

RRI Asia: 2013 Work-Plan Summary

(As prepared by RRG)

I. Regional Overview

Dates of planning meetings in 2012:

30 August:	Vientiane, Lao PDR	18 September:	New Delhi, India
31 August:	Bogor, Indonesia	21 September:	Kathmandu, Nepal
4 September:	Bangkok, Thailand	5-9 November:	Washington, DC (regional)
24 November:	Hangzhou, China		

	Strategic Outcomes 2013	Strategy for Achievement	Partners/ Collaborators
Region	<ul style="list-style-type: none"> Regional conference in Indonesia ensures continued momentum of forest tenure reform process and catalyzes subsequent policy and legal reform processes through intra-regional knowledge and experience sharing. Rights of local communities and Indigenous Peoples are respected in land acquisition processes, and FPIC principle is duly incorporated in private investments in land to ensure further social responsibility. National advocacy strategies for policy reform are advanced by governments and civil society and better incorporate concerns for responsible land acquisitions and investments, with enhanced understanding of their impacts on local communities and Indigenous Peoples. Rights-based forest governance and stronger tenure security in the context of LSLAs is increasingly recognized and promoted by ASEAN governing bodies. 	<ul style="list-style-type: none"> The International Conference on Forest Tenure, Governance and Enterprises, held in Lombok in July, 2011, proved to be a turning point in catalyzing an unprecedented and far-reaching tenure reform process in Indonesia and strengthening regional movements. Two years later, RRI will facilitate a follow-up conference to report on progress made in Indonesia, thereby ensuring continued momentum of CSO-driven reform process underway, and empowering civil society and government agents of change in other countries. Due in part to RRI Coalition advocacy efforts in FP1 and the prevalence of LSLAs in the region, the ASEAN Human Rights Commission has become increasingly concerned with the “land grab” phenomenon and is now a key constituency for engagement at the regional level to promote FPIC and other rights principles in a region-wide policy framework and influence national Human Rights Commissions, particularly in the Mekong sub-region. For this reason, RRI will engage with the HRC and other influential ASEAN bodies to promote rights principles and disseminate timely and relevant research. Land grabs by domestic investors are accelerating in all RRI priority countries, particularly in leading middle-income economies. While China and India are not part of ASEAN policy debates, nor are they prone to influence by ASEAN frameworks, its trade negotiations make it an important point of leverage in Mekong countries with the potential to influence Chinese and Indian investments in that sub-region. RRI’s strategy is to channel new analyses on trends, drivers and impacts of LSLAs on forest governance and tenure security to foment a public outcry and pressure governments for reform. 	<p><i>Partners:</i> RECOFTC FPP HELVETAS-Swiss Intercooperation Samdhana Institute Tebtebba FECOFUN Forest Trends ICRAF</p> <p><i>Collaborators:</i> Epistema Institute (Indonesia) IPB (Indonesia) SawitWatch (Indonesia) Landesa (China) Land Core Group (Myanmar)</p>

<p>China</p>	<ul style="list-style-type: none"> • Better understanding of current and second generation issues of collective forest reform amongst key stakeholders encourages government to incorporate measures to strengthen gender and ethnic dimensions of forest tenure in revised Forest Law and related legal frameworks. • Improved understanding of and current research on corporate practices in land and forests acquisition is disseminated to Chinese and international audiences to raise awareness of how LSLAs fail to respect Chinese law and forest farmers' rights. • Appropriate lessons learned from the Chinese tenure reform experience, and knowledge of reform processes, is effectively shared with countries undertaking first generation reforms. 	<ul style="list-style-type: none"> • There is now political space within China's ongoing reforms to further as-yet-unrecognized rights, potentially resolving contradiction between zoning restrictions, tenure reform and local forest management practices in ethnic areas, ensuring equal forestland rights for women, ensuring adequate compensation in regulatory takings, and holding corporate investments in land and forests accountable to current laws. In 2013, RRI will work through a strategic set of NGOs and research institutions to leverage existing research and analysis on second generation issues and provide recommendations to high level agency officials during Forest Law revision process. • LSLAs by Chinese and international investors have repeatedly violated local land rights with little recourse for forest owners, yet current research on the trends and drivers, pervasiveness, and key actors behind these violations is not comprehensive. RRI will undertake an investigation of targeted private sector investments in land and forest resources in China and develop policy recommendations for responsible investments. • RRI will work with government and key research institutions to formulate a set of clear, applicable lessons from Chinese tenure reforms to date that can be effectively disseminated to other countries to bolster mutual learning. 	<p><i>Partners:</i> Forest Trends ICRAF-East Asia/CMES/KIB</p> <p><i>Collaborators:</i> Peking University Landesa SFA CAF</p>
<p>Indonesia</p>	<ul style="list-style-type: none"> • Agreements on tenure reform process and inter-ministerial arrangements are maintained among key public and civil society actors, enabling the CSO Roadmap to move forward under the mandate of Working Group on Tenure Reform and with significant participation of CSOs. • Outcomes and recommendations from conflict resolution pilots are adopted by respective conflict resolution units and in conflict mechanisms developed for national use. • Findings of legal audit reveal discrepancies in community forest regime implementation at provincial and district levels; communities with existing statutory recognition are better positioned to realize rights. • Increased market access and capacity building of CFEs allows for increased economic returns among enterprises and bolster local livelihoods, coupled with increased recognition of the viability of CFEs in sustaining local economy. 	<ul style="list-style-type: none"> • The CSO Roadmap, created in response to ministerial commitments at the 2011 Lombok conference, is focusing on three key areas: forest gazettement, conflict resolution, and expansion of areas under community-based forest management. In 2012, the Ministry of Forestry officially established the multi-sectoral Working Group on Forest Tenure, which for the first time included representatives of civil society and the private sector. Indonesia has therefore begun to recognize the critical role of non-governmental actors in the land and forest sector, including CSOs and Indigenous Peoples organizations. • It is strategically important to continue sustained advocacy in Indonesia to add value to the Roadmap's ongoing work and hold the government accountable to their stated intentions. • RRI strategy is to support continued advocacy in Indonesia and add value to Roadmap initiatives through the following actions: <ul style="list-style-type: none"> - Improved multi-stakeholders communication and media awareness to support tenure reform strategies - Analysis of 10 pilot villages facilitates establishment of rights-based conflict resolution mechanism by National 	<p><i>Partners:</i> FPP ICRAF-SEA RECOFTC</p> <p><i>Collaborators:</i> Epistema Institute HuMA KPA FKKM PUSAKA Kemitraan SawitWatch IPB AMAN CSO Roadmap</p>

		<p>Forestry Council</p> <ul style="list-style-type: none"> - Support communities with existing legal rights to forests to ensure equitable benefits and economic development - Identify local policies and regulations that fail to protect rights - Demonstrate contribution of CFEs to development goals and local revenue <ul style="list-style-type: none"> • RRI will also conduct a legal audit to demonstrate discrepancies between resource policy and implementation at the district and provincial levels. 	
Nepal	<ul style="list-style-type: none"> • Strong alliance of women's, IPs, land, forest and water groups are actively engaged in campaigning to strengthen community property rights. • Potentiality of job creation and revenue generation through sustainable management of community forest has been explored, with results disseminated. • Grassroots advocacy promotes wider acceptance and better understanding of the value of community property rights over natural resources by political parties, resulting in integration of rights and tenure agenda in election manifestos. 	<ul style="list-style-type: none"> • In Nepal, although the political vacuum continues, there seems to be scope to retain and expand community property rights over forest resources by establishing strong alliances with women's groups, Indigenous Peoples and <i>dalit</i> groups, and land and water rights organizations. • There is an opportunity to address the poverty agenda through sustainable management of community forests, job creation and revenue generation, and raise awareness of how decentralized resource tenure can directly contribute to economic development. • RRI will engage with key leaders, undertake interactive, multiple-stakeholder dialogues and engage key political parties and potential Constituent Assembly candidates, to ensure that rights are included in political parties' agendas and election manifestos in preparation for constitution development process. 	<p><i>Partners:</i> FECOFUN HELVETAS-Swiss Intercooperation</p> <p><i>Collaborators:</i> ForestAction HIMAWANTI COFSUN NRM People's Parliament NGO Federation RDN</p>
Lao PDR	<ul style="list-style-type: none"> • Revised land policy is passed, reflecting recommendations of forest tenure reform learning group and lessons from international experiences, and consistent with National Assembly's stated commitment to rights-based reform. • FDI and regional investments respect the rights of communities and follow FPIC processes. 	<ul style="list-style-type: none"> • As Lao PDR opens up to private investment, the government is realizing the threat of increased conflict due to lack of clarity in land ownership and tenure rights. • Because the National Assembly has established itself as the channel for complaints of land and resource based complaints from district levels, it has taken note of the alarming increase in local conflicts and taken a major role in ensuring policy revision process adequately resolves pressing issues facing local communities. They have made verbal commitments to ensuring secure tenure and rights in forthcoming policy, and specifically requested RRI's assistance in this process. • RRI's strategy for 2013 will be to continue engaging regional National Assembly members and provincial and district government representatives, to increase awareness of the importance of rights and learning from others' experience to guide the crafting of revised law, focusing on the need for effective conflict resolution grievance mechanisms and secure land titling procedures. • In parallel, RRI is engaged in introducing responsible investment standards that ensures rights are not violated, and will kick-start a 	<p><i>Partners:</i> RECOFTC HELVETAS-Swiss Intercooperation Samdhana Institute</p> <p><i>Collaborators:</i> National Assembly Line ministries LIWG</p>

		process that makes FPIC a key condition for FDI, also with input from international experiences to ensure rights are not violated.	
India	<ul style="list-style-type: none"> Continued grassroots mobilization by civil society ensures Forest Rights Act and Panchayats (Extension to Scheduled Areas) Act are substantively implemented and aligned at local level. Accountability mechanisms are developed that recognize rights in land investments; research and analysis draws recognition of need for rights-based standards. Key data on internal land grab phenomenon challenges government and financial regulators to introduce policies aimed at curbing speculation in land and ensuring more responsible investments. 	<ul style="list-style-type: none"> Despite the 2012 Amendment Rules to the FRA, which expand community rights and limit regulations of CFEs, massive obstructionism to implementation of the Act and related reforms still exists in India's high level bureaucracy. RRI's strategy is to continue its strong grassroots advocacy campaign for FRA and PESA implementation, highlighting contradictory components of forestry institutions and drawing from international experiences. The sharp increase in internal LSLAs also threatens forest dwellers' rights and livelihoods, particularly in the absence of FRA implementation. In 2013, RRI will put forth recommendations for increasing accountability and transparency in Indian investments, both domestic and international. In parallel, RRI will disseminate its suite of research on the internal land grab phenomenon, which carries significant weight as an advocacy tool. RRI will also begin to advocate financial industry leaders and provide analyses and recommendations to curb speculative activities related to land. This analysis will also contribute to the Coalition's new BRIC strategy. 	<p><i>Collaborators:</i> SPWD RRI Fellow Campaign for Survival and Dignity</p>
Thailand	<ul style="list-style-type: none"> Engagement with National Law Reform Commission provides new opportunity to mobilize government and civil society stakeholders around community rights issues. CF networks collaborate more strategically to pursue reform through this newfound channel of procedural law. 	<ul style="list-style-type: none"> In recent years, Thailand has tasked the National Law Reform Commission with resolving controversial legal issues, including decentralization of resource tenure. The political clout of the Commission presents an opportunity for RRI engagement and for pursuing the recognition of community rights in procedural law. RRI's strategy is to strengthen linkages between the Commission, civil society, and CF Networks and communities to provide avenues to gain tenure rights through procedural law. Furthermore, the 2011 flooding in Bangkok and surrounding areas resulted in significant damage to both resources and economic revenue. Significant funds have been channeled toward flood restoration efforts, opening a new opportunity around which community forest rights may be advanced. In parallel, RRI will build awareness of the need to recognize community rights, capitalizing on funding flows and political momentum around post-flood restoration programs. 	<p><i>Partners:</i> RECOFTC</p> <p><i>Collaborators:</i> CF Networks National Law Reform Commission</p>

Overall budget requested for 2013: \$1,327,000

II. Planning Teams

2.1 Regional Planning Team

Organization		Participant	Email
HELVETAS Swiss Intercooperation		Bharat Pokharel	bharat.pokharel@helvetasnepal.org.np
		Anne-Sophie Gindroz	annesophie.gindroz@helvetas.org
RECOFTC	Main office	James Bampton	james@recoftc.org
	Nepal	Bishnu Hari Paudyal	bishnu.poudyal@recoftc.org
	Indonesia	Yosef Arihadi	yosef.arihadi@recoftc.org
	Lao PDR	Thongsavath Boupaha	thongsavathboupaha@yahoo.com
	Thailand	Somying Soontornwong	somying@recoftc.org
		Attjala Roongwong	attjala@gmail.com
Supaporn Panwaree		supaporn.panwaree@gmail.com	
Samdhana Institute		Richard Hackman	richard@samdhana.org
		Scott Dupree	scott@richardmale.com
Tebtebba		Raymond de Chavez	raymond@tebtebba.org
Landesa		Li Ping	pingl@landesa.org
Peking University		Xu Jintao	xujt@pku.edu.cn
ICRAF-East Asia/CMES/KIB		Su Yufang	suyufang@mail.kib.ac.cn
Chinese Academy of Forestry		Chen Shaozhi	chensz99@163.com
		Zhao Rong	zhaorong@163.com
FECOFUN	Apsara Chapagain		chapagainap@yahoo.com
	Bharati Pathak		bharatipathak_2006@yahoo.com
	Jog Raj Giri		jograj.giri@gmail.com
	Ram Prasad Poudel		ram@fecofun.org
	Geeta Pandey		fren.gp@gmail.com
	Bhim Prakash Khadka		
	Sabina Rana		
	Thakur Bhandari		thakurb01@yahoo.com
	Birkha Bdr. Shahi		birkha.shahi1@gmail.com
	Ghanesh Bdr. Karki		karkign@gmail.com
Forest Action	Naya Sharma Paudel		naya@forestaction.org
	Rahul Karki		rahul@forestaction.org
	Dil Bahadur Khatri		dil@forestaction.org
HIMAWANTI	Rama Ale Magar		nhimawanti@gmail.com
	Asmita Mishra		mishra.asmita@gmail.com
COFSUN	Bhola Khatiwada		bholacofsun@gmail.com
	Ajaya V. Manandhar		avmanandhar@gmail.com
	Bina Shrestha		binabhojpur@yahoo.com
IUCN-Nepal	Yam Malla		yam.malla@iucn.org
NRM People's Parliament	Bal Krishna Basnet		bkbasnet@gmail.com
	Bishnu Pokharel		bpokharel72@yahoo.com
NGO Federation	Netra Timsina		nptimisina@gmail.com
Rastriya Dalit Network-Nepal	Ganesh BK		ganeshbikal@gmail.com
NORMS	Anju Upadhaya		anjuup@yahoo.com
Ministry of Forests and Soil Conservation (MOFSC)	Ram Prasad Lamsal		rplamsal1@yahoo.com
Independent Consultant	Keshav Kanel		keshavkanel@gmail.com
ICRAF-Southeast Asia	Ujjwal Pradhan		u.pradhan@cgiar.org
	Martua Sirait		m.sirait@cgiar.org
Forest Peoples Programme	Patrick Anderson		patrickanderson1960@gmail.com
PUSAKA/FPP	Emil Kleden		emil.kleden@cbd.net.id
Epistema Institute	Myrna Safitri		myrna.safitri@epistema.or.id
HuMA	Andiko		andiko@huma.or.id

	Eva Usman	evas@huma.or.id
Kemitraan	Lisken Situmorang	lisken.situmorang@kemitraan.or.id
FKKM	Christine Wulandari	chs_wulandari@yahoo.co.uk
SawitWatch	Norman Jiwan	norman@sawitwatch.or.id
IPB	Satyawan Sunito	awansunito@gmail.com
AMAN	Surti Handayani	surti@aman.or.id
National Assembly of Lao PDR	Souvanpheng Boupphanouvong	souvanpheng@na.gov.la
	Maniso Samonty	phonepetmani@yahoo.com
	Somchit Phomthavong	sanghasena@yahoo.com
Ministry of Environment and Natural Resources (MONRE)	Siphandone Sihavong	siphandone_s@hotmail.com
	Vinh Phenduang	vinhphengdouang@yahoo.com
	Xaynakhone Inthavong	
	Chanthaviphone Inthavong	chinthalao@yahoo.com
Ministry of Agriculture and Forestry (MAF)	Xaypradeth Choullamany	xaypladeth@yahoo.com
	Khamphay Manivong	kpmanivong@gmail.com
	Sengrath Philasack	phirasack@yahoo.com
Land Issues Working Group	Hanna Saarinen	hanna@laolandissues.org
UNDP Advisor	Chansouk Insouvanh	ci195405@ohio.edu
National Law Reform Commission, Thailand	Pairot Ponphet	
SIRNet	Chonlapa Anukul	
Mangrove Forest Foundation	Siriporn Aramsri	siriporn.sriaram@iucn.org
SDF (North), Chiang Mai	Wirot Tipin	
Chiang Mai CF Network	Soontorn Thienkaew	
Eastern CF Network, Chonburi	Kitisak Surakitbawon	
Tanawasri Conservation Network	Visa Changpradit	
WCAARD	Viset Sujinpom	
Royal Forest Department	Rabiab Srikongpan	
Researcher, Policy Reform	Kritsada Boonchai	kritsada.nam@gmail.com
Campaign for Survival and Dignity	Shankar Gopalakrishnan	shankargopal@myfastmail.com
SPWD	Viren Lobo	vlobo62@gmail.com
RRI Fellow	Madhu Sarin	msarin@sify.com
RRI Board	Ghan Shyam Pandey	pandeygs2002@yahoo.com
RRI Asia Regional Facilitator	Ganga Ram Dahal	ganga@recoftc.org
RRG	Andy White	awhite@rightsandresources.org
	Arvind Khare	akhare@rightsandresources.org
	Augusta Molnar	amolnar@rightsandresources.org
	Naomi Basik	nbasik@rightsandresources.org

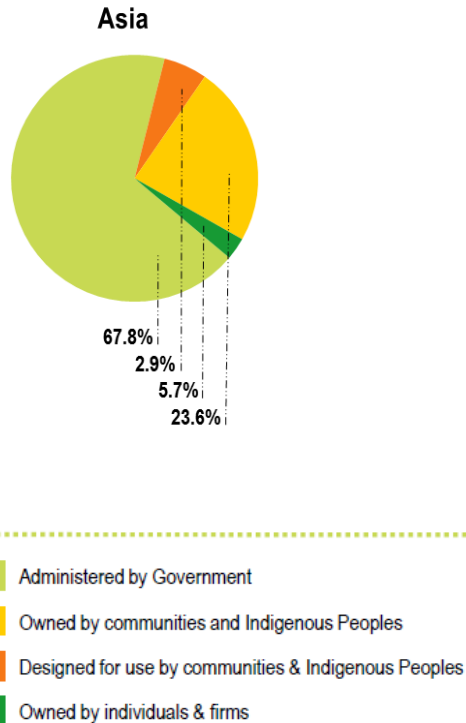
2.2 Current collaborators in region (31 organizations in 7 countries)

Landesa – *China*
Peking University – *China*
Yunnan Academy of Social Sciences – *China*
Chinese Academy of Forestry – *China*
State Forest Administration – *China*
CMES/Kunming Institute of Botany – *China*
COFSUN – *Nepal*
Forest Action – *Nepal*
HIMAWANTI – *Nepal*
NRM People’s Parliament – *Nepal*
NGO Federation – *Nepal*
Rastriya Dalit Network – *Nepal*
Epistema Institute – *Indonesia*
HuMA – *Indonesia*
PUSAKA – *Indonesia*
Kemitraan Partnership – *Indonesia*
FKKM – *Indonesia*
SawitWatch – *Indonesia*
IPB – *Indonesia*
AMAN – *Indonesia*
KPA – *Indonesia*
National Assembly – *Lao PDR*
Ministry of Natural Resources and Environment – *Lao PDR*
Ministry of Agriculture and Forestry – *Lao PDR*
Land Issues Working Group – *Lao PDR*
Society for Promotion of Wastelands Development – *India*
Campaign for Survival and Dignity – *India*
Community Forestry Networks¹ – *Thailand*
SIRNet – *Thailand*
National Law Reform Commission – *Thailand*
Land Core Group – *Myanmar*

¹ Includes national and regional level networks.

III. Asia - Regional

3.1 Regional Overview



Poverty, tenure and forest emissions in Asia

- There are 1.3 billion rural poor living in Asia — 73% of the developing world total. 72.5% of those living in extreme poverty in Asia are rural.
- 70% of the world's 300-370 million Indigenous Peoples live in Asia.
- 67.8% of the region's forests are administered by governments.
- 54% of global forest carbon emissions come from Asia. In Southeast Asia, land use change causes 75% of emissions.
- More than 80% of the projected global growth in middle class by 2030 will come from Asia.
- UN-REDD: 5 countries; FPCF: 8 countries (3 priority: Lao PDR, Indonesia, Nepal)
- FLEGT-VPA: 3 countries in negotiation/system development phase (Malaysia, Viet Nam, Indonesia)

Sources: IFAD. 2012. *Rural Poverty Report 2011*. IFAD Rural Poverty Portal. www.ruralpovertyportal.org. World Resources Institute. 2008. *GHG Emissions from Land-Use Change & Forestry in 2000*. <http://cait.wri.org/>. Asian Development Bank: *Climate Change Facts and Figures*. www.adb.org. Sunderlin et al. 2008; ITTO/RRI 2009. Includes best available data as of December 2011 for China, Cambodia, Indonesia, India, Myanmar, Papua New Guinea, and Thailand Standard Chartered. 2010. *The Super-Cycle Report*.

3.2 RRI Strategy in Asia

Rationale for Engagement

Asia is at a pivotal moment for forest tenure reform. Although the area of forests in developing countries owned or controlled by communities and Indigenous Peoples has increased 10% since 2002,² 67.8% of the forest estate in Asia remains claimed and administered by governments.³ However, there is in practice considerable diversity in forest tenure regimes across Asian countries, with a mixed record on the rights of access, commercial exploitation, and forest resource management, and considerable momentum for change.

Even within the heavily populated and leading middle-income countries in Asia such as China, India, and Indonesia, which are contributing to significant changes in the global economy, there is no simple pattern to be found. At one end of the spectrum, there are forest-rich countries (with over 55% of land under forest) such as Indonesia where the government claims over 90% of forestland, with little formal rights of access, use, management, withdrawal or exclusion for the forest-dependent communities living within them. Lao PDR and Myanmar also fall into this category, where the vast majority of customary forestlands are administered by the state, and communities are increasingly threatened by the encroachment of agribusiness as the countries open up to foreign investment. Thailand has an active community forestry constituency seeking legal protection for its customary rights in the face of inaction by government.

² Rights and Resources Initiative. 2012. *Respecting Rights, Delivering Development: Forest Tenure Reform since Rio 1992*. Washington, DC: RRI.

³ Sunderlin, William et al. 2008. *Who Owns the Forests in Asia?: An introduction to the forest tenure transition in Asia, 2002-2008*. Using best available data as of December 2011.

At the other end of the spectrum are the two largest centrally-planned economies in Asia. In China, collective ownership of forests (58%) exceeds state enterprises (42%),⁴ and in Viet Nam, communities own roughly one fourth of forestland.⁵ India falls roughly in the middle of this spectrum: ownership rights to forestland are claimed by the State, but in which communities have joint forest management responsibilities in approximately 20% of forestlands under policy, rather than legal mandate. The 2006 Forest Rights Act was a landmark policy meant to rectify historical injustices during the colonial period in which tribal peoples were disenfranchised from the forestlands they inhabited for generations. This shift towards community management is momentous, yet is still in need of active support to achieve full implementation. In Nepal, the Forest Act of 1993 enabled a steadily growing number of Community Forestry Users Groups to use and manage their forests. The national federation, FECOFUN, now boasts 18,000 CFUGs which collectively promote the cause of community forestry in 22% of the country's total forest area, regenerating vast, once denuded hills.

Despite gaps in policy and practice between countries, there is considerable momentum towards tenure reform in Asia. Nine out of 17 regimes that recognize community or indigenous forest tenure were established after 2000,⁶ indicating forward movement in the past decade. Where governments in Asia are making progress in sharing decision-making power and responsibility with local communities and Indigenous Peoples through devolving rights of access, management, exploitation, and exclusion, they have catalyzed increased forest restoration and rural livelihood benefits. Many are moving to abolish exclusionary forest policies, often remnants of the colonial or feudal era, and recognizing the failure of centralized management to control deforestation and increase economic prosperity. These transitioning countries have the potential to influence global best practices for forest management.

However, a lack of political will, strong government preference for top-down conservation schemes and industrial concessions (both for timber and agro-industrial plantations) and an overall agenda of unbridled economic growth are limiting the potential scope and progress of tenure reform in Asia. In parallel, Asia's economic boom has resulted in wealth concentrated in the hands of the elite and pervasive rural-urban inequality. Growth has also shifted philanthropic trends, with decreased donor assistance and a rise in public-private partnerships for development and resource management.

Key Threats and Challenges

Although opportunities to acquire statutory forest tenure rights have gradually opened up for local people in many Asian countries, tenure reform that decentralizes management to local actors continues to stagnate in the face of inconsistent or corrupt government policies, poor political commitment, and insufficient institutional capacity, combined with weak implementation and enforcement.

Social Exclusion and Gender Injustice: In many countries in Asia, women, Indigenous Peoples, lower castes and ethnic minorities lack adequate representation or opportunity for participation in forest institutions. At the national level, their citizen, human and cultural rights are not generally recognized; where gender justice has been codified in law and policy, it is rarely implemented, resulting in a discernible gendered poverty gap, hindering women's ability to generate income, build livelihoods, and form and run innovative economic enterprises, and channeling women into traditional roles often inconsistent with their rights in law. In most cases, women have not been active participants in shaping local forest governance institutions or other, newer programs such as REDD+. Further complicating this issue is the special interests that women have who are part of collective and community systems to advocate for gender justice in ways consonant with their cultural or indigenous groups' broader cultural identity and goals, and their own concepts of gender equity.

⁴ Xu, J., A. White, U. Lele. 2010. China's Forest Tenure Reforms: Impacts and implications for choice, conservation, and climate change. Washington, DC: RRI.

⁵ Dahal, Ganga et al. 2011. Forest Tenure in Asia: Status and Trends. EU FLEGT Facility: Kuala Lumpur.

⁶ Rights and Resources Initiative. 2012. What Rights? A Comparative Analysis of Developing Countries' National Legislation on Community and Indigenous Peoples' Forest Tenure Rights. Washington, DC: RRI.

Similarly, even in countries with advanced tenure regimes such as China and Nepal, geographical isolation and social exclusion prevents Indigenous Peoples, ethnic minorities and lower castes from realizing their rights to forest lands and resources. However, several countries in Asia have recently begun to formally recognize Indigenous Peoples and the need to recognize their customary landholdings in statutory law.

Regulatory Barriers: Even when tenure reforms are institutionalized and fundamental rights are granted by law, restrictive forestry regulations often become barriers to accessing the resources necessary to generate tangible benefits. Regulation as such may include: granting only low value or degraded forestlands to local communities, excessive prohibitions on production, harvesting and transportation, or rigid management requirements with high implementation and transaction costs. These poorly conceived regulations prevent smallholder forestry from becoming economically sustainable while privileging large-scale timber concessions and maintaining the industrial development model.

Land Acquisition and Conflict: As a result of the expanding demand for food, fuel and fiber, particularly from the growing middle-income countries in Asia, illegal, large-scale land acquisition (LSLAs) by corporate interests has accelerated, intensifying pressure on Asian forestland and resources. This phenomenon is both internal (domestic; predominantly in countries such as India and China) and external (within the region, and increasingly in Africa and Latin America). The impact of commercial land acquisitions is compounded by the increased allocation of land for exclusionary conservation purposes (“green grabbing”). Forest communities are therefore disenfranchised by a growing private sector in Asia that fails to substantially recognize local rights. Governments’ vested interest in increasing GDP and meeting food security needs has translated to strong support for expanding agribusiness. Expansion of mining and energy extraction, development of infrastructure and transportation networks, and a new search for alternative energy sources creates further challenges for protection of community rights. Conflict between forest users and corporate or local government interests has increased rapidly with growing tension between ‘land grabbers’ and communities, civil society and NGOs advocating for reform, often leading to violent interactions.

Climate Change, REDD and FLEGT: Considerable climate finance has been directed to South and Southeast Asia for conserving forest carbon, primarily to the largest GHG emitter, Indonesia. Climate change poses both a threat and an opportunity; unless tenure rights are secured, the impacts of a changing climate as well as the planned mitigation and adaptation measures threaten to exacerbate forest conflicts and increase poverty of forest communities. REDD+ national platforms have become more sensitive over time to this issue, potentially becoming a key political space for promoting action and dimensioning the scale of the threats.

The FLEGT VPA process has advanced very little in Indonesia, Malaysia and Viet Nam as an agent of fundamental change, and there is no evidence so far whether it will be more strategic over time as it expands to other countries in the region that have expressed interest in VPAs, including Cambodia, Lao PDR, Myanmar, Papua New Guinea and Thailand. The longstanding illegality of the timber trade, particularly in Southeast Asia, continues to be a major issue. Beyond the behavior of forest concessions, as China’s demand as the world’s dominant processor of wood and wood products grows and energy, agribusiness expansion and infrastructure development brings more conversion timber into the supply chain, a strategic engagement with FLEGT could become an opportunity to clean up the value chain through fundamental reforms.

Opportunities

Throughout the region, the active policy and legal reform offer opportunities to facilitate knowledge sharing, learning and regular dialogue among civil society leaders, government officials, private sector and researchers. Several countries are quickly generating lessons and experience that can influence regional and international best practices for implementation. Expanding regional connectivity has well positioned Asian countries to influence their neighbors, as well as other regions.

Strengthened Human Rights and Corporate Standards: New initiatives are underway to establish and strengthen Human Rights Commissions at the country level, as to facilitate increased scrutiny of rights abuses relating to land and resources, as well as new mechanisms to hold large-scale enterprises accountable to higher standards. RRI Partners and Collaborators are contributing to the definition of higher national and regional standards for agribusiness, advocating for Free, Prior and Informed Consent to be adopted as industry-wide protocol in the Roundtable on Sustainable Palm Oil, and encouraging other sectors to adopt similar provisions. In addition, most Asian countries have signed or endorsed international conventions and legal instruments related to human rights, women's, and Indigenous People's rights such as UNDRIP, ILO-169 and CEDAW.

Growing Civil Society Engagement: Communities and Indigenous Peoples in Asia are leveraging their increased awareness and interconnectedness to effectively pressure their governments to establish legal and policy frameworks that ensure human rights are upheld to international standards. Concurrently, civil society movements are being official recognized and actively participating in national policy debates. Community networks and CSOs are applying better communications strategies to shape stronger forest and land rights, with Indigenous Peoples, women and lower caste groups promoting their specific concerns. This engagement is increasingly focused on the threats posed by increased land and forest conflicts and illegal LSLAs, effectively building a momentum for change through these issues.

Rising Domestic Markets in Emerging Economies: Expanding domestic markets and new demand for organic and socially responsible products translate into new opportunities and markets for small and medium enterprises (SMEs), with great potential to increase incomes of a diverse population and grow local economies. To capitalize on this opportunity, government, civil society and the private sector must recognize the value of diverse market actors and the ability of SMEs to contribute towards national development goals and actively share knowledge and lessons to establish an enabling environment.

Countries of Engagement

In Asia, China, Indonesia, Lao PDR, Nepal, India and Thailand have been identified as countries of strategic importance for the RRI Coalition. In addition, Myanmar is considered a potential country of strategic importance as a window of opportunity has recently been opened for tenure reform. RRI is in a phase of scoping and exploration to identify the real political opportunities and value-added by potential intervention in Myanmar.

RRI is pursuing a two-fold approach in the region. First, in countries with a large state forest estate and a new appetite for reforms, RRI works to ensure that the rights of forest-dependent communities are recognized and legally secured. These include **Indonesia**, where a historic CSO-driven process for tenure reform is underway, and **Lao PDR**, where the National Assembly has demonstrated commitment to local rights to forestland in the revision of its land and forest policy. National policy reflections in the aftermath of the 2011 Bangkok floods also provide a new opening to press for reforms in **Thailand**. Second, where ownership or use rights have already been handed over to communities, RRI is working to ensure that those benefits can be realized in practice. RRI's work in **China**, **India** and **Nepal** aims to strengthen and expand the existing bundle of rights.

China has already carried out far-reaching forest tenure reforms by devolving control over collective forestlands to village communities and households. The lessons from China's globally significant tenure reforms are important for RRI, but second-generation reforms are badly needed, particularly to ensure equal access to rights for disadvantage groups, allow for due process, and establish a grievance and redress mechanism accessible to forest farmers whose rights are violated. China has very active network of NGOs and research institutions working on rights and tenure and RRI has a solid grasp and an opening from the Government to influence new reforms. Responsible investments in land by Chinese and multinational companies, further reform in state-owned forest areas, and inclusion of gender justice and ethnic minority rights in second generation reforms, including the forthcoming revisions to the Forest Law, are key agendas in China where the RRI Coalition is well positioned to engage and influence outcomes.

In **Indonesia**, following the international conference on Forest Tenure, Governance and Enterprises held in Lombok in July, 2011, where the Ministry of Forestry announced an unprecedented move to begin substantial reform of its forest tenure and pursue an integrated cross-sectoral approach to forest management in collaboration with civil society and other government agencies, a group of CSOs established the Roadmap for Tenure Reform. The Roadmap focused on three key areas: forest gazettement, conflict resolution, and expansion of areas under community-based forest management. In 2012, the Ministry of Forestry officially established the Working Group on Forest Tenure, which for the first time included representatives of civil society and the private sector, and created multi-stakeholder conflict resolution units. Indonesia has therefore begun to recognize the critical role of non-governmental actors in the land and forest sector, including Indigenous Peoples' organizations. Tenure reform will not only improve the lives of millions living in the official 'forest estate' but given Indonesia's focal status in REDD+ agenda, the reforms have the potential to halt forest destruction, improve sustainable management, and reduce greenhouse gas emissions. It is strategically important to continue sustained advocacy in Indonesia to add value to the Roadmap's ongoing work and hold the government accountable to their stated commitments.

Although **Nepal** is currently in a state of political vacuum during its constitution-building process, there is scope to retain and expand community property rights over forest resources by establishing strong alliances with women's groups, Indigenous Peoples', and land and water rights groups. There is also an opportunity to address the poverty agenda through raising awareness of the contribution of sustainable management of community forests to job creation and revenue generation. Strategically it is important to ensure that rights are included in political parties' agendas and election manifestos, and in the continuing national debate on the forthcoming constitution and related reforms.

In **Lao PDR**, a significant shift in rethinking natural resource legislation in 2011 has catalyzed a comprehensive revision of national forest policies and laws, the first of which should be finalized by mid-2013. Historically, customary ownership in Lao PDR was not recognized in statutory law, yet due to the low population density and rate of industrialization there were few conflicts over land and forest resources. This has since changed as the country opens up to (largely foreign) private investment, and the government has since realized the need for tenure security and clarity in land ownership schemes to prevent and mitigate land conflict. In collaboration with line ministries, the National Assembly has emerged as a key actor in the ongoing policy revision and specifically requested RRI's assistance in this process. The RRI Coalition has supported the process in Lao PDR via exchange visits of senior government officials and members of the National Assembly to China and Mexico, through convening international knowledge sharing workshops and high level policy dialogues bringing key evidence from international experiences, and extending technical assistance in policy review process.

In **India**, the implementation of Forest Rights Act (FRA) of 2006 has accelerated in recent years due to sustained grassroots mobilization for the recognition of tribal and forest-dwelling communities' land claims. More importantly, in September 2012, the Government of India released FRA Amendment Rules, introducing provisions that expand community rights and economic opportunities, and limit the role of government bureaucracy and regulation in community enterprise activity. In December 2012, RRI will release a suite of research on the internal land grab phenomenon in India that will carry significant weight as an advocacy tool to ensure responsible and accountable investment both in India and abroad, reduce speculative activities related to land, and continue facilitating the implementation of the FRA and related reforms.

In **Thailand**, RRI has been working to strengthen the capacity of community forestry networks to advocate for the enactment of the 1991 Community Forestry Bill, yet the law has never been enacted. In recent years, government has initiated the formation of National Law Reform Commission by bringing people from diverse background such as- lawyers, academics, politicians, and civil society representatives to work together and to resolve controversial legal issues including the devolution of rights over forests and land to local communities. The political clout of the Commission presents a new constituency for RRI engagement and for pursuing the recognition of community rights in procedural law. Furthermore, the 2011 flooding in Bangkok and surrounding areas resulted in significant damage to both resources and economic revenue. Significant funds have since been channeled toward flood restoration efforts, opening a new opportunity around which community forest rights may be advanced.

A robust regional platform of engagement in South and Southeast Asia adds significant value to country level interventions and can potentially influence change in broader regional frameworks. The primary RRI strategy in Asia is to confront the widely prevalent land grab phenomenon through regional analyses of trends and drivers in LSLAs and supply chains, coupled with convenings and policy advocacy, with an aim to increase the public outcry and put pressure on governments to adopt responsible policies and regulations that respect indigenous and community rights. There is also a strong opportunity to catalyze on recent advocacy work by RRI Partners and Collaborators with national and ASEAN Human Rights Commissions to strengthen rights and accountability in agribusiness and commodity roundtables.

Going forward, RRI intends to complete a broader scoping of ASEAN and SAARC regional and sub-regional frameworks to identify which bodies are best positioned to intensify scrutiny into land rights abuses and hold complicit governments and corporations accountable. The proposed ASEAN free trade agreement, set to enter into force in 2015, must be met with strong institutional capacity for national level reform, and increased region wide market access for small and medium forest enterprises, to counter the predominant economic development model.

3.4 Complete Country and Regional Activity Overview for Asia (Partner and Collaborator proposals summarized by RRG)

Asia Activities Overview						
	Outcome/Objective	Strategic areas of intervention	Activities	Cost of activities	Actors	Multi-year
Regional	1. Advance improvements in forest tenure and governance across ASEAN region	Ensure continued momentum of forest tenure reform in Indonesia; demonstrate progress and share lessons to regional and global leaders	Lombok+2 conference, potentially in conjunction with MegaFlorestais	\$200,000	Samdhana (Epistema, Ministry of Forestry-Indonesia, CSO Roadmap, RRG)	
	2. Confront the widely prevalent land grab phenomenon to promote responsible investments in land and resources, and ensure rights of local communities and IPs are respected in land acquisition processes	Increase public outcry over LSLAs; pressure governments to reevaluate existing concessions and establish transparent and accountable investment policies	i. Conduct country-level analyses and regional synthesis on how commodity supply chains drive LSLAs, strengthen partnerships with organizations tracking these issues, and disseminate findings to governments, private sector and civil society	\$50,000	RECOFTC (Tebtebba, FPP, IPB, SawitWatch, Landesa, RRI Fellow, Land Core Group-Myanmar)	
			ii. Convene dialogues with Human Rights Commissions in ASEAN framework, including Asian Commission on Promotion and Protection of the Rights of Women and Children (ACWC) to share research findings, recommendations and rights-based alternatives to LSLAs <ul style="list-style-type: none"> - Scoping exercise of ASEAN and SAARC regional/sub-regional organizations best positioned to influence NRM policy 	\$50,000	FPP (Tebtebba, RECOFTC, SawitWatch)	
	3. Facilitate knowledge- and experience-sharing among policymakers and community leaders to develop region-wide advocacy strategy for national policy reform	a. Promote Mekong regional exchanges to leverage ASEAN framework with ASEAN-RECOFTC MoU as entry point	i. Exchange visits for select policymakers and community leaders ii. Regional dialogue on forest and land policy	\$10,000 TBC	RECOFTC	
		b. Capacity building for community leaders in South/Southeast Asia	Community Forestry Champions Network – Phase II	\$40,000	RECOFTC	
Total Funds Proposed for Regional Activities: \$350,000						
China	1. Develop broader recognition of the importance of gender and ethnic dimensions of forest tenure, and ensure current analyses contribute to legal	a. Prepare quantitative analysis of reforms in ethnic minority areas, capitalizing on RRI work to date	i. Conduct survey on ethnic minority rights in 2-3 provinces	\$80,000	PKU (FEDRC, ICRAF-East Asia/KIB)	
			ii. Disseminate survey findings and policy recommendations at national-level workshop	\$20,000		

and policy reform	b. Promote inclusion of gender issues in future legislation	i. Prepare legislative recommendations on women's forestland rights for All China Women's Federation (ACWF) ii. Publish pamphlet for distribution to ACWF network	\$12,000	Landesa	
2. Inform stakeholders of current and second generation issues in collective forest reforms, and influence revision of Forest Law and regulatory frameworks	Disseminate analytical survey results on impact and effectiveness of reforms at local level	Finalize and circulate 2 nd -round survey data, analyses and policy recommendations to SFA and targeted Chinese/international audiences	\$15,000	PKU	
3. Investigate Chinese and international investments (in China and abroad) in land and forests to improve understanding of corporate practices	a. Assess and evaluate Chinese domestic land acquisitions	i. Design and conduct multi-province survey on land acquisitions within China ii. Publicize preliminary findings and initial analyses	\$25,000	Landesa (ICRAF-East Asia/KIB)	Yes (2013-2014)
	b. Begin exploring Chinese investments abroad, with particular focus on timber supply chain investors' behavior in select pilot countries	i. Initial inventory of major Chinese banks and MNCs investing abroad ii. Develop research methodology, select 2-3 pilot countries, and facilitate mutual exchanges between Chinese researchers and RRI actors in Africa iii. Initial round of data collection, analysis, and draft report	\$65,000	CAF (Forest Trends)	Yes
4. Increase support for revision of Forest Law that further promotes realization of rights	Provide recommendations to draft Forest Law to influence revisions process	Assess initial draft of Forest Law during February public comment period by identifying unaddressed issues (i.e. gender, ethnic minority rights), drawing from international experiences and existing expertise, and providing recommendations	\$30,000	Landesa	
5. Ensure development of equitable policy for regulatory takings in collective forestlands	Consolidate analyses to date to deepen legal argument for developing fair systems of compensation	i. Synthesize and update current data on regulatory takings, including logging quota ii. Disseminate findings to FEDRC with an aim to influence SFA internal analyses and monitoring	\$15,000	Landesa (FEDRC)	
		iii. Workshop for key government stakeholders	\$10,000		
Total Funds Proposed for China Activities: \$272,000					

Indonesia	1. Ensure continued momentum of the CSO Roadmap for Forest Tenure Reform	a. Improved multi-stakeholder communication and media awareness to support tenure reform strategies	i. Advocacy and public discussion with Commission IV of DPR-RI ii. Series of discussions with media iii. Journalist investigations into the 33,000 villages in and around forest area without secure tenure rights	\$25,000	KPA	
		b. Ensure strengthening of conflict resolution mechanisms in forest areas via Ministry of Forestry and National Forestry Council	i. Documentation and analysis of data on forest conflicts ii. Facilitate conflict mediation in village forests as reported to Commission of Conflict Resolution, National Forestry Council	\$25,000	HuMA	
		c. Support communities with existing legal rights to forests to ensure equitable benefits and economic development	i. Multi-stakeholder review of policy and research on HKm, Hutan Desa and HTR ii. Conduct Focus Group Discussions with communities under HKm, Hutan Desa and HTR iii. Policy brief for revision of HKm, Hutan Desa and HTR frameworks iv. Policy dialogue	\$25,000	FKKM, FPP	
		d. Expand community-based interventions to build capacity of local organizations	i. Database collection on community forest models ii. Data analysis and identification of key issues and problems related to implementation and expansion of community forests iii. National workshop on enhancing community-based interventions iv. Policy advocacy and high-level dialogue v. Capacity-building through trainings and farmer-to-farmer exchanges	\$20,000	RECOFTC, FKKM	
	2. Pursue multi-level policy reform agenda emphasizing the need for transparent and accountable policy implementation	a. Identify local policies and regulations that fail to protect rights	i. Desk review on legal audit methodology ii. Workshop series on formulation of methodology for legal audit on local land and natural resource regulations iii. Legal audit on district regulations in Melawi and West Kalimantan	\$20,000	Epistema	
		b. Promote community tenure in transmigration policies and programs	Develop guidelines for "clean and clear" (sustainable and non-corrupt) transmigration policy	\$10,000	FPP	

	3. Increase capacity of communities to engage with markets for forest products	Promote development of marketable CFE products	i. Review of policy, research and potential products in CFEs ii. Value chain analysis and national workshop iii. Policy brief on CFE marketability iv. Policy advocacy and high-level dialogue	\$20,000	FKKM	
	4. Align business and human rights agendas to ensure responsible private investment	Provide capacity-building, education, and advocacy training to Papuan communities threatened by food and energy concessions	i. Training workshop to improve communities' capabilities to advocate for land rights, conflict resolution, and food security ii. Assist and facilitate development of inter-community network; strengthen community institutions and build intra- and inter-community solidarity iii. Policy dialogues with government, legislature, private sector, academics and other stakeholders to promote Papuan IPs' aspiration of development on their lands iv. Facilitate mapping of indigenous territories v. Coordination of CSO advocacy work on MIFEE	\$30,000	PUSAKA	
Total Funds Proposed for Indonesia Activities: \$175,000						
Nepal	1. Poverty alleviation through sustainable management of community forests, job creation and revenue generation	Evidence-based policy advocacy to demonstrate that community forests generate jobs and revenue, and reduce poverty in forested areas	Analysis of economic value of community-managed timber and NTFPs and potential for generating local employment and income	\$25,000	Forest Action (COFSUN)	
	2. Joint advocacy with women's, IPs, land and water rights groups for solidarity among rights campaigns and to ensure community property rights are strengthened	Gender and Social Inclusion-based advocacy in forestry/resource sector to maintain balanced, constant and critical engagement with political actors	Dialogue on forests, land and water with community organizations, IP and women's groups; capacity development, media mobilization	\$20,000	HIMAWANTI	
	3. Rights are included in political parties' agendas and election manifestos for future Constituent Assembly	Interactive, multi-stakeholder dialogue on forest tenure, governance and enterprise	i. Dialogue with key political parties and potential Constituent Assembly candidates on tenure reform and enterprise development; public awareness campaigns	\$25,000	COFSUN	

			ii. Policy advocacy convenings: meetings, workshops, mass mobilization, media campaigns with politicians, bureaucrats, REDD task force, journalists and other stakeholders	\$35,000	FECOFUN (HELVETAS-Swiss Intercooperation)		
			iii. Mobilize support from public and private sectors for "green jobs" campaign	\$23,000	FECOFUN (HELVETAS-SI, NRM People's Parliament)		
Total Funds Proposed for Nepal Activities: \$128,000							
Lao PDR	1. Multi-stakeholder engagement among national, regional and government district constituencies effectively ensures that rights are respected and effective conflict resolution mechanisms are introduced in revised natural resource policies	Engage regional National Assembly members, provincial and district government representatives (examine specific contexts in North, Center and South regions) on: - Importance of rights: learning from other experiences - Conflict resolution mechanisms: their new place in policy	i. Three regional knowledge-sharing workshops with participation from NA regional members, civil society, line ministries, NA women's caucus, Ethnic Affairs committee, combined with field visit	\$30,000	HELVETAS-SI (LIWG, RECOFTC, Samdhana)		
			ii. Wrap-up meeting in Vientiane	\$3,000	HELVETAS-SI (LIWG, RECOFTC, Samdhana)		
			iii. Exposure visits of Lao community resource persons to strengthen civil society	\$5,000	RECOFTC (LIWG)		
	2. Existing legal and policy frameworks for land titling and resource tenure are effectively implemented, and enforcement/efficacy gaps are addressed in developing new titling systems	a. Develop database for existing land titling systems in Lao PDR b. Evaluate efficacy, identify implementation gaps and lack of enforcement c. Develop suggestions for new titling systems	Engage consultant (GIZ/others) to prepare database	\$20,000	RECOFTC, HELVETAS-SI		
			Case studies (3)	\$7,500	RECOFTC, HELVETAS-SI		
			Roundtable and preparation of recommendations	\$5,000	RECOFTC, HELVETAS-SI		
	3. The forthcoming national legislation ensures that FDI and regional investments respect the rights of communities and take their consent before beginning a project.	a. Introduce responsible investment that ensures that rights are not violated b. Start a process that makes FPIC a key condition for FDI	High-level meetings with senior decision-makers from China and Vietnam to share main findings and problems stemming from investment (linked to CSR standards and respect for Lao legislation) - Field visit	\$10,000	RECOFTC, HELVETAS-SI		
			i. Workshop with NA and line ministries (including finance ministries) ii. Publicize corporate practices to general public via daily paper or online media	\$5,000 \$2,000	HELVETAS-SI, LIWG TBC		
	Total Funds Proposed for Lao PDR Activities: \$88,000						

India	1. Strengthen the implementation of laws that already provide for recording of collective and common rights	Strengthen grassroots organizations' advocacy efforts with MoTA, Ministry of Panjayati Raj, MoEF and Ministry of Rural Development by supporting analytical research and exposure to international movements	i. Work with 6-10 selected grassroots movements/organizations ii. Develop methodology for analysis iii. Conduct analysis iv. Synthesize and convert to advocacy pieces v. Develop advocacy strategy and implement	\$60,000	Vasundhara	
	2. Reduce space for speculative activities related to land	Analyze financial regulation in India to look for spaces for curbing speculative activities related to land	i. Analysis of RBI and SEBI regulations	\$15,000	Consultant working with Indian Collaborators and RRI Fellow	
			ii. Preparation of policy briefs	\$10,000		
			iii. Advocacy with RBI and SEBI	\$5,000		
			iv. Hold public event and influence policy through diverse mechanisms including op-eds, open letters, etc. at both local and national level	\$10,000		
	3. Reform forestry institutions and programs to align them with Forest Rights Act and Panchayati Raj institutions	Highlight contradictory components of ongoing forestry programs, including JFM and official forestry institutions that subvert the power granted to community institutions through FRA and PESA	i. Generate credible evidence for demanding change by conducting separate analysis	\$10,000	SPWD	
			ii. Convene key policy-makers and grassroots movements	\$10,000		
			iii. Media and publicity	\$5,000		
	4. Hold Indian investors accountable	a. Deeper analysis of the impact of Indian investments in other countries	Indian institutions analyze Indian investments abroad, especially in Africa and Southeast Asia	\$35,000	Select Indian institutions (IEG, CSD, etc.) with RRI Fellow	
		b. Develop a platform to introduce norms for investment decisions outside the country and establish an accountability mechanism, or create conditions for better use of existing international mechanisms	i. Either Industry associations or the government develop standards ii. Ensure that standards match international norms	\$10,000	SPWD	
c. Use this platform to contribute to RRI's BRIC strategy		Deeper engagement with industry associations, commerce and finance ministries	\$5,000	SPWD		
Total Funds Proposed for India Activities: \$175,000						
Thailand	1. Establish an effective public forum and dialogue to promote forest communities' tenure and rights	a. Strengthen linkages between National Law Reform Commission, CSOs and communities to promote new bills into law	i. Support organization of 3 public hearings and consultation with NLRC on new laws and policies pertaining to forestland tenure that are drafted for Cabinet approval	\$4,500	National Law Reform Commission	

			ii. Annual National Seminar on Forest and Land Policy Reform	\$4,000	RECOFTC (NLRC, local partners)	
	b. Engage new constituencies/potential allies in public sector and civil society to craft advocacy strategy to ensure tenure issues are included in procedural law		i. Organize 2 dialogues/platforms on forest and land policy reform with strategic partners	\$3,000	RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	Yes
			ii. Form multi-sectoral Forest and Law Reform Working Group with policy researchers	\$2,000	RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	Yes
			iii. Organize 3 consultation workshops on strategic 5-year plan on forest and land policy reform	\$4,500	RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	Yes
	c. Investigate and engage with post-flood restoration programs, promoting the key role of secure tenure in restoration to secure wise use of funds		i. Conduct mini-research on post-flood programs and forest/land tenure security	\$3,000	RECOFTC (NLRC)	Yes
			ii. Organize platform for discussion on research results to share policy recommendations for rights-based post-flood programs	-	RECOFTC (local partners)	Yes
2. Generate new strategic analysis of the implications of secure tenure for conservation and economic development goals	Create evidence and disseminate in media, political discourse, public space		i. Research on land and forest tenure in Thailand	\$3,000	RECOFTC (local partners)	
			ii. Social campaign on forest and land policy through ThaiPBS channel: produce and disseminate stories, cases, public discussion	TBC	RECOFTC (local partners)	
Total Funds Proposed for Thailand Activities: \$24,000						
TOTAL COST FOR ALL PROPOSED ASIA REGIONAL ACTIVITIES: \$1,212,000						
	Regional Facilitation: Travel and administrative expenses and other costs incurred for hosting Asia Regional Facilitator			\$115,000	RECOFTC	
GRAND TOTAL FUNDS REQUESTED for All Country and Regional Programs, plus Facilitation Costs:				\$1,327,000		

IV. Countries of Engagement - China⁷

4.1 RRI Strategy

1. Review of in-country progress

The main focus of the RRI Coalition in China has been to provide input through research and advocacy with key policymakers on shaping collective and state forest tenure reform, and identifying additional reform dimensions to further secure, and allow realization of, existing rights. With over a decade's worth of experience in China, RRI has developed effective point of leverage and established itself as a credible actor with the State Forest Administration (SFA), research and academic institutions, and international organizations.

The strong and sustained political will of the Chinese government for its tenure reforms, and the international recognition of their success and exceptional scope, has enabled RRI to narrow its focus on politically sensitive issues such as gender dimensions of forest tenure, regulatory takings in ethnic minority areas, and the need for strengthened due process and grievance mechanisms accessible to forest farmers whose existing rights are violated. RRI has also promoted the dissemination of knowledge and experiences of China's legal and policy reforms to other countries and the broader development community, and will continue advising the Chinese government, researchers and other countries to identify valuable lessons from the Chinese experience and promote mutual learning.

In 2012, RRI's work in China shifted from pure strategic analysis of impacts of reforms to date, to effectively conveying findings and recommendations for "second-generation" reforms to policymakers and within the community of relevant stakeholders, focusing on three key themes: gender, ethnic minorities, and regulatory takings. First, Landesa disseminated its 2011 research on women's forestland rights to INGOs, international organizations, media, and most importantly to key SFA officials, including the Director General of the Department for Rural Forestry Reform and Development. A successful meeting was held in collaboration with CAF to launch a series of RRI-commissioned briefs on gender and forest tenure in Asia, and catalyze thinking on future reforms in China. Through its ongoing work on gender, RRI has helped open a dialogue on the unequal nature of women's forestland rights in China with high-level officials and experts, though the key messages must be reinforced to result in effective policy reform.

Second, ICRAF-East Asia/KIB and YASS conducted parallel research in Yunnan province on sustainable forest management and livelihoods dimensions in ethnic minority areas, particularly within ecological protection zones, to demonstrate the contradictions between the tenure reforms and the zoning regulations in restricting households and collective rights due in part to China's top-down conservation approach. Research findings were disseminated to provincial audiences. And third, Landesa continued its analysis on regulatory takings through a three-province survey, which will be shared with SFA to encourage new legal mechanisms to promote equity. This work is still underway.

RRI also co-organized, in collaboration with the SFA, FAO and Peking University, an international conference on forest tenure in China held in Hangzhou, Zhejiang province. This conference presented an opportunity to assess progress and share relevant research on Chinese reforms, promote mutual learning within and among government, research and civil society actors (with seven international representatives from Africa and elsewhere in Asia, and key resource persons from OECD countries), and identify new pathways for deepening reforms.

⁷ RRI Partners and Collaborators gathered on November 24, 2012 for the 2013 Strategy and Planning Meeting in Hangzhou, China. This brief meeting, on the heels of the International Conference on Forest Tenure Reform in China (organized by SFA, FAO, RRI and PKU) generated discussion on the progress of 2012 RRI activities, the current political context, and strategic areas of intervention for RRI's future work in China. Organizations in attendance included Landesa, Center for Mountain Ecosystem Studies (a collaboration between ICRAF-East Asia and Kunming Institute of Botany), and Chinese Academy of Forestry (CAF). A follow-up call was then held between RRI and PKU.

2. Country Context and Political Analysis

Beginning in the early 1980s, China has implemented vast forest and land reforms that have led to major advances in rural tenure security, incomes and forestation. Since 2003, a new phase of reform has focused on the devolution of land use rights and forest ownership in collective forest areas to individual households, resulting in increases in household incomes and rural livelihoods coupled with successful reforestation and social equity in forest areas, directly affecting millions of forest farmers and increasing China's forest area by 8%⁸.

China's tenure reforms are clearly the largest, when measured by numbers of people directly affected (sources estimate between 300 and 600 million people – far more than in any other country undertaking reforms today). As the world's most populous and second largest economy, what China does with its forests and forest tenure has dramatic implications for not only itself, but the rest of the world. The fate of China's forests and its own use of wood products have major implications for its economic development, food security, carbon emissions and sustainable resource management. Furthermore, China's reforms provide an important case study with useful implications for global attempts to reduce forest emissions and decrease poverty and conflict in forest areas. These reforms offer important lessons for other developing countries that have recently begun to address unclear forest tenure; they have done so with the dominant trend towards legally recognizing and strengthening the management, access and ownership rights of forest communities and households.

The SFA is now focused on what they term "deepening" of reforms, focusing primarily on service delivery mechanisms such as land market centers, insurance/credit and mortgage systems, and cooperatives, to boost economic development and income streams. These measures have unleashed the aspirations and entrepreneurial energies of millions of forest farmers. In addition, the Rural Land Contracting Law provides farmers with protection against coerced acquisition of land, a much-needed measure given China's upswing in corporate domestic investments in land and forest resources. Presently, there is a general acceptance of the need to reform the logging quota system, and it is probable that the SFA will regulate management plans instead, though this is not clear.

RRI's work in China during the next Framework period will focus on particular concerns relevant to RRI, what we term "second generation" reforms. These are more politically sensitive and linked to other reforms currently underway. If successful, the reforms would entail three dimensions: 1) respect for the rights of all individuals to freely choose their tenure and forest use, including women and ethnic minorities, without coercion from government or other powerful interests; 2) implementation of a transparent, consultative due process and compensation system for forest owners; and 3) establishment of accessible redress mechanisms whereby forest owners can complain if their rights are violated, and have their cases fairly heard and adjudicated.

It has also become urgent to establish a legal and regulatory framework governing land acquisitions, facilitate contracts between households and larger associations of farmers, and allow households to access credit markets and increase production and incomes. As collective and household rights are clarified, local owners have increasingly come to challenge the established practices of policy edicts and regulatory takings to control land use, as well as public programs designed to reimburse forest owners for income lost due to regulations and zoning. There is still inadequate information regarding the effect of these reforms on the ethnic minorities and women who traditionally own and manage their forests collectively. Therefore there is a high risk that if these issues are left unaddressed, more powerful interests will benefit disproportionately over households and collectives, thus undermining progress to date and on rural development and peace in China.

Opportunities:

The following positive developments present strategic opportunities for future RRI intervention in China:

- **Revision of Forest Law:** The National People's Congress has instructed the SFA to complete a revision of the Forest Law, integrating various policy directives issued since 1990 into a comprehensive legislation. The 18th National Congress in 2012 established the law revision in the 2013 legislative agenda, and the

⁸ Peking University, forthcoming. Second-round Survey of Collective Forest Tenure Reforms in China.

first draft is planned for submission in February. Drafts will be publicized for comment in a relatively transparent process. Though no chapters on the pressing issues of ethnic minorities or land transactions are anticipated, RRI can use this opportunity to extend the Coalition's influence by providing clear, practical recommendations for the SFA and other lawmakers to consider.

- New data on extent and impact of reforms, and on gender and ethnic perspectives: Starting in 2006, Peking University has analyzed the impacts of collective and state forest reforms on household and community incomes, rural livelihoods, forest cover, and Small and Medium Enterprises (SMEs). This data is currently being analyzed and will be made public in 2013. As the largest and most statistically rigorous non-governmental study of China's reforms, it has the potential to influence future legal and policy frameworks if targeted correctly. Landesa's work on gender has been disseminated effectively to the SFA and other stakeholders, but must be reinforced to truly translate awareness into legislative action. And RRI-supported work on ethnic minority issues in Yunnan must be up-scaled and bolstered by quantitative research to attain national recognition, particularly since minority issues have been largely ignored by policymakers to date.
- International interest in learning from the Chinese experience: It has become increasingly clear that governments worldwide are turning to China for lessons on how to recognize rights in forested areas. This poses an opportunity for RRI to play a key role in shaping the lessons that are shared with the world, and emphasize the power of political will, rigorous research and monitoring, and adaption and improvement of reforms during implementation, to achieve successful reform. However, it will be crucial to ensure that the lessons gleaned from the Chinese experience are the most appropriate, accurate and relevant.
- Evolving, high-level policy awareness of the need for deeper reforms: SFA's focus has recently shifted to concrete measures to deepen legal and policy frameworks, as exemplified by the proposed policy on compensation, and with acknowledgement of the need to prevent and mitigate forestland-based conflict. In addition, the Party Congress recently announced its intention to move the SFA into the Ministry of Agriculture, which is historically more reform-oriented and is likely to speed change.

Threats:

RRI faces several persistent challenges to the full realization of property rights for rural and forest peoples, and their benefit from their forests. These include:

- Large-scale land acquisitions (LSLAs) within China: Growing commercial pressure to acquire forestland for plantations, mining and timber processing centers has driven investment by local and national governments, and by Chinese and multi-national corporations. While the pervasiveness and scale of these investments have not been fully researched, it is clear that they have repeatedly violated land rights with little recourse for forest farmers, resulting in widespread protests throughout the country. Research has shown that timber supply chains, particularly in processing facilities that import timber from neighboring countries, have repeatedly violated rights, and that land transactions are often carried out through coercive measures involving local governments, middlemen, and the private sector. Legal protections for farmers must clearly be implemented in practice.
- International LSLAs: Chinese investments in industrial concessions, food production, mining and other extractive industries to meet growing domestic consumer demand are now widespread globally, from the Mekong, to West Africa, to Canada. These investments have significantly disenfranchised local communities and customary agriculture and forest management systems, particularly in Africa where weak legal protection and insecure tenure attracts investors.
- Regulatory takings: China's regulatory takings systems prevent rights holders from being able to receive practical benefits from their resources. Starting in 1998, a series of ecological protection programs, including timber harvesting quotas and logging bans, have been imposed in a top-down manner and often do not match the ecological realities of forest growth on the ground or the income needs of forest communities. Forest farmers are thus unable to harvest timber or develop land which they collectively

own, and are further impoverished by the lack of compensation for their losses, the value of which is estimated at \$2.3 billion per year.⁹

- Local abuse and elite capture: If the SFA proceeds to promote service delivery mechanisms while ignoring needed second generation reforms and maintaining quota systems, they will accelerate the threat of takings, loss of land, and elite capture, particularly by local level Party administration.

3. Country Strategy

The mission of RRI's work in China is to capitalize on the Coalition's ability to influence key policy processes and deepen existing forest tenure reforms. In 2013, RRI sees exciting new windows of opportunities for strategic interventions in the following thematic areas:

1. Develop broader recognition of the importance gender and ethnic dimensions of forest tenure reforms in future reforms, and ensure current analyses contribute to future legal and policy reforms
2. Inform all stakeholders of current and second generation issues in collective forest reforms, and influence revision of Forest Law and regulatory frameworks
3. Investigate Chinese and international investments both in China and abroad in land and forests to improve understanding of corporate practices
4. Increase support for revision of Forest Law that further promotes realization of rights
5. Ensure development of equitable policy for regulatory takings in collective forestlands
6. Strengthen mutual learning between China and other countries

⁹ Zhu, Keliang. 2012. *A Case for Farmers and Rural Communities' Rights to Compensation under China's National Forest Protection Program (NFPP)*. Seattle, WA: Landesa-RDI. Washington, DC: Rights and Resources Initiative.

4.2 China – Proposed Activities 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
1. Develop broader recognition of the importance of gender and ethnic dimensions of forest tenure, and ensure current analyses contribute to future legal and policy reform	a. Prepare quantitative analysis of reforms in ethnic minority areas, capitalizing on RRI work to date b. Promote inclusion of gender issues in future legislation	i. Conduct survey on ethnic minority property rights in 2-3 provinces	\$80,000	• PKU (FEDRC, ICRAF-East Asia/KIB)	
		ii. Disseminate survey findings and policy recommendations at national-level workshop	\$20,000		
2. Inform all stakeholders of current and second generation issues in collective forest reforms, and influence revision of Forest Law and regulatory frameworks	Disseminate analytical survey results on impact and effectiveness of reforms at local level	i. Prepare legislative recommendations on women's forestland rights for All China Women's Federation (ACWF) ii. Publish pamphlet for distribution to ACWF network	\$12,000	• Landesa	
		Finalize and circulate 2 nd -round survey data, analyses and policy recommendations to SFA and targeted Chinese and international audiences	\$15,000	• PKU	
3. Investigate Chinese and international investments (in China and abroad) in land and forests to improve understanding of corporate practices	a. Assess and evaluate Chinese domestic land acquisitions	i. Design and conduct multi-province survey on land acquisitions within China ii. Publicize preliminary findings and initial analyses	\$25,000	• Landesa (ICRAF-East Asia/KIB)	Yes (2013-2014)
	b. Begin exploring Chinese investments abroad, with particular focus on timber supply chain investors' behavior in select pilot countries	i. Initial inventory of major Chinese banks and MNCs investing abroad ii. Develop research methodology, select 2-3 pilot countries, and facilitate mutual exchanges between Chinese researchers and RRI actors in Africa iii. Initial round of data collection, analysis, and draft findings report	\$65,000	• CAF (Forest Trends)	Yes
4. Increase support for revision of Forest Law that further promotes realization of rights	Provide recommendations to draft Forest Law to influence revision process	Assess initial draft of Forest Law during February public comment period by identifying unaddressed issues (i.e. gender, ethnic minority rights), drawing from international experience and existing expertise, and providing recommendations	\$30,000	• Landesa	
5. Ensure development of equitable policy for regulatory takings in collective forestlands	Consolidate analyses to date to deepen legal argument for developing fair systems of compensation	i. Synthesize and update current data on regulatory takings, including logging quota ii. Disseminate findings to FEDRC with an aim to influence SFA internal analyses and monitoring	\$15,000	• Landesa (FEDRC)	
		iii. Workshop for key government stakeholders	\$10,000		
Total funds proposed for China activities: \$272,000					

4.3 Audiences and Priority Outcomes – 2013

Audiences	Priority outcomes
Leadership of key State Forest Administration (SFA) departments; Ministry of Agriculture, other government agencies	<ul style="list-style-type: none"> • Revisions to Forest Law commit China to second generation reforms for forest communities and households, due process, and redress mechanisms; maximize community and individual livelihood benefits • High level policy makers acknowledge need for including gender and ethnic minority issues, and removing contradictory regulatory barriers and zoning policies in future legislation • Analytical survey results on impact and effectiveness of reforms are accepted, and influence SFA internal monitoring procedures • Further adjustments to Land Management Law hold private sector accountable to Chinese law in land acquisition processes • Mutual exchanges are strengthened between China and other countries to share lessons of Chinese experience
Chinese academic/research institutions and NGOs/civil society	<ul style="list-style-type: none"> • Unaddressed issues in reforms to date are identified, and recommendations for future legal, policy and market frameworks • Knowledge and research on impact and effectiveness of tenure reforms and ability of communities and households to benefit, is strategically disseminated to high level stakeholders, media, and national and regional audiences, to develop broader recognition of the importance of second generation reforms • Evidence-based recommendations are developed for LSLAs to respect rights and comply with Chinese law
Donors and broader international community	<ul style="list-style-type: none"> • Appropriate lessons on successes and missed opportunities of China's tenure reforms are recognized and incorporated by countries undertaking similar reforms • Better understanding of Chinese investments abroad affecting land and forest resources to bring global attention to Chinese land acquisition practices
Private sector (Chinese and multinational)	<ul style="list-style-type: none"> • Increased awareness and acknowledgement of need to respect Chinese law and forest farmers' rights in land acquisition practices

4.4 Strategic Partners, Collaborators and Roles

Partners and Collaborators	Roles
ICRAF-East Asia/CMES/ Kunming Institute of Botany	<ul style="list-style-type: none"> • Broadens research of nexus between collective forestry, conservation programs and rural livelihoods in ethnic minority areas to raise recognition of ethnicity dimensions of tenure/rights reform; disseminates research to national level change agents • Contributes to methodology development and investigation of land acquisition practices in China
Landesa	<ul style="list-style-type: none"> • Investigates Chinese and multinational investments in China to formulate recommendations for LSLA procedures that respect Chinese law • Provides recommendations based on existing research, on initial draft of Forest Law on legal dimensions of rights, women's forestland rights, and regulatory takings to foster political will for reform
Peking University	<ul style="list-style-type: none"> • Leads work on data collection and analysis of impact and effectiveness of collective forest reform (including livelihood benefits) at local level • Disseminates research results to key Chinese and international audiences with the aim to influence SFA internal monitoring procedures
Chinese Academy of Forestry (CAF)	<ul style="list-style-type: none"> • Develops initial research framework for investigating Chinese international investments • Contributes to ongoing work on gender and livelihoods dimensions of forest tenure reform • Provides timely research and evidence to support ongoing advocacy work of Collaborators
Forest Trends	<ul style="list-style-type: none"> • Contributes to investigation of Chinese and multinational land acquisition practices, Chinese investments abroad, and timber supply chains

V. Country of Engagement – Indonesia¹⁰

5.1 RRI Strategy

1. Review of in-country progress

The main focus of the RRI Coalition in Indonesia has been on securing forest tenure rights, obtaining recognition of customary (*adat*) and community-managed forests, and establishing effective conflict resolution systems within the national context of legal pluralism. RRI's partners and collaborators have also effectively advocated to transform private sector investment practices through: (i) applying Free, Prior and Informed Consent (FPIC) as a principle of responsible investment, particularly in the oil palm sector; (ii) pursuing accountability and enforcement in commodity roundtables such as the Roundtable on Sustainable Palm Oil (RSPO); and (iii) advancing the establishment of human rights standards by the National Human Rights Council. RRI's extensive network of Partners and Collaborators includes some of the most influential CSOs in the natural resource sector. RRI has emphasized the power of grassroots, collective advocacy for community rights and tenure. In this context, the Coalition has added substantial value to each organization's ongoing, individual initiatives.

The added value of the RRI Coalition was perhaps best exemplified in the highly successful CSO campaign both before and after the International Conference on Forest Tenure, Governance and Enterprise in July 2011. Sustained media engagement and a strategic advocacy campaign targeted towards influential policymakers in the Ministry of Forestry and the President's Special Delivery Unit (UKP4) in the buildup to the conference (facilitated by RRI) resulted in a serious discussion on the state of forest communities' rights and resources. The result was a historic commitment by the Ministry of Forestry to engage with civil society organizations to plan for expanding the rights of communities and pursue an integrated, cross-sectoral approach to forest management. By the end of the conference, the Ministry of Forestry had agreed to negotiate a Roadmap for forest tenure reform. In 2012, the Ministry established the Working Group on Forest Tenure, which for the first time included representatives of civil society and private sector.

The RRI Coalition has achieved notable success in engaging the Ministry of Forestry to recognize the critical role of other actors in the land and forest sector, particularly of CSOs, Indigenous Peoples organizations, and the private sector. Central to the Coalition's continued advocacy is the core message that giving rights to local people over land and forest resources will help to improve the condition of forests, contribute to local peoples' livelihoods, and generate revenue for the nation. Consequently tenure issues, once treated as taboo by the Ministry of Forestry and other agencies, are now central to government narrative and rhetoric.

RRI Partners and Collaborators in Indonesia have also drawn public attention to human rights concerns in large-scale private investments in agriculture and extractive industries. For example, sustained research and advocacy by FPP, SawitWatch, HuMa, and PUSAKA has resulted in three key changes in the global oil palm industry: firstly, the RSPO has recognized its failure to ensure respect of local and indigenous communities' rights. Secondly, it has adopted a guidance note on FPIC prepared by FPP and SawitWatch as an official industry document. And lastly, it has accepted three new, binding criteria – members must respect human rights, take an anti-corruption pledge, and adhere to the new UN Voluntary Guidelines on the Responsible Governance of Tenure. HuMa and Epistema's work on conflict resolution has begun to make significant progress in the establishment of non-judicial resolution processes at the community level.

¹⁰ RRI Partners and Collaborators gathered on August 31, 2012 for the 2013 Strategy and Planning Meeting in Bogor, Indonesia. This day-long meeting generated discussion on RRI progress in the first Framework, the current political context, and threats and opportunities facing tenure reform in Indonesia. Organizations in attendance included four RRI Partners (ICRAF, FPP, RECOFTC and Samdhana Institute) and eight Collaborators (AMAN, PUSAKA, Epistema Institute, Kemitraan, HuMa, IPB Center for Agrarian Studies, SawitWatch and FKKM).

On September 21, 2012, representatives of FPP, ICRAF, RECOFTC, Kemitraan, Epistema Institute, HuMa, SawitWatch, FKKM and Pusaka met again to develop and prioritize objectives and strategic areas for intervention in 2013.

Yet despite these positive signs and multiple commitments, the reform process continues at a slow pace. The politicization of line ministries and recent cabinet reshuffle has raised concerns over the viability of Indonesia's path towards implementing sustainable and lasting tenure reform. The threats of large-scale land acquisitions, traditional conservation initiatives and industrial concessions loom large, and will inevitably become obstacles to achieving tenure reform.

2. Country Context and Political Analysis

Indonesia has the largest land-base, population and forest cover in Southeast Asia. The archipelago is renowned for its incredible biodiversity and productivity of its forests. Indonesia's forested landscapes are the site of two key challenges. Firstly, high deforestation rates, caused by the clearing and draining of peat lands for plantations, illegal logging, and large-scale agribusiness and forest industry concessions causes significant damage of forest ecologies and contributes to Indonesia being one of the highest emitters of greenhouse gasses in the world. Widespread corruption and weak forest governance is the root cause of this problem. Secondly, because of these developments, local communities' rights are often compromised. This leads to deep social tensions over forest rights between government and indigenous peoples and other local communities, which ultimately results in ongoing conflicts and physical displacement. In addition, Indonesia's rapid political decentralization process has created vast discrepancies in land use planning and resource tenure distribution. 40 million people currently live on 12 million hectares of land that is classified as forestland, but has no trees.¹¹ 20% of Indonesia's villages fall within State forest areas, without statutory recognition of their rights to that land, and only 12% of the forest estate has been delimited.

The Lombok conference marked an important step towards reforming the system of forest tenure rights in Indonesia. In his keynote speech, Kuntoro Mangkusubroto, head of the President's Special Delivery Unit (UKP4), announced the government's intention to prioritize the need of forest communities and to recognize, respect and protect *adat* rights, implementing the TAP MPR IX, a significant umbrella piece of legislation enacted in 2001 to ensure an integrated approach to forest management. By the end of the conference, the Ministry of Forestry had agreed to carry out a set of forest tenure reforms to be identified in conjunction with a group of CSOs, who then drafted a Roadmap for Forest Tenure Reform. The CSOs are working to enable reforms that are comprehensive, permanent, coordinated and rapid. They also want policy guidelines to be changed to improve legal security and tenurial justice. This would require clear, long-term, and measurable initiatives. The Roadmap consists of following components:

1. Improved policies and accelerated forest gazettement processes (including comprehensive resolution of the legal status of 33,000 villages in forest areas): establishing legal and legitimate forest areas with clear boundaries;
2. Resolution of forestry conflicts: developing mechanisms to resolve existing conflicts and preventing new ones from arising especially in a context where there are pluralist legal systems at work;
3. Recognition of community governed areas and an improved quality of life for indigenous peoples and other local communities: recognizing and upholding the rights of forest-dwelling people and securing their well-being and livelihoods.

The next two years will be a period of transition for Indonesia, as the presidential elections will take place and the UKP4 will be disbanded in 2014. The moratorium on new forest concessions, instituted in 2011 under the Norway-Indonesia climate partnership, is slated to end in 2013.

Opportunities:

The following positive developments present strategic opportunities for future RRI intervention in Indonesia, and will allow Partners and Collaborators to continue support and implementation of the CSO Roadmap:

- In September 2011, an MOU was signed between AMAN and the National Land Agency (BPN) to explore tenure reforms and expand the comprehensiveness of the Roadmap.

¹¹ Elson, Dominic. 2011. An economic case for tenure reform in Indonesia's forests. Washington, DC: Rights and Resources Initiative.

- In April 2012, the Ministry of Forestry issued a decree establishing a Preparatory Unit for the Macro Plan of Forestry Tenure, commonly known as the Working Group on Forest Tenure. This team has five primary tasks: to develop a forest tenure reform plan, to hold public meetings and consultations with key stakeholders as input into developing the plan, to identify and map conflicts over forest tenure, to assess past management of such conflicts, and to formulate alternative conflict resolution mechanisms. It is the first multi-sectoral team of its kind, and includes representatives of the Ministry of Forestry, civil society and indigenous organizations, and the forest industry.
- The CSOs have recently agreed to work in parallel to a new Ministry of Forestry mechanism to strengthen adaptation to climate change in forest areas, with a main focus on developing strategies and lessons learned from previous national initiatives, coupled with fieldwork on conflict resolution for the 33,000 villages with unresolved tenure. The CSOs have identified ten model villages, in which strategies for conflict resolution will be piloted.
- The Ministry of Forestry has added a tenure and conflict function to several departments and pledged financial support to a new conflict resolution unit. This presents a key opportunity for the CSOs to provide guidance to the Ministry and continue developing support to local government agencies for conflict resolution at the district level.
- UKP4 has also announced its intention to facilitate discussions on forming a state institution on agrarian conflict, which will pursue conflict resolution mechanisms in areas classified as both agrarian and forest lands.
- The impacts of food and energy concessions such as the Merauke Integrated Food and Energy Estates (MIFEE) on local people and ecology have generated a national debate. Discourse has shifted markedly from praising MIFEE and its counterparts' contributions to domestic infrastructure and food security to criticizing its human rights violations.
- Spatial planning procedures are currently undergoing revision. District, provincial and national governments have, with the support of international donors, pledged to pursue a low-carbon planning strategy going forward.
- A key potential platform for increasing public education and awareness-raising, building on the successful media engagement of the CSO Roadmap to date, is a proposed conference to take stock of progress on tenure reform since the 2011 International Conference in Lombok. Tentatively titled "Lombok+2", this conference is still under negotiation between RRI, the CSO Roadmap members, and the Ministry of Forestry. Such an event would also capitalize on knowledge and lessons learned across Asian countries to facilitate region-wide progress on forest tenure and governance.

The Government of Indonesia is also busy developing two long-term strategy documents that will inform their approach to environmental and resource policy and human rights in the coming years. Firstly, in the aftermath of Rio+20, President Susilo Bambang Yudhoyono was appointed by to serve as co-chair of the UN System Task Team, a high-level panel tasked with preparing a post-2015 sustainable development agenda. It is hoped that rights issues will feature more prominently in this document than in its precursor, the Millennium Development Goals. Secondly, Indonesia has put forth its Master Plan for Economic Development (MPEC), setting ambitious targets for the acceleration of national economic growth. Preliminary drafts have cited concerns with reallocating forests as conservation areas as well as current spatial planning constraints, and the document could become a basis for development interventions that strengthen the rights of indigenous and local communities nationwide.

There is potential scope to influence the agendas of political parties and election manifestos, and raise public consciousness on the ongoing disenfranchisement of local and indigenous communities and the need for tenure reform. There are promising signs of greater sensitization to issues of forest tenure and rights, and policymakers are genuinely concerned and committed to developing more equitable and sustainable policies. However, advocacy should be pursued in a balanced and calculated manner so that RRI Partners and Collaborators are not seen as allied with a particular political party, which could potentially harm progress to date and existing alliances.

Threats:

Despite the greater sensitivity and commitment to rights and tenure issues, translating political will into policies, implementation and institutional change, will be a long battle. RRI Coalition faces several persistent threats in Indonesia:

- There is an ever-increasing enforcement gap between rhetoric and practice, and between national and local-level policy on land and forests. Local governments often lack the necessary human and financial resources for effective implementation of national and international policies. Further, local elected leaders have incentives to grant concessions to generate money for their campaigns and keep voters loyal. This is often the case even when rights have been recognized under community tenure regimes such as HKm, Hutan Desa and HTR.
- Spatial planning also differs greatly from the national to the local and community level. In 2011, the UKP4 announced its initiative to create a “one map” of cross-sectoral land use classification to take precedence over all existing – and often conflicting – spatial data. However, there has been no support to integrate district and community data in this national initiative.
- The Government has all but ignored national and international human rights norms such as FPIC in encouraging private sector development, particularly in the palm oil industry. Policies are slow-moving and continue to favor large-scale land acquisition (land-grabbing), traditional conservation initiatives (green-grabbing) and domestic infrastructure. Private investment has also demonstrated an alarming lack of respect for customary rights, due in part to an ongoing lack of recognition of the viability of community forest enterprises (CFEs) to promote income generation, government revenue, and food security.
- Rights and tenure issues have been included in climate and forest governance mechanisms such as REDD and FLEGT, however these conflict with existing sectoral policies. Indonesia’s REDD+ task force continues to move forward, though local capacity-building for implementation is greatly needed. Though an EU-FLEGT Voluntary Partnership Agreement was signed in 2011, negotiators did not include communities’ rights and tenure.

Intersecting these threats are persistent issues of gender injustice and cultural and religious intolerance, all of which must be holistically addressed moving forward.

3. Country Strategy

The mission of RRI’s work in Indonesia is to continue to support its partners and collaborators in their strategic advocacy for forest tenure reform through the established CSO Roadmap network. RRI’s strategy is ultimately guided by the three key pillars of work set forth in the Roadmap: 1) forest gazettement, 2) conflict resolution, and 3) expanding areas under community-based forest management. In 2013, RRI sees exciting new windows of opportunities for strategic interventions in the following thematic areas:

1. Facilitate continued momentum of the CSO Roadmap and establishment of Working Group on Tenure Reform to ensure Government fulfills commitments to rights-based legal and policy reforms
2. Pursue integrated government policy reform at district, provincial and national levels utilizing newfound political clout of CSOs and UKP4 and emphasizing the need for transparent and accountable policy implementation
3. Raise awareness of the role of community forest enterprises (CFEs) in income generation to align goals of community livelihoods and poverty alleviation with national economic development plans
4. Strengthen advocacy skills of Papuan communities and capitalize on increased political will for responsible private investments to prevent encroachment by LSLAs in West Papua

5.2 Indonesia – Proposed Activities 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
1. Facilitate continued momentum of the CSO Roadmap and establishment of Working Group on Tenure Reform to ensure Government fulfills commitments to rights-based legal and policy reforms	a. Improved multi-stakeholder communication and media awareness to support tenure reform strategies	i. Advocacy to Commission IV of DPR (House of Representatives); public discussion about tenure issues at DPR ii. Series of discussions with media iii. Journalist investigation about the 33,000 villages in and around forest area with insecure tenure	\$25,000	• KPA	
	b. Ensure strengthening of conflict resolution mechanisms in forest areas via Ministry of Forestry and National Forestry Council	i. Documentation and analysis of data regarding forestry conflicts ii. Facilitating mediation of forestry conflict in village forests as reported to the Commission of Conflict Resolution, National Forestry Council	\$25,000	• HuMA	
	c. Support communities with existing legal rights to forests to ensure equitable benefits and economic development	i. Review policy and research of HKm, Hutan Desa and HTR with multiple stakeholders ii. Conduct Focus Group Discussions with communities of HKm, Hutan Desa and HTR iii. Policy brief for revision of HKm, Hutan Desa and HTR frameworks iv. Policy dialogue	\$25,000	• FKKM, FPP	
	d. Expand community-based interventions to build capacity of local organizations	i. Database collection on community forest models (Hutan Desa, HKm, HTR, Hutan Adat, Desa Konservasi and Hutan Rakyat) ii. Data analysis and identification of key issues and potential problems related to implementation and expansion of community forests iii. National workshop on enhancing community-based interventions and local organization iv. Policy advocacy and high-level dialogue v. Capacity-building intervention through training, exchange visit and field-based farmer-to-farmer exchange	\$20,000	• RECOFTC, FKKM	
2. Pursue integrated government policy reform at district, provincial and national levels utilizing newfound political clout of CSOs and UKP4 and emphasizing the need for	a. Identify local policies and regulations that fail to protect rights	i. Desk review on legal audit methodology ii. Workshop series on formulation of methodology of legal audit for local regulations in land and natural resources iii. Legal audit on district regulations of Melawi and West Kalimantan	\$20,000	• Epistema	

transparent and accountable policy implementation	b. Promote community tenure in transmigration policies and programs	Develop guidelines for “clean and clear” (sustainable and non-corrupt) transmigration policy	\$10,000	<ul style="list-style-type: none"> FPP 	
3. Raise awareness of the role of community forest enterprises (CFEs) in income generation to align goals of community livelihoods and poverty alleviation with national economic development plans	Promote development of marketable CFE products	<ul style="list-style-type: none"> i. Review of policy, research and potential product of community forestry ii. Value chain analysis and national workshop iii. Policy brief for development of marketable products of CFEs iv. Policy advocacy and high-level dialogue 	\$20,000	<ul style="list-style-type: none"> FKKM 	
4. Strengthen advocacy skills of Papuan communities and capitalize on increased political will for responsible private investments to prevent encroachment by LSLAs in West Papua	Provide capacity-building, education and advocacy training to Papuan communities threatened by food and energy concessions	<ul style="list-style-type: none"> i. Conduct training workshops for capacity-building for community members to increase their capability to advocate for their land rights, conflict resolution and food security ii. Assist and facilitate communities to develop inter-community information network, strengthen community institutions, and build intra- and inter-community solidarity iii. Policy dialogues with government, legislatures, corporations, academics, NGOs/CSOs and other stakeholders to promote Papuan IPs’ aspiration of development on their lands iv. Facilitate mapping of indigenous lands v. Coordination of CSOs to do advocacy work on MIFEE 	\$30,000	<ul style="list-style-type: none"> Pusaka 	
Total funds proposed for Indonesia activities: \$175,000					

5.3 Audiences and Priority Outcomes – 2013

Audiences/Constituencies	Priority Outcomes
CSO Roadmap network organizations	<ul style="list-style-type: none"> • Strategic engagement with key government agencies, including UKP4 and REDD task force ensures continued momentum of CSO Roadmap and Working Group on Forest Tenure, and catalyzes political will for tenure reform in forest and agrarian areas • Strengthened collective action amongst Roadmap network members intensifies social mobilization, mainstreams tenure reform into broader civil society agenda and increases public awareness of need for further reforms • District-level audit identifies local policies and regulations that fail to respect rights and discrepancies between national, provincial, and local level spatial planning regimes
Indigenous organizations	<ul style="list-style-type: none"> • Legal and policy reforms recognize customary rights to agrarian lands • Nationwide map of indigenous territories is disseminated to UKP4 and high level policy makers to ensure integration of customary landholdings in forthcoming One Map
Donors and funding agencies	<ul style="list-style-type: none"> • CSO Roadmap is enabled with adequate funding and support • Government is held accountable to instituting climate change policy, laws and regulations that adequately respect rights, and commitments to tenure reform in future legal and policy frameworks
Ministry of Forestry, National Forestry Council, National Land Agency	<ul style="list-style-type: none"> • Process of forest tenure reform is advanced, and commitments to institutionalize legal and policy reforms which recognize community and indigenous rights are upheld • Effective conflict resolution mechanisms developed by CSOs/researchers are accepted • Working Group on Tenure Reform is effectively coordinated
House of Representatives, UKP4, other leading political agencies	<ul style="list-style-type: none"> • Political leaders are further informed and increase support of legislating new reforms • Rights are upheld in REDD+ and forthcoming FLEGT policies and programs
Provincial and district governments	<ul style="list-style-type: none"> • Existing tenure and stewardship regimes are effectively implemented to improve community livelihoods and enable growth of CFEs • Customary territories are incorporated into district and provincial spatial plans
Private sector (agribusiness, oil palm industry, National Human Rights Commission)	<ul style="list-style-type: none"> • Industry-wide human rights standards for agribusiness are further developed; FPIC and other recognized standards are effectively implemented

5.4 Strategic Partners, Collaborators and Roles

Partners and Collaborators	Roles
FPP	<ul style="list-style-type: none"> • Promotes recognition of community and indigenous rights in private sector and spatial planning processes • Disseminates knowledge on impact of agribusiness and industrial concessions in Indonesia and advocates to reform RSPO process and institute private-sector industry standards • Supports capacity building of CSO roadmap members and communities threatened by LSLAs
ICRAF-Southeast Asia	<ul style="list-style-type: none"> • Collaborates and supports the work of Indonesia Coalition; disseminates timely and relevant research
RECOFTC	<ul style="list-style-type: none"> • Supports capacity-building and exchanges in local communities within decentralized tenure regimes
Samdhana	<ul style="list-style-type: none"> • Collaborates and supports the work of Indonesia Coalition; contributes intellectual knowledge, research and expertise on issues related to tenure, rights and conflict • Assists indigenous organizations' advocacy efforts to ensure reformed agrarian laws recognize customary rights to agricultural lands
Epistema Institute	<ul style="list-style-type: none"> • Coordinates CSO Roadmap for tenure reform; engages regularly and strategically with Ministry of Forestry and to ensure follow-through on commitments to institutional forest tenure reform • Leads legal research and analysis and strategic advocacy engagement with key government agencies • Develops effective legal mechanisms for conflict resolution and local level policy implementation
HuMa	<ul style="list-style-type: none"> • Analyzes conflict in forest areas to develop strategy for conflict resolution • Coordinates engagement with National Forestry Council and conflict resolution units in Ministry of Forestry
SawitWatch	<ul style="list-style-type: none"> • Supports research and advocacy efforts to align business and human rights interests and ensure responsible investments
PUSAKA	<ul style="list-style-type: none"> • Provides capacity-building and advocacy support to Papuan communities threatened by food and energy concessions

VI. Country of Engagement – Nepal¹²

6.1 RRI Strategy

1. Review of in-country progress

The RRI Coalition in Nepal has focused primarily on securing community forest property rights in the anticipated Constitution and related legal frameworks. Partners and Collaborators have also built alliances with community forestry advocates to reduce corruption in the Terai region, promoted government accountability towards communities in climate change policies and Protected Area governance, advocated for incentives and removal of barriers to community forest enterprises, and enhanced social inclusiveness and wider participation of women, *dalits*, and Indigenous Peoples in community forestry institutions.

RRI has only partially achieved its primary objective, as the process of drafting new Constitution has collapsed after the dissolution of the elected Constituent Assembly (CA) in May 2012. However, RRI was able to bring issue of community property rights in national debate amongst political parties, government bureaucrats and civil society organizations. In addition, RRI has since approached members of the dissolved CA and oriented them to the concepts of community property rights over forest resources in Nepal. Key political parties have established natural resource units in their party structure to address the issue of management and tenure of natural resources, particularly forest and water.

It is also realized that the weak political process has emboldened bureaucracy to bring change in regulations and procedures that entrenches their interests and dilutes communities' strengths. For example, the Ministry of Forestry and Soil Conservation in Nepal has made multiple attempts to amend the Community Forestry Act of 1993 that would weaken community rights and strengthen the authority of government institutions to control the management of forest resources. But as a result of strong resistance and pressure from civil society groups, community forestry federations and networks, such attempts were foiled. RRI support in this process through Partners and Collaborators proved instrumental. Some slight progress has been made in expanding the area under community forestry the Terai (lowland) region over the past two to three years, but there is opportunity for further expansion. Local corruption and illegal timber harvesting are two of the major challenges in the Terai. Government officials, timber mafia and in some cases the Community Forestry User Groups (CFUG) leaders themselves have been found guilty of illegal logging. To address this problem, RRI Partners and Collaborators are considering development of a mechanism for self-policing by CFUGs.

The RRI Coalition has been active in the formulation of national policies relating to climate change, the REDD+ strategy and carbon market schemes, ensuring that issues of community rights remain on the climate change agenda. Representatives of community and civil society groups now have a seat at the table in national committees dealing with each of these issues, ensuring that their voices will be heard in any decisions regarding benefit-sharing, climate change adaptation and mitigation, and REDD+.

2. Country Context and Political Analysis

The abolition of the Nepali monarchy in 2007 provided a moment of unique opportunity to establish democratic and inclusive forms of natural resource governance with strong community property rights. This opportunity was the outcome of the convergence of political and people's movements, which came together around issues of natural resource rights, gender inequality, and the plight of disadvantaged groups such as *dalits* and ethnic minorities. It is inevitable that when such a massive transformation is afoot, there will be considerable upheaval and instability as a new pathway and structure is being forged. Ongoing political stalemate, frequent cabinet

¹² RRI Partners and Collaborators gathered on September 21, 2012 for the 2013 Strategy and Planning Meeting in Kathmandu, Nepal. Organizations in attendance included three RRI Partners (FECOFUN, HELVETAS-Swiss Intercooperation and RECOFTC), eight Collaborators (RDN Nepal, NORMS, HIMAWANTI, COFSUN, NGO Federation, NRM Peoples Parliament, ForestAction and IUCN), and a representative of the Ministry of Forestry and Soil Conservation.

reorganization and rapid turnover at high levels of the government, and conflicts around power-sharing have shaped the last five years in Nepal and prevented much-needed institutional reforms. As a result, tensions are high, and the hope for better and democratic governance has deflated.

Popular frustration has increased even more since the government dissolved the Constituent Assembly in May 2012 due to its failure to draft and promulgate a new constitution, thereby halting the political process at all levels. Parliament was also disbanded, and the political parties have in the ensuing months failed to reach agreement on a common political framework or devise a path forward for Nepal's future. At present, a caretaker government is in place to facilitate day to day business and bureaucratic processes. Therefore, there is a little chance of making any progress in terms of real and lasting national policy change. It is increasingly clear that no single party will gain the majority of votes needed to form a government and promulgate a new Constitution; rather, it is more likely that a multi-party Coalition government will once again take the reins.

Threats:

Currently the country faces two main challenges: first, the need to revive the Constituent Assembly or plan for a fresh election – there is no provision in the current interim Constitution for either action – and second, to forge consensus on the federal governance structure. This remains a daunting task for political parties as federalism and the ideal system of government remain hotly debated. Without an agreement on this issue, it is unlikely that the country will overcome its political impasse.

There have been multiple attempts made to weaken the strength of CFUGs and roll back the laws currently on the books to empower them. This trend is perhaps best exemplified by the recent amendment to the Forest Act of 1993, proposed by the Ministry of Forests and Soil Conservation (MoFSC), which would place further regulatory barriers on CFUGs to weaken their autonomy, limit potential economic benefits, and minimize civil society influence. However, a strategic advocacy campaign led by FECOFUN and other groups led to the eventual withdrawal of the amendment proposal, but despite this success the move to weaken CF continues apace. Recent efforts have included proposals to remap forest territories and change requirements for environmental impact assessments (EIA) by CFUGs.

Despite the current political vacuum in Nepal, there is space for RRI to work through its Partners and Collaborators to collectively advocate for the inclusion of tenure and community rights in political party manifestos and new forest sector strategy documents. The following developments present strategic opportunities for RRI moving forward:

Community forestry in Nepal has been and remains a global role model, and several countries around the world have successfully pioneered many of its key institutional features. As such, ensuring the strength of community forestry rights in Nepal holds international significance. It is, therefore, important to prevent any weakening or fracturing this powerful movement through political, ethnic or otherwise.

3. Country Strategy

The mission of RRI's work in Nepal is to retain and expand community property rights over forest resources. Despite the current political vacuum, the rollback of rights through the bureaucratic process still poses a threat – however, opportunities for strategic intervention remain. The RRI Coalition has identified the following strategic opportunities for engagement in 2013:

1. Develop broad recognition of the key role of sustainable community forestry in rural poverty alleviation, job creation, and revenue generation; establish linkages to national economic development goals
2. Conduct joint advocacy with women's, Indigenous Peoples', and land and water rights groups to develop cohesive, strategic vision among civil society groups and effectively advocate for rights-based policy reforms

Utilize political connections and social legitimacy to ensure rights are included in political parties' agendas for upcoming elections and formation of new Constituent Assembly

6.2 Nepal – Proposed Activities 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
1. Develop broad recognition of the key role of sustainable community forestry in rural poverty alleviation, job creation, and revenue generation; establish linkages to national economic development goals	Evidence-based policy advocacy to demonstrate that community forests generate jobs and revenue, and reduce poverty in forested areas	Analysis of economic value of community-managed timber and NTFPs and potential for generating employment and income <ul style="list-style-type: none"> - Consultant @200x60 days = \$12,000 - Travel and accommodation \$4,000 - Research assistants \$4,000 - Publication (one policy brief) \$2,000 - Dissemination workshop \$3,000 	\$25,000	<ul style="list-style-type: none"> • ForestAction (COFSUN) 	
2. Conduct joint advocacy with women's, Indigenous Peoples', and land and water rights groups to develop cohesive, strategic vision among civil society groups and effectively advocate for rights-based policy reforms	Gender and Social Inclusion-based advocacy in forestry/resource sector to maintain balanced, constant and critical engagement with political actors	Dialogue on forests, land and water amongst community organizations, IPs and women's groups <ul style="list-style-type: none"> - Field visit and reflection and interactions with media on tenure and jobs \$3,000 - Workshop on issues related to forest tenure, community rights and jobs (for leaders of women, IPs, poor, landless, CF facilitators) \$6,500 - Capacity development and community dialogues \$6,500 - Media mobilization on women's issues \$2,000 - Issue-based national level sharing workshop \$2,000 	\$20,000	<ul style="list-style-type: none"> • HIMAWANTI 	
3. Utilize political connections and social legitimacy to ensure rights are included in political parties' agendas for upcoming elections and formation of new Constituent Assembly	Interactive, multi-stakeholder dialogue on forest tenure, governance and enterprise	i. Dialogue with key political parties and potential Constituent Assembly and Parliament candidates <ul style="list-style-type: none"> - Multi-stakeholder dialogue \$5,000 - Exploring potentiality of forest-based enterprise development through analysis and discussion at local and national level \$10,000 - Awareness campaign through media mobilization (2 events) \$5,000 - Facilitation for Operational Plan and Constitution development for model CFUG including Public Hearing, Public Auditing, Assessment of good Governance \$5,000 	\$25,000	<ul style="list-style-type: none"> • COFSUN 	
		ii. Policy advocacy through meetings, workshops and mass and media mobilization with politicians, bureaucrats, media, and other stakeholders <ul style="list-style-type: none"> - Issue-based interaction \$4,000 	\$35,000	<ul style="list-style-type: none"> • FECOFUN (HELVETAS Swiss Intercooperation, NRM Peoples') 	

		<ul style="list-style-type: none"> - Roundtable discussion with senior forest officials, politicians, private sector and media on forest tenure, enterprise development and green jobs \$10,000 - Production of advocacy materials and distribution (booklets, pamphlets, posters) \$3,000 - Ban Chautaris (tenure learning group and policy dialogue on tenure and forest-based job creation) (3 events) \$5,000 - Social mobilization and policy advocacy for forest handover, improving forest governance and community forest management in Terai \$10,000 - Engage and develop partnership with REDD working group, forest tenure strategy task force \$3,000 		Parliament)	
		<p>iii. Mobilize support from public and private sectors for “green jobs” campaign</p> <ul style="list-style-type: none"> - Exposure visits to community forest enterprises for political party leaders to demonstrate link between tenure reform, community forest management and job creation \$4,000 - National stakeholder workshops on sustainable forest management and green jobs \$4,000 - Mass campaign and public hearings to engage private sector and promote generation of green jobs through alternative trade and forest enterprise development \$10,000 - Media engagement on issues of tenure reform, climate change, sustainable forest management and green job creation \$5,000 	\$23,000	<ul style="list-style-type: none"> • FECOFUN (HELVETAS Swiss Intercooperation, NRM Peoples’ Parliament) 	
<p>Total funds proposed for Nepal activities: \$128,000</p>					

6.3 Audiences and Priority Outcomes – 2013

Audiences/Constituencies	Priority Outcomes
Politicians, bureaucrats and Constituent Assembly candidates	<ul style="list-style-type: none"> Political parties' agendas and election manifestos recognize community property rights and governance over natural resources Viability of community forestry model to alleviate rural poverty, generate revenue, improve livelihoods and contribute to broader development goals is recognized
Civil society organizations and federations in forest, land and water sectors; IP, dalit and women's groups	<ul style="list-style-type: none"> Strategic joint advocacy platform is developed; capacity among local groups is developed to effectively advocate forthcoming Constituent Assembly and line ministries for rights-based reforms Capacity of relevant issues-based civil society and community organizations (land, water, dalit, etc.) are strengthened Media is effectively engaged to disseminate advocacy messages
Media/journalists and international organizations	<ul style="list-style-type: none"> National and regional awareness on need for recognizing/preventing rollback of rights in forthcoming Constitution is raised

6.4 Strategic Partners, Collaborators and Roles

Partners and Collaborators	Roles
FECOFUN	<ul style="list-style-type: none"> Leads grassroots mobilization efforts and development of cohesive strategy among forest-sector CSOs Coordinates multi-stakeholder national policy campaign with political parties, government agencies, and key leaders to promote community forestry Mobilizes media to raise awareness of importance of rights in natural resource laws and policies Capitalizes on social recognition and political clout to advance government support of community forestry
HELVETAS Swiss Intercooperation	<ul style="list-style-type: none"> Provides intellectual inputs on forest governance and tenure reform to inform advocacy strategy Collaborates and supports the work of the Nepal Coalition
Forest Action	<ul style="list-style-type: none"> Analyzes economic and livelihoods dimensions of community forestry
HIMAWANTI	<ul style="list-style-type: none"> Develops leadership capacity and institutional representation of women associated with the management of natural resources Raises awareness on the need for gender and social inclusion in community forestry institutions
COFSUN	<ul style="list-style-type: none"> Engages in advocacy for community rights to increase institutional participation at national policy level
NRM People's Parliament	<ul style="list-style-type: none"> Advocates to key policymakers for rights of local communities over natural resources; provides inputs to key decision makers on NRM related issues on behalf of local communities Collaborates and supports ongoing advocacy work
Forest, land and water CSOs; dalit/indigenous organizations (RDN Nepal, NGO Federation, etc.)	<ul style="list-style-type: none"> Collaborates with Nepal Coalition to develop cohesive advocacy strategy Raises awareness on need to respect rights of historically marginalized groups in policy and implementation

VII. Country of Engagement – Lao PDR¹³

7.1 RRI Strategy

1. Review of in-country progress

RRI has played an active role in introducing the tenure reform agenda to Lao PDR, generating a keen interest among policymakers to ensure resource policies promote poverty reduction, equitable resource distribution, and environmental sustainability as well as economic growth. When RRI first started this intervention, tenure reform was not highly prioritized among policymakers. With the strong support of its Partners, RRI organized a Lao Tenure Reform Learning Group consisting of top officials from ministries, research institutions and the National Assembly (NA), and led two official delegations to visit China to view the tenure reform process first-hand and interact with top Chinese officials. Following up on these visits, a National Workshop on Forest Tenure and Policy (2011) and a high-level policy dialogue (2012) were organized that created momentum for further discussion and dialogue on land, forest law and regulations and the opportunity to explore potential areas where RRI can best contribute to and support ongoing reform processes.

A breakthrough in the evolution of forest and land tenure policy came in 2011, when the Government of Lao PDR announced a sweeping review and revision of various policies and legislation pertaining to land and natural resources. This announcement was significant in that it allowed RRI to focus its advocacy efforts on the Ministry of Natural Resources and the Environment (MoNRE), to which responsibility for land matters was transferred, and the NA, which emerged as a key player in balancing accelerated economic development and growth with ensuring equitable distribution of benefits. During the current administration, the NA is taking an unprecedented role that supersedes technocratic vested interests over land and forest resources. It specifically requested RRI assistance in this process in 2012:

- RRI provided the services of a consultant to assess the economic implications of different land use scenarios.
- The International Knowledge-Sharing and Learning Workshop on Land and Forest Tenure Reform provided an opportunity for NA representatives to learn from experiences of eleven countries and influential civil society voices from Lao PDR. It catalyzed an unprecedented government announcement to undergo a formal process of large-scale land reform, prioritizing enhanced effectiveness of policy implementation and decentralization of local land management for sustained poverty alleviation. The NA also announced their intention to create a sound policy and legal framework where the rights and responsibilities of all parties involved in land use and development are clearly defined.
- RRI and RECOFTC led a highly successful exposure visit of key NA and line ministry members to Mexico to learn from the Mexican experience of community-based forest enterprise and resource management and the certification and registration of collective land and forests. This was extremely well-received, with one of the delegates expressing her strong hope to apply lessons from Mexico to the ongoing policy revision process.

2. Country Context and Political Analysis

Context:

For the majority of rural citizens in Lao PDR, tenure is extremely insecure. On the whole, land and forests are open to discretionary interventions by powerful actors, and local communities have had very little political recourse to

¹³ RRI Partners and Collaborators gathered on August 30, 2012 for the 2013 Strategy and Planning Meeting in Vientiane, Lao PDR. Organizations in attendance included three RRI Partners (RECOFTC, HELVETAS-Swiss Intercooperation and Samdhana Institute) and one civil society Collaborator, Land Issues Working Group (LIWG). Government stakeholders were welcomed to the meeting, and included representatives from the National Assembly, Ministry of Agriculture and Forestry (MAF) and Ministry of Natural Resources and the Environment (MoNRE).

Separate negotiations were held between Arvind Khare (RRG) and Mme. Souvanpheng Boupphanouvong (President, Economic, Planning and Finance Committee – National Assembly) to further develop the country strategy. Input was later received from Anne-Sophie Gindroz (Country Program Director, HELVETAS-Swiss Intercooperation-Lao), by email.

defend their rights. Land conflicts are a growing problem. Until the 1990s, timber concessions were controlled by the military and linked to Vietnamese operations to supply Vietnamese industries, and now continue to be focused on Vietnamese and Thai market demands.. Current law holds that the State is responsible for determining how land can be used by individuals and organizations, which often conflicts with villagers’ notions of their customary rights and authority. Historically, provincial authorities have been and continue to be powerful actors in resource management.

Lao PDR has recently witnessed an increase in foreign direct investment in large-scale agricultural, extractive industry, and hydroelectric power concessions. This has led to a consistent GDP growth rate of 7-8% per year for the past five years and a shift away from donor dependency. Land management remains a priority area, given that access to land for rural households is fundamental to sustained poverty alleviation. Responsibility for land matters was recently transferred to the new Ministry of Natural Resources and Environment (MoNRE). The National Assembly has emerged as a key institution that is taking the lead in review of policies to ensure they are more equitable.

It is in this context the Government of Lao PDR is reviewing and revising various policies and legislation pertaining to land and natural resources. This process started in 2011, and it is planned that a revision of land use policies and legislation will be completed by June 2013. Once this is complete, the revision of other related policies and regulations such as for agriculture, forestry, mining, and water will take place.

Yet the National Assembly and other line ministries increasingly recognize the unsustainability of these policies and the alarming enforcement gap between policy and practice, with environmental and social safeguards often ignored. As a result, land and conflicts (primarily between communities and concessions) have become the top issue of concern among Lao citizens; in June 2012, land disputes were by far the most frequent subject of public complaints to the National Assembly.¹⁴ Clear policies, implementation of state, community and household land titling and grievance mechanisms are therefore essential to the achievement of national goals of economic growth, food security, poverty eradication and climate change adaptation.

The Committee for Economy, Planning and Finance of the National Assembly of Lao PDR has identified that the cross cutting and cross-sectoral issues associated with land including tenure, ownership, titling, leasing, and other land use types pose challenges and there is a need to take a strategic view and formulate policies to ensure that the various competing forces both economic and social are balanced to both maximize growth and alleviate poverty in Lao PDR.

Key concerns identified by the Committee for Economy, Planning and Finance of the National Assembly of Lao PDR include:

- Ensuring that the vast majority of Lao households both urban and rural areas have secure land rights for example acknowledgement of traditional land rights to their land in the form of officially registered land user rights before land is opened up to foreign investors;
- Ensuring clarity and consistency in the legal framework –implementing guidelines;
- Ensuring effective institutional and administrative capacity at central and local levels to administer and monitor land transactions;
- Raising awareness amongst citizens about the terms, opportunities and risks associated with various land use scenarios before foreign investors are invited to come to Lao PDR; and
- Ensuring transparency in all land related transactions so that citizens and local communities can monitor how well laws and regulations are being implemented – effectively performing the “watchdog” function at local level.

Threats:

In this context, local communities in Lao PDR face sustained threats to their land and forest tenure security and rights, including:

¹⁴ Vientiane Times. 2012. “Government urged to review land compensation.” [Vientiane Times](#). 18 August 2012.

- Continued pressure from national and provincial elites to accept FDI and allocate resources to the highest bidder, irrespective of customary rights, and
- Weak organization of Lao civil society with few village level forest user organizations.

Opportunities:

RRI has made significant progress in facilitating international knowledge-sharing and generating political will for tenure reforms among key government constituencies. While significant challenges remain in translating this political will to policy and legal frameworks, the Coalition aims to capitalize on its past engagement with the National Assembly as a key changemaker in the field, and its expansion to newer civil society Collaborators, to ensure that lessons learned to date are applied in both policy and practice. The following opportunities will guide RRI's work from 2013 onward:

- Increasing political influence of the Land Issues Working Group (LIWG), a network of civil society organizations working to promote awareness and understanding of the social, economic and environmental impacts of land related projects.
- Strong NA interest in reducing conflicts and active engagement in the reform process
- Recognition of high value NTFPs as important economic activity that is key to food security, and organization of product producer groups
- Receptiveness of government and lawmakers to learning from international experiences

3. Country Strategy

The mission of RRI's work in Lao PDR is to effectively influence the ongoing land and forest policy revision process to ensure that forthcoming tenure reforms clearly recognize the rights of local communities and Indigenous Peoples. Through its ongoing work to promote learning from international experiences and glean best practices, and as a result of the opportunity posed by the policy revision process, RRI sees exciting new windows of opportunity for strategic intervention in three main thematic areas:

5. Multistakeholder engagement among national, regional and district government constituencies effectively ensures that rights are respected and effective conflict resolution mechanisms are introduced in revised natural resource policies
6. Existing and emerging legal and policy frameworks for land titling and resource tenure are effectively implemented, and enforcement/efficacy gaps are addressed in developing new titling systems
7. The forthcoming national legislation ensures that FDI and regional investments respect the rights of communities and take their consent before beginning a project.

7.2 Lao PDR Proposed Activities – 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
1. Multistakeholder engagement among national, regional and government district constituencies effectively ensures that rights are respected and effective conflict resolution mechanisms are introduced in revised natural resource policies	Engage regional National Assembly members, provincial and district government representatives (examine specific contexts in North, Center and South regions) on: - Importance of rights: learning from other experiences - Conflict resolution mechanisms: their new place in policy	i. Three regional knowledge-sharing workshops with participation from NA regional members, civil society, line ministries, NA women's caucus, Ethnic Affairs committee, combined with field visit	\$30,000	• HELVETAS Swiss Intercooperation (LIWG, RECOFTC, SI)	
		ii. Wrap-up meeting in Vientiane	\$3,000	• HELVETAS Swiss Intercooperation (LIWG, RECOFTC, SI)	
		iii. Exposure visits of Lao community resource persons to strengthen civil society	\$5,000	• RECOFTC (LIWG)	
2. Existing legal and policy frameworks for land titling and resource tenure are effectively implemented, and enforcement/efficacy gaps are addressed in developing new titling systems	a. Develop database for existing land titling systems in Lao PDR	Engage consultant (GIZ/others) to prepare database	\$20,000	• RECOFTC and HELVETAS Swiss Intercooperation	
	b. Evaluate efficacy, identify implementation gaps and lack of enforcement	Case studies (3)	\$7,500	• RECOFTC and HELVETAS Swiss Intercooperation	
	c. Develop suggestions for new titling systems	Roundtable and preparation of recommendations	\$5,000	• RECOFTC and HELVETAS Swiss Intercooperation	
3. The forthcoming national legislation ensures that FDI and regional investments respect the rights of communities and take their consent before beginning a project.	a. Introduce responsible investment that ensures that rights are not violated	High-level meetings with senior decision-makers from China and Vietnam to share main findings and problems stemming from investment (linked to CSR standards and respect for Lao legislation) - Field visit	\$10,000	• RECOFTC and HELVETAS Swiss Intercooperation	
	b. Start a process that makes FPIC a key condition for FDI	i. Workshop with NA and line ministries (including finance ministries)	\$5,000	• HELVETAS Swiss Intercooperation and LIWG	
		ii. Publicize corporate practices to general public via daily paper or online media	\$2,500	•	
Total funds proposed for Lao PDR activities: \$88,000					

7.3 Audiences and Priority Outcomes – 2013

Audiences/Constituencies	Priority Outcomes
National Assembly; line ministries ¹⁵	<ul style="list-style-type: none"> Commitment to advancing community rights is realized in forthcoming revisions to land and forest policies Conflict resolution mechanisms are developed and effectively implemented to reduce incidence of resource-based conflict in rural areas Revised resource policies introduce provisions for responsible FDI that respects Lao law and community/indigenous rights
INGOs, research institutions and donors	<ul style="list-style-type: none"> International experience is leveraged and made accessible to key decision makers in Lao PDR to contribute to policy revision process Exchanges and lessons facilitate broader recognition of need to ensure rights are respected, conflict resolution mechanisms introduced, and land titling procedures are revised
Lao civil society	<ul style="list-style-type: none"> Capacity of civil society organizations to effectively advocate for rights-based reforms is increased
International private sector	<ul style="list-style-type: none"> Rights of communities, Lao legislation and CSR principles are recognized and respected prior to undertaking investment projects

7.4 Strategic Partners, Collaborators and Roles

Partners and Collaborators	Roles
RECOFTC; HELVETAS Swiss Intercooperation	<ul style="list-style-type: none"> Leads advocacy engagement, multi-stakeholder policy dialogues, and knowledge-sharing initiatives with key leaders to expose policy makers to best practices on tenure and rights Conducts research and advocacy on land titling and conflict resolution mechanisms Promotes adoption of investment/FDI policies that respect communities' rights and Lao legislation Publicizes investment practices to general public to expose rights violations
Samdhana Institute	<ul style="list-style-type: none"> Collaborates and supports the work of Lao Coalition; contributes intellectual knowledge, research and expertise on issues related to tenure, rights and conflict
LIWG	<ul style="list-style-type: none"> Promotes awareness of environmental and socioeconomic impacts of land use and natural resource management frameworks; informs government stakeholders on value of rights-based tenure reforms and resource policies Builds capacity of civil society groups on environment and development issues; garners local support and mobilization for tenure reform
National Assembly	<ul style="list-style-type: none"> Incorporates learning from international experiences to inform comprehensive revision of land and forest policies

¹⁵ Includes MONRE, MAF, Department of Forestry

XIII. Country of Engagement – India¹⁶

8.1 RRI Strategy

1. Review of in-country progress

In the past four years RRI has brought together academic and intellectual analysts side-by-side with the government, civil society, and grassroots organizations to come to a joint, in-depth understanding of the Forest Rights Act (FRA) and the land acquisition (internal land grab) by examining the nature of current discourse. In parallel, RRI has also supported the tracking of implementation of the Forest Rights Act for over three years. In 2012, eight case studies from eight different states focusing on land grabs by various sectors were completed and discussed with a large number of grassroots organizations and activists. Based on these case studies and supplemented by independent research an analysis of policies and laws that govern forest and common lands in India was completed. A major impact of these policies and laws is reflected in the growing conflict over land across the country. This phenomenon of conflict is captured in a database and a corresponding map of land conflicts in India. All these products will be presented in a conference scheduled to be held in New Delhi on 18th December 2012. Meanwhile the Ministry of Tribal Affairs has amended the FRA rules which were duly gazetted and issued as “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012” in September of this year. These new rules are a major improvement on the earlier rules and in particular strengthen collective community forest rights, affirm the right to sell surplus non-timber forest produce and remove any transport restrictions in disposal of such produce. These amendments also considerably restrict the arbitrary powers of the bureaucracy to reject forest claims of communities and households.

2. Country Context and Political Analysis

The current contest of the country has been succinctly captured in the overview paper reviewing the policies and laws governing forest and common lands in India¹⁷.

Control over land and natural resources has recently become a subject of heated contestation and debate in India, and today it is one of the central fault lines of Indian politics. No party or political leader can afford not to have a position on questions of land acquisition and displacement, as such issues are now seen as electorally important. The most dramatic illustration of this was the 2011 defeat of the Left Front government in West Bengal – a defeat that was widely attributed to the avalanche of discontent triggered by the Nandigram and Singur conflicts.¹⁸

As a result, there have been parallel debates, discussions, and negotiations underway about the question of land at multiple levels. Thus, at one level, the issue is posed as a legal and policy matter, such as in the debate over the newly introduced bills for land acquisition and regulation of mining. At another level, the question is discussed as a political issue, regarding how mass discontent is being channeled into different forms of resistance, and how the state is responding to it. This is the discourse most common among political parties and social movements. Linked to this is the "security" discourse, about how the state should respond to threats to "law and order", as well as to the armed resistance movements (for whom these issues have become central). For NGOs and development specialists, the questions of displacement, rehabilitation, and their welfare impacts are quite central, as are the environmental questions over the implications of destruction of natural resources, pollution, loss of biodiversity, etc. Finally, there is the economic and "development" discourse, where the issue is framed as one of growth, generation of employment, creation of infrastructure, expansion of opportunities, etc. Each of these approaches, and in particular those rooted in the state machinery (the "economic," "security" and

¹⁶ RRI actors in India gathered on September 18, 2012 for the 2013 Strategy and Planning Meeting in New Delhi, India. Representatives of the RRI India Advisory Committee in attendance included Viren Lobo (SPWD), Madhu Sarin (Campaign for Survival and Dignity/RRI Fellow), Shankar Gopalakrishnan (forest rights activist) and Arvind Khare (RRG).

¹⁷ Undemocratic and Arbitrary: policies and laws that govern forest and common lands in India, Shankar Gopalakrishnan, RRI – SPWD, 2012

¹⁸ Nandigram and Singur were the sites of major protests against the acquisition of land for industrial projects (a chemical hub and a car factory respectively). Following rallies, hunger strikes, police firings and the deaths of many people – the eventual death toll in Nandigram was estimated to be over 50 – both projects were withdrawn.

"policy" ones), deems the others to be unnecessary externalities which can be addressed but are not the "main" issue. This compartmentalization has its structural causes, but the results are very negative.

Trends:

Irrespective of competing narratives and positioning by various actors, those affected by land acquisitions resort to diverse forms of resistance, leading to conflicts across India, ranging from protests, hunger strikes, armed violence and mass uprisings. The majority of such struggles, whatever their character, are met with police action and brutal repression as a first resort. The resulting spiral of violence sometimes culminates in deployment of paramilitary forces, police firings and often in deaths. This same story repeats itself in many areas, whether in struggles against nuclear power plants, against POSCO's steel plant, against mining in Chhattisgarh, against SEZs in Maharashtra and Andhra Pradesh, against the Polavaram dam, against the Tatas in Kalinganagar, against new tiger reserves, etc.

In some places, such struggles do result in projects being withdrawn, or in plans for declaration of new protected areas being dropped. In recent years, the wave of such conflicts has also acquired electoral significance. But at a systemic level, despite old and new laws to defend common rights, little change has occurred in the actual practice of land takeover. The state machinery continues to use armed force to secure control over forest and common lands over the dissent of those dependent on it.

The phenomenon of land takeovers by Indian companies outside India has not yet received as much attention in India as it has in the world-wide debate on "land grabs." There is little discussion of and even less initiative for holding the Indian corporate sector accountable to any norms regarding their investment behavior outside the country. Thus, corporate behavior of Indian and international investors inside and outside of India is reflective of the large challenge faced by communities and peasants and their struggles.

Threats and Opportunities:

Following mass protests against evictions, in 2006 the Central government passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act – better known as the Forest Rights Act. For the first time, this legislation provided for explicit recognition of the rights of forest dwelling communities over common lands and resources, including using land for cultivation, minor forest produce, grazing areas, water bodies, etc. It also legally empowers communities to protect and manage forests, wildlife, biodiversity, water catchment areas and their cultural and natural heritage. Finally, the process of determining and recognizing all these rights was to be initiated by, and accountable to, the *gram sabha* (village assembly), thus marking a sharp shift away from the centralized control regime.

Both prior to and after the passage of this Act, however, there has been an intense resistance from the forest bureaucracy, other sections of the state machinery, and a small number of elite wildlife conservationists.

The intense struggle over the Act had a positive result as well. It triggered policy debates and political struggles over two key issues: democratic control over forest management and collective community rights. Centralized control over forests could no longer be taken for granted, either in law or in the public eye. One of the more striking outcomes of this change was a July 2009 order of the Ministry of Environment and Forests, which made it mandatory for any State government seeking diversion of forest land to provide a certificate from the affected *gram sabhas* stating that the implementation of the Forest Rights Act is complete and that the *gram sabha* consents to the diversion. This order essentially made the legal requirements of the Forest Rights Act explicit in the context of diversion of forest land.

Yet, having failed to scuttle it, forest authorities and other agencies have consistently turned to violating and sabotaging this law. In particular, collective and community rights have rarely been recognized. A September 2010 report of the Council for Social Development concluded that "all non-land rights in the Act – most of which are community rights – have largely been ignored in implementation"; it also stated that "there has been large-scale interference by the Forest Department in the rights recognition process" and that "both the Central and the State

governments have actively pursued policies that are in direct violation of the spirit and letter of the Act."¹⁹

Thus, the situation in forest lands continues to be marked by severe contestation and struggle over questions of resource control and legal rights. A similar pattern can be found in the case of other common lands – mostly held by revenue departments but traditionally and customarily managed and used by communities.

Passed in order to extend the *Panchayati Raj* (local self-governance) system to Scheduled Areas,²⁰ the *Panchayats (Extension to Scheduled Areas) Act* (the PESA Act), 1996 was shaped by a nationwide *adivasi* mobilization, which compelled the government to include some very powerful provisions on democratic control over land and natural resources. These include a general statement that the *gram sabha* is "competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution", as well as requirements that the *gram sabhas* should be consulted prior to acquisition of land or resettlement of displaced people. The Act also gave the *gram sabhas* and *panchayats* powers over minor forest produce, minor water bodies, leases for minor minerals, development schemes and functionaries, and alienation of *adivasi* land. Yet, the recent case studies under RRI initiatives show a striking pattern of expropriation and dispossession in these lands that is similar to that in forest lands. Even special laws like the PESA Act are routinely ignored and violated.

For the problem to be addressed, the decision-making process for control of land requires fundamental changes. The basic principle of common and collective land use is collective control. The concomitant to this has to be a democratic process of deciding on land takeover. This will help curb the present destructive cycle, as well as reduce the tendency for speculative and vested interests to take advantage of the current legal framework.

Existence of FRA and PESA on the statute books and the unfolding debate on land acquisition and mining bills offers an opportunity to develop an RRI platform that empowers the grassroots movements to force a change in decision-making processes and have a full say in decisions about land takeovers.

3. Country Strategy

RRI will pursue a short term and a long-term strategy for engagement in India.

Short term strategic interventions will be:

1. *Strengthen the implementation of Forest Rights Act and Panchayats (Extension to Scheduled Areas) Act.*
2. *Promote regulation of speculative activities related to land:*
 - Analysis of financial regulations
 - Recommendations and suggestions to the Securities and Exchange Board of India (SEBI) to alter its regulations
 - Analysis and recommendations to RBI and new regulations to banks for treatment of projects without clearances
3. *Help resolve components of ongoing forestry programs:* Lack of complementary institutional reforms by the forestry establishment is obstructing full implementation of the Forest Rights Act in many ways. Analysis of ongoing forestry programs to generate credible evidence for demanding change.

Long-term strategic interventions are:

4. *Strengthen/support capability enhancement at the grassroots level to influence land tenure policies:* Critical analysis and research with grassroots movement that would enable targeted interventions in the areas of RRI priorities as a long-term platform. The joint analysis and research with grassroots movement would also enable interventions into the public domain through diverse mechanisms including op-eds, open letters, etc. at both the local and national levels in a manner which will facilitate political actors taking up issues to influence policy related decision making.

¹⁹ Council for Social Development (2010). *Summary Report on the Implementation of the Forest Rights Act*, New Delhi: Council for Social Development, September.

²⁰ As per Article 243M(1) of the Constitution.

5. *Development of standards and accountability mechanisms for Indian investors*: Deeper analysis of the impact of Indian investments in other countries and development of a platform to introduce norms for investment decisions outside the country and establish an accountability mechanism (or create conditions for better use of existing international mechanisms). This will also contribute to RRI's BRIC strategy.

8.2 India Proposed Activities – 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
1. Strengthen the implementation of Forest Rights Act (FRA) and Panchayats (Extension to Scheduled Areas) Act (PESA)	Strengthen grassroots organizations' advocacy efforts with MoTA, Ministry of Panjayati Raj, MoEF and Ministry of Rural Development by supporting analytical research and exposure to international movements	i. Work with 6-10 selected grassroots movements/organizations ii. Develop methodology for analysis iii. Conduct analysis iv. Synthesize and convert to advocacy pieces v. Develop advocacy strategy and implement	\$60,000	• Vasundhara	
2. Promote regulation of speculative activities related to land	Analyze financial regulation in India to look for spaces for curbing speculative activities related to land	i. Analysis of RBI and SEBI regulations	\$15,000	• Consultant working with Indian Collaborators and RRI Fellow	
		ii. Preparation of policy briefs	\$10,000		
		iii. Advocacy with RBI and SEBI	\$5,000		
		iv. Hold public event and influence policy through diverse mechanisms including op-eds, open letters, etc. at both local and national level	\$10,000		
3. Reform forestry institutions and programs to align them with Forest Rights Act and Panchayati Raj institutions	Highlight contradictory components of ongoing forestry programs, including JFM and official forestry institutions that subvert the power granted to community institutions through FRA and PESA	i. Generate credible evidence for demanding change by conducting separate analysis	\$10,000	• SPWD	
		ii. Convene key policy-makers and grassroots movements	\$10,000		
		i. Media and publicity	\$5,000		
4. Develop standards and accountability mechanisms for Indian investors	a. Deeper analysis of the impact of Indian investments in other countries	i. Indian institutions analyze Indian investments abroad, especially in Africa and Southeast Asia	\$35,000	• Selected Indian institutions (IEG, CSD, etc.) with RRI Fellow	
	b. Develop a platform to introduce norms for investment decisions outside the country and establish an accountability mechanism, or create conditions for better use of existing international mechanisms	i. Either industry associations or the government develop standards ii. Ensure that standards match international norms	\$10,000	• SPWD	
	c. Use this platform to contribute to RRI's BRIC strategy	i. Deeper engagement with industry associations, commerce and finance ministries	\$5,000	• SPWD	
Total funds proposed for India activities: \$175,000					

8.3 Audiences and Priority Outcomes – 2013

Audiences/Constituencies	Priority Outcomes
National government agencies ²¹	<ul style="list-style-type: none"> • Forest Rights Act (FRA) and PESA implementation is strengthened with support of grassroots/civil society • Contradictory components of ongoing forestry programs that obstruct implementation are effectively resolved
Financial ministries, Securities and Exchange Board of India (SEBI); Reserve Bank of India (RBI)	<ul style="list-style-type: none"> • Recommendations on curbing land speculation and non-disclosure of land acquisitions inform revision of Land Acquisition Bill and related regulations • Public and private land investments without clearance or consent are acknowledged as high-risk
Private sector and industry associations	<ul style="list-style-type: none"> • Accountability standards for land investments are established, informed by international experiences and standards for LSLAs, that respect forest dwelling communities' rights and curb violent conflict
Community and civil society groups	<ul style="list-style-type: none"> • Communities are empowered to assert their claims with Ministry of Tribal Affairs (MoTA) and Ministry of Panchayati Raj • Enhanced engagement and mobilization at the grassroots level is strengthened to effectively influence FRA and PESA policy implementation • Research, analysis and media campaign on internal land grab persuades policymakers to take action on internal land grab phenomenon

8.4 Strategic Partners, Collaborators and Roles

Collaborators	Roles
SWPD	<ul style="list-style-type: none"> • Leads analysis, convenings, and media engagement around reformation of forestry institutions and programs • Convenes and mobilizes key government and civil society actors for national workshop • Develops private sector accountability standards and deepens engagement with finance ministries/industry associations
Vasundhara	<ul style="list-style-type: none"> • Leads work with grassroots movement to strengthen advocacy and analysis around policy implementation
CSOs and state activists	<ul style="list-style-type: none"> • Develops state-level advocacy strategy based on analysis and workshop conclusions
Advisory Committee (RRI Fellow, Campaign for Survival and Dignity, RRG)	<ul style="list-style-type: none"> • Acts as advisor to ongoing analysis and policy advocacy on land acquisition, private sector accountability, Indian investments abroad, and FRA implementation; provides research and analytical expertise

²¹ Ministry of Tribal Affairs, Ministry of Tribal Welfare, Ministry of Panchayati Raj, Ministry for Environment and Forests, Ministry of Rural Development

IX. Country of Engagement – Thailand²²

9.1 RRI Strategy

1. Review of in-country progress

The primary focus of the RRI Coalition in Thailand has been to strengthen the capacity of existing local and national community forestry networks with the ultimate aim to facilitate the enactment of the Community Forestry Bill and needed legal instruments.

RECOFTC – through their well-established Thai Country Program (ThCP), which works to provide a platform for community engagement, network mobilization and policy advocacy – and the Community Forestry (CF) network have invested considerable effort in moving forward the legal recognition of community forest tenure rights. They have also advocated for the Thai government to rethink of the prevailing conservation model, which is traditional and exclusionary. Over the past year, the network has participated in regional networking events, established linkages between district and regional networks, and formed a national federation. Network members' knowledge, confidence, and ability to engage in constructive dialogue with district, regional and national government representatives on issues such as community forestry, tenure security and rights, has improved tremendously over the past few years.

In the past three years, the CF network has organized a series of dialogues with national policy makers, particularly with those from Royal Forest Department (RFD), in which they identify and voice concern over factors limiting access and use of forest resources. Exchange visits of network members within and outside Thailand have further strengthened their understanding of forest tenure and rights, and enabled active collaboration with similar networks in the region under the umbrella of Global Alliance for Community Forestry (GACF) Asia. Networks have also established a strong relationship with the National Law Reform Commission, and are advocating for rights and tenure to be included in legal procedures.

Despite these efforts, there has been no significant change in policies at the national level to recognize the rights of ethnic groups and local communities over their land and forest resources. Recognizing this, RECOFTC sees an opportunity to strengthen regional linkages to broaden impact. The recent MOU signed by RECOFTC and the ASEAN Social Forestry Network (ASFN) presents a particularly promising opportunity for collaboration from 2013 onward.

2. Country Context and Political Analysis

Context and Threats:

For decades, local communities in Thailand have managed approximately 1.15 million ha of forest (almost seven percent of the country's total forested area) in their domain as de facto rights. As of December 2010, the Royal Forest Department had formally recognized and registered approximately 8,000 community forestry groups around Thailand. Despite this, the Community Forestry Bill, initially drafted in 1991, has never been enacted; over the past 20 years the original draft has been rewritten, rejected, approved and rescinded. The key point of contention centers on local forest use rights in protected areas.

Thailand is a country that is stuck – unable to address the problem of over 14 million people living “illegally” inside declared conservation protected areas, or in and around forests that have long been held as customary territories. The proposed changes to the constitution, which first appeared in the People's Constitution movement in 1997, provided a strong ray of hope, as amendments to Article 46 accepted the principles of community rights and would

²² RRI Partners and Collaborators gathered on September 4, 2012 for the 2013 Strategy and Planning Meeting in Bangkok, Thailand. Organizations in attendance included RRI Partner RECOFTC, network members (representing the Eastern Community Forestry Network, SDF (North), WCCARD, Chiang Mai Community Forestry Network and Tanawasri Conservation Network), government officials (representing the National Legal Reform Commission and the Royal Forestry Department) and RECOFTC Collaborators SIRNet and Mangrove Forest Foundation-Thailand.

have provided the impetus for the passage of a new Community Forestry law. However, the accompanying bill has progressed slowly due to bureaucratic and political hurdles. A version of the bill was passed by the National Legislative Assembly following the 2006 coup, but was subsequently dismissed. It has not been able to regain traction since and has all but been abandoned.

Since then, reformists have introduced a number of pieces of legislation in an attempt to establish a similar goal. There are multiple forums to table this issue. First, the Decentralization Act of 1988 cites the need to empower communities to participate actively in management, use and protection of forest resources, but in practice it is not implemented as per the spirit of the Constitution and Act. Second, the government initiated the National Law Reform Commission by bringing people from diverse backgrounds (lawyers, academics, politicians and civil society) to collectively resolve legal dilemmas including the issue of community rights over forests and land. With the creation of a national, post-flood restoration and disaster management program, there is considerable funding earmarked for forest management and restoration. This could prove to be an opportunity to advocate that without tenure security, none of the forest communities will be able to participate in restoration and management activities.

It is telling that a report written by USAID/WRI consultants in 1990 still seems to hold true:

Thailand's former forest management practices have negatively influenced the country's economic and social development. The government tried to rectify this with new policies, although differing social and environmental resource needs of all involved parties has made this difficult. Making matters worse, the authors argue, people in policy-making roles consistently oversimplified local communities with the stereotype that their resource extraction is destructive and they are not capable of managing forests. This has spawned unfair legislation and increases conflict between the villagers and government. The government proposed establishing a forestry sector master plan and launching a project for relocation of people living in deforested areas, while it increased plantation forestry, community forestry, wildlife protection and other forestry initiatives. Critics of the government programs decry their focus on world markets rather than the needs of local people. Widespread sympathy has arisen for poor and landless people who are resisting army officers and investors who want to create large-scale plantations. The government has responded to this resistance with an initiative to promote community forest management, although this has been criticized as insufficient.²³

While the majority of communities lack tenure security, a large population (mainly hill tribes in border areas) even lacks citizenship. This has led to continuous narcotic crop production, trafficking and other illegal activities, both within Thailand and across its borders. There is still a long road ahead not only to achieve full and formal recognition of rights, but also to address human rights violations and illegality in and around Thai forests.

Thailand is also unusual in that policies are largely driven by internal politics and perspectives, and less influenced by European or North American donor countries or by other countries in the region. This makes it important to generate effective advocacy that builds on Thai political and societal trends and movements, as reform will likely only take place when the citizens and public opinion-makers endorse the change of direction.

Opportunities:

When the Thai government had invested in community level economic development and environmental sustainability (for example, the RFD project to enable forest communities to adopt organic agricultural practices for improved health and water quality), communities respond by advocating for increased rights. Near Chiang Mai, communities have successfully blocked the establishment or expansion of new protected areas into customary forests by establishing statutes through local-level authorities for decentralized resource governance in accordance with their rights. This has created a small number of visible communities who demonstrate sustainable resource management and provide evidence that policy reform is practical and beneficial for conservation and rural

²³ <http://rportal.net/library/content/tools/community-based-natural-forest-management-USAID-Lessons-Learned/cbnfm/USAID-BDB-cd-2-data/empowering-local-resource-managers-in-the-public-forest-reserves-i.e.-the-pah-sa-nguan-of-the-kingdom-of-thailand/view>

development. That some of these communities also produce high value NTFPs, including forest mushrooms, better enables them to convince public authorities of the multiple benefits of forests.

The 2011 floods, which turned into a serious disaster for the Bangkok metropolitan area and reduced economic returns in the surrounding region, is a focal issue around which community forest rights can be advanced. The government is planning substantial investment in post-flood restoration, targeted at upper watershed catchments, an area where many communities have insecure tenure rights. Linking the issue of disaster preparedness and mitigation of risk to secure tenure, and the sound investment of restoration funds, is an important political opportunity for forest tenure advocates.

3. Country Strategy

The CF network has carried out a serious reflection on the current country context and new entry points for advocacy and political influence. With the failure of the Community Forestry bill to pass, the national reform committee members, communities and CSOs are exploring alternative avenues of gaining statutory rights to local resources, including drafting and promoting a new bill on People's Participation in Natural Resource Management' and as well as a new Law on Community Rights.

In 2013, the Coalition will intervene at two levels. Firstly, networks will create a new, internal sharing and learning platform, and establish a public forum to raise awareness and increase peoples' knowledge on rights and tenure. Secondly, continued dialogue with national stakeholders will aim to increase influence and pressure on the policy process, particularly through engagement with the National Law Reform Commission and post-flood restoration programs. With this in mind, RRI sees new windows of opportunities for strategic intervention in the following areas:

1. Establish an effective public forum and dialogue to promote forest community tenure and rights
2. Generate new strategic analysis of the implications of secure tenure for conservation goals and economic development goals

9.2 Thailand Proposed Activities – 2013

Outcome/Objective	Strategic areas of intervention	Activities	Cost of Activities	Actors	Multi-year
<i>1. Establish an effective public forum and dialogue to promote forest communities' tenure and rights</i>	a. Strengthen linkages between National Law Reform Commission, CSOs and communities to promote new bills into law	i. Support organization of 3 public hearings and consultations with NLRC on new laws and policies pertaining to forestland tenure that are drafted for Cabinet approval	\$4,500	• National Law Reform Commission (NLRC)	
		ii. Annual National Seminar on Forests and Land Policy Reform	\$4,000	• RECOFTC (NLRC, local partners)	
	b. Engage new constituencies/potential allies in public sector and civil society to craft advocacy strategy to ensure tenure issues are included in procedural law	i. Organize 2 dialogues/platforms on forest and land policy reform with strategic partners	\$3,000	• RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	yes
		ii. Form multi-sectoral Forest and Law Reform Working Group with policy researchers	\$2,000	• RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	yes
		iii. Organize 3 consultation workshops on strategic 5-year plan for forest and land policy reform	\$4,500	• RECOFTC (NLRC, SIRNeT, ThaiPBS, CF Network)	yes
	c. Investigate and engage with post-flood programs, promoting the key role of secure tenure in restoration to secure wise use of funds	i. Conduct mini-research on post-flood programs and forest/land tenure security	\$3,000	• RECOFTC (NLRC)	yes
		ii. Organize platform for discussion on research results to share policy recommendations for rights-based post-flood programs	-	• RECOFTC (local partners)	yes
<i>2. Generate new strategic analysis of the implications of secure tenure for conservation goals and economic development goals</i>	Create evidence and disseminate in media, political discourse, public space	i. Research on land and forest tenure in Thailand	\$3,000	• RECOFTC (local partners)	
		ii. Social campaign on forest and land policy through ThaiPBS channel: produce and disseminate stories, cases, public discussion	TBC	• RECOFTC (ThaiPBS, local partners)	
Total funds proposed for Thailand activities: \$24,000					

9.3 Audiences and Priority Outcomes – 2013

Audiences/Constituencies	Priority Outcomes
National Law Reform Commission	<ul style="list-style-type: none"> • Forest communities' tenure and rights are acknowledged and promoted in procedural law
Civil Society and government	<ul style="list-style-type: none"> • Role of secure tenure in post-flood restoration is duly recognized, and community participation is incorporated in restoration programs
Community Forestry networks	<ul style="list-style-type: none"> • Continued capacity-building and network strengthening enables CF networks to effectively advocate to NLRC and restart reform process • Multi-stakeholder awareness is raised on implications of secure tenure for conservation and development goals

9.4 Strategic Partners, Collaborators and Roles

Partners and Collaborators	Roles
RECOFTC	<ul style="list-style-type: none"> • Leads all RRI work in Thailand, acting as focal point for other stakeholders, implementing ongoing work, and contributing specialized knowledge of community forest networks and legislative process • Strengthens existing networks' capacity, builds platform for community engagement at policy level for strategic advocacy engagement • Coordinates establishment of multi-sectoral Forest and Law Reform Working Group and ongoing research on land and forest tenure
CF Networks	<ul style="list-style-type: none"> • Promote coordinated action between CF users and local CSOs on rights and tenure issues
CSOs (SIRNeT, ThaiPBS, others)	<ul style="list-style-type: none"> • Produce and disseminate analyses and research, mobilize media engagement and increase public awareness on forest tenure, legal reform, and inclusion of rights in post-flood restoration efforts

X. Budget – Countries of Engagement

Country	Budget
China	\$272,000
Nepal	\$128,000
Indonesia	\$175,000
Lao PDR	\$88,000
India	\$175,000
Thailand	\$24,000
Total	\$862,000

XI. Summary of all Regional Activities

Category	Budget
Countries of engagement	\$862,000
Regional activities	\$350,000
Regional Facilitation	\$115,000
Total	\$1,327,000