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# RRI Dialogue Bulletin



**A Summary Report of the 18th Rights and Resources Initiative (RRI) Dialogue on Forests, Governance and Climate Change**

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## SUMMARY OF THE EIGHTEENTH RIGHTS AND RESOURCES INITIATIVE: DIALOGUE ON FORESTS, GOVERNANCE AND CLIMATE CHANGE – FOREST TENURE, RESTORATION AND GREEN GROWTH: 26 OCTOBER 2015

On 26 October 2015, the Rights and Resources Initiative (RRI) hosted its 18th Dialogue on Forests, Governance and Climate Change in Washington, DC, US.

Over 70 participants took part in four separate panel discussions, featuring key representatives from governmental, non-governmental, intergovernmental, Indigenous Peoples' and research organizations.

The Dialogue focused on the theme of "Status of Community Land Rights and the Role of Climate Finance on the Eve of the Paris Agreement." In the morning, participants engaged in a panel discussion on taking stock of the recognition of land rights and the agenda for Paris. Participants considered the global baseline on indigenous and community land rights followed by Indigenous Peoples' proposals and recommendations for Paris, as well as rights and tenure in the Paris agreement. A second panel focused on the Forest Carbon Partnership Facility (FCPF) Carbon Fund (CF) and challenges and opportunities to secure community rights.

In the afternoon, panel discussions addressed climate finance, and support for tenure recognition, and the way forward on tenure rights in climate policy, financing and action.

Many participants agreed that climate change presents an opportunity to create policies for the robust recognition of community-based tenure.

### A BRIEF HISTORY OF RRI DIALOGUES

RRI is a coalition of 14 Partners and over 140 collaborator organizations who are working to advance forest tenure, policy and market reforms. The initiative aims to promote greater global action on pro-poor forest policy and market reforms to increase indigenous and community ownership of, control of and benefits from forests and land. The Rights and Resources Group, a non-profit organization based in Washington, DC, is the secretariat of this global initiative. The series of RRI Dialogues on Forests, Governance and Climate Change is designed to foster critical reflection and learning on forest governance, the rights of forest communities and Indigenous Peoples, and forest tenure in the context of global action to combat climate change, including REDD+. This series builds on the discussions of the International Conference on Rights, Forests and Climate Change, convened by RRI and the Rainforest Foundation-Norway in October 2008.

Previous dialogues have focused on topics, such as: the role of forest governance in achieving reduced emissions from deforestation; the status of forests in the global negotiations

on climate change; the implications of negotiations under the UN Framework Convention on Climate Change (UNFCCC) for forest communities and Indigenous Peoples; common approaches to dealing with the challenges of food security and climate change in forests and agriculture; scaling-up strategies to reduce emissions and advance development in forest areas; and risks and opportunities associated with large-scale, land-based investments. For more information on all of these events, visit: <http://www.rightsandresources.org/>

### REPORT OF THE MEETING

On Monday, 26 October 2015, Andy White, Coordinator, RRI, opened the dialogue by highlighting: the pivotal moment regarding the upcoming 21st session of the Conference of the Parties (COP 21) to the UNFCCC, which will meet in Paris in December 2015, for climate finance and for indigenous and community land rights; and the need to act together to address climate change and land rights, noting rollback in a number of countries on this issue.

### TAKING STOCK OF RECOGNITION — AND AGENDA FOR PARIS

This session was chaired by Charles Barber, World Resources Institute (WRI).

Ilona Coyle, RRI, framed the discussions with a presentation on the current status of statutory recognition, based on a study called the Global Baseline on Indigenous and Community Land Rights. She said that: community-based tenure has the potential to mitigate climate change but more needs to be done to recognize land rights; there is a large gap between the land areas held by communities in practice and those which are legally recognized by states; few countries mention community-based land tenure in their intended nationally determined contributions (INDCs); countries are not necessarily fully implementing their laws; and strategies to address climate change present an opportunity to create policies for robust recognition of community-based tenure.

Hindou Oumarou Ibrahim, International Indigenous Peoples Caucus on Climate Change, highlighted that the Indigenous Caucus wants Indigenous Peoples' rights and knowledge to be affirmed in the preamble and in article 2 of the Paris agreement. She said the Caucus would hopefully be making a high-level announcement on the creation of an Indigenous Peoples' Fund during COP 21. She also expressed concern about the Paris agreement regarding recognition of Indigenous Peoples' rights.

Niranjali Amerasinghe, WRI, discussed rights and tenure in the Paris agreement. She said that before the October 2015 session of the *Ad Hoc* Working Group on the Durban Platform for Enhanced Action (ADP), concerns were raised regarding references to rights, as they had been removed from the Co-Chairs' non-paper. She observed that the October non-paper has improved with reference to human rights in the

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preamble and operational text and with the inclusion of food security, but expressed doubts as to whether tenure would be referenced in the final agreement.

Discussions ensued on, *inter alia*: the need for more research on the cause and effect between land tenure and climate change outcomes; the role of markets and incentives in land and forest management; the future of the UNFCCC system and the outcomes of COP 21; regional outcomes of Indigenous Caucus work; and the usefulness of separating adaptation and mitigation.

### **FCPF CARBON FUND: CHALLENGES AND OPPORTUNITIES TO SECURE COMMUNITY RIGHTS**

Arvind Khare, RRI, chair of the session, noted the complexity of implementing REDD+ and the need to address the real drivers of deforestation. He highlighted the World Bank's FCPF CF Methodological Framework (MF), which sets standards and measures for implementing REDD+ in developing countries.

Josh Lichtenstein, Independent Consultant, discussed risks and opportunities in the FCPF. He outlined the FCPF review findings, noting that the MF does not go far enough in protecting land and resource tenure and does not uphold the UNFCCC Cancún Safeguards.

However, he said while many good ideas on implementing emerging national REDD+ strategies are evident in early proposals submitted as Emission Reduction Program Idea Notes (ER-PINS), data gaps, as well as entrenched economic and institutional interests, are evident. He went on to note the lack of clear linkages between strategies proposed and broader governance and tenure reforms required to make these programmes successful and lack of clarity on benefit sharing.

In the broader context, he observed that the FCPF is still one of the few sources for implementing REDD+ strategies, but said capacity constraints are being experienced by all stakeholders.

Joseph Bobia Bonkaw, Natural Resources Network (RRN), provided a country perspective from the Mai-Ndombe Province, in the Democratic Republic of the Congo. He expressed concerns relating to: lack of transparency, noting that Indigenous Peoples and local communities did not receive the information required; absence of consultation between Kinshasa and the grassroots level; displacement of indigenous and local communities; conflicts arising out of REDD+; absence of land tenure rights; and lack of an adequate safeguard system.

Michael Wolosin, Climate Advisers, discussed REDD+ in the global finance space. He noted that finance for forests has become fragmented and so protecting rights and land tenure will become more complicated due to the wide range of stakeholders and multiple sectors for finance flows. He emphasized the need to work out how safeguards will work under the current conditions, noting that most INDCs do not address land rights and the FCPF CF cannot be relied on to ensure land tenure safeguards.

Kate Horner, Environmental Investigation Agency, called for exercising scrutiny in terms of finance flows, noting that the CF has grown to over US\$460 million and is still 90% ODA financed. Observing that many forest regions are fragile remote areas, she said finance has the potential to increase conflicts, and that the CF persists in using current methodological guidance and has not addressed concerns raised during the ER-PINS stage. She observed that a focus on clarifying the legal basis for transferring title under the CF provides an incentive to create state monopolies over large resources, which is not desirable.

Kennan Rapp, World Bank, provided a perspective from the FCPF CF, noting that the FCPF was not set up to promote land tenure *per se*, but that the Bank would look for opportunities to engage on this. He noted that the MF was developed with a great deal of stakeholder input and that emission reduction programmes are supposed to be designed on a solid analytical basis with respect to land and tenure rights, and with strategic environmental and social processes to engage stakeholders. He stressed that the Bank's safeguard policies must be properly applied and adhered to or the Bank will not continue to work with countries to develop programmes.

During the ensuing discussion, participants raised issues concerning: transparency of the FCPF; lack of benefit sharing with Indigenous Peoples and local communities; the extent to which governments are involved in the ER-PINS development; and the percentage of credits bought by the CF.

### **CLIMATE FINANCE AND SUPPORT FOR TENURE RECOGNITION**

Luis Felipe Duchicela, World Bank, chaired this session. Juan-Carlos Altamirano, WRI, presented the results of a working paper on the economic costs and benefits of securing community forest tenure in Brazil and Guatemala, which found that securing such tenure, *inter alia*: has the potential to be a good investment as a solution to climate change; generates a variety of economic benefits through environmental services; and is potentially cost effective compared to technology-based solutions.

Tapani Oksanen, Senior Partner, Indufor, presented research relating to the demand and supply of support for scaling-up tenure recognition. The research found that, *inter alia*: nearly US\$1 billion has been committed or distributed to support Indigenous Peoples and climate change but only a small part of this has gone directly to Indigenous Peoples organizations (IPOs); 35% of this funding indicates a focus on land and or forest rights; and no tenure-specific funding has gone directly to IPOs or civil society organizations (CSOs). He outlined that options for scaling-up could focus on, *inter alia*: capacity building of IPOs; linking projects with larger-scale donor funding and with progressive private investment; and simplifying projects to allow for easier planning, implementation and monitoring.

Edwin Vásquez Campos, Coordinator of Indigenous Organizations of the Amazon Basin (COICA), spoke about Indigenous Peoples' proposals for climate financing and the Amazon Indigenous Fund. He argued that existing forests are proof of Indigenous Peoples' protection efforts over millennia. He explained that the Fund covers 240 million hectares and that efforts are being undertaken to bring a further 100 million acres into the project.

Janis Alcorn, the International Land and Forest Tenure Facility (ILFTF), highlighted that ILFTF is a new pilot institution being incubated within RRI which has funded six projects implemented by local communities, with another six being funded next year.

Ultiminio Cabrera, National Coordinating Body of Indigenous Peoples in Panama, spoke about an ILFTF project in Panama, which aims to consolidate the collective rights to land and water resources for Indigenous Peoples. He said the ILFTF builds capacity, provides legal services and works towards proper land management once the areas are titled.

Duchicela explained that, through World Bank consultations with Indigenous Peoples, four key thematic areas have been identified as priorities: land legalization, tenure and administration; governance and institutional strengthening of IPOs and CSOs; sustainable economic development; and national public policy.

Discussions ensued on, *inter alia*: how to ensure money reaches local communities; the inclusivity of rights with respect to local communities; and the rationale behind choosing Brazil and Guatemala for the cost-benefit analysis. In response to a question on the ILFTF, a clarification was made that the ILFTF was designed on the basis of country assessments conducted in 2014.

### **WAY FORWARD ON TENURE RIGHTS IN CLIMATE POLICY, FINANCING AND ACTION**

This session was chaired by Andy White, RRI. Reflecting on the way forward, Simon Counsell, Executive Director, Rainforest Foundation UK, observed that saving forests is not a cheap and easy way out of mitigating climate change and there is a long way to go with regard to enhancing community land rights and land tenure reform. He said carbon financing requires: a lot of time; strong incentives and disincentives; and political sensitivity and connectedness.

Hindou Oumarou Ibrahim called for reinforcing Indigenous Peoples' capacity at the national level and the need for collective land rights, and not only recognition of how land is used. She encouraged sharing success stories on land tenure and community rights and developing policy and guidelines on land tenure, also emphasizing the need to examine women's rights in the context of land tenure.

Juan Martinez, World Bank, encouraged Indigenous Peoples to strengthen their global networking efforts through an action plan. He noted good results from the implementation of the FCPF's first phase acknowledging that land rights and Indigenous Peoples' rights take time to develop. Luis Felipe Duchicela clarified that the proposed Indigenous Peoples Trust Fund would be part of a larger social inclusion fund at the Bank that will be used to facilitate dialogue between governments and Indigenous Peoples.

Brandon Wu, ActionAid USA, provided an overview of the Green Climate Fund (GCF), noting that the Fund has a mandate to finance transformational change by taking into account social, economic and gender benefits, but added that how this would be operationalized or weighted remains unclear. On country ownership, he explained that the national designated authority is charged with making sure that the GCF funds projects in-line with national priorities, and emphasized the need for robust stakeholder engagement on priorities, including operationalization of a no-objection procedure and a strong redress mechanism.

He explained that the GCF has adopted the International Finance Corporation safeguards on an interim basis, expressing concerns about this. He noted that NGOs are engaging with the GCF policy at the board level and that as the GCF moves into project implementation, robust engagement is required at the national level. Responding to a question, he said the GCF aims to be a learning institution and many politically contentious policy decisions have been made on an interim basis and so could be revised later, which presents opportunities for learning.

Charles Barber called for "turning up the heat" in Paris to ensure attention to indigenous and land tenure rights. Josh Lichtenstein noted that at this stage it is too late to influence negotiating positions and the "boat had been missed" with regard to influencing INDCs.

Kate Horner said that where progress has been made on land tenure rights, strong advocacy at the national level has been undertaken by Indigenous Peoples, emphasizing the need for massive investment in scaling up capacity in indigenous and local communities.

Andy White called for getting the most out of Paris. Going forward, he highlighted the opportunity for rights to be recognized and hoped that the GCF can learn faster and better than other international finance initiatives.

Arvind Khare reflected on the discussions, noting that community land tenure reform is difficult and takes a long time, but that this is all the more reason it must be undertaken. He closed the meeting at 5:02pm.

### **UPCOMING MEETINGS**

**Pre-COP 21:** This Pre-COP is being held in advance of COP 21. **dates:** 8-10 November 2015 **venue:** Ministry of Foreign Affairs and International Development, 27 rue de la Convention **location:** Paris, France **e-mail:** [informals.cop21@diplomatie.gouv.fr](mailto:informals.cop21@diplomatie.gouv.fr)

**CBD 19th Meeting of SBSTTA and 9th Meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention:** The nineteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 19) and the ninth meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (CBD) will be held back-to-back. **dates:** 1-7 November 2015 **location:** Montreal, Canada **contact:** CBD Secretariat **e-mail:** [secretariat@cbd.int](mailto:secretariat@cbd.int) **www:** <http://www.cbd.int/doc/notifications/2015/ntf-2015-003-cop13-en.pdf>

**51st Session of the International Tropical Timber Council:** This meeting of the International Tropical Timber Council (ITTC) will consider recommendations for tropical forest-related policies and approve financing for field-level projects. The ITTC serves as the governing body for the International Tropical Timber Organization. **dates:** 16-21 November 2015 **location:** Kuala Lumpur, Malaysia **contact:** Emmanuel Ze Meka **e-mail:** [itto@itto.int](mailto:itto@itto.int) **www:** [http://www.itto.int/workshop\\_detail/id=4240](http://www.itto.int/workshop_detail/id=4240)

**First Annual FLARE Network Conference:** In the lead up to COP21, the First Annual Conference of the Forests and Livelihoods: Assessment, Research and Engagement (FLARE) Network will take place. FLARE aims to advance cutting edge knowledge and practices regarding forest-based livelihoods, biodiversity and climate change. Conference themes include: governance and landscapes; agricultural commodities; social and biological aspects of forest dependence; impact evaluations; pathways to prosperity; and climate. The conference is being organized by the International Forestry Resources and Institutions, the Program on Forests (PROFOR) and the Musée de L'Homme. **dates:** 27-30 November 2015 **location:** Paris, France **contact:** Cristy Watkins **e-mail:** [IFRI@umich.edu](mailto:IFRI@umich.edu) **www:** <http://www.ifriresearch.net/category/events>

**UNFCCC COP 21:** COP 21 is expected to result in a new climate agreement. **dates:** 30 November – 11 December 2015 **location:** Paris, France **contact:** UNFCCC Secretariat **phone:** +49-228 815-1000 **fax:** +49-228-815-1999 **e-mail:** [secretariat@unfccc.int](mailto:secretariat@unfccc.int) **www:** <http://www.unfccc.int>

**Global Landscapes Forum 2015:** The third annual Global Landscapes Forum will take place on 6 December 2015, in Paris, France, coinciding with COP 21. A successor to past Forest Days and Agriculture and Rural Development Days, the Forum focuses on land use as a key sector for achieving global climate and sustainability goals, and brings together stakeholders from different land-use sectors. **dates:** 5-6 December 2015 **venue:** Palais des Congrès **location:** Paris, France **contact:** Ann-Kathrin Neureuther, Global Landscapes Forum **e-mail:** [a.neureuther@cgiar.org](mailto:a.neureuther@cgiar.org) **www:** <http://www.landscapes.org/setting-stage-2015-global-landscapes-forum/>