



Mexico

Basin Approach for Livelihood Sustainability through Adaptation Strategies (BALSAS)

Annex 6. Indigenous Peoples Planning GCF Additional Financing

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Background and Justification: A note on planning, indigenous participation, and co-design

1. As a result of the advocacy work of Indigenous peoples there have been advances in the International Human Rights frameworks recognizing the rights of Indigenous peoples as reflected in instruments such as the UN declaration on the rights of Indigenous peoples, article 8J of the Convention on Biodiversity, institutional instruments in UN Agencies such as IFAD and FAO and other agencies such as the world Bank, IDB and GCF¹. Some of these affirmed rights include the right to self-determination, to defining their own development, to participation in the political life of the state they live in, and to Free Prior and informed Consent (FPIC). There is also increasing recognition of the value of indigenous knowledge and practices for addressing global challenges such as food insecurity, biodiversity conservation and climate change. While these are important advances, it is often easy to see indigenous peoples as mere victims of poverty and exclusion and hence in need of protection which is guaranteed by international instruments. That is, a strong safeguard orientation. Similarly, it is often easy to think of indigenous knowledge and practices as static or as a corpus of knowledge that can be mined for decontextualized nuggets rather than the holistic and dynamic system with its own epistemology, ontology, and axiology.
2. Countering such easy approaches, is a call for a shift in paradigm away from thinking of indigenous peoples as mere victims in need of safeguarding, beneficiaries of development interventions or even stakeholders, to one where they are understood as knowledgeable agents actively engaged in changing their realities, and fundamental partners in confronting national and global challenges such as climate change. This call for such a shift is well captured by First nations scholar Eve Tuck in her call to move away from “damage-centered” approaches that represent Indigenous peoples as damaged goods to a “desire-centered” approach that recognizes the agency of Indigenous peoples. This call is also reflected in the field of planning where critical perspectives (Porter, 2006; Porter et al., 2017; Sandercock, 2004)² increasingly recognize the colonial roots of planning; that is, that planning has been and continues to be used as a device to re-configure Indigenous space and subjectivities more in line with the mainstream and make them available for exploitation.
3. As a countermeasure, critical planners call for a planning practice that is not only about inclusion of Indigenous peoples in planning, but that aims at changing the

¹ [IFAD Policy on Engagement with Indigenous Peoples](#), 2009. [GCF Indigenous peoples policy](#), 2018. See also [Operational guidelines: Indigenous Peoples Policy](#), 2019; [ILO convention 169](#); [United Nations Declaration on the Rights of Indigenous Peoples](#); [Article 8J Convention on Biodiversity](#); [World Bank Operational Policy on Indigenous Peoples](#); [FAO Indigenous Peoples Policy](#)

² Porter, L. (2006). Planning in (post) colonial settings: Challenges for theory and practice. *Planning Theory and Practice*, 7(4), 383–396. <https://doi.org/10.1080/14649350600984709>
Porter, L., Matunga, H., Viswanathan, L., Patrick, L., Walker, R., Sandercock, L., Jojola, T. (Ted). (2017). Indigenous Planning: from Principles to Practice/A Revolutionary Pedagogy of/for Indigenous Planning/Settler-Indigenous Relationships as Liminal Spaces in Planning Education and Practice/Indigenist Planning/What is the Work of Non-Indigenous People in the. *Planning Theory and Practice*, 18(4), 639–666. <https://doi.org/10.1080/14649357.2017.1380961>
Sandercock, L. (2004). Commentary: Indigenous planning and the burden of colonialism. *Planning Theory and Practice*, 5(1), 118–124. <https://doi.org/10.1080/1464935042000204240>

very practice of planning itself. There is a call in the planning field to recognize that what is needed is for Indigenous planning approaches and that rather than having third parties inviting Indigenous peoples to their planning table it should be the other way around, Indigenous peoples inviting third parties to their planning tables. While this latter approach still lies far in the horizon, there are important shifts occurring.

4. IFAD and GCF recognize and reflect this paradigm in their understanding and application of the principle of Free Prior and Informed Consent (FPIC). Whereas consent can tend to be understood as a strict matter of safeguarding, as a way of protecting indigenous peoples from any negative impacts of development interventions, IFAD and GCF understand FPIC from the angle of co-design. From this perspective beyond protection FPIC is seen as an opportunity to engage Indigenous peoples as partners, to build on the experiences, knowledge, understandings and initiatives of Indigenous people. It is seen as an opportunity to learn from indigenous peoples and to channel that learning into the broader work of the institutions. From this perspective the participation of indigenous peoples does not begin at the moment of project implementation but rather begins at its conception. It does not begin by asking “would you agree to this project being implemented in your community?” Or how would you like for this project to be implemented in your lands and communities” but rather with “what is your reality and the reality of the situation that you are confronting? How are you confronting this reality?” What are the obstacles you are facing? What are some possible solutions?”.
5. The development of the IPP for the project “Basin Approach for Livelihood Sustainability through Adaptation Strategies (BALSAS)” is guided by the IFAD and GCF policies³ and their commitment to co-design. In this sense, a critical element of the approach was the participation of Indigenous peoples at early stages of the project design which entailed the inclusion of Indigenous experts in its development and of meaningful consultation with a cross-section of indigenous representatives from the project’s target population. It is worth highlighting that at the stage of project design, the purpose of consultation was not to seek consent, but to generate indigenous perspectives to shape the design of the project. Consent can only be granted by concrete indigenous communities that will be affected. Such consent will need to be obtained at the point of project implementation phase. These early consultations sought to generate the perspectives of Indigenous peoples on their own reality, on the nature of the problem the project seeks to address, the risks and opportunities, mechanisms for participation and effective conduct of FPIC processes (see Annex A for details on the methodology of these preliminary consultations).

Project Description

Target Area

6. The project target area covers 8 states of the Republic of Mexico: Guerrero, Jalisco, Mexico, Michoacán, Morelos, Oaxaca, Puebla, and Tlaxcala. The project area is delimited by the Balsas Hydrological-Administrative Region IV (RHA IV) as well as by part of the South Pacific Hydrological-Administrative Region (RHA V) that covers the coasts of Guerrero and Oaxaca. Within the states that make up the Balsas Basin 10 areas have been prioritized: 6 basins, 2 sub-basin and 2 ethnic territories

³ [IFAD Policy on Engagement with Indigenous Peoples](#), 2009. An update is forthcoming.
[GCF Indigenous peoples policy](#), 2018. See also [Operational guidelines: Indigenous Peoples Policy](#), 2019.

(Meseta and Xoxo Mixteca). Within these, 121 municipalities have been identified as very high priority in terms of their poverty situation, climatic vulnerability and potential for mitigation. Additionally there are 280 municipalities considered of high priority that CONAFOR will invest in. The project will potentially benefit 401 municipalities.

7. In the 8 micro-basin of Guerrero and Oaxaca, 67 municipalities have been identified with a very high degree of marginalization and climatic vulnerability, of which 80% (54 municipalities) have a strong indigenous presence or indigenous prevalence (up to 40% of the population is indigenous). In Michoacán, the Lake Pátzcuaro micro-basin encompasses the municipality of Tingambato; the indigenous population of this municipality is dispersed (less than 40%). In general, considering the characteristics of the population of the municipalities and the respective Agrarian Communities (ejidos and indigenous communities) where the project will intervene, it is possible to affirm that in the project's priority target area, it has a high level of Indigenous presence.
8. Some of the highest levels of poverty and destitution in the country are found in the Balsas Basin. This is reflected in significant gaps in health, food, education, social security, housing, drinking water and basic sanitation in the region. The population is characterized by limited income and lack of access to decent employment and economic options. This has given rise to practices with reduced productivity and low levels of adaptation to the fragility of the soil, and which aggravate the sustainability of natural resources and the livelihoods of the population.
9. The project aims to benefit approximately 109,200 household members in 42,000 households. The target population mainly comprises small rural producers in a situation of poverty, indigenous and Afro-Mexican communities present in the *Agrarian Communities* of the intervention area. Among this target population, 40% women, 60% indigenous peoples (Nahua, Mixteco, Tlapaneco, Amuzgos, Chatinos, Tacuates, Tarasco, Xoxo Mixteco among others) and Afro-Mexican people, and at least 20% of young people.
10. The project area also encompasses a significant percentage of the Afro-Mexican population. The states with the highest concentration of this population are Guerrero (where the Afro-Mexican population represents 9% of the total population of the state) and Oaxaca (5% of the total population), while in the other states the percentage of this population is less than 2%, in line with the national average (2.04% of the Mexican population, according to data from the last Population Census of 2020).

Goal of the project

11. The goal of the project is to increase the climate resilience of the most vulnerable forest dependent communities and forest ecosystems they live and depend on, and reduce emissions of the pilot area. Additionally, it aims to provide a proof of concept for shifting the use of rural development finance. The project seeks to enable community-level investment in adaptation and mitigation initiatives, through the climate-focused transformation of institutional modalities for the allocation of rural development incentives focused on the conservation of forest resources and strengthening of local institutions and capacities and has a strong focus on bottom-up decision-making and value chain development.
12. The theory of change of the project is that: **IF** an innovative bottom-up, participatory system is piloted in the Balsas Basin to prioritize sites, beneficiaries and interventions using social and climate change criteria, and is then applied to

the allocation of incentives for the conservation of forest landscapes, and climate change information is managed and shared for decision-making; **THEN** the climate resilience of the most vulnerable forest dependent communities and forest ecosystems will be increased, and emissions reduced, in the pilot area, and the project will provide a proof of concept including institutional arrangement and feasibility to shift the use of rural development finance in not only the Balsas Basin, but also Mexico as a whole; **BECAUSE** at the community level these incentives will target adaptation needs and mitigation opportunities of the most vulnerable communities, strengthen their social and cultural assets that sustain climate action leadership and increase livelihood resilience and the provision of ecosystem services, while at the institutional level budget allocations for development will be shifted towards climate change mitigation and adaptation.

The development objective

13. The project's development objective is to increase the capacity, productivity and market participation of poor rural and indigenous families, particularly women and youth, to promote resilient and sustainable productive systems and improve livelihoods in the Balsas Basin while reducing greenhouse gas emissions.

The project components

Component 1: Government programs and community development plans integrate climate change criteria for attribution of support

14. Establish the necessary conditions at the level of the state and federal institutions, and of *Agrarian Communities* for the promotion of territorial land use and development planning responsive to climate change and the conditions of marginalization and climatic vulnerability in clusters of prioritized micro-basins. It seeks to shift the present development support allocation system being used by rural development institutions such that they include climate change criteria for the prioritization of the most vulnerable areas for attention. At the same time, it seeks to strengthen local governance and capacities of climate mitigation and adaptation while incorporating traditional and indigenous knowledge and increase in multisectoral coordination at the institutional level.
15. This component has three outputs: **1.** Mechanisms for intersectoral coordination are strengthened to increase the technical and organizational capacities of small producers and facilitate synergies with the different levels of government and private initiatives; **2.** Participatory multiannual investment plans within prioritized basin, sub-basins and ethnic territories integrating mitigation instruments and adaptation to climate change; **3.** Strengthened capacities of local actors for climate change adaptation, resilience and inclusiveness.
16. Output 1 involves the creation of Forest Management Units and Regional Committees for the Integrated management of the Territory; prioritization of intervention areas at the Basin and sub-Basin level; strengthening of multi sectoral coordination, operation rules and co-investment mechanisms; strengthen and operationalize criteria in institutional programs for attribution of financial incentives for climate change adaptation in ways that target vulnerabilities.
17. Output 2 involves communication and awareness raising campaigns to disseminate calls for proposals; formulation of climate smart multi-annual investment plans based on micro-basin zoning plans and validated through FPIC.
18. Output 3 involves Capacity development program for extension workers, local facilitators and "brigades"; support and creation of forest protection brigades and

climate change resilience facilitators, and; strengthening of CONAFOR's Promotorias forestales.

Component 2: Forest landscapes are sustainably managed and better adapted to climate change for the provision of environmental services and increased livelihood resilience

19. Component 2 applies the updated climate-responsive system for the prioritization of sites and interventions developed through Component 1 in support of climate resilient and low emission development in the Balsas region. It seeks to strengthen the ecosystem services and increase its resilience, and strengthen the sustainability of the productive systems of small rural Indigenous and afro-Mexican producers as well increasing their participation in the markets.
20. This component has 3 outputs: **1.** Agrarian communities conserve, restore and sustainably use forest landscapes based on land-use plans through payment of environmental services; **2.** the productive systems of agrarian communities are strengthened and better adapted to climate change variability; **3.** Participation of agrarian communities and producer organizations in value chains of forest and agroforestry products is strengthened and their livelihood resilience improved.
21. Output 1 involves payment of environmental services where Agrarian Communities will be facilitated the capacities to present proposals for multi-annual investments through PADFS with the change that investment in sustainable use and restoration will be allowed. AC will be able to spend up to 40% in community development, women projects etc... that they choose.
22. Output 2 involves climate smart forest landscape restoration of micro-watersheds and strategic areas; and, commercial forest and agroforestry plantations adapted to climate change.
23. Output 3 will include sustainable forest management adapted to climate change, inclusion and access to markets to support ACs who own natural forests to strengthen their forest governance including their social, technical and cultural capacities to manage, utilize and market their forest resources; support for the improvement of household food security and nutrition through activities such as improvement of milpa systems; and, support for the strengthening of adaptation capacities of ACs through formation of community forest brigades with strong participation of women and youth.

Component 3: The producers, inhabitants and authorities of the Balsas Prioritized Areas have timely and relevant climate information for climate risk management, disaster prevention and knowledge management

24. This component aims to put in operation an integrated climate information system and knowledge generation for decision making and climate risk management. It will include establishing an integrated climate information system and a digital platform for dissemination of information; training extension services, local authorities and other local actors in the use of the established systems and climate resilient agronomic techniques and technologies.
25. This component includes two outputs: 1. Climate-hazards-related early warning and monitoring systems supported, and; 2. Policy-relevant knowledge products from the systematic documentation of good practices and intervention approaches of the project. These in turn involve the development of a platform and applications to facilitate access to climate information and early warning systems; strengthening

CONAFOR's forest fire prediction and prevention and forest phytosanitary surveillance systems; strengthening CONAFOR's monitoring report and verification system, and its social and environmental safeguards management system; production of and systematization of training materials; south-south exchanges and triangular cooperation; and, monitoring and evaluation.

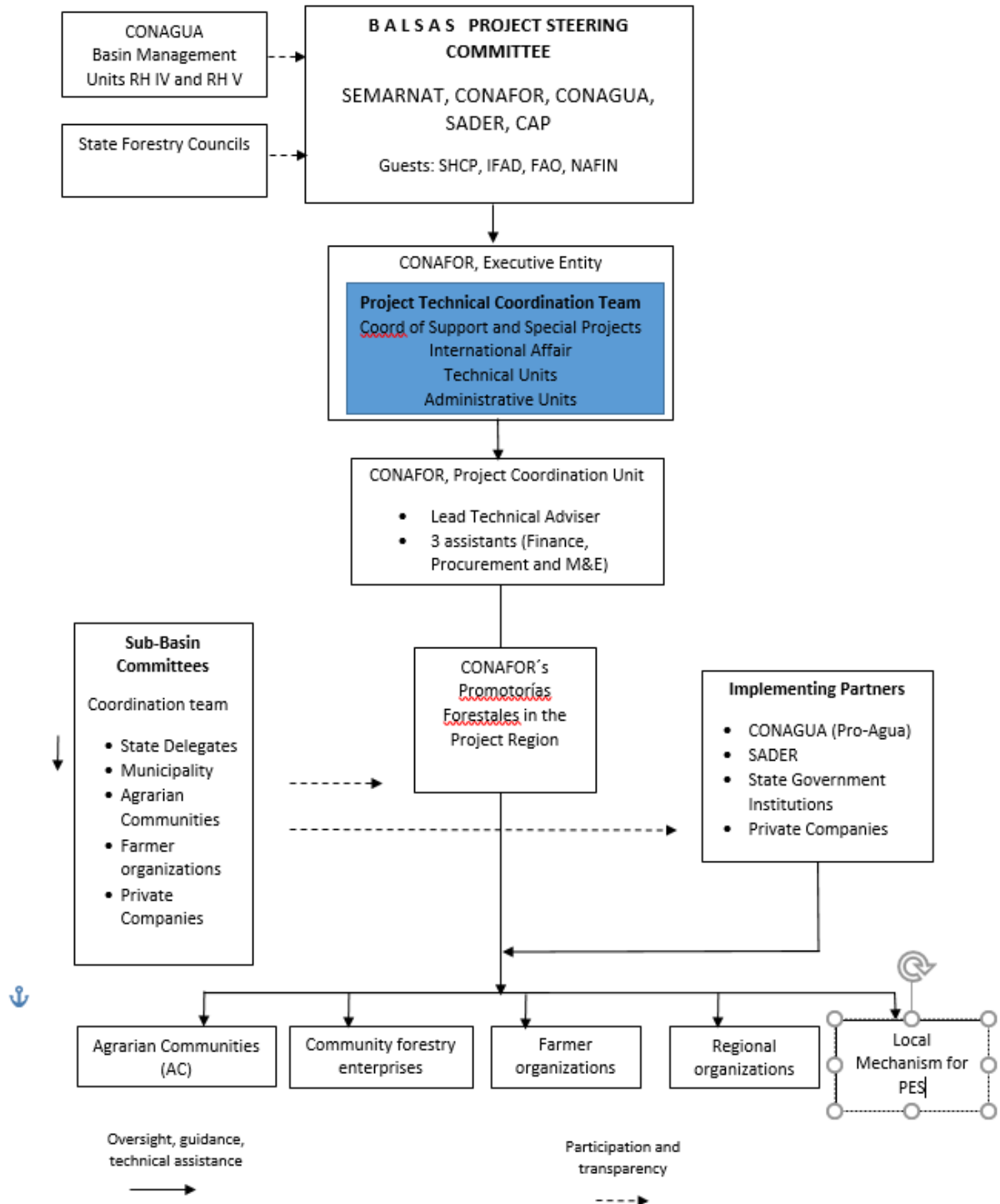
Institutional Arrangements and implementation mechanism⁴:

26. The core of the institutional arrangement for the project consists of a steering committee, an executing Entity; and a project coordination unit. The Balsas Steering Committee - (CDAL by its Spanish acronym) will be responsible for providing overall political and strategic orientation and serve as the decision-making body for the project design and implementation. It will be co-chaired by SEMARNAT, CONAFOR, CONAGUA, SADER and CAP. CONAFOR will be the Executing Entity (EE) and will be responsible for: (i) the day to day management of the Balsas Project; (ii) and preparing the Annual Work Plans and Budgets (AWPB) and providing them to the Project Steering Committee (SC) ; (iii) making adjustments to the *Programa de Apoyos para el Desarrollo Forestal Sustentable* (PADFS) to ensure alignment with the project procedures; (iv) recruiting and supervising the team that will be working in the Project Coordination Unit; (v) approving the progress reports and the monitoring of project indicators; (vi) ensuring that all the applications submitted by the project beneficiaries are properly reviewed for selection and financial support; (vii) facilitating the synergy with other national or international initiatives that intervene in the Balsas basin, and (viii) submit to IFAD, SHCP, NAFIN and SC all the documents agreed in the Project financial agreement.
27. The Project Coordination Unit (CPU) which will operate under CONAFOR as its main functions will ensure the efficient management, coordination, implementation and monitoring of the project through the effective execution of the annual work plan, technical assistance to the communities, and Safeguards. The team will among other functions facilitate the creation of sub-basin committees and Basin councils facilitate technical assistance to the communities and monitor the indicators.
28. An important aspect of the project will be the creation or strengthening of Basin councils, sub-basin committees and ethnic committees that will foster the participation of local stakeholders in the formulation of specific strategies, prioritization of the most vulnerable areas, and monitoring the progress. The SBC representatives will be selected by State governments, municipalities, organizations of farmers, agrarian communities and companies that use the water or other environmental services provided by the sub-basins. They will meet at least once each quarter to: (i) discuss on the specific strategic of the Projects to intervene in the sub-basin, (ii) approve the prioritized micro basins, in terms of hydrological functionalities and vulnerability to climate change and the corresponding tributary basins; (iii) identify the needed financial and technical supports and the federal or state programs that can cover the demand; (ii) approve an action plan to

⁴ see the Institutional Arrangement Annex for further details on the implementation structure.

ensure that the different stakeholders coordinate their intervention and mobilize resources.

29. In the implementation of the project, the Project Coordinating Committee will be assisted by the Forestry Development Offices “Promotorias Forestales”. The usual main functions of the Promotorias are related to the promotion of the PADFS, identification of priorities in the state; development of coordination mechanisms with the State administration and especially with its environment-related entities; and participation in the selection of the applications for support submitted by the agrarian communities and other forestry organizations. In each of these small entities, there is a team of forestry facilitators recruited by CONAFOR; whose functions consist of disseminating information in a timely manner on the PADFS and other initiatives of the environmental sector. They are also responsible for providing regular support to the agrarian communities in their efforts of planning and implementing sustainable forest management, restoration of the ecosystems, the provision of environmental services, and the development of agrarian and productive structures. The Project will strengthen the Promotorias through the recruitment of additional 26 forest facilitators, and the acquisition of equipment. Technical assistance and training will be also provided by the CONAFOR team and experts recruited by the Project, especially about adaptive forestry, utilization of different information systems, implementation of safeguard and social inclusion.



30. The project will be executed by the National Forestry Commission (CONAFOR) as described above. A unique characteristic of the proposed project is that it is not a new and stand-alone project but rather one that will be inserted in the existing programs of support for sustainable development. It will use the existing

implementation mechanisms of these programs and will pilot adjustments for later application to the entire existing programs. Two specific programs that will be used are the Programa de Apoyo al Desarrollo Forestal Sustentable (PADFS) and the Programa de Compensación Ambiental por Cambio de Uso del Suelo en Terrenos Forestales (CA X CUSTF)

PADFS

31. The goals, beneficiaries, eligibility, how to apply and implementation mechanism including grievance mechanisms are established in the case of the PADFS as is required by Mexican law in the program's Reglas de Operación (RoP - Operating Rules). In the case of the CA x CUSTF in its lineamientos (guidelines).
32. The RoP establishes that the general goal of PADFS program is to support the owners, legitimate holders and inhabitants of forested areas in implementing actions that contribute to the protection, conservation, restoration and incorporation of forest lands into sustainable forest management; as well as the strengthening of value chains, that in turn contribute to the adaptation to and mitigation of the effects of Climate Change. It involves the following support components:

Component 1: Community Forest Management and value chains for well being (Manejo Forestal comunitario y cadenas de valor para el bienestar (MFCCV)

- a. The objective of this component is to support owners, legitimate holders, and forest inhabitants to implement actions that will strengthen the governance, development of social, technical and cultural capacities, technology transfer; management, cultivation, use and certification of timber and non-timber forest resources; strengthening of supply chains, transformation and markets of raw materials and products.

Component 2: Commercial Forestry Plantations and Agro-forestry systems for wellbeing (PFC)

- b. The objective of this component is to support owners, legitimate holders of lands suitable for forestry to establish and develop competitive and sustainable PFCs as well as agroforestry systems to promote productive diversification of land use and contribute to increasing forestry production.

Component 3: Environmental services for wellbeing (SA)

- c. The objective of this component is to support owners, legitimate holders of lands suitable for forestry to execute comprehensive forest restoration projects in micro-watersheds and strategic regions of the country with a focus on Integrated Territorial Management (MIT) through practices that contribute to recovering the productivity degraded forestry ecosystems as well as generate employment and improve the well-being for the ejidos, communities, indigenous peoples and small land holders.

Component 4: Forest protection for wellbeing (PF)

- d. The objective of this component is to support owners, legitimate holders of lands suitable for forestry who voluntarily decide to incorporate areas to the payment for environmental services for the active conservation of forest ecosystems through economic incentives, as well as promote the alignment of economic resources with the users of environmental services and interested parties

Component 5: Forestry protection for well-being (PF)

- e. To prevent, combat and control pests and forest fires to reduce the degradation of the forest ecosystems through support grants for the phytosanitary treatments and contingency care, forest sanitation brigades and community fire management brigades.

Existing Implementation Mechanism of the PADFS

33. The channeling of support to beneficiaries involves the following process

- i. Development and Publication of the Operating Rules. As already indicated these are developed by CONAFOR and published in the Diario Oficial de la Federación. While the law requires that the proposed rules promote the respect of human rights, inclusivity and non-discrimination it does not specifically require consultation with the beneficiaries. CONAFOR however engages in some levels of consultation. The BALSAS project will address Indigenous participation at this level through the Basin and Sub-basin councils.
- ii. Announcement of program of support and call for proposals: The programs of support are announced by CONAFOR and applications are invited through publications in the Diario Oficial de la Federación and CONAFOR's webpage. These announcements can specify any special requirements. While CONAFOR in principle is committed to disseminating this information in a culturally relevant and accessible manner it is not clear that this is always complied with. The BALSAS project will mobilize the Forestry Development Offices of CONAFOR for dissemination purposes and will strengthen Extension and Facilitation capacities for social inclusion.
- iii. Development of proposals by potential beneficiaries and submission: To apply for support the beneficiaries are expected to fill an application form provided by CONAFOR along with other required information. The requirements make provisions for some of the specificities related to Indigenous people such as the possibility of presenting documentation as per customary norms. This approach means that only those communities with the technical support can apply. To address this, the BALSAS project will provide support to the most vulnerable communities to develop their proposals
- iv. Selection of proposals: Proposals go through a process of pre-selection at the level of the Promotorias de Desarrollo Forestal to identify the most viable projects. These are then presented to corresponding Technical Committees for final selection. The BALSAS project proposes to involve the Basin Committees in the selection of sub-projects. In the BALSAS project, the Basin Committee will participate in the selection of sub-project selection in prioritized basin/Subbasins.
- v. Signing of agreements with beneficiaries. Support recipients prior to receiving actual support are required to sign an agreement which includes the responsibilities and obligations the beneficiary and CONAFOR.

CA x CUSTF

34. The CA x CUSTF goals are to incentivize the restoration and protection of forests. It includes two components:

- i. Forest restoration: This component supports activities for the restoration of forest soils, reforestation, protection and management of forests with the objective of rehabilitating deteriorated forest ecosystems, controlling and preventing degradation and recovering totally or partially conditions that favor their

persistence and evolution preferably in the basin where soil change has occurred or in reforestation priority areas.

ii. Forest Protection: This component aims to reduce risks that could affect forest ecosystems with the aim of preventing its degradation. It includes support to Fire brigade that can prevent, detect and combat forest fires; Forest Sanitation Brigades that can monitor, detect, diagnose, combat and control forest pests; Attention to phytosanitary contingencies

35. The priorities, operational mechanisms, eligibility, application process, criteria for selection and complaints mechanisms are established in the required Guidelines. Generally the process for granting this support involves a call for proposals to which beneficiaries including CAs can apply. Initial applications are selected and support is provided to develop the project after which final selection is carried out. Selected beneficiaries then sign an agreement that specifies both CONAFOR and the recipients roles and responsibilities. In the case of CAs evidence of authorization from the CA's assembly is required.

Paradigm shift

36. A critical cross-cutting objective of the project is to achieve a paradigm shift that will enable community-level investment in adaptation and mitigation initiatives. While programs already include climate change criteria, their use has never been operationalized to prioritize interventions, beneficiaries and sites for rural development support because of lack of integration into planning instruments and poor coordination between the responsible institutions. The proposed project will shift the approach to one which:
- uses climate change-related criteria for selecting and prioritizing interventions and sites; and
 - disburses rural incentives multi-annually under a progress-based payment system, specifically rewarding performance of adaptation and mitigation initiatives.
 - Adopt enhanced participatory planning approaches
37. This will be achieved through the transformation of institutional modalities for the allocation of rural development incentives in such a way that they are more climate-focused, coordinated and participatory.

Overview of Indigenous Peoples

38. The project intervention areas are characterized by high sociocultural and environmental diversity. In the current design phase, the specific participating communities have not been identified and therefore what is presented here is a general characterization of indigenous peoples of the region based on secondary sources. As part of the planning process priority intervention areas at the basin and sub-basin level will be identified, investment and zoning plans will be developed that will identify concrete target communities. Specific characterizations will be developed of the target communities.
39. The Balsas region covers several states including Guerrero, Michoacan Puebla and Oaxaca where the 8 prioritized basin/sub-basins and 2 ethnic areas are located. What follows is a summary of the cultural characteristics as well as forms of governance, social organization, and productive activities of the Indigenous people with the highest presence in the municipalities and states included in the project area.

40. In Guerrero, there are approximately 600,000 indigenous people, of which 15.5% speak indigenous languages, and they are divided into four main peoples and languages: Mixtecos, Amuzgos, Tlapanecos and Nahuas. Other states where a significant percentage of the indigenous population is concentrated are Puebla (10% of the population speaks indigenous languages) and Michoacán (3.5%). The presence of the different indigenous peoples varies in relation to each entity, just as the size of the population of each of the indigenous peoples is also diverse; within the project area, in the state of Oaxaca, for example, the Mixtec population has almost 400,000 people, while the Chocholteco barely exceeds 800 individuals⁵.

State	Main Indigenous Peoples in the target area
Guerrero	Amuzgo, Mixteco, Nahuatl, Tlapaneco
Oaxaca	Amuzgo, Chatino, Mixteco, Tacuate, Triqui
Michoacán de Ocampo	Tarasco/P'urépecha

Amuzgos.

41. The Amuzgos are a population of approximately 76,000 people who live predominantly in the state of Guerrero. It calls itself nn'anncue and its language belongs to the Oto-Mangue linguistic trunk. The Amuzgos live in adjoining regions of Guerrero and Oaxaca. In Guerrero they are in the communities of Cerro Bronco, Cosuyoapan, Chochoapan, El Pájaro, Guadalupe Victoria, Guajentepec, Huehuetono, Las Minas, Pueblo Nuevo, Tlacoachistlahuaca, Xochistlahuaca and Zacualpa; and in Oaxaca in San Pedro Amuzgos and Santa María Ipalapa. The Amuzga region is characterized by being warm with exuberant tropical-type vegetation. The region has an uneven topography that crosses the Yacuyagua mountain range crossed by various rivers.
42. The basis of their social organization is centered on the nuclear family and the extended family. The Amuzgos have traditional authorities such as the Council of Elders and also have a municipal authority. As for matters relating to land tenure, the person in charge is the ejido commissioner whose term lasts three years.
43. In relation to productive activities, the Amuzgos practice subsistence agriculture under the slash-and-burn system; Due to the climatic conditions and the type of soil, the cultivation of corn, beans and chili is favored and on a smaller scale, pumpkin, sesame, peanut, sweet potato, tomato, sorrel, watermelon, pineapple and sugarcane; There are also fruit trees including banana, avocado, lime, lemon, orange, mango, papaya, tamarind, coconut, mamey, coffee and cocoa among others. In some localities, cattle, pigs, goats and poultry are also kept. In San Pedro Amuzgos, livestock is the most important activity.

Mixtec.

⁵ Fuente: INPI, 2015, Atlas de los Pueblos Indígenas de México. <http://atlas.inpi.gob.mx/>

44. The Mixtec people have an estimated population of 819 thousand people (52% women). The settlements of the Mixtec people are located over an extensive region of more than 40,000 km², which includes the north-western part of the state of Oaxaca and small portions of Puebla and Guerrero.
45. The Mixtec family is basically nuclear, with patrilineal attachment. However, the migratory pattern has affected family organization, as men spend long periods away from home. Municipal authority positions are held for one year only. The judicial positions are those of trustee and mayors, who also serve as Public Ministry and judges, respectively. At the agrarian level, the main form of land tenure is communal. There are ejido and/or communal property commissioners. The Council of Elders is important in some towns, although in others it has practically disappeared.
46. Agriculture is the basic activity; Often rainfed agriculture is practiced on areas of less than two hectares of land which is often, quite eroded, or not suitable for cultivation. The main products obtained are corn, beans, wheat, garlic, tomato and onion and avocado along with other products grown in the corral or collected in the field, including a variety of herbs such as quelites. Forest resources are exploited at the individual level. Small livestock (goats and sheep) is both extensively farmed as well for subsistence. While the exploitation of fisheries faces legal problems some species that are consumed locally are captured using rudimentary methods.
47. Mixtec are the main exporters of labor in the country. Most of this group goes to work in Veracruz and Morelos, cutting cotton in Sonora, picking tomatoes in Sinaloa, farming in Baja California and in tourism and agriculture in southern Baja California, construction in the Federal District or to agricultural fields, factories and restaurants in the United States and, lately, migrants also reach Canada.
48. The Mixtec culture is characterized by a diversified craft production. Masks, cotton and wool textiles, reed and palm basketry, furniture, among others, are made. Textile garments and pottery are handicrafts that women make in their free time. The men are engaged in blacksmithing, carpentry, cutlery, or saddlery. Due to its importance in the regional economy, palm craftsmanship deserves a special reference.

Nahuatl

49. Within the project area, the Nahuatl (or Nahua) people are predominantly concentrated in the state of Guerrero where they represent around 40% of the state's indigenous population; they live in 45 municipalities, and they settle very high up in the rural area. The Nahua people speak linguistic variants belonging to the Yuto-Nahua linguistic family. In Guerrero, the Nahuatl are concentrated in the North-Central and Mountain regions, with two main settlements: one in the Low Mountain, another in the High Mountain and two more in the Balsas Depression and the Costa Chica, which cover an extensive territory and are distributed in the subregions of La Montaña, the Central Sierra and the Upper Basin of the Balsas River, the Sierra Norte and Tierra Caliente. However, the states of Mexico and Puebla also have a significant percentage of this population.
50. At the national level, a total population of almost 3 million Nahuatl people is estimated (INPI, 2015), of which 51% are women. The basic unit of social organization is the family with a predominance of the extended family over the nuclear family. Both types constitute a framework in the network of interfamily alliances and community cooperative forms. Family units are organized by paternal affiliation. The work force is organized through the family, divided by sex and age. As a rule, the head of the family is the father or grandfather who are the main

economic breadwinner and make the important decisions that are the responsibility of the family group.

51. Men commonly have the agrarian right where the inheritance of the land privileges males. However, Nahua women have an important role in the preservation of indigenous cultural systems, especially through the transmission of language, history, values, worldview and the revitalization of customs. In addition to housework, women are dedicated to the development of various crafts, such as pottery, weaving or embroidery.
52. The basis of Nahuatl economy is traditional agriculture with low diversification. Grain is produced mainly for self-consumption, rainfed agriculture predominates; the main products destined for self-consumption are corn and beans. In addition to agriculture, an important element of the economy of many Nahuatl families in the region is migration to other work centers, especially abroad; almost all families have at least one member working outside their hometowns and remittances constitute an important part of the local economy.
53. Collective work is one of the most important forms of social organization. There are two variants: one type which caters to community projects, and another carried out in solidarity with a family in need. An example of this is the *teconmacahuasque* or *nomakaoualoj*, in which neighbors, relatives and friends pool their labor together to help a family, either to carry out an agricultural task (weeding, planting, harvesting), the construction of a dwelling house, the excavation for the burial of the dead or in the preparations for a celebration.
54. The current authority structure of the Nahuatl people is a cargo system of governors, mayors, aldermen, notaries and mayordomos that emerged in the colonial milieu. This cargo system organizes community life. It is made up of a certain number of responsibilities that *originario* men—and with ejido or communal rights—contract. They have a duration of one year, there is no economic remuneration and, on the contrary, they generate expenses by assuming the costs of the position of authority or religious positions (stewards).

Tlapaneco/Me'phaa.

55. The Tlapaneco people, or Me'phaa, have a total population of just over 180,000 people (51% women). The me'phaa region is located between the slopes of the Sierra Madre del Sur and the coast of the state of Guerrero. The majority of the Me'phaa population is in the districts of Morelos and Montaña. The Me'phaa area goes from the Coast to the Mountain and is approximately 3000 km². Its topography is rugged, ranging from 800 to 3,050 meters above sea level, and thus divided into three zones: a high zone with a cold climate, a central zone with a temperate climate, and a low zone located on the Costa Chica.
56. Among the Tlapanecos the basis of social organization is the nuclear family. Within the municipal framework, municipal positions are appointed by the community in a democratic manner. These municipal functionaries are always backed by a council of elders. Among the Tlapaneco people, like other native peoples, two types of land ownership predominate: communal and ejido. Its distribution is the charge of the Commissariat of Communal or Ejidal Property. These two forms of tenure are not important for the legal title of tenure since the communal endowment, over time, becomes individual property with a hereditary character.
57. The main productive activity is milpa agriculture, with corn, beans and squash being the main crops, especially for self-consumption by families. The production and sale of coffee constitutes an important income for families and absorbs most of the

labor force. Unlike other indigenous peoples of the region, the Tlapanecos emigrate little, largely because their field activities absorb most of the family labor force. When they do emigrate, it is temporarily to such places like Acapulco and the Federal District, to acquire economic resources to strengthen family spending. Almost all families have one of their members outside the community.

58. Craft production, which is another source of income, varies by region. The Me'phaa of Acatepec, Malinaltepec, Tlacoapa and Zapotitlán Tablas make lamb's wool overcoats; the families of Huitzapula, municipality of Atlixac, make clay pots and comals, and those who live with the Mixtecos of Atlamajalcingo del Monte, Metlatónoc and Tlapa weave hats and palm blowers.

Chatinos.

59. With an estimated population of about 70,000 people (53% women), the Chatinos live in the southwest of the state of Oaxaca. Their language, with six linguistic variants, belongs to the Oto-Mangue linguistic family. Their settlements cover part of the coastal strip and another part of the Sierra Madre Sur and are in three ecological zones: the lowlands, from zero to 800 meters above sea level; the medium-altitude zone, from 800 to 1600 meters above sea level, with deciduous and mesophilic forest; and the mountainous strip, which exceeds 1,800 meters above sea level, with forested associations of pines and oaks. The region is a hydrological complex fed mainly by the Atoyac and Verde rivers, whose tributaries form a network of currents, from the highlands to the Pacific Ocean.
60. The basic nucleus of the Chatinos is the domestic unit, made up of one or more related families, which is the fundamental structure of production and consumption. Men participate in agricultural tasks, herding, hunting, fishing, and building houses; while women work at home, taking care of domestic animals, carrying water and firewood, working in orchards, harvesting and making handicrafts.
61. The traditional authority has different classifications depending on the municipality. In accordance with customary practices, the Community Assembly elects the municipal and agrarian positions. However, above all positions, the highest traditional authority is the Council of Elders. Council members are custodians of customs, in-depth knowledge of the political and religious life of the community, and have the moral authority and prestige conferred by their life trajectory and the service they have given to their community.
62. The productive activities of the Chatino people revolve around agriculture, livestock, and forest extraction. The lowlands are used for extensive cattle ranching and commercial agriculture, particularly for fruits such as citrus, nance, mango, avocado, banana, sapodilla, and plum; the mid-altitude zone is dedicated to the cultivation of coffee, a product that brings higher income to the family economy; throughout the region, maize, beans, and vegetables are grown for self-consumption.
63. Hunting and fishing have become less important with time due to the growing deterioration of ecosystems because of excessive forest exploitation, the opening of pastures and the contamination of water bodies.
64. To complement the family economy, Chatinos temporarily migrate to seek employment in the coffee farms of the Juquila district or to work as day laborers in the agricultural plantations of the coast.

Tacuates.

65. The members of the Tacuate people belong to the Oto-Mangue linguistic family; they have an estimated population of approximately 3,000 individuals (52% female). They live in the municipality of Santa María Zacatepec, located in the mountainous part of the district of Jamiltepec, in the state of Oaxaca, where a warm climate prevails, with rains in summer and part of autumn. The vegetation is varied, including species of conifers, others typical of warm climates, as well as fruit trees.
66. The system of authorities in the municipality of Zacatepec has undergone different changes in recent years. The authority of the elders receded into the background; the systems of uses and customs were abandoned and transitioned to the party system.
67. The main sources of livelihood are migration, livestock, and trade. Migration to the United States began in the 1950s with the Bracero Program, becoming over time one of the most relevant activities for the population. Agriculture is a complementary activity. It is practiced on rainfed and irrigated land. The main crops are corn, beans, squash and chili. In addition, fruit trees of mamey, mango, anona, plum, nanche and tamarind are cultivated along with banana, papaya and watermelon. In their backyards they raise turkeys, chickens, and pigs for self-consumption.

Triqui.

68. With a population of 37,000 people (52% women), the Triqui inhabit the Oaxacan Mixteca region, which includes a low zone, whose capital town is San Juan Copala, and an upper zone, with head in San Andrés Chicahuaxtla. They live in the territory known as the "mixteco knot", at the confluence of the Sierra Madre Oriental and Occidental mountains. The characteristics of the high zone are a temperate climate, prairie soils and tree vegetation. The lower area is characterized by a semi tropical climate and the presence of complex mountain soils with tropical forest vegetation.
69. Among the Triqui, the ties between relatives and the occupation of the territory cannot be conceived independently. Access to land is based on a logic that conditions social relationships, especially those that lead to marriage. In the upper area, the type of organization by clans in which the principles of territoriality and descent coincide, persist. Each population constitutes a clan and one's membership in a clan determines the rights to the use of land and residence in it, as well as preferences and prohibitions around marriage partner selection. The head of the lineage provides an oversight of sorts in the distribution of the plots to the heads of the family, mediates land disputes between neighbors and is overall in charge of promoting cooperation as the basis of group cohesion.
70. Political power is exercised between the "principales" and the constitutional council. In the communities, the positions last one year and those who are chosen to integrate them are named through a general assembly of community members.
71. In the collective work called tequio, men participate after they turn 16 years of age. The tequio is compulsory and unpaid and the main activities are those related to agriculture and the construction and conservation of the works that belong to the community. The organization of the tequio is the responsibility of the authorities of the municipal agency. Participating in the tequio provides prestige in the community and is considered a requirement for holding positions of authority.
72. Among the main crops cultivated are corn, squash, and vine beans. In the lower area, sugar cane, bananas and coffee are also grown for commercial purposes.

Tarasco/P'urhépecha.

73. The P'urhépecha (or Tarasco) people are located mainly in the state of Michoacán, and precisely in the north-central region of the entity, in a mountainous area between 1,600 and 2,600 meters of altitude. The p'urhépecha population is concentrated mainly in 22 municipalities of the state; however, the speakers of the Purhé or Tarascan language are also distributed in other municipalities of Michoacán, as well as in other entities in the project area (in particular, in Jalisco and Mexico, although with a fairly small population).
74. The total population is approximately 221 thousand people (52% women). The p'urhépecha localities are characterized by having a compact-type settlement; there are municipalities and towns that have aggregates, that is, peripheral localities with a few dwellings, so in such a case we can speak of mixed settlements.
75. Among the P'urhépecha, the extended family organization predominates. Housing is generally organized around several units that share the same plot. After marriage, the couple regularly goes to live in the house of the husband's parents. Within the family, the inheritance is distributed equally among all the children, although it is usual for women to sell their share to their brothers, since they will go to live with their in-laws. The communities are divided into neighborhoods, which have administrative and ceremonial functions. The positions of traditional authorities are of a civil and religious nature and their number varies across communities.
76. The economy of the P'urhépecha is diversified, based on primary activities such as agriculture, fishing, gathering, and hunting. In the secondary sector, the production of handicrafts and trade have historically been important. Forest exploitation is added to these activities, in addition to an incipient livestock and textile industry.
77. Currently, craft production is included in the subsistence strategy. The current traditional crafts of the region are stonework, burnished pottery, textiles, basketry, mats and hats, wood and lacquer carvings and decorative metal and feather objects, which in many cases complements the subsistence family economy of farmers and fishermen.
78. In the decade of the 1940s, a strong migration of the purhépecha population to the United States began to occur as they searched for ways to complement their economies. Many of the public works that are currently carried out in the towns are due to the contributions sent by this migrant population.

The Afro-Mexican people.

79. The African populations arrived in Mexico as part of the Spanish troops and because of the slave trade from Africa to America. Those who currently make up the Afro-Mexican people are their descendants. Currently, the region in which these populations are concentrated is the so-called Costa Chica de Guerrero, mainly in the municipalities of Ometepe and Cuajinicuilapa, as well as in the district of Jamiltepec, located in the coastal region of Oaxaca. In 2015, the state of Oaxaca concentrated 14.2% of the total Afro-Mexican population in the country and ranked second nationally with the highest percentage (4.9%), with respect to its total population (INEGI).
80. As a minority that is crossed by issues of race and skin color, the bases of racism in Mexico, they face the difficulty of fully exercising their rights. They also face their lack of inclusion in decision-making in the country. This inequality exacerbated by the economic precariousness related to racism, has effects on the quality of life of these populations and their access to different public services, such as education.

It is estimated that one in six people of African descent (15.7%) is illiterate, which represents almost three times the rate at the national level (5.5%). Regarding economic activities, the primary sector is the area where the majority of the Afro-Mexican population works, in which agriculture is the main source of income for families, followed by fishing and the raising and exploitation of animals.

81. According to the National Council to Prevent Discrimination (CONAPRED), the rights of people of African descent that are most violated in Mexico are dignified treatment and equal opportunities most of the time because of skin color. As of 2015, the INEGI decided to collect census information on Mexicans of African descent, arguing that Afro-Mexicans do not identify with indigenous groups or with mestizos around racialization or around cultural particularities.

Legal and regulatory Framework Relating to Indigenous Peoples

80. There is a broad and developing international and national legal and regulatory framework around the rights of Indigenous peoples that are pertinent to the project. As already indicated in the introduction of this plan, GCF and IFAD are committed to holding up these standards and developing best practices. This commitment is reflected in both the GCF and the IFAD policies on Indigenous peoples. What follows is an overview of the broad legal and regulatory framework that must be considered and guide the engagement of Indigenous peoples in the target area.

82. ILO CONVENTION 169 on Indigenous and Tribal Peoples of the International Labor Organization: One of the most important and legally binding instruments on Indigenous Rights is the ILO Convention 169. Mexico ratified this convention on September 5th, 1990. The convention affirms the rights of indigenous peoples including self-determination, identity to defining their own development and to free prior and informed consent. In addition to a commitment to respecting these indicated rights, among the commitments made by Mexico in ratifying this convention include:

- The adoption of measures, in cooperation with the peoples concerned, to protect the environment of the territories they inhabit, and take into account their customs or customary law.
- Respect for the importance of their relationship with the lands and territories they occupy and use.
- Recognition of the right to property and possession over the lands Indigenous and tribal peoples traditionally occupy, and the safeguarding of their right to use lands to which they have accessed for their traditional and subsistence activities, especially in the case of nomadic and itinerant peoples.
- The special protection of the rights of these peoples to the natural resources existing on their lands, including the right to participate in the use, administration, and conservation of such resources; and
- to their participation in the formulation, application and evaluation of national and regional development plans and programs likely to affect them directly, among others.

83. Relating to this commitment, in 2010, a constitutional reform was carried out, which was published in the Official Gazette of the Federation on June 10, 2011. One of the most relevant reforms was presented in the first article, which indicates that the norms related to human rights will be interpreted in accordance with the Political Constitution of the United Mexican States, as well as with the international treaties to which Mexico is a party and the broadest protection. All authorities, within the scope of their powers, have the obligation to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility, and progressiveness. Consequently, the State must prevent, investigate, punish, and repair human rights violations, in the terms established by law.

84. Political Constitution of the United Mexican States: The second article of the Political Constitution of the United Mexican States contains the general provisions that establish the characterization of the Mexican Nation as multicultural and originally based on indigenous peoples and has recently included the peoples and Afro-Mexican communities. Section A of this same article refers to a list of issues in which the autonomy of indigenous peoples is recognized, in the following areas:

- Access, with respect to the forms and modalities of ownership and possession of the land established in Constitution and the laws, as well as the rights acquired by third parties or by members of the community, to the preferential use and enjoyment of the natural resources of the places inhabited and occupied by the communities, except those that correspond to strategic areas (petroleum and other hydrocarbons; basic petrochemicals and radioactive minerals). - Conserve and improve the habitat -in which, of course, forests and other ecosystems are found- and preserve the integrity of their lands.

85. Of relevance is the autonomy indigenous peoples to:

- Decide their internal forms of coexistence and social, economic, political and cultural organization.
- Apply their own normative systems in the regulation and solution of their internal, individual conflicts, respecting human rights and, in a relevant way, the dignity and integrity of women.
- Elect the authorities or representatives in accordance with their norms, procedures, and traditional practices for the exercise of their own forms of internal government, guaranteeing the participation of women in equal conditions with respect to men.
- Preserve and enrich their languages, knowledge and all the elements that constitute their culture and identity.
- Fully access the jurisdiction of the State. To guarantee this right, in all the trials and procedures in which they are a party, individually or collectively, their customs and cultural specificities must be considered, as well as the right to be assisted by interpreters and relevant legal representation. Of note, the constitutional provision limits the preferential access to natural resources to the forms and modalities of property and land tenure, as well as acquired rights.

86. Section "B" of the second constitutional article sets forth a group of duties of the State with respect to indigenous peoples – expressly with the purpose of reducing deprivation and lags that can be interpreted as rights of indigenous peoples and communities. These include:

- Promote the economic development of indigenous peoples,
- Promote the incorporation of indigenous women into development,
- Promote knowledge of and respect for the diverse cultures existing in the nation,
- Apply incentives for public and private investments that promote job creation, incorporate technologies to increase the productive capacity of indigenous peoples and ensure their equitable access to supply and marketing systems,
- Establish social policies to protect migrants from indigenous peoples, both in the national territory and abroad,
- Consult the indigenous peoples in the elaboration of the National Development Plan and of the state and municipal ones and consult them when any public or private organization intends to develop projects that affect their territories and their lives, community, as well as its cosmogony.

87. This same section mandates the Federation, the States, and the Municipalities to establish the institutions and determine the necessary policies to guarantee the rights of indigenous people and their integral development, which must be designed and operated jointly with them and make space for their knowledge and practices.

88. The Constitution also provides the basis for community property in Article 27. This article recognizes the legal personality of the ejido and communal population centers and protects indigenous ownership of land, both for human settlement and

for productive activities, as well as the integrity of these lands. It also mandates the protection and regulation of the common use of lands and resources geared towards increasing the standards of living of the residents

89. **General Law on Linguistic Rights of Indigenous Peoples.** The seventh article establishes that indigenous languages will be valid, like Spanish, for any matter or procedure of a public nature, as well as for full access to management, services, and public information. The Federation and the federative entities will have available and will disseminate through texts, audiovisual and computer media the laws, regulations, the contents of the programs, works and services directed to the indigenous communities in the language of their corresponding beneficiaries.
90. **Agrarian Law.** As a result of the agrarian distribution policy, the predominant land tenure in the indigenous regions is "ejidal" property. The foregoing is explained, in part, by the absence of norms and procedures that prevailed during the first decades of the last century for the recognition and restitution of communal lands, and the difficulties that existed in the agrarian codes so that the towns could demonstrate ownership of their lands, while article 106 of this Law establishes that the lands that correspond to indigenous groups must be protected by the authorities. In court trials involving the lands of indigenous groups, the authorities must consider the customs and uses of each group, if they do not contravene the provisions of this Law or affect the rights of third parties.
91. **General Law of Ecological Balance and Environmental Protection.** For its part, one of its express principles is to guarantee the right of communities, including indigenous peoples, to the protection, preservation, use and sustainable exploitation of natural resources and the safeguarding and use of biodiversity. For the planning, execution, evaluation and surveillance of the environmental and natural resources policy, the indigenous peoples must be consulted so that they can express their opinions and proposals. Article 15 states that for the formulation and conduct of environmental policy and the issuance of official Mexican standards and other instruments provided for in this Law, in matters of preservation of ecological balance and protection of the environment, the Federal Executive will observe the following principles: guarantee the right of communities, including indigenous peoples, to the protection, preservation, use and sustainable use of natural resources and the safeguarding of the use of biodiversity, in accordance with what is determined by this Law and other applicable regulations. In this same vein, the law states that the Federal Government must promote social participation of Indigenous peoples in the formulation of ecological policy, the application of its instruments, in information and surveillance actions, and any ecological actions in general.
92. **General Law on Sustainable Forestry Development.** In relation to indigenous peoples and Agrarian Communities, it is proposed as a general objective, to "Respect the right to preferential use and enjoyment by indigenous communities of the forest resources of the places they occupy and inhabit"; as a regulatory Law of Article 27 of the Constitution, it dictates that when forest resources are property of indigenous peoples and communities, the provisions of the Second Article of the Constitution are observed.
93. Article 8 of this law clearly states that "the legal and policy instruments to regulate and promote the conservation, improvement and development of forest resources must guarantee respect for the safeguards recognized by international law, including the right to free, prior and informed consent of ejidos, communities and indigenous peoples".

94. In recent years, protocols, and methodologies for the conducting consultations, soliciting and obtaining free, prior, and informed consent with indigenous and Afro-Mexican peoples have been adapted and integrated into the framework of national programs. Below (Table 1) outlines some examples of processes for planning and implementing FPIC in current programs and projects, supported by the Instituto Nacional de Pueblos Indígenas (INPI) and CONAFOR, respectively. In the first case, the main milestones are identified in the process of building free, prior, and informed consultation with indigenous and Afro-Mexican peoples for the elaboration of the Constitutional and Legal Reform on Indigenous Rights of 2019, carried out by INPI. In the second, the guidelines for the preparation of Indigenous Peoples Plans are described, within the framework of projects implemented by CONAFOR, and the relevant stages in the preparation of the consultation and its implementation in the process of designing the National Strategy are reported. These experiences provide a starting point and offer guidance for designing and conducting FPIC consultation and request processes for the Resilient Balsas Project.

Table 1: Relevant consultation protocols		
CONSULTATION PROTOCOL(2019) ⁶ used by INPI to consult the "Reforma Constitucional y Legal sobre Derechos Indígenas."	CONAFOR: Consultation Process for the National REDD+ Strategy. (^{7, 8, 9, 10})	REGLAS De Operación del programa de Apoyo para el Desarrollo Forestal sustentable 2022
<p>Guiding principles: Self-determination, Participation, Good faith, Interculturality, Communality or collectivity, Equality between women and men.</p> <p>Actors Involved in the consultation:</p> <p><u>Consulting entity:</u> Federal Executive Branch through the Ministry of the Interior and the INPI.</p> <p>• <u>Subjects consulted:</u> The protocol provides an indicative list of representatives and authorities of indigenous and Afro-Mexican communities which includes:</p> <ol style="list-style-type: none"> Indigenous municipal authorities. Community authorities, which depending on the state entity may be delegates, agents, commissioners, heads of tenure, site authorities, assistantships, among others. Indigenous and Afro-Mexican traditional authorities. Indigenous and Afro-Mexican agrarian authorities (communal and ejido). Organizations, institutions, and citizens belonging to indigenous and Afro-Mexican peoples, and 	<p>Guiding principles:</p> <ol style="list-style-type: none"> Full and effective participation of stakeholders with an interest in REDD+, mainly indigenous peoples and communities, as well as ejidos and communities. Representative integration of a wide diversity of actors with an interest in REDD+, at different levels. Transparency and timely access to information. Facilitate dialogue and exchange of information between actors with an interest in REDD+ in all phases of the consultation. Absence of coercion or conditioning. Respect for the processes, forms of organization, authorities, cultures and languages of indigenous peoples. Establish equal conditions for the participation of all stakeholders. Gender vision. Consideration of the different ages of the participants. Impartial and accessible process. 	<p>The program of support for sustainable forestry development does not require conducting Free Prior and Informed Consent because it is an on-demand program for which communities voluntarily apply. As a community initiated request for support, where it involves ejidos or collective indigenous lands it is understood that the project is developed in a participatory making use of customary norms and process</p>

⁶ Proceso de consulta libre, previa e informada a los pueblos indígenas y afroamericano para la elaboración de la Reforma Constitucional y Legal sobre Derechos Indígenas (2019). <http://www.inpi.gob.mx/gobmx-2019/convocatorias/inpi-protocolo-consulta-reforma-constitucional-derechos-pueblos-indigenas.pdf>

⁷ <http://www.enaredd.gob.mx/wp-content/uploads/2015/07/Plan-de-Consulta-ENAREDD+.pdf>

⁸ https://www.biopasos.com/biblioteca/M-REDD+ConsultaENARREDPasosPoliticaPublica_2016.pdf

⁹ https://www.gob.mx/cms/uploads/attachment/file/173696/Reporte_SESA_FINAL_.pdf

¹⁰ http://www.enaredd.gob.mx/wp-content/uploads/2015/11/consulta_indigena_y_afrod_enaredd.pdf

<p>f. Academic and research institutions related to indigenous and Afro-Mexican peoples.</p> <ul style="list-style-type: none"> • Interinstitutional Technical Group (ITG): to assist in the consultation process an ITG of government entities that work with Indigenous peoples was formed to provide information to the consulted subjects • Technical Body and Technical Committee of Experts: INPI as the entity with legal responsibility for the consultation formed a Technical Committee of Experts made up of men and women with proven expertise in the rights of indigenous peoples participating in a personal capacity. The committee provided technical input to ensure that the consultation process was carried out in accordance with international standards and issued opinions on the substantive aspects of the matter consulted. <p>By regulatory provision, the INPI is the Technical Body in consultation processes.</p> <ul style="list-style-type: none"> • Accompaniment of the Legislative Power: Given that the consulted issue dealt with a legislative measure on the rights of indigenous and Afro-Mexican peoples, representation from the Commission on Indigenous Peoples of the Chamber of Deputies and the Committee on Indigenous Affairs of the Chamber of Senators, both part of the Congress of the Union was invited to accompany the Consultation process. • International Participation The accompaniment of international organizations such as the UN Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, International Labor Organization (ILO) and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (FILAC) were invited to provide input • Observers The protocol also created a mechanism for the participation of observers such as individuals and organizations that work with Indigenous peoples, Universities and NGOs <p>Consultation process:</p> <p>a. Previous Acts and Agreements: In this phase agreements on the consultation process were adopted based on input from regional forums. The forums were conducted on locations that increased accessibility to the communities. The protocol made provisions for the specific community upon request from such community.</p> <p>b. Information phase</p>	<p>j. The process should lead to feedback, and to the achievement of agreements or consent of the ENAREDD+.</p> <p>Actors Involved in the consultation:</p> <p>Consulting Entity The Executive body responsible for the application of the ENAREDD+, with the obligation to consult, is the Ministry of the Environment and Natural Resources (SEMARNAT) through the National Forestry Commission (CONAFOR),</p> <p>Supporting Technical Entity: Comisión Nacional de Pueblos Indígenas</p> <p>Consulted Subjects: a wide variety of the Mexican population across the federation. Special attention to "Indigenous peoples and communities, through their traditional authorities, representative bodies and representative organizations or institutions recognized by the federal government or that are defined by the peoples themselves, in accordance with their regulatory systems."</p> <p>Consultation Process</p> <p>a. Preparation of the consultation and construction of initial agreements:</p> <ul style="list-style-type: none"> • In the case of indigenous peoples and local communities, there will be a stage to construct and agree upon a consultation process. • The consulting body with the supporting technical entities will identify the consulted subjects • The Mesa Indígena y Campesina was the entity responsible for making agreements with CONAFOR about the consultation plan on behalf of the Indigenous peoples and communities <p>b. Information phase:</p> <ul style="list-style-type: none"> • classifies audiences and develops responsive communication strategies and materials to ensure accessibility <p>c. Consultative and deliberative phase: differentiated consultation process for peoples and communities indigenous and ejidos.</p> <ul style="list-style-type: none"> • After the dissemination phase, the indigenous peoples and communities, ejidos and communities will carry out internal 	<p>signed off by the recognized authorities.</p>
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<p>All the information available regarding the topics to be consulted, the document of principles and criteria, jurisprudential criteria etcetera... provided to promote reflection, debate, and consensus on the proposals.</p> <p>Note: The process involved regional forums culminating in a National forum through which the deliberative, consultative phases and generation of consensus was to be achieved</p> <p>c. deliberative phase: In each of the Forums, work groups were to be organized where participants could engage in dialogue with representatives and authorities of other indigenous peoples to elaborate their proposals, to then be shared with all the participants and incorporated into the general proposals.</p> <p>d. Consultative phase: Each of the Regional forums included a consultative phase where the suggestions and proposals of the working groups or individual; participants wished to formulate. In addition a National forum where the input of all the results from the regional forums were to be presented and consensus generated.</p> <p>e. Etapa de Seguimiento de Acuerdos: A Follow-up Commission (with gender equality) was to be elected to engage in dialogue with national decision making entities.</p> <p>Sedes de los foros de consulta:</p> <p>To achieve the greater participation of indigenous communities, INPI organized 51 indigenous regions throughout the country.</p> <p>Other relevant matters:</p> <ul style="list-style-type: none"> • Documentation and organization of input: INPI received and organized all the proposals and documented the process using photographic and video graphic evidence. • Translation and Interpretation: INPI was responsible for ensuring translation and interpretation in indigenous languages for the forums. • Financials: INPI was responsible for providing the necessary resources for the conduct of the consultation. 	<p>processes of discussion and analysis to make their decisions, according to their internal procedures.</p> <ul style="list-style-type: none"> • Master Plan for the consultation addressed to indigenous peoples and communities, based on the INPI consultation protocol. <p>d. Consent phase construction of agreements, signing of agreements and follow-up: After the national representative organizations of communities and peoples indigenous and local communities have carried out their deliberative processes and the making of internal agreements, their position will be presented in the Indigenous and Peasant Roundtable and a process of consent or construction of agreements with the government will be initiated. These agreements will be in writing and will be signed by both parties. Additionally, a follow-up and monitoring mechanism will be established to monitor the compliance of commitments.</p> <p>E Systematization phase: CONAFOR will be in charge of convening the panel of experts to analyze the comments of the consultation. The accompaniment of GTREDD+ the Intersecretarial Commission on Climate Change (CICC), as well as the Indigenous and Peasant Roundtable of the National Forestry Council (CONAF), will be a fundamental part of the panel of experts.</p> <p>Other Relevant matters: The Forest Carbon Partnership Facility (FCPF) Readiness Fund has awarded Mexico a \$3.8 million grant for various elements of the country's readiness, including the Consultation of the ENAREDD+.</p>	
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Component	Activity	Possible Risks and opportunities	Mitigation measure
Government programs and community development plans integrate climate change criteria for attribution of support	1.1.1 Facilitate the creation of Forest Management Units (FMUS) and Regional Committees for the Integrated Management of the Territory (RCIMTS)	<p>Indigenous peoples are outnumbered resulting in their voices being unheard.</p> <p>The participation of indigenous peoples, are not well supported to guarantee strong and effective participation resulting in their perspectives and concerns being marginalized</p>	<ol style="list-style-type: none"> 1. Ensure that Indigenous peoples are adequately represented 2. Apply principles of FPIC to ensure such as providing information on a timely basis and in accessible language in a way that representatives can fully understand, and obtain necessary input and advice from their communities and advisors 3. Facilitate access to technical support to guarantee effective participation 4. Support representatives in maintaining communication and consultation channels with the communities they represent to effectively represent them; support processes of consultation with their communities. 5. Use affirmative action approaches to guarantee attention to Indigenous perspectives and concerns.
	1.1.2 Agree on priority intervention areas at the sub and micro-basin level	<p>This component involves the identification of priority areas and the elaboration of plans that set the parameters for intervention and investment. The major concern raised by IPLCs given their experiences with other development projects not related to IFAD is that indigenous perspectives (conceptions and ways of relating to the land and water and to the social and economic relations) are not incorporated in planning as a result of the planning focus and logic and inadequate support to indigenous participation. For example, the participation of representatives in committees is not well supported to guarantee effective participation in planning processes and that their voices are lost. This would result in</p> <ul style="list-style-type: none"> • Further alienating Indigenous peoples from their own ways of understanding and relating to the land, social relations, and visions of the future • Undermining economies of reciprocity • Further converting community authorities into mere administrators and 	<ol style="list-style-type: none"> 1. Ensure that prioritization criteria incorporates Indigenous perspectives and concerns. 2. Apply principles of FPIC and co-design such as providing information on a timely basis and in accessible language to Indigenous representatives in a way that they can fully understand, and obtain necessary input and advice from their communities and advisors. 3. Facilitate access to technical support to Indigenous representatives 4. Support representatives in maintaining communication and consultation channels with the communities they represent and support consultation processes with their communities. 5. Incorporate principles and practices of indigenous visioning and planning. 6. Ensure that Basin/Sub-basin committees receive adequate and culturally sensitive technical support in planning processes.

		<p>managers of state projects.</p> <ul style="list-style-type: none"> • Not achieving local ownership and sustainability beyond the life of the project • Foreclosure of spaces for autonomous visioning and planning 	
	<p><i>1.1.3 Strengthen multi sectoral coordination structures, operation rules and mechanisms for co-investments within the basins</i></p> <p>This activity is a planning moment where CONAFOR will facilitate the development of territorial management plans with the participation of relevant institutional actors, local governance institutions and research institutions. Once plans are developed ACs will be invited to submit proposals to prepare more detailed investment plans.</p>	<p>Three risks emerge:</p> <p>Inadequate attention to indigenous perspectives and concerns;</p> <p>inadequate support to Indigenous participation (see risks identified in 1.1.2); and</p> <p>lack of attention to the coordination demands placed on the institutions of agrarian communities. The latter would place additional burdens on local governance structures and contribute to eroding capacities.</p>	<ol style="list-style-type: none"> 1. See mitigations measures identified in 1.1.2 2. Include as a key element of the project the strengthening of indigenous governance and coordination based on: a. an assessment of the challenges including the social and economic costs to the community, and b. Vision of the future and aspirations of the Indigenous communities. 3. Include adequate support for local governance and coordination
	<p><i>1.1.4 Strengthen and operationalize criteria for attribution of financial support for adaptation to climate change in institutional program procedures</i></p>	<p>Review of criteria and rules of operation do not incorporate voices of Indigenous peoples</p>	<ol style="list-style-type: none"> 1. Establish mechanisms to ensure participation of indigenous representatives in the evaluation, review and development of laws, policies and regulations.
	<p><i>1.2.1 Communication and awareness raising campaign to disseminate calls for proposals</i></p>	<p>communication is not timely nor accessible preventing construction of quality and well consulted proposals</p>	<ol style="list-style-type: none"> 1. Co-design communication and awareness raising campaign with Indigenous communities 2. Ensure linguistic and cultural relevance and accessibility
	<p><i>1.2.2 Formulation of climate-smart multiannual investment plans based on micro-basin zoning plans and validated through FPIC</i></p>	<p>This component involves the development of concepts notes and fully developed proposals by agrarian communities for possible funding with support from the promotorias forestales and accredited technical service providers. The main risk identified here is that plans do not reflect the collective vision and decision of Agrarian communities; and lack of experts versed in Indigenous planning.</p>	<ol style="list-style-type: none"> 1. Incorporate principles and practices of indigenous visioning and planning. 2. Ensure the participation of elders and knowledge bearers and marginal sectors in planning processes. 3. Ensure broad participation and decision making of communities through their traditional mechanisms 4. Ensure culturally sensitive technical advice by ensuring that providers have indigenous planning capacities.

			5. Support indigenous governance structures in fulfilling their functions
	<i>1.3.1 Capacity development program for extension workers, local facilitators, and brigades</i>	The extension services do not adequately incorporate Indigenous perspectives, knowledge, and practices (around agriculture, land stewardship and reciprocal economies and indigenous planning) further eroding Indigenous knowledge systems, relationships with the land social economies.	<ol style="list-style-type: none"> 1. Include in the capacity building program of CONAFOR's promotores (including the 26 newly hired) indigenous content (knowledge, practices and perspectives related to agriculture, land stewardship and reciprocal economies, planning) and capacities for documenting and sharing indigenous knowledge 2. Empower communities through such entities as the brigades to document, develop and share Indigenous knowledge and practices. 3. Foster the relationship between youth and elders and knowledge bearers. 4. Enhance existing local systems of knowledge transmission. 5. Include as key undertaking of the research and development entity to be contracted an initiative to collaborate with Indigenous communities to document, develop and share indigenous knowledge and practices. 6. Strengthen local planning capacities
	<i>1.3.2 Support and creation of forest protection brigades and climate change resilience facilitators</i>	Brigades are alienated from local knowledge, indigenous perspectives, governance and decision making systems.	<ol style="list-style-type: none"> 1. Incorporate Indigenous perspectives and knowledge in training program of brigades 2. Ensure respect for and coordination with authorities of agrarian communities.
	<i>1.3.3 Strengthening of CONAFOR's promotorias forestales</i>	Limited attention placed to building capacities to understand Indigenous perspectives, knowledge and practices and facilitation of indigenous planning and participation.	<ol style="list-style-type: none"> 1. Build understanding of indigenous ways of knowing, being and doing (conception of land, economies of reciprocity, governance and decision making) 2. Build capacities in indigenous planning and facilitation
Forest landscapes are sustainably managed and better adapted to climate change for the provision of environmental services and increased livelihood resiliency	<i>2.1.1 payment of environmental services</i>	Commitment of Indigenous lands to PES negatively impacts indigenous land relations, food security and vulnerable users undermining autonomy and self-reliance, knowledge systems and lifeways.	<ol style="list-style-type: none"> 1. Ensure there is a risk analysis that pays attention to the social and cultural risks of committing lands to PES, and the impacts of payments on community relations, and the development of a mitigation plan and benefit sharing agreements and mechanisms. 2. Ensure that the needs and relationships to land by the most vulnerable in the communities are attended to.

	2.2.1 Climate smart forest landscapes restoration of micro watersheds and strategic Areas(RFM)	interventions are not sustained beyond the life of the project	<ol style="list-style-type: none"> 1. Ensure that interventions build on what communities are already doing, are responsive to local aspirations and build community ownership. 2. Ensure there is a risk analysis that pays attention to the social and cultural risks of interventions including the impact on community relations, and the development of mitigation plans and benefit sharing agreements and mechanisms.
	2.2.2 Commercial forest and agroforestry plantations adapted to climate change(PFC)	Commercialization of forests undermines community relations and places increase pressure on indigenous lands	<ol style="list-style-type: none"> 1. Ensure that interventions build on what communities are already doing, are responsive to local aspirations and build community ownership. 2. Ensure there is a risk analysis that pays attention to the social and cultural risks of interventions including the impact on community relations, and the development of mitigation plans and benefit sharing agreements and mechanisms. 3. Ensure that initiatives are adequately consulted and have the consent of communities
	2.3.1 Sustainable forest management adapted to climate change, inclusion and access to markets	<p>Indigenous understanding of the lands and forests are not adequately incorporated.</p> <p>The relationship and use of lands and resources of certain members of the communities are side-lined.</p> <p>Limited attention is paid to the local economies of reciprocity, and food sovereignty.</p>	<ol style="list-style-type: none"> 1. Land use plans adopt an intercultural character including Indigenous understandings about the land and land use 2. Technical support and accompaniment of indigenous peoples in the planning process. 3. Ensure the participation of elders and knowledge bearer 4. Generate a solid understanding of local economies to inform the strengthening of value chains
	2.3.2 Support households to improve food security and nutrition	The interventions are not sustained beyond the life of the project.	<ol style="list-style-type: none"> 1. Build on existing local initiatives, co-design the interventions building on a sound understanding of the obstacles and challenges 2. Strengthen Indigenous food systems and food-sovereignty
	2.3.3 Brigades to strengthen adaptation capacity in agrarian communities (Community-Forest Monitoring)	Brigades are disconnected from local governance structures and practices and the information generated is not incorporated in local decision making.	<ol style="list-style-type: none"> 1. Articulate brigades with the governance and decision making structures of agrarian communities 2. Review and where possible adapt forest monitoring to produce information that is useful and relevant to agrarian communities.

The producers, inhabitants and authorities of the Balsas Basin have timely and relevant climate information for climate risk management, disaster prevention and knowledge management	3.1.1 development of a platform and applications to facilitate access to climate information and early warning systems	Inadequate attention of indigenous knowledge	<ol style="list-style-type: none"> 1. Technical support and accompaniment of local and/or international Indigenous experts to accompany indigenous peoples in the planning process. 2. Ensure the participation of elders and knowledge bearers
	3.1.2 Strengthen CONAFOR's Forest Fire Prediction and Prevention(SPPIF) and Forest Phytosanitary Surveillance (SIVICOFF) systems	No Risks Identified	
	3.1.3 Strengthen CONAFOR's Measurement, Reporting and Verification System(MRV)	MRV does not take into account the kinds of information that may be useful to Indigenous communities.	<ol style="list-style-type: none"> 1. Review and where possible adapt forest monitoring to produce information that is useful and relevant to agrarian communities.
	3.1.4 Strengthen CONAFOR's social and environmental safeguards management system	<p>Input from Indigenous communities not attended to.</p> <p>The current model where a call for proposals is taken to mean that there is no need for FPIC is not reviewed.</p>	<ol style="list-style-type: none"> 1. Seek input from Indigenous communities including those involved in the BALSAS project. 2. Review the current model of calling for proposals to determine how principles of FPIC can still be upheld,
	3.2.1 Production of training and systematization materials	Materials developed are inaccessible to Indigenous communities	<ol style="list-style-type: none"> 1. Ensure that the language and type of materials is culturally appropriate and accessible to Indigenous communities. Assess the need and where appropriate develop material in Indigenous languages.
	3.2.2 Exchange of experiences, and South-South and Triangular Cooperation (SSTC)	No risks identified	
	3.2.3 Monitoring and evaluation	Inadequate attention is placed on Indigenous participation in monitoring and evaluation of the project	<ol style="list-style-type: none"> 1. Establish robust monitoring and evaluation mechanism at the micro-basin and NA levels

Indigenous Participation and FPIC process Balsas Project

95. The principle and practice of Free Prior and Informed Consent is anchored in other affirmed Indigenous rights such as the collective right to self-determination, to lands and territories, to the integrity and development of their culture, to participation in the life of national society and the right to define their own

development. FPIC is a safeguard against possible negative impacts of the actions of third parties, even when these actions might be well intended as in development initiatives that seek to address Indigenous exclusion and marginalization. It safeguards a space for Indigenous participation to shape the nature of the actions that they might consent to. FPIC offers Indigenous a mechanism through which they can protect the integrity of their lands, culture and community and to shape the direction and speed of their development. FPIC then can allow for Indigenous peoples to fit proposed interventions in their own life plans. In this respect it allows them to exercise, at best a minimum, their right to self-determination.

96. Often FPIC is interpreted as a mere safeguard, a way of protecting a broken and helpless Indigenous people and minimizing or ignoring indigenous perspectives and constraint participation. Likewise, it is too easy to practice FPIC as a mere time and resource consuming bureaucratic requirement and therefore convert it into a tokenistic ticking of the box exercise. FPIC however has the possibility of being a mechanism for effective engagement with Indigenous peoples allowing for mutual respect, learning and benefit. It can provide an opportunity to address the challenges that affect Indigenous communities and in turn national and global challenges such as climate change. It can provide an opportunity to learn from the experience, perspectives and practice of Indigenous peoples not only in the south-south sense but the south-north sense. This possibility however can only occur if there is a shift in paradigm from viewing Indigenous participation and FPIC as a mere matter of safeguard to one of co-design and the engagement of Indigenous peoples as equal partners. It is only possible when we walk as allies.
97. IFAD and GCF's Policies on engagement with Indigenous Peoples, are informed by the notion of co-design and seek to implement FPIC as more than mere safeguard or bureaucratic requirement. FPIC is seen as involving the effective engagement of Indigenous peoples throughout the life of the project: from design to evaluation. It implies engaging in dialogue and consultation with indigenous peoples early in the project design process. GCF in its "Sustainability Guidance note: Designing and ensuring meaningful stakeholder engagement on GCF-financed projects", ¹¹notes that "This requires a deep commitment by AEs, executing entities and intermediaries to use stakeholder engagement as an opportunity to improve each phase of their activities rather than as a procedure designed simply to validate or confirm people's positions."
98. With the aforementioned in mind, the proposed plan aims to ensure that the rights of indigenous and Afro-Mexican peoples are respected and that their communities actively participate throughout the project cycle and benefit from project interventions. The Plan has been designed to ensure that, whenever the project operates in areas where indigenous peoples and Afro-Mexican communities live, they:
 - a. participate fully and effectively in the design, development, and implementation of project activities.
 - b. are not harmed or suffer adverse impacts that may result from the project;
 - c. receive culturally appropriate social and economic benefits; and
 - d. opportunities to learn from Indigenous peoples are provided.

Indigenous participation in the design phase

¹¹ Sustainability Guidance note: Designing and ensuring meaningful stakeholder engagement on GCF-financed projects" <https://www.greenclimate.fund/document/sustainability-guidance-note-designing-and-ensuring-meaningful-stakeholder-engagement-gcf>

99. While globally there have been many advances in terms of the engagement of Indigenous peoples in the implementation phase, much remains to be done to engage indigenous peoples in the design phase. Project conceptualization generally privileges the role of technical experts and the voices of potential target populations is often limited if not absent. FPIC because it tends to emphasize consent is generally left to the implementation phase when concrete communities where project elements will be implemented are identified. The challenge here is that it means that the theory of change and the broad parameters of the project have already been established and hence the possibility of shaping the logic of the project is greatly reduced. To enhance the participation of beneficiaries, the present plan contemplates the participation of Indigenous in the design phase.
100. It is important to note that the meaningful consultation of Indigenous People in the design phase is explicitly recognized and recommended in the GCF policy on Indigenous people¹². In defining meaningful consultation, it points out that it “begins early in the project planning process to gather initial views on the project proposal and inform project design.” This is also reiterated in section 7.1.5 article “b” which states that for Indigenous people meaningful consultation must “Begin as early as possible in the project design and development process....”
101. The BALSAS project, as indicated earlier, is unique in that it is filtered through an existing program regulated by the Rules of Operation. This means that the design trajectory is significantly different from a new project, the main components and implementation mechanisms have already been established in the Rules of Operation. A key approach of the project however is a shift in paradigm. It is expected that the project will lead to a change in paradigm with a greater attention to climate change criteria in the prioritization of “...sites, beneficiaries, and interventions for rural development support in the Balsas Basin using climate change criteria.” The current Rules of Operation are in fact in the process of review for 2023. The shift in paradigm can also include a shift in the way indigenous participation is understood and practiced: away from viewing indigenous peoples as mere beneficiaries, to viewing them as climate actors and leaders; away from a focus on participation and FPIC as a matter of safeguarding alone, to a focus on codesign. The early participation of indigenous peoples not only begins to make that shift but can inform it, the plan therefore included preliminary consultations.

Preliminary consultations

102. It should be noted that, within the framework of current policies and protocols for indigenous peoples, not all consultation processes should necessarily lead to the request for FPIC. The latter is essential for all programs that may have a significant cultural, social, and environmental impact on concrete communities. In the case of preliminary consultations, these refer to spaces for early dialogues with representatives of indigenous peoples targeted by the project. The general purpose of these is to generate indigenous perspectives that can inform an understanding of the project problem, context, and possible responses, that is, the design of the project. It aimed to engage with indigenous representatives in the analysis of the problem (climate change and its impact on local communities) the project aims to address, the Indigenous context, and the generation of possible interventions, implementation, and participation mechanisms. These preliminary consultations give operation to the practice of co-design.

¹² GCF Indigenous Peoples Policy, <https://www.greenclimate.fund/document/indigenous-peoples-policy>

103. The preliminary consultations with the indigenous communities had the following specific objectives:
 - a. to inform on the BALSAS project (its objectives and activities)
 - b. to generate Indigenous perspectives on the impact of climate change on their communities and community-level responses.
 - c. to obtain Indigenous perspectives on the challenges to participating and accessing forestry projects and programmes and generate recommendations for strengthening indigenous peoples' engagement in the participatory processes of the Balsas project
104. Indigenous authorities from target municipalities in Guerrero, Michoacán and Oaxaca were invited through CONAFOR's state offices. The response to the call was 99 participants from 27 indigenous municipalities. They were convened to sessions in: 1) Tlapa, Guerrero; 2) Uruapan, Michoacán; and 3) Tlaxiaco, Oaxaca. pm the 27-30 September and 1 October.

Key outputs of the preliminary consultations:

105. **Effects of climate change:** Participants identify hurricanes, intense rainfall, periods of drought, erratic weather as evidence of climate change and note that these lead to floods, landslides, soil erosion, forest fires, shortages of water for drinking and agriculture, loss of flora and fauna including medicinal plants, emergence of new species and increase of pests. This in turn they note, impacts production cycles, food production, the erosion of indigenous food systems and loss of traditional medicine. This, combined with low prices for agricultural produce and lack of well-paid employment in the region contributes to increasing migration. Migration in turn increases the loss of Indigenous knowledge and weakening of Indigenous governance as youth abandon traditional livelihood practices and leave their communities. Migration, which is generally male, results in an increase in the role and burden of responsibility for food production on women.
106. **Community initiatives and strengths:** Communities adapt to the climatic impacts as noted earlier through migration, changes in their livelihood strategies away from traditional ones, shifting food production role and burden on women. They are also adapting their agriculture practices by adjusting their production cycles and selecting more suitable seeds. The participants identify indigenous governance as a critical asset of communities in responding to climate change. Agrarian authorities are valued by the communities as providing a space for decision making, planning, developing norms and coordinating interventions. Indigenous governance institutions have the legal, normative, moral, social and cultural tools to organize activities for the protection of natural resources and resolving conflict
107. **Access to information and early warning systems:** Participants report that communities do not have an early warning system and conventional media has become the first point of reference. Official information however is slow in arriving. Local authorities generally inform their communities using their own communication structures doing their own language translation to make the information accessible.

108. **Challenges to access of support:** In terms of access to support from programs such as CONAFOR, participants identify a variety of barriers that include: lengthy and bureaucratic procedures, lack of support to strengthening local governance; the fact that operation rules are not adjusted to community realities and do not allow or promote inter-municipal collaboration. Additionally, they note that calls for proposals often do not reach communities or reach late thus preventing communities from submitting well thought-out projects. One of the contributing barriers to youth and women, they note, is related to the fact that they do not have land.
109. Communities recognize the work and support of CONAFOR but there is a sense that projects often lack the full understanding and full buy-in of the communities because often they are not well disseminated, and lack the participation of a wide cross-section of the community members. They report that projects often end up being top-down responding to technical prerogatives. That is, they do not respond effectively to community priorities and perspectives and lack full community ownership.
110. Participants observed that projects often result in a weakening of community life and governance institutions by contributing to a loss of trust in leaders. Projects are not designed with wide participation, are not widely disseminated, nor obtain community wide ownership. Additionally they note that often they are poorly implemented, lacking in local level coordination and accountability as a result of over-stretched human resources of local governance institutions, lack of technical support and accompaniment and lack of capacity.
111. **Key recommendations**
- a. Reduce the bureaucratic procedures; ensure that information is timely and accessible
 - b. Provide technical support and accompaniment to the community and its leaders throughout the process,
 - c. Ensure that advisors and technical service-provider are familiar with local dynamics
 - d. Ensure the local communities have adequate time, technical support and resources.
 - e. Projects need to contribute to strengthening local governance.
 - f. Increase participation of youth and women.
 - g. Ensure income generation opportunities

Indigenous participation in the implementation phase:

112. Role and responsibilities. CONAFOR, as the executing agency for project activities, will be responsible for ensuring effective participation and free, prior and informed consent of Indigenous communities in the implementation phase.
113. It is in the implementation phase that the project lands in concrete communities and it is at this phase that the free prior and informed consent of the

community in question would be generally required. However, the project will use the modality established in the ROPs wherein CONAFOR offers its support program through a call for proposals to which beneficiaries then apply. Based on existing Mexican policies and protocols, such modality does not generally need to go through the normal FPIC process where the proponent seeks the consent of the Indigenous community given that it is the community that is voluntarily applying for the intervention. CONAFOR therefore does not generally carry out the standard FPIC process. The hypothesis is that the projects are developed autonomously by communities using customary practices through a participatory process that requires the approval of the community's assembly and signatures of their representative authorities, and hence consent is implicit.

114. While consent might be implicit, there are elements that can be improved to guarantee effective participation.

Improving and Guaranteeing Effective Participation:

115. **Reviewing the PADF Reglas de Operacion and Operational guidelines of the CA x CUTSF:** The rules of operation establish the focus and project implementation mechanisms. This determines what kinds of support communities are able to receive and how they can participate and benefit. Though they may design their proposals autonomously the parameters have already been established and tend towards a top-down approach. To shift the paradigm would require effective participation in the development, monitoring, evaluation, and review of the rules. While CONAFOR already contemplates some this in its mechanisms, the following is proposed:

- a. Generate input for the review of the RoPs and operational guidelines through the preliminary consultations.
- b. Involve the basin/sub-basin councils in the review of Safeguards mechanism, RoPs and operational guidelines.
- c. Establish a joint monitoring and evaluation committee for the project that involves representatives from the participating sub-basins. Conduct periodic monitoring sessions.
- d. Document, monitor and evaluate the effectiveness of indigenous participation especially in the element of the project that pilots new approaches, and use this to inform the review of the ROPs.

116. **Dissemination of information in a culturally and linguistically relevant manner:** While CONAFOR is committed to disseminating information about the project and its call for proposals in a culturally and linguistically relevant and effective manner, this could be improved. Information should be disseminated through mechanisms that ensure it reaches the potential beneficiaries, (especially the most marginal such as youth and women) in layperson's language, and where possible in the relevant indigenous languages.

117. **Adoption of participatory planning approaches:** Support to Indigenous peoples in the preparation of project proposals. At the moment, beneficiaries are left to prepare their proposals on their own, a situation that may contribute to exclusion, or less than optimal proposals. The project contemplates changing this approach to one where beneficiaries play a more integral role including establishing Basin and Sub-basin Councils; provision of technical support early in the planning and application process. This new approach addresses some of the limitations in the previous approach. It also offers the opportunity to comply with the Indigenous policy of the GCF. To enhance this, the following is proposed:

- a. The planning is supported by consultants that have experience in indigenous planning. While the communities are free to select consultants from the roster of registered consultants with CONAFOR or by having their selected consultant be registered, the availability of planners with experience in Indigenous planning can be increased by:
 - i. Ensuring consultants with such capacities are available through the roster.
 - ii. Building the capacities of consultants
 - iii. Disseminating best practices
 - iv. Building capacities at the community level such as providing training opportunities for community planners.
- b. Establishing, in consultation with Indigenous communities, minimum planning requirements/guidelines that require:
 - i. Attention to the language requirement of communities.
 - ii. The elaboration of planning processes to be developed in consultation with the indigenous community.
 - iii. Plans to ensure the participation of women and youth
 - iv. The documentation of the planning process, and elaboration of summary report. This would be the equivalent of the conventional consultation report in an IPP.
 - v. The conduct of risk analysis for the proposed activities, and development of a monitoring and mitigation plan.
 - vi. Documentation of community decision making, validation and authorization for the sub-project

118. **Convenios de concertación:** At the moment the ROPs and Guidelines of the CU x CUSTF require that an agreement is signed between the supported beneficiary and CONAFOR. This mechanism can be improved to fulfill the conventional IPP required under GCF policy. The following modifications are recommended:

- a. Inclusion of mechanism to jointly monitoring and evaluate the agreement
- b. Mechanism for co-evaluation of the project
- c. Inclusion of a risk management plan
- d. Mechanism for the resolutions of conflict and grievance reporting mechanism.

On planning instruments and processes

119. The strengthening of participatory and integrated planning processes is a key objective under component one as a way of generating climate resilience in the priority areas; generating a common understanding of problems and challenges related to climate change and the alternatives with the participation of the most excluded (Youth, women and Indigenous Peoples. To achieve this the project will establish Forest Management Units, and corresponding Regional Committees for Integrated Management of the Territory. These will play a central role in planning processes. The project contemplates two key planning spaces: at the level of the basin and sub-basins and two ethnic areas; and at the level of municipalities, Agrarian Communities and grass-root organizations.

120. At the level of the Cuencas and sub-cuenca an adjusted version of Planes de Acción Para el Manejo Integral de Cuencas(PAMIC) Hidrológicas used by SEMARNAT. These will seek to define a joint vision of the problem; identify investment priorities; and models for restoration, conservation and agroforestry adapted to the effects of climate change; and identification of investment opportunities offered by the institutions. At this level, RMCITs will be established with the inclusion of local authorities (municipal, Agrarian Communities, Indigenous peoples and farmer organizations and relevant federal and state institutions. While these plans do not translate to direct investment and actions they frame the

investments and actions that will occur in other plans that do lead to direct investments. As such, it is recommended

- a. that Indigenous perspectives of the sub-basin, indigenous land-relations and indigenous knowledge and practices are reflected in the plans.
- b. that the social and cultural risks be identified, and mitigation plans developed.
- c. That the plans obtain wide input from potentially affected communities.
- d. The Indigenous representatives in the councils are adequately supported to maintain lines of communication with their communities and are supported to obtain input.
- e. The participation of women and youth needs to also be attended to directly.
- f. At the basin or sub-basin is understood to be a planning unit that allows a territorial planning approach that considers both linguistic, social and hydrological factors. While these plans do not in themselves lead to direct investment it frames such investments. These plans offer an opportunity for Indigenous communities to articulate a vision of their territories, build solidarity across communities linked by language or a common basin.

121. Here it is recommended that: Indigenous perspectives of the sub-basin, indigenous land-relations and indigenous knowledge and practices are reflected in the plans; technical support is provided by planners with proven experience in indigenous planning; plans pay prominent attention to social and cultural elements to avoid a narrow environmental focus; the planning processes are anchored on indigenous forms of organization and decision making; planning processes are developed in conjunction with the Indigenous community representatives; that the social and cultural risks be identified, and mitigation plans developed; the participation of women and youth needs to also be directly attended to; the planning process is well documented

122. At the level of Agrarian Communities/unit seeking project support, investment proposals will be developed. These plans are essentially investment plans to be supported by CONAFOR. It is recommended that: technical support is provided by planners with proven experience in indigenous planning; the planning process is anchored on indigenous forms of organization and decision making; planning process is developed in conjunction with the Indigenous communities representatives; that the social and cultural risks be identified, and mitigation plans developed; the participation of women and youth needs to also be attended to directly; the planning process is well documented

Grievance Redress Mechanism

123. The mechanisms for responding to reports, complaints and claims are important to guarantee respect for the rights and effective participation of Indigenous peoples and stakeholders in general. An effective mechanism requires persons potentially affected by project activities are fully aware of their rights and are provided with clear information and instructions on the procedures for filing a complaint; prompt response and resolution; mechanisms that are simple and easily accessible; mechanisms that encourage resolution at the lowest level and gradually progress up; approaches that favor conciliation and in the case of Indigenous peoples the respect for and use of community systems and mechanisms. Important guiding principles include: good faith and a willingness to resolve the conflict, grievance, complaint; transparency; accountability and fairness.

124. CONAFOR has an existing mechanism addressing requests for information, complaints, claims, suggestions that are based on the Mexico's legal system including the Political Constitution of the United Mexican States, the Federal Law of Transparency and Access to Information Public, the Federal Law of Administrative Responsibilities of Public Servants, among others. The existing mechanism is referred to as the Citizen Attention mechanism (see Plan General de Pueblos Indígenas y Género, 2021). The Mecanismo de Atención al Cliente (MAC) consists of three sub-mechanisms that attend different type of issues:

Mechanism	Area of Attention	Medium
Órgano Interno de Control (OIC) de la CONAFOR	Receives complaints or reports regarding non-compliance with the obligations of public servants and is responsible for following up on them	Direct attention at the Central Office of CONAFOR. e-mail: quejas@conafor.gob.mx Telephone: 01 800 500 43 61
Instituto Nacional de Acceso a la Información y Protección de datos (INAI) y la Unidad de Enlace de las dependencias públicas.	Responds to requests for information; protection of personal data that is in the hands of the federal government; and resolves denials of access to information from federal government entities	Direct attention at central or state offices Certified mail addressed to the central office. www.infomex.org.mx
Servicios de Información y Atención Ciudadana (SIAC)	Provides attention and responds to queries and provides general information about the activities of CONAFOR	E-mail: conafor@conafor.gob.mx Telephone: 01 800 73 70 000

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125. The MAC covers the procedures that CONAFOR contemplates to provide adequate responses and solutions to requests for citizen information, reception of claims, complaints, and suggestions. The MAC seeks to improve results, accountability, identification of negative impacts and conflict prevention. This mechanism makes use of traditional complaint resolution systems designed with input from users, to be culturally appropriate. In addition, it integrates a feedback component, developed through participatory monitoring with users, to improve their performance.

126. Where complaints, reports, claims, suggestions and requests for information arise during the implementation of the Project or about CONAFOR, Citizen Attention Mechanism (MAC) would be the primary mechanism used. However the following additions are recommended:

- a. Information of the MAC be made available to targeted communities in a simplified language and where possible in indigenous languages.
- b. The Inclusion of a mechanism for resolving any issues at the local level as part of the PDIs and included in the Convenio de Concertation
- c. The use of local indigenous mechanisms at the community level

