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Recognition on whose terms? Indigenous justice struggles in the EU-Honduran FLEGT Voluntary Partnership Agreement

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ABSTRACT

Building on decolonial environmental justice (EJ) and indigenous resurgence theories, this article explores how indigenous organisations in Honduras have used the EU-Honduras Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) to pursue state recognition of procedural, self-determination and self-governance rights. Specifically, the article discusses indigenous engagements with the FLEGT VPA multi-stakeholder dialogues, the development of the VPA text and legality matrix and the FAO-EU-FLEGT donor funds as catalysers for the development of a – highly contentious – Free, Prior and Informed Consent (FPIC) bill, the development of FAO-EU-FLEGT-funded FPIC protocols, and the push for land titling and the formal recognition of indigenous governance institutions and practices. Applying decolonial environmental justice (DEJ) and indigenous resurgence insights, the article asks "on whose terms" recognition was obtained. It concludes that, while the VPA increased access to policymakers for longstanding indigenous agendas, it also reinscribed the colonial political hierarchy by ignoring, diluting and reinterpreting indigenous proposals in favour of state sovereignty over indigenous lands and people. The research was based on a combination of literature review, interviews and written communications with indigenous representatives and document analysis.

1. Introduction

Depicted as the original "guardians" or "stewards" of the forest, indigenous peoples have obtained an irrefutable position in the global forest conservation discourse (EEAS, 2018; FAO & FILAC, 2021; UK COP26, 2021). The EU's Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreements (VPAs) are no exception to this rule. Although the VPAs' primary aim is to ensure the legality of timber products entering the EU markets, they have also been mandated to *"instigate forest sector governance reforms"* including *"strengthened land tenure and access rights especially for marginalised, rural communities and indigenous peoples"* (Council of the EU, 2003). In theory, the VPAs have the potential to facilitate and strengthen indigenous struggles for legal recognition of land ownership, self-determination and self-governance (Cashore et al., 2016). Yet, such recognition approaches have met with the necessary criticism along the way. Decolonial environmental justice (EJ) and indigenous resurgence scholars have argued against recognition approaches that reinscribe the colonial status quo by upholding colonial claims to sovereignty over indigenous lands and legitimising the colonial state as the highest decision-making authority (Alfred & Corntassel, 2005; Álvarez & Coolsaet, 2018; Corntassel, 2012; Coulthard, 2014; Temper, 2019). As such, politics of recognition have been labelled as *"politics of distraction"* (Alfred & Corntassel, 2005, p. 600), diverting attention away from substantive discussions regarding restoration and restitution.

In this article, I build on decolonial EJ and indigenous resurgence insights to bring to light indigenous struggles for the recognition of self-determination and autonomous governance in the EU-Honduras VPA. As such, the article addresses an important lacuna in the FLEGT literature: despite the presence of a rich and growing field of EJ research on FLEGT (Hansen, 2022; Lewis & Bulkan, 2022; Maryudi et al., 2020; McDermott et al., 2019; Myers et al., 2020), in-depth analyses of the VPAs' interactions with indigenous-driven recognition struggles have remained absent from FLEGT scholarship. The case of Honduras was chosen for the observable tension between the VPA's apparent inclusiveness of indigenous rights and the lived experiences of indigenous peoples in the Honduran state. Unlike other VPAs, the EU-Honduras VPA has seen a distinctive inclusion of indigenous peoples in its participation structures, and a strong emphasis on indigenous rights (EEAS, 2018; EFI, 2021 EU & Honduras, 2018a). At the same time, the position of indigenous groups

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in the Honduran state remains extremely fragile, as indigenous people have been the victim of various forms of violence, often stimulated by state policies promoting extractive industries, hydropower production, agriculture, and tourism (Kerssen, 2013; Loperena, 2016a; Mollett, 2006; UNGA, 2016). Engaging with this paradox, this article explores how indigenous organisations in Honduras have used the EU-Honduran FLEGT VPA – an essentially state-centred policy process – to pursue the legal recognition of procedural, self-determination and self-governance rights. Building on decolonial EJ and indigenous resurgence insights, it also considers the various challenges and trade-offs this engagement entailed.

The article continues as follows. I first introduce the political setting in which the VPA is set, with particular emphasis on the political position of indigenous peoples in the Honduran state. I go on to discuss the theoretical foundations of this research, which can be found in the decolonial EJ and indigenous resurgence literature. Thirdly, I introduce the FLEGT VPAs and their importance as political arenas for EJ and recognition struggles. Fourthly, I elaborate on the article's methodological background. Fifthly, I empirically discuss the indigenous stakeholders' push for procedural, self-determination and governance recognition in the VPA stakeholder meetings and the VPA legality definition and through FAO-EU-FLEGT funding. In particular, I explore the demands for independent representation in VPA stakeholder meetings, the development of a – highly contentious – Free, Prior and Informed Consent (FPIC) bill, the development of FPIC protocols with FAO-EU-FLEGT funding, as well as the push for land titling and the formal recognition of indigenous governance institutions and practices. The article concludes that the VPA increased access to policymakers for longstanding indigenous agendas regarding self-determination and self-governance. Most notably, the VPA stakeholder fora, the VPA legal review process and the FAO-EU-FLEGT donor funds offered valuable opportunities for engagement and dialogue between the indigenous political activists and the Honduran state. However, building on decolonial EJ and indigenous resurgence insights, the article also highlights the ways in which the VPA reinscribed the colonial status quo. It concludes that the VPA reinscribed the colonial political hierarchy by performing indigenous representatives in Honduras as "stakeholders" in state-centred policy processes and by ignoring, diluting and reinterpreting indigenous proposals for self-determination and self-governance in favour of state sovereignty over indigenous lands and people.

2. Indigenous peoples in the Honduran settler colonial state

Honduras counts nine different indigenous groups, officially recognised as indigenous: the Lenca, Miskito, Garífuna, English-speaking Afro-descendants (*"negros de habla inglesa"*), the Chortí, the Tolupanes, the Nahua, the Pech and the Tawahka. According to an official government census conducted in 2013, people of indigenous and Afro-descendent people make up 8,64 per cent of the total Honduran population (Instituto Nacional de Estadística, 2013).[1] Since the 1990s, then, Honduran governments have taken steps to recognise indigenous peoples and protect their rights, both resulting from indigenous activism and pressure from international institutions like the World Bank, the UN and foreign developers like Canada (Anderson, 2007, 2012; Phillips, 2015). These include the official recognition of Honduras as a "multiethnic nation", the installation of a Prosecutor for Ethnic Groups and Cultural Patrimony, the possibility of (private) collective land titling, the signing of the International Labour Organisation Convention 169 in 1994, and the creation of a Directorate of Indigenous and Afro-Honduran Peoples (DINAFROH), which brings together all initiatives concerning indigenous and Afro-Honduran (Anderson, 2007, p. 395, 2012). Despite these changes, Honduras never passed a constitutional reform or comprehensive law on ethnic or indigenous rights (Anderson, 2012; UNGA, 2016), resulting in "*a dispersed set of legal reforms, international conventions and state programmes that have provided a kind of unsteady platform for negotiations between state officials and ethnic activists*" (Anderson, 2012, p. 54).

These reforms went hand in hand with neoliberal reforms promoting privatised land ownership, increased natural resource extraction, and energy infrastructure and tourism development. Hence, indigenous peoples' territories have been subject to land conversion for cash crop production such as palm oil (Kerssen, 2013), cattle ranching (Mollett, 2006, Mollett, 2013; Phillips, 2015) and tourism development (Loperena, 2016a, Loperena, 2016b; Nuñez et al., 2017); they have also been exposed to infrastructure developments related to mining (Bebbington et al., 2018; Middeldorp et al., 2016), gas and oil explorations (UNGA, 2016), and hydroelectric and wind power projects (De Strijcker, 2017; Phillips, 2015; UNGA, 2016). As a result, scholars have characterised Honduras' trajectory towards indigenous recognition as one of "neoliberal multiculturalism" which *"aims to wed multicultural reforms with neoliberal initiatives, a project that produces contestation as well as adherence, often by the same actors"* (Anderson, 2007, p. 399). Drug trafficking has equally been a serious problem in indigenous territories, where it has been linked to illegal land purchases for money laundering purposes (Devine et al., 2021; McSweeney et al., 2018; McSweeney & Pearson, 2013).

These challenges notwithstanding, indigenous peoples' organisations in Honduras have a strong history of political activism, as they have been leading forces in protests against extractivist policies, human rights violations, corruption, and election fraud, among others (Phillips, 2015; Sosa & Almeida, 2019). In addition to traditional community leadership structures, most of the nine peoples are governed by so-called "federations", which can be considered both a form of autonomous governance and legal representation of indigenous interests vis-á-vis the state (Phillips, 2015, p. 94). Yet, the landscape of indigenous organisation and representation in Honduras is in a continuous state of flux, as various groups have different – and sometimes competing – organisations that claim to represent their interests. Some of these have a very strong anti-government discourse, while others work towards self-determination and governance recognition in cooperation with the state or are considered infiltrated by government interests (Anderson, 2007, 2012; Phillips, 2015). Since 1992, the various federations have come together in the Confederation of Autochthonous Peoples of Honduras *(Confederación de Pueblos Autóctonos de Honduras*) or CONPAH (Anderson, 2007, p. 394). Today, CONPAH maintains a pragmatic working relationship with the Honduran state; its legitimacy has been questioned by organisations with more antagonistic stances, among which the Lenca organisation COPINH and the Garífuna organisation OFRANEH, both of which engage in a strongly decolonial, anti-capitalist and anti-neoliberal discourse, as well as the Lenca organisation MUPILH (Anderson, 2007, 2012).

3. Decolonial EJ, indigenous sovereignty and "politics of recognition"

3.1. Decolonial EJ and indigenous sovereignty

The environmental justice (EJ) scholarship can be defined as the study of the distribution of environmental goods and bads (Schlosberg, 2013). It has highlighted in particular the disproportionate and racialised impacts of environmental hazards on communities of colour (Pellow, 2017). Over the years, its agenda has expanded from an emphasis on environmental pollution to extraction practices, labour rights, food sovereignty and much more (Martinez-Alier et al., 2014; Schlosberg, 2013). Nonetheless, the EJ scholarship has been found to interact surprisingly little with decolonial theory from the Americas (Álvarez & Coolsaet, 2018). In this regard, Dhillon (2018) argues that *"limited*

[1] These numbers have however been contested by an indigenous-led census from 2007 estimating an indigenous presence of about 20 per cent of the total population (UNGA, 2016).

attempts have been made to theorize how conquest and persistent settler colonial violence necessarily factor into debates over the climate crisis and environmental injustice more generally" (Dhillon, 2018, p. 2). This article builds on the explicitly decolonial body of EJ literature that researches and theorises the intersections of settler colonial violence and indigenous experiences of environmental injustice (Álvarez & Coolsaet, 2018; Dhillon, 2018; McGregor, 2018; Rodríguez & Inturias, 2018; Temper, 2019; Whyte, 2016). In particular, it builds on those scholars who emphasise the connection between indigenous-led EJ struggles and claims for self-determination, self-governance and indigenous sovereignty (Dhillon, 2018; Escobar, 2001; McGregor, 2018; Temper, 2019; Whyte, 2016), and on debates surrounding the role and pitfalls of *legal recognition* of indigenous self-determination rights and governing authority by the settler state and supranational institutions in achieving EJ (Alfred & Corntassel, 2005; Corntassel, 2012; Coulthard, 2014; Fraser, 2018; Rodríguez & Inturias, 2018; Temper, 2019).

As defined by Whyte (2016), settler colonial societies are *"societies that seek to permanently settle the territories of indigenous peoples instead of only exploiting resources in that territory"* (Whyte, 2016). As such, settler colonialism severs ties of indigenous peoples to their lands and "*seeks to inscribe their own homelands over indigenous homelands, thereby erasing the history, lived experiences, social reality and possibilities of a future of indigenous peoples"* (Whyte, 2016). This severing of ties erases ways of living and cultural identities that derive from these relationships to land (Thom, 2014) and "*represents a profound epistemic, ontological, cosmological violence"* (Tuck & Yang, 2012, p. 5). Various indigenous EJ scholars and their allies have argued that a decolonised EJ should focus on revitalising the relations between indigenous peoples and their ancestral territories, culturally and spiritually as well as politically; these calls go beyond mere distributional notions of justice but rather call for the reaffirmation of indigenous cosmovisions, laws, governance practices, and self-governing authority over their historical territory (Escobar, 2001; McGregor, 2018; Nirmal & Rocheleau, 2019; Temper, 2019; Whyte, 2016). Hence, EJ struggles become struggles for sovereignty (Curnow & Helferty, 2018; McGregor, 2018; Temper, 2019). As McGregor states: *"there is the potential for Indigenous peoples to take the lead and develop their own laws, policies, and frameworks for EJ as part of realizing self-governance, self-determination, and sovereignty goals"* (McGregor, 2018, p. 9). Consequently, decolonial conceptualisations of EJ dislocate the implicit assumption found in 'mainstream' EJ about the legitimacy of the Westphalian state as the highest decision-making body and the primary actor responsible for realising EJ (Pellow, 2017), centring instead on processes of cultural self-affirmation and the revalorisation of indigenous responsibilities to the land they occupy (Corntassel, 2012; McGregor, 2018; Whyte, 2016).

3.2. *The colonial politics of recognition*

In practice, attempts to protect indigenous ways of life have often made use of state-centred pathways, including through the legal recognition by settler colonial states of indigenous land ownership, self-determination and self-governance. The global indigenous movement successfully entrenched the indigenous right to self-determination legally, for instance through the International Labour Organisation (ILO) convention 169 on the right to Free, Prior and Informed Consent and the UN Declaration on the Rights of Indigenous Peoples (Morgan, 2016) and in some countries, these principles have even been transposed to domestic frameworks (Delgado-Pugley, 2013; Wright & Tomaselli, 2019). Various scholars adhere to the idea that legal recognition by the state has provided indigenous populations real benefits, such as increased security (Fraser, 2018; Herlihy & Tappan, 2019; Rodríguez & Inturias, 2018). However, research also indicates that in many cases indigenous rights are implemented only partially and without the full acknowledgement of indigenous self-government and self-determination (Coulthard, 2014; Temper, 2019).

For these reasons, indigenous resurgence and decolonial EJ scholars have critiqued state-centred processes of state recognition as processes of assimilation and co-optation, undermining rather than strengthening the revalorisation of indigenous ways of life. Coulthard (2014) argues that such recognition-based approaches are still colonial, as they structurally reinscribe the dispossession of indigenous peoples' territories and their self-determination and help internalise colonialism by indigenous peoples (Coulthard, 2014, pp. 151–153). Alfred and Cortnassel claim that such policies generally do not lead to significant restitution for colonial harms but instead create an "*illusion of inclusion"* (Corntassel, 2012, p. 92) and a "*politics of distraction"* (Alfred & Corntassel, 2005, p. 600), diverting attention away substantive discussions on the regeneration of indigenous communities and cultures and the restoration of indigenous land, resources and livelihoods (Alfred & Corntassel, 2005; Corntassel, 2008, 2012). Building on these arguments, decolonial EJ generally treats with suspicion recognition-based environmental solutions that leave the colonial claim to sovereignty over indigenous territories intact (Álvarez & Coolsaet, 2018; McGregor, 2018; Temper, 2019). In the remainder of this article, I assess how indigenous peoples' organisations in Honduras have used the EU-Honduran FLEGT VPA – an essentially state-centred policy process – to engage in "politics of recognition" with the Honduran state and explore the opportunities, challenges and trade-offs this engagement entailed.

4. Recognition in the FLEGT Voluntary Partnership Agreements

4.1. *Forest Law Enforcement, Governance and Trade*

The Voluntary Partnership Agreements have their roots in the 2003 Forest Law, Enforcement, Governance and Trade Action Plan (EC, 2003), which identified illegal logging and trade in illegally logged timber as key drivers of deforestation and unsustainable forestry (EC, 2003). The VPAs were further developed in the FLEGT regulation (Council Regulation (EC) No 2173/2005), which legally constituted them as bilateral trade agreements[2] between the EU and timber-exporting countries. Their primary aim is to guarantee the legality of timber products entering the EU market. To achieve this, signatories commit to establishing a Timber Legality Assurance System (TLAS) to assess the legality of timber products in their country of origin and to issue legality certificates (FLEGT licenses) for timber exports to the EU (EC, 2003; Putzel et al., 2015). The VPAs can, therefore, be understood as the "supply side measure" of the FLEGT package (Overdevest & Zeitlin, 2015). Products with a FLEGT license are granted a green lane into the EU under the EU Timber Regulation, which prohibits the placing of illegal timber on the EU market and requires timber importers to exercise due diligence concerning the legality of their timber products (Regulation (EU) No 995/2010).[3]

Additionally, the FLEGT VPAs have also been linked to broader "governance" reforms, ranging from capacity building of government and law enforcement agencies, over the education of the private sector and civil society, to the review and possibly reform of existing laws[4] and regulations (Council of the EU, 2003; EC, 2003; Verhaeghe, 2021). The first entry point for such reforms is the mutually agreed legality definition, which aggregates relevant domestic laws and regulations and

[2] The FLEGT regulation legally rooted the VPAs in Article 133 of the Treaty Establishing the European Community (current Article 207 of the Treaty on the Functioning of the EU) referring to the EU's commercial policy.

[3] The EUTR will be revoked in favour of a new EU due diligence regulation on the trade in forest-risk commodities, including cattle, cocoa, coffee, oil palm, soya and wood (EC, 2021). While the new regulation is still under development, the VPAs will likely still count as proof of legality for timber products. However, additional due diligence will be required to assure that the timber products are deforestation-free (EC, 2021, p. 33).

[4] Unless indicated otherwise, 'law' will be used to mean the national laws of the VPA partner country.

serves as the benchmark of legality (FLEGT Facility, 2022a). The legality definition has been perceived as a way to 'clean up' messy or inconsistent legal frameworks in the EU's partner countries in favour of clarity and accountability (Cerutti et al., 2021; FLEGT Facility, 2022b). Moreover, as per EU requirements, the development of VPA provisions is subject to domestic stakeholder dialogues between government, private sector and civil society representatives, which have been linked to a (limited) democratisation of forest sector policy-making (Dooley & Ozinga, 2011; Satyal, 2018). In addition, funding is provided for VPA-related capacity building and development projects, both through targeted bilateral donor support by the EU Member States and funds channelled through the FAO-EU-FLEGT scheme and FLEGT facility (ECA, 2015; FAO, 2022). In the following section, I briefly discuss the State of the Art on the interconnection between the VPA infrastructure of law enforcement, legal reform, stakeholder participation and project funding and the legal recognition of rights.

4.2. The FLEGT VPAs and the legal recognition of rights

In recent years, the body of research questioning the FLEGT VPAs from an EJ point of view has grown considerably. This section briefly sets outs the existing debates regarding FLEGT and state recognition and highlights some important lacunas. Other FLEGT debates that are not directly linked to EJ or the topic of legal recognition, such as the VPAs' institutional, economic and ecological impacts (Cerutti et al., 2021; Moral-Pajares et al., 2020), the factors influencing local FLEGT compliance (Acheampong & Maryudi, 2020; Adams et al., 2020; Arts et al., 2021; Derkyi et al., 2021; Tegegne et al., 2022; Thuy et al., 2021), interactions between FLEGT and other components of the transnational forest governance regime (Ingalls et al., 2018; Tegegne et al., 2018; Zeitlin & Overdevest, 2021) and internal EU politics in FLEGT decision-making (Derous & Verhaeghe, 2019; Nessel & Verhaeghe, 2021; Sotirov et al., 2021) fall out of the scope of this discussion.

In their emphasis on law enforcement, product legality verification and the clarification of legal frameworks, the VPAs are strongly oriented toward the formalisation of the timber sectors in the EU's partner countries (Hirons et al., 2018; Putzel et al., 2015). Much of the EJ literature on FLEGT has assessed the implications of this formalisation for marginalised or vulnerable forest users and timber producers. It has been argued that it provides a powerful catalyst for policy reform in favour of socio-ecological justice, especially in combination with the VPAs' stakeholder participation requirements (Bartley, 2014; Brainforest et al., 2021; Cashore et al., 2016; Council of the EU, 2003; EP, 2018b, 2018a). More specifically, it has been argued that VPA stakeholders could use the participatory review process of the national legal frameworks and the negotiation of the VPA legality definition to advocate their rights, for instance by calling for the codification of customary land use law and the transposition of international commitments to national law (Cashore et al., 2016; Nathan et al., 2014).

However, such claims have been contested, as academics have highlighted the adverse impacts of formalisation on already vulnerable actors in the forest and timber sectors. Despite their promises for legal recognition, the FLEGT VPAs have been shown to misrecognise plural legalisms in postcolonial contexts, instead strengthening only partially reformed colonial legal frameworks on land and resource use (Lesniewska & McDermott, 2014; Myers et al., 2020). Hence, they tend to criminalise – rather than legalise – informal or customary timber production rules and practices, thereby institutionalising existing socio-economic and socio-cultural inequalities (Nathan et al., 2014). In many cases, the exclusion of direct representatives of the vulnerable private sector and forest communities from stakeholder meetings has made it difficult to plead for meaningful policy reform to countervail these injustices (Hansen et al., 2018; Maryudi et al., 2020; Myers et al., 2020; Ramcilovic-Suominen et al., 2019). Moreover, studies show how FLEGT negotiators have framed demands for more extensive legal reforms (such as reforms in favour of recognition of customary land ownership and use) as falling beyond the scope of VPA discussions (Lewis & Bulkan, 2022; McDermott et al., 2019; Verhaeghe, 2021). Consequently, politically contentious issues, such as land rights and land tenure, generally did not dominate VPA policy agendas (Hansen, 2022; Hansen et al., 2018; Lewis & Bulkan, 2022; McDermott et al., 2019; Ramcilovic-Suominen et al., 2019; Verhaeghe, 2021).

EJ literature on FLEGT has, therefore, showcased the limitations of the VPAs' legal recognition potential and highlighted the shadow side of the formalisation agenda. In this light, it has been pointed out that VPAs may impact indigenous peoples for the better, by aiding the domestic codification of internationally recognised self-determination rights (Cashore et al., 2016), or for the worse, by reaffirming settler property regimes that do not recognise, or reinterpret, indigenous identities and historical territorial claims (Buhmann & Nathan, 2012; Putzel et al., 2015). However – with the exception of one article on indigenous resistance to the Malaysia VPA (Derous, 2019) – research on the VPAs' interactions with indigenous-driven struggles for legal recognition of self-determination and political autonomy in countries with strong traditions of indigenous activism has thus far been absent from FLEGT scholarship.

4.3. The EU-Honduras VPA as an arena for indigenous recognition struggles

This article assesses indigenous recognition struggles in the EU-Honduras VPA. VPA negotiations started in 2013. After a period of five years, the VPA text was agreed upon in 2018 and ratified in the EU and in Honduras in 2021 (Council of the EU, 2021; Poder Legislativo de Honduras, 2021; The VPA Africa-Latin America Facility, 2022). Unlike other countries, the EU-Honduras VPA has seen a distinct inclusion of indigenous representatives in its participation structures, along with a strong discursive emphasis on indigenous rights (EEAS, 2018; EFI, 2021; EU & Honduras, 2018a). Indigenous peoples have been formally represented in VPA negotiation committees since 2015 (resp. 7, 8a, Del Gatto, 2015). Additionally, several indigenous organisations have applied for FAO-FLEGT donor funding, intended to help implement the VPA commitments (FAO, 2020c, pp. 16–17). The participation and the review and possibly reform of existing state laws and regulations related to forest management and timber processing, combined with the availability of donor funding theoretically provide a valuable political arena for indigenous activists to pursue legal recognition. Yet, keeping in mind the above-outlined critiques on legal recognition in general and on the VPAs in particular, these dialogues could also result in the re-interpretation and co-optation of indigenous justice struggles. By focusing on the enforcement of state laws and legality verification, the VPAs inherently acknowledge the sovereignty and legitimacy of the settler-colonial state as the main governing and law-making authority (Overdevest & Zeitlin, 2015; To & Mahanty, 2019). The FLEGT legality paradigm itself can, therefore, be considered as a reaffirmation of the settler colonial political hierarchy and a subjugation of indigenous sovereignty to the settler legal system.

Against this backdrop, the question arises to what extent the VPA has been able to deliver tangible gains for indigenous populations in terms of enhanced self-determination and self-governance, and to what extent it has created "*an illusion of inclusion*" void of any real remedy for colonial injustices (Corntassel, 2012). Following an inductive analysis of indigenous agendas for the VPA, this article discusses the indigenous stakeholders' push for procedural, self-determination and governance recognition in the VPA stakeholder meetings and the VPA legality definition and through FAO-EU-FLEGT funding. Specifically, I discuss indigenous participation in the EU-Honduras VPA stakeholder meetings, the indigenous push for a Free, Prior and Informed Consent/Consultation law, the development of FPIC protocols funded by FAO-EU-FLEGT resources, and the attempts to develop a law on land titling, "saneamiento" and indigenous governance (Table 1).

Table 1
Indigenous recognition struggles in the FLEGT VPA.

Recognition struggle	VPA elements	Manifestations in the EU-Honduras VPA
Procedural recognition	VPA stakeholder meetings	Indigenous participation in "comité técnico", "comité petit"
Self-determination	VPA provisions and legality definition	FPIC principles in VPA text
	FAO-EU-FLEGT funding	FPIC bill ("*anteproyecto")* proposals
		FPIC protocols (Maya Chortí, Lenca, Tolupán, Pech)
Indigenous governance	VPA provisions and legality definition	References to land titling and legalisation in VPA text

5. Research methodology and impact of COVID-19

The research was based on a combination of literature review, document analysis, and in-depth interviews. The analysed documents include the VPA text and annexes, the aides-memoire of the various negotiation rounds and Joint Implementation Committee (JIC) meetings, the civil society bulletins "El Día con AVA FLEGT" issued by the Honduran NGO Fundación Democracia sin Fronteras, the civil society bulletins "VPA Update" issued by the European NGO Fern, progress reports and evaluations by the Food and Agricultural Organisation (FAO) of the FAO-FLEGT support programme, as well as newspaper and social media items. For a full overview of the various data collection steps and the various documents analysed, see Attachment 1.

In light of the research question on EJ struggles and politics of recognition via the VPA political arena, only actors that were directly involved in the VPA negotiation and implementation processes or had a strong publicly expressed stance on the VPA negotiations were contacted for interviews. Potential interviewees were first identified based on internet searches about the EU-Honduras FLEGT VPAs, most notably via testimonies in newspaper articles, publications by the FLEGT Facility, and independent websites and social media accounts. In addition, the snowball sampling technique (Atkinson & Flint, 2001) was applied to further identify respondents and simplify access to them. Names and contact details were provided to me both individually and in the form of official documentation, such as participation and stakeholder lists of FLEGT meetings and EU-FAO project details. Such forms of snowball sampling inevitably lead to forms of "gatekeeping" (Sindre, 2021) of respondents by central actors in the process, most notably the EFI FLEGT Facility, EU Delegation and FAO. To overcome selection bias, those organisations that did not wish to participate in the VPA and had openly resisted it (notably OFRANEH and COPINH) were contacted independently from the snowball sampling. Their public statements on the VPA process were also included in the document analysis.

Due to the COVID-19 pandemic, all interviewees were contacted via email and all interviews were conducted online. The need for internet infrastructure and related accessibility challenges, as well as my own positionality as a female, European and non-indigenous scholar, undoubtedly affected my access to interviews. Hence, this research does not claim to circumvent the "urban trap" by including rural actors directly (Kelly, 2021) or to otherwise account for the full diversity among indigenous positions. The interviews were conducted in English or Spanish, depending on the respondents' preferences. In total, the research relies on 17 interviews and two written personal correspondences, nine of which involved indigenous representatives, two with domestic non-indigenous Honduran NGOs, one with an international NGO and seven with the EU negotiators, the international donor community and the European Forest Institute (EFI) technical advisors. Out of the ten indigenous actors contacted (the full population of the indigenous stakeholders participating in the VPA negotiation committees and the FAO-EU-FLEGT funded FPIC protocol projects), six participated via in-depth interviews and one via written responses to the interview questions. The interviews were semi-structured and contained questions relating to the respondents' engagement with, and participation in, the VPA process, their experience with FAO-FLEGT funding, and their perception of the relation between the VPA and indigenous justice struggles. All sources were catalogued and coded inductively in NVIVO. From these codes, the paper's focus on procedural, self-determination and governance recognition emerged.

6. Politics of recognition in the EU-Honduras VPA

6.1. Indigenous participation in the EU-Honduras VPA

Negotiations for the VPA officially started in January 2013 and lasted 5 negotiation rounds. Since the conclusion of the agreement in 2018, a Pre-Joint Implementation Committee has been set up, to be replaced by a Joint Implementation Committee after ratification (EU & Honduras, 2018a, 2018b, 2019). More detailed discussions between stakeholder groups have taken place in two technical multi-stakeholder committees, the "comité técnico", or Technical Committee, and the "comité petit", or Small Committee. During the first two rounds of the negotiation, indigenous peoples were not represented in the VPA negotiation structures but were supposed to be represented by Honduran civil society. The indigenous confederation CONPAH however pressed for their right to participate as a distinct stakeholder group, as they believed in the importance of political representation and considered participation as a valuable opportunity to advance a rights-based agenda (resp. 7, 8a, 10a, 11). CONPAH issued a manifesto towards the European Union and the government of Honduras in which their demands were laid out, in response to which the EU then supported their requests vis-á-vis the Honduran government (resp. 7, 8a, Del Gatto, 2015). In the words of two respondents:

> *"They wanted the indigenous and Afro-descendants to be, as I would say, part of civil society, part of the NGOs. We chose not to. […] When it comes to the rights of territories and resources, we want that, we demand that indigenous peoples have other types of rights as well. So, we need a table of our own as indigenous peoples"* (resp. 10a).

> *"When the VPA started we were sincere and clear, that we were not going to participate if we did not have a seat to sit and talk as peoples"* (resp. 7).

From the third negotiation round in 2015, indigenous peoples had their own representation in the VPA committees via CONPAH (resp. 7, 8a, Del Gatto, 2015). However, criticism about the legitimacy of CONPAH resulted in additional recognition demands. In 2017, the Lenca organisation ONILH (*Organización Nacional Indígena Lenca de Honduras)*, which represents the majority of the Lenca population, disaffiliated from CONPAH, which they considered an illegitimate representative of indigenous interests. Together with 25 other Lenca organisations, they formed the Lenca Sectorial Committee, to enter into direct dialogue with the government on the topic of the development of an FPIC law (cf. infra) (Barreña, 2019, p. 173; Mesa Sectorial del Pueblo Lenca, 2018). Two years later, during the second Joint Implementation Pre-Committee in March 2019, the Lenca people entered the VPA meetings independently from CONPAH under the banner of MUPILH (*Mesa de la Unidad del Pueblo Indígena Lenca de Honduras),* which includes also ONILH (resp. 8a, EU & Honduras, 2019: 7). In 2022, MUPILH again issued a statement calling out CONPAH as an illegal and illegitimate body that does not represent the nine peoples of Honduras (MUPILH, 2022). Equally critical of CONPAH, the Lenca organisation COPINH (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras*) and the Garífuna organisation OFRANEH *(Organización Fraternal Negra Hondureña)* have refrained from participation altogether, despite invitations having been issued by CONPAH (resp. 8a, 10a). OFRANEH in particular has been an outspoken opponent of the VPA process on its social media platforms and website; in 2016, the organisation even mapped the VPA as an environmental injustice in the Environmental Justice Atlas, claiming that it could lead to increased co-optation of different actors, loss of livelihood, and militarisation and increased police presence (OFRANEH, 2016). In particular, OFRANEH has pointed to the use of the 2004 Property Law – an essential part of the VPA legality matrix – to dispossess indigenous peoples of their communal lands.[5] More generally, they point to the absence of the rule of law in Honduras, and the violence still faced by indigenous peoples (resp. 13). OFRANEH has also resisted the legitimising role of CONPAH, which it considers a co-opted progovernment organisation (OFRANEH, 2017a, resp. 13).

European and international stakeholders described the ever-changing and competing claims of legitimate representation and government intrusion into indigenous affairs as a political minefield particularly difficult to navigate (resp. 1b, 2, 14), sometimes resulting in the choice to work with 'easier' stakeholder groups first, as in the case of land titling (resp. 14, cf. infra). From their side, indigenous respondents indicated a disillusionment with the VPA process over time, as they perceived a decline in government interest in both indigenous affairs in general and the FLEGT VPA process in particular, which "*as a whole is extraordinarily slow*" (resp. 16). Moreover, critiques have also been raised about the bureaucratic nature of VPA meetings and the insufficient engagement with indigenous people in rural areas, who could not realistically join the meetings in the capital directly (resp. 9, 10). Various respondents, therefore, claimed that the communication with indigenous communities was inadequate and that the EU should have earmarked donor funds for meaningful dialogues with traditional leadership structures within their own territories (resp. 10a, 16).

6.2. The Free, Prior and Informed Consent/Consultation Law

Once included in the VPA committees, indigenous representatives used VPA participation to push for some long-standing demands regarding the right to self-determination and self-governance. A major theme introduced by indigenous representatives in the VPA discussions constituted the realisation of self-determination rights via the development of a law on Free, Prior and Informed Consent/Consultation (FPIC) as part of the VPA legality matrix (EU & Honduras, 2013, 2015a, 2016). Initially, indigenous organisations pushed for a form of pre-conditionality by advocating for the development of a national FPIC law before the signing of the VPA, as part of the VPA legality definition. The push for an FPIC law emerged out of a need to implement International Labour Organisation Convention 169, which outlines important rights for indigenous peoples, including their right to consent to developments affecting their territories such as mining operations, the construction of hydroelectric dams, and tourism development at the national level. Although ratified in 1994, the Convention has never been operationalised at the domestic level; this has been perceived by indigenous groups as an important lacune in the evolution towards adequate protection of their territories (resp. 10a, 11, 12). While a national FPIC law was first considered in 2012 within the framework of the UN REDD + program (Tauli-Corpus, 2016: 4; resp. 10a), indigenous advocacy strategies shifted with the start of the VPA process, which was perceived as a more promising advocacy venue:

> *"Then, because of the VPA we saw a certain opening with more clarity because the VPA pursues three objectives: compliance with laws, forest governance and legal timber trade. So, compliance with laws practically had to do with the fact that Honduras has to comply with Convention 169 because it has already ratified it. So, we abandoned REDD in favour of the VPA framework to work more broadly on the issue of the consultation law"* (resp. 10a).

The FPIC law process, driven by both the REDD + and VPA processes, commenced in May 2015, when an Interinstitutional Technical Commission (CTI) on the FPIC law was founded. A first draft bill was approved by the CTI in May 2016 (Barreña, 2019, p. 173; Tauli-Corpus, 2016, pp. 4–5). To develop the bill, the United Nations Development Program (UNDP) hired the Peruvian consultant Ivan Lanegra, who had already developed the Peruvian consultation law (Delgado-Pugley, 2013). Lanegra's draft bill incorporated insights from two proposals that had been circulated earlier that year, the first by CONPAH in February 2015[6] and the second by the Directorate of Indigenous and Afro-Honduran Peoples (DINAFROH) in October 2015 (Barreña, 2019, p. 172; Tauli-Corpus, 2016, p. 4). After the release of the draft bill, 18 consultation workshops were held between May and October 2016 to discuss the draft with over 1400 indigenous representatives, and tripartite meetings were set up with labour and employer organisations (Barreña, 2019: 172–173, resp. 1a, 8a, 10a).

Yet, the draft bill was a thinned-down version of the original CONPAH and DINAFROH proposals and was heavily influenced by the private sector (OFRANEH, 2017a; resp. 10a). Following the Peruvian example, the bill interpreted FPIC as "consultation" rather than "consent" (Merino, 2018). For these reasons, the Indigenous and Black Peoples of Honduras Observatory (ODHPINH), led by the Garífuna organisation OFRANEH and the Lenca organisation COPINH, presented an alternative proposal before the National Congress in April 2016 via Rafael Alegría, the coordinator of La Vía Campesina Honduras and congressman with the LIBRE party (OFRANEH, 2017a; resp. 10a). In response to these tensions, the Honduran government also invited the UN Special Rapporteur on the Rights of Indigenous Peoples to provide comments. The Special Rapporteur's account highlighted major legitimacy issues related to the bill's objective ("consultation"), the operationalisation of the FPIC consultation processes, and the consultation workshops to discuss the draft bill (Tauli-Corpus, 2016). The concerns were reiterated in additional observations on a second draft of the bill in 2017 (Tauli-Corpus, 2017, p. 2). The final bill, released by the government in 2018, is perceived by several indigenous representatives as insufficient and as a threat to indigenous peoples and their territories (resp. 8a; OFRANEH, 2018b; ONILH, 2018). Several protests against the FPIC bill have been staged by a variety of organisations since its submission to Congress (Monroy, 2018; TeleSURtv.net, 2020). The bill was also rejected at the Assembly of Indigenous Peoples of Honduras, which took place in August 2018 and was attended by over 700 indigenous representatives from five of the nine ethnic groups, the Maya Chortí, Lenca, Pech, Tolupanes and Garífuna peoples (ODHPINH., 2018a, ODHPINH, 2018b). Ultimately, CONPAH equally withdrew its support for the bill when it was handed to the energy commission to deal with, rather than to the commission responsible for liaising with indigenous peoples and Afro-descendants (resp. 12), and moved forward without any further consultation with indigenous peoples (resp. 10a).

Following the controversy surrounding the government bill, the FPIC law process has remained dormant for the past three years (resp. 1b). In response, the EU has chosen to move forward with the VPA without an FPIC law in place (resp. 1b, 8a). The VPA text still commits to the development and implementation of such a law in the future, as part of VPA implementation (EU & Honduras, 2018a, Annex II, p. 24, Annex III, p. 162, Annex V, pp. 66, 82; resp. 7, 12). Several respondents interpreted these commitments as a point of leverage vis-á-vis the Honduran government (resp. 10a, 12). However, similar to the contested FPIC bills,

[5] For an academic discussion on the challenges of the 2004 Property Law for indigenous territories, see Anderson, 2007, 2009; Mollett, 2013. For broader discussions on the coloniality of modern property regimes, see Bhandar, 2018.

[6] For an earlier draft of the CONPAH proposal, see (CONPAH, 2013). For a critical reflection on the process by CONPAH, see (OFRANEH, 2017b).

these references consistently interpret FPIC as "consultation" rather than "consent". Moreover, they are limited in scope, since they at times refer only to the forestry sector (Annex V, p. 66) or to commercial timber harvesting (Annex II, p. 24), thereby reducing the FPIC law's broader implications for indigenous self-determination within the territories. In this light, respondents raised doubts about the role that EU negotiators would play in the event of an eventual FPIC law, claiming that *"they're never going to be against the government"* (resp. 10a) and fearing they would legitimise a fundamentally unjust law (OFRANEH., 2017a,b,c, 2018a,b, 2020; resp. 13). On this, one EU representative expressed concerns about the ongoing interference in indigenous politics in the territories and its implications for the future of the FPIC bill yet affirmed that the EU *"are not the police",* and that it is not their role to interfere in the country's self-determination by rejecting the law (resp. 1b).

6.3. The Free Prior and Informed Consent protocols

Additionally, indigenous representatives have engaged with the VPA process through the use of donor funding designated especially for the implementation of the VPA and managed jointly by the Food and Agricultural Organisation (FAO) and the EU. The FAO-EU-FLEGT projects were set up to circumvent the gridlock around the FPIC law and construct FPIC decision-making procedures bottom-up, in recognition of the various peoples' cultural differences (resp. 2, 8a, 11). In 2018, CONPAH obtained funds to work with the Pech and Tolupán peoples to develop an FPIC protocol "*aimed at strengthening territorial and forest governance"*. In 2019, the Maya-Chortí organisation CONADIMCHH *(La Coordinadora Nacional Ancestral de Derechos Indígenas Maya Ch'orti' de Honduras)* and one of the Lenca organisations ONILH (*Organización Nacional Indígena Lenca de Honduras)* received similar funds to develop their own FPIC protocols (FAO, 2020c, pp. 16–17). The Maya-Chortí protocol has been finalised in September 2021 (CONADIMCHH, 2021), while several workshops have been organised for the Lenca, Pech and Tolupán protocols (FAO, 2020a,b; Radio Marcala, 2021) (resp. 16).

Procedurally, respondents working with the FAO-EU-FLEGT projects on the protocols indicated a positive experience, as they felt supported to undertake the protocol development on their own terms and according to their own cosmovision (resp. 11, 12, 16). Unlike the circulating governmental FPIC bills, the protocols revolve around *consent* (rather than consultation), the right to say no, and the right to retract consent (CONADIMCHH, 2021; Radio Marcala, 2021; TV Copán, 2021; resp. 11). Moreover, the protocols go beyond the VPA policy objectives of timber legality to include all interventions in indigenous territories, including mining activities, petrol and gas extraction, infrastructure development and agricultural projects, as well as development interventions such as NGO projects. In the words of one respondent:

> *'If we only talk about the legality of the wood, that protocol did not serve us much. So, in this protocol we attached all the interests of the Mayan people, including land, territory, water, social development projects. So, in this project we are covering everything, because the VPA was only to talk about the legality of the timber'* (resp. 11).

Their connection to the VPA notwithstanding, the protocols have no legal status according to Honduran state law, as they are not officially recognised in either the VPA text or in domestic legislation. For this reason, the FAO-EU-FLEGT donors, required constructive dialogue with the Honduran state, as they felt that *'if this protocol it is going to be respected by the government […] they have to take the government as part of the project'* (resp. 2). However, a growing distrust that the government will take the protocols seriously has resulted in a fall of interest among indigenous communities to finish the protocols still under development. One respondent involved in the Pech and Tolupán protocols states that:

> *"The problem that causes a lack of interest in the communities to believe in this type of document is that the Honduran state through its different instances such as the ICF [Forest Conservation Institute], the Environmental Secretariat, the Agricultural Secretariat, the National Agrarian Institute, do not see the protocol as a document that makes any level of obligation on the part of the state. They see it as just another piece of literature* […]
>
> *Well, we contributed, we informed, we consulted, and the organisation CONPAH writes, drafts, systematises. The FAO looks at it, all very well. But in the end, we here in the communities, what do we gain with a protocol? This was a frequent complaint that I received from a lot of community leadership, both from the Tolupán people, as well as from the Pech people"* (resp. 16).

Consequently, the PFIC protocols have been understood by some as a "politics of distraction", diverting attention away from other, more pressing matters for indigenous communities, such as local livelihood development (resp. 16), as well from more forceful and binding recognition approaches such as the FPIC law (resp. 10a). In this regard, one respondent narrated the move from a binding FPIC law to non-binding FPIC protocols as a "trick" from the government to undermine the legal protection of indigenous peoples' right to self-determination (resp. 10a). Similar doubts about the value of FPIC protocols were formulated by an FAO employee, who stated that the FAO and the EU nonetheless financed the protocols as a way to keep indigenous peoples on board with the VPA process (resp. 2).

6.4. Land titling, "saneamiento" and indigenous governance

Finally, CONPAH representatives used the VPA dialogues to push longstanding demands for the legalisation of indigenous occupation of, and governing authority over, indigenous territories (EU & Honduras, 2015a, 2015b, 2016; resp. 8b, 12, 10b). The VPA's "governance" objective in particular was perceived as a useful entry point for opening a dialogue with the Honduran government on indigenous self-government over lands and resources in recognition of indigenous cosmovisions, policy objectives and institutions (resp. 1b, 10b, 12). In the words of two respondents:

> *"The VPA states that it is going to be oriented so that the land and forest owners can exercise good governance in their respective territories. But we do not have a legal framework that talks about governance. We, the indigenous peoples, are upholding our traditional practices according to our own internal regulations, which are always in keeping with the environment. But we do not have a legal framework to support this governance issue. We have identified it as a necessity"* (resp. 12).
>
> *"For the indigenous peoples only talking about forest governance without the territory, without their coexistence as a society, without talking about the figure of self-government, does not make any sense, because it is the land that gives sustenance to the forests"* (resp. 10b).

Additionally, indigenous demands centred around the two other pillars of land titling and land sanitation (*"saneamiento"*), understood by CONPAH as, firstly, the titling of ancestral indigenous territories and, secondly, as the reclaiming of territorial space from non-indigenous settlers through (financially compensated) dispossession. These pillars are to a large extent based on the experience of the Miskito people in the region of la Mosquitia, who received collective territorial rights via the World Bank-funded PATH II project[7] (Del Gatto, 2015; Herlihy &

[7] The World Bank-funded PATH I and PATH II programs (Honduran Land Administration Programs) were intended to modernise the property rights system in Honduras. The first PATH project was heavily criticised as it did not foresee collective land titling and de facto entailed a privatisation of the land rights (Phillips, 2015, p. 46). The second PATH project, established in 2011 by the Lobo government, did factor in a central component for strengthening Miskito rights, including collective titling and the registration of the CTs (Herlihy & Tappan, 2019, p. 78).

Tappan, 2019) and are the beneficiaries of a planned "*saneamiento*" of Miskito lands from settlers linked to organised crime and international drug trafficking (resp. 10b; Decree PCM-035–2019).

However, the tangible gains in terms of VPA provisions and implementation steps are limited, as epistemic colonialities and the subjugation of indigenous demands to Honduran state sovereignty delegitimised indigenous claims to self-governance as too farfetched and unattainable. In this regard, one respondent noted a reluctance among both Honduran and European negotiators to complicate the VPA discussions too much by including debates on broad territorial governance, and a preference to contain discussions on "governance" to the issue of timber logging and the functioning of the Timber Legality Assurance System (resp. 10b, see also resp. 2, 6, EU & Honduras, 2015a, p. 1). On the Honduran side, the reluctance to make headway with the indigenous governance agenda was attributed to the government's wish to preserve authority on natural resource exploitation (resp. 8b) and to a fear for indigenous independence (resp. 10a). Consequently, indigenous demands for "*saneamiento*" and indigenous self-governance did not make it into the final VPA text. The VPA does include several references to the titling *("titulación")* and legalisation *("regularización" and "saneamiento jurídico")* of ancestral indigenous lands (EU & Honduras, 2018a: Annex V, pp. 24, 66), but the precise meaning of these terms, and the rights they entail for indigenous peoples and non-indigenous settlers remains open to interpretation (resp. 14). Moreover, while steps have been taken to implement these titling commitments, indigenous territories are currently not the priority, allegedly due to the political complexity arising from competing claims over legitimate indigenous leadership and representation in various communities (resp. 14). These setbacks notwithstanding, CONPAH has started to develop a new draft bill combining the objectives of land titling, sanitation, and indigenous governance ("*Ley de Titulación, Saneamiento y Gobernanza*"), hoping to use the VPA implementation process as a pathway to its approval by Congress (Del Gatto, 2015; resp. 8b, 10b, 12).

7. Discussion and conclusion: recognition of indigenous rights in the VPA – on whose terms?

This article explored how indigenous organisations in Honduras have used the EU-Honduran FLEGT VPA to pursue the legal recognition of procedural, self-determination and governance rights. The VPA process has been taken as an opportunity by political activists to pursue their rights via the stakeholder fora, the legal review, as well as the FAO-EU-FLEGT donor funds; as such, it was appreciated by indigenous actors as a valuable forum for engagement with the state. However, in light of the critiques raised by insurgence and decolonial EJ scholars, it is necessary to scrutinise on whose terms advocacy gains were obtained. Fundamentally, the VPA reinscribed the colonial political hierarchy by performing indigenous representatives in Honduras as "stakeholders" in state-centred policy processes, rather than as governing entities.[8] As such, indigenous representation was confined to "*operating within the constitutional framework of the state (as opposed to the right of having an autonomous and global standing)*" (Alfred & Corntassel, 2005, p. 603). Within this framework, CONPAH was included as the voice of the indigenous "stakeholder", which it took as an opportunity to obtain state recognition in terms of indigenous self-determination and self-governance. Yet, its participation was constrained by epistemic colonialities and "invisible barriers" (Hopewell, 2017; Swyngedouw, 2015) delegitimising indigenous calls for *self*-government as too farfetched and outside of the VPA scope. Those proposals that did make it into the VPA text often underwent considerable re-interpretation by Honduran state and EU officials, as to make sure their impact remained manageable and would not undermine state sovereignty over indigenous lands and people. As such, FPIC demands were diluted considerably, as "consent" made way for the much more bureaucratic objective of "consultation". These evolutions are not unlike those in other contexts, where indigenous rights tend to be implemented without the full acknowledgement of indigenous self-government and self-determination (Coulthard, 2014; Temper, 2019) and FPIC laws have become "bureaucratic traps" reinforcing state power (Dunlap, 2018; Merino, 2018; Schilling-Vacaflor, 2017).

In this context, the FAO-EU-FLEGT funded FPIC protocols could be considered an attempt to recentre indigenous laws and cosmovisions and to reclaim indigenous sovereignty. Indeed, previous research in other contexts has interpreted autonomously developed indigenous protocols as meaningful tools of resistance against shortcomings in legal frameworks (Doyle et al., 2019) and even against the legal sovereignty of the colonial state itself by "*shifting the 'who' is granting recognition/access to the territory and acting as a sovereign*" (Temper, 2019, p. 10). However, the protocols under discussion in this research were not developed as autonomously but were developed in the framework of a state-centred policy process, with the cooperation of international donor agencies that uphold Honduran state sovereignty and encouraged a cooperative approach with the government. Consequently, neither the supporters nor the opponents of the FPIC protocols framed the protocols as having autonomous national and global standing but interpreted their viability as dependent on state recognition. Consequently, neither the supporters nor the opponents of the FPIC protocols framed the protocols as having autonomous national and global standing but interpreted their viability as dependent on state recognition. From this point of view, the protocols can be considered a pacifying "politics of distraction" aimed at securing indigenous peoples' support for the VPA. These concerns notwithstanding, the CONADIMCHH protocol was finalised and, while formulated within the boundaries of Honduran state sovereignty, contains detailed guidelines for actors wishing to implement a project on Maya-Chortí territory. Future research could shed light on the application and negotiation of these guidelines in practice.

This research comes with some important limitations. In focusing on the ways in which indigenous actors engaged with the VPA process, I emphasised strongly the role of CONPAH as the main representative body. However, since indigenous political representation and activism in Honduras are characterised by a collage of overlapping and occasionally competing representation structures (Anderson, 2007, 2012; Phillips, 2015), such a focus entails the danger of homogenisation of indigenous interests, as illustrated also by the contestation around CONPAH's legitimacy by actors such as MUPILH, COPINH and OFRANEH. Future in-situ research could apply more sensitivity to the diversity among the various indigenous actors involved. Meanwhile, since the beginning of the VPA process, the domestic context in Honduras has changed considerably, with respondents indicating a declining interest in indigenous affairs by the Honduran government in recent months, as well as a political stalling of the VPA process. Moreover, the prioritisation of non-indigenous groups in the implementation of titling commitments in the VPA also indicates a move away from indigenous affairs and towards 'less complicated' stakeholder groups. As such, future research is needed to understand how the processes discussed in this paper may or may not come to fruition.

Finally, it bears notice that the EU's changing approach to global deforestation is changing, raising questions about the support and funding still provided for VPA implementation, and the meanings of the EU's new "forest partnership" approach for indigenous justice struggles in Honduras and other contexts alike (Amerindian Peoples Association et al., 2021; EC, 2021; EP, 2020). Additional research may shed light to understand how VPA evolutions and EU/FAO funding priorities will impact indigenous political strategies in the future. In doing so, it should not just ask "on whose terms" recognition of indigenous interests takes place, but also "to whose benefit" (Dhillon, 2018). By emphasising indigenous rights in the VPA text and surrounding discourses, the EU perpetuates its image as a value-driven global actor (Aggestam, 2008; Manners, 2002; Whitman, 2013), while Honduras creates the image of

[8] I wish to thank the reviewers for raising this excellent point.

an indigenous-friendly postcolonial state, thereby obscuring ongoing processes of colonisation. Future studies on the VPAs and forest partnerships should remain vigilant about how pro-indigenous policy discourses may appropriate indigenous struggles to the benefit of the settler state, thereby legitimising rather than dislocating the colonial status quo.

CRediT authorship contribution statement

Elke Verhaeghe: Methodology, Investigation, Writing – original draft, Writing – review & editing, Visualization, Project administration, Funding acquisition.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

I have shared an attachment with the non-confidential data. The personal communications are confidential.

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List of respondents

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Resp.	Sector.	Date.	Platform.
1a.	EU representative.	2017.	Interview, phone.
1b.	EU representative.	10/11/2021.	Interview, Zoom.
2.	International donor community.	17/02/2021.	Interview, Skype.
3.	Technical assistance and facilitation.	18/02/2021.	Interview, Whereby.
4.	Honduran civil society.	26/02/2021.	Interview, Whereby.
5.	Technical assistance and facilitation.	01/03/2021.	Interview, Skype.
6.	European civil society.	05/03/2021.	Interview, Whereby.
7.	Indigenous representative.	17/05/2021.	Interview, WhatsApp.
8a.	Indigenous representative.	18/05/2021.	Interview, Whereby.
8b.	Indigenous representative.	22/09/2021.	Interview, Zoom.
9.	Honduran civil society.	06/07/2021.	Interview, Zoom.
10a.	Indigenous NGO.	07/07/2021.	Interview, Zoom.
10b.	Indigenous NGO.	02/10/2021.	Interview, Zoom.
11.	Indigenous FPIC protocol project leader.	12/08/2021.	Interview, Zoom.
12.	Indigenous FPIC protocol project leader.	29/09/2021.	Interview, Zoom.
13.	Indigenous representative.	13/10/2021.	Written response to interview questions, email.
14.	Technical assistance and facilitation.	05/11/2021.	Written communication, email.
15.	EU representative.	17/11/2021.	Interview, Zoom.
16.	Indigenous scholar and FPIC protocol consultant.	03/09/2022.	Interview, Zoom.

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