Readiness Project but it is necessary to understand very well that the concept of REDD + is not institutionalized in the country and it is still required a lot of understanding and capacity building of the rules that govern the REDD+ implementation as they are known under the Warsaw REDD+ Framework in addition that Belize is a member of the Small Island and Developing States (SIDS) and this implies that given their national circumstances, the country has a special and flexible treatment to comply with all UNFCCC mechanism as the REDD+ requirements demanded by UNFCCC.

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# Annex 1: IP perceptions on the importance of forests

This section provides an overview of the perceptions of IP stakeholders regarding the importance of forests. These perceptions were collected in three meetings with respectively the Mopan and Q’ekchi Maya, Yucatec Maya and Garfuna peoples, after which they were validated in 3 more separate meetings.

Table 8 IP perceptions on the importance of forests

| **TRADITIONAL USE AND PROTECTION OF FORESTS** |
| --- |
| **MAYA MOPAN and Q'EQCHI** | **YUCATEC MAYA** | **GARIFUNAS** |
| **Relevance and positive experiences*** The forest provides building materials
* Forests maintain watersheds and maintain the health of the rivers
* Forests provide medicinal plants for our health
* It provides food and habitat for wildlife
* Forests provide food
* Forest areas are relevant for spiritual practices and traditional knowledge
* We get firewood for fuel
* To hunt and gather to sustain a traditional livelihood
* To provide us a place to find peace of mind, recreation and balance
* Farming on a rotational basis
* Designation of places suitable for farming
 | **Relevance and positive experiences*** Access to traditional medicinal plants
* Access to game meat
* Forests provide a healthy environment, clean air
* Honey
* Forests are linked to traditional practices
* Indigenous communities have been the caretakers of the forests
 | **Relevance and positive experiences*** Housing materials
* Materials for drum making (mahogany, cedar wood, mango)
* Wood for furniture
* For agriculture and craft
* Forests gives us spirituality
* A person needs to take only what´s needed
* Use the same plot of land and rotate different crops
* We are the caretakers of the forest
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| **MAYA MOPAN and Q'EQCHI** | **YUCATEC MAYA** | **GARIFUNAS** |
| **Challenges*** Illegal land sales of real estate without the knowledge and consent of the community
* Development pressures that threaten natural resources or archaeological sites
* Poverty drives commercialization of resources
* Failure to curb incursions on land where cattle ranching is on the increase to destroy the forest
* Destruction of critical areas like the watersheds
* Logging without our knowledge or consent
* Cannot protect the forest if you cannot protect the people who use and own the forest
* Need protection from multinational companies searching for oil and destroying/polluting our land
* Designation of protected areas that undermine and restrict traditional livelihoods and involvement of our communities
 | **Challenges*** Continuous need for land for agricultural expansion
* Unregulated forestry activities
* Inability to protect forest resources by private landowners
* Traditional agricultural practices
* Lack of recognition of traditional land use (need to be clearly defined)
* No plan for land distribution and use
* Lack of awareness and consciousness to the value of our forests
* Limited access to forests/land (ownership/tenure)
* Limited economic opportunities
 | **Challenges*** Critical areas are located along the coast such as the mangrove forest that provides spawning sites for marine products. Also, along the rivers and restriction of cutting takes place of mother trees to avoid erosion.
* We need restriction for over foresting/harvesting.
* Main challenges include getting people to become more environmentally conscious. We need to educate people to change and improve.
* Make rules so that we can govern our areas.
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| **MAYA MOPAN and Q'EQCHI** | **YUCATEC MAYA** | **GARIFUNAS** |
| **Improvements*** Respect Maya Land Rights
* Strengthen the traditional governance system
* Provide economic incentives
* Improve agricultural production with sustainable practices
 | **Improvements*** Establish and carry out educational programs in partnership with Ministry of Education to increase environmental consciousness and strengthen cultural and traditional knowledge
* Enforce of good environmental practices
* Adopt more sustainable agricultural techniques such as agro-forestry (silvo-pastoral techniques)
* Enforce vigilance in archaeological sites
* Implement certification schemes
 | **Improvements*** Provide access to property with better infrastructure
* More empowerment and assertiveness of the village councils
* Communities must do a mapping exercise for all villages
* Residents need to advocate for consultation
* Minimize government intrusion
* Increase awareness
* More forest monitoring enforcement by government authorities and presence of community members
* Ensure access to information
* Clarification of land tenure
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1. Additionally, IP representatives mentioned that they utilize more international networks for advocacy purposes, such as Central American Indigenous Council (CICA), Caribbean Network of Indigenous and Tribal People, Central American Black Organization, CARICOM, and UN agencies (Tanya Santos et al., 2019, p. 11). [↑](#footnote-ref-1)