

## Gender and forests in Nicaragua's autonomous regions

### Legal architecture

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#### Key messages

- There is a strong legal foundation for gendered approaches to forests and forest resources due to constitutional guarantees and principles of gender equity throughout much of Nicaragua's legal and policy framework.
- There are important gaps, however: though laws and policies promoting gender equity mention economic resources and the environment, those pertaining specifically to the environment and forests fail to address gender or women.
- In addition, implementation requires more explicit priorities and mandates, targeted budgets, human resources, capacity building and strategies and planning that include monitoring, indicators and systematic evaluation.

#### Introduction

Local governance of natural resources is key to the autonomy and inclusive development of indigenous territories. However, little attention has been paid to local dynamics—especially around gender—that determine who governs what. Through literature and field research, the 'Gender, tenure and community forests in Nicaragua' study aimed to shed light on how indigenous women participate in the management of forests and forest resources.

Research for the study focused on Nicaragua's North Atlantic Autonomous Region (RAAN), one of two autonomous areas that make up 52.6% of the national territory (Envio 1981). The RAAN contains nearly 40% of the country's forests, totalling 1.48 million ha (INAFOR 2009). More than half of the population lives in poverty (Ortega 2009), with most of the Miskitu and Mayangna indigenous communities studied relying on subsistence hunting, fishing and agriculture to feed their families.

The study began in 2010 as a collaboration between the Nitlapan Research and Development Institute of the Central American University (UCA) and the Center for International Forestry Research (CIFOR). The Austrian Development

Agency provided financing. The research in Nicaragua, in turn, was part of a comparative study of similar issues in Uganda.

CIFOR has prepared two infobriefs highlighting results of the Nicaraguan study. This infobrief examines the legal architecture from the central to the regional autonomous authority in the RAAN, while the other looks at nongovernment organisations and projects in the RAAN and women's participation in indigenous communities.

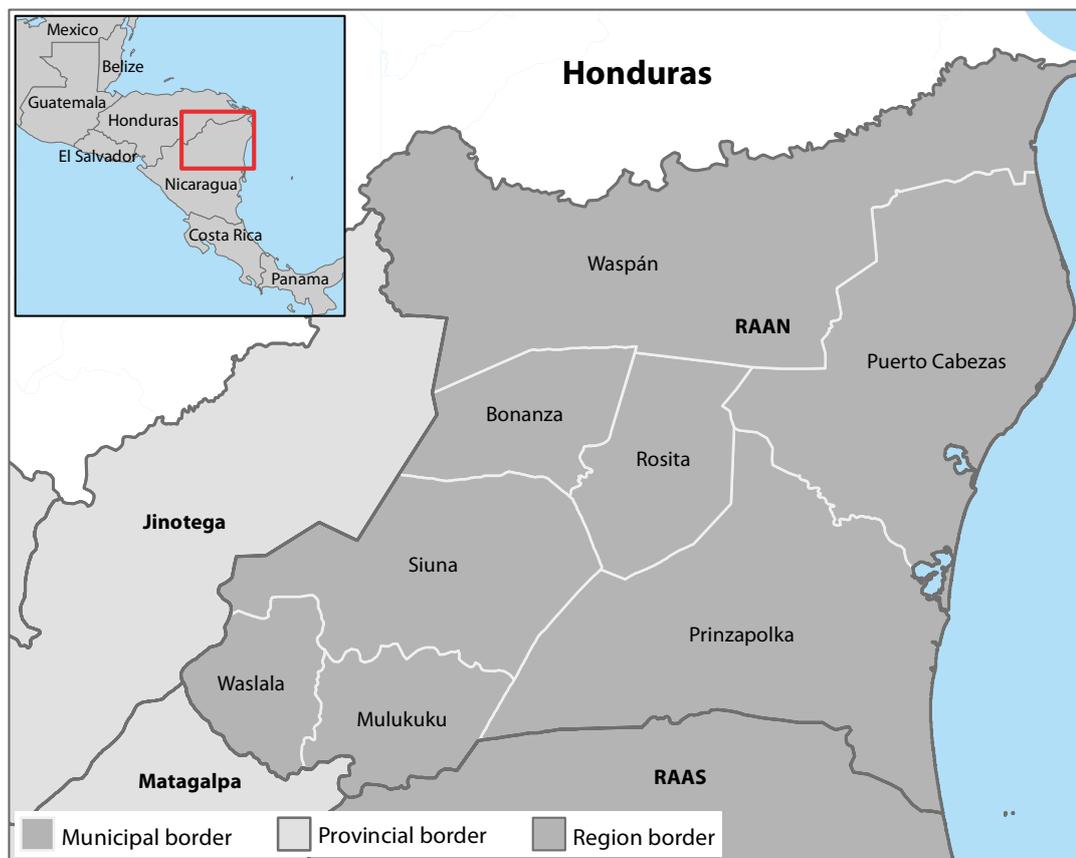
The information for this infobrief was drawn from CIFOR Working Paper 95 'Gender and forests in Nicaragua's indigenous territories: From national policy to local practice' published in 2012. CIFOR also published two other working papers and infobriefs on Gender in Uganda.

#### Legal architecture

A review of Nicaragua's legal and policy framework suggests important opportunities for approaching forests from a gender perspective and promoting women's access to natural resources. Nevertheless, many laws are 'gender blind', referring to both men and women but failing to

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**Political map of the North Atlantic Autonomous Region**

recognise or address gender-differentiated needs and practices, and few specific policies or strategies exist for implementing principles of equity. In particular, both national and regional law and policy pertaining specifically to the forest sector largely ignore women.

### International conventions

Nicaragua has ratified a number of international instruments protecting women's human rights, including the Convention of the Elimination of Discrimination against Women (CEDAW) and the Inter-American Convention of the Prevention, Punishment and Eradication of Violence against Women ('Convention of Belem do Para'). Nicaragua has also ratified Convention 169 of the International Labour Organization, which guides the protection of indigenous rights parallel to the Nicaraguan autonomy law (see the next section on national laws); nevertheless, there is no specific mention of indigenous women other than in the sphere of equal opportunity in access to employment.

### National laws

In national law, gender equity is widely recognised, from the Constitution to the regional Autonomy Statute and in numerous other laws and policies. Nicaragua's Constitution

(1987) establishes equality between men and women. Article 27 states there will be no discrimination for reason of race, sex or language, among others. Article 48 establishes the unconditional equality of all Nicaraguans in the enjoyment and exercise of their political rights and absolute equality between men and women in the fulfilment of their duties and responsibilities.

The Law of Equal Rights and Opportunities (Law 648), the result of lobbying by the women's movement, was passed in 2008. It promotes equality and equity between women and men in the enjoyment of civil, political, economic, social and cultural human rights; establishes the general principles underlying public policies aimed at guaranteeing the effective exercise of real equality in the application of the juridical standard in effect between women and men to ensure women's full development; and establishes the fundamental mechanisms through which all public administration bodies and other branches of the state, as well as regional and municipal governments, ensure the equality of women and men.

The equal opportunity law defines actions and measures to promote empowerment and equity processes through the development of employment policies, as well as with regard to natural resources and the environment. Among other

provisions, it specifies that the Ministry of the Environment and Natural Resources (MARENA) must guarantee the participation of men and women in access to—and management, use and control of—natural resources and the environment.

Many other laws refer explicitly to both men and women but do not address gender equity more substantially. This includes the Law for Promotion of the Comprehensive Development of Youth (Law 392), General Health Law (Law 423) and Municipalities Law (Laws 40 and 261). Key laws on the environment and forest resources, however, do not mention women or gender at all.

The General Law of the Environment and Natural Resources (Law 217) was passed in 1996 and recognises that the environment constitutes the primordial heritage for humanity. It advocates rational, equitable and sustainable uses of natural resources. It defines the importance of considering the country's cultural diversity and the rights of the residents of the Atlantic Coast autonomous regions. Article 109 mentions the right of all inhabitants to enjoy a healthy environment and their duty to contribute to the preservation of natural resources as a mechanism for preventing erosion of the quality of life.

MARENA is defined as the regulatory authority responsible for developing environmental policy. Among other responsibilities it is mandated to oversee environmental impact assessments and protected area management plans. It is thus one of the main authorities that governs natural resources at the national level. At least to some extent, it promotes a gender perspective through national policies: one example is an internal policy that mandates the inclusion of men and women in activities such as training workshops and consultation meetings (M. Rojas, interview, February 2011).

The main forest sector law is Law 462, for the Promotion, Conservation and Sustainable Development of the Forestry Sector. This forestry law and its regulations went into effect in 2003. The law is geared towards the sustainable use of forestry resources based on management and exploitation, and establishes the National Forestry Institute (INAFOR) as the entity in charge of all forests outside of protected areas, but with the participation of subnational (regional and municipal) governments. It does not mention gender or women. Nor does the logging moratorium law passed in 2006 (Law 585, Moratorium on the Cutting, Exploitation and Commercialization of the Forest Resource).

### Laws for the Atlantic Coast Autonomous Regions

National laws specifically directed at the autonomous regions include the Autonomy Statute and the Communal Property Law. The autonomy statute (Law 28) was approved in 1987, and its regulations were passed in 2003. The law recognises

the country's ethnic pluralism and the political, economic, social and cultural rights of the inhabitants of the coast regions. It also promotes sustainable natural resource use and states that indigenous community lands are inalienable and imprescriptible. The law provides regional autonomous governments with important decision-making powers, which are elaborated much further in the regulations, over the region's natural resources.

The regulations define mechanisms for the internal organisation of the autonomous governments and their responsibilities. Article 28 refers to the obligation of the Regional Council to create an entity that will ensure the effective and systematic participation of regional, municipal and communal women's organisations in the process of defining policies and preparing and executing plans and projects developed in the autonomous regions. This same entity is charged with promoting the equitable participation of women in leadership posts in both council and government offices.

The law of the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Atlantic Coast Autonomous Regions of Nicaragua and of the Coco, Indio and Maiz Rivers (Law 445) was created to recognise and regulate communal tenure and ownership rights, as well as the use, administration and management of traditional indigenous lands and natural resources. The law defines the legal mechanisms necessary for recognising and creating the entities that will provide follow-up and lead the process. There is no specific mention of gender issues or women, but there is a crosscutting precept in the law requiring a search for equitable processes for the region's population.

### National and regional policies

At the policy level a similar pattern emerges as seen previously in national law. Both the national human development policy and the Caribbean coast development plan define gender equity as a key cross-cutting issue. These and important policies specifically to promote gender equity include social, economic and environmental goals. But, again, forest sector policies do not mention gender or women.

A national gender equity program, in place from 2006 to 2010, addressed education, health, employment, political participation and the eradication of violence, as well as access to and control of productive economic resources. The National Institute of Women was charged with implementation. More recently, in 2010, a gender policy was developed for the RAAN. It is aimed at creating conditions for the effective empowerment of women and their insertion into the region's social, economic, political and cultural spheres. To that end, it promotes equality between women and men in all aspects of life of the Miskitu,

Mayangna, Creole and Mestizo peoples and communities. It charges the RAAN Council (CRAAN) and Government (GRAAN) with follow-up through their respective Commission and Secretariat on women.

The national policy of sustainable development of the forestry sector in Nicaragua, which came into force in 2009, identifies forestry governance, decentralisation, deconcentration and 'regionalisation' as crosscutting issues, as well as territorial planning of forestry resources. Alongside fostering communal business capacities and community forestry certification, it calls specifically for the promotion of community forestry and for sustainable management of forests as a way to improve the quality of life of indigenous peoples, Afro-descendants and ethnic communities. There is no specific reference to a potential gender perspective or a mention of women.

The RAAN developed its own forest sector strategy for the 2004–2024 period. It prioritises communities as forest owners with an eye to consolidating community and industrial forestry processes. These processes are to be based on the local economy where sustainable forest management and the production of goods and services from forests contribute significantly to reducing poverty, natural resource deterioration and the region's vulnerability. In this way, it promotes human development. A gender approach is not incorporated into the policy. The strategy is currently being updated with support from government, civil society and international actors.

## Conclusion

Nicaragua's legal and policy framework presents important opportunities but also serious gaps at both national and regional levels. Both present a similar pattern. First, the legal architecture firmly establishes key legal principles of

equality for men and women, the importance of women's participation, gender as a crosscutting issue, and equity and sustainability with regard to the environment and natural resources. Second, specific laws and policies promote gender equity with reference to women's empowerment, economic participation and/or control of economic or natural resources. Third, in laws and policies specifically focused on forests and forest resources, neither women nor gender are mentioned as relevant considerations.

An effort to update the RAAN's forest strategy was underway at the time of this research, and the issues of women's needs and a gender perspective were being mentioned as important concepts to include. Again, this presents an important opportunity and possibly the first effort to include women's specific needs and perspectives in forest policy. Nevertheless, the experience with the laws and policies that are already in place suggests that implementation requires substantial additional efforts: not only in identifying the entity in charge of implementation, but also in more explicit prioritisation through the support of budgets, human resources, capacity building, and targeted strategies and planning that include monitoring, indicators and systematic evaluation.

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