

Multilevel governance and land use in Chiapas and Yucatan

Lessons for REDD+ in Mexico

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Key messages

- In Mexico, land-use policy is fraught with centralizing tendencies, and different sectors often have incompatible (rural) development agendas. This inhibits successful innovation and a ‘made to fit’ territorial approach to low emissions development.
- Although formally REDD+ is advancing, in practice there exist doubts, tensions and competing visions regarding implementation. The designation of a forestry agency without the rank of ministry — CONAFOR — for the implementation of REDD+ has challenged the socialization of the REDD+ message throughout other sectors.
- CONAFOR’s special programs in REDD+ early action areas revealed a forest-centered, conservationist approach rather than the sustainable management goals and low emissions development expressed in Mexico’s policy documents (including the National REDD+ Strategy).
- Civil society has been active in supporting and strengthening environmental policy in the context of REDD+. However, there are concerns that many nongovernmental organizations do not actually represent rural inhabitants and forest owners, while grassroots productive organizations have largely been left out of the debate.

Introduction

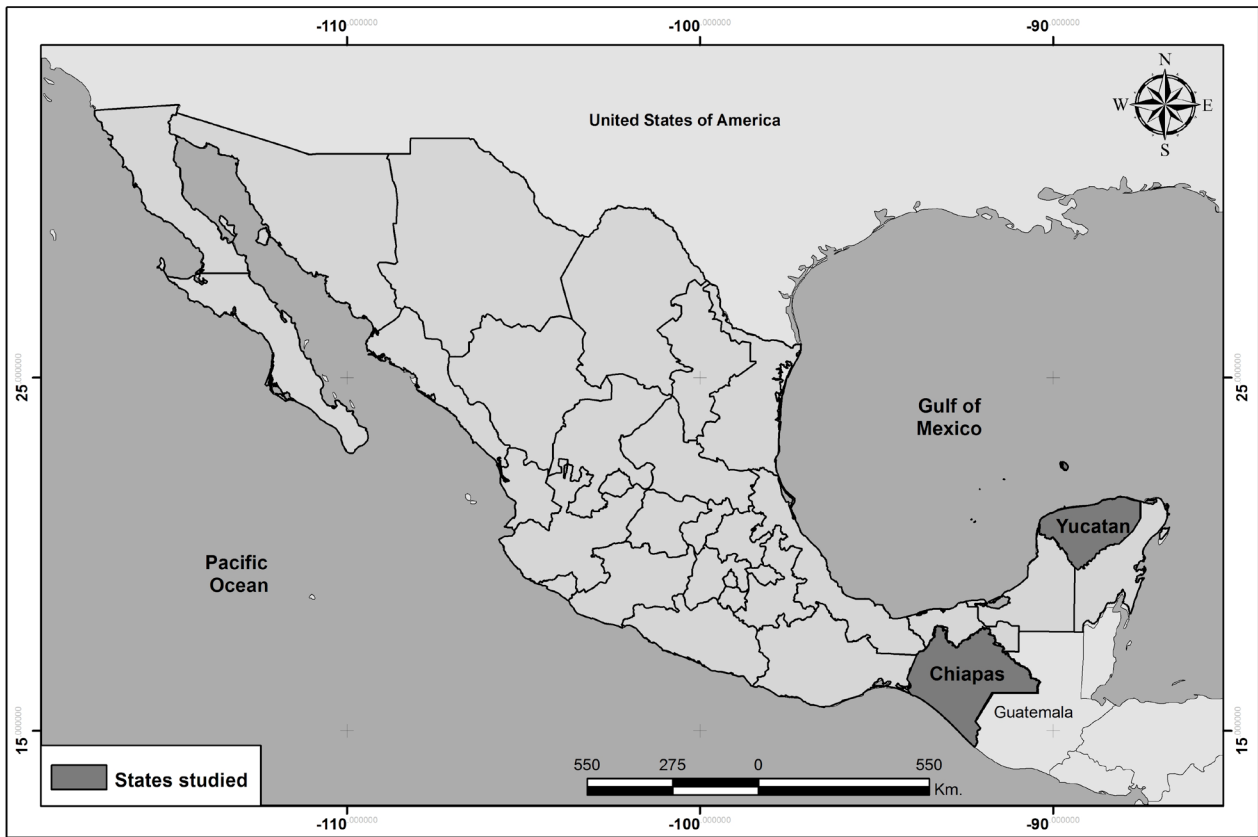
Multilevel governance arrangements face many challenges, not least sectorial cultures that promote (and perpetuate) particular visions of (and for) rural areas that are often incompatible. Different government ministries and commissions have different ‘ways of doing things’, rhythms and goals that do not always permit collaborations with other actors. As part of its Global Comparative Study on REDD+ (GCS-REDD+, <http://www.cifor.org/gcs/>), CIFOR initiated research on multilevel governance and REDD+ in Mexico in 2014 in a comparative project with four other ‘REDD+ countries’. This study looked critically at how land-use decisions are made and how these affect outcomes for diverse actors in two states in southern Mexico: Chiapas and Yucatan (see Map 1). It also examined the potential of new Low Emissions Development (LED) initiatives. In particular, it looked at questions of participation in decision-making processes and perceptions regarding the legitimacy and equity of these arrangements. The concept of multilevel governance is employed to analyze the degree of coordination between different levels and sectors for a common end. The study found many examples of efforts to improve multilevel governance around common problems,

but also many obstacles and inertias that inhibited turning cross-sector planning processes into practice.

This brief presents data from multiple sites of land-use change in Chiapas and Yucatan, including deforestation caused by cattle ranching, oil palm plantations and commercial agriculture, as well as LED initiatives and REDD+ pilot projects. Five sites of land use change were selected in each state based on whether they exhibited clear tendencies toward ‘increasing’ or ‘decreasing’ emissions. Three sites in each state were chosen to represent ‘decreasing’ emissions, of which two included REDD+ type interventions. The remaining two sites were selected to represent land use scenarios with ‘increasing’ emissions. On the basis of 150 interviews with state and non-government actors at different levels in both Chiapas and Yucatan, we looked at decision-making processes around land use, REDD+ processes at the regional level and approaches to benefit sharing at the project level (see Table 1).

REDD+ in Mexico

From the start, Mexico adopted a broad definition of REDD+, envisioning it as an integrated, territorial low-emissions



Map 1. States studied in Mexico

development strategy for rural areas, and not simply a mechanism for reducing emissions from deforestation and forest degradation and conserving forests. Perhaps because of this, the scenario in Mexico regarding the implementation of REDD+ and other LED initiatives is particularly complex and dynamic, involving many actors operating at different levels, shifting alliances and periodic ruptures.

Mexico got off to a swift start with REDD+, producing a number of key national policy documents in time for the COP-16 Climate talks in Cancun at the end of 2010. Since then, it has become a proactive player in climate change policy, both nationally and internationally. The National Climate Change Law came into force in 2012 and as part of the Paris Agreement, Mexico's National Determined Contribution (NDC) provides for an unconditional reduction of 22% of greenhouse gas emissions by 2030, promising a zero deforestation rate by 2030. In 2016, Mexico became one of the first countries to publish its Mid-Century Strategy, the National Strategy for Climate Change 20-20-40.

Who makes land-use decisions?

Federal government and *ejidos* (see below) were the levels of government considered to have most influence over land-use change and forests. This nexus is unsurprising,

given how agrarian law links these collective landholdings directly to the executive. The federal government retains the lion's share of the agricultural and environmental budgets (and hence decision-making powers), despite decades of decentralization measures in other spheres of government. The influence of state governments in agriculture and environment policies differed in Chiapas and Yucatan. In practice, however, the limited budgets assigned to these sub-national agencies meant that the federal level prevailed. This has affected land-use change through agricultural subsidy programs and, to a lesser extent, payments for environmental services (PES). REDD+ may alter this, especially if state governments receive independent funding for low emissions development projects.

But some interviewees considered state governments to be ill-equipped to administer REDD+ funds and the federal level has been reluctant to strengthen sub-national capacities. Municipal governments were generally 'conspicuous by their absence' in issues relating to land use and forests. For the most part, municipal governments were perceived as being preoccupied with (urban) infrastructure investment and attracting scarce funding from higher levels of government. At the same time, many *ejidos* and communities retain control of their lands and forests. With varying degrees of social capital and under the influence of diverse, external incentives, it is this 'fourth' level of government that makes the day-to-day decisions on land use and forest management.

Table 1. Land use change sites in Chiapas and Yucatan, Mexico

State	Emissions change	Location	Jurisdiction	Surface area (km ²)	Relevant productive activities and programs
C H I A P A S	'Decreasing emissions' sites	Maravilla Tenejapa	Municipal	546	Coffee, ecotourism, PES, low emissions agriculture
		Selva El Ocote Biosphere Reserve	Federal (CONANP)	1,013	Coffee, low emissions agriculture
	The Sierra Madre inland watersheds	Non-Gov. Priority Action Area for <i>Alianza México-REDD+</i> , includes 12 whole or part municipalities.	10,500	Coffee, pine resin extraction, PES	
S	'Increasing emissions' sites	Benemérito de Las Américas	Municipal	1,098	Palm oil and rubber plantations, cattle ranching
		Mapastepec	Municipal	1,230	Cattle ranching and palm oil plantations
Y U C A T A N	'Decreasing emissions' sites	El Puuc Biocultural Reserve	<i>Junta Intermunicipal Biocultural El Puuc</i> (Public Territorial Development Agency) with support from state Environmental Ministry (SEDUMA)	1,358.5	PES, charcoal, honey, ecotourism
		Bocas de Dzilam coastal reserve	Environmental ministry (SEDUMA), Yucatan state government.	690	Cattle ranching, fishing, ecotourism
	El Zapotal private reserve and surrounding <i>ejidos</i>	Private property managed by <i>PRONATURA Península de Yucatán A.C</i> (regional)	284	PES, reforestation.	
	'Increasing emissions' sites	Tizimin	Municipal	3,747	Cattle ranching
		Tekax	Municipal	2,770	Commercial agriculture

Between government and governance

Mexico has a history of centralized natural resource governance. This feature largely emanates from the nature of its current political constitution, first promulgated in 1917 in the context of a national revolution. Article 27 of the constitution asserts the public ownership of all Mexico's natural resources, including subsoil resources. Decentralization in this area of government has been partial and under-used. Many interviewees recognized that the concentration of budgets at the federal level has made it difficult for state (and municipal) governments to exercise their authority in the areas of agriculture and forestry. This, in turn, has made forest policy in Mexico highly centralized and historically unresponsive to regional realities. At present, the forestry sector faces severe budgetary reductions, widespread illegal logging and high levels of outsourcing to consultants in the implementation of government programs.

Improved 'governance' is normally associated with increased legitimacy, transparency and accountability, achieved

through broader participation and decentralization. Policy efforts to improve environmental governance are thus conditioned to a large degree by the current national context. Mexico is passing through a challenging moment in the consolidation of its democracy. The legitimacy of the electoral process at all levels has been questioned, the rule of law appears to be deteriorating, and trust in politicians and 'due process' is very low (Ackerman 2015). So, while the legal framework around forests and the environment is relatively complete, corruption and traditional political relationships, characterized by clientelism and corporativism, can compromise government actions. Moreover, weak environmental oversight and vigilance permits illegal activities. Civil society organizations (CSOs) have highlighted the problem of illegal logging, seeking to work with legislative institutions in order to promote 'forest legality'.

Innovation in governance structures and new coalitions for change have emerged in the context of climate change legislation and REDD+. New inter-ministerial commissions and memoranda of understanding (MoUs) between the

agricultural and environmental sectors exist at the federal and state levels. However, at least from a sub-national perspective, our interviewees considered that these new spaces and promises of closer collaboration had yet to make a significant impact on improved land-use planning. In the context of REDD+ early actions, the National Forestry Commission (CONAFOR) sought to deliver more integrated, regionally adjusted projects to important forest areas, including parts of Chiapas and Yucatan.

Still, many interviewees considered that these programs differed little from traditional interventions. Between 2010 and 2014, 68% of resources dedicated to the CONAFOR REDD+ early actions went to enhancing CONAFOR's existing PES program in five states (Deschamps et al. 2015). The major governance innovation proposed by the National REDD+ Strategy consists of the Public Territorial Development Agencies (APDTs), decentralized public organisms that look to align public investments to ensure LED has a territorial focus. This new public agency will be key to the success and legitimacy of REDD+ in the context of the Emissions Reduction Initiative (ERI), Mexico's current REDD+ pilot program funded by the Forest Carbon Partnership Facility (FCPF)'s carbon fund. To date, these new agencies, situated between the state and municipal level, have manifested themselves principally as inter-municipal 'juntas' or councils in the states of Jalisco and Yucatan.

Other participatory spaces have been created at different levels for a broader inclusion in decision making around forests and land use. However, they have struggled to maintain their independence, legitimacy and effectiveness as counter-weights to centralized decision-making processes. At the beginning of the REDD+ process, the Consultative Technical Committees for REDD+ (CTC-REDD+) played an important role, especially at the national level, in developing the National REDD+ Strategy (ENAREDD+). However, their lack of budget and legal status was considered to have limited their influence. In this sense,

the National Forestry Council (*Consejo Nacional Forestal*) — a participatory space for advising CONAFOR — was considered to have a clearer legal remit (and hence leverage) for influencing forest policy and programs, including REDD+.

At the same time, CSOs have matured, and a wide variety of environmental nongovernmental organizations (NGOs) actively promoted low emissions development alternatives in both states. This has undoubtedly enriched the debate and significantly supported government policy. In the context of REDD+ implementation, these NGOs have taken on roles previously associated with the government, such as technical assistance, the drafting of legislation and policy design. In Chiapas, different NGOs and consultants have prepared the state's REDD+ strategy document, the proposal for the state safeguards system and the regional investment plans for the ERI, all with international funding. While these are specialized tasks, they are carried out without significant consultation with rural populations and forest owners. Thus the content of these documents may respond more to externally designed terms of reference and funding priorities than to regional particularities or local proposals. NGOs can fall into the trap of only being accountable to those 'above' (i.e. funders) and not to those 'below' (beneficiaries). Although some NGOs provide non-monetary benefits such as training, technical assistance and 'accompaniment', short and unpredictable funding cycles sometimes frustrate continuity. Genuine grassroots, independent organizations were notably absent in the REDD+ debate in Chiapas and Yucatan.

REDD+, the agrarian structure and benefit-sharing arrangements

In the international context, Mexico distinguishes itself by its agrarian structure, the result of the post-revolutionary policy of agrarian reform that ran from 1917 to 1992. About half of the country is occupied by *ejidos* and agrarian communities

Table 2. Forests and tenure in Mexico, Chiapas and Yucatan

	Mexico	Chiapas	Yucatan
Total land area ('000 ha.)	196,437	7361 (3.74%)	3953 (2.02%)
Forests ('000 ha.) (percentage of total land area)	66,040 (33%)	3817 (51%)	2813 (71%)
<i>Ejidos</i> and communities ('000 ha.) (percentage of total land area)	100,142 (51%)	4356 (59%)	2225 (56%)
Percentage of forests in <i>ejidos</i> and communities	60%	67%	64%
Percentage of <i>ejido</i> land formally converted to private property (<i>dominio pleno</i>)	3%	0.2%	2%
Common use land (percentage of <i>ejidos</i>)	65%	37%	73%

Sources: Total land area (INEGI 2013); *Ejidos* and communities and percentage of *ejido* land formally converted to private property (RAN 2013); percentage of forests in *ejidos* and communities (Madrid et al. 2009); common use land (INEGI 2009).

that still own approximately two-thirds of Mexico's forests (see Table 2). This makes these collective land owners key players in REDD+ implementation. While rights holders generally manage agricultural lands within *ejidos* and agrarian communities individually, by law all forest remains under a collective-use regime. Despite facing a range of challenges, *ejidos* can be strong institutions for local governance, particularly when their lands have significant forest cover (Merino and Martínez 2014).

Nonetheless, there is a contradiction between this rural reality and current government policy for the sector. Since reforms to agrarian property in 1992, government institutions have increasingly abandoned this sector of the rural economy. Poverty remains entrenched. The agricultural ministry, (*Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación* - SAGARPA), largely promotes an agro-industrial vision for rural development, disproportionately funding richer producers (Concheiro and Robles 2014). At the same time, CONAFOR's budget has been severely diminished in the last two years, leading to the reduction of personnel and the termination of key community forestry programs (CCMSS 2015). Despite a National REDD+ Strategy that looks to "strengthen, promote and generate conditions for local governance" (CONAFOR 2016), funding has been cut precisely to those programs that aimed to enhance local governance. Hence, in practice, freelance forest technicians and regional forestry associations often determine local management strategies and governance arrangements, implementing a mix of different programs. Forest technicians, associations and *ejido* assemblies can work constructively together, but often these relationships are unequal and fall into dependence and clientelism.

In this way, different actors end up competing to access centrally defined programs, without contesting policy content itself and without the obligation to implement the integral, territorial approach imagined in the National REDD+ Strategy. Nonetheless, these arrangements represent a form of governance, both formal and informal, that operates at the margins of the intended nested approach promoted by the CONAFOR special programs and taken up in the REDD+ early action areas.

The experience of CONAFOR's PES program, which has operated in different regions of the country since 2003, will strongly influence future benefit-sharing arrangements within REDD+. In this model, the *ejido* served as the principal template through which local benefit-sharing arrangements have been constructed. CONAFOR pays PES directly to agrarian authorities, who generally distribute the monies equally among rights holders. This practice comes at the expense of non-rights holders — with and without land — who are excluded from such benefits and decision-making processes in general. The *ejido* sector in Mexico is

currently characterized by a population with ever more differentiated rights to land and forest. While women now account for almost 35% of *ejido* rights holders (RAN 2017), at least 30% of families in *ejidos* have no land rights (Skutsch et al. 2017). More equity-based interpretations of the PES program could mitigate this situation somewhat. For example, payments could be managed collectively for improved infrastructure or used to generate employment for non-rights holders. This might avoid migration and achieve a broader distribution of benefits. This has happened in some cases with CONAFOR's matching funds PES program (*Mecanismos locales*) and occasionally on the initiative of the *ejidos* themselves.

Conclusions

Significant inter-sectorial barriers to successful REDD+ implementation remain. For many regions, it is 'business as usual'. The REDD+ message has not yet penetrated the agricultural sector, at a federal or state level, despite high-level MoUs. Without the agricultural ministry (SAGARPA) on board, REDD+ activities may be limited to certain, ecologically privileged areas, promoted only by environmentalist NGOs and the environmental sector. Indeed, as REDD+ progresses, satisfying the requirements of the UN Framework Convention on Climate Change and the FCPF, diverse actors — principally unorganized forest owners — are getting left behind. Participatory spaces have not guaranteed consultation with many of these actors. While NGOs and consultants rush to hand in proposals for state REDD+ strategies, investment plans and safeguard systems, sub-national policy becomes fragmented; many actors and organizations remain out of the loop. There is a danger that the technical and normative aspects will prevail over the social and the political, in a context of externally imposed time lines and government pressure to push REDD+ through with as few obstacles as possible.

Uncertainties remain with respect to multilevel governance innovations around REDD+. The much-touted APDT model is not yet consolidated and has had no truly successful experiences to date in Chiapas and future role and precise legal character of these new territorial agencies remain unclear. The agrarian dimension — as a territorial question and a benefit-sharing challenge — has been rendered largely invisible by government REDD+ policy in practice, despite reiterated discourses in favor of local and territorial governance. But common property forest and its contribution to reducing emissions will be central to the success of REDD+.

The implementation of REDD+ has initiated a very interesting conversation among multiple actors with power and influence over land and forests in Mexico. Much thought and energy has been put into the design of policies, strategies and programs that might help build

a foundation for future low emissions development. Coalitions for change exist and have set important precedents, changing land-use trajectories and improving governance structures. However, they are often fragile, funding-dependent and limited to protected areas. A truly broad vision for REDD+ — as expressed in the national strategy — will depend on changes in the political sphere. This process can be slow (for example, upcoming elections risk postponing political negotiations around REDD+). There is formal progress, with ambitious commitments to tackle deforestation and forest degradation; policies are being harmonized and different sectors are sitting at the same table more frequently. But the government's economic program and recent structural reforms in the energy sector point to an agenda that prioritizes extractive activities over environmental concerns and is thus not ultimately compatible with REDD+ goals.

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