



# Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
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## **AFTER THE TITLE? BUILDING A MULTI-STAKEHOLDER PLATFORM IN SUPPORT OF TERRITORIAL GOVERNANCE IN HONDURAS**

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## Abstract

Land titles are often the object of efforts geared toward securing the land rights of indigenous peoples and promote sustainable development. Although land legalization is a critical step, follow-up action is required to consolidate these rights and unleash their development potential. This paper examines the process of building a multi-stakeholder platform to promote land governance in the Moskitia region in eastern Honduras. The establishment of this platform follows the government's formal recognition of the ancestral land rights of the indigenous peoples in Moskitia. Since 2016, the platform has focused on coordinating a development strategy for Moskitia which integrates the indigenous organizations and newly recognized territorial councils. The paper explains the structure of the platform and assesses two specific areas—natural resource mapping and land remediation—that are taking place. The paper identifies lessons that can help guide a post-titling agenda and coordinate development strategies with the participation of indigenous organizations.

**Key Words:** decentralization, Honduras, indigenous peoples, participatory mapping, territorial rights.



## INTRODUCTION

Honduras is a country with an area of 112,492 km<sup>2</sup> located in the heart and center of Central America. It has a wide variety of plants and animal species and is part of a transnational system of protected areas. The Mesoamerican Biological Corridor consists of 91 protected areas, which in Honduras corresponds to 19% of its total territory. Moreover, 48% of the country's territory is covered by forests, while 40% of these forests are located in protected areas.

The country is also home for people of diverse indigenous and ethnic ancestries, which has influenced its culture, art and architecture. Its multicultural population of 9 million inhabitants (estimated in 2015) is composed mostly of people from mestizo descent (Indigenous and European). There are, at the same time, 720,000 people in the country that are indigenous or afro-descendants (or 9% of the total population), living in approximately 28,000 km<sup>2</sup> (25% of the national territory). The 9 indigenous groups among this population include: Miskitu, Lenca, Garífuna, Tolupan, Nahua, Isleños, Maya-Chortí, Pech, and Tawahka.

Land tenure insecurity is one of the main challenges faced by indigenous peoples. Indigenous peoples have a productive, organizational, and spiritual connection to the land and territory. For this reason, indigenous federations have made the legalization of their ancestral lands a development priority. Since 1984, the Government of Honduras has titled over 20% of its territory in favor of indigenous and afro-descendant people, through 612 titles (INA, 2016). However, there are still areas claimed by indigenous peoples that are not titled under their name. Also, there are problems of land invasions in areas that have already been titled. In general, the main challenge has been how to build from a conception based on property rights to one based on territorial rights. In this regard, Miskitu people, who in the last six years have received property rights over 1 million hectares of land, represent an emblematic case. The property rights were recognized to communities clustered into twelve territorial councils. These councils act as administrators of the land and natural resources. The allocation of property rights, however, is only one of many interventions that are required to foster the development of indigenous communities.

The indigenous population of Honduras faces significant development challenges. The poverty rate among indigenous peoples is higher than for the rest of the population. About 72% of indigenous households, as against 41.6% of households nationally, cannot afford a basic food basket. The average monthly income of indigenous people amounts to 36.8% of the national average. Neonatal mortality and infant mortality are higher among indigenous children than the national average (UNICEF, 2012). Access to bilingual and inter-cultural education is still limited. There are valuable natural resources within lands owned or claimed by indigenous communities.



The purpose of this paper is to discuss how the recognition of property rights contributes to the broader development agenda in support of indigenous peoples. Building on the case study of the Miskitu people, the paper explains the initiatives that have taken place after the titles were issued to the territorial councils. The first part of the paper begins with a presentation of the social and organization structure of the Miskitu people in Honduras. The second part provides a brief description of the titling process. The third part discusses the coordination mechanisms that have been established to promote the development of the Moskitia region. The fourth part provides two examples of shared governance, one based on mapping of natural resources and another on land remediation. The fifth part summarizes critical lessons that have emerged from this process.

## **1. THE MISKITU PEOPLE AND THEIR SOCIAL ORGANIZATION**

In Honduras, the Miskitu people are located in the department of Gracias a Dios, better known as "La Moskitia", an area rich in ecosystems and rain forests. The Miskitu people are approximately 90,000 (1% of the national population). The department of Gracias a Dios has an area of 17,000 km<sup>2</sup> (15% of the country), has six municipalities (Juan Francisco Bulnes, Brus Laguna, Ahuas, Wampusirpi, Puerto Lempira y Villeda Morales) and it is a multi-ethnic territory (5 ethnic groups). The Miskitu people live on bordering areas with the neighboring Republic of Nicaragua, sharing in common a wide cultural and natural resource area. The history of the Miskitu people is widely documented in several published and unpublished documents, all of which describe their origins, their culture, their organizational structure and processes of free, prior, and informed consent, their customs and socio-cultural perception of the world (cosmovision). These studies have also documented the Miskitu people's vision about land, their property rights, and the sustainable use and management of natural resources.

The organization Unity of the Miskitu People (MASTA) act as the main liaison between the state and the Miskitu. MASTA was established in 1976 as an initiative from student and magisterial gremial associations from the Department of Gracias a Dios. MASTA became legally incorporated as a civic association in 1987. The following year, MASTA issued the first declaration of lands in Moskitia seeking the legalization of their ancestral territories. In this early stage, MASTA received the support of domestic and international non-governmental organizations that supported indigenous rights. In 1992, MASTA and other indigenous organizations participated in the preparation of map of indigenous lands in Moskitia. This project was one of the earliest examples of participatory mapping with indigenous peoples in Latin America (Herlihy & Knapp, 2003). The map identified seventeen functional habitats and showed that indigenous peoples depended upon resources that were widely distributed across the territory of Gracias a Dios. The



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project's most important contribution was creating a vision for the legalization of property rights based on territories rather than communities. For this reason, MASTA did not engage the government's proposal to title individual communities, as was done with the other indigenous and Afro-descendent groups in the 1990s. Instead, MASTA presented to the government a legalization proposal based on a federative model in 1995. The government, however, rejected the proposal which at the time was perceived as a potential separatist movement.

Such perception reflected the decision makers' lack of knowledge of the indigenous sociocultural context. Since then, the legal and institutional framework for the recognition of indigenous rights has improved. The government ratified ILO Convention 169 in 1995. The Property Law of 2004 included special provisions for the titling of indigenous lands. These achievements were made possible in large part due to the pressure of indigenous organizations. Between 1994 and 1995, a pan-ethnic indigenous movement organized several marches, known as *peregrinaciones*, to raise awareness about the precarious situation of indigenous rights. MASTA participated in the *peregrinaciones* gaining more exposure to national level politics. Throughout the 1990s and 2000s, MASTA consolidated its role as the representative of the Miskitu people. In the mid-2000s, MASTA's structure changed from seven federations to twelve territorial councils. The change of name symbolized MASTA's increased awareness with building a territorial basis for the organization.

Today, MASTA is composed of a three-tier structure which includes a central level, twelve territorial councils, and the communities within each council. The maximum authority in each of these three levels is the general assembly while a board is in charge of the administration. The governance model operates from the bottom-up with communities electing representatives for the territorial assembly, and the territorial councils electing representatives for MASTA's assembly. MASTA's central level and the territorial councils are registered with the state as civic associations. According to their by-laws, MASTA elects its directive every four years and the territorial councils every two years. The organization of the communal councils is more informal. MASTA also uses this structure to carry out consultations. These procedures are specified in a "Bio-cultural Protocol" which was issued in 2012.



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Figure 1: Map of areas of the 12 Miskitu Territorial Councils



## 2. THE LAND TITLING EXPERIENCE

As previously mentioned, MASTA's aspiration was to legalize Miskitu peoples' land rights based on territorial clusters rather than individual communities. Although the initial proposal was rejected, MASTA continued to engage with the government to refine its territorial vision. In the 2000s, there was an agreement to title Miskitu lands under a new modality known as **inter-community** land titling. This agreement and subsequent titling activities were conducted in the context of two World Bank-financed projects: the First Land Administration Project (PATH I / 2004-2010) and Second Land Administration Project (PATH II / 2010-2017). Since there was no legal precedent for inter-community titling, there were many legal uncertainties that had to be resolved before any field activities could start. Most of the effort during the first phase was spent socializing the project's objectives across government agencies and consulting with MASTA. PATH II followed up on these efforts by building the technical knowledge and harmonizing the regulatory framework. The project sponsored a South-South Knowledge Exchange about indigenous land titling with Colombia and Nicaragua which helped with these objectives.

One of the main factors that contributed to the titling process was the re-activation of the Inter-sectorial Commission for the Land Titling of the Lands of the Garifuna and Miskitu people, created under the coordination of the National Agrarian Institute (INA). The government created the commission in 2001, but it had gone dormant until it was revived in 2010. The Commission composed of the National Agrarian



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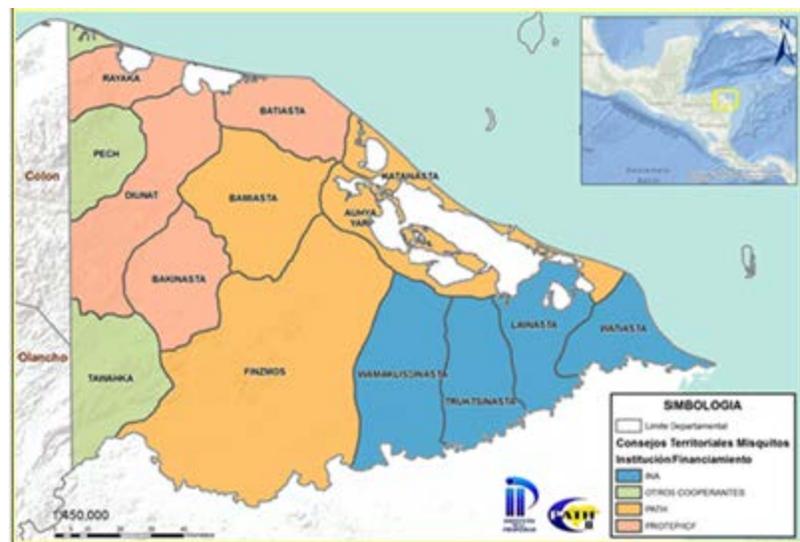
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Institute-INA (coordination agency), the Property Institute (PI), the Forestry Conservation Institute (ICF), the PATH II Project and MASTA, among others, became the main body for coordination of policies and strategies related to the titling process. On October 2011, the Inter-Sectorial Commission established a Miskitu Titling Subcommittee, also chaired by INA, to (i) plan with the PATH II Project, and (ii) operationalize the inter-institutional procedures and work with the Territorial Councils, in order to carry out the process of delimitation, titling and registration of collective titles.

The main accomplishments of the commission were harmonizing across three government agencies the regulatory and technical aspects underpinning the inter-communal titling as well as involving MASTA in the decision-making process. The Subcommittee also agreed on the distribution of institutional responsibilities, distributing in each institution/project the work as per their respective mandate, agreeing the distribution shown in figure No.2., in coordination with a recently formed “Cooperation Roundtable” which was established by the Government, the Multilateral Cooperation Agencies and MASTA, to support and finance the land titling of the rest of Moskitia not covered by the financing of the PATH II Project. The first inter-community land title was issued to the territorial council of KATAINASTA in 2012. The “inter-community” titling was successfully completed in 2016 for all twelve Miskitu territorial councils, one area of the PECH people, as well as for one co-managed title. These sums up to 1.4 million hectares (14 thousand km<sup>2</sup>), adding up to 12.5% of the Honduran national territory.

Figure 2: Map of areas of influence by institutions / cooperating agency





### 3. THE DEVELOPMENT AGENDA AFTER THE TITLING

Although the titling of the territorial councils was a historic moment that culminated a process that spanned over three decades, it is only an intermediary step towards strengthening land governance and fostering development in Moskitia. This section explains the efforts that have been conducted to think about the post-titling development agenda. The **Alliance for the Development of Moskitia (ADM)** began with an agreement in 2016 among the Honduran government, the indigenous and Afro-descendant organizations of Moskitia, the United Nations, and the Swiss and German aid agencies. The purpose of this agreement was to establish a participatory and inclusive framework to support development activities from the perspective of shared territorial governance. Most importantly, one of the core principles of the ADM is to foster compliance with ILO Convention 169.

The government supported the ADM since it considers Moskitia as a priority area for development. The concept behind the ADM began to emerge as a result of cabinet meetings that the government held in 2014 and 2015 in Puerto Lempira. These meetings identified the high level of underdevelopment of the region: poverty levels were high, food security was weak, entrepreneurial activities were constrained by the lack of technical assistance, access to markets, poor infrastructure, and financing. There was also great need to improve education, health, housing, electricity, and access to water and sanitation. There was a need for new strategies for agriculture and natural resource management to protect the environment and adapt to climate change.

The multiple donors that were willing to work in Moskitia also provided a window of opportunity for financing. The government already had the experience of donor coordination in the Dry Corridor, another area with high poverty levels in the center and western part of the country. In the Dry Corridor, the government set up a multimillion trust fund to administer money from USAID, the Canadian Agency for Development, and the World Bank toward infrastructure and other social programs. In Moskitia, however, any similar action needed to consider the particularity of the new land tenure regime. For this reason, one of the main objectives of the ADM is to strengthen territorial governance in the areas of natural resource management, human rights and economic development under a framework of shared governance. Shared governance means promoting the dialogue, consensus, and coordination among three groups of stakeholders: government, social organizations, and donors. The application of ILO Convention 169 is a critical feature of shared governance.

In practice, the principle of shared governance is implemented through a multi-tiered or multi-level structure. This structure is composed of four levels:



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- The Steering Council is composed of high-level representatives from government, donor agencies, and the Unit of Indigenous and Afro-descendant Peoples of the Honduran Moskitia (UPINMH).
- The Platform of Territorial Governance is a multi-stakeholder forum that has the objective of supporting the spaces of coordination, knowledge exchange, and dialogue across stakeholders.
- Three Working Groups support the formulation and discussion of development initiatives in the platform around these topics:
  - Justice and Governability
  - Economic Development and Natural Resource Use
  - Social Development and Basic Infrastructure
- The Cooperation Roundtable is a body composed exclusively of donor agencies which helps to coordinate a common agenda, avoiding unnecessary duplication and increasing the leverage with the government.

The combination of these four levels provides a framework that balances the participation of various actors in the decision making process. The Steering Council is the highest level of decision-making. It is integrated by two representatives from the central government, one from the municipal governments, one from UPINMH, and one for each of the donor agencies. The two representatives from the central government take up the roles of president and secretariat. The Secretary of the General Coordination of Government presides the council and the Director of Strategic Planning, Budgeting, and Public Investment is its secretariat. These two individuals are among the highest-level posts in the cabinet and have the authority of overseeing the implementation of programs across the public sector. Their assignment into the Steering Council represents the political will toward Moskitia. The main advantage of this structure is that decisions made by the Steering Council are more likely to be expeditiously applied.

The Platform of Territorial Governance is conformed of a plenary, a governing board, and working groups. The plenary has 37 representatives who come from several government institutions and the municipalities, from each of the indigenous and Afro-Honduran organizations in Moskitia, as well as representatives from the private sector, religious groups, and the cooperation roundtable. The governing board is a smaller body of nine individuals: two represent the central government, two the cooperation roundtable, one the municipalities, one the UPINMH, and one for each of the three working groups. The governing board is responsible for establishing and following the discussions of the working groups, as



well as communicating the agreements and disagreements to the Steering Council. The governing board also will support the drafting of a Strategic Plan for the Sustainable Development of the Honduran Moskitia.

The working groups are participatory and democratic spaces for thematic dialogue. They have an open membership. Actors with a stake or knowledge of the situation may participate in them. The plenary is supposed to be held its sessions every four months. So far, the working groups have only met once in October of 2017. One of the main challenges is financing the logistics to bring together stakeholders from the central government, municipalities, and social actors. One of the proposals is to establish a trust fund funded by the donors to help finance the logistics for public sector employees in order to facilitate access.

#### **4. EXAMPLES OF SHARED GOVERNANCE**

##### *4.1 PARTICIPATORY MAPPING OF NATURAL RESOURCES*

The University of Kansas (KU) and the American Geographical Society (AGS), through Peter H. Herlihy, KU Professor of Geography and Jerome E. Dobson, President of AGS, among others, sought the sponsorship of the Minerva Initiative for Guided Research by Universities, funded by the US Defense Department, to conduct a Participatory Research Mapping (PRM) project in Central America. KU established the headquarters of the Central American Indigenous Project in Honduras. The project is based out of the Honduran National Pedagogical University Francisco Morazán (UPNFM), which also hosts an indigenous roundtable for the purpose of coordination. The partnership with UPNFM was a strategic decision given that it is the Honduran university with the largest number of Miskitu students.

As part of their policy, KU and AGS have sent teams of geographers abroad to build an integrated, multi-scale system of geographic information. Using a PRM methodology, these teams collect open source data through surveys. They also teach geographic information systems (GIS) to document knowledge of land and resources, helping install local or regional capacities. This initiative has helped build lasting relationships between academics and national and foreign institutions, as well as contribute to the dissemination of data freely through online public portals.

Herlihy had previously worked in Moskitia as one of the co-leaders of the participatory map prepared in 1992 (Herlihy & Leake, 1997). Building on this relationship, MASTA and other indigenous organizations that participated in the earlier mapping project became interested in participating in the Central American Indigenous Project. The PATH II Project was also in a position to support this process given that the titles had just been issued. As a result, a new initiative was pushed forward in 2014 through



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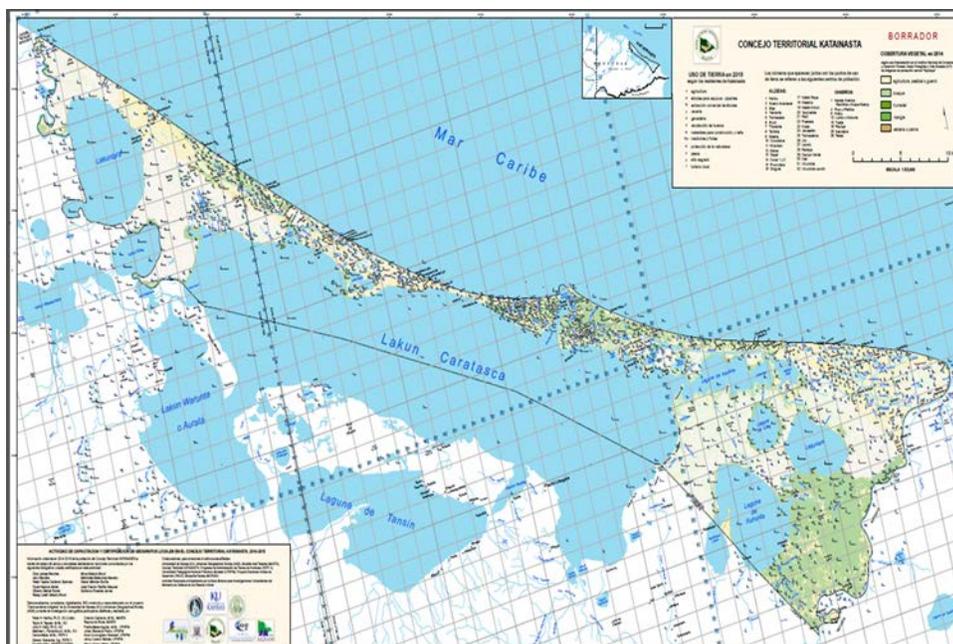
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an alliance between, the KU (donor), the UPNFM, the AGS, MASTA, the PATH II Project (financial and technical counterpart), the United Nations Development Programme (UNDP) and the nonprofit organization NGO Agency for the Development of the Moskitia (MOPAWI).

From September 2014 to May 2015, led by the PATH II Project, the Miskitu communities of KATAINASTA, participated in a PMR pilot project with the objective of doing an inventory of sites and land use in their territorial council. The pilot experience of KATAINASTA resulted in ten of the trained geographers achieving certifications as “local geographers” in participatory mapping (first cohort), and as figure 3 details, the cartographic results included the precise large-scale digital map of KATAINASTA, with the plotting of hundreds indigenous toponyms and land use sites. This data was generated and carefully verified by the Miskitu leaders and community representatives, as well as KU, UPNFM and PATH II Project cartography experts in a joint workshop.

Figure 3: Map of the Territorial Council of Katainasta



The certification and participatory mapping process included: i) field research training; ii) design and consensus for the collecting data tools, which included: a) community questionnaires, b) population



census, c) natural resource use norms and management through participatory mapping, d) practice on GPS usage, e) practice on sketch map, f) field work, and g) drawing sketch maps; iii) review questionnaires, sketch maps, census, and norms; iv) transfer toponyms and land uses onto our new base maps printed from GIS database; v) data validation, which includes, a) census, b) toponyms, c) sketch maps and symbology, and d) georeferencing; vi) adoption of norms on usage of natural resources and development of a land use zoning system; vii) verify digitalization in GIS and viii) validation of the digital maps.

The success obtained in the pilot mapping of KATAINASTA attracted the interest of other donors and institutions, plus the request of the Miskitu leaders to carry out a second phase and with a greater number of participants and more territorial councils, and the participation of other indigenous peoples of Moskitia, added to the incorporation of other institutions to the project which included additionally the ICF, the *Deutsche Gesellschaft für Internationale Zusammenarbeit* or German Society for International Cooperation (GIZ) and the NGO Green Alliance. The second phase was implemented during 2015, and included the territorial councils of Auhya Yari, Bamiasta, Wamakliscinasta, Bakinasta, Batiasta, Diunat and the Tawahka area.

In the end of the PRM Project, the benefits obtained by the stakeholders of the indigenous communities in Moskitia were, among others: 53 leaders (10 pilot, 43 second phase) certified as local geographers in participatory mapping, the land use maps of 8 territorial councils, the strengthening of the community participation and organizational capacities (technical, logistical and legal) for the sustainable management of their land and natural resources, enabling communities, leaders and organizations to have a better knowledge of their territories; the data and maps generated can be used in local education, in sustainable natural resource management, for economic development plans, for territorial and land management plans, managing conflicts, strengthening territorial identity, culture and ancestral worldview and in the community's interactions with governmental and cooperating agencies, all to achieve land governance of the territories.

## 4.2 LAND REMEDIATION

Some of the areas titled in favor of the territorial councils are controlled by non-indigenous individuals (*ladino or mestizo*). These individuals are known as *terceros* (third parties) because they are not considered to be the legitimate possessors of indigenous land. In practice, there is a heterogeneity of cases. Some ladino households have lived in Moskitia for decades and have integrated into the social fabric of



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communities. Other colonists who have arrived more recently have pursued uncontrolled extraction and exploitation of natural resources (logging, hunting, fishing, farming, etc.). A new class of ladino landowners with control over large extensions of land has emerged. In some cases, their investments in land and livestock grazing are financed by money from the drug trade (McSweeney & Pearson, 2014). These groups are heavily armed and terrorized the indigenous population. The result is that some areas that were titled to the territorial councils have become “no go” zones for Miskitu people. This has affected access to land and natural resources for indigenous communities. In the case of the Tawahka people in the department of Olancho, entire indigenous communities have been displaced by colonists.

In the Honduran legislation, land remediation (*saneamiento*) is the legal solution for solving the situation of the *terceros*. Land remediation is ruled by the Property Law, but specific guidelines are yet to be issued. The process would involve conducting a land tenure diagnostic to examine the eligibility of rights claimed by a *tercero*. In Moskitia, however, most of the land transactions are informal. According to the Property Law, the state would annul those titles that have defects or originated from private transactions without state validation. The Property Law also offers an option for the indigenous communities to enter into leasing agreements with the *terceros* to formalize their occupation.

It is important that the process of land remediation is done carefully in order to avoid violence and human rights abuses of both indigenous and ladino persons. In 2015, an episode of violence occurred when a Miskitu community organized to conduct their own process of land remediation against colonists who had invaded their lands. A community police force held twenty-seven colonists captive for a few days while they negotiated eviction and remediation with a government commission. The colonists had arrived in the previous years and had reportedly obtained titles from the municipal administration or through illegal land sales. Tensions heightened when some of the colonists began to close off access to timber reserves and fishing grounds used by the indigenous households. The community claimed that the state had failed to protect their property rights conferred by the land title issued in 2013. The situation was resolved with the removal of the colonists. However, it could have turned more violent with grave cost to human life and material possessions. This episode of “self-remediation” is a reminder of the importance of finding a sustainable solution to the question of colonists in the indigenous territorial councils.

For this reason, land remediation is considered a top priority for the ADM. During the first meeting of the Platform for Territorial Governance, government representatives agreed to prepare the draft law to conduct land remediation. The proposed draft would establish a special inter-institutional commission to conduct land remediation. Following the structure of the ADM, the draft was socialized with the working



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group on Justice and Governability. The next step is to seek the advice and approval of the Steering Council before it is formally submitted to the Executive for consideration. **MAIN LESSONS LEARNED**

Some of the main political, institutional and technical lessons that are guiding the post-titling agenda in Moskitia include:

- **Multi-Stakeholder Governance Structure:** The ADM is a collection of four instances for dialogue and decision-making. Each instance has its own rules and procedures, and together they ensure broad participation and decisiveness of decision-making.
- **Inter-institutional coordination:** The modernization of the Honduran public sector has contributed to coordination and strategic thinking. The representatives of the four cabinets in the ADM play a crucial role in finding integrated solutions to the development needs of Moskitia. This coordination contributes to the planning, implementation, and monitoring and evaluation of the ADM.
- **Legal Framework Analysis:** Government agencies and the Miskitu people representatives, have analyzed the Honduran existing National and International Legal Framework that duly applies in the recognition of the indigenous people's collective land Rights, which include:
  - Honduran Constitution
  - International Labor Organization (ILO) Convention 169 (ratified on September 1994)
  - Modernization of the Agricultural Sector Law (1995)
  - Property Law (2004)
  - Forestry Law (2007)
  - Municipalities Law (1994)
  - Declaration on the Rights of Indigenous Peoples (Honduras voted in favor on 2007)
- **Political will:** The political will at the highest level of Government generated the necessary trustworthiness between the parties, especially in the Miskitu people, to push forward the process.
- **Technical capacity:** It is essential to build the technical capacity of indigenous peoples for managing the land and natural resources in their territories. Knowledge of GIS is one of the most valuable skills because it facilitates planning and monitoring of land use.
- **Support of bilateral donors and multilateral organizations:** The participation of the external cooperation was critical for moving the titling process ahead. In the case of PATH, the World Bank provided the basis for building trust between the Miskitu people and the Government



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through the South-South knowledge Exchange of experiences on collective titling of indigenous lands. It also provided financing for completing the titling of the first four territorial councils. In the post-titling stage, the UN, COSUDE, and GIZ have joint efforts to promote the structure of the ADM. The structure is open, permitting the inclusion of other donors that wish to contribute to the development agenda of Moskitia.

## CONCLUSION

The titling of indigenous lands is the beginning of a process of integral development, economic social, environmental and cultural, from their Miskitu People's worldview. The inter-community land titles have established an institutional basis to continue strengthening a framework for maintaining dialogue and cooperation. Although it is too early to assess the impact of government actions in Moskitia, it is possible to suggest that indigenous communities have been empowered to exercise greater control over their lands and natural resources, and thus their own development.

Political will and close coordination between government agencies, indigenous organizations and external cooperation made this historic achievement possible. The formalization of tenure rights opens a new chapter of land governance in Moskitia. Local indigenous organizations are officially becoming the new administrators of these territorial entities. It will be necessary to define in more detail in the current legal and institutional framework the relationship between these new formalized entities and the levels of government established by the Constitution (such as municipalities). The initiatives of the ADM will be vital for the sustained development of this indigenous people.



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