

**Note on
findings, conclusions and
recommendations**

**Independent team for the investigation and evaluation
of the UN-REDD Panama Programme**

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List of abbreviations

ANAM	National Environment Authority of Panama
ANIP	National Indigenous Association of Panama
APOP	Association of Indigenous Peoples of Panama
COONAPIP	National Coordinating Body of the Indigenous Peoples of Panama
COP	Conference of the Parties
FAO	Food and Agriculture Organisation of the United Nations
FCPF	Forest Carbon Partnership Fund
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ILO	International Labour Organisation
IUCN	International Union for the Conservation of Nature
NCCCCP	National Climate Change Committee of Panama
NES	National Environmental Strategy
NJP	National Joint Programme
PEIP	COONAPIP Strategic Policy Advocacy Plan
R-Plan	Readiness Plan (FCPF)
SBSTA	Subsidiary Body for Scientific and Technological Advice of the United Nations Framework Convention for Climate Change
UNEP	United Nations Environment Programme
UNDP	United Nations Development Programme
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

1. Introduction

1.1. Background and Objectives

In February 2013, citing a lack of guarantees for the respect of indigenous rights and the full and effective participation of indigenous peoples, the National Coordinating Body of the Indigenous Peoples of Panama (COONAPIP) issued a resolution announcing their withdrawal from the Panama National Programme of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD).

In response to the complaints made by COONAPIP, and with the agreement of the National Environmental Authority (ANAM) of Panama, the UN-REDD Programme decided to carry out a thorough and independent investigation into the complaints made by COONAPIP and a mid-term evaluation of the National Programme in order to determine the root causes of the conflict and identify possible solutions. Meanwhile, all the new activities of the National Programme of UN-REDD Panama were (and still are) suspended pending the investigation and evaluation.

On May 20, 2013, an independent and external team¹ began the process for the investigation and evaluation. The Team is comprised of the following independent experts:

- Ms. Birgitte Feiring, anthropologist specializing in the rights and development of indigenous peoples (team leader);
- Mr. Eduardo Abbott, lawyer, former Executive Secretary of the Inspection Panel of the World Bank, independent research specialist.

This Preliminary Note (the Note) of findings, conclusions and recommendations was written on the basis of the Team's first 10 working days in Panama. At this first stage, the Team has focused more on the investigation and a second visit (in July 2013) is planned to cover the outstanding technical issues for the evaluation.

The Note contains a **descriptive section** that presents a summary of the information received about the process of implementation of UN-REDD in Panama, from its inception to date. The **analytical section** includes the analysis, conclusions and preliminary recommendations of the team, reflecting its independent opinion, based on the descriptive section and field observations. The recommendations are addressed to UN-REDD and ANAM as inputs for their consideration of the future of the UN-REDD Programme in Panama and in other countries, where relevant.

The Team invited all stakeholders to provide additional information, suggestions and comments to the Note before June 21, 2013. To the extent possible, the Team has incorporated this input and comments in this revised Note, while other comments and questions will be taken up during the second visit of the Team to

¹ Referred to as "the Team" in this Note.

Panama, scheduled for July 2013.

The Team is grateful for the comments and suggestions received, many of which are reflected in this document. Nonetheless, the document continues to be of the Team's sole authorship.

The elaboration of this Note would not have been possible without the support and valuable contributions of many people. The Team would like especially to thank COONAPIP and their leaders and the Senior Representatives of indigenous peoples and communities who participated in the meetings during the team's visit to Panama. We would also like to extend our thanks to the advisors to the indigenous leadership, who have provided important insights, information and support.

The team would also like to express gratitude to the many representatives of the National Government, the United Nations Organisation for Food and Agriculture (FAO), the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP), with whom we met. They also provided very valuable information and insights. The team is also very grateful to the UNEP, UNDP and FAO team that collaborated with the logistical arrangements and helped us to obtain necessary documents with the requisite timeliness given the urgency of our mission. The team also thanks Mr. Osvaldo Jordan for his contributions and the professionalism that has always characterised him.

1.2. Working Principles

The Team has worked based on the following principles:

Independence: The team was selected following a process carried out by the Social and Environmental Compliance Unit (SECU) in the Office of Audit and Investigation (OAI), UNDP in New York. The Team seeks to present the information received in the most transparent and fair manner and invites all stakeholders to review and suggest corrections to the data presented. The Team assumes full responsibility for the conclusions and recommendations but invites all the interested parties to give their comments on its preliminary findings and recommendations. In case there are substantial recommendations that are not shared by the team, the team will record these comments and explain its position in the Final Report.

Transparency and confidentiality: The Team has sought to work in a transparent manner, seeking a broad base of information and respecting the confidentiality of individuals who have requested it. All products made by Team (Initial Report and this Note) have been disseminated as widely as possible, with an invitation to interested parties to verify and provide information and comments.

Respecting the rights of indigenous peoples: The Team has based its work in the rights of indigenous peoples, as enshrined in the United Nations Declaration

on the Rights of Indigenous Peoples. Concretely, this has involved providing full information to the representative organisations of indigenous peoples about the evaluation/investigation, ensuring that they have been consulted and have been able to participate in the evaluation/investigation if they wanted to, always with their prior consent for such participation.

Broad Participation: To have the broadest possible foundation for the investigation/evaluation, the Team has sought the participation and contributions of the great diversity of organisations and people related to the UN-REDD Programme in Panama, without any implications for their future participation or non-participation in other processes or activities in the context of the UN-REDD.

1.3. Methodology

The methodology comprised the following main elements:

- **Document review:** UN-REDD, ANAM, COONAPIP and civil society organisations have facilitated access to extensive documentation that the Team is still in the process of reviewing and analyzing in more detail.
- **Interviews and meetings with organisations and key persons:** The Team has consulted and interviewed a large number of organisations and individuals through teleconferences, meetings and workshops (see Appendix A for the list of interviewees).
- **Presentation of preliminary conclusions and recommendations of the investigation.** The Team presented the preliminary findings and recommendations in a workshop with stakeholders on June 7 in Panama.

1.4. Next steps

The next steps of the investigation and evaluation are:

- **Dissemination and presentation of this Preliminary Note.** The Preliminary Note was circulated to all stakeholders, inviting their corrections, suggestions and comments. Reflecting the comments received until June 21, the Team will present the Note to the meeting of the UN-REDD Policy Board, to be held June 25-28, 2013 in Indonesia.
- **Second visit to Panama, with a focus on the technical aspects of the evaluation:** The Team has scheduled a second visit to Panama in July 2013 to cover the evaluation issues that remain outstanding (issues related to the institutionalization and sustainability of results; shared, adaptive and financial management; monitoring and reporting).
- **Preparation of the Final Report.** The Team will prepare the detailed final report, incorporating or making reference to input and feedback from stakeholders. The final report will be delivered to UN-REDD in the August 2013.

2. Descriptive Section – Investigation and Evaluation Findings

2.1. Context

2.1.1. Indigenous peoples and their special relationship to the forests of Panama

In Panama there are seven recognised indigenous groups with distinct languages and cultural forms: Bribrí, Naso, Ngöbe, Buglé, Guna, Emberá y Wounaan, comprising 12% of the national population according to the last census held in 2010. The groups and their respective territorial authorities are in very different conditions. For example, the General Congress of Guna Yala has a territory, recognised 60 years ago, and with systems of self-government and self-development (based on tourism revenue, etc.). In contrast, the Bribrí has a population of just 2000 in the Panamanian territory, without any recognized lands and recently formed and still fragile representative institutions such as the Bulú (king) and the Bribrí General Congress, which comprise its political and administrative structure.

The forest cover of the Republic of Panama has declined dramatically in the last fifty years, and most of the forests that remain unexploited today are located in indigenous territories (PRISMA Report, 2013). This uneven and contrasting distribution relates to distinct visions of development, where indigenous peoples have differently valued their relationship with tropical forests, preventing the advance of agriculture and the construction of development mega-projects with high environmental and social impacts. In general, relations between the indigenous peoples and the State are marked by conflicts and mistrust and by development processes that are considered unequal and exclusionary.

The different visions of development between the indigenous and non-indigenous peoples have also led to a high level of conflict in the use and control of natural resources at a national level. Since the seventies, the lands inhabited by indigenous peoples have been besieged by the advance of agriculture and the development of mega-projects. In many cases, these conflicts have escalated into protests and direct confrontations, sometimes reaching fatal consequences. These challenges have driven the efforts of indigenous peoples to achieve legal recognition of their territorial occupation and property rights over natural resources according to their own worldview. Beginning with the Guna people's struggle to achieve autonomy in the San Blas Archipelago, seven indigenous groups have sustained their efforts to achieve recognition of their territories, which has resulted in the adoption of national legislation for the creation of five indigenous territories and the approval of the Law 72 of 2008 on collective land.² Despite these efforts, 40-60% of the national indigenous population still live on land that is not legally recognized, which represents a permanently precarious situation. Also, to be within the Comarcas (Districts) or Collective Lands has not guaranteed the security of tenure - as there are pressures from mining, hydroelectric and industrial projects, as well as illegal settlers that contest the free tenure and use of indigenous lands.

² The five indigenous territories constituted at a national level are: Guna Yala (1953), Embera-Wounaan (1982), Madungandi (1996), Ngöbe-Buglé (1997) y Wargandi (2000).

In this strategic context, REDD appears to be a new threat and simultaneously an unprecedented opportunity to advance the claims of the indigenous peoples on the basis of the definition of property rights and the generation of technical inputs for decision-making regarding forest resources. For example, there were aspirations that REDD could help to achieve secure land tenure and halt the invasion of settlers. This was one of the reasons why COONAPIP has been following-up with and monitoring the development of this initiative and its possible implementation in their territories in Panama.

2.1.2. The emergence of COONAPIP

Historically there have been many efforts to unify the struggle and aspirations of the seven indigenous groups of Panama. These efforts were intensified with the creation of the Guna Yala Indigenous Territory in 1953, which led to the formation of the National Indigenous Association of Panama (NIAP) and to the establishment of the national indigenous congresses between 1969-1978. While this organisation disintegrated in the late seventies, the creation of COONAPIP offered the chance to save the legacy of these earlier national level efforts.

COONAPIP was established in 1991 as a platform to fight for territorial recognition and defence of social and cultural rights of indigenous peoples in Panama. Thus COONAPIP became heir to the efforts made by generations.

During its early years, COONAPIP offered solidarity and support to the struggles of the Ngöbe, Buglé and Guna for the creation of the territories of Ngöbe-Buglé (1997), Madungandi (1996) and Warandi (2000), and also to the proposal of the Embera and Wounaan peoples for the recognition of their collective lands. Unfortunately, as a result of internal differences, there was a split with the Guna General Congress of Guna Yala, and subsequent institutional weakening of the organisation. However, a new intensification of territorial conflicts in Panama led to the creation of the Association of Indigenous Peoples of Panama (AIPP) in 2008, which began to hold meetings and make statements on the major issues affecting these peoples, such as development mega-projects, intercultural bilingual education and the adoption of Convention No. 169 of the International Labour Organization (ILO). While the AIPP originally emerged as a platform for struggle that was separate from COONAPIP, in 2008 an agreement was reached for the unification of the indigenous struggle in Panama, which led to the restructuring of COONAPIP and the reinstatement of the General Congress of Guna Yala in 2008. The restructuring meant that as of 2008 COONAPIP was no longer represented by technical experts, but rather by the maximum territorial authorities of indigenous peoples (Chiefs and Kings).

2.1.3. National Policy on Climate Change and Indigenous Peoples in Panama

The Republic of Panama became a signatory to the United Nations Framework Convention on Climate Change on March 18, 1993 and proceeded to ratify it on May 25, 1995. Subsequently, Panama also signed the Kyoto Protocol on June 8, 1998 and ratified it on November 30 of the same year.

Following the commitments made, ANAM created the National Programme on Climate Change through the resolution No. AG-0583-2002, and, by the resolution

No. AG-0280-2004, it designated the National Programme on Climate Change as the Coordinating Unit for issues related to Energy Resources and Climate Change, attached to the Deputy General Management of ANAM. Subsequently, the Ministry of Finance approved the National Climate Change Policy by Executive Decree No. 35 on February 26, 2007, and in turn proceeded to create the National Climate Change Committee of Panama (NCCCP) by Executive Decree No.1 on January 9, 2009. During this period, Panama became one of the pilot countries for the development of a global REDD+ strategy. Indigenous peoples were not considered during the initial preparation of these documents even though, as already stated, most forests are on their land.

2.2. Brief Description of the Programme

The National Joint Programme (NJP) of UN-REDD in Panama is led by the designated State agency (ANAM) and implemented with direct technical support from the 3 relevant UN agencies (FAO, UNDP, UNEP). The NJP has a budget of \$5.3 million, which is implemented directly by the 3 UN agencies, in collaboration with ANAM. The duration of the programme is 3 years, from January 2011 to January 2014.

According to the Programme document, the objective of the Programme is to *"assist the Government of Panama to develop an effective REDD+ regime."* The Programme aims to contribute to achieving the aim that *"by the end of 2013, Panama is ready to implement REDD+ and has the capacity to reduce emissions from deforestation and forest degradation at the national level."*

The Programme has two main outcomes:

- *Outcome 1: Institutional capacity is established for the efficient coordination and implementation of national REDD+ strategy of Panama.* This outcome is a shared responsibility between ANAM, UNDP and UNEP.
- *Outcome 2: Technical capacity to monitor, measure, report and verify emissions reductions from deforestation and forest degradation.* This outcome is a shared responsibility between ANAM, FAO and UNEP.

The Team aims to extend the description and evaluation of the achieved outcomes during the second phase of its work in Panama (see section 1.4.), but with regards the general outcomes the following specific results stand out:

Outcome 1:

- The establishment of the REDD+ National Committee with its 5 thematic sub-committees. The National Committee had 2 meetings aimed at developing a national REDD+ strategy. Both the National Committee and the sub-committees included indigenous participation, through some of the territorial Congresses rather than through COONAPIP as a whole. The idea of creating a Committee or sub-committee of indigenous peoples was discussed, but the discussion apparently ended with the withdrawal of COONAPIP from the programme. In general, the activities of the established Committee and sub-committees were suspended as a result of the decision to suspend new activities.

- Advances were also made in the analysis of the legal framework with the participation of representatives or advisers from the indigenous peoples.

Outcome 2:

- Progress in the development of a new map of forest cover and land use, based on satellite imagery and field verification, which will serve as a baseline for measuring deforestation and forest degradation.
- Progress in the development of a multi-purpose national forest inventory, which will permit estimates of the carbon content in different types of forests. In May-June 2012, four indigenous technical experts and professionals from different Congresses and Territories were trained on the methodology to be used in the national forest and carbon inventory.

In general, the Programme, for various reasons has not advanced as quickly as expected, and expected outcomes related to the following items are still pending:

- Legal framework for the formulation of the National REDD+ Strategy, including activities related to the *“formulation of a Plan for the strengthening and exchange of experiences of COONAPIP and the Indigenous Congresses for participation in REDD+”* (Programme Document: 29).
- Operational framework established to implement REDD+ strategy, including activities related to the *“development of a Plan and Mechanisms for Indigenous Participation in REDD+”* (Ibid: 30).
- Strengthened sectoral, institutional, municipal and individual capacities.
- Validated and operational transparent system for the payment and distribution of benefits.
- A reference scenario for emissions (scheduled for late 2013).
- The system for carbon accounting and for generating emissions information (scheduled for late 2013).

2.3. COONAPIP Complaints

Since the adoption of the Programme in 2009, UN-REDD explicitly recognized COONAPIP and the Congresses and General Councils as the traditional coordination and communication institutions for the process of the preparation and implementation of the national REDD+ strategy in indigenous areas. In June 2012, COONAPIP sent a letter to UN-REDD, announcing its imminent definitive withdrawal from the Panama Programme if not met with compliance on a number of points, including the establishment of a High Level Commission to define a cooperation agreement, defining the work plan and the budget available for strengthening COONAPIP and the mechanisms for the transfer of support resources to the COONAPIP.

The High Level Commission established a Technical Committee to address the obstacles to collaboration between UN-REDD and COONAPIP. Between September 2012 and January 2013, the Technical Committee held 4 consecutive meetings, with the last meeting held on January 14, 2013. According to UN-REDD, the technical experts appointed as members of the Technical Committee had the responsibility of communicating the issues discussed to the

representatives of the High Level Commission, but COONAPIP announced their withdrawal before the work of the four meetings of the Technical Committee had been fed back to the High Level Commission.

On February 25, 2013, COONAPIP issued a resolution (No. 2-2013) announcing its withdrawal from the UN-REDD National Programme. In a letter dated February 27, 2013, COONAPIP publicly communicated Resolution No. 2-2013. On March 1, 2013, COONAPIP issued a response to an earlier note sent by UNDP (COONAPIP/32-13) and on March 25, COONAPIP issued a public letter about the case (COONAPIP 065/13).

The Team, based on these resolutions and letters, has grouped the several complaints made by COONAPIP into six main themes:

- Lack of mechanisms for full and effective participation;
- Non-recognition of representative institutions of indigenous peoples;
- Non-compliance of agreements;
- Inadequate procedures;
- Lack of good faith, and;
- Failure of the State and the United Nations to fulfil their responsibilities.

It is worth noting that it is this combined set of complaints that translates into allegations of violations to the collective human rights of indigenous peoples, enshrined in the UN Declaration on the Rights of Indigenous Peoples. There have been no specific complaints or allegations by COONAPIP that the UN-REDD Programme has violated individual human rights. The list of COONAPIP's complaints, organized according to the six issues identified by the team is as follows:

Main Themes	COONAPIP Complaint	Reference
Lack of mechanisms for full and effective participation	UN-REDD and ANAM have not designated a counterpart to work with the Commission, which has made it impossible to continue the work.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20 .6.2012
	We have noted the intention of the UN and Panamanian Government officials to marginalise the collective participation of the seven indigenous groups and the twelve traditional structures of the indigenous peoples that compose COONAPIP, who, acting in good faith, offered trust and support to the United Nations [with the hope that] the Panama UN-REDD Programme, in its preparation phase, be accepted and implemented with the full and effective participation of COONAPIP.	COONAPIP Resolution No. 2-2013, February 25, 2013
	[The UN-REDD Programme] currently does not offer guarantees [for] the full and effective participation of the Indigenous Peoples of Panama in all phases and in the implementation of said Programme.	COONAPIP Note 31-13, February 27, 2013

	The mechanisms that UN-REDD and ANAM have used to strengthen our institution are not adequate. The way in which they have acted with COONAPIP has generated confusion and dissatisfaction for the indigenous communities and is an assault on the principles and aspirations of our peoples, and their desire to seek unity and consolidate their efforts.	Letter from COONAPIP to UN-REDD Panama and ANAM, June 20, 2012
Non-recognition of representative institutions of indigenous peoples	An ANAM official has made several attempts to meet with traditional authorities separately and try to negotiate outside of the COONAPIP framework, which is totally inappropriate.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6.2012
	UN-REDD+ and ANAM have failed to understand that COONAPIP is the political representative of the indigenous peoples and a facilitating body, and not simply an implementing agency.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	Your last letter [from UN-REDD to COONAPIP] shows your intention to divide the [indigenous peoples] at all costs.	COONAPIP Note, 32/13, March 1, 2013.
	United Nations officials have taken it upon themselves to incite and subject some of the indigenous leaders, under the pretext of supporting programmes and projects funded directly by the various United Nations agencies.	Public Letter COONAPIP/065-13, March 25, 2013
	... The facts show a clear interference and manipulation of indigenous leaders in order to undermine the unity of the indigenous peoples gathered in COONAPIP, and to attempt to weaken us. We consider the related authorities of the UN-REDD/ANAM-PANAMA joint programme of the United Nations fully responsible for acting to undermine the unity of the indigenous peoples of Panama.	Public Letter COONAPIP/065-13 , March 25, 2013
Non-compliance of agreements	29 months have passed since this process began and we have seen no progress and no financial resources have been made available to us for activities in our territories and communities.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	The annual plan presented by UN-REDD and ANAM in April in no way reflects the agreement that had been made to provide \$ 1.79 [million] to strengthen COONAPIP and implement the PEIP.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	To date COONAPIP has been unable to sign the agreement with these organisations [of the UN-REDD/ANAM Programme of Panama] that was negotiated and agreed upon in September 2011.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	The agreements entered into in the context of the approval of said Programme have not been met.	COONAPIP Resolution 2-2013, 25.2. 2013
Inadequate	The process initiated by UN-REDD and ANAM	Letter from

procedures	has been riddled with inconsistencies and contradictions both in relation to the content of the proposed documents (R-PP) and the process itself.	COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	As COONAPIP we feel used in this process. We do not understand how it is that the United Nations –as the promoter and disseminator of the Declaration on the Rights of Indigenous Peoples and other initiatives in support of indigenous peoples– can act in ways that are so incompatible with these principles in its treatment of indigenous peoples of Panama.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	Informality and lack of transparency have been consistent in the way that UN-REDD and ANAM have behaved in this process.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
Lack of good faith	Nor have we seen good will and good faith on behalf of UN-REDD, and even less so of ANAM, the government entity responsible for the process of preparing the REDD+ strategy in the Republic of Panama in coordination with indigenous peoples.	Letter from COONAPIP to UN-REDD Panama and ANAM, 20.6. 2012
	... bad faith is evident in the legal and administrative obstacles [used] to postpone and avoid full compliance with the COONAPIP Strategic Policy Advocacy Plan (PEIP), which guarantees safeguards for the Indigenous Peoples of Panama and [respect for their] free, prior and informed consent enshrined in national laws, and [also] that...	COONAPIP Resolution 2-2013, 25.2. 2013
	... [there is no] clear evidence of a serious commitment to build a cooperative relationship, nor the political will to address the rights of indigenous peoples and [their] full and effective participation in the various stages of implementation, and that COONAPIP therefore states that this dialogue has failed in content, form and participation.	COONAPIP Resolution 2-2013, 25.2. 2013
	The United Nations in a crude, irresponsible and misleading manner has used COONAPIP and has abused our good faith with the sole intention of achieving its Programme approval.	COONAPIP Note 32/13, March 1, 2013.
	The last letter from UN-REDD [to COONAPIP] demonstrates once again the lack of will and the intent to subject the [indigenous peoples].	COONAPIP Note 32/13, March 1, 2013.
	.. it is the obligation of the States and the United Nations to eliminate or overcome such obstacles [legal and administrative for the implementation of the PEIP].	COONAPIP Resolution 2-2013, 25.2. 2013
Failure of the State and the United Nations to		

fulfil their responsibilities	To ensure that the UN agencies and their staff, who have a legal obligation to respect the UN declaration on indigenous peoples, do not mock them.	COONAPIP Resolution 2-2013, 25.2. 2013
Violations of the rights of indigenous peoples	The implementation [of the UN-REDD/ANAM Programme of Panama] to date has not taken into account the minimum standards related to the human rights of the Indigenous Peoples of Panama,	COONAPIP Resolution 2-2013, 25.2. 2013
	The Programme [UN-REDD] currently does not offer guarantees for the respect of indigenous rights.	COONAPIP Note, 31-13, 27.2.2013
	... Due to the violation of our human rights ... and the discriminatory acts to which we were subjected by the UN agencies and the Government of Panama, and its officials ...	Public Letter COONAPIP/065-13, 25.3.2013

2.4. Chronology of Events

Next, the team presents a chronology of the process of interaction between UN-REDD and COONAPIP, based on the information shared with the team by the various parties involved in this process:

2.4.1. Formulation and Initial Rejection; Review, Validation and Approval Process

In this phase, between June 2008 and October 2009, the National Joint Programme (NJP) of UN-REDD is prepared by ANAM and initially conditioned by the Policy Board of UN-REDD, as it had not been duly consulted and validated. Then begins a process of collaboration between UN-REDD Panama and COONAPIP, culminating in the review and validation of the Programme Document by COONAPIP and approval thereof by the Policy Board of UN-REDD.

Date	Event
June 2008	Panama is selected as a pilot country to initiate REDD demonstrative activities by the Forest Carbon Partnership Fund (FCPF) of the World Bank and begins preparing the Country REDD Readiness Plan (R-Plan).
September 8, 2008	Panama requests UN-REDD resources for their R-Plan, "considering that the funds provided by the FCPF will not be enough."
September-November 2008	Development of a REDD strategy by ANAM, framed within the National Environmental Strategy (ENA). Initial dialogues between ANAM and the agencies and UN-REDD and the World Bank for the Strategy to be presented to both the FCPF/World Bank and UN-REDD. Organisation of two informational sessions with Guna Yala and Emberá Wounaan authorities. The General Chief of Guna Yala is invited as observer delegate to the 14th Conference of the Parties (COP 14) of the United Nations Convention on Climate Change.
January 2009	8 informational workshops about FCPF/REDD+ are organized by COONAPIP with FCPF/World Bank funds.
20.1.2009	Comments by the UN-REDD agencies and World Bank to the REDD strategy developed by ANAM. UN-REDD agencies observe, among other things, a " <i>poor participation of local stakeholders</i> " in the

	development of the strategy and indicate that these actors “ <i>should have a fundamental role in the decision making process and not only be subject to consultation in order to gather information.</i> ” Also, the World Bank recommends a more thorough and extensive process of consultation and socialization.
12.2.2009	The Traditional Authorities of the Indigenous Peoples of Panama (TAIPP) send a letter communicating a contrary opinion to the report by Panama to the Subsidiary Body for Scientific and Technological Advice (SBSTA).
5.3.2009	ANAM installed the National Climate Change Committee of Panama (NCCCCP), a team comprising of representatives of various institutions with the aim of managing actions to mitigate the impact of climate change in the country.
22.5.2009	Minutes of the first observation meeting on the REDD strategy by ANAM. COONAPIP sent a letter to ANAM, noting that “ <i>there was no prior, free and informed consultation</i> ” with regards the FCPF R-Plan and criticizing that it lacked many elements to guarantee the effective participation of the indigenous peoples.
1.6. 2009	ANAM sends a draft proposal of the National Joint Programme to the United Nations Resident Coordinator in Panama, requesting its presentation to the UN-REDD Policy Board.
5.6. 2009	The Resident Coordinator warns ANAM that the National Joint Programme proposal must be discussed with and validated by a number of actors, among which are emphasised civil society and indigenous peoples.
June 14-15, 2009	Informal presentation by ANAM of the National Joint Programme document (NJP) to the second UN-REDD Policy Board, in which representatives of COONAPIP also participate. The Policy Board, in principle, designates a budget of \$5.3 million for the proposal, under three conditions: validation meeting, review of the document by the UN-REDD Secretariat and; review by independent technical experts.
June 15-18, 2009	The FCPF meeting approved in principle the Panama R-Plan under certain conditions, including the need to conduct more deep and extensive consultations with civil society and indigenous peoples. The transfer of FCPF funds to Panama is still pending in June 2013.
June 25, 2009	Letter from the Resident Coordinator of the UN System in Panama to the Minister of Economy and Finance of Panama, indicating that the UN-REDD National Joint Programme must adhere to guidelines and procedures, including the Operational Guidance: Engagement of Indigenous Peoples and Other Forest-Dependent Communities.
July 1, 2009	Change of government in Panama. The REDD strategy must be appropriated by the new government and adjusted to their priorities.
18.9.2009	ANAM civil society calls for an informational meeting on Panama REDD process at the Hotel Caribe, supported by World Bank FCPF and UN-REDD. COONAPIP participate in this event, including its president and vice-president.
23.9.2009	In response to the claims of COONAPIP, UN agencies participating in the Programme, in accordance with ANAM, make feasible the consultancy: “ <i>Development of a framework for the participation of</i>

	<i>indigenous peoples of the Republic of Panama in the context of the proposal of UN-REDD Panama.</i> The consultancy allows for the recruitment of six technical experts from COONAPIP for the review and validation of the proposed NJP. As the main product of the consultancy, inputs are prepared to be directly inserted to the Programme Document as outputs and activities, and three annexes regarding the process.
6.10.2009	Consultation and validation meeting with the traditional authorities that constitute COONAPIP. The traditional authorities define 19 points as " <i>principles for the implementation of the UNREDD Panama Programme.</i> " The traditional authorities sign an agreement (Act 0001).
13.10.2009	Final Validation Meeting with the UN Resident Coordinator in Panama, José Eguren, ANAM and COONAPIP. It is proposed to add the governing documents for the implementation of the Programme (which were included as annexes to the minutes of October 6): Framework of Principles for the Operation of REDD, Methodology of Balu Wala, and Indigenous Peoples and REDD.
29-30.10.2009	The validated Programme Document and the signed minutes of the validation meeting are presented to the third meeting of the Policy Board of UN-REDD (PB3), which was attended by ANAM and the COONAPIP President, Chief Betanio Chiquidama (Washington, DC). PB3 approved the revised Programme with a budget of U.S. \$ 5.3 million.

2.4.2. Period of Inactivity

During this period, between October 2009 and October 2010, there is no progress since the Programme is only signed by the government of Panama in October 2010 due to changes in government and in ANAM personnel.

Date	Event
October 2009 to October 2010	Full year of inactivity. Signing of the Programme Document in October 2010, after several internal changes in ANAM.
September 2010	UN-REDD is informed by teleconference with the World Bank that the intention to unify the UN-REDD and FCPF programmes to have a single joint document cannot be realized since FCPF will seek a separate agreement with the government of Panama.
November 2010	Panama requests that UNDP be the "Delivery Partner" for the funds from (and pending since 2009) the FCPF of the World Bank. A formal agreement for this purpose is signed in August 2012.

2.4.3. Start of the Programme, Elaboration of the PEIP and Emergence of Obstacles and Contentious Issues

In this phase, between November 2010 and January 2011, ANAM, with the support of the agencies participating in the Programme, manages to obtain financial support from Deutsche Gesellschaft für Internationale Zusammenarbeit

(GIZ), to support COONAPIP's development of their Strategic Policy Advocacy Plan (PEIP) with aspirations that it be financed by the UN-REDD Programme. In subsequent discussions, the issue of COONAPIP's lack of legal status arises, which is a limitation to receiving funds from UN-REDD. Discussions are initiated regarding the main contentious issues in the collaboration between UN-REDD and COONAPIP: the budgetary framework for UN-REDD funding of the PEIP; PEIP issues to be addressed in the context of the UN-REDD Programme, and; the role of COONAPIP vis-a-vis the Congresses and territorial authorities and their role in the administration of Programme funds.

November 2010	In late 2010, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) at the request of UN-REDD Panama agreed to provide funds for the assessment of training needs and a capacity building plan of COONAPIP - Strategic Policy Advocacy Plan (PEIP). GIZ channelled funds to COONAPIP through the International Union for Conservation of Nature (IUCN). COONAPIP had no legal status to sign a contract with GIZ and IUCN facilitated and provided technical guidance to COONAPIP in the process. 4 consultation meetings were held on the PEIP in the indigenous territories and districts.
January 2011	Recently, the Programme budget is activated once the first disbursement of the Multi-Donor Trust Fund of the UN-REDD agencies occurred.
March 2011	ANAM designates technical staff to begin implementing the Programme.
6.6.2011	Validation and approval of PEIP by the highest authorities of indigenous peoples of COONAPIP, in the community of Guabo de Yorkín in the Bribrí territory, with an estimated budget of \$ 1,789,845.95.
15.6.2011	Letter from COONAPIP President designating Mr. Heraclio Herrera to join the working group on REDD+.
July 2011	The Coordinator of the UN-REDD Programme is hired and UNDP acts as contractor.
August 2011	The PEIP is formally presented to UN-REDD and ANAM.
21.9.2011	In a formal meeting between COONAPIP, UN-REDD and ANAM, UN-REDD indicates the elements of the PEIP that it considers can be funded and those that are outside the scope of UN-REDD.
22.9.2011	Note 1085-2011 from COONAPIP, requesting financial support for registration of legal status (U.S. \$ 2,400.00) and Note-1086-COONAPIP-2011 on events about Environmental and Social Safeguards of the FCPF and participation in the Pre-COP in Panama (U.S. \$ 4,328.82).
23.9.2011	UNDP takes steps to cover transportation expenses required for participation in the Pre-COP in Panama (U.S. \$ 2,039.00)
26-28.9.2011	The meeting of the <i>Mesoamerican Consultation on a Common Approach to Environmental and Social Safeguards of the FCPF in the Framework of</i>

	<i>REDD+ from the Territories</i> is held. A UNDP consultant announces that the UN-REDD Programme will provide a part of the funding ³ for the PEIP.
October 2011	The COONAPIP leadership sends a note to UN-REDD noting that there has been no concrete progress since the presentation of the PEIP.
27.10.2011	UNDP informs that it is able to support the process to obtain the legal status of COONAPIP. A budget of U.S. \$1,300 is approved. The first payment of \$500 is made on 17.11.2011, to the lawyer appointed by COONAPIP.
28.10.2011	COONAPIP presented to UN-REDD a draft proposal for an agreement to finance the PEIP, requesting \$1,789.845.95 to finance the PEIP and instructing UN-REDD to make available these resources through the General Congress of the Emberá and Wounaan Territory (DIGICH 1417-12 Minutes of Meeting and Attendance List).
1.11.2011	Meeting to review the PEIP by UN-REDD. A UNDP official explains that only two of the five existing UNDP modalities can be used to transfer funds to COONAPIP (DIGICH 1417-12 Minutes of Meeting and Attendance List).
7.12.2011	In an email addressed to UNDP, the COONAPIP attorney reported that the documentation had been submitted to the Ministry of the Government for registration of the legal status of COONAPIP. Two days later, he sent a copy of the Power of Attorney and the application in a separate email.
17.1.2012	Invitation by the General Council of the Buglé Peoples to the Coordinator of UN-REDD to participate in the First Buglé General Congress in Rio Grande, Valle Bonito, between 20-24 March 2012.

2.4.4. Specific Support, Stalling of the Process and Deepening of the Conflict

In this phase, between February 2012 and January 2013, COONAPIP receive support from UNEP to keep an office in Panama City. However, there is no progress in the negotiation process until, at the request of COONAPIP, a High Level Commission is established –followed by several meetings of a Technical Committee– to address obstacles regarding the budgetary framework for the financing of the PEIP by UN-REDD; PEIP issues to be addressed in the context of the UN-REDD Programme; the role of COONAPIP regarding congresses and regional authorities and their role in the implementation of Programme funds.

February 2012	The UN-REDD Programme (through the regional UNEP office) provided funds to the Organización de Jóvenes Emberá Wounaan in representation of COONAPIP to rent an office in Panama City (US\$ 25,000).
5.3.2012	COONAPIP presents a proposal to UNDP for USD 54,880 for hiring

³ A transcript of the consultant's words, translated into English, indicates that she said: "Just to clarify that the total budget of the UN-REDD Programme in Panama is about \$5.3 million and there is a component of about US\$1 million for the component of the participation of Indigenous Peoples. That is more or less what was budgeted but I don't have the exact data. The person who really knows is Alexis. The other Alexis. The true coordinator of the Programme. The component for institutional strengthening that was prepared by COONAPIP is something different. That is about \$1.7 million. But some of that will come from UN-REDD and a part will come from other donors like GIZ. That is what is being discussed now. "

	technical staff to monitor the REDD+ process.
20.4.2012	Again, the proposal is submitted to UNDP for the hiring of technical staff for COONAPIP.
21.5.2012	Letter of Invitation from the Guna General Congress to the Coordinator of UN-REDD, Alexis Baúles, inviting him to participate in the next general congress on 24-28 May 2012.
20.6.2012	COONAPIP sends a letter addressed to Ms. Lucia Chandeck, General Administrator of ANAM and Ms. Kim Bolduc, UN Resident Coordinator, noting that 29 months have passed since the start of the process and progress has not been made, nor have financial resources been made available to develop activities in the territories and communities. They denounce attempts by ANAM officials to meet separately with Traditional Authorities outside of COONAPIP. In the same letter, COONAPIP announced that they would not seek legal status and requested the establishment of a High Level Commission composed of ANAM, COONAPIP and UN-REDD.
2.7.2012	Request by the General Council of the Buglé Peoples for a new information workshop in Santa Fe de Veraguas on July 21, 2012.
8.8.2012	The UN-REDD Programme responds to COONAPIP, inviting COONAPIP leaders to a meeting and responding in writing to the complaints raised by COONAPIP.
19.9.2012	First High Level Meeting with the participation of Kim Bolduc, UN Resident Coordinator, Gerardo Gonzalez, ANAM National Director of River Basins, and leaders of the indigenous peoples from across the country (Minutes of Meeting and Attendance List).
24.9.2012	First Meeting of the Technical Committee, established by the High Level Commission. The meeting reaffirmed the importance of COONAPIP within UN-REDD Panama and options for implementation in indigenous territories were discussed, including (i) through a single entity, and (ii) through various entities, eg. indigenous Congresses.
28.9.2012	Second meeting of the Technical Committee. Participants agreed that the modality for consultation in the indigenous territories, including the administrative agent to administer the funds of UN-REDD, would be decided by each ethnic group. The Technical Committee agreed that indigenous groups interested in more information on REDD could petition the UN-REDD Programme. Meeting participants reviewed the PEIP logical framework and identified those activities that fall within the mandate of the Programme, those which would not fall under the mandate, and those which merit further discussion.
30.9.2012	The Naso King, Reinaldo Santana, and the Bribri Bulu, Joaquín González, make a request to UN-REDD for an information workshop on REDD+ to be held on October 16-17, 2012.
8.10.2012	Third Meeting of the Technical Committee. Using as a base the categorization of eligible activities undertaken in the previous session, participants estimated the total UN-REDD funding available for PEIP. This exercise exposed a significant difference between the aspirations of the PEIP funding and the mandate and available resources under the UN-REDD programme. While the total budget of the PEIP is \$ 1.7 million, the activities identified jointly as part of the mandate of UN-REDD were

	in the range of U.S. \$ 300,000 - U.S. \$ 400,000 (these contributions did not include what FAO planned to cover as inputs through hiring companies/indigenous organisations for forest inventory in indigenous territories).
14-15.10.12	Invitation and application for funds by Silvia Carrera, General Chief of the Ngöbe-Buglé for conducting a meeting of leaders in Sitio Prado on October 14-15, 2012.
17.10.2012	The Naso King, Reinaldo Santana, and the Bribri Bulu, Joaquín González, make another request to UN-REDD for an information workshop on REDD+ to be held on November 29-30, 2012.
10.1.2013	Extraordinary General Assembly of COONAPIP. The Assembly rejects the UN-REDD proposal to offer a budget of U.S. \$ 300,000.
24.1.2013	Fourth and final meeting of the Technical Committee. ANAM responds positively to the request of COONAPIP to create a specific sub-committee for indigenous peoples within the national REDD+ Commission. It asks the UN-REDD Programme to propose draft protocols to operationalise the activities of consultations with indigenous peoples.
22-23.2.2013	Invitation and application for funds by Marcelo Guerra, Buglé General Congress President, to carry out the second meeting of Buglé leaders in La Trinidad on February 22-23, 2013. Resolution #01_2013 of the General Congress, expressing interest in participating in the activities of the REDD+ Programme and that all activities be coordinated directly with the leadership of the Congress.

2.4.5. Split and COONAPIP Withdrawal

In this phase, COONAPIP withdraws from the UN-REDD Programme and denounces the Programme for violation of the rights of indigenous peoples. Several of the Congresses take individual positions with regards to REDD.

25.2.2013	Resolution No. 2-2013 announcing COONAPIP's withdrawal from the UN-REDD Programme.
25.2.2013	Note UNDP-PA-2013-01294 refuting the statements made by the UNDP consultant on 26-28 September 2011 based on a recording of this event.
27.2.2013	Letter from the COONAPIP communicating Resolution No. 2-2013 and announcing withdrawal from the UN-REDD Programme.
27.2.2013	Letter from Joaquín González, Bulú of the Bribri Peoples, communicating that his people will keep working with UN-REDD.
1.3.2013	COONAPIP response to Note UNDP-PA-2013-01294 (COONAPIP/32-13).
8.3. 2013	Letter from ANAM and UN-REDD to COONAPIP proposing hiring an outside mediator and an independent evaluation of the Programme.
14.3.2013	Public announcement of the position of the UN-REDD Programme regarding COONAPIP communications. The announcement is a proposal for an independent mediation and immediate implementation of a mid-term evaluation of the National Programme of Panama.
20.3. 2013	Resolution No. 20 of 2013 of the National Congress of the Wounaan Peoples, in which their temporary withdrawal from COONAPIP is announced.
20-	High-level Mission of UN-REDD staff to Panama to meet with COONAPIP.

21.3.2013	The mission meets with COONAPIP technical advisors, as the President and other officials were not available.
25.3.2013	COONAPIP Public Letter (COONAPIP 065/13), requesting the full and final closure of the currently running programme, the redefinition of UN-REDD in its relationship with indigenous peoples, and the design of a new REDD with ownership by the indigenous peoples of Panama.
28.3.2013	Note from the Guna General Congress President, questioning the way COONAPIP is implementing Resolution 02-2013.
12-23.4.2013	Call by UN-REDD for an Independent Evaluation Team to investigate complaints by COONAPIP and carry out a mid-term evaluation of UN-REDD Panama.
3-7.5.2013	Mission to Panama of observers to the UN-REDD Policy Board, Civil Society and Indigenous Peoples in Latin America and the civil society of Northern countries, to gather information for the Policy Board in relation to the situation between COONAPIP and UN-REDD.
17.5.2013	Note from the Guna General Congress President, questioning the COONAPIP campaign with regards to UN-REDD.
28.5.-7.6.2013	Visit to Panama of the independent investigation and evaluation Team, Birgitte Feiring and Eduardo Abbott, to investigate complaints presented by COONAPIP and conduct an assessment the UN-REDD Programme.
June 6-9, 2013	Resolution No. 5 of Guna General Congress to withdraw from all national and international discussions on REDD+, until the Congress takes another decision on the matter.

3. Analytical Section: Preliminary Analysis and Conclusions of the Investigation and Evaluation

3.1. Participation in the Design Phase, Revision and Approval of the Programme

Early in the process of defining a REDD readiness programme in Panama, ANAM and the UN-REDD agencies thought they were going to develop a joint UN-REDD and FCPF programme, sharing a single programme document and outcomes matrix. The UN-REDD Programme document was elaborated based on that assumption, and it was not until September 2010 that the World Bank announced that it was not able to sign a joint document. Consequently, in September-October 2010 work was done to "clean" the UN-REDD NJP document of references to FCPF, but some remained.

The direct interaction between COONAPIP and the NJP began in September 2009. According to a COONAPIP report⁴, ANAM convened a meeting in mid-

⁴ Final Report on the Development of a Reference Framework on the Participation of Indigenous Peoples of the Republic of Panama within the context of the Proposal of UN-REDD Panama, COONAPIP, October 12, 2009.

September 2009, opening *“a window for dialogue between the United Nations and COONAPIP facilitating the process of preparing the UN-REDD proposal.”* Concretely, an interdisciplinary COONAPIP Technical Team was formed, composed of six indigenous professionals, and a Letter of Agreement was signed between FAO and COONAPIP (using the Embera Wounaan General Congress as an intermediary for the transfer of funds), whose aims were:

- a) Develop a Work Plan, defining activities with their respective timeline, for achieving the proposed objectives.
- b) Coordination and definition with the technical team of UN-REDD Panama, for the implementation of Programme activities through a participatory methodology.
- c) Review and incorporation of technical comments to the draft UN-REDD document ensuring synergy with the review process of the R-PP document of the FCPF in process at the time, under the leadership of COONAPIP.
- d) Organisation, preparation and convening of the eleven (11) Congresses and Councils and their respective authorities grouped in COONAPIP for the technical presentation of the UN-REDD Panama proposal.
- e) Participation in the validation meeting for the submission of the UN-REDD document.

According to the agreed schedule, the document review work began on September 23, the document was presented in a validation meeting between COONAPIP, ANAM and United Nations on October 13 and the document was presented to the Policy Board of UN-REDD in Washington on October 29 and 30 of the same year.

According to the COONAPIP report, the results of the process were:

- *“Traditional Indigenous Authorities have been correctly informed in technical terms about the REDD process.*
- *The UN-REDD proposal on indigenous participation in the Joint Programme has been evaluated and accepted, in synergy with the FCPF R-PP document review in process of consultation with the indigenous peoples.*
- *A forum for dialogue has been established to define coordination mechanisms with the indigenous peoples in REDD implementation.*
- *We participated in a validation meeting between the Resident Coordinator of the United Nations, ANAM and COONAPIP.”*

The Report states that *“COONAPIP participated in UN-REDD through a technical team whose contributions were consulted, extended and validated through a consultation workshop with their traditional authorities.”*

It is in this consultation workshop that the traditional authorities defined **19 points** to be considered in the UN-REDD Programme in Panama. The 19 points emphasize:

- Plan to Strengthen COONAPIP;
- Plan for the Participation of indigenous peoples in all REDD processes in Panama;
- Valuing of the collective territorial rights to the land and natural resources of the indigenous peoples in the REDD document;
- Promote international treaties such as Convention No. 169 of the ILO;

- Legal security of the indigenous territories.

In addition to the 19 points, three annexes were put forth *“that will form an equally integral and binding part of the main document.”* These are: Framework of Principles for the operation of REDD; Methodology of Balu Wala; and, Indigenous Peoples and REDD.

Finally, as already indicated, COONAPIP supported and participated in the presentation of the document to the UN-REDD Programme Policy Board in Washington DC in October 2009, where it was approved.

The Team believes that:

- The initial consultation, participation and validation by COONAPIP of the NJP, indicates that COONAPIP, after the resolution of their original concerns, had a sense of ownership for the Programme and a justified aspiration to be a key player in the implementation of its activities.
- It should be questioned whether a NJP document review process with numerous and geographically dispersed indigenous people over only a period of 3 weeks is sufficient to ensure the legitimacy and quality needed for the validation of a Programme of this nature.
- Validation by COONAPIP and participation in the presentation of the Programme to the Policy Board was undoubtedly a key factor in the adoption of the Programme.
- The expected inclusion of the 19 points and 3 annexes in the main document of the NJP (although not explicitly stated in the document signed in October 2010) involved a good faith aspiration by COONAPIP that broad themes would be addressed, including issues related to their territories, promotion of Convention No. 169, etc.
- It was unclear to what extent the Panamanian government had a clear commitment to the 19 points raised by COONAPIP, many of which require political will from the government in order to be realized.
- The withdrawal of COONAPIP in February 2013 can be explained by the subsequent failure to concretise and operationalise the commitments and initial expectations generated regarding full and effective participation of indigenous peoples in implementing the Programme.

3.2. National Programme Design

It is the Team’s impression that the NJP design shows many contradictions and gaps. Among these are:

- Remnants of a previous programme - or reflection of aspirations to design a joint programme - with FCPF, which did not materialize. However, there are references to World Bank safeguards and procedures in the Programme Document.
- Large gaps in defining the framework of applicable guidelines for UN-REDD, and in defining mechanisms for direction and management and budgetary frameworks in relation to the expected outcomes and stakeholders.
- Lack of consistency in the approach, vision and direction of the Programme. In particular, contrasts between the analysis and the operational part of the programme. For example, Annex 4 presents a plan

for consultation and participation, which stems from the assumption that the success of the National REDD+ strategy depends largely on a transformation of the environmental awareness of Panamanians, which in turn *"depends primarily on the ability of the State to promote responsible and shared environmental stewardship with all stakeholders."* This Annex does not mention the role of indigenous peoples and, in the opinion of the Team, is not consistent and practically contradicts the analysis of the same Programme, which indicates that indigenous peoples play a key role in the protection of forests.

- Some of the priorities of COONAPIP have been included among the "indicative activities" of the Programme, but have not been systematically captured and do not constitute a set of activities with a defined budget.

Overall, the Team believes that:

- The expedited process to include COONAPIP's concerns and priorities in the design of the Programme is one of the main reasons for the current conflict, since the absence of well-defined frameworks and modalities has led to a variety of often contradictory interpretations.

3.3. Guidelines and Safeguards

The UN-REDD Panama was designed in a time when the definition of UN-REDD guidelines was still under development. For example, the 7 safeguards resulting from the Cancun COP came out only in December 2010 and the Guidelines on Free, Prior and Informed Consent were completed in January 2013. However, from the beginning there was a general commitment of the UN-REDD to respect the United Nations Declaration on the Rights of Indigenous Peoples. The Programme document states that *"during the process of the national strategy for REDD+, ANAM will initiate with indigenous peoples a process of dialogue and consultation through mechanisms based on prior, free and informed consent that identifies: the legal, institutional, social and economic status, and the adequacy of legislative and administrative measures to avoid any form of discrimination and exclusion of indigenous peoples in order to ensure real and effective participation in REDD+"* (page 21).

In addition, there were two documents of regulations/guidelines in place for UN-REDD in 2009:

UN-REDD Programme Rules of Procedure and Operational Guidance⁵: This regulation stipulates, among other things, the need to validate the draft of the Programme document as part of an ongoing consultative process to ensure ownership by the government and the involvement of civil society actors. The Operational Guidance specifically mentions the need to have evidence of consultation with indigenous peoples, such as signed minutes of a validation meeting. It also indicates that the programmes will be evaluated on the basis of ownership by governments and civil society actors and the level of consultation, participation and involvement. With regards to the representatives of indigenous

⁵ <http://www.un-redd.org/Portals/15/documents/events/20090309Panama/Documents/UN%20REDD%20IAG%2020Mar09.pdf>

peoples, the Guidance stipulates that they have to be self-determined representatives, selected based on the following criteria:

- Selected through a participatory and consultative process;
- With national coverage or of networks;
- Previous experience working with government and the United Nations system;
- Demonstrated experience in serving as a representative, receiving input from, consulting with, and providing feedback to a wide range of indigenous organisations and civil society (ibid.: 9, own translation).

Operational Guidelines: Engagement of indigenous peoples and other forest-dependent communities. This working document is from June 2009, and therefore in force during the design phase of the Programme. This document stipulates, inter alia, that:

- Indigenous peoples should be represented on the Steering Committees or similar bodies;
- Consultation and engagement strategy of the National Programme should, effectively, include Indigenous Peoples and other forest-dependent communities, and civil society organisations at all stages, including programme design, implementation, monitoring and evaluation (page 11).
- In an annex, the document mentions the need for a mapping of the organisations, authorities and institutions of indigenous peoples; to articulate the views of traditional authorities via indigenous organisations with technical proficiency; to work in an open and inclusive manner; and, to be attentive to internal conflicts that may exist (page 16).

With regard to safeguards, the Panama UN-REDD Programme Document indicates that *"it is expected that there will be awareness-raising and consultation for the indigenous peoples, using internal mechanisms referred to in their customs and laws, establishment of a policy compliance safeguard in the UN-REDD and World Bank (WB) Programme in indigenous communities, and monitoring of implementation protocol"* (Programme Document, p. 20). The last part of the sentence in Spanish is almost unintelligible, and the reference to World Bank safeguards appears to be a remnant of the previous document.

Overall, the staff of the UN-REDD agencies express concern about the difficulties in translating the "ideal" guidelines to the complex reality on the ground, and the need to focus more on the systematization of experiences and lessons learned arising from practical operational experiences.

The Team has the following observations on the application of safeguards:

- The conditions put forward by the UN-REDD Policy Board for the approval of the initial Panama NJP Document in June 2009, that consultation and validation must be ensured, indicates that the internal mechanisms of the UN-REDD Programme have served as safeguards to ensure consultation and participation of the indigenous peoples at the beginning of the process.

- The Panama UN-REDD Programme was born with an explicit commitment to the rights of indigenous peoples, in particular the right to grant – and/or withhold - their free, prior and informed consent to legislative or administrative measures that may affect them.
- In general, the reference to guidelines and safeguards in the document is quite confusing, which may have prevented more systematic application.
- COONAPIP was identified as the representative body of indigenous peoples on the basis of the criteria set forth in the Operational Guidance of the UN-REDD Programme, but a deeper analysis or mapping of indigenous organisations and their technical capacity to implement programmes or of potential conflicts or internal challenges were not carried out.
- The UN-REDD Panama Programme meets the requirement stipulated in the Operational Guidance of implementing initial consultations with indigenous peoples, in this case represented by COONAPIP. In addition, the Programme document has been validated in a meeting that produced the signatures of the indigenous authorities, according to the established rules.
- The Panama UN-REDD Programme, faced with the COONAPIP decision to withdraw from the Programme (February 25, 2013), has decided to stop all activities with indigenous peoples and other new activities previously planned. This is a clear sign from the programme to respond to indigenous peoples' concerns and to respect their right to give and withhold consent.

3.4. Representation and Participation of Indigenous Peoples in the Programme

3.4.1. Political Representation

From the beginning, COONAPIP was recognized as a legitimate representative of indigenous peoples by the UN-REDD Programme. The COONAPIP interlocution regarding the issue of REDD+ arises because of the leadership that COONAPIP assumed by denouncing the lack of consultation regarding the R-PLAN of the FCPF of the World Bank⁶. In this context, COONAPIP requests that *“in representation of Indigenous Peoples in Switzerland for negotiations on the issue of climate change, the designated person be of COONAPIP”* and also that *“COONAPIP does not support the representation of another person in its name or other NGOs, who may act personally and not on behalf of the 7 indigenous peoples”* (Ibid).

In the document review phase of the UN-REDD Programme, indigenous authorities of the 11 territories, as part of participatory consultation workshop, provided the following principles for the implementation of the UN-REDD

⁶ Letter from COONAPIP to ANAM on May 22, 2009, signed by the 5 general chiefs, the Saila Dunmad Kuna Yala and the Naso King Terdy.

Programme: *“COONAPIP will be the National Indigenous Commission for the communication and coordination of activities in indigenous areas.”*⁷

COONAPIP consists of eleven territorial authorities, but according to the customs and traditions of each people, and in accordance with international standards, each group has the right to self-determination. In addition, each people has its own internal procedures for consultation and decision making, which often involves holding meetings or conferences for this purpose. However, the Team noticed that both UN-REDD and the Congresses and Councils recognize the role played by COONAPIP as the national spokesperson of the eleven Congresses and Councils of indigenous peoples⁸.

This implies the need to define very precisely and carefully the roles and competencies of COONAPIP as a national body and of the eleven authorities as territorial bodies. According to the evidence collected by the Team, the allegations that the UN-REDD has been promoting internal divisions have arisen in cases where UN-REDD responded to direct requests from territorial authorities to obtain financial support or information workshops during the virtually stagnant negotiation process between COONAPIP and UN-REDD. In this sense, the problem is rooted in contradictions between the territorial representative bodies and the national body, constituted by these territorial bodies. Some representatives of civil society and advisers of the indigenous peoples have insisted that the dissenting opinions regarding COONAPIP were actually requested by staff working for UN-REDD. The Team has not found evidence to verify these claims independently.

It should be noted that UNDP, as part of other ongoing initiatives, has provided support and assistance to the indigenous peoples, which included field consultation processes with various Congresses and Councils of indigenous peoples, for example, to formulate the Comprehensive Development Plan for Indigenous Peoples of Panama.

3.4.2. Role in the Implementation of Activities

The NJP document indicates that *“COONAPIP, the congresses and general councils will be the traditional institutions for coordination and communication for the process of the preparation and implementation of the national REDD+ strategy in indigenous areas”* (page 20). Beyond communication and coordination, the same document also indicates that COONAPIP *“will be responsible for the activities in the preparation phase of the UN-REDD Programme in indigenous territories”* (ibid.), but for *“consultation and implementation of the national REDD+ strategy it will have the support of the indigenous Congresses”*(page 38).

⁷ See Final Report on the Development of a Reference Framework on the Participation of Indigenous Peoples of the Republic of Panama within the context of the Proposal of UN-REDD Panama, COONAPIP, October 12, 2009.

⁸ Although the General Congress of the Wounaan has decided to temporarily withdraw from the COONAPIP.

The Team found that the language in the NJP document has some ambiguity about the role of COONAPIP in the implementation of activities relating to Congresses and General Councils. It is unclear whether this role is communication and coordination or COONAPIP has a direct responsibility for activities in the territories. This is possibly due to the fact that when COONAPIP began both technical work and political dialogue in relation to the UN-REDD Programme in September 2009, the new structure, integrating the eleven territorial authorities, was relatively new and there were no statutes or practical experience yet that clearly defined the role of COONAPIP regarding the territorial authorities that retain their full autonomy in decision-making according to their particular structures.

The records reviewed by the Team give evidence of communication between the NJP and technical experts and members of the board of COONAPIP, as well as with the leadership and technical experts of most of the territorial structures, Congresses and indigenous Councils, which came about in most cases in response to specific requests from the authorities of the various Congresses and Councils.

For their part, UN agencies say they have responded in good faith to invitations to participate in events and workshops, and have responded to funding requests for conducting information events and assemblies, among others, without it being considered by agencies as an intervention into the representative role of COONAPIP or with intentions to divide COONAPIP. On the contrary, they indicate that the responses have been respectful of the self-determination that corresponds to each indigenous people and have refrained from interventions in indigenous territories, beyond information and awareness sessions directly requested by the indigenous peoples.

The Team was able to note the existence of some ambiguity in the positions of several Congresses and Councils in relation to the role of COONAPIP in the implementation of activities. COONAPIP argues that it is a political decision that national programmes are implemented through COONAPIP not to discriminate against certain smaller peoples that do not have their own technical capacity.

In the context of the NJP, the discussion of roles has been linked to the discussion of possible modalities for channelling Programme funds to COONAPIP. The Team notes that while the NJP recognises COONAPIP as a partner and representative of indigenous peoples, COONAPIP does not have legal status, which is an administrative-legal requirement to receive public external cooperation funds. Until June 2012 it was thought that COONAPIP would be seeking legal status (with financial support from the UN-REDD Programme) but in June COONAPIP informed UN-REDD that it would not continue this process because it would force them to take a role as an NGO, which is a legal structure that would be inconsistent with COONAPIP's role to represent indigenous peoples. One limitation in this is that UNDP is regimented by administrative rules, which place certain requirements in terms of amounts and modalities, for example, requiring the conduct of open competitions for contracting certain types of "services" and the impossibility of the same entity (indigenous body) be a beneficiary and an

implementer at the same time. Furthermore, the UN agencies are not allowed to transfer funds to entities that are not legally recognized. According to the UN, each agency must abide by its policies, rules, regulations and procedures, and they must be obeyed in virtue of the fiduciary responsibility that is assumed for the management of financial resources.

In the case of the FAO (in the context of Outcome 2 of the Programme), there was already a process underway for the direct contracting of indigenous companies to carry out specific work, related to the forest inventory in indigenous lands. Inquiries were made to FAO headquarters in Rome to circumvent open competition and be able to hire indigenous companies with the endorsement of the Congresses. The contracts were about to begin when the Programme was halted.

The Team has no elements to identify which would be the best ways to solve this legal and administrative limitation, but urges the United Nations agencies and indigenous peoples to seek modalities that respect the character and role of representative institutions and indigenous techniques (e.g. avoiding competitions open to non-indigenous NGOs to work in indigenous territories) and that also provide guidelines to meet the substantial legal requirements of the United Nations System.

In fact, until now, an ideal mechanism through which COONAPIP can function as administrator of foreign cooperation funds has not been defined with certainty, and the expected collaboration with the NJP did not materialise. This in turn has had an impact on the traditional authorities, who provided legitimacy and support for the Programme from the beginning. To the extent that the Programme could not meet the generated expectations, their authority within the communities was impacted.

Due to the lack of funding, COONAPIP was not able to have a technical team to enable it to participate or contribute fully to the process associated with REDD+ in Panama and instead had to rely on the willingness of collaborating technical experts.

- It is the opinion of the Team that COONAPIP was identified in good faith by the NJP as a legitimate representative of the indigenous peoples of Panama, based on the validation given to COONAPIP to assume this representation by the eleven territorial authorities of the seven groups (in compliance with Article 18 of the UN Declaration on the Rights of Indigenous Peoples).
- However, it is also the impression of the Team that COONAPIP, in September 2009, had recently restructured its organisation and therefore had no clear formal definition – nor operational experiences - to accurately determine the competencies, roles and responsibilities of political representation and technical implementation of COONAPIP in relation to the territorial authorities and governance of indigenous peoples of Panama.
- It is also the opinion of the Team that the NJP did not conduct a thorough prior analysis of the representative institutions of indigenous peoples of Panama to clarify competencies, roles and responsibilities of political

representation and technical implementation at the territorial and national level, as stipulated in the Operational Guidelines on the Engagement of Indigenous Peoples.

- The Team holds the distinct impression that this apparent initial omission by the NJP –and the lack of internal clarification between COONAPIP and their own constituents have had serious consequences for the implementation of the NJP as it never achieved clear shared understanding on the political/technical role of COONAPIP with regard to the eleven indigenous territorial authorities and governance. This has led to a situation in which the NJP is accused, both of creating divisions between indigenous peoples by responding to requests from Congresses and individual indigenous authorities, and of ignoring the legitimate representatives of the indigenous peoples by working through the COONAPIP. Also, apparently internal differences have contributed to weaken and fragment COONAPIP, with several Congresses expressing their disagreement with the position of the COONAPIP vis-à-vis the NJP.
- In this situation, the Team calls on the national and international external actors to respect the diversity of the indigenous institutions and support, to the extent that is necessary and requested, indigenous institutions at the territorial and national level to resolve internally the definition of their roles, responsibilities and competencies with regards to State and external cooperation.
- In particular, it is recommended that UN-REDD study possible ways to relax and resolve the constraints arising from the rules and procedures of the United Nations System in terms of recognizing, also for administrative purposes, indigenous peoples' political and technical institutions in their various functions as representative bodies and programme implementers.

3.5. Thematic Scope and Allocation of a Budget Framework

One of the major issues of disagreement and conflict between UN-REDD and COONAPIP has been the discussion on the thematic scope and budget allocation for the work to be carried out with indigenous peoples. The two issues are interrelated because the budget required obviously varies according to the themes addressed.

The budgetary framework by outcome and agency was already established in the Programme Document, but specific budget allocations for activities related to COONAPIP were not defined. Related to the 19 items to be addressed in the context of the Programme, defined at the onset by the traditional authorities, COONAPIP worked between November 2010 and August 2011 on developing the Strategic Policy Advocacy Plan (PEIP) containing a detailed proposal on indigenous participation in REDD+ preparation. The PEIP includes comprehensive governance issues related to territories and natural resources of indigenous peoples, such as the ratification of Convention no. 169 and the preparation of a bill on sanctioning the invasion of lands and territories. The estimated budget of all PEIP activities was U.S. \$ 1,789,845.95 but the NJP did not have a defined framework for budget support for the PEIP before supporting COONAPIP to enter into the process of developing the Plan. The aspiration of COONAPIP is that PEIP be funded entirely, while agencies indicate that the need

to have the PEIP results from dialogue among COONAPIP, ANAM and the agencies, knowing that it is possible that several of the elements of a strategic document may go beyond the scope of the Programme.

Shortly after the validation of the PEIP by the indigenous authorities began the long and fruitless discussions between UN-REDD and COONAPIP about which components of the PEIP would be part of the outcome framework of the Programme⁹. In a meeting, UNDP indicated that, among other things, the ratification of Convention No. 169 and the presentation of a bill regarding the Naso territory is “*beyond the scope of UN-REDD.*”

This position appears to be contrary to the analysis of the Programme document, which indicates that the “*legal security of land plays a role in the process of deforestation. In particular, the security of land tenure has a positive effect on indigenous lands*” (page 16). Also, the document indicates that the menu of measures required to reduce deforestation should include “*greater legal security of land for indigenous peoples*” (ibid., page 17).

The issue of legal security of lands and territories is one of the 19 points set forth by the traditional authorities as priority and considered as a condition for their support to the Programme. Consultations by the Team with Congress members and COONAPIP authorities confirm that for many of them the subject of legal security to their lands is still a top priority. However, this issue is one of those that in the beginning (September 2011) were identified as not possible to engage in the context of the Programme, but later it formed part of the discussions of the High Level Commission and the related Technical Committee.

Related to the discussion of the thematic scope of work with indigenous peoples, there is the discussion of the budget to be allocated for activities. While COONAPIP argues that the Programme has a commitment to fund the PEIP in full (approximately 1.7 million), apparently the final “offer” of UN-REDD, after the long and fruitless discussions on the subject, was U.S. \$ 300,000. A simple preliminary calculation done by the Team indicates that the tentative budget items marked in green by UNDP in 2011 (as legitimate elements for

With regard to the discussion of the 19 points, the team received a comment from the UNDP regional and country team, presented below for their relevance and degree of reflection: “*In retrospect, if we had to start a consultation today, we would undertake a greater effort to identify stakeholders, understand the aspirations of all stakeholders and we would avoid entering accelerated processes as those agreed at the time between the UN agencies, ANAM and COONAPIP. In the future, it is worth taking the necessary measures to ensure: A shared analysis (NJP, ANAM, COONAPIP, other actors identified in the mapping, UN agencies) on which points can be taken on, which are beyond the mandates of the Programme, and what are the expected limitations of the programme of action, in pursuit of the following effects:* i) *A starting point of deep respect to their worldviews, cultural diversity and the ways that the indigenous peoples want to participate in the Programme,* ii) *Managing expectations about the scope of the Programme and the ability of the agencies to intervene in a sovereign country and society,* iii) *Establish priorities for intervention; Close dialogue with the Global Program to identify and address structural problems* iv) *Detail and formalize the roles and responsibilities of all involved actors and define the logistical and administrative arrangements that will allow these roles and responsibilities to be assumed*”.

⁹ Minutes of the Meeting between representative of the UN Agencies, ANAM and COONAPIP. 21/9/2011

funding under the Programme) total about U.S. \$ 814,000 (21.9.2011 Meeting Minutes).

Another calculation shows that the average amount available for each of the 11 Congresses that make up COONAPIP - under the hypothesis of a budget of \$300,000 - would be approximately U.S. \$ 27,000 for each, excluding funds for coordination and communication by COONAPIP.

The team believes that:

- COONAPIP had legitimate aspirations that the UN-REDD Programme would include broader issues of territorial security and governance, as these aspirations come from the 19 points considered in the initial Programme redesign.
- The budget of U.S. \$300,000 offered does not seem to be appropriate to address the issues covered by the 19 points nor those that UN-REDD was considering financing.

3.6. Steering Committee and Other Decision-Making Bodies

Since the beginning of the design process and approval of the NJP, there were concerns about the proper way to include indigenous peoples in decision-making bodies. Comments on the initial Programme document by David Kaimowitz in June 2009¹⁰ indicate that *“there is no explicit plan to include Indigenous Peoples in the National Steering Committee on REDD+ or other instances of decision making”* (page 3, own translation). Among his recommendations is that *“ANAM should create a high-level mechanism to hold a dialogue with COONAPIP and seek concrete and verifiable agreements with COONAPIP on REDD”* (page 7, own translation).

According to the NJP document, a National REDD+ Committee (or National REDD+ Steering Committee) will be established to provide operational coordination to the Joint Programme, coordinate activities nationally and integrate the national REDD+ strategy in the processes of national planning (Programme Document, p. 37). The text of the document does not elaborate more on the composition of the National REDD+ Committee, but in the executive summary (p. 7) it mentions that the Committee shall consist of *“government actors and representatives of civil society and indigenous groups, which will fulfil the functions of providing strategic guidelines, ensuring the participation of stakeholders and providing advice and monitoring the activities planned for the preparation phase.”* There was an attempt in 2011 by the Office of the NJP to achieve a commitment from ANAM to establish said National REDD+ Committee (CONAREDD). However, this initiative never achieved legal or political traction. The draft resolution for the creation of such a Committee does not seem to adequately guarantee indigenous participation since only COONAPIP would

¹⁰ David Kaimowitz: Technical Review of the “UN-REDD Panama Programme” UN-REDD National Program Document – Independent Technical Review, 2009.

participate as a representative among 19 members of the Committee. According to ANAM, this could be corrected by assigning one representative of each indigenous peoples to this Committee, as well as of all other stakeholders (farmer groups, Afro-descendants and others).

In reality, CONAREDD has not yet been established. Therefore, the 2011 annual report seems to present an overly optimistic situation since it mentions the existence of a National REDD+ Committee that integrates a number of governmental and public organisations, but notes that this Committee requires “revival and strengthening” (2011 report, 2.1.4., own translation). The 2011 report also gives the impression that the indigenous peoples, through COONAPIP, are formal members of a UN-REDD Programme Management Committee that discusses activities, work plans and budgets (2011 report, 2.3.3.) although that Committee is still not established.

In early 2012, the high level Steering Committee was established, composed of representatives of the UN-REDD UN agencies, ANAM and the Ministry of Economy and Finance. The Committee has had three meetings so far and considered that COONAPIP may participate as an observer, though this participation has not yet taken place. According to ANAM, the participation of the indigenous peoples and other stakeholders in the Steering Committee is a pending task. The opinion of the UNDP Regional and Country Team is that *“prior to the incorporation of new actors it is essential to improve and encourage (cooperatively and jointly) the relationship between the actors recognized by all as strategic (ANAM, indigenous peoples and COONAPIP, and United Nations agencies). And it also seems clear that the inclusion of other forest-dependent stakeholders should be part of discussions and dialogues with the indigenous peoples and COONAPIP. A priority and proactive action with indigenous peoples is very different from an action that excludes them.”*

Actually, COONAPIP has not participated in the few instances of decision making that have been established under the Programme. However, in September 2012, a High Level Commission was established, at the request of COONAPIP, to address the problems and constraints of the Programme. Then, the High Level Committee set up a Technical Committee. It met four times between September 2012 and January 2013, but the Committee's work was never delivered to the High Level Commission, since in February 2013 COONAPIP withdrew from the Programme.

The Team believes that:

- The very late establishment of the Steering Committee and the lack of representation of the indigenous peoples on the Committee, as stipulated by the UN-REDD guidelines, imply that there have been no formal and institutionalized spaces for solving the obstacles and challenges encountered. Ad hoc mechanisms established at the request of the COONAPIP have not been able to fill this gap.

3.7. Communication with Stakeholders

The Team could see that several of the Congresses and Councils of indigenous peoples had little knowledge about the Programme. This is because the whole process of information and consultation in indigenous areas was supposed to be carried out through collaboration with COONAPIP, which unfortunately did not materialise. This points to the need to separate what is an appropriate diffusion and information process on the Programme at an initial phase, which would be the responsibility of the NJP (in close coordination with the indigenous authorities at national and territorial levels), from the processes of consultation and coordination in relation to REDD+, which would be internal processes of the self-governing bodies of indigenous peoples, to be integrated as a fundamental components of the Programme.

3.8. Conflict Resolution and Risk Management

With regard to the risks described in the Programme document, two seem to be related to indigenous peoples¹¹, indicating that: *“Active participation of indigenous peoples is key”* in relation to the definition of the Legal and Operational Frameworks for the implementation of a REDD strategy.

The Annual Reports report problems regarding relations with COONAPIP but in a way that suggests that everything is in a process of resolution, until the semi-annual report of 2012, which is quite open about the diagnosis of problems. However, in the opinion of the Team, it is not realistic in terms of its conception of the size of the problems and the likely success of possible solutions under consideration. The following paragraphs serve to illustrate:

“There are several factors that influence the difficulties in expediting implementation. The first is that in some cases the administrative processes of UN agencies have caused delays to the schedule of activities. The second is the long lead times taken within the project team for procedures for decision making, activity definition, definition and approval of TORs, approval of contracts and other administrative aspects. The third is that internal ANAM processes are causing delays, some substantial, due to the manner in which the project activities should be defined and approved, which may come to require the approval of the highest levels of ANAM regardless of the magnitude or impact of the proposed activities

A difficulty that has affected the quality of implementation has been the lack of a formal platform for effective participation for the involvement of all relevant stakeholders in the project. Since 2011 there is a draft decree for the creation of the CONAREDD (National REDD+ Committee), to be composed of government agencies, civil society actors and indigenous peoples. This decree has not yet gained approval from ANAM.

The second factor that is affecting the rate of implementation of the project has been difficulties in achieving the full involvement of COONAPIP in the implementation of project activities. The lack of legal status of this entity, which prevents UN agencies from transferring funds, combined with an overall delay in

¹¹ See: Monitoring, Evaluation y Reporting: Table 2, UN-REDD Programme Document, 2009.

the activities of the Programme, led to a conflict with COONAPIP, which has resulted in the temporary suspension of activities with this entity (in process of resolution)."

Given the problems encountered, the Programme has lacked formalized and regular instances for problem solving and there is a certain lack of reality in the detection, description and solution of problems that finally halted the implementation of the Programme.

3.5. Validity, Belonging and the Importance of COONAPIP Concerns

This section briefly discusses the extent to which the expressed COONAPIP concerns are meaningful and relevant in light of the 2009 NJP document and the objectives, policies and standards identified in it. As some aspects of these concerns have already been described and analyzed thematically in other sections of this report, we present, without reducing its importance and significance, a schematic overview of the subject, taking up the seven issues listed in Section 2.4.

COONAPIP Complaints	Team Analysis
Lack of mechanisms for full and effective participation	<p>Despite initial active participation of COONAPIP and many efforts, meetings, exchanges of letters, commissions, etc., formal or institutionalized mechanisms to ensure full and effective participation of indigenous peoples in the Programme and in decision-making instances have not been established. Nor has there been a process of strengthening COONAPIP as a national body –or of the Congresses as territorial bodies– for their full and effective participation in accordance with UN-REDD guidelines.</p> <p>All this has also resulted in a lack of adequate information about the Programme for indigenous peoples in general.</p>
Non-recognition of representative institutions of indigenous peoples	<p>COONAPIP was recognized from the start as the national representative body of the indigenous peoples. This role is specifically recognized in the Programme document, in which it is described as <i>“a key actor in the development and implementation of the national REDD+ strategy with the indigenous Congresses.”</i></p> <p>However, roles, competencies and responsibilities are not defined with precision between the indigenous territorial and national authorities in the context of the NJP , which has led to many contradictory expectations and interpretations.</p>
Non-compliance of agreements	<p>The complex initiation and development of this Programme, together with significant changes in the State administration and delays due to elections, changes of Ministers and departments, and slow and complex administrative procedures have undoubtedly affected the achievement and fulfilment of clear, transparent and enforceable agreements. As part of their early contributions to the development of the</p>

	<p>Programme, COONAPIP proposed 19 points as principles for implementation of the Programme, but there were no explicit agreements to concretise related outcomes or activities. Nor were agreements reached on the budgetary framework for indigenous participation and the budget that was ultimately finally offered seems inadequate to address the themes reflected in the 19 points.</p>
Inadequate procedures	<p>From the beginning, the design of the NJP lacked clear and adequate frameworks, mechanisms and procedures for consultation, participation, decision-making and monitoring as envisaged in the Programme document and the relevant guidelines.</p>
Lack of good faith	<p>In regards to the participation of indigenous peoples, the NJP, with the participation of COONAPIP, began with a spirit of good faith and harmony but to the extent that this collaboration did not materialise in specific activities, relations deteriorated. This was aggravated by the absence of clear mechanisms for consultation, participation, and decision-making as well as defined budget frameworks, mechanisms for collaboration and agreements between COONAPIP and UN-REDD. All this has resulted in a situation where the dialogue has fallen apart both institutionally and personally and apparently there is no trust in the good faith of the parties involved.</p>
Failure of the State and the United Nations to fulfil their responsibilities	<p>The roles, responsibilities and competencies between the UN agencies and the Panamanian government authorities regarding the participation and priorities of indigenous peoples in the context of the Programme were not adequately defined.</p> <p>The extent of State commitment to the 19 points that COONAPIP defined as essential for their participation in the Programme, many of which depend on the political will of the sovereign State, was also not clearly established.</p>
Violations of the rights of indigenous peoples	<p>It is the opinion of the independent Team, that the shortcomings in the design and the failure to meet the objectives of the NJP have resulted in that the Programme has not had the expected positive results but neither has it had a significant negative impact on the collective rights of indigenous peoples, as no legislative or administrative measures that affect indigenous peoples have been concretised or issued as a result of the Programme. Moreover, it should be noted that the Programme has not affected the individual human rights of indigenous peoples.</p> <p>However, a significant negative impact resulting from the implementation of the Programme is that it has, unintentionally, created unnecessary pressures on the representative bodies of the indigenous peoples of Panama,</p>

	exhausting their efforts and resources in a context external to the Programme that is marked by many conflicts and pressures.
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4. Preliminary Recommendations

The Team is limited in terms of options to offer as recommendations to remedy the course of the Programme, since there has been a break between COONAPIP and the NJP, and COONAPIP has declared its withdrawal from the Programme. However, the Team believes that a fundamental reorientation and reprogramming of the Programme could be undertaken – within the budget still available – taking up the proposals made by COONAPIP with regards to the thematic focus and searching for immediate solutions to address the administrative/procedural issues that have hampered progress. All this provided that COONAPIP expresses interest in restarting a dialogue with the NJP, and the NJP manifests its willingness to undertake said redirection and reprogramming. In the current situation, and respecting the full right of the COONAPIP to choose not to participate in the NJP, the Team offers the following preliminary recommendations:

To ANAM, we recommend:

- Together with the National Direction of Indigenous Policy, convene a meeting with the leadership of COONAPIP and the indigenous chiefs and authorities to discuss possible mechanisms of consultation, participation and consent of indigenous peoples for a future REDD+ strategy in Panama.
- Together with the investigation and evaluation Team, convene a broad-based meeting for the comprehensive midterm review of the outcomes of the NJP with all stakeholders, and to define a strategy for the sustainability of said outcomes. The meeting should discuss: completion and institutionalization of informational products and capabilities related to forest cover and land use; the forest inventory, the future of the National REDD+ Committee, and other issues agreed on by the participants.

To UN-REDD, we recommend:

- Broadly document the experiences and lessons learned from the NJP and use them to inform the practical application of their guidance, policies and operational guidelines.
- Apply, with extreme rigor, the Guidelines for the engagement of indigenous peoples¹², based on the principles of UNDRIP, and precisely define frameworks, mechanisms and procedures for

¹² Joint UN-REDD and FCPF Guidelines on Stakeholder Engagement in REDD+ Readiness With a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities. http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=7047&Itemid=53

consultation, participation and consent, agreed upon with indigenous peoples, as a prerequisite to the approval of a UN-REDD Programme.

To the Resident Coordinator of the United Nations in Panama, we recommend:

- Convene a high-level meeting between the leadership of COONAPIP, the indigenous chiefs and authorities and the agencies that make up UN-REDD to reflect on the lessons learned from the Programme and forms of future collaboration.

Appendix A: List of Interviewees

- Kim Bolduc, Resident Coordinator and Resident Representative, United Nations System and UNDP Panama
- Gisele Didier, Programme Officer, UNDP Panama
- Pierre-Yves Guedez, Regional Technical Advisor, UNDP
- Alexis Baúles, National Joint Programme Coordinator, UNDP
- Iñaki de Francisco, Indigenous Development Committee, UNDP
- José Arturo Santos, Regional Technical Specialist, Stakeholder Engagement, UNDP
- Silvano Vergara, General Manager of ANAM
- Gerardo Gonzalez, Director of Integrated River Basin Management and Focal Point for UN-REDD, ANAM
- Carlos Gómez, Officer in Charge of UN-REDD, ANAM
- Allan Hruska, Subregional Coordinator a.i. Representative of FAO and a.i. in Panama
- Lars Gunnar Marklund, Programme Coordinator for FAO Subregional Office
- Xinia Soto, FAO
- Margarita Astrálaga, Regional Director, UNEP
- Gabriel Labbate, Senior Programme Officer, UNEP
- Irina Madrid, UNDP
- Narciso Arenas, Facilitator of the National REDD+ Roundtable, UN-REDD Panama
- Betanio Chiquidama, General Chief of the Emberá-Wounaan Comarca and President of COONAPIP
- Héctor Huertas Gonzalez, Attorney, COONAPIP
- Candido Mezua, Project Coordinator, Embera-Wounaan Congress
- Lino Roberto Pacheco, Legal Counsel, National Direction for Indigenous Policy, Ministry of Governance and Justice
- Alida Spadafora, Executive Director, National Association for the Conservation of Nature (ANCON)
- Atencio Lopez, Attorney, Guna Yala General Congress
- Kinyapiler F. Johnson, Maniburba Ilemagged, Onmagged Dummad, Guna Yala
- Valerio Núñez, Technical Forestry, Guna Yala General Congress
- Blas Lopez, Secretary General, Guna Yala General Congress
- Baglio Perez, Chief, Guna Yala General Congress
- Eriberto Gonzalez, Chief, Guna Yala General Congress
- Enrique Inatoy, Guna Yala General Congress
- Sara Omi Casama, Technical Expert, OJEW / COONAPIP
- Williams Barrigón, Advisor, COONAPIP
- Heraclius Lopez Gonzalez, Former Advisor, COONAPIP
- Johnny Alvarado, Local Secretary
- Eidio Perez Alvarado, Advisor, Guna Wargandi Congress
- Magdalena Gonzalez, Technical Advisory, Bribrí Peoples
- Marcelo Guerra, President, Bugle Congress
- Joaquin Gonzalez, Bulu, Bribrí Peoples
- Tino Quintana, Regional Sambú Chief, Embera-Wounaan Comarca

- Abigail Grajales, President, General Congress of the Embera-Wounaan Collective Lands
- Edilberto Dogirama, President, Embera-Wounaan General Comarca
- Marilizeth Cansari, student, Darién
- Sergio Gomez, Consultant, General Council Bribri
- Clementina Perez Jimenez, Deputy Regional Chief, Cerro Balsas, Muna
- José Colman, Guna Yala General Congress
- Felix Sanchez, Naso Peoples' Advisor, Bocas del Toro
- Elivardo Membache, General Chief of Collective Lands Embera-Wounaan, Darién
- Reynaldo Santana, King of the Naso Peoples, Bocas del Toro
- Jeremiah Cansari, General Chief, General Congress, High Bayano Embera
- Gloria Tovar, Technical Expert, Dagangunyala Congress
- Flavian Iglesias, Advisor, Dagangunyala Congress
- Evangelisto Santo, Local Bugle Chief, BIEDESHIA
- Luis Bacorizo, Vice-President, General Congress Collective Lands, Embera-Wounaan, Darién
- Neyla Banubio, OJEW member, Darién
- Adolfo Mezúa Salazar, Advisor, OJEW
- María Duque
- Gonzalo Garcia, Technical Expert
- Esteban Arosemena, Director, National Direction for Indigenous Policy, Ministry of Governance and Justice
- Arelys Midi, Social Work, National Direction of Indigenous Policy
- Leonides Quiroz, President, FUNAEPW
- Rito Ismare, Wounaan General Chief
- Diogracio Puchicama, Assistant to FUNAEPW
- Carpien Chenier, President of Wounaan Peoples' General Council
- Alina Itucama, Earth Project Team, Wounaan Congress
- Obdulín Isorami, I.E.U., Wounaan peoples
- Charles McNeill, Senior Policy Advisor, Environment and Energy Group, UNDP
- Nina Kantcheva, Advisor, Stakeholder Engagement, UNDP/UN-REDD Programme
- Gayathri Sriskanthan, Advisor, Stakeholder engagement, UNDP/UN-REDD Programme
- Jennifer Laughlin, Policy Analyst, Stakeholder Engagement, UNDP/UN-REDD Programme
- Armstrong Wiggins, Director, Indian Law Resource Center
- Leonardo Crippa, Senior Attorney, Indian Law Resource Center
- Christopher W. Meyer, Environmental Defense Fund and developed countries representative to the UN-REDD Policy Board
- Onel Masardule, Foundation for the Promotion of Indigenous Knowledge
- Mikel Barraondo, Intercultural Group Almaciga
- Vanessa Jimenez, Forest Peoples Programme
- David Kaimowitz, Ford Foundation
- Suzanne Pelletier, Executive Director, Rainforest Foundation U.S.
- Vicky Tauli-Corpuz, Executive Director, Tebtebba Foundation
- Taila Edilma Stanley, Kuna Youth Movement

- Tom Bewick, Programme Manager, Rainforest Foundation U.S.
- Christine Halvorson, Programme Director, Rainforest Foundation U.S.
- Clea Paz Rivera, UN-REDD Secretariat
- Victor Lopez Illescas, Ut'z Che' Association (Guatemala) and Civil Society representative for Latin America and the Caribbean to the UN-REDD Policy Board
- Susan Kandel, PRISMA
- Nelson Cuellar, PRISMA
- Andrew Davis, PRISMA
- Tom Griffith, Forest Peoples Programme