Resource Equity

Advancing Women's Land and Resource Rights

Possibilities for Gender Equity in Land and Forest Tenure in REDD+ Programming

Nicaragua

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Resource Equity

Introduction

Key Findings and Recommendations

1) **Time poverty**. The BSP includes some explicit benefits to lessen women's work such as improved stoves and water storage facilities (Benefit-Sharing Plan [BSP], 2019, pp.20-23), but further benefits such as daycare centers and community kitchens (*comedores comunales*) need to be explored.

2) **Less education and skills**. Providing adult women with leadership training, basic literacy and numeracy skills, and other types of training can promote empowerment and the acquisition of communication and negotiation skills that improve women's potential to become community leaders and full community members.

3) **Lack of legal knowledge**. Awareness of legal rights, particularly regarding gender equity, would encourage and motivate women to actively participate in meetings and in positions of leadership. Workshops on gender equity and women's and men's rights, for both women and men, should be undertaken by the organizations seeking to promote gender equity within communities as well as non-governmental organizations (NGOs) and the State promoting sustainable management of forests.

4) **Monolinguism**. Community activities, including workshops and REDD+ meetings, should be held in the Indigenous language so that all women can participate.

5) **Lack of voice**. Many women believe that community leaders are not doing their job and that is why natural resources are disappearing. Addressing the constraints mentioned above and supporting community women in voicing these problems and in participating in a broader community management of the forest may diminish loss of forest and its products.

6) **Lack of resources.** Women's organizations can be key in facilitating the participation of women in community meetings, workshops, and activities such as arranging transportation for women and providing childcare so that women can attend the meetings and participate in the discussions. REDD+ programming should encourage this type of resource support for women's organizations.

The REDD+ program area in Nicaragua is being implemented in the North Caribbean Coast Autonomous Region (RACCN), the South Caribbean Coast Autonomous Region (RACCS), and in two reserves contained in these regions: the Biosphere Reserve (RACCN- BOSAWAS), and Indio í Biological Reserve within RACCS. This Atlantic area is different demographically, topographically, and ecologically from the rest of Nicaragua. It contains most of the country's forests and most of its Indigenous and ethnic population. Indigenous communities consist of a group of families that identify with the pre-Columbian residents of Nicaragua; most of these are in the northern region that include 19 Indigenous territories. Ethnic communities are descendants of Afro-Caribbeans who settled on the Atlantic Coast during and after slavery.

More than 200,000 Black and Indigenous People live in eastern Nicaragua spread across two autonomous regions, the North Caribbean Coast Autonomous Region (RACCN) and the South Caribbean Coast Autonomous Region (RACCS). Historically, Black and Indigenous People have made up the majority of the region's population. According to government statistics, most recently released in 2005, 110,000 are Miskito, 7,000 are Mayangna, 18,000 are Black Creole, and a number of other smaller Indigenous groups make up the rest.

In both regions and in the protected areas (communal and private property), there is a mixture of titled and registered land, titled unregistered land, and untitled land. Since the end of the Contra War in 1990, an unprecedented influx of non-Indigenous mestizos has changed the demographics of the region, displacing Black and Indigenous communities from areas they have historically used and occupied. Communities have responded by demanding legal recognition of their right to that territory. Since 2005, Nicaraguan officials have issued titles to 23 territories over 14,000 square miles of land, or roughly a third of Nicaraguan territory, to address land claims of over 300 Black and Indigenous communities.

The government created a national strategy to reduce carbon emissions through the prevention of deforestation and degradation. It also established a foundation for participating in the carbon market as well as a national fund, Fondo Nacional de Desarrollo Forestal (FONADEFO), to support the rational use of forestry resources (UN-REDD Programme, 2012). The World Bank-supported Forest Carbon Partnership Facility supports Nicaragua's development of its Readiness Proposal, which sets out a plan to develop the systems and policies for reducing emissions from deforestation and forest degradation, forest carbon stock conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+).

A review of governmental, REDD+, NGO, and academic documentation shows that while Nicaragua's legal norms for gender inclusion and recognition of communal tenure rights on the

Atlantic Coast are commendable, these legal norms are ignored in practice. With specific regard to the REDD+ program, the documentation does not include specific strategies for the inclusion of women other than to lump women and youth together and state that their participation in the project is one of the goals of the program. Regarding the land tenure rights of Indigenous and Creole communities, these are being threatened by heavy migration from the western region of the country into the two autonomous regions and the occupation of their lands and forests by mestizos.

National Legal Framework for Women's Rights

Photo by Hermes Rivera

The 1987 Political Constitution of Nicaragua, in Article 27, defines that all individuals are equal under the law and have the right to equal protection. There is to be no discrimination by reason of birth, nationality, political creed, race, sex, language, religion, opinion, origin, economic position, or social condition. Article 48 establishes the unconditional equality of all Nicaraguans in the enjoyment and exercise of their political rights and absolute equality between men and women in the fulfilment of their duties and responsibilities. Women gained the right to vote in 1955.

In 2008, the Law of Equality of Rights and Opportunities (Ley de Igualdad de Derechos y Oportunidades, Ley 648) was passed with the objective of making effective the gender-equal rights already granted in previous legislation by promoting and operationalizing gender-equal opportunities through policy making and government at national, regional, and municipal levels

(art. 1). The law also identifies the Nicaraguan Institute for Women (Instituto Nicaraguense para Mujeres, INIM) as the lead body for the application of and follow up to public policies with a gender approach (art. 30).

While improving gender equity through economic opportunities is one of the law's major arenas, there is minimal mention of land rights. Article 17 stipulates that national governmental administrative units as well as governmental units in the autonomous regions should pass and implement policies that guarantee women's access and titling to land and property. *One question to consider is whether this provision has been implemented to any extent.* For rural women, this particular stipulation was put under the competence of the Agricultural Forestry Ministry to be coordinated with the Rural Development Institute (Instituto de Desarrollo Rural) and INIM.

With regard to the environment, Article 29 stipulates that the Ministry of the Environment and Natural Resources do the following:

- guarantee the adoption of equal opportunities based on the incorporation of the gender approach as a crosscutting focus in the country's environmental policy, through awareness building and training programs concerning equity and equality between women and men involved in environmental activities.
- guarantee the participation of men and women in the formulation and implementation of actions to protect and manage natural resources.
- define criteria that seek equal opportunities for women and men in access to and the management, use, and control of natural resources and the environment.
- develop gender methodologies, statistics, and indicators with a system for implementing them in environmental management.
- assess the impact of the policies for residents.
- promote financing for environmental management with funds administered or co-administered by women.

There was concern expressed at the time this law was passed that INIM did not have the resources or budget to take on such a large endeavor. In 2013, the Ministry of Women (Ministerio de la Mujer, or MINIM) was created and INIM folded into it. *A deep dive question is: is MINIM well-funded?*

National Legal Framework for Women's Land Tenure and Forest Management Rights

In broad terms, there are two geographic regions in Nicaragua with their own land tenure systems. The western side has a mountainous topography with a narrow fringe of forests along the coast. Most of the urban areas and the rural mestizo population are found in this region and the land tenure system is predominantly one of private property. Crossing the mountains to the eastern side, the foothills and the broad coastal area are heavily forested. This region has historically contained most of Nicaragua's Indigenous and Afro-Caribbean populations, each with its own tenure system based on communal tenure. However, recently there has been a strong migratory push from the western region into these forests.

Overview of Land and Forest Tenure

The most influential event that affected land tenure in most Latin American countries during the last six decades was the redistributive land reforms that began in the 1960s. They were a result of peasant movements denouncing extremely skewed land distribution and demanding land redistribution. In Nicaragua, however, land reform did not begin until 1981 because of the strong hold the Somoza dictatorship held on agrarian policies. The overthrow of the Somoza regime by the Sandinista revolutionary period opened the door for land reform.

The desire to maintain the economies of scale in the infrastructure and the level of mechanization on many of the expropriated agricultural enterprises resulted in the creation of state farms (state-owned and managed with wage workers) and production cooperatives (collectively-owned and managed by its members) (Kay, 1998). It was also evident that subdividing the large estates into family farms would not produce enough farms for all eligible land reform beneficiaries. The land reform ended up affecting 46% of the nation's farmland, mostly located on the western side: 14% of the total area was held by production cooperatives, 12% organized into state farms, 21% allocated to individuals, and 2% given back to Indigenous communities (Centro de Investigaciones y Estudio de la Reforma Agraria [CIERA], 1989).

The Sandinista Land Reform was the first in Latin America to incorporate women among its initial objectives. The 1981 Agrarian Reform Law stipulated that neither gender nor marital status would hinder someone from becoming a beneficiary, and the 1981 Agricultural Cooperative Law stated that women should be incorporated into the cooperatives under the same terms as men with the same rights and duties (CIERA, 1984). But proactive measures to assure effective land rights for women were not pursued during the Sandinista regime.

Between 1979 and 1989, a total of 5,800 rural women benefited directly under the Sandinista Agrarian Reform, representing only 10% of the 59,545 beneficiaries, notwithstanding legislation favoring gender equity and efforts by women rural organizers to have reform land jointly titled to both spouses (INRA-INIM, 1996). As of 1990, only 11% of collective farm beneficiaries and 8% of individual farm beneficiaries were women and most of the female beneficiaries were female household heads, as in neighboring Costa Rica (Deere & León, 2001). Deere and León (2001) attribute the failure of including more women in the agrarian reform as beneficiaries to the resistance of agrarian reform officials and rural men to recognize women's land rights, rural women's lack of knowledge regarding their rights, lack of a supportive setting to claim them, and lack of strong support from both women's and peasant organizations.

The land reform was greatly reversed after 1990 when the Sandinista party lost the presidency to the opposition party's candidate, Violeta Chamorro, after ten years of war with Contra rebels. Significant amounts of land were given back to former landowners and the remaining state farms and production cooperatives were parcelized into private and individual properties. Nevertheless, one result from the 1980s that continued in the 1990s was the growth in numbers and in influence of rural women's organizations in the peasant and farm worker sectors at both national and local levels (Deere & León, 2001).

Individualized Land

Article 44 of the current Political Constitution of Nicaragua (1987) guarantees the right to personal ownership to all Nicaraguans to ensure necessary and essential goods for their development. With regard to land, Article 108 guarantees private ownership to all owners who use their land productively and efficiently. Efforts to regularize land ownership include the 1997 Law on Reformed Urban and Agrarian Properties that sets up the titling and registration process for agrarian reform lands and the 1999 Law on the Regularization, Organization, and Titling of Spontaneous Human Settlements that provides for some informal settlers to receive titles for the land they occupy (Fréguin-Gresh et al., 2014).

Women fared badly in the allocation of farmland to peasants and rural workers from the break-up of the production cooperatives and state farms. Many women had dropped out of the poorly-run production cooperatives by the time these were parcelized and those who claimed individual land parcels usually received smaller parcels with poorer quality soil than the male co-op members. Rather than allocating land to women, the Chamorro government's gender policy focused on the joint titling of the land that was parcelized and distributed to peasant farms.

Between 1993-1997, gender sensitivity training was directed at high-level officials of diverse institutions and at technicians involved in the land legalization process. It was integrated into the titling implementation workshops among titling officials and rural communities. Radio and television spots, as well as brochures written in plain language and in graphic-book format, were developed with messages regarding the titling program and the inclusion of women in it. Despite sensitivity training, however, the titling program ran into difficulties in its attempts to legalize women's rights to land. A typical reaction encountered by titling officials was, "How can you tell me to put my wife on the title, by what authority?" Titling officials retreated: "We are not going to fight with the people, to antagonize them from the beginning" (Lastarria-Cornhiel et al., 2003).

In 1997, an evaluation of the titling program found a series of problems common in joint titling programs, not only in Nicaragua. First, the database on titling did not present information disaggregated by gender. Second, confusion existed about the concept of joint titling and, as a result, joint titling of family members (e. g., father and son, two brothers) represented 25% of total titling. Third, most of the titles issued were granted to individuals (64%) and joint titling for couples only reached 7.8% of the total number issued. And lastly, the impact of joint titling was different according to geographic region and was influenced by, among other things, the

presence of titling officials with greater gender awareness and willingness to work against cultural obstacles (Lastarria-Cornhiel et al., 2003).

A World Bank-financed Land Administration Project was implemented in Nicaragua from 2002 to 2013 with a focus on developing the legal, institutional, technical, and participatory framework for the administration of rural and urban property rights and demonstrating the feasibility of a systematic land rights regularization program. The project's primary target group was poor rural households with insecure land tenure, mainly in the land reform sector. A gender strategy was developed and implemented across components to promote equitable access for women and men to project services and benefits. Approximately 60% of new titles were provided directly to women or jointly with their spouse/partner. In addition, 787 women participated in more than 100 workshops on environmental management in 14 protected areas (World Bank, 2013). *One deep dive question is: how was such strong engagement with women achieved?*

Note that the statutory law makes it more likely that men will continue to have rights to more land than women. The Civil Code of 1904 in Nicaragua recognized married women's legal capacity and improved their property rights. To this day, however, husbands continue to be the legal representative of the household and administrator of household goods (art. 151 & 152). With regard to the marital property regime, Nicaragua follows the separation-of-property regime as the default/intestate option in which each spouse retains ownership rights of the property they bring into the marriage and of the property they acquire on their own during marriage. In case of death of one of the spouses, the surviving spouse is entitled to a marital share[1] of the deceased's estate if she or he cannot support her or himself. In 1987, consensual unions were recognized as legal and have the same inheritance rights as married couples. *A deep dive question is: how do these family-related laws affect women's land tenure security?*

Common and Collective Land

This section will focus on common tenure systems in ethnic and Indigenous communities in the Atlantic Coast regions where the majority of this population resides and where the REDD+ program is located. A discussion on membership in the agricultural production cooperatives and

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[1] This marital share depends on whether the widow lacks what is necessary for her reasonable subsistence, as determined by a judge. The actual amount of this share is based on the relative value of the husband's and wife's estate subject to other restrictions and usually does not exceed one-fourth of the surviving spouse's estate (Deere & León, 2001).

state farms created by the land reform in the 1980s is not currently relevant as these were mostly dissolved and parcelized after 1990.

According to Article 89 of the Constitution, the Indigenous and ethnic communities of the Atlantic Coast have the right to provide their own forms of social organization and to administer their local affairs in accordance with their traditions, guaranteeing collective ownership to their lands. The 1987 Statute of Autonomy of the Atlantic Coast (Law 28) and the 2003 Law of Communal Property Regime (Law 445), in accordance with the Constitution, guarantees communal property for the Indigenous Peoples and ethnic communities of the Atlantic Coast of Nicaragua: Bocay, Coco, Indio and Maize Rivers.

The Communal Property Regime Law was created to regulate the property regime of the Indigenous territories, recognizing communal tenure and ownership rights, as well as the use, administration, and management of traditional Indigenous lands and natural resources. In particular, it guarantees these populations "the full recognition of communal property ownerships rights, the use, administration and management of traditional lands and their natural resources, through the demarcation and titling of the same" (art. 2).

According to Article 3 of the Communal Property Regime, communal lands are comprised of lands, sacred places, forest areas, and other resources: "The collective property is constituted by the lands, waters, forests, and other natural resources contained therein which have traditionally belonged to the community, intellectual and cultural property, biodiversity resources and other assets, rights and securities belonging to one and more ethnic or Indigenous communities." This article also states that "communal lands cannot be mortgaged, and are essential, inalienable and not attachable." However, the process of demarcating and titling Indigenous territories is still ongoing; the continuing tenure insecurity caused by unresolved land claims and inadequate documentation of property rights continues to be problematic (Fréguin-Gresh et al., 2014). There is no specific mention of gender issues or women, but there is a crosscutting precept in the law requiring a search for equitable processes for the region's population.

The Regulations for the Statute of Autonomy of the Atlantic Coast (Law 28) defines mechanisms for the internal organization of the autonomous governments and their responsibilities. An interesting detail of Law 28 and its regulations is that the latter was passed in 2003, 16 years after the law was passed. Article 28 refers to the obligation of the Regional Council to create an entity that will ensure the effective and systematic participation of regional, municipal, and communal women's organizations in the process of defining policies and preparing and

executing plans and projects developed in the autonomous regions. This same entity is charged with promoting the equitable participation of women in leadership posts in both council and government offices. Although the law recognizes the importance of women in the process of consolidating autonomy, it is understood that gender as an issue must crosscut all actions in the region as part of the search for more equitable processes. There is, however, no clear or specific mention of women's participation in natural resource management and administration.

The 2008 National Policy for the Sustainable Development of the Forestry Sector (Política Nacional para el Desarrollo Sostenible del Sector Forestal Executive, Decree No. 69-2008) identifies the territorial planning of forestry resources and forestry governance among its foci. Article 16 of Section III on Community Forestry of Indigenous Peoples, Afro-descendants and Ethnic Communities calls for the promotion of community forestry and sustainable management of forests as a mechanism to improve the quality of life of Indigenous Peoples, Afro-descendants and ethnic communities, accompanied by a fostering of communal business capacities and community forestry certification. Nonetheless, there is no mention of women nor reference to a potential gender perspective.

As of 2017, 31% of Nicaragua's land was titled to 23 Indigenous and ethnic territories in the two Caribbean autonomous regions and the Alto Wangki y Bocay watershed area (also on the Caribbean coast): 16 of these titled territories are located in northern autonomous region, four in the southern, and three in the Alto Wangki y Bocay watershed area. All of these titled territories are made up of 304 communities with 205,317 inhabitants and cover an area of 3,819,340 hectares (Ministry of Agriculture and Natural Resources [MARENA], 2017).

Included in the titling process are "complementary areas," or Indigenous and ethnic lands currently held by non-Indigenous persons (*terceros*, or third parties). These *terceros* may lose their titles during the fifth and last phase of titling called *saneamiento*, which appears to be the registration of titles in the Registro Público de la Región Autónoma de la Costa Caribe located in both autonomous regions.[2] I will go into some detail on this phase of the process because of the numerous and sometimes violent conflicts that have occurred and continue to occur in the

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[2] I write "appears to be" because I have not found a clear description of the *saneamiento* phase. Law 445, where the legalization phases for the autonomous regions are presented, states the following in Article 59: "Cada una de las comunidades, una vez obtenido su título podrá iniciar con el apoyo técnico y material de la Oficina de Titulación Rural (OTR), la etapa de saneamiento de sus tierras, en relación con terceros que se encuentren dentro de las mismas." Translation by author: "Each one of the communities, once they have obtained their title can begin, with the technical and material support of the Rural Titling Office (OTR), the *saneamiento* phase of their lands, in relation to third parties that are found within their lands."

autonomous regions between Indigenous and ethnic communities on the one hand, and third-party individuals and groups on the other.

The objective of *saneamiento* is to reach an agreement between the community and *terceros*. According to the Communal Property Law (Law 445), only those persons who obtained a title before 1987, when the law was passed, are considered legitimate *terceros*, and there are three possible outcomes. If the title is legal (e.g., titled land reform parcels, titles obtained and maybe even registered decades before), the *tercero* is allowed to remain in possession of the land, but does not actually own the land in the sense that if she/he wants to sell out, the land reverts back to the community and only the improvements can be sold and only to the community. In the meantime, some type of agreement is made with the community regarding the land such as a leasing agreement. If the title is legal but should not have been issued, the land is returned to the community and the state indemnifies the *tercero*. And lastly, if there is no title or the title is fraudulent, the *tercero* must leave the land and any improvements with no recompense (MARENA, 2017). A possible outcome of agreements with all *terceros* is to lease the land from the community, a practice that is apparently common. It appears that the titling process in the autonomous territories still remains in the fourth (titling) phase and that the fifth (*saneamiento*) phase is proceeding very slowly. The Indigenous and ethnic communities feel that the conflicts occurring with *terceros* (many of whom are recent migrants into the territories) could be resolved if the *saneamiento* phase would be concluded (MARENA, 2017). It seems only a few women have obtained a title before 1987. *A deep dive question is: how does this affect women's rights to govern common resources?*

Community Membership

The Atlantic Coast regions contain most of the country's forests and most of its Indigenous and ethnic population, in addition to a mestizo (mixed European and Amerindian ancestry) population. In Nicaragua, Indigenous communities consist of groups of families that identify with the pre-Columbian inhabitants of Nicaragua; the major groups are Miskitos (120,817), Ramas (4,184), Mayangnas (9,756) and Ulwas (Emissions Reduction Program Document [ERPD], 2019, p.20). Ethnic communities are descendants of African slaves and Afro-Caribbeans (called Garifunas and Creoles) who were brought to Nicaragua's Atlantic coast during British occupation or migrated mostly from British-occupied Honduras and Caribbean Islands to the Nicaraguan Atlantic Coast during and after slavery. In the southern autonomous region (RACCS), the population is mostly mestizo (81%) and Creole (8.5%) while in the northern autonomous region (RACCN) it is predominantly Miskitu (72%) and mestizo (22%). The Caribbean coast is

therefore multiethnic, multicultural, and multilingual with Miskitu, Creole, and Spanish being the most widely used languages. The Mayangna, Ulwa, Garífuna and Rama languages are used in smaller geographical areas (ERPD, 2019, p.20).

A new wave of socio-political and economic challenges, however, have undermined the exercise of self-determination and autonomy, as well as the use and management of land and natural resources in the Caribbean coast of Nicaragua. There has been mass migration of Pacific and central mestizo Nicaraguans (mostly landless and land-poor peasants and an unemployed urban population) to the autonomous territories, resulting in clearing and destruction of vast areas of rainforest for agricultural and cattle ranching purposes. This has fundamentally changing the landscape, demographics, and the livelihood of Indigenous and ethnic communities. (Gaitán-Barrera & Azeez, 2019).

Governance of Common Resources

Customary norms among Indigenous Peoples in the autonomous regions regarding use and conservation of the land, forest, and other natural resources are consistent with their cosmovision and are designed to protect their territory and its resources for their communities and families. Each family is assigned an area of land for agricultural use, the rivers are for fishing, and the forests are for communal use. These uses include hunting, collection of non-timber plants and fruits for consumption and medicinal treatments, and the felling of trees for the construction and repair of their houses and to build *cayucos* (flat-bottomed boats carved out of tree trunks and used for fishing) and *canaletes* (oars). The use of the forest and its resources for commercial purposes on communal land in protected areas is regulated and limited.

Most rural Indigenous and Afro-descendant land tenure systems are organized around customary use and communal land tenure regimes. Since the seventeenth century, customary use, defined broadly as a combination of agricultural, hunting, fishing, and resource-harvesting activities for subsistence and commercial purposes, has undergone multiple transmutations as Indigenous and Afro-descendant peoples have worked to adapt to changing economic conditions on the Atlantic Coast. Current forms of customary use are diverse in nature and continue to structure subsistence and commercial activities for the majority of communities, particularly in the RACCS region.

Currently, communities assert the right to collectively administrate all communal lands and natural resources within territorial claims and that all lands within the autonomous regions are communal lands (as opposed to national lands), subject to community and autonomous

government administration. Thus, Indigenous and Afro-descendant people understand and assert the primacy of communal lands tenures on the Atlantic Coast. Today, communal regimes continue to be one primary means of organizing land tenure and land use for Indigenous as well as rural Afro-descendant (Creole and Garifuna) communities.

The intensity of mestizo colonization and in-migration, investment in commercial plantations from external sources, and urbanization have progressively alienated Indigenous and Afro-descendant communities from the lands they use for subsistence and commercial activities. Regions like Bluefields, Kukra River, Rìo Escondido, and Kukra Hill in the southern region were important centers of Indigenous and Creole agricultural production during much of the twentieth century. Today these areas have sizable mestizo majorities and are deeply integrated into individual, private, state-authorized tenure regimes (Goett, 2006). Nevertheless, Indigenous or Afro-descendant communities' deep identification with their lands persists as does their desires to regain some degree of control over those areas.

The use of natural forests always requires a use permit, which is under the responsibility of the owners or those who exercise the rights over the forest. In Nicaragua, forestland is mostly privately held. This is the result, in part, of the parcelization of communal lands and state grants of forestland to former combatants of the 1980s Contra War. Indigenous communities are also owners of vast areas of forestland. In the RACCN area, the majority of the forestland under private ownership is held by Indigenous communities. Because Indigenous people and ethnic communities' rights are formally recognized, they have some degree of security of access and use of the forest. This security of tenure, however, is threatened by the slow titling process and disagreements over control of natural resources between grassroots and higher-level (territorial) political interests. Furthermore, control of forest access and use by local governments is no guarantee of community control or benefit sharing (Larson and Lewis-Mendoza, 2011). In some cases, local government officials have entered into agreements with private commercial enterprises without local community knowledge or participation in negotiations or benefits. *One deep dive question is: do titles to forestland include women's names?*

The Political Constitution of Nicaragua (1987) considers natural resources to be in the public domain, and therefore, that government should regulate their allocation and uses. Article 102 states, "Natural resources are part of the national heritage. The State is responsible for the preservation of the environment and the conservation, development and rational exploitation of natural resources; the State may enter into contracts for a sustainable exploitation of these resources, when there is a national interest." While it recognizes the usufruct rights of the

Indigenous and ethnic communities of the Atlantic Coast to use and enjoy the communal waters and forests, it does not recognize property rights over these resources. The Constitution also recognizes these communities' right to create programs that further their development and to organize themselves and live according to their legitimate traditions (art. 8, 11, 49, 89, 90, 91, 92, 121, 180, & 181).

Moreover, the 1996 General Law of the Environment and Natural Resources (Ley General del Medio Ambiente y los Recursos Naturales, Ley 217) advocates rational, equitable, and sustainable uses of natural resources and acknowledges the importance of considering the country's cultural diversity and the recognized rights of the residents of the Atlantic Coast autonomous regions. The Ministry of Agriculture and Natural Resources (MARENA) is defined as the regulatory authority responsible for enforcing the law. Among its responsibilities is its mandate over environmental impact assessments and follow-up to the management plans of protected areas. It is thus one of the authorities that governs natural resources at the national level. There are no explicit or specific gender issues discussed nor gender policies mandated in the law and in the regulations of the law. A certain gender perspective is provided through the other policies promoted at the central state level, such as an internal policy that mandates all state institutions to include men and women in their activities (e.g., training workshops and consultation meetings).

Nicaragua's laws and regulations on gender and on forests appear useful and reasonably comprehensive when considered separately; however, there are gaps and failures to operationalize. National laws are inclusive but have resulted in only generic policies and no effective programs. Government actions on forests and natural resources, although mandated to include a crosscutting approach to gender, remain at a simple quantification of men and women incorporated into projects. There is little genuine analysis of women's roles or importance for more inclusive and balanced development processes by the state institutions or NGOs that are implementing projects in Indigenous communities. Hence, the "participation" that predominates is incipient and superficial, particularly as regards natural resources (Mairena et al., 2012). *A deep dive question is: what are the barriers to better gender inclusion?*

A Center for International Forestry Research (CIFOR) study of 18 Indigenous communities in the RACCN gives us a more detailed picture of natural resource use. In the majority of the Indigenous communities, those holding the power and decision-making posts are men. For example, there are very few successful experiences of women as a *wihta* or *síndico*, the key positions of power over forests and other natural resources. NGOs and government entities do not consider the forest as an arena in which Indigenous men and women are co-owners without

distinction and where equitable management institutions can be integrated (Mairena et al., 2012).

Natural resource administration in these communities occurs at several levels:

- the family, which administers small plots or areas assigned by the communal authority, and with its members internally establishes the usufruct mechanisms for the natural resources in its possession.
- the communal assembly, the community's maximum decision-making authority, which delegates this responsibility to the *síndico.*
- the territorial assembly, where the territorial *síndico* is elected to represent the whole geographic area inside the territory boundaries.

The territorial assembly establishes coordination mechanisms with each of the communal *síndicos* within the territory to implement regulations, agreements, and responsibilities for the use and distribution of resources and benefits. Both the communal and territorial *síndicos* should consult the respective communal or territorial assemblies, adhere to the traditional regulations and agreements established for usufruct of natural resources, and establish coordination mechanisms with sectoral leaders to facilitate community administration in monitoring and following up relating to natural resources (Mairena et al., 2012).

At the community level, natural resources are administered for two basic purposes: usufruct for household consumption and exploitation for commercial purposes. Usufruct for household consumption refers to each family's use and exploitation of their agricultural plots assigned by the community. The products generated within these family areas (basic grains, root crops, banana plants, vegetables, and fruits) may be sold, but only in relatively low quantities to supply some basic needs within the home. In addition, this category includes hunting, fishing, small-scale family mining and lumber use (such as for firewood or housing construction), often from established communal areas. Other household uses include medicinal plants, the production of charcoal for fuel and sale, the hunting of wild animals, fishing, and in a few cases, handicrafts based on forest resources and the extraction of gold in mining areas. In some communities, even domestic use of some resources, such as timber, is monitored and requires permission from the *síndico*. Exploitation for commercial purposes refers to the use and extraction of a resource for the purpose of generating income. The person who exploits the natural resource must meet the regulations established in the legal framework and the internal dispositions or norms established by communal authorities (*síndicos*) for this purpose (Mairena et al., 2012).

Laws or Regulations Relating to Land Resources (Forests, Trees, NTFPs) and Women's Rights

Photo by Gabriella Trejoss

The 1987 Atlantic Coast Regions Autonomy Statute Law (Estatuto de la Autonomía de las Regiones de la Costa Atlántica de Nicaragua, Ley 28) created the North Caribbean Coast Autonomous Region (RACCN) and the South Caribbean Coast Autonomous Region (RACCS) where REDD+ sites are located. This law gives the communities in these regions effective rights to participate in deciding how to make use of the region's natural resources and how to reinvest the benefits from these in the Atlantic Coast and the nation overall. Article 8 recognizes both regions' administrative bodies have the general faculties "to promote the rational use and enjoyment of the communal waters, forests, and lands and the defense of their ecological system." Article 9 recognizes "the right to own communal lands where mineral, forest, fishing, and other natural resources are rationally used to benefit the inhabitants equitably, by means of the agreements between the Regional Government and the Central Government." And Article 11 stipulates that "the inhabitants of the Communities of the Atlantic Coast have the rights to use, enjoy, and benefit from the communal waters, forests, and lands, within the plans for national development."

However, the 2003 Communal Property Regime Law (Ley 445), as previously stated, acknowledges "the full recognition of **communal property ownerships rights**, the use, administration and management of traditional lands and their natural resources, through the demarcation and titling of the same," which is partly discordant with the Constitution and the

Autonomy Law. The Communal Property Law also provides a procedure by which traditional community authorities can authorize ***the sale of natural resources to third parties***, provided that the Community Assembly approves the sale. Resource extraction also requires community approval or a process of negotiation involving indemnification and community participation.

The 2003 Law of Conservation, Fomentation and Sustainable Development of the Forestry Sector (Ley de Conservación, Fomento y Desarrollo Sostenible del Sector Forestal, Ley 462), also called the Forestry Law, had as its objective the establishment of a legal regime for the conservation, promotion, and sustainable development of the forestry sector. The fundamentals were the forest management of natural wooded areas, the promotion of tree plantations, and the protection, conservation, and restoration of forest areas at the national level. The law did not differentiate the type of owners (private or collective/Indigenous community) and states that "the owner of forest land has right to the domain of the forest width existing over it and its derived benefits, being responsible for its management, according to what is established by Law" (art. 2). The Law created a National System of Forestry Administration (SNAF) and the National Forestry Commission (CONAFOR), established national protected areas, and provided for the organization of forest districts and development of local forest management plans. Finally, Article 29 established a carbon fund to be financed by international sources. Neither this law nor its regulations contain any reference to gender, equity, or women.

Within the 2013 PRORURAL Inclusive Program, the National Forest Program is a small component and includes a national reforestation campaign, a forest protection program, support for participatory forest management, and a focus on the management of protected areas and biodiversity. Specific efforts include the National Reforestation and Natural Resources Restoration Crusade that trains community reforestation brigades; Cabinets of Family; Community and Life; and local citizens participating in forestry programs and supporting the production of trees through tree nurseries. Municipal governments are responsible for implementing the majority of the reforestation projects. The overall 2013 PRORURAL Inclusive Programs contain a perspective of the marginalized, including women-inclusive goals and monitoring indicators. The National Forest Program, however, has no mention of gender equity or of women's participation.

The state institutions in the National System of Forestry Administration include:

- The National Forestry Commission (CONAFOR) is the instance of the highest level and forum for concertation on the forestry sector, and participates in the formulation, follow

up, control, and approval of policies, strategies and other regulations approved regarding forestry.

- The Ministry of Agriculture and Forestry (MAGFOR) has authority over the forestry sector and formulates regulations in collaboration with CONAFOR. MAGFOR is responsible for: developing agricultural and forestry development policies; creating proposals for environmental protection programs (outside of protected areas) and coordinating the implementation of those plans; and creating proposals for the delimitation of agricultural, livestock, forestry, agroforestry, aquaculture, and fishery development zones.

- The National Institute of Forestry (INAFOR), within MAGFOR, has as its objective to oversee the compliance of the forestry regime in the entire national territory. INAFOR is responsible for the vigilance and inspection of the sustainable use of the forestry resources; the establishment of politics, corrections, and applicable sanctions according to the Forest Law; the execution of the Forestry Development Policy in Nicaragua, in particular the approval of use permits; and the supervision of forestry management plans.

- The Ministry of Environment and Natural Resources (MARENA) works with local populations in nationally-protected areas to achieve conservation goals. In protected areas, it is responsible for the task of issuing logging permits.

- The Ministry of Development, Industry and Commerce (MIFIC) is responsible for granting forest concessions on national lands.

There are also local governmental agencies involved in the administration of forests:

- Municipal authorities have the authority to develop, conserve, and control the use of natural resources, including timber and other forest products. The authority to issue permits for logging, however, is held by INAFOR (except in protected areas). Private forestland owners must obtain household permits to log small amounts of timber, and a management plan is required for concessions to cut down and commercialize larger amounts. Local municipalities can assign tariffs, taxes, and fees for logging, and are also responsible for restricting and monitoring logging, as stated in the 2012 Law on Municipalities (Ley de Municipios, Ley 40). Some municipalities draft ordinances governing the use of natural resources in their territory (Fréguin-Gresh et al., 2014).

- Traditional Indigenous and ethnic community authorities at the local level (called *syndics* and *wihtas*) must be consulted before the state grants a concession and are entitled to 25% of the permit fees paid by concessionaires. Most concessions, however, are granted without local approval and local officials are not advised of the terms of the concessions granted (Fréguin-Gresh et al., 2014).

Under Law No. 40 and its reform, municipal authorities have responsibility for formulating land use plans, in coordination with the Nicaraguan Institute for Municipal Development (INIFOM). Decentralization of administration and authority for land use planning to municipalities, however, has been slow, and the supporting institutional structures are not fully formed (Saldomando, 2011). Under Law No. 28 and Law No. 445, traditional Indigenous and ethnic communities' authorities at the local level (*síndicos*[3] and judges, or *wihtas*) are granted the right to oversee the access to land by Indigenous and ethnic community people in their traditional territories.

Social and Environmental Situation Analysis

In the Atlantic Coast region, many Indigenous and ethnic families continue to meet their needs through subsistence agriculture, fishing, and the collection of forest products such as firewood.

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[3] A *síndico* is the person in the community in charge of approving and signing external agreements.

This subsistence livelihood is threatened by the influx of mestizo migrants from the mountainous and Pacific areas. Census data from 2005 shows that population growth in the Atlantic coastal region was almost double the national rate from 1995 to 2005.

Customary Laws and Social Norms

In Nicaragua's autonomous regions, the governance system of forest resources in Indigenous communities is based on the recognition of the rights of all inhabitants, including women, to participate with voice and rights under a common property regime. Although in this region, the Indigenous worldview includes the idea that both men and women have equal rights in the community, in practice there are important differences established between women and men based on the role socially assigned to the women as mothers responsible for the well-being of the family. Women produce food, gather fruits of the forest, and catch and prepare products to generate income. Despite the existence of formal and informal conditions for equity—in the communal property regime, in the legal framework and in traditional governance—this does not always exist in practice. It appears that it is mainly urban-based Miskitu women who have been involved in empowerment processes that have moved them into important spheres of political power.

In Nicaragua, gender roles and relations in Indigenous communities typically undervalue and render invisible women's productive work. Their domestic roles are celebrated, particularly their roles as transmitters and socializers of Indigenous culture; their important roles in the communities' productive processes, however, are ignored. In the majority of communities, those holding the power and decision-making posts are men; there are very few successful experiences of women as *wihtas* or *síndicos*.

Agriculture is the activity that women participate in the most and provides food security for their families. Both men and women participate in agriculture and support each other in the agricultural chores. Some communities in the CIFOR study consider men to be "more related to the forest" and this would seem to concur with the traditional norm and practice in the communities that it is men who extract timber from the forest. While income from logging, whether through a community forestry cooperative or through a concession to an external company, is limited and infrequent, both men and women cited timber as a resource of great value in many communities. Wood is used for sale, for housing maintenance, and for other activities such as the building of canoes and small boats used by community members for transport. Nonetheless, in one of the communities, women had produced their own forestry management plans. Some communities reported that women are also involved in timber

extraction, but usually for non-commercial use related to building and maintaining their homes (Mairena et al., 2012).

Women's traditional role in the home is one of the principal barriers limiting women's participation in arenas of power at the community level. Women's work outside the house is devalued and even ridiculed: some women who attempt to participate in community organizations or decision making will withdraw and stop participating in local processes. In addition, men fail to take on work within the home in order to facilitate women's participation in the community. In arenas of relations with social and political actors outside the community and territories, it is men who represent the community.

This Nicaragua case study did not find much literature regarding customary norms for Indigenous or ethnic peoples on women's access to and control of land, forests, and other natural resources. In the Atlantic Coast region of Nicaragua there are three broad cultural societies: Indigenous, ethnic, and mestizo. Each one of these has its own cultural norms regarding land and natural resource tenure on the one hand, and gender on the other. In addition, within the Indigenous Peoples, there are matrilocal and patrilocal communities, and one could expect that this difference would also influence land tenure norms and practices. In addition, it should be remembered that cultural norms and practices are not rigid nor unchanging. The events that have occurred over the last four decades have certainly influenced these communities' norms and practices, particularly the Contra War of the 1980s and the increasingly high levels of mestizo migration into the Atlantic Coast region since the 1990s. Some mestizo migrants are landless or land-poor farmers who seek to set up family farms, but others are migrants looking to establish extensive cattle ranches or commercial plantations such as oilseed.

One source of field information regarding intra-family use of natural resources and land transfers on the northern Atlantic Coast was carried out by Ariana Toth in 2012 in the Bilwi (Puerto Cabezas) area among the Miskitu, a matrilocal and matrifocal society. One of the women lamented that the "culture of masculinity is very deep," and Toth (2013) maintains that in these matrilocal/matrifocal communities women have social and cultural responsibilities as well as the economic well-being of their families, but "political responsibility of women was not something that was discussed much in the community" (p.52).

As in most societies, Miskitu women are restricted by a gendered division of space. Tradition dictates that the woman's place is in the home where they make all child-rearing and economic decisions. In practice, however, it seems that women eventually gain control of their spouse's

earnings. Since men in matrilocal societies seek to settle in their spouse's community and insert themselves in their spouse's extended family through marriage, they are expected to provide labor and monetary income (a type of bride service). Marriage, however, is often avoided by women because they would be restricted in their relations with others in the community; unmarried women are able to rely on their extended family for goods and services (Jamieson, 1995).

In the Toth study (2013), Miskitu women maintained that land within the community is usually distributed to women by their mothers in line with matrilocal custom. One woman, however, said that she had inherited her land from her father and that in her village, land is mostly passed on to men, not women. Rights to forest land are granted by community leaders, usually at the time of marriage. This forest land is not inherited and reverts to the community upon the user's death. Women as well as men have the ability to gather any resources they need for their own homes from their lands, but they do have to pay a tax for that use.

Men typically break or plow the land through slash and burn clearing and assist with some aspects of the harvest; women typically oversee planting, maintaining the crops, and harvesting. As for the commercial use of natural resources, women do not have any say and only men decide whether resources will be sold off the land. One of the women interviewed said that women should have more control over the natural resources than men because women are more likely to plan for the future whereas men are primarily concerned with how to make a profit from the resources currently available (Toth, 2013).

Women's Participation in Communal Land and Forests Governance

Despite a policy context that on the surface may seem favorable to the political participation of women, mostly only urban Indigenous women have benefited. Women living in rural communities continue to play a nominal or passive role in formal and informal decision-making processes, particularly about natural resources at the community level. Women do not seem to be involved in active leadership, such as in forest management, and even their participation as a community member seems to be lacking.

Women's participation in natural resource management is seen primarily as obtaining firewood and non-timber resources from the forest, while it is the men who log, sell trees and timber to external actors, and make the decisions. Community government, in which boards of directors have been formed and headed by judges (*wihtas*) and *síndicos*, has been (and in most cases continues to be) dominated and monopolized by male community members. Occasionally,

however, spaces have opened for women to take on leadership positions. For example, in the study by Mairena et al. (2012) nine of the 18 communities had women *síndicos* at some time, for at least a month.

There is not much information, neither quantitative nor even data-based qualitative, regarding women's participation in governance, decision making, and benefit sharing in the Indigenous and ethnic communities. Most reports and authors vaguely maintain that it is men, not women, who make decisions regarding the communities' land and forests. A study by Evans et al. (2017) in the northern autonomous region, which included adaptive forest management activities focused on women, does delve into this issue. They found that while their data suggest that women have some important decision-making power over forest resources and potentially over forest-based income at the household level, meaningful participation in decision making in the communal arena is very weak.

Their research showed that while women were physically present when community decisions are made, there was little indication that women were interactive and empowered participants. Meetings were dominated by men, while women were more likely to actively participate in the forest activities than in meetings and workshops. Evans et al. (2017) observed that women exhibited significantly more confidence, greater leadership in initiating discussions, and in general participated with more parity when in the forests.

The control of men over women's involvement in community activities was also documented during the territorial demarcation process in the northern autonomous regions. Women were very critical about the procedures of Law 445 (the Community Land Demarcation Law), but local male leaders opposed the participation of women in the decision-making process and effectively isolated them. But what is even more interesting about this incident is what happened when an Inter-American course on human rights in Bluefields proposed to publish a paper by several of its women participants about the demarcation process and the denial of women's participation in it. The women writers refused to give permission to publish the paper in fear of repercussions from male political leaders in the area (Figueroa, 2011).

Evans et al. (2017) observed that at the community level, participation was controlled by traditional leaders who often limit the participation of women. The *wihta* determines who can attend adaptive management activities such as meetings, workshops, and training, even though in theory these activities were open to everyone. This power over participation was sometimes exercised to exclude women who were viewed as stepping outside the bounds of accepted gender roles. In a very real way, this control by the traditional leaders over the participation

reflects how the public spaces in the community—meetings, assemblies, workshops—are spheres very much under the control of men and male leaders (Evans et al., 2017).

Other signs observed during the two years of research, of men's control over public events and activities, included the transformation of women from initiating and leading reflective discussions when among themselves to assuming passive roles and muted attendance when in community meetings with men, and the resignation of women from leadership posts when sanctioned by the community or their husbands (Evans et al., 2017).

The research concluded that obstacles at the communal level cannot be overcome without attention to the gender relations within households. The pervasive incidence of domestic violence in Indigenous households can create an environment of intimidation and fear that effectively quells the participation of women. Obstacles to women's participation in community decision making are numerous. Indigenous Mayangna women are much more timid than other Indigenous and Creole women and are less likely to speak Spanish and therefore less likely to participate in workshops and training sessions run by outsiders. Forests are associated with men's work and considered rough and dangerous for women; this perception justifies prohibiting women from entering an activity traditionally held by men. Gendered norms that women must tend to the home endorsed by Catholic and Protestant religions also constitute an obstacle. Lastly, women who attempt to hold leadership positions open themselves to gossip and criticism from their family and community neighbors.

A series of focus group discussions with women and men reveals that neither women nor men are yet questioning the traditional gender roles reproduced at the community level (Mairena et al., 2012). Women are not expected to participate in meetings and workshops as they have too many responsibilities at home. Also, male spouses are reluctant to give permission to participate in community activities, whether they be educational workshops or assemblies. Men think that women are an obstacle to community development and that that they should only be in the house working as a housewife. To cement in these constraints for women, there are no initiatives for men to share the domestic chores.

Table 1. Typology of Participation

Form/level of participation	Characteristic Features
Nominal participation	Membership in the group

Passive participation	Being informed of decisions ex post facto; or attending meetings and listening in on decision making without speaking up
Consultative participation	Being asked an opinion in specific matters without guarantee of influencing the decisions
Activity-specific participation	Being asked to (or volunteering to) undertake specific tasks
Active participation	Expressing opinions, whether or not solicited, or taking initiatives of other sorts
Interactive (empowering) Participation	Having voice and influence in the group's decisions; holding positions as office bearers

Using the adaptation above of Agarwal's participation typology (2010) to "rate" Indigenous women's participation on decision making regarding forests and forest products, it appears that women have passive participation. Women are considered members of their community and together with men attend community meetings when they are able; that is, when their household responsibilities allow them the time to do so. They do not participate in the discussions and are not consulted regarding natural resource management decisions. Very few women hold positions of authority such as *wihtas* and *síndicos*.

An anecdote illustrates this strong cultural norm and practice of yielding leadership and authority (and, of course, power) to men among Indigenous societies in Nicaragua. Community Commissions were created to make demands on the municipal council authorities and civil society organizations where women and men were intended to participate equally. The Center for Research and Documentation of the Atlantic Coast (CIDCA) was involved in creating these commissions and provided a technical team to give the men and women of the community the skills they needed. Despite their efforts and sincere desire to empower women through participation and political advocacy, the results were disappointing: the women yielded their positions within the commissions to men for cultural reasons. Within certain ethnic groups, the idea that women could represent or make suggestions to the community has not been accepted, so men largely represent the commissions created within the communities.

Climate Change Programming and Gender Inclusion

Photo by Jae Salavarrieta

Women, and especially Indigenous women, play an important role in the management of forests, natural resources and transfer of knowledge (Strategic Environmental and Social Assessment (SESA], p.45). Indigenous women in the REDD+ regions are heavily engaged in subsistence farming and collection of forest products such as firewood and plants for the reproduction of their households. Thus, they are highly vulnerable to the impacts of climate change that can negatively affect their subsistence crops and forest products.

As pointed out in the previous section, although women work in the forests and are heavily invested in the outcomes of decisions made regarding forest management, they are not included in the decision-making process. Their activities in the forest are seen as satisfying household subsistence needs and therefore are not valued. Community authorities who make the decision regarding forest management are in the great majority men, and women are discouraged from even participating in community meetings. The ERPD (2019) recounts that one of the issues mentioned in the community workshops is the lack of participation by women (pp.269-72, 283). The exclusion of such an important sector of forest users from management decision-making runs the risk of not "seeing" some effects of gradual climate change on the forest and the natural resources found in it.

The collection of firewood for cooking is one of women's principal chores. Firewood collection, particularly for the production of charcoal, is also considered a principal cause of forest degradation (ERPD, 2019, p.26). Community management of forests and social reforestation is

recommended as a means to reduce the pernicious practices of firewood collection (ERPD, 2019, pp.57-58). There is no discussion on how to resolve women's need for cooking fuel in ERPD, but the BSP does include improved stoves for both private property and community REDD+ members (BSP, pp.20-23).

In 2007, Nicaragua formulated a National Climate Change Action Plan (Estrategia Nacional Ambiental y del Cambio Climático Plan de Acción 2010-2015, PANCC) based on a series of studies on vulnerability, mitigation options, and climate change impact. The objective was to develop adaptation measures for the most vulnerable sectors of the economy, such as agriculture and water resources, and to contribute to the mitigation of greenhouse gas, particularly in the forestry sector. Nicaragua's first National Climate Change Strategy was designed with the help of United Nations Development Programme (UNDP) and the Embassy of Denmark. The main vulnerabilities considered and the main actions proposed are focused on extreme weather events, leaving aside the analysis of gradual climatic changes. It proposed several adaptation programs for the period 2010 to 2015.[4]

Nicaragua participates in a multi-country climate change program partially financed by the World Bank to be implemented 2018-2024 (Productive Investment Initiative for Adaptation to Climate Change (CAMBio II, GCF). The principal activity is to provide concessional loans and technical assistance to encourage micro-, small-, and medium-sized enterprises (MSMEs) to invest in climate change adaptation and to consolidate agricultural production systems adapted to climate change. A grant component of this project will provide financial rewards to MSMEs and intermediary financial institutions for their successful implementation of adaptation activities. This climate change project seeks to finance at least 30% of women-led MSMEs to enhance women's access to credits for adaptation to climate change and to empower women's access to financial services. Its objectives are based on a capacity-building program to enhance MSME capacities in adaptation on climate change with a gender perspective and to empower women's capacities in specific issues of adaptation on climate change and financial services. The project also plans to conduct studies to assess the participation of women in program implementation and to report on the effectiveness of the gender strategy. The Gender Action

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[4] This Plan was preceded by two other plans regarding natural resources: the Environmental and Action Plan of Nicaragua (PAA-NIC, 1993) and the Environmental Plans of Nicaragua (PANIC, 2001-05, and 2005-11) that served to promulgate the General Act on the Environment and Natural Resources which has been the main policy document regulating land use in rural areas. There was also a Regional Strategy for the Northern Atlantic Autonomous Region (Estrategia de la Región Autónoma del Atlántico Norte (RAAN), frente al Cambio Climático) that was approved by the Regional Council (Resolution No. 29-08-02-2012).

Plan for this program does not include any objectives or goals related to land tenure (World Bank, 2019).

A recent Bio-CLIMA Project in Nicaragua, Integrated Climate Action to Reduce Deforestation and Strengthen Resilience in BOSAWÁS and Rio San Juan Biospheres (under the Emissions Reduction Program Fighting Climate Change and Poverty in the Caribbean Coast, BOSAWAS Biosphere Reserve and the Indio Maíz Biological Reserve), is located in REDD+ regions and while the documentation contains gender safeguards and monitoring, the project does not seem to include gender-focused land tenure-related safeguards. The Environmental and Social Safeguards Management Framework (ESMF) addresses measures to ensure gender and youth participation, monitoring and accountability, information disclosure, gender mainstreaming, incorporation of considerations related to Indigenous Peoples, stakeholder engagement, and a grievance and redress mechanism. The project documentation does not mention gender-related land tenure risks or opportunities.

Existing Organizations Working with Women

Photo by roberto zuniga

The organizations listed below mostly work with Indigenous women in the northern autonomous region. Little information was found regarding organizations of or for Creole women or for the southern autonomous region.

AMICA (Asociación de Mujeres Indigenas de la Costa Atlántica) was founded by Miskitu women leaders who experienced warfare, displacement, and exile during the Sandinista revolutionary

period. They profoundly disagreed with the United Nation's re-settlement programs to repatriate Miskitu families and formed AMICA to support the resettlement process of Indigenous women who were single mothers, widows, and female heads of households. After repatriation, the organization became involved in projects to support women's participation in ecotourism, microcredit, and political education programs. As of 2011, they work in the following areas: a) training in alternative economic work, such as sewing and cooking; b) training in community promotion of human rights, the ILO Convention 169, Law 28 (the Atlantic Coast Autonomy Statute), and Law 445 (The Atlantic Coast Community Land Demarcation Law); c) environmental education in biodiversity and natural resources management; d) the lending of microcredits to female producers based in the community; e) support and promotion of community engagement in ecotourism as an economic alternative to catching green turtles and diving for lobster; and f) organization of forums and public debates concerning women's lack of representation in the regional government.

Masangni is an NGO in the northern autonomous region with a gender policy that explicitly includes women's participation in forestry resource management and administration, as well as fostering equality among the personnel of the organization itself. The translation of this policy into a gender strategy still requires mechanisms for follow-up and monitoring such as developing indicators that capture the different gender roles in the communities and as well as women's inclusion in the activities proposed and implemented by the organization.

La Gaviota Women's Collective works in the urban area of Bilwi (Puerto Cabezas) on promoting and defending women's human rights, whether they be individual or collective, through training processes.

The Center of Studies and Information on Multiethnic Women (CEIMM) at the University of the Autonomous Regions of the Nicaraguan Caribbean Coast (URACCAN) focuses on gender equity from a rights and empowerment perspective. CIEMM has no focus on natural resource management; however, it does implement a gender strategy when working with other university organizations such as the Institute for Natural Resources, Environment and Development (IREMADES), which does a specific project with women in communities in the region. This policy mainly concerns the role and inclusion of women in the activities and projects.

The Nidia White Organization promotes and defends women's human rights in the Waspam municipality and in the mining region (Siuna, Rosita and Bonanza) through alliances with local women's organizations.

The **Center for Autonomy and Development of Indigenous Peoples** (CADPI) is developing an institutional strengthening project for the autonomy of Indigenous Peoples in four territories: 1) the Tuahka territory in the community of Wasakin, 2) Tasba Raya – Wangki Twi, 3) Tasba Pri, and 4) a Mayangna community in the Bosawas Biosphere Reserve in the Mayangna Sauni As Territory. Their climate change project incorporates men and women among the participants and beneficiaries and examines the roles they perform in natural resource management. CADPI serves an accompaniment role and provides training for negotiation processes within political arenas.

The **Center for Research and Documentation of the Atlantic Coast** (CIDCA) has developed its project on civic participation in Mayangna communities and incorporates a gender approach. CIDCA was involved in creating local community commissions, in which men and women are intended to participate equally. CIDCA provided a technical team to give the men and women of the community the skills needed to make demands on the municipal council authorities or civil society organizations.

Analysis and Recommendations for Gender Inclusion

An effective and sustainable management of forests means bringing in all community members who use and benefit from forests and forest resources. For that to occur in the REDD+ program, both participating communities **and** outside institutions need to reflect critically on their actions and activities and on their gendered assumptions regarding forests. REDD+ program documentation mentions the importance of including women in REDD+ activities and benefits (BSP, 2019; ERPD, 2019, pp.269-272, 283). In addition, increased women's participation may radiate benefits beyond those for the REDD+ program and motivate women to work for other societal benefits such as equal land rights. The constraints for women's participation are numerous and include cultural, social, economic, and logistical constraints. The following recommendations explore these constraints and ways to reduce them.

1) **Time poverty**. Because of gender norms, women are responsible for a high proportion of their household's reproductive work, including agricultural production for family consumption. This double burden of work makes it more difficult for them, and potential women leaders, to take time out to participate in community meetings, forest management, and conservation organizations, particularly if these activities are carried out at times and in places that do not take into consideration women's time and mobility constraints and their

domestic responsibilities. The BSP includes some explicit benefits to lessen women's work such as improved stoves and water storage facilities (BSP, 2019, pp. 20-23), but further benefits such as daycare centers and community kitchens (*comedores comunales*) need to be explored so that women can participate fully in REDD+ activities and community decision-making organizations.

2) **Less education and skills**. The persons who rise to leadership positions and participates in community decision making tend to be the more educated. Women are usually less educated than men—not only are they likely to have less formal education but also have had less formal or informal training opportunities. In Indigenous communities, more women than men tend to be illiterate. Providing adult women with leadership training, basic literacy and numeracy skills, and other types of training can promote empowerment and the acquisition of communication and negotiation skills that improve women's potential to become community leaders and full community members. Training for women should be offered within the REDD+ program and as part of community benefit-sharing plan.

3) **Lack of legal knowledge**. Women in rural areas tend to not be aware of the legal rights they have, rights that make them equal to men with regards to wages, property, household management and decision making, and women's inclusion (in equal number) in community governance processes. Awareness of their rights, particularly in gender equity, would encourage and motivate women to actively participate in meetings and in positions of leadership. Workshops on gender equity and women's and men's rights, for both women and men, should be undertaken by the organizations seeking to promote gender equity within communities as well as NGOs and the State promoting sustainable management of forests.

4) **Monolinguism**. In Indigenous communities, more women than men tend to fluently speak only their own language, having weak or no knowledge of Spanish.

Community activities, including workshops and REDD+ meetings, should be held in the Indigenous language so that all women can participate. For women to attain **leadership** positions, they need to understand and speak Spanish. Training in Spanish language for potential women leaders may increase their success within the community and the region.

5) **Lack of voice**. Because of the above constraints and the cultural norm that women belong in the home and should not participate in public meetings, women's knowledge and insights are not taken into consideration when REDD+ objectives and plans are discussed. In Nicaragua, women have observed that natural resources—timber, traditional medicine, fruits, agricultural practices, hunting, fishing—are used without sufficient regulation and control at the community level, indicating the **breakdown of traditional management rules**. Many women believe that community leaders are not doing their job and that is why natural resources are disappearing. Addressing the constraints mentioned above and supporting community women in voicing these problems and in participating in a broader community management of the forest may diminish loss of forest and its products.

6) **Lack of resources.** Providing financial and human resources is explicitly a responsibility of the community authorities, but they generally do not support women's organizations. These organizations can be key in facilitating the participation of women in community meetings, workshops, and activities such as arranging transportation for women and providing childcare so that women can attend the meetings and participate in the discussions. REDD+ programming should encourage this type of resource support for women's organizations.

References

Published Sources

Agarwal, B. (2010). Does women's proportional strength affect their participation? Governing local forests in South Asia. *World Development*, *38*(1), 98-112.

Bryan, J. (2019). For Nicaragua's Indigenous Communities, Land Rights in Name Only. *NACLA — Report on the Americas*, *51*(1), 55-64.

Centro de Investigaciones y Estudio de la Reforma Agraria (CIERA). (1984). *La mujer en las cooperativas agropecuarias en Nicaragua*.

Centro de Investigaciones y Estudio de la Reforma Agraria (CIERA). (1989). *La Reforma Agraria en Nicaragua* (Volume 9).

Deere, C. & León, M. (2001). *Empowering Women: Land and Property Rights in Latin America*. University of Pittsburgh Press.

Evans, K., Flores, S., Larson, A., Marchena, R., Müller, P. & Pikitle, A. (2017). Challenges for women's participation in communal forests: Experience from Nicaragua's Indigenous territories. *Women's Studies International Forum, 65*, 37–46.

Fréguin-Gresh, S., Oporta, P., White, C., Flores, J., & Manzanares, D. (2014). *Regulations on Access and Property Rights to Natural Resources in Nicaragua and Honduras: Literature review for institutional mapping of the Nicaragua-Honduras Sentinel Landscape.* CGIAR-Research Program on Forest, Trees, and Agroforestry.

Gaitán-Barrera, A. & Azeez, G. (2019). Autonomy in the Caribbean Coast: Neoliberalism, landless peasants, and the resurgence of ethnic conflict. In Luciano Baracco (Ed.), *Indigenous Struggles for Autonomy: The Caribbean Coast of Nicaragua*. Lexington Books.

Goett, J. (2006). *Diasporic Identities, Autochthonous Rights: Race, Gender, and the Cultural Politics of Creole Land Rights in Nicaragua* [Doctoral dissertation, The University of Texas at Austin].

Instituto Nicaraguense de Reforma Agraria & Instituto Nicaraguense de la Mujer. (1996, December 9-10). *Informe de Nicaragua* [Paper presentation]. First Central American

Conference on Intercambio de Experiencias sobre el Proceso de Sensibilización de Género con Demandantes de Títulos Agrarios, Managua, Nicaragua.

Jamieson, M. (1995). *Kinship and Gender as Political Processes among the Miskitu of Eastern Nicaragua* [Doctoral dissertation, London School of Economics and Political Science].

Kay, C. (1998). The Complex Legacy of Latin America's Agrarian Reform. *ISS Working Paper – General Series, 268*.

Larson, A., & Mendoza-Lewis, J. (2009). *Desafíos en la Tenencia comunitaria de bosques en la RAAN de Nicaragua*. URACCAN; CIFOR; RRI.

Lastarria-Cornhiel, S., Agurto, S., Brown, J., & Rosales, S. (2003). *Joint Titling in Nicaragua, Indonesia, and Honduras: Rapid Appraisal Synthesis*. Land Tenure Center.

Mairena, E. (2009). Género en la RAAN y RBB: *Sistematización de Información Secundaria*. Nitlapan; MASRENACE.

Mairena, E., Lorio, G., Hernández, X., Wilson, C., Müller, P., & Larson, A. (2012). *Gender and Forests in Nicaragua's Indigenous Territories: from National Policy to Local Practice* (Working Paper 95), Center for International Forest Research (CIFOR).

Ministerio de Ambiente y Recursos (MARENA). (2017). *Evaluación sobre la tenencia de la tierra y los recursos naturales en la Costa Caribe, la Reserva de la Biósfera BOSAWAS y la Reserva Biológica Indio-Maíz.* The World Bank.

Ministerio de Ambiente y Recursos (MARENA). (2020). *Environmental and social safeguards (ESS) report for FP146: Bio-CLIMA: Integrated climate action to reduce deforestation and strengthen resilience in BOSAWÁS and Rio San Juan Biospheres*. The World Bank. Retrieved from https://www.bcie.org/fileadmin/user_upload/Annex_6_English_Bio-Clima_Environmental_and_Social_Safeguards_Management_Framework.pdf

Romero, M. (2011). *Comparative Analysis of Indigenous Women's Participation in Ethno-politics and Community Development: The Experiences of Women Leaders of ECUARUNARI (Ecuador) and YATAMA (Atlantic Coast of Nicaragua)* [Doctoral dissertation, York University].

Saldomando, A. (2011). *Situación de la Descentralización en Nicaragua*. Centro de Investigación de la Comunicación (CINCO).

Toth, A. (2013). *Economic Autonomy of the Miskitu Women of the North Atlantic Autonomous Region, Nicaragua: Do Current Development Polices Apply to Matrifocal Societies?* [Master's Thesis, Western Michigan University].

World Bank. (2013). *Implementation Completion and Results Report* (IDA-36650, IDA-3665a, IDA-46800).

World Bank. (2019). *Gender Action Plan, FP097: Productive Investment Initiative for Adaptation to Climate Change (CAMBio II).*

Nicaraguan Legislation

Código Civil de la República de Nicaragua (1904).

Constitución Política de la República de Nicaragua (1987).

Ley de Conservación, Fomento y Desarrollo Sostenible del Sector Forestal, Ley 462 (2003).

Ley de Igualdad de Derechos y Oportunidades, Ley 648 (2008).

Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maíz, Ley 445 (2003).

Política Nacional para el Desarrollo Sostenible del Sector Forestal (Decreto Ejecutivo No. 69-2008) (2008).

Reglamento a La Ley No. 28 Estatuto de Autonomía de las Regiones de la Costa Atlántica de Nicaragua (Decreto A.N. No. 3584) (2003).

Reglamento de La Ley No. 462, Ley De Conservación, Fomento Y Desarrollo Sostenible Del Sector Forestal (2003).

REDD+ Documents

Forest Carbon Partnership Facility (FCPF) Carbon Fund. (2019). *Caribbean Coast Emission Reduction Program Document (ERPD): Nicaragua*.

Ministerio de Ambiente y Recursos Naturales (MARENA). (n.d.). *Environmental and Social Management Framework for ENDE-REDD+*.

Ministerio de Ambiente y Recursos Naturales (MARENA). (n.d.). *Reporte de Evaluación Estratégica Social y Ambiental* (SESA).

Ministerio de Ambiente y Recursos Naturales (MARENA). (2017). *Evaluation on the Tenure of Land and Natural Resources on the Caribbean Coast, the BOSAWAS Biosphere Reserve and the Indio-Maíz Biological Reserve*.

Ministerio de Ambiente y Recursos Naturales (MARENA). (2019). *Benefit-Sharing Plan of the (REDD+) Emission Reductions Program, "Fighting Climate Change and Poverty in the Nicaraguan Caribbean Coast, the Bosawás Biosphere Reserve, and the Indio Maíz Biological Reserve."*