



## SECURING COMMUNITY RIGHTS, FOREST PROTECTION, AND CLIMATE MITIGATION AT SCALE: Gaps, Opportunities, Priorities

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Clarion Royal Hotel Christiania

Biskop Gunnerus' gate 3,  
0155 Oslo, Norway

### Meeting summary

In May, RRI and RFN gathered 70 representatives from governments, multilateral institutions, indigenous peoples, NGOs and scientists for a two-day, high-level meeting on the links between tenure rights, forest protection and climate. The meeting was organized in the context of the growing, widespread consensus that forest tenure rights and governance must be addressed in any climate change mitigation efforts involving forests. This consensus has been expressed in increased scientific evidence showing the link between secure community land rights and reduced deforestation, the focus on tenure in many national REDD+ strategies, and new global commitments to support recognition of IP and community rights as a forest and climate strategy, such as the New York Declaration on Forests, Norway's \$100 million pledge for supporting the rights of forest based indigenous peoples, and launch of a new International Land and Forest Tenure Facility.

Despite this growing awareness and commitment, progress on the ground has remained slow in many countries. At the global level, there has been a slowdown in recognition of rights of forest peoples to forest land since 2008, as compared with the situation from 2002-2008. Therefore, it is imperative to understand bottlenecks, identify key factors for progress, and learn from experience in order to prioritize investments and supportive actions. Recognizing the land and resource rights of traditional forest communities is an essential first step; at the same time, factors such as government support, organizational capacity, external pressures, and income opportunities also need to be addressed to guarantee long-term forest sustainability.

In this context, the meeting had four objectives:

1. Review the links between secure community tenure and effective forest management, and the factors that support them.
2. Assess the current state of play with regard to demands and opportunities for increased recognition, available resources and the types of investment needed.
3. Make practical progress on high-level opportunities and challenges to scale-up implementation in selected countries.
4. Give directions regarding priorities for future investments and the UNFCCC COP 21 in Paris.

This note summarizes key findings, gaps, priorities and recommendations that were discussed at the meeting, in relation to the four objectives. Because of the use of the Chatham House Rule, there is no

reference to who said what, except from the speeches made in the opening session, which are publicly available. A diagram (Attachment 1) outlines key factors supporting scaling up community land rights, which also served as a frame for the agenda.

## **1. Review the links between secure community tenure and effective forest management, and the factors that support them.**

The Norwegian Minister for Climate and Environment, Tine Sundtoft, stressed that indigenous peoples have played a key role as guardians of rainforests, and that their land rights are important for future forest protection. “Land rights for indigenous peoples are good for the climate,” she said. The minister also underlined that indigenous peoples must be supported in their efforts, by different actors – including governments and private sector.

Kerstin Jonsson Cissé, Head of the Global Economy and Environment Unit in the Swedish government aid agency SIDA, further emphasized that where tenure is perceived to be secure, management is more likely to happen with a long term perspective, thus preventing degradation, and better ensuring long-term protection of essential ecosystem services. She said that “it is when communities truly benefit, and have the power to control the use and also to sanction abuse, that management can be sustainable. If we look at REDD+ as a potential source of income for forest communities, I cannot see how that could work, without clear and agreed local tenure rights to the resources.”

Regarding links between secure community tenure and forest sustainability, research in Brazil demonstrates that while different kinds of protected areas (strict protection, sustainable use areas and indigenous peoples’ territories) all help to inhibit deforestation, indigenous peoples’ territories generally reduce deforestation better than the other categories. In particular, indigenous peoples’ territories do exceptionally well under high deforestation pressure.<sup>1</sup> Research across multiple sites has identified several factors associated with lower deforestation in community forests – these include larger size, greater autonomy, and better economic status.<sup>2</sup>

Other recent research demonstrates that, where legal recognition of indigenous and community tenure rights is combined with active government support, deforestation is significantly lower. This study also highlighted that 37 billion tons of carbon are stored in community forests, yet community tenure and forest management have been undervalued as strategies for climate change mitigation.<sup>3</sup>

Experience with Payment for Ecosystem Services (PES), often a key implementation mechanism for REDD+, also indicates that the approach taken may affect local motivations for protecting the environment. Key lessons are that payments or benefits to the broader community, and higher payments, are more effective in motivating protection of public goods. Individual payments, on the

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<sup>1</sup> Agrawal, A., Nolte, C., Silvius, K. M., & Soares-Filho, B. S. (2013). Governance regime and location influence avoided deforestation success of protected areas in the Brazilian Amazon. *Proceedings of the National Academy of Sciences of the United States of America*, 110(13).

<sup>2</sup> Agrawal, A., Chhatre, A., & Persha, L. (2011). Social and Ecological Synergy: Local Rulemaking, Forest Livelihoods, and Biodiversity Conservation. *Science*, 331(6024).

<sup>3</sup> Stevens, C., Winterbottom, R., Springer, J., & Reytar, K. (2014). *Securing Rights, Combating Climate Change*. World Resources Institute, Rights and Resources Initiative.

other hand, may undermine the intrinsic motivation for protection, and be counterproductive – especially if the payment is low.<sup>4</sup>

## **2. Assess the current state of play with regard to demands and opportunities for increased recognition, available resources and the types of investment needed.**

With regard to the status of recognition of tenure rights, there is a strong international legal framework on indigenous peoples' rights; however, implementation and enforcement at the national level is the biggest gap. Recent data on tenure recognition<sup>5</sup> shows that there has been an increase in forest areas under community ownership or control since 2002, but the vast majority of forest lands globally are still controlled by states. There are also considerable differences between continents – e.g., in Latin America, communities own or control 39% of forests, while in Africa almost 94% of forests continue to be held by governments. Recognition of forest tenure rights has also slowed since 2008. In addition to less area being recognized than in the 2002-2008 period, tenure laws enacted are fewer and weaker – e.g., no legal framework created since 2008 recognizes community ownership of forest land.<sup>6</sup> REDD+ has contributed to increased attention globally to the rights of indigenous peoples, but the slowdown in land tenure recognition has occurred even in REDD+ countries, indicating that REDD+ is not yet translating into increased recognition on the ground. There is also a push to recognize individual land rights rather than collective rights in many countries, which risks undermining key foundations for sustainable forest management.

Participatory mapping is a key tool to make customary land rights visible where rights are not recognized and written documentation is lacking. Participatory mapping is a viable approach, and can be conducted for a cost that varies between 0.85 and 1.4 dollars per hectare. Yet there is a huge gap in the willingness to finance participatory mapping at scale.

Globally, there are major thematic, financial and geographical gaps in the funding available for land rights. In particular, there is a need for mechanisms that are flexible and responsive to the needs of indigenous and community organizations, and a willingness to take risks.

In their own proposals, Indigenous peoples' representatives have stressed the fundamental importance of recognizing their collective land and territorial rights, and respecting the right to Free, Prior and Informed Consent (FPIC). They ask for the creation of dedicated funds, where indigenous peoples' organizations may have direct access to funding (without intermediary organizations). In the context of REDD+, greater donor commitment to processes of social and political transformation is needed to balance out spending on technical projects such as remote sensing. There is also a need for flexible and long term core funding that supports indigenous peoples and local organizations as partners, rather than as short-term executors of specific tasks or projects, and enables capacity building and training. It was noted that this type of funding approach will be more effective in producing results over the long term.

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<sup>4</sup> Agrawal, A., Chhatre, A., & Gerber, E. (2015). *Motivational Crowding in Sustainable Development Interventions*. International Forestry Resources and Institutions Program.

<sup>5</sup> Rights and Resources Initiative (2014). *What Future for Reform? Progress and slowdown in forest tenure reform since 2002*. Washington, DC: RRI.

<sup>6</sup> Ibid.

The International Land and Tenure Facility is a new mechanism, focused on tenure reform, through which indigenous peoples' and community organizations can receive direct support. The goal is to be fast, un-bureaucratic and flexible. The Facility has just approved two pilots in Panama and Indonesia.

Multilateral institutions dealing with climate and indigenous peoples issues are diverse and complex – and they hold significant financial resources. The World Bank Forest and Climate Partnership Facility (FCPF) and the BioCarbon Fund, for example, have a combined capital of USD 1.3 billion. The various institutions are designed for different purposes; and whereas the World Bank Forest Investment Program, the FCPF and the BioCarbon Fund all deal with governments, the Dedicated Grant Mechanism of the FIP provides funding to indigenous peoples and communities. In Peru, the DGM will fund titling of native lands, its most concrete project regarding land tenure.

Participants discussed that none of these major multilateral REDD+ funding mechanisms are sufficient – or necessarily “fit for purpose” – for advancing tenure recognition. However, there are no formal impediments to funding land rights and tenure processes, and adherence to the UNFCCC REDD+ decision in Cancún requires that governments address tenure issues. Moreover, the evidence is overwhelmingly clear on the need for secure land tenure for indigenous peoples and other forest dependent peoples to protect the forest. One practical implication is that REDD+ phases 1 and 2 must be properly implemented before launching into phase 3. In particular, serious progress on identified gaps and risks in land tenure is needed before payment for results (phase 3) starts to flow. Donors to the multilaterals must also increase focus on forest land tenure in their funding decisions.

### **3. Make practical progress on high-level opportunities and challenges to scale-up implementation in selected countries.**

An introductory presentation distilled some comparative experience from tenure reforms, including that governments are essential for forest tenure recognition and forest tenure reform, and political will is fundamental. Historically, progress has mainly been linked to progressive, left or populist governments emerging from the end of authoritarian regimes and return to democracy, and to concerns about forest scarcity.

Tenure reform requires a clear roadmap and guidelines for governments, making sure that benefits reach those intended. This can be challenging as government agendas tend to pull in different directions. Also, formal recognition is just the beginning of the road towards obtaining long-term security of tenure and improved livelihoods. Lack of trust between the government and indigenous and community organizations is also an impediment.

There was limited representation from governments at the meeting, despite having been invited, which limited opportunities for two-way dialogue contributing to practical progress on implementation in key countries. Participants did highlight a number of key opportunities and challenges in forest countries, for example:

- Peru will title 5 million hectares of land to indigenous peoples in the next two years. While this will be demanding, it is important to accelerate progress during the current political window of opportunity. Peru has also clarified that the rights-holders to the forests also hold rights to the carbon.
- President Jokowi of Indonesia has been clear that the Letter of Intent with Norway will continue and that it is not only about carbon, but also about the rights of indigenous

peoples. Indigenous leaders have also entered and won local elections, expanding indigenous voices in political processes.

- In DRC, a land reform process is underway, but is not progressing at the same speed as REDD+ development, and linkages are not being made, though many aspects of forest reform are essential for REDD+.

The REDD+ process need to move forward on the question of indigenous peoples' rights. There is a need for legal reform, so that land rights can be secured as a starting point for REDD+. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests provides an important entry point on tenure issues, as most governments have endorsed these guidelines.

In addition to discussing opportunities and challenges in particular countries, participants discussed the roles of indigenous and community organizations in securing recognition and sustainable forest management. Participants highlighted that forest communities are in this for the "long haul" and that strong organizations play essential roles. Organizations need to evolve and adapt to succeed, including adapting over time to better address gender equity and strengthen capacities to respond to outside pressures. It is possible for outside actors to support and help strengthen local organizations. Principles derived from these experiences include to: 1) Respect their models, and adapt your own; 2) Be flexible; 3) Encourage and allow women to decide for themselves; 4) Avoid blueprint approaches, and 5) Provide not just money, but also partnership/alliances.

Where traditional institutions are strong, struggles for land and rights have been more successful. For example, in the Saryaku case in Ecuador, unity and strong organizations were important for a community to win a conflict with an oil company. Future success will depend on skill training in advocacy, income opportunities, and further organizational strengthening.

Another pervasive issue is that women are commonly discriminated against when it comes to land or resource rights. Securing community lands may be a first step, but is not sufficient to protect women's rights. In any effort to advance community land rights, the question of how women's rights to land can best be supported in that specific context must also be asked. Overall, it is important to recognize that customary systems and institutions are not static - they adapt and evolve.

#### **4. Give directions regarding priorities for future investments and for the upcoming UNFCCC COP 21 in Paris.**

Through presentations and discussions, participants identified the following forward-looking recommendations:

##### **1. Scale up efforts by all REDD+ actors to secure indigenous and community forest rights**

REDD+ donors and national institutions need to strengthen and scale up their focus on forest tenure. Donors should ensure that sufficient funds committed for mitigation activities in forest areas are focused on strengthening local rights and improving forest governance, and that this support is timely. In particular, secure land tenure for indigenous peoples and other forest dependent peoples should be in place before the phase 3 funds begin. Donors to the multilateral REDD+-initiatives need to increase their focus on forest land tenure, and better coordination and cooperation on land tenure is needed from the donor side. Each country should state in its Intended Nationally Determined Contributions (INDCs) how it will address indigenous peoples and other forest-

dependent peoples' rights to land, territories and resources. The Oslo REDD X-change in 2016 should also take stock of the status of REDD+ and forest tenure reforms. The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests can be used as an entry point to promote tenure security, and women's land rights require special attention. At the same time, it is important to recognize that the "tenure eggs" do not all belong in the "REDD+ basket" – much wider efforts are also needed.

## **2. Invest in forest peoples' organizations and initiatives over the long term.**

Long-term investment in indigenous peoples' organizations is needed, including after land rights are formally recognized. Recognition does not guarantee tenure security. Therefore, it is important to focus on reinforcing communities' negotiating power towards outsiders, providing a fair chance to defend their rights, achieve fair deals and generate income from forests, such as timber or non-timber forest products and other land investments. Communities must be able to sustain themselves in order to sustain their forests; otherwise they may have tenure rights, but these will not be secure.

## **3. Strengthen government capacities and constructive dialogues**

Governments are also an important target in promoting tenure reforms, as these often require new knowledge and capacity building. Funds committed to REDD-readiness should be used to enable governments to recognize and strengthen forest tenure rights and establish appropriate governance systems, for example for enforcement of instruments that protect rights. Powerful agencies such as Ministries of Finance also need to be involved and convinced that land rights are important. Government capacity and support is also needed to better regulate private sector investments, to ensure they avoid contributing to both deforestation and land-grabbing. Donor funding can also help support country consultation processes and constructive, inter-cultural dialogues that are needed to build trust and joint efforts between governments and forest communities for tenure reform, and for long-term REDD+ implementation.

## **4. Give greater attention to community-based economic development, including evidence demonstrating links with secure community tenure.**

As noted above, forest-based economic opportunities will be essential for communities to sustain their forests over the long term. Participants highlighted that the largest proportion of private sector actors globally are small-scale producers and more attention should focus on how to help them grow and occupy the "meso" layers of economic activity currently occupied by large companies. While a focus on large-scale supply chains is essential in the short-term to mitigate deforestation, this is not the only private sector strategy that needs to be pursued for greater forest sustainability.

Another key building block is consolidation of an evidence base on the links between secure community tenure and rural economic development. While strong evidence has been marshalled to demonstrate links between secure forest tenure and reduced deforestation and carbon emissions, much of the current evidence regarding economic development links focuses on individual titling, which itself can constitute a threat to collective tenure recognition. Further research and analysis on the economic opportunities and contributions generated by of recognition of collective tenure rights will be needed to close this gap.