

SUMMARY OF THE SIXTEENTH RRI DIALOGUE ON FORESTS, GOVERNANCE, AND CLIMATE CHANGE: INVESTMENTS, COMMUNITIES AND CLIMATE CHANGE – RISKS AND OPPORTUNITIES

LIMA, PERU

30 OCTOBER 2014

On 30 October 2014 the Rights and Resources Initiative (RRI) hosted its 16th Dialogue on Forests, Governance and Climate Change in Lima, Peru, in partnership with the Instituto del Bien Común (IBC). Over 100 participants took part in four separate panel-led discussions, featuring key representatives from governmental, non-governmental and intergovernmental, Indigenous Peoples, Afro-Descendant, and research organizations. In addition, proceedings were made available via live webcast.

The Dialogue was focused around the theme of “Investments, Communities and Climate Change: Risks and Opportunities.” In the morning, participants engaged in a panel-led discussion on challenges associated with overlapping rights, drivers of deforestation, and investments. The Munden Project released a new report, “Communities as Counterparties: Preliminary Review of Concessions and Conflict in Emerging and Frontier Markets,” that determined that indigenous and local communities inhabit over 90% of resource concessions issued in key tropical countries. The Instituto del Bien Común also released a new map of deforestation in Peru.

A second panel addressed safeguards, standards and climate change, including World Bank programmes related to reducing deforestation. A presentation on the rising influence of Chinese investment in Latin American land and resources was followed by extensive discussion regarding associated regulations and impacts. Another panelist highlighted successes and challenges experienced by Afro-Colombian communities in securing land rights.

In the afternoon, panelists discussed possible solutions to protecting land rights in the context of climate change, and lessons learned that could inform future efforts to secure land rights in the context of REDD+. Participants called for indigenous communities to be granted a higher level of engagement within the 20th Session of the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC COP), to be held in Lima, 1-12 December 2014.

In concluding remarks, Andy White, RRI, thanked participants for taking part in the Dialogue, and urged greater engagement from governments and the private sector in the future. Margarita Benavides, IBC, noted the important role that Indigenous Peoples play, due to their special relationship with the land and the natural world.



Andy White, RRI, Omaira Bolaños, RRI, and Richard Smith, Instituto del Bien Común, Peru, at the opening of the dialogue

A BRIEF HISTORY OF THE RRI DIALOGUES

RRI is a coalition of 14 Partners and over 140 collaborator organizations who are working to advance forest tenure, policy and market reforms. The initiative aims to promote greater global action on pro-poor forest policy and market reforms to increase household and community ownership, control of and benefits from forests and land. The Rights and Resources Group (RRG), a non-profit organization based in Washington, D.C., is the secretariat of this global initiative. The series of RRI Dialogues on Forests, Governance and Climate Change is designed to foster critical reflection and learning on forest governance, the rights of forest communities and Indigenous

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Peoples, and forest tenure in the context of global action to combat climate change, including REDD+. This series builds on the discussions of the International Conference on Rights, Forests and Climate Change, convened by RRI and Rainforest Foundation-Norway in October 2008.

Previous dialogues have focused on topics such as: the role of forest governance in achieving reduced emissions from deforestation; the status of forests in the global negotiations on climate change; the implications of negotiations within the Conference of the Parties to the UNFCCC for forest communities and Indigenous Peoples; common approaches to dealing with the challenges of food security and climate change in forests and agriculture; and scaling-up strategies to reduce emissions and advance development in forest areas. For more information on all of these events, visit: <http://www.rightsandresources.org/>.

WARSAW REDD+ FRAMEWORK: The “Warsaw REDD+ framework” was adopted at the close of the Warsaw Climate Change Conference, which took place from 11–23 November 2013, in Poland. Delegates also adopted seven decisions on REDD+ finance, institutional arrangements and methodological issues.

CARBON FUND METHODOLOGICAL FRAMEWORK: The Methodological Framework is a set of 37 criteria and related indicators associated with five major aspects of Emission Reductions Programs: level of ambition, carbon accounting, safeguards, sustainable program design and implementation, and Emission Reductions Program transactions. It was developed over a twelve-month period, and was approved by Carbon Fund participants at the eighth meeting of the Carbon Fund, on 9 December 2013.

REPORT OF THE MEETING

Omaira Bolaños, Latin America Regional Programme Director, RRI, opened the Dialogue noting the focus on risks and opportunities of investments, communities and climate change.

Richard Smith, Executive Director, IBC, Peru, noted that forest resources are becoming increasingly contentious, citing murders in Peruvian forests that were driven by land tenure security issues and other social conflict. He said that these issues should be addressed, and urged participants to look at how to improve land tenure security, particularly within Peru and the Latin American region.

Andy White, RRI, highlighted that the private sector is becoming increasingly involved and committed to respecting land tenure rights, saying that their involvement is essential to successfully addressing these issues. He also noted global initiatives from development banks to invest in avoiding conflicting rights between communities. White said that

many companies now recognize that their supply chains and even the viability of the companies are at risk from climate change. He stressed the need for private sector participation, noting that issues can only be successfully addressed if all stakeholders are involved. He highlighted new commitments from Peru and others in fighting deforestation, citing new research from The Munden Project. Lessons learned in this regard, he said, include that: governments should empower an office/agency that controls and leads mutual recognition of land titles; there is a need to identify ways to overcome confusion in the absence of central efforts to recognize land title; a system should be established that will recognize maps based on land ownership data generated by indigenous peoples and civil society; and there is a need for a continual, inclusive monitoring process.

ASSESSING CURRENT CHALLENGES: OVERLAPPING RIGHTS, DRIVERS OF DEFORESTATION AND INVESTMENTS

Julia Cuadros, CooperAcción, Peru, chaired the panel on Assessing Current Challenges: Overlapping Rights, Drivers of Deforestation and Investments. She said that the increasing demands for resources has drawn more attention to forests. Cuadros, noting that this situation presents risks but also investment opportunities, highlighted the creation of environmental safeguards for forest resources, particularly in Peru.



Julia Cuadros, CooperAcción, Peru

Richard Smith, Executive Director, Instituto del Bien Común, Peru, spoke on how overlapping tenure claims are central to feelings of insecurity. He highlighted a project to map the entire Amazon Basin, an exercise that had provided an overview of community interaction with protected areas. He noted that national protected areas and indigenous territories have the lowest rates of deforestation, and that the map demonstrated the importance of indigenous territories and protected areas for the conservation and sustainable



Leonardo Pradela, The Munden Project



Julia Cuadros, CooperAcción, Peru, Paul Little, Consultant, Richard Smith, Instituto del Bien Común, Peru, Leonardo Pradela, The Munden Project, and Fabiola Muñoz Dodero, National Forest and Wildlife Service (SERFOR), Peru

management of forests. He called for more research on identifying forest stressors, including illegal mining and land tenure insecurity.

Leonardo Pradela, The Munden Project, presented findings from a recent report, “Communities as Counterparties: Preliminary Review of Concessions and Conflict in Emerging and Frontier Markets.” He said that the report reviewed 73,000 resource concessions in eight tropical countries, with the objective of increasing investors’ awareness of the importance of land rights and how to mitigate risks associated with local conflict. He said that the analysis revealed that 93% of the concessions were inhabited by Indigenous Peoples and local communities. Pradela said that conflict is mostly associated with: project initiation or expansion; lack of compliance with laws governing natural resource development; and negotiations being undertaken in bad faith. He highlighted how upholding the principle of Free, Prior, and Informed Consent (FPIC) can mitigate the risk of conflict. He said the report’s findings underline the importance of companies engaging



Fabiola Muñoz Doderó,
Executive Director, SERFOR, Peru,
during the discussion

local communities formally and as full counterparts in natural resource projects, on par with other entities involved, such as capital providers and geological surveyors. He said that where companies have neglected to do this it has resulted in conflict, project delays, and financial loss. He noted that reaching agreement is not a trivial undertaking, and that local leadership may face challenges in adequately

reflecting community interests, but emphasized that it is in the companies’ best interests to invest in this process.

Fabiola Muñoz Doderó, Executive Director, National Forest and Wildlife Service (SERFOR), Peru, highlighted the importance of establishing dialogue spaces. She said that the Peruvian Ministry of Agriculture has been active in this area, but it still hopes for greater involvement from other stakeholders to ensure coordination amongst all on this issue. The Ministry, Muñoz said, has identified that the overlapping of rights and land titles must be approached through joint



Paul Little, Consultant

underscoring the establishment of an intergovernmental council to address this. She underscored that the state’s role in such dialogues is to create a space for these issues to be discussed. She said that discussions should address: desired prevailing conditions; what types of investment are preferred; and how to identify and overcome challenges that may impede sound decision making.

Paul Little, Consultant, stated that a number of mega projects have had extensive negative impacts on the Amazon, particularly deforestation. He said there are two ways to approach these projects: either emphasizing the need for development; or the existence of collective rights. He said the first approach often overshadows the second due to a heightened demand for natural resources.

Little said that while the benefits of development are obvious, collective rights are complex and not well understood, in spite of active social movements and local communities. He said that all stakeholders must have a seat at the negotiating table, but noted that it is difficult to ensure open consultation, and that this requires a lot of effort from the state and stakeholders. He concluded by saying that a fundamental approach to collective rights will help find solutions to current conflicts, particularly solutions that are just and acceptable for forest peoples.

In the ensuing discussion, one participant queried how the state defines “people.” Another said that certain forest activities are contributing to downstream contamination of natural and agricultural resources. They also discussed: respecting and promoting indigenous identities; acknowledgement versus granting of rights; awareness raising; and the need for policy coherence to avoid rights being violated. Little suggested that the state is not used to recognizing collective rights, and advocacy is needed to make the state aware of these rights and ensure that they are differentiated from public rights. He said that for communities to be heard, they need to ensure social and political mobilization. Muñoz said that where the rights of a community are being infringed upon, the Government of Peru will establish the boundaries of the area in dispute. Pradela noted that exposure to risks and issues is improving as tools become more easily available for communities to use. White recalled that governments’ most important task is to protect the rights of its citizens, but lamented that they often need to be reminded of this fact.

SAFEGUARDS, STANDARDS AND CLIMATE CHANGE: DIVERSE INTERESTS ENGAGED IN THE FOREST DEBATE

Connie Campbell, South America Regional Environment Team Leader, US Agency for International Development (USAID)/Peru, chaired this panel.

Kristyna Bishop, World Bank, said that the Bank is currently reviewing its safeguards, stating that this is done periodically to take into account changing conditions. She noted that there is a specific consultation for Indigenous Peoples, which is being conducted on a regional basis. She stressed that safeguards should be used to ensure that there is a voice, and some level of participation from all stakeholders, in decision making. She cited the safeguard for maximizing benefits as being the most applicable for a project that is being formulated for Peru under the auspices of the Forest Investment Programme, namely the Dedicated Grant Mechanism for Indigenous Peoples and Local Communities, which provides access to funding for Indigenous Peoples and local communities to participate in developing Forest Investment Programme and REDD+ projects. She said that the



Paulina Garzón, Initiative for
Sustainable Investments China
- Latin America

project is largely “an exercise in the full effect of meaningful participation,” by ensuring that: the national steering committee that has full representation; and that elements are to be designed and prepared by Indigenous Peoples. Bishop noted that the project prioritizes community forestry and food security in the Amazon. Underscoring that safeguards are “only as good as their partners,” she said training is essential in improving partners’ capacity.

Paulina Garzón, Initiative for Sustainable Investments China – Latin America, described the rise of Chinese investment in Latin America, noting that this now surpasses investment of other multilateral banks. She noted that investment is mostly associated with natural resource extraction, agriculture for export to China, and related infrastructure projects. She described environmental regulations that China imposes on Chinese companies operating abroad, noting that these are often more stringent than those upheld by the World Bank. She said that: local stakeholders may request a third party audit of environmental impacts associated with Chinese-funded projects; additional consultation mechanisms were available;



José Absalón Suárez, Process for Afro-Colombian Communities, during the discussion

and that China requires companies to train their employees to respect local laws. She concluded by saying that additional work is required to understand these new regulations and consider their implementation.

José Absalón Suárez, Process for Afro-Colombian Communities (Proceso de Comunidades Negras, PCN), highlighted the importance of safeguards

in both foreign investment and REDD+ projects, and the particular plight of Afro-Colombian communities. He said that Afro-Colombian communities had successfully achieved recognition of their rights to five million hectares of land, but noted additional work remains in understanding the nature of these rights. He stated that investors are often hesitant to discuss rights, fearing that this will cause complications. He noted that safeguards must also be extended to ecosystems, citing the example of a port expansion project currently displacing a local community and threatening the mangroves it depends upon for fishing. He cautioned that REDD+ safeguards are not being upheld, and that confusion exists regarding who owns the rights to carbon credits. He said that FPIC principles are not being upheld, with documents neither being made available in local languages, nor in a timely fashion.

In the ensuing discussion, several participants expressed concern regarding the impact that Chinese projects have had in Latin America, including contamination of water and land, and limited access to information related to Chinese projects. In response to a query regarding the implications of free trade agreements for Latin America, Garzón said that these will not negate the environmental and consultation requirements related to Chinese investment. Another participant highlighted the need to reconcile country regulations with World Bank policies. In response to a comment that safeguards are often subject to interpretation, Bishop responded that although principles are important, ultimately they must be applied in practice. Regarding how Afro-Colombian rights had been recognized, Suárez said that these have been enshrined within Colombia's constitution. He noted the importance of upholding these in practice, and the need to "unlearn" poor governance practices.

SEEKING SOLUTIONS TO PROTECT RIGHTS AND FORESTS IN THE CONTEXT OF CLIMATE CHANGE

Peter Cronkleton, Senior Scientist, Center for International Forestry Research (CIFOR), chaired this session, saying that forestry tenancy is a bottleneck that threatens good intentions for climate change and REDD+.

Cándido Mezua, the National Coordination of the Indigenous Peoples of Panama, provided an overview of Panamanian Indigenous Peoples' experience with the national REDD+ programme, saying that a lack of respect for the rights of Indigenous Peoples and the principles of FPIC had led them to withdraw from the programme. He noted that this prompted the government to review the programme and assess the territory under the control of Indigenous Peoples. He suggested that to coexist, programmes should not only undertake consultation, but also obtain consent from local communities. Mezua said that Panamanian indigenous communities consider their land tenure rights to be vulnerable, and that drivers of deforestation attack indigenous rights. Lamenting that other regimes insist on official documentation to ensure land tenure rights, he said that Indigenous Peoples in Panama have had two-thirds of their land officially recognized, but recognition of the final third is still being fought for.

Max Lascano, Ministry of the Environment, Ecuador, outlined the Socio Bosque programme, saying that they hope to establish an area for sustainable forest management, incentivizing owners to maintain forest cover while utilizing



Peter Cronkleton, Center for International Forestry Research (CIFOR), Cándido Mezua, National Coordination of the Indigenous Peoples of Panama (COONAPIP), Max Lascano, Manager of Socio Bosque, Ministry of the Environment, Ecuador, and Roberto Persivale, Asesorandes, Peru



Roberto Persivale, Asesorandes, Peru

the land sustainably, based on formal agreements. He said that while it is a political programme, social aspects are being addressed, with the agreements with land title holders lasting approximately 20 years. He underscored that every decision taken thus far has involved land owners and that no evictions have taken place.

Roberto Persivale, Asesorandes, Peru, described a project in the Madre de

Dios region of the Peruvian Amazon initiated in response to deforestation caused by a large logging company. He provided an overview of three components of the project aimed at encouraging low-impact economic activity, including certified forestry, eco-tourism, and indigenous REDD. He said that ecotourism had been successful in the Tambopata region, and had included training for local communities. He noted that many young people are leaving for urban areas in search of employment, but that value added businesses such as bio-jewellery making and growing coffee for international markets is helping to generate local jobs.

Participants expressed various concerns regarding how REDD+ and other contracts are negotiated with local communities, including middlemen taking a large share of the profit. Mezua expanded on the need for FPIC, and to consider both cultural and ecological aspects of forests. He emphasized that although REDD+ is a global concept, ultimately it needs to achieve credibility locally, and this requires the engagement of civil society. Participants also discussed how health and education benefits can be secured via REDD+. Lascano said that recent experience in the Amazon has indicated that often the objectives of the Ministry of Environment and the Ministry of Agriculture are at odds with each other, and that the process of resolving land title can be a long and complicated process.

THE WAY FORWARD: NEW APPROACHES, LESSONS LEARNED FOR A BROADER VISION TOWARDS COP

Penny Davies, Program Officer, Ford Foundation, chaired the session.

María Blanca Chancosa, Confederation of Peoples of Kichwa Nationality (ECUARUNARI), Ecuador, lamented that state policies and the ways of Indigenous Peoples are often disconnected. She said that while governments prioritize economic growth, this is done largely without the consideration of indigenous communities. She expressed



María Blanca Chancosa, ECUARUNARI

disappointment that cultural issues are not linked to policy, and urged inclusion of FPIC in policies and legislation as standard practice. In closing, she said that there should be a decree issued respecting indigenous populations as the “wardens of nature.”

Gustavo Suárez de Freitas, National Forest Conservation Program for the Mitigation of Climate Change, Ministry of the Environment, Peru, said that the challenge of climate change “demands that we are aware of what we are doing, while learning from the past and moving forward to the future.” He underscored the complexity of the problem, and the many point of views to be considered. He said that this is particularly evident when addressing climate change from local or global perspectives, and from state or indigenous community perspectives. He cautioned against avoiding issues or incorrectly defining them, noting this can contribute to a false paradigm. Suárez said the fundamental issue is to address reducing deforestation and forest degradation, and that although rights may be of a slightly lower priority, he said that they are still important and should be thoroughly considered. He outlined three aspects to address in this context: order, governance and state of law; investment that deals with productive industries that are sustainable, environmentally friendly and use already-degraded lands; and payment for ecosystem services.

Roberto Espinoza, Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP), described recent protests of indigenous communities against the violation of their territories, as well as their subsequent prosecution, cautioning that without the involvement of these communities, a solution to climate change cannot, and will not, be found. He emphasized the imperative of self-determination for these communities. He lamented that infrastructure projects allowing access to sensitive areas drives colonization and small agriculture, saying that these developments are often guided by external interests and do not necessarily include or recognize Indigenous Peoples. He underscored the importance of new ideas to address ownership and title to land for Indigenous Peoples, saying that land is the main safeguard, and that indigenous communities should be fully engaged in discussions pertaining to their traditional territories.

Margarita Benavides, IBC, said that although Indigenous Peoples control 20 million hectares of the Amazon, this is threatened by various investments and the effects of globalization. She highlighted efforts of the Sustainable Tropics Alliance to counter this, using local knowledge to improve rural sustainability. She noted the Alliance’s five pillars: sustainable economic development; healthy ecosystems; developing climate adaptation and mitigation



Gustavo Suárez de Freitas, National Forest Conservation Program for the Mitigation of Climate Change, Ministry of Environment, Peru



Roberto Espinoza, AIDESEP

strategies; social equitability; and human well-being. Benavides emphasized the need to engage marginalized communities, the private sector, and civil society, and to adopt long-term planning horizons.

In the ensuing discussion, participants discussed: recognizing the indigenous identities of Peru; specific Peruvian policies and projects to address climate change; and the introduction of cultural practices in climate change adaptation plans. Suárez commented that a Peruvian climate change policy is currently being formulated to address deforestation and forest degradation, and that a participative process to inform this policy will commence in the near future. He also noted that UNFCCC COP 20 will launch a global strategy to reduce deforestation and decrease forest degradation, to which Peru will contribute a large amount of land, and that there will be a session dedicated specifically to Indigenous Peoples. He urged that this practice continue into the future, and underscored the importance of cultural identity.

CLOSING SESSION

Andy White, RRI, thanked participants, and noted the need to secure greater involvement from governments and the private sector in these discussions. White noted that ultimately the challenge will be to create mechanisms that can address climate change over the long-term.

Margarita Benavides, on behalf of Richard Smith, IBC, thanked everyone for their participation, reminding that humans are a part of nature, and underscored the important role that Indigenous Peoples play in calling attention to the plight of nature, due to their special relationship with the land.



Margarita Benavidez, Instituto del Bien Común, Peru

The meeting closed at 5:00pm.

UPCOMING MEETINGS

Workshop on Community Land and Resource Rights as a Global Conservation Priority: Taking place during the World Parks Congress 2014, this workshop is hosted by RRI. It will draw on comparative analysis and develop recommendations for stronger action on community land rights from the conservation sector to examine ways to recognize and protect land resources as a part of conservation initiatives. **date:** 14 November 2014 **location:** Sydney, Australia **contact:** Jenny Springer, RRI **phone:** +1-202-470-3884 **fax:** +1-202-344-3315 **email:** jspringer@rightsandresources.org **www:** <http://www.rightsandresources.org/event/wpc-2014-making-community-land-and-resources-rights-a-global-conservation-priority/>

Workshop on Catalyzing New Actions to Advance Indigenous and Community Land Rights in Conservation: This workshop is hosted by RRI on the margins of the World Parks Congress 2014. It will focus on specific commitments, collaborative actions, and possible mechanisms to advance the protection and promotion of land and resource rights. **date:**

15 November 2014 **location:** Sydney, Australia **contact:** Jenny Springer, RRI **phone:** +1-202-470-3884 **fax:** +1-202-344-3315 **email:** jspringer@rightsandresources.org **www:** <http://www.rightsandresources.org/event/wpc-2014-making-community-land-and-resources-rights-a-global-conservation-priority/>

Global Landscapes Forum [Parallel Discussion Forum]: The session will assess the relationship between community forestry and the emerging landscape and climate policy agenda. It will also develop recommendations on how to strengthen the rights of Indigenous Peoples in REDD+, forest and landscape governance. **date:** 6 December 2014 **location:** Lima, Peru **contact:** Claire Biason, RRI **phone:** +1-202-470-3900 **fax:** +1-202-344-3315 **email:** cbiason@rightsandresources.org **www:** <http://www.rightsandresources.org/>

MegaFlorestais 2015: Hosted by the Peruvian Forest Service in cooperation with RRI, this is the tenth meeting of the MegaFlorestais Network, an informal group of public forest agency leaders. This meeting will encourage the exchange of information and experiences in order to advance the international dialogue on transitions in forest governance, forest industry, and the roles of public forest agencies. **date:** 13-17 April 2015 **location:** Tarapoto, Peru **contact:** Claire Biason, RRI **phone:** +1-202-470-3900 **fax:** +1-202-344-3315 **email:** cbiason@rightsandresources.org **www:** <http://www.megaflorestais.org/>

Lima Climate Change Conference: The 20th session of the Conference of the Parties (COP 20) to the UNFCCC and 10th session of the Conference of the Parties serving as the Meeting of the Parties (CMP) to the Kyoto Protocol will take place in Lima, Peru. Also meeting will be SBSTA 41, SBI 41 and ADP 2.7. **dates:** 1-12 December 2014 **location:** Lima, Peru **contact:** UNFCCC Secretariat **phone:** +49-228-815-1000 **fax:** +49-228-815-1999 **email:** secretariat@unfccc.int **www:** http://unfccc.int/meetings/lima_dec_2014/meeting/8141.php

Global Landscapes Forum: The Forum will focus on integrating the landscape approach into the post-2015 climate and development agendas. Themes will include: food, water and energy; climate change; the green economy; and sustainable development. The programme will include sessions covering topics such as REDD+, climate-smart agriculture, fiscal and trade policy instruments, land restoration and forest economics. The event will also feature a debate on the future of food security in a changing climate. **dates:** 6-7 December 2014 **location:** Lima, Peru **contact:** Ann-Kathrin Neureuther **email:** a.neureuther@cgiar.org **www:** <http://www.cifor.org/glf-2014/>

GLOSSARY

RRI	Rights and Resources Initiative
IBC	Instituto del Bien Común
UNFCCC	UN Framework Convention on Climate Change
COP	Conference of the Parties
FPIC	Free, Prior and Informed Consent
REDD+	Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, and the Role of Conservation, Sustainable Management of Forests and Enhancement of Forest Carbon Stocks in Developing Countries