

Asia Work Plan

1. Regional overview

a. Narrative

i. Political trends

Asia is important for forest tenure and rights both because of its lion's share of the world's forest communities and rural poor, and because of its growing consumer and investment footprint on the global economy and other tropical forested countries. With 60% of the world's population,¹ Asia has the largest number of poor people in any tropical forest region and 70% of the world's Indigenous Peoples,² and while this percentage is declining, the absolute number is rising due to demographic trends. Moreover, while the region has urbanized at a greater rate than any other in the world (driven primarily by China, as of 2012), 54% of its population still lived in rural areas.³ More than 80% of the world's projected middle class growth by 2030 will come from Asia,⁴ and this expanding demographic is both a source of pressure from a growing demand for commodities and finished goods and a source of new markets for forest products and services, including non-timber forest products and agricultural commodities from within the region and timber and wood fiber from a widening circle of suppliers. It is also a potential source of human rights activism – the movement to develop the Forest Rights Act (FRA) in India and to advance its implementation has been both a national grassroots and a middle class, intellectual effort. However, political activism is better enabled by the world's largest democracies (India and Indonesia), while socialist, one-party states such as Vietnam and Lao PDR have become increasingly repressive, and have made attempts to silence civil society.

ii. Driving forces behind these trends

China, to a greater extent than India, is the main source of foreign direct investment (FDI) in Asia with increasing expansion into Latin America and Africa. Already, China lends more to Latin America than the MFIs, and it surpasses both MFIs and DAC lending in Africa, concentrating mostly in extractives. However, China's largest market continues to be Asia itself – over 60% of Chinese FDI is invested within the region.⁵ Hydroelectricity and infrastructure are expanding industries; between 2006 and 2011, China financed 46% of all hydroelectricity in Cambodia, Laos and Myanmar and areas bordering the Mekong and Irrawaddy river basins.⁶ Domestic pressures on these countries' land and forests also continue to grow due to urban expansion and competing demands of the prevailing capital intensive model of development – favoring expanded mining, oil exploration, industrial-scale commercial crops, and megaprojects for infrastructure and energy, with continuing demand for timber and wood fuels. Economic development is measured politically in GDP, generated through capital investment and export trade. While there are signs of an economic downturn in China and India that will reduce the growth of their FDI footprint, this still significantly exceeds multilateral and bilateral funding to emerging market economies and has transformed Asia's influence on the global economy.

¹ UN Department of Economic and Social Affairs: Population Division. 2013. World Population Prospects: The 2012 Revision

² IFAD Rural Poverty Portal. www.ruralpovertyportal.org.

³ UN Economic and Social Commission for Asia and the Pacific. 2013. Statistical Yearbook for Asia and the Pacific 2013. Available online at <http://www.unescap.org/stat/data/syb2013/index.asp>.

⁴ Standard Chartered. 2010. The Super Cycle Report.

⁵ Ministry of Commerce, People's Republic of China. Statistics of China's outward foreign direct investment 2003-2011.

⁶ World Bank: Private Participation in Renewable Energy Database. Available online at <http://ppi-re.worldbank.org>.

There is a potential new trend in Asian investment standards. Some multinationals and Chinese banks are beginning to adopt international best practices for investment, project design and implementation, as a way to demonstrate their leadership and build prestige – forward thinking on paper, though limited in practice. Asia Pulp and Paper, for example, has adopted a “no deforestation” standard in its Indonesia and China plantations. Likewise, China’s banking regulatory commission has begun to exercise greater oversight on controversial overseas projects. Within China, this progress is coupled with nascent momentum for new compensation policies to forest farmers facing displacement. So far, there have not been any checks on predatory and often illegal extractive timber and agribusiness plantations linked to China and Vietnam in the Mekong region.

iii. Changes in institutional landscape

Over the past year, there has been a significant increase in civil society activism, networks and political engagement, enabled by better communication strategies and tools to promote stronger forest and land rights and a renewed focus on Indigenous Peoples and other ethnic minorities, women, and lower caste groups. These movements are bolstered by countries’ endorsement of international conventions and legal instruments related to human rights, women’s, and Indigenous peoples’ rights including UNDRIP, ILO 169 and CEDAW. Ethnic minorities are increasingly self-identifying as “Indigenous Peoples” in line with international conventions with demands for FPIC, customary rights, citizen rights, and more local governance, and important national forest federations and regional Indigenous Peoples networks are increasingly both well-coordinated within and across countries and politically sophisticated in moving their agenda forward, often with strategic use of traditional and social media. These groups are now seizing opportunities for exchange across countries and outside the region to benefit from outside experiences in participatory mapping and other tenure recognition strategies, promoting gender justice in tenure reforms, sharing information on FDI, and comparing economic and social returns and enterprise growth strategies for large vs. small, medium, community-based and women’s forest enterprises.

Significantly, national high courts have made important rulings in favor of customary rights this year: the Constitutional Court in Indonesia; anti-corruption cases, various rulings against extractives and industries in tribal regions of India; and the release of a Cambodian land rights activist after a year’s detention. And despite continued repression of civil society, most notably in the Mekong, land rights issues (namely, the growing number of land conflicts being appealed to the courts lawmakers) continue to make news and concern reformers within the governments, and are therefore extremely prominent in election campaigns in Cambodia, Indonesia, Nepal, and India.

While a number of countries are engaged in REDD+ processes, either through bilateral agreement (Indonesia) or through UN REDD and FCPF (Vietnam), and civil society has sought to use these platforms to build support for their reform agendas, REDD has not provided a political space for significant civil society engagement, nor have any REDD+ strategies seriously contemplated the recognition of tenure rights and related community forest management as a key strategy to reduce emissions. Regional political institutions such as ASEAN and SAARC have also fallen short of encouraging reforms at country level, favoring an agenda of economic growth and integration instead. However, following on a number of ASEAN member countries, Myanmar set up a national Human Rights Commission in late 2012, and this Commission is hosting a regional meeting in 2014.

iv. *Rationale for regional activity engagement*

In 2014, RRI’s engagement in Asia will build on Indonesia’s landmark reform process to pressure other countries in the region. RRI will also work to encourage sharing of strategic lessons and knowledge building on the impacts of domestic investment and FDI, particularly in the extractives and megaproject sectors, using participatory mapping and other local tools to push for higher investment standards, and evidence of socio-economic returns and enabling conditions for SMFEs and CMFEs to promote the underserved alternative model for shared growth and rural poverty reduction.

v. *Focus of Regional Activities; areas of intervention*

The top priority for intervention at the regional level emerges from the reform process underway in Indonesia as a response to the Constitutional Court decision, and grounded in the anti-corruption commission reforms and oversight of existing laws and regulations. Post-election, the presentation of a CSO-drafted White Paper on implementation options for recognizing customary forests and supporting their governance and management provides an opportunity for a regional event in Indonesia that can catalyze reforms in other Asian countries through sharing of this experience and dialogue around other regional lessons learned. Second, it is important to better understand the impact on land and forest tenure and rights from Chinese and Indian FDI, within Asia but also in Africa and Latin America. A regional study should be undertaken complementing RRI-related analysis in these individual countries and other emerging analysis. Third, there is strong demand for sharing analysis of prevalent economic models, documenting their contribution to social and economic goals, and the potential of underserved alternatives supporting growth of SMEs and CFEs with pro-poor gains and more just impacts on men and women, and Indigenous Peoples and ethnic minorities. This analysis should document positive enterprise experiences and examples of smart regulatory frameworks within the region that enable SMFEs, community-based and women’s enterprises. Fourth, there is a demand for cross-regional networking and exchanges around some common strategies for tenure advocacy, particularly lessons learned from participatory mapping and its use in advancing reforms and their implementation, and strategies and lessons for advancing gender justice in community-based property systems, including implications of individual vs. collective tenure rights and in expanding women’s forest-based enterprises.

Table of Regional activities/Actors/Budget

Activities to achieve priority outcomes	Actors	Budget (funded)	Budget (unfunded)
1. Regional participation of land and forest tenure activists/reformers from Asia and other regions with strong lessons of community forestry in Indonesia conference for advancing forest governance and realizing <i>adat</i> rights	Samdhana, RRG, others TBD	\$35,000	
2. Exchanges and/or development of mapping network for capacity building on data collection, updating strategies, and using maps for policy reform and realizing rights in countries with new or unimplemented reforms (India, Indonesia, others)	Vasundhara, AMAN, Tebtebba, Samdhana, consultants	\$40,000	

3. Multi-stakeholder Forestry Program high-level policy exchange to Mexico to learn from successful experiences of Community Forest Enterprise (CFE) management and promote mutual learning and exchange with relevant policymakers and experts	RRG, MSFP	\$65,000	
4. Comparative analysis of implementation of IPRA Law (Philippines) and potential implementation of hutan adat following the 2013 Constitutional Court decision (Indonesia): lessons learned, potential pitfalls, and pathways to successful realization of rights	Consultants		\$10,000
5. Regional comparative analysis of Chinese and Indian domestic investments and FDI to determine major trends in BRICS' domestic LSLAs and investments abroad and their impacts on community property rights, and develop synergies between methodological frameworks going forward	Consultants		\$20,000
6. Exchange/study tours on comparative experiences of women in Small and Medium Enterprises/Community Forest Enterprises: regulatory barriers to entry and management, and potential for income/livelihoods generation in successful enterprise models	FECOFUN, RECOFTC		\$20,000
Total Regional:		\$140,000	\$50,000

Table: Countries of engagement and prospective countries

Countries of Engagement	Prospective Countries
China	Myanmar
Indonesia	
Nepal	
Lao PDR	
India	

Country Overview: China

1. Changes since the previous year

In 2013, China announced several significant policy measures with major implications for collective and household tenure. The No. 1 Central Policy document set a five-year timeline to complete registration of forest farmers' land rights and declared the guarantee of farmers' property rights and interest as the central purpose of the country's land system and a core element of long-term development. In November 2013, during the Third Plenum of the 18th Communist Party of China (CPC) Central Committee meeting, Party leaders committed to further land reforms by establishing a rural land market to enable direct negotiations between farmers and those acquiring land, providing better compensation to rightsholders, and scaling up the market for land rights transfers. Allowing direct market transactions of rural land will abolish the role of local governments as middlemen in land transactions, which often led to elite capture by low-level Party cadres. Most importantly, the reform will allow farmers to negotiate for the true value of their land. In total, these changes are consistent with the "second-generation" reforms that RRI called for in 2012: 1) respect for the rights of all individuals, including women and ethnic minorities, to freely determine their tenure arrangements and land use without coercion by government or other vested interests; 2) implementation of a transparent, consultative due process and compensation system for rightsholders; and 3) establishment of accessible redress mechanisms whereby landowners can complain if their rights are violated, and have their cases fairly heard and adjudicated.

Furthermore, pending institutional changes may open the door to further reforms, though the timeline for these is unknown. In 2012, the Party announced its intentions to merge the State Forestry Administration into the Ministry of Agriculture, and the Ministry of Land Resources may be tasked with accelerating China's land registration system. The agriculture sector is historically more reform-oriented (China's initial move towards collective forest tenure in the 1980s was preceded by a similar shift in agrarian land tenure), and is likely to catalyze change in the forest sector as well.

In the past year, RRI recognized that providing credible research and strategic advocacy to government actors outside the SFA, and expanding the Coalition's reach to the private sector, would better enable second-generation reforms. First, RRI expanded its collaboration with the private sector: international and Chinese enterprises investing in land within China, and Chinese banks and investment institutions operating overseas. Second, in a continued effort to disseminate research on women's forestland rights and expand their advocacy platform, Landesa began collaborating with the All China Women's Federation (ACWF). This partnership is significant, as ACWF is highly regarded by Party leadership and has championed women's agrarian land rights for years. With Landesa's support, ACWF broadened their platform to include forest (as well as agrarian) land rights, which had previously been unaddressed. Finally, RRI engaged the Ministry of Finance on the need to reform China's regulatory takings system; the Ministry of Land Resources on the need to accelerate land registration for the benefit of forest farmers; the Ministry of Commerce to obtain FDI; and, the Chinese Embassy in Cameroon to facilitate research on Chinese investments in Cameroon and connect RRI to enterprises operating within the country.

2. Assessment of new opportunities and challenges

a. Opportunities

Land takings, which represent the greatest threat to collective and individual tenure rights in China, have escalated in recent years due to growing commercial pressures for timber and agribusiness plantations, extractives, and timber processing centers. The pervasiveness of LSLAs within China has sparked widespread protests throughout the country, and government agencies are, therefore, increasingly concerned with the social unrest triggered by land acquisitions. In addition, Chinese investors and banks are beginning to realize the financial risks of insecure tenure, and the possibility that their national and global image may be tarnished if continued violation of local land rights is exposed. Some are adopting international best practices for CSR to lessen environmental, social and governance risks to build prestige in the international community. The realization that insecure tenure causes social unrest and undermines both investors' bottom line and global image, poses RRI's largest opening to push second-generation reforms forward in 2014 and beyond, along with the following opportunities:

- *No. 1 Central Policy and 18th CPC commitments:* The above-mentioned commitments are largely promising for enabling landowners to use their rights as economic assets. However, the rollout of these reforms, and especially the role of local governance, will be key to their success. China's rural reforms are largely piloted at the provincial level, and as such are subject to power-grabbing by local elites.
- *Signs of possible reform in State Forest areas:* RRI seeks to capitalize on political will to further State Forest reforms by focusing on regions with large ethnic minority populations, many of which are still dominated by State Forest Enterprises (SFEs). Yet whether reforms will be extended to ethnic minorities depends on the government's assessment of security threats in these areas, particularly in Western China.
- *New data on the extent and impact of collective forest reforms:* In 2006, Peking University began analyzing the impacts of collective reforms on household and community incomes, rural livelihoods, forest cover, and forest enterprises. This data will be published and disseminated widely in 2014. As the largest and most statistically rigorous study of China's reforms, it has the potential to effectively influence future legal and policy frameworks if targeted correctly.
- *Increasing concern with environmental risks and commitment to Green Growth:* Elicited in part by the rising pollution in Chinese cities (again a source of social unrest), China took unprecedented measures in 2013 to curb emissions and address climate change, including a ban on new coal-fired power plants and commitments to low-carbon urban development.

b. Challenges

Local governance remains a key challenge in realizing rights for millions of forest farmers in China. While an uptick in local elections has lessened the influence of local party cadres, how

decisions are made within collectives is progressively more important in light of a newly liberalized land market, making the need for due process, grievance mechanisms, and equitable regulatory frameworks even more crucial. Going forward, RRI also faces the following obstacles:

- *Impacts of LSLAs within China and abroad:* While the pervasiveness and scale of Chinese land acquisitions have not been fully researched (and the dearth of accurate data makes them impossible to quantify), it is clear that land investments within China by multinational companies and State enterprises have repeatedly violated land rights with little recourse for forest farmers. Land transactions are often carried out through coercive measures by local governments and hired agents, with financial backing from China's largest banks and investment institutions. Increasingly, Chinese investments in timber and food concessions, extractives, and infrastructure to meet growing consumer demands are more widespread than ever – surpassing traditional forms of aid and disenfranchising local communities and customary tenure arrangements, particularly in countries with weak governance where central authorities are engaged in a massive land giveaway and have welcomed growth in new sectors such as hydropower in Southeast Asia and extractives in the Amazon. There is not enough political will among Chinese policymakers, nor are there adequate measures in place to hold investors accountable. Intransigence and the slow rate of change in national policy, added to the lack of incentives to change local acquisition practices have altogether weakened efforts to clean up supply chains. Chinese banks and enterprises are so protected by existing economic structures that land conflicts fail to affect their profit margins, limiting incentives to adapt standards and increase monitoring of unlawful acquisition practices, and rendering them immune to outside influence. However, oversized companies in China could be positioned as changemakers due to their influence on smaller enterprises and a high cultural regard for big brands.
- *Varying realization of rights under existing collective and state reforms:* Recent PKU research reveals that, particularly in regions with large ethnic minority populations, collective reforms remain unenforced, due in part to longstanding ethnic conflicts. In state forest areas, regulatory barriers prevent households from establishing viable enterprises, and even from accessing timber and other forest resources for subsistence farming. This has proved to be a ubiquitous barrier to rural development, and exacerbated existing tensions, causing repeated incidents of violent conflict.
- *Stalled revision of key legislation:* In 2012, the National People's Congress instructed the SFA to complete a revision of the Forest Law, integrating various policy directives issued since 1990 in a comprehensive legislation and creating an opening to institutionalize second-generation reform. RRI had planned to utilize this opportunity to put forth clear, practical recommendations in 2013, yet plans for the revision were dropped. Similarly, policymakers have not followed through on commitments to revise the 2004 Land Management law. Despite these delays, RRI is well prepared to engage in the event that either law is put forward in China's 2014 legislative agenda.

3. Strategy and proposed areas of intervention:

In 2014, RRI will continue to capitalize on its proven ability to influence key policy processes and deepen existing forest tenure reforms, while expanding engagement with the private sector, through the following areas of intervention:

- Engaging private sector actors (multinationals and Chinese enterprises working within China, and Chinese enterprises and investors working abroad) to improve responsible investments within China to raise awareness of tenure risks and best practices, engaging banks on tenure risks, and expanding research on investments abroad.
- Analyzing effects of State Forest reform on ethnic communities and property rights, to begin developing national best practice standards.
- Initial exploration on institutional foundations for Green Growth, and identification of parameters for a new vision with forestry as a cornerstone.
- Continued advocacy with legal and regulatory bodies for second-generation reforms.
- Capitalizing on forthcoming policy opportunities to advance gender justice and women’s forestland rights in state and collective reforms, building on prior commitments.

Table 1: Priority outcomes and indicators of progress

<i>Priority outcomes</i>	<i>Indicators of progress</i>
1. Private sector institutions (investors, banks, multinationals) adopt accountable and responsible resource investment practices within China and overseas that respect local tenure arrangements, central legal and policy frameworks, international CSR standards, and existing investment guidelines.	<ul style="list-style-type: none"> • Chinese policy-makers receive field research and recommendations on domestic and international LSLAs, and engage in dialogue on improving investment standards. • 1-2 key investors or banks commit to abiding by Chinese investment guidelines and national laws, policies and regulations in countries of investment. • 2-3 companies researched by RRI/Landesia commits to revising internal land acquisition procedures.
2. Agenda for State Forest reforms includes steps to better represent ethnic minority rights, and to enable community livelihoods, improve forest conservation, and increase access to forest resources in ethnic regions.	<ul style="list-style-type: none"> • Raised awareness among SFA and other officials on how current state forest policies affect traditional forest tenure and management in ethnic minority communities. • Stated commitments to relax regulatory barriers to subsistence/SME-scale forest farming in ethnic regions.
3. SFA and other agencies begin to understand and support repositioning China’s Green Growth agenda and provide institutional support for a new sector strategy focused on rural poverty alleviation, sustainable land use, and alternative tenure and enterprise models.	<ul style="list-style-type: none"> • Number of analyses commissioned on creating an institutional foundation for Green Growth. • SFA attends preliminary workshop and formally signs on as co-organizer of 2015 Regional Conference on Green Growth.

Table 2: Activities, implementers and budget

Activities to achieve priority outcomes	Implementers	Budget (funded)
1. Research on large-scale forestland acquisition by 2-3 domestic companies (operating within China), including gendered impacts of LSLAs, and dissemination of policy recommendations.	Landesa	\$40,000
2. a. Develop guidelines for legal land acquisition, best practices for CSR, and legal and responsible practices in domestic and overseas investments. b. Establishment and preliminary design of informal forum/Advisory Group on corporate land acquisition.	Landesa, RRG	\$30,000
3. Workshop with lawyers of Chinese investment banks on tenure risks.	Landesa	\$20,000
4. Second-round analyses of Chinese investment in Cameroon, development of methodological framework to identify influential companies.	Chinese Academy of Forestry, Forest Trends, CED, RRG	\$50,000
5. Impact analysis on customary forest management in ethnic communities affected by policies and regulations to inform State Forest reform process.	Nanjing Forestry University	\$40,000
6. Preliminary exploration on developing a new vision for Green Growth in China; preparation for large-scale conference in 2015	Peking University, consultants, RRG	\$50,000
	Total:	\$230,000

Country Overview: Indonesia

1. Changes since the previous year

While Indonesia's civil society has struggled for decades to recognize local communities' rights to customary forestland, widespread corruption, decentralized and weak forest governance, and an extractive growth model have all made the resource sector a driver of unequal, but sustained, GDP growth. In 2013, several notable policy developments have made change a real possibility.

On May 16, 2013, Indonesia's Constitutional Court issued a decision (No. 35/PUU-X/2012) on a Judicial Review submitted by the Indigenous Peoples' Alliance of the Archipelago (AMAN). This decision declared the provisions of Law 41 (1999) on Forestry, which classified all customary land as State Forests (*hutan negara*), unconstitutional and confirmed that Customary Forests (*hutan adat*) can no longer be considered the property of the state. Indigenous Peoples and local communities throughout Indonesia welcomed this decision, the culmination of a decades-long effort and an opportunity to realize customary rights to over 40-50 Mha of forestland. Yet, given the institutional inertia within the Ministry of Forestry, there is still no clear pathway to implementation of this ruling. The Ministry of Forestry has officially declared that implementation remains the responsibility of local government authorities, essentially ridding the Ministry of responsibility, and requiring each regent, district, and provincial level authorities to revise their individual regulations. While some local governments have demonstrated political will to revise regulations, others cling to the status quo while national line ministries continue granting concession licenses in violation of this landmark ruling. At the national level, other ministries are vying for political influence in leading the implementation process, with the National Forest Council (DKN) attempting to take charge as a coordinating institution.

In a parallel initiative, Indonesia's Anti-Corruption Commission (KPK) established an inter-sectoral agenda with 12 line ministries and agencies to improve forest governance and reduce corruption, including controlling abuses of working procedures for land acquisitions. The agenda is focused on three key areas: harmonizing sectoral laws and regulations; resolving conflict, especially in instances of customary land and private concession overlaps; and reforming forest gazettement and spatial planning procedures to adequately consult customary rights holders.

Several new laws are also under development, including one for recognition of Indigenous Peoples rights currently tabled in Parliament, a new Land Law that would implement Indonesia's Basic Agrarian Law of 1960 (widely viewed as a blueprint for all resulting laws and procedures on resource use), and a Village Law that would regulate *adat* communities. Yet, Indonesia's entire government apparatus has stalled in preparation for the April 2014 national elections. Political maneuvering may halt progress on the aforementioned rights-based reforms, with candidates prioritizing a campaign platform of national economic growth to garner votes.

2. Assessment of new opportunities and challenges

a. Opportunities

The Constitutional Court ruling, cross-sectoral initiative on forest governance, and draft laws provide key opportunities for RRI to move its agenda forward. In particular, they present significant openings

for RRI to more fully engage with a wider set of government institutions and civil society networks, including:

- *Government institutions:* The Constitutional Court decision and KPK's corruption initiative both threaten the entrenched power of the Ministry of Forestry and shift executive attention from treatment to prevention of corruption. In the context of REDD+, the President's Special Delivery Unit (UKP4), which emerged years ago as a strong ally of civil society and Indigenous Peoples, has effectively overseen Indonesia's REDD+ Task Force, introduced the One Map policy, and monitored the 2011 moratorium on new forest concessions (extended in 2013). If UKP4 is disbanded after elections, KPK may take over its role for forest governance under the new administration. In addition, the National Human Rights Commission (KomnasHAM) is conducting a country-wide inquiry on discrimination of Indigenous Peoples, with a focus on communal land rights. Finally, forward-thinking provincial and district leaders have begun redefining their local regulations in response to the Court ruling.
- *Indigenous and community networks:* Since May, AMAN has significantly scaled up work on community mapping of indigenous territories across the country to substantiate claims to customary forests. Mobilizing its 17 million members in over 2,000 communities, and with support from the Japan Social Development Fund and other grants, AMAN has now mapped over 7 Mha of *adat* land, pressuring national and local governments to recognize *adat* lands and lobbying parliament on the Bill for recognition of Indigenous Peoples. In parallel, KPA (Consortium of Agrarian Reform) is mobilizing its large constituency of local communities and peasant groups to ensure passage of the draft Land Law. The CSO Roadmap network, created in 2011 in response to an unprecedented government announcement on new tenure reforms in Lombok, has since been sidelined by the Ministry's unwillingness to move the reforms further, and has thus thrown its weight behind the Court ruling implementation effort.

b. Challenges

Despite a greater sensitivity and commitment to rights and tenure issues, realization of rights and institutional change will prove long battles. RRI faces several persistent threats in Indonesia, including:

- *The Ministry of Forestry's inaction* in implementing the Constitutional Court ruling, or moving the REDD agenda and any other reform forward that would positively impact local tenure (i.e., stalling 2011's CSO Roadmap and the 2012 Working Group on Tenure Reform).
- *Indonesia's Master Plan for Acceleration and Expansion of Economic Development (MP3EI)*, and the six proposed ASEAN "economic corridors." Both signal a pervasive dismissal of the small and medium enterprise sector as a path towards equitable and sustainable development.
- *Finally, women in Indonesia face dual barriers to achieving gender justice:* lack of statutory recognition of their rights (and, often, their citizenship and economic potential), and customary social norms that further discourage participation in local institutions. AMAN and civil society allies are working to strengthen women's participation in the implementation process, but the discourse on gender justice remains limited.

3. Strategy and proposed areas of intervention:

RRI's overarching strategy for 2014 is to ensure timely and thorough implementation of Constitutional Court ruling 35/2012 for Indigenous Peoples' rights and clear delineation of customary forests (*hutan adat*), simultaneously engaging national and local institutions with targeted support to civil society and indigenous activists. In parallel, RRI will engage multiple constituencies to create working mechanisms to achieve legal recognition of customary rights at national and local levels.

Areas of intervention:

- Organize a wide consultation process with multiple constituencies (local and indigenous organizations, CSOs/NGOs, local and national government institutions, and academics) to develop a blueprint on just governance and resource rights for the forthcoming administration. The resulting blueprint will be publicized, with documentation of best practices, at a regional conference bringing global expertise to the Government of Indonesia to advance implementation.
- Increase public understanding of resource governance by convening authoritative resource persons (Constitutional Court justices, representatives of line ministries and regulatory agencies, and civil society experts), pinpointing historical injustices in forest governance, and devising practical means to establish new, equitable governance structures.
- Support existing networks and processes to strengthen participation and capacity of indigenous women leaders in AMAN (Perempuan AMAN), so that they can articulate gender justice principles in on-going reform processes.
- Further socialize and raise awareness of forest gazettement and other reform processes at the community level, increasing cooperative action among community, indigenous, and farmer organizations.
- Engage progressive local governments willing to redefine local regulations, thus creating an effective learning forum for other local officials.

RRI's interventions will be completed by two additional activities planned for 2014:

- RRI will capitalize on a forthcoming dialogue with the private sector, hosted by DKN (National Forestry Council) and the World Bank, to guide the private sector's response to Constitutional Court ruling 35/2012. RRI aims to use this dialogue to generate better awareness of the ruling's impact on investors and concessionaires. Lessons learned will better position Partners and Collaborators to engage with voluntary certification standards and progressive companies to push for rights-based legal reforms.
- In 2014, CIFOR plans to develop a framework for understanding and analyzing implementation of recent forest sector reforms, focusing research on factors that condition effective realization of rights. This research will be shared widely with relevant actors throughout the year.

Table 1: Priority outcomes and indicators of progress

<i>Priority Outcomes</i>	<i>Indicators of Progress</i>
1. Common platform/strategy and political tools on institutional arrangements for implementing reforms, including Constitutional Court ruling 35/2012, is developed for next administration.	<ul style="list-style-type: none"> • Mechanisms and procedures for identifying and titling indigenous lands are identified and begin to be established. • Participatory forest gazettement process is initiated in order to ensure re-delineation of indigenous lands. • Number of local, national, and global best practices analyzed and presented to Ministry of Forestry and other agencies as best practices for reform. • Number of trained allies (government and civil society) managing implementation process in all regions.
2. Land and resource rights of local communities and Indigenous Peoples, including women and marginalized groups, are recognized and respected in forthcoming laws and the draft bill regarding the recognition and protection of Indigenous Peoples' rights.	<ul style="list-style-type: none"> • Laws are passed to the satisfaction of AMAN, KPA and other civil society/IP organizations. • Laws contain provisions on women's, IPs', and other marginalized groups' rights to <i>adat</i> lands.
3. Existing power and governance structures in forest sector are destabilized; timely, accessible, and accountable grievance mechanisms are reformed to right prior wrongs.	<ul style="list-style-type: none"> • Ministry of Forestry develops clear and concrete plan to recognize customary forest rights. • Number of "Next generation" forest sector leaders engaged and briefed on best practices for tenure reform. • Number of media reports on forest sector corruption published.
4. Equitable and active representation and participation of indigenous and local women, and other marginalized groups, is realized at multiple levels.	<ul style="list-style-type: none"> • Number of women participating in customary mapping processes and writing workshops. • Local regulations developed at provincial and district levels contain provisions for women's rights to customary forests.

Table 2: Activities, implementers and budgets

<i>Activities to achieve priority outcomes</i>	<i>Implementers</i>	<i>Budget (funded)</i>
1. National conference on just governance and resource rights: bringing multiple constituencies (indigenous peoples' organizations, CSOs, local governments, line ministries, academics) to release White Paper and pressure new Indonesian administration to fully implement Constitutional Court ruling and related frameworks and forge a pathway towards realizing adat rights	Sajogyo Institute/Samdhana Institute (All Partners and Collaborators)	\$35,000
2. Development of White Paper (critical review papers) on	Sajogyo Institute	\$14,000

agrarian and forest management issues to create blueprint for just governance and resource rights, to be released at national conference and disseminated widely to new administration.	(Samdhana, Kemitraan, AMAN, KPA, TuK Indonesia, Epistema, HuMa)	
3. Legal review of national regulations to synchronize initiatives for forthcoming Forest Law, Land Law, Indigenous Peoples' Law, and other legal frameworks: legal review of existing national regulations and draft regulations on forest gazettelement and customary forests; discussion series to disseminate review with legal experts, anti-corruption commission and relevant line ministries	Epistema Institute (Samdhana, HuMa, Kemitraan, AMAN, KPA, TuK Indonesia)	\$25,000
4. Lecture series bringing together various authorities on forest governance: providing an arena for academic, government, and CSO experts to articulate critical concerns, analyses, and constructive views related to implementation of the Constitutional Court ruling and discrimination of Indigenous Peoples, women, and other marginalized groups	Sajogyo Institute (Samdhana, TuK Indonesia, Institut Dayakology, AMAN)	\$30,000
5. Writing workshops to strengthen indigenous women's participation and leadership in reform processes and build capacity for future participation in national-level public dialogues and further leadership trainings	Sajogyo Institute (Samdhana, AMAN, Perempuan AMAN and collaborating organizations, KPA)	\$25,000
6. Local Community Empowerment and capacity building for tenure reform initiatives: socialization and awareness-raising to strengthen involvement of community, agrarian, and Indigenous Peoples organization in policy processes: Regional meeting in Java, trainings for local leaders, promoting the formulation of "peoples-based agrarian reform" in Java, and dissemination workshop among CSOs, government, and media stakeholders	KPA (Pusaka, Sajogyo, Kemitraan, Epistema)	\$36,000
7. Publicize and disseminate best practices for implementation of reforms at the local level; analyze and publicize lessons learned from designated provinces and districts: Study on creative guidance for drafting local policy regulations regarding Indigenous Peoples' recognition, creation of resource materials and documentary film as technical references in drafting process	HuMa (AMAN, DKN, Epistema, SawitWatch, FPP)	\$35,000
Total:		\$200,000

Country Overview: Nepal

1. Changes since the previous year

Since the dissolution of the monarchy and establishment of Nepal as a Federal Republic in 2008, civil society and grassroots organizations have advocated for full recognition of community property rights in the nation's new constitution. After years of political impasse, the process of drafting and promulgating the constitution was halted when the Constituent Assembly was dissolved in May 2012. In early 2013, key political parties agreed to form a non-political caretaker government under the leadership of chief justice of the Supreme Court of Nepal, with a single mandate to elect a second Constituent Assembly. This election successfully took place in late November 2013 and, with a projected victory by the Nepali Congress party, effectively unseated the Maoist leadership. Newly elected members of Constituent Assembly are tasked with drafting and promulgating a new constitution by the end of 2014. Prior to the election, key political parties committed to advance the rights of local communities and Indigenous Peoples over natural resources (particularly forests) in both their election manifestoes and official party platforms, and RRI Partners and Collaborators were instrumental in this success.

The opportunity to establish democratic and inclusive forms of natural resource governance in Nepal, manifested in the election of the Constituent Assembly, is the outcome of the convergence of political and people's movements that came together around issues of natural resource rights, gender inequality, and the plight of marginalized groups. It is inevitable that when such a massive transformation is afoot, there will be considerable upheaval. Nepal's ongoing political instability and rapid turnover at high levels of the government, as well as the ensuing conflicts regarding power-sharing, have shaped the last five years' discourse in Nepal and prevented much-needed institutional reforms. As a result, and even in the wake of free and fair elections, tensions are high and the hope for better and democratic governance remains deflated.

Under the 2013 caretaker government, line ministries initiated revision of a number of forest policies and strategies including the three-year Forest Sector Approach Paper, biodiversity strategy, gender strategy, and 25 year Forestry Sector Master Plan. These are potential opportunities for forest sector reform in Nepal; however, weakened political processes have emboldened the bureaucracy and entrenched interests to significantly change policies, regulations, and procedures, thus weakening community level authorities.

However, a new window of opportunity emerged at the national level, when the long-awaited implementation of the Multi-stakeholder Forestry Program (MSFP) a joint undertaking of the governments of UK, Switzerland, and Finland, finally began. MSFP is the largest investment in Nepal's forest sector to date, with \$150 million assured funding for 10 years. It will build on the past 20 years' achievements in forestry supported by the three donor governments, which have led to significant poverty reduction, local institutional governance, and expanded capacity of Community Forestry User Groups (CFUGs), the government, and non-state actors for sustainable forest governance. However, Nepal has historically been less engaged in harnessing the economic potential of forests whether under community, private or government management, and thus enterprise development will be a key focus of MSFP.

In addition to its core advocacy platform for rights-based policy reforms, RRI has partnered with civil society, government and private sector institutions to increase recognition of the community forestry's

key role in rural poverty alleviation, job creation, and revenue generation as per national economic development goals. In the past year, RRI continued building alliances with women's, Indigenous Peoples' and land and water rights groups, most notably establishing a working relationship with Nepal Federation of Indigenous Nationalities (NEFIN), Green Foundation, and Rastriya Dalit Network) to amplify existing advocacy work on recognition of community and indigenous rights to natural resources. Going forward, joining these historically separate movements on one platform will prove a powerful advocacy tool, which is particularly crucial given the recent political developments.

2. Assessment of new opportunities and challenges

a. Opportunities

The following developments present strategic opportunities for RRI to move forward:

- *In September 2013, RRI began collaboration (codified in a Letter of Agreement) with MSFP, inspired by recognition of both organization's comparative advantage and complimentary efforts to address issues of tenure, livelihoods and enterprise, policy reform, climate change, and poverty reduction. RRI anticipates that this will facilitate independent analytical work on issues jointly identified by MSFP and RRI, creation of an independent, multi-stakeholder platform for discussion of contested issues in the forest sector, and exchange learning.*
- *The successful 2013 Constituent Assembly election opens another opportunity to push forward RRI's goal for full recognition of community property rights in the new Constitution of Nepal. It is an added advantage for RRI that several newly elected Constituent Assembly members are community leaders and strong believers of rights based development approaches and are member of FECOFUN.*

b. Challenges

Despite a successful election, the political situation in Nepal is still quite precarious in 2014. Currently RRI faces two main challenges:

- *First, even after the 2013 election, the need to forge a consensus on the ideal government structure (under ethnic federalism or another system) remains a polarizing and hotly debated topic in Nepal. Without an agreement on this core issue, it is unlikely that the country will overcome its political impasse.*
- *Second, there have been multiple attempts to weaken the rights of CFUGs and roll back the laws and policies currently in place to empower them. This trend is best exemplified by the recent proposed amendment to the Forest Act of 1993, which would place further regulatory barriers on CFUGs to weaken their autonomy, limit potential economic benefits, and minimize civil society participation in policy processes. A similar intention was reflected in the recent three year Forest Sector Approach Paper (2013-2015), which exposed the government's continued disinterest in advancing community rights over forest resources. A strategic advocacy campaign led by FECOFUN and other groups led to the eventual withdrawal of the amendment proposal and revision of approach paper, but, despite this small success, the movement to weaken community forestry continues apace.*

3. Strategy and proposed areas of intervention

The forest sector in Nepal has the potential to significantly lower rural poverty by promoting sustainable management of existing community forests and related, forest based enterprise, job creation and revenue generation. At the grassroots level, RRI facilitates like-minded actors to work together with forest dependent and marginalized communities (including women, Indigenous Peoples, and *dalits*), promoting synergy and solidarity among various campaigns and maximizing advocacy efforts with an aim to fully achieve economic and social benefits for CFUGs. At the national level, RRI advocates for recognition of community property rights by key political parties, in forthcoming policies, laws and regulations, and most importantly in the forthcoming Constitution. RRI will therefore engage with political parties and other high-level decision makers to raise awareness on rights based approaches to sustainable development and Green Growth.

Areas of intervention:

- Comparative analyses and engagement with the private sector to enable development and sustainable management of Community Forest Enterprises (CFEs) for job creation, revenue generation, and optimal resource use at the CFUG level;
- Widening coverage of community forestry in existing media networks and institutions to bring community-based tenure issues to a broader national audience; and
- Continued targeted and synergistic policy advocacy with women's, Indigenous Peoples, dalits and other marginalized groups to prevent rollback of rights and improve local institutional governance.

Table 1: Priority outcomes and indicators of progress

<i>Priority Outcomes</i>	<i>Indicators of Progress</i>
1. Community Forestry Enterprises are established in greater number and with increased and mobilized private sector support. ⁷	<ul style="list-style-type: none"> • At least 10 CFUGs establish CFEs in collaboration with private sector and government agency. • Income of forest user groups increased by 10 percent as a result of establishing CFEs. Government allocates additional funds in FY budget to support CFE development and simplifies regulations for establishment and management of CFEs.
2. Community property rights are endorsed in the forthcoming Constitution of Nepal.	<ul style="list-style-type: none"> • Draft language endorsing community property rights is adopted by Constituent Assembly members. • Final political party platforms officially endorse community forestry/community-based forest management.
3. Rights issues are widely publicized in national and regional media, particularly during the Constitution-drafting period.	<ul style="list-style-type: none"> • 20 news stories highlighting community forestry published in wide circulation in national media. • 5 news stories published in regional (Indian) media to boost Indian support for community property rights and pressurize Nepali policy makers.

⁷ Work on this outcome will be further refined to complement and add value to MSFP's work on improving forest enterprises, in close collaboration with MSFP and under the terms of the RRI-MSFP Letter of Agreement.

	<ul style="list-style-type: none"> Environmental journalists meet on a monthly basis to discuss media and messaging strategies.
4. Rollback of community property rights through amendments to existing Forest Act (1993), regulation (1995), and expansion of Protected Area system is effectively halted.	<ul style="list-style-type: none"> Zero Protected Areas established or expanded. Forest sector strategy, gender strategy, biodiversity strategy, and Forest Sector Master Plan uphold community forestry institutions and contain provisions for protecting community property rights. Increased collaboration on one or more joint campaigns between FECOFUN and other grassroots actors, including NEFIN and RDN.

Table 2: Activities, implementers and budgets

<i>Activities to achieve priority outcomes</i>	<i>Implementers</i>	<i>Budget (funded)</i>	<i>Budget (unfunded)</i>
1. Advocacy for inclusion of community property rights in policy agenda: Multi-stakeholder dialogues, campaign and interaction with key political parties and Constituent Assembly members, social campaign to hold parties accountable to commitments to community rights in election platforms, and discussion series with Constitution drafting committee	FECOFUN (HIMAWANTI, NRM Peoples Parliament, RDN, COFSUN, Green Foundation, Helvetas Swiss Intercooperation)	\$25,000	
2. Analysis and publicizing of commitments and policy recommendations to hold policymakers accountable to commitments on NRM	COFSUN (FECOFUN, HIMAWANTI, NRM Peoples Parliament, RDN, Green Foundation, Helvetas Swiss Intercooperation)	\$15,000	
3. Comparative analysis of regulatory barriers to community, private and collaborative enterprise models in Nepal's community forestry: literature review, comparative case study (private, community and collaborative management), consultation meetings with enterprise experts and CFE managers, and data analysis and dissemination	Forest Action (Green Foundation and FECOFUN)	\$25,000	
4. Create platform with private sector to promote investment in community forestry enterprises and ensure private enterprises provide necessary support services to development of CFEs and identify strategic opportunities for	Green Foundation (FECOFUN, Helvetas Swiss Intercooperation, Forest Action, COFSUN)	\$10,000	

investment in communities			
5. Advocacy for enterprise friendly policy at local and national level: Peoples' conferences on Green Jobs campaign to link local voices to national advocacy platform, policy dialogues at district/national level, and creation of policy brief on Community Forest Enterprises to analyze regulatory barriers to CFE establishment	FECOFUN (COFSUN, HIMAWANTI and RDN)	\$15,000	
6. Issue based meeting with journalists and media briefings on select forest sector issues to promote inclusion of community property rights in forthcoming Constitution	COFSUN (Green Foundation Nepal, Green Media, FECOFUN, Sanchar Foundation, NEFEJ, Jantakoban.com, Radio Prakriti)	\$10,000	
7. Wider mobilization of media to raise awareness of community NRM issues and pressurize political leaders: Production of radio and TV programming to publicize rights issues during Constitution-drafting process	FECOFUN (Green Foundation Nepal, Green Media, FECOFUN, Sanchar Foundation, NEFEJ, Jantakoban.com, Radio Prakriti)	\$20,000	
8. Policy advocacy for preventing rollback and ensuring CF is considered in forthcoming policies and implementation: stakeholder interactions on forest sector strategy and guidelines, issue-based discussions on forest rights at national and local levels, discussions with policymakers	FECOFUN (RDN, HIMAWANTI, NEFIN, COFSUN, Safe Environment Nepal, Asmita Nepal, RECOFTC Nepal, HELVETAS Swiss Intercooperation)	\$15,000	
9. Social campaign on improving good governance in forest sector: National workshop with Constituent Assembly members on women's rights to forest and other natural resources, community-level dialogues to train local facilitators/coordinators, and analysis of good governance and transparency in policy processes	HIMAWANTI (RDN, HIMAWANTI, NEFIN, COFSUN, Safe Environment Nepal, Ashmita Nepal, RECOFTC-Nepal, HELVETAS Swiss Intercooperation)	\$25,000	
10. Strengthening and mainstreaming CF issues in women's dalits, IPs, youth and other NRM sector networks: Regional /national workshops and interaction with select networks to advocate for inclusive participation of marginalized groups	RDN (HIMAWANTI, NEFIN, COFSUN, Safe Environment Nepal, Asmita Nepal, RECOFTC-Nepal, HELVETAS Swiss Intercooperation)	\$10,000	
11. Coordination of RRI-Multistakeholder	Helvetas Swiss		\$15,000

Forestry Programme (MSFP) collaboration on forest sector policy processes, independent analytical work on strategic issues, convenings on relevant forest sector issues, and promoting mutual learning and exchanges with relevant international experts and institutions	Intercooperation (MSFP, FECOFUN ,RECOFTC Nepal)		
Total:		\$170,000	\$15,000

Country Overview: Lao PDR

1. Changes since the previous year

In Lao PDR, land use has become a critical economic and political issue. On the whole, land and forests are open to discretionary interventions by powerful actors, and increasingly local communities have little political recourse to defend their rights. In an effort to open this landlocked country to the global economy and increase revenue, the government, led by an 11-member politburo, has embraced an industrial economic growth model. As a result, Lao PDR has witnessed an increase in FDI in large-scale extractive, agro-industry, and infrastructure concessions. Local communities and ethnic minorities have been marginalized in the process and their rights to land and forest resources curtailed significantly, making localized land conflicts, displacement and non-compensation increasingly common. Current law holds that the State has responsibility and authority for determining how land can be used by individuals and organizations, conflicting with local notions of customary rights and authority. Historically, provincial government authorities have been and continue to be powerful actors in resource management.

Politically, Lao PDR has responded to growing unrest, particularly over land issues, with heightened repression of civil society as a whole. In December 2012, the Country Director of HELVETAS Swiss Intercooperation (a key Partner of RRI) was expelled from the country following her statement that the one-party regime stifles debate and creates a hostile environment for aid groups. Several weeks later, a high-profile human rights activist disappeared while driving to his home. These incidents had significant repercussions for INGOs and local non-profit associations (NPAs) in the ensuing months, including restrictions and formal authorization requirements for organizations' operations and their engagement with local communities and for participation in political processes. Subsequently, civil society organizations became extremely reluctant to continue engaging in rights-based interventions or targeted political advocacy.

It is in this context that the Government of Lao PDR began reviewing and revising policies and laws pertaining to land and natural resources, starting with the National Land Policy in 2013. While earlier drafts of the NLP incorporated language on prior consultation (e.g., a threshold requirement of $\frac{3}{4}$ of landowners' consent to acquire lands) and compensation (e.g., in the event of land acquisition), as well as clear definition of rights categories (collective and customary), the drafting committee has since revoked these provisions, becoming increasingly dismissive of civil society input. The political will exists to promulgate the policy in December 2013, but its weakness as an instrument to advance land tenure, as well as the poor track record of implementing new resource sector laws and policies in Lao PDR, is discouraging.

Decision-makers in Lao PDR are motivated both to increase GDP through expanding FDI, but also to establish the nation as a key player in international trade and the mainstream community of nations. The country opened its first stock exchange in 2011, ascended to the WTO in 2012, and signed the FAO Voluntary Guidelines on the Responsible Governance of Tenure in 2013. It is part of the proposed ASEAN integration platform, set to enter into force in 2015. Lao is also in the negotiation phase of the FLEGT VPA process, and has established a FLEGT office with the aim to access higher-value timber markets and reduce illegal logging and corruption, which has long plagued the timber export trade to Thailand and Vietnam. Germany has pledged \$5.8 million to initiate this process. These developments demonstrate Lao PDR's commitments to following global trade standards and safeguards, both of which are non-

negotiable for WTO member nations and signatories of EU-VPAs. Yet despite these developments, Lao is in the midst of an economic crisis, evidenced by decreased national revenue and a fall in GDP growth from 8% to 7% in the past year. As a result, the government is unable to pay staff salaries and benefits (despite promising an overall increase). This downturn is the result of an unsustainable growth model favoring quick-fix investments rather than developing sustainable domestic industries to ensure value addition, as well as weak monitoring mechanisms and rampant corruption. At present, there are two competing camps in government: those who remain in favor of the status quo, and those who see good governance (including tenure reform) and civil society participation as essential to the country's long-term growth.

2. Assessment of new opportunities and challenges

RRI has made significant, but slow, progress in facilitating international knowledge-sharing and generating political will for tenure reforms among key government constituencies. While challenges remain in translating this political will to laws and policies, RRI can capitalize on its past engagement with the National Assembly as a key change maker in the field, and its growing network of civil society Collaborators, to ensure that lessons learned to date are applied in both policy and practice.

a. Opportunities

The following opportunities will guide RRI's work from 2014 onward:

- *Strong interest within the National Assembly to reduce land conflicts and actively engage in the land reform process, and receptiveness of some lawmakers to learn from positive international experiences in similar reforms;*
- *Recognition of high value NTFPs' contribution to economic activity and food security, reinforced by the organization of producer groups; and*
- *WTO and FLEGT provisions requiring adoption of social and environmental safeguards, governance measures, and civil society participation.* This could potential open up significant political space for civil society input to future policy processes.

b. Challenges

Local communities in Lao PDR face sustained threats to their land and forest tenure security and rights, including:

- *Continued pressure from national and provincial elites to accept FDI and allocate resources to the highest bidder, irrespective of customary rights;*
- *Continued displacement of local communities and ethnic minorities by new and existing LSLAs, with little recourse for due process, compensation, or consultation;*
- *Severe restrictions on civil society activity, weak organization of NPAs, and reluctance of civil society groups to remain active as a result of increased repression;*

- *Setbacks in the National Land Policy*, and the inevitability that subsequent Forestry, Mining and Agriculture Laws and regulation will follow a similar direction; and
- *Lack of systems for dissemination, consultation, and awareness-raising around new laws and policies.*

3. Strategy and proposed areas of intervention

The mission of RRI's work in Lao PDR is to effectively influence the ongoing land and forest policy revision process at national level 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 several windows of opportunities through which to engage in Lao PDR.

Areas of Intervention:

- Promote a broader understanding of the merits of sustainable, inclusive development over short term FDI;
- Expose government leaders to best practices in FLEGT VPA and economic integration through exchanges and regional learning;
- Broaden space of civil society (INGOs and NPAs) to participate in policy debates and influence resource policy, and strengthen civil society networks; and
- Work with change agents in the National Assembly and likeminded decision makers to ensure community rights are included in National Land Policy and subsequent legislation.

Table 1: Priority outcomes and indicators of progress

<i>Priority outcomes</i>	<i>Indicator of progress</i>
1. Community rights are defined and included in National Land Policy.	<ul style="list-style-type: none"> • Final NLP includes language on protection of customary and community tenure security, FPIC, and fair compensation standards.
2. Lao civil society achieves political space necessary to effectively participate in policy debates and influence natural resource management frameworks.	<ul style="list-style-type: none"> • Ministries and the National Assembly invite civil society organizations to participate on policy debate. • Government start consultation with NPA and CSO on issues related to rights of community and ethnic minorities.
3. Government of Lao PDR demonstrates commitments to social and environmental standards in lead-up to FLEGT-VPA, ASEAN integration, and WTO ascension.	<ul style="list-style-type: none"> • Civil society institutions are invited to participate in FLEGT VPA negotiation process. • Policymakers voice support for implementation of social and environmental standards in WTO membership package.

Table 2: Activities, implementers and budgets

<i>Activities to achieve priority outcomes</i>	<i>Implementers</i>	<i>Budget (funded)</i>
1. Economic and financial audit of FDI to promote broader understanding of the	Forest Trends, RECOFTC, or Samdhana (TBD)	\$35,000

merits of sustainable, inclusive development over short-term revenue gains and demonstrate where the current investment model has fallen short		
2. Study tour to Cambodia on Land Titling for application of lessons learned to design and implementation of Village Forest pilot program in Lao PDR	RECOFTC (Helvetas Swiss Intercooperation, Samdhana, LIWG)	\$10,000
3. Strengthening LIWG strategy and regional approach to ensure LIWG adapts to current political situation and utilizes opportunities for civil society participation in policy processes	Helvetas Swiss Intercooperation (LIWG, Samdhana, RECOFTC)	\$15,000
Total:		\$60,000

Country Overview: India

1. Changes since the previous year

In 2013, the focus and pressure on resources intensified. While the State continues to pursue economic policies that lead to greater resource acquisition for industrial purposes, the resistance by right-holders to the acquisition of these resources has also strengthened. There is now an effort underway to implement policies and laws that satisfy both objectives. This includes the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) and the Forest Rights Act, 2006 (FRA). There is a systematic extinguishment of land rights for “development” through legal processes. Most laws have a procedure incorporated towards this objective. The LARR Act, 2013 provides for compensating acquisition of rights of forest dwellers in forest areas. It says that rights recognized under FRA is encumbrance and can be overcome by compensating it.

Indirectly, both the FRA and LARR Act aim to make land acquisition politically more acceptable. Unlike earlier laws that compensated only those who have rights on the land the current law also includes landless agriculturists as deserving of some compensation. In the case of non-forest lands, it is harder to apply the policies in either law because most people do not have titles to land in rural villages. Further, there has been limited political mobilization of victims of land acquisition to give them voice.

In fact, there is also a systematic campaign for weakening organizations that have successfully led land struggles. The critical issue in India is formulating the right questions that will help in defining a long-term, political struggle. India has experienced a huge transformation in the way land use is being changed and what categories of lands and rights are identified. The NGO sector has not been effective in countering widespread dispossession of land. Tribal people have a voice through various constituencies including the political constituencies. However, the landless and the lowest in the caste structure outside of the tribal areas are not heard, despite efforts. Until now, the issue is not being framed in a manner that makes a coherent case for people's rights over resources.

As implementation of the FRA advances, the issues around its implementation are beginning to lead to confrontation. After the successful resistance against the Vedanta mining project in Niyamgiri, the issue of forest rights is becoming more visible and the process of asserting forest rights is spreading across the country. There is now a rising pushback from those threatened by the Act.

2. Assessment of new opportunities and challenges

a. Opportunities

- *Most successful examples of management of forests are at village level and there is no visible example that might serve as a model for large area implementation.* This is one area where India could learn from other countries such as Brazil, Indonesia, Philippines, and Nepal.
- *A fair number of local ground level organizations exist, which could apply a body of laws and regulations in their struggle to protect the rights of legal communities.* However they lack locally available legal and paralegal resource services and thus miss out on accessing this important tactical weapon.

b. Challenges

- *There are few rigorous studies that examine corporate policies and practices of securing mining leases, forest lands, and environmental policies.* Similarly there is a tremendous dearth of information on how the State Exchange Bank of India (SEBI) and other regulatory bodies exercise oversight.
- *There is a concerted effort to dilute the implementation and full realization of the potential of FRA through rejection of community claims, illegal diversion of forest land, and deliberately down-playing the area that can legitimately be claimed by the communities.*
- For the past two decades, real estate companies have acquired lands in rural areas or fringes of cities which are *gram sabha* (local elected village councils) land. There is little systematic information regarding the processes followed by local administrations in diverting these lands for urban expansion and industrial zones.

3. Strategy and proposed areas of intervention:

RRI will pursue two lines of work in India in 2014. The first set of proposed actions relates to the follow up of the studies completed in 2013 to realize their full potential and the second set specifically responds to the emerging challenges and opportunities as identified above.

Areas of Intervention:

The following interventions will serve to publicize the results of studies conducted in 2013, and to increase their impact:

- *Studies on financial regulation and Compensatory Afforestation (CA):* Further sensitize India's financial and regulatory bodies and the private sector to relevant resource rights issues, and influencing future reforms and actions. This will be achieved through various communications and outreach channels (press releases, condensing studies into policy notes), and convening a meeting in collaboration with the Centre for Policy Research of key actors from the financial sector, regulatory bodies, private sector, and media outlets covering financial issues.
- *Gadchiroli study:* Conduct a workshop to demonstrate a pathway to bring NTFP markets from state control under community control and improve local livelihoods. This workshop will also address how to extend benefits to a number of NTFP markets and broaden their geographic reach.
- *Initial assessment of Indian investments abroad:* Complete study and assess compatibilities with parallel RRI research underway in China.
- *Scaling up community participatory mapping:* Expand ongoing mapping work to neighboring states to fully exploit new claim guidelines under the FRA, and further mapping activists' technical and political capacity through networking with key experts from other countries in the region.

The following new interventions will capitalize on the opportunities identified on the previous page:

- *Exchanges between Indian and international activists to study democratic models of resource governance in large areas:* Exchange participants will examine differing models of democratic management of resources that have proven successful in covering large territories in key countries and derive lessons applicable to India. Findings will be discussed in a forum with key actors in India and those from the other key countries.
- *Regulatory studies follow-up:* A second phase study will identify three companies in three sectors that pose the greatest threat to local peoples' rights. It will examine their finances, profit sources, land acquisition/forest diversion, and environmental processes, and provide an overall picture of the processes followed by these companies, including identification of illegal activity. Study authors will also develop norms for each sector as well as proposed changes to regulatory authorities and corporate business practices.
- *Lawyer training program:* This program will bring together lawyers and other interested actors with relevant knowledge of key resource laws, to share best practices in advancing resource struggles in select areas of the country. Grassroots organizations will select lawyers and paralegals to participate. Trainings will focus on capacity development of participants and their communities.
- *Political study of Forest Rights Act:* Utilizing data collected by the Forest Survey of India, this study will aim to counter the narrative that the FRA only covers encroached forest lands, and thus a very small portion of the nation's forest. Its release will coincide with the next general elections, capitalizing on the key role of political tribal constituencies.

Table 1: Priority outcomes and indicators of progress

<i>Priority Outcomes</i>	<i>Indicators of Progress:</i>
1. Break the narrative at its weakest point: Through development of the narrative, we help those who are struggling to bring about social change, and engaging with those who are powerful and not as much vested in the social change. The strategy is to develop the narrative and analysis.	<ul style="list-style-type: none"> • There is tertiary and secondary pick up at the grassroots level; • The studies and the follow up activities have uncommon press coverage including in the financial press; • Issues are picked up and get discussed in business fora; and • Conservationists begin to protest against the studies.
2. Convening and dialogue with those who are engaging with the super structure (political and economic) thus influencing a whole set of new constituencies of corporate leaders, financial regulators, and financial media that exercises enormous political influence.	
3. The data, tools, support systems should be available at all levels to ensure that critical elements makes things happen and brings various actors together.	

Table 2: Activities, implementers and budgets

<i>Activities to achieve priority outcomes</i>	<i>Implementers</i>	<i>Budget (funded)</i>
1. Media engagement and convening on financial regulations and Compensatory Afforestation: Further sensitize India's financial and regulatory bodies and the private sector to relevant resource rights issues, and influencing future reforms and actions	India Advisory Committee, Centre for Policy Research, SPWD	\$14,322
2. Workshop, synopsis, and translation of Gadchiroli study to demonstrate a pathway to bring NTFP markets from state control under community control and improve local livelihoods	India Advisory Committee, SPWD	\$10,741
3. Completion of initial study on Indian investments abroad and assessment of compatibilities with parallel studies in China	India Advisory Committee, SPWD	\$28,643
4. Scaling up work on community mapping: Expand ongoing mapping work to neighboring states to fully exploit new claim guidelines under the FRA, and further mapping activists' technical and political capacity through networking with key experts from other countries in the region.	Vasundhara	\$40,000
5. Exchanges between Indian and international activists on democratic resource governance models in large areas: examine differing models of democratic management of resources that have proven successful in covering large territories in key countries and derive lessons applicable to India.	India Advisory Committee, SPWD; consultants	\$42,965
6. Regulatory studies follow-up: Second-phase study to identify companies in three sectors that pose the greatest threat to local peoples' rights, examine their finances, profit sources, land acquisition/forest diversion, and environmental processes, and provide an overall picture of the processes followed by these companies, including identification of illegal activity	India Advisory Committee, SPWD; consultants	\$14,321
7. Lawyer training program: bring together lawyers and other interested actors with relevant knowledge of key resource laws, to share best practices in advancing resource struggles in select areas of the country	India Advisory Committee, SPWD; consultants	\$24,347

8. Political study of the potential of FRA: Utilizing data collected by the Forest Survey of India, counter the narrative that the FRA only covers encroached forest lands and a small portion of India's forests. Launch of study to coincide according to general elections to capitalize on key role of political tribal constituencies	India Advisory Committee, SPWD	\$7,161
Total:		\$182,500

Country Overview: Myanmar

Introduction

Land and forest tenure rights are politically and economically contentious issues in Myanmar, as more than two thirds of its population depends on agriculture and forestry for their livelihoods. The 2008 Constitution clarified that the state remains sole owner of all land and resources, and few hold formal land titles to customary land. Meanwhile, over the last 20 years, Myanmar's dense forest has declined by more than half, to 33.44 Mha, or 48 percent of total land area, threatening rural livelihoods, food security, and local tenure arrangements. During the *junta*, more than 1.9 million acres of land was illegally transferred to military cronies without any formal registration and ownership title. Most of this land has since lay fallow, or been leased industrial concessionaires. After decades of autocratic rule, Myanmar's people have few legal defenses against the takeover of land, forests, and natural resources.

In 2012, President Thein Sein signed two new laws: the Farmland Law, and the Vacant, Fallow and Virgin Land Management Law (VFV), as legal frameworks for country's unfolding land reform initiative. These laws further reiterate that state remains the owner of all land, whereas farmers are simply given use rights to cultivate, transfer, or mortgage lands as loan repayment. In their current form, these laws may negatively impact land tenure security of small holder farmers and communities and result in further violent conflicts and social instability, as there are no proper safeguards in place. In order to avoid these potential negative impacts, the government is considering drafting a comprehensive Land Law and Policy on Land Management. Also in 2012, the cabinet level "Land Allotment and Utilization Scrutiny Committee" was established, led by the Ministry of Environmental Conservation and Forestry. The committee's key role is to address the issues related to national land use policy, land use planning, and allocation of land for investment in the agriculture, forestry, and mining sectors. That same month, the government also formed a high level Land Confiscation Inquiry Commission to find out whether land acquisition been carried out in compliance with existing laws, and to make sure that compensation was paid to those displaced.

As Myanmar continues to open up to the Western world, its decision whether to welcome FDI for industrial and economic development, on the one hand, or to protect the rights of small holder farmers over their land and resources on the other remains a crucial issue of debate. Myanmar's recent economic and political reform process poses both opportunities and threats for livelihoods of local people. The government favors industrialization of land and forest resources to expand its market based economy, ignoring global evidence that under the right circumstances, smallholder farmers and foresters can be equally efficient at producing food for the nation and contributing to robust economic growth. As a result, the smallholder and landless farmers' ability to achieve secure livelihoods in Myanmar is slowly eroding, particularly in the uplands. Land tenure and use rights are also threatened by a weak institutional framework for equitable access to land, amplified land grabbing and speculation, and increased forest sector investment. However, there is growing pressure from the international community, media, and a network of civil society groups to embrace democratic reform by protecting Myanmar's most vulnerable citizens against land acquisition. Land disputes triggered by dispossession have been a major cause of social stress.

1. Changes that have occurred since the previous year

In 2013, the Department of Forest agreed to form a Community Forestry National Working Group (CFNWG) with representatives from relevant departments, CSOs, the private sector, and research institutions with aim to advance community forestry in Myanmar. The first meeting of CFNWG is scheduled to be held in January 2014.

Recently, the government also issued a Departmental Instruction regarding settlement areas, declaring that permanent agriculture land and home garden land occupied by local people are excluded from the reserved forest area. If villagers wish to establish community forest for subsistence farming and shifting cultivation, the Department of Forest will provide a guaranteed 30 year lease. This is considered a major breakthrough in Myanmar's forestry sector, but strong commitment and political will amongst government officials and politicians is needed to ensure implementation.

2. Assessment of new opportunities and challenges

Community forestry could play a key role to redress forest decline and improve rural livelihoods, but at present, there is no strong legal basis to operate and expand community forestry in Myanmar except the Community Forestry Instruction (CFI) of 1995. Since the CFI was established, less than a tenth of the national target of 600,000 ha has been allocated. But the government has recently given priority to expanding community forestry, as expressed by the Union Minister U Win Tun from the Ministry of Environmental Conservation and Forestry in a recent meeting of stakeholders held in August 2013 in Myanmar. More than 50 percent of the rural population in Myanmar is landless. As competition for land increases particularly due to allocation of large tract of land to commercial agricultural enterprises, smallholder farmers are more vulnerable, losing both their agriculture and grazing land. Government figures shows that there are 400,000 illegal settlers requiring immediate attention. Settlements of smallholder farmers are also a concern in armed conflict zones, particularly in the northern states along the Chinese and Thai borders.

Despite these challenges, there remain key opportunities to address the problems of land and tenure rights in Myanmar, as the government is now willing to rethink and revise their current policies, laws and regulations. The government has also welcomed support from civil society organizations and the international community in the process of developing or revising these frameworks.

3. Potential RRI strategy and areas of intervention

As the government has entered into a new phase of reforming policies and legislation in Myanmar, there is a greater need of learning through exchanges particularly amongst policy makers, parliamentarian, civil society activists, and government officials. In this situation, RRI could facilitate the learning process through its in-country Partners and potential Collaborators working on forest and land tenure issues. Similarly, it is imperative to ensure that in the process of developing and enacting comprehensive land management policies, the government follows proper consultation amongst all stakeholders including local communities and ethnic minorities. RRI support could be instrumental to bring local voices to the national policy debate through multi-stakeholder dialogues and roundtable meetings.

Key issues requiring immediate attention at the policy level in Myanmar include:

- Securing tenure rights of smallholder farmers, landless communities, and ethnic minorities;
- Ensuring compensation and settlement of farmers and communities displaced by LSLAs;
- Development of policies, laws and regulation which are lacking or unclear in natural resource sectors; and
- Scaling up of community forestry with a strong legal basis.

****RRI's plan for engagement in Myanmar will be determined following a scoping visit in February 2014, and in consultation with in-country Partners (RECOFTC and Helvetas Swiss Intercooperation)*