



Opportunity Assessment to Strengthen Collective Land Tenure Rights in FCPF Countries

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SOCIAL INCLUSION IN CLIMATE FINANCE

OPPORTUNITY ASSESSMENT TO STRENGTHEN COLLECTIVE LAND TENURE RIGHTS IN FCPF COUNTRIES

Synthesis Report

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FOREWORDS

Across the world, about 1.6 billion people are estimated to live in and depend on forest landscapes for their livelihoods. Yet less than half of the lands and territories claimed by Indigenous Peoples and local communities (IPLCs) are formally recognized by governments.

There are compelling reasons why this needs to change. Research shows that IPLCs are among the most effective groups at conserving and sustainably managing the land and forests that they live and depend on. Compared to areas managed by governments or private entities, when IPLCs hold secure land rights, their territories are associated with lower rates of deforestation, reduced greenhouse gas emissions, better biodiversity protection, and improved livelihoods.



If we know this, the question becomes *how* do we expand IPLC's rights to natural resources? What opportunities exist to strengthen their land and forest tenure rights?

After more than a decade of engaging with IPLCs through REDD+ readiness and implementation efforts, participant countries of the Forest Carbon Partnership Facility (FCPF) have gained insights into what is needed to strengthen communal and collective land and forest tenure. This comprehensive report provides further assessment in countries affiliated with the FCPF's Carbon Fund and lays out cross-cutting challenges as well as opportunities to advance collective IPLC land rights.

What is clear from the report is that strengthening communal land and forest rights, as well as enabling communities to leverage these rights to advance their social and economic prosperity, are essential to the prosperity of these communities, as well as the integrity of emissions reductions efforts.

The World Bank's results-based climate finance efforts continue to recognize that communities affected by its programs must not only be actively engaged and involved in these programs but must also share in the benefits. Recognition of their historic land and resource rights is one of the tangible benefits of climate finance that IPLCs are due.

To further support and enhance the inclusion of marginalized groups, the World Bank has also established a multi-donor trust fund, Enhancing Access to Benefits while Lowering Emissions (EnABLE), that aims to ensure that marginalized communities are included in the World Bank's results-based climate finance.

We welcome the findings of this report as a catalyst to further deepen our efforts around the world to strengthen IPLC land tenure as an essential component of sustainable conservation, management, and restoration of the world's lands and forests.

Marc Sadler

Manager, Climate Funds Management Unit, The World Bank



It is a well-known fact that Indigenous Peoples and local communities have contributed immensely to the protection and conservation of forests around the world. Forests that we control have lower rates of degradation or deforestation, higher biodiversity, more livelihood benefits, and lower emissions than forests managed by governments or the private sector.

Despite the better management, historically, the land and forest tenure rights of Indigenous Peoples and local communities have routinely been violated. While an increasing number of countries now recognize the land and forest rights of Indigenous Peoples and local communities, too many communities continue to live in fear that their deep connection to the land may be severed at just a moment's notice.

Results-based climate finance is about compensating stewards for achieving agreed-upon reductions in climate-harming emissions. Through their stewardship of forests, Indigenous Peoples and local communities have maintained a miniscule carbon footprint while ensuring that the 'lungs of the world' continue to function for our common benefit. Compensating only those who reduce emissions, rather than including those who have never emitted much in the first place, would be a grave oversight.

Over the years, Indigenous Peoples and local communities have worked closely with the World Bank's Forest Carbon Partnership Facility (FCPF) to ensure that the fair sharing of benefits, both monetary and non-monetary, is built into the Facility's emissions reduction programs. This partnership has seen a decade-long Capacity Building Program to support Indigenous Peoples, local communities and civil society organizations that works to raise awareness about REDD+ and emissions reduction programs, and supports communities in standing up for their rights. This partnership will now continue through the Enhancing Access to Benefits while Lowering Emissions (EnABLE) fund, which expands on the work undertaken in the Capacity Building Program.

Stemming from a request made by Indigenous Peoples at the Weilburg II Conference held in Germany in November 2018, this report on collective land and forest tenure rights fits well in this program, and is a very welcome addition to the knowledge base on collective land and forest rights of Indigenous Peoples and local communities. The country profiles provide rich details on country-specific opportunities for enhancing such rights, while the cross-cutting issues and overarching lessons learned help to advance the discussion at the global level. Carbon Fund countries and donors would do well to study this report and take action on its recommendations.

The rights of Indigenous Peoples and local communities to the lands and forests that we have lived in, cared for and sustained for generations have been ignored for too long. Guaranteeing that communities continue to have access to and control over these lands and forests through the recognition of our tenure rights is not only vitally important in our collective fight against climate change, but also the just thing to do. This report takes us further down that path towards recognition.

Grace Balawag

FCPF Indigenous Peoples Observer

Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), Philippines

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The study team is very grateful to many experts, government representatives, civil society representatives and leaders of Indigenous Peoples' communities who greatly contributed to better understanding of land tenure in Carbon Fund countries. This work would not have been possible without these people sharing their knowledge, thinking and aspirations.

ABBREVIATIONS AND ACRONYMS

| | |
|--------------|---|
| AF | Analytical Framework |
| CCB projects | Climate, Community and Biodiversity Standards |
| CFUG | Community Forest User Groups |
| CSO | Civil Society Organization |
| DUAT | <i>Direito de Uso e Aproveitamento dos Terras</i> , or “the right of land use and benefit of land” |
| DRC | Democratic Republic of the Congo |
| EnABLE | Enhancing Access to Benefits while Lowering Emissions |
| ERP | Emission Reduction Program |
| ERPA | Emission Reduction Payment Agreement |
| ERPD | Emission Reduction Program Document |
| FCPF | Forest Carbon Partnership Facility |
| FCPF-OA | Forest Carbon Partnership Facility Opportunity Assessment study |
| FP | Focal Point |
| FPIC | Free, Prior and Informed Consent |
| FTAT | Forest Tenure Assessment Tool |
| GELOSE | Gestion Locale Sécurisée |
| GLA | Global Land Alliance |
| IPs | Indigenous Peoples |
| IPLCs | Indigenous Peoples and Local Communities |
| LCs | Local Communities |
| ITRP | Indigenous Territories Recovery Plan |
| NGO | Non-Governmental Organization |
| OA | Opportunity Assessment |
| ODA | Overseas Development Assistance |
| REDD+ | Reducing Emissions from Deforestation and Forest Degradation, forest carbon stock conservation, the sustainable management of forests and enhancement of forest carbon stocks |
| RECOFTC | Regional Community Forestry Training Center for Asia and the Pacific |
| RRI | Rights and Resources Initiative |
| USAID | US Agency for International Development |
| WB | World Bank |

EXECUTIVE SUMMARY

The Forest Carbon Partnership Facility (FCPF), which became operational in June 2008, is a global partnership focused on reducing emissions from deforestation and forest degradation, forest carbon stock conservation, the sustainable management of forests and enhancement of forest carbon stocks (REDD+). The FCPF Readiness Fund assists countries with tropical and subtropical forests with developing the systems and policies for REDD+, and the FCPF Carbon Fund is planning to pilot performance-based payments for REDD+ in several countries. Current pledged funding to the facility stands at \$1.3 billion: \$400 million for the Readiness Fund and \$900 million for the Carbon Fund. The Readiness Fund has provided readiness preparation grants to REDD+ countries to prepare a national REDD+ strategy—establishing a reference level for forest emissions and forest cover, designing a national REDD+ monitoring system, and setting up national REDD+ management arrangements. More information can be found at <http://www.forestcarbonpartnership.org>. The FCPF Readiness Fund has engaged 47 countries in Africa, Latin America, and the Asia-Pacific region, providing them with funds from 17 donors. The Carbon Fund has been set up to pilot incentive payments for REDD+ efforts in participant countries that have made significant progress in their REDD+ readiness endeavors and were selected to participate in the fund. It was originally expected that 18 countries would join the fund, but for various reasons, 15 countries engaged in it as of October 2021¹.

Communal land and forest tenure rights for Indigenous Peoples and local communities (IPLCs) is critical for the success of emission reduction program (ERP) implementation. Protecting or enhancing rights to communal land ownership and management ensures not only that these communities are protected, but also that results are achieved through sustainable forest stewardship practices in a cost-effective manner that contributes to the World Bank's twin goals of reducing extreme poverty and boosting shared prosperity. FCPF recognizes the immense importance of land tenure for ERP design, implementation, and sustainability and has commissioned this study to determine how much progress has been made and avenues forward. Specifically,

¹ The Carbon Fund is comprised of 15 countries: Chile, Costa Rica, Côte d'Ivoire, Democratic Republic of Congo, Republic of Congo, Dominican Republic, Fiji, Ghana, Guatemala, Indonesia, Lao PDR, Madagascar, Mozambique, Nepal, and Vietnam. Mexico, Nicaragua, and Peru have not joined the Carbon Fund as of October 2021.

FCPF commissioned the Rights and Resources Initiative (RRI) to conduct this study to identify emerging opportunities to advance land and forest tenure rights of IPLCs in FCPF Carbon Fund countries. The study objectives are twofold: first, identify and prioritize promising pathways to advance legal recognition and security of collective land and forest rights, including opportunities to achieve lasting social, environmental; and livelihood benefits; second, identify strategic investment and activity areas where governments, civil society actors, IPLCs, donors, and other international collaborators can focus efforts to bring benefits to IPLCs over the short (0-2 years) to medium (2-7 years) term.

Based on the outsized role of IPLCs in forest management, expanded recognition of the land and natural resource rights of IPLCs by countries and development institutions could strengthen conditions for achievement of global climate and biodiversity goals while improving livelihoods and governance. Given the substantial area that communities have customarily held and the positive relationship between community-based tenure security and pursuit of global climate and biodiversity goals, legal recognition and protection of IPLC rights is key to protecting and restoring globally significant greenhouse gas sinks and biodiversity areas. The global trend is slowly but steadily moving in this direction. The amount of forest legally recognized as community forest rose 40 percent (from 337 million to 484 million hectares) across Africa, Asia, and Latin America in the last two decades, but the total extent of customarily held forestlands is estimated to be at least twice the area that is currently recognized, and because of varying political-economic situations, opportunities for advancing such rights are often narrow and time bound.

The findings of the study reinforce more than half a century of scholarship showing that multisectoral, polycentric approaches create the greatest opportunities to govern and manage forests effectively. Consistent with this, taking full advantage of the opportunities identified for advancing collective land and forest tenure rights will require integration of a wider set of actions than attempted to date, as well as accelerated action, and development of avenues for expanding. Doing so also requires embracing the challenges of inherent political and technical com-

plexity, among which are the need for well-considered engagement between bottom-up, community-driven priorities and top-down, multisectoral approaches and entry points for exploiting opportunities.

How to use this report. This report is intended to be used as a guide to policy dialogue, investment planning, and progress monitoring of collective forest rights by the multiple stakeholders, including the FCPF, World Bank, and other multi- and bilateral organizations, governments, IPLCs, civil society actors, academics, and media organizations. It is designed to complement, not substitute for, national and subnational assessments and more-detailed operational assessments. Being a broad global survey produced under pandemic conditions without extensive on-site corroboration, it is limited in institutional detail and depth of consultations with stakeholders. Acknowledging these limitations, the findings of the report are meant to guide operational agenda-setting and help prioritize opportunities for recognizing IPLC rights within the context of the FCPF Carbon Fund in the countries studied. It could also be used to strengthen the monitoring progress over time.

The findings of the study will inform and guide a new multi-donor trust fund, Enhancing Access to Benefits while Lowering Emissions (EnABLE), which aims to increase inclusion of marginalized beneficiary communities and their disadvantaged groups in ERPs to maximize carbon and non-carbon benefits. EnABLE is set up to help IPLCs and other disadvantaged and marginalized groups, such as women, youth, and people with disabilities, access and benefit from climate results-based finance.

OPPORTUNITY ASSESSMENTS

The approach to defining and identifying opportunities was based in part on the simplifying assumption that there are three overarching objectives or goals to be pursued within the context of supporting customary, collective land and forest rights of IPLCs to achieve global climate, conservation, and sustainable development goals: advance or expand legal recognition of collective rights, strengthen and secure collective rights, and leverage collective rights

for communities' benefits. The pursuit of these three goals constitutes neither a linear strategy nor mutually exclusive actions. Arguably, with most circumstances under which it is feasible to pursue FCPF and REDD+ objectives, it would be equally feasible (and ideal) to pursue all three simultaneously, with emphasis on and priorities between them varying depending on context and the nature of the opportunities.

Country Profiles. Country profiles with an opportunity assessment for each of the Carbon Fund countries are the main outputs of the study, providing an overview of community forest rights and challenges; a description of the legal, institutional, and operational situation of forest rights; a synthesis of opportunities with entry points; a summary of the status of the nine elements of secure forest tenure from the World Bank *Securing Forest Tenure Rights for Rural Development* analytical framework; a summary of existing investment vehicles with potential for enabling action on the opportunities; and a summary of constraints on and risks to improving collective forest rights.

Cross-Cutting Issues and Lessons Learned. The multi-country, multiregional nature of the study yielded a set of six cross-cutting issues and six lessons learned, which may help shape more comprehensive, coherent responses to the challenge of collective forest tenure recognition. These extend into wider debates on the political economy of IPLCs. Although not the central focus of the study, they are relevant for global agendas in of IPLCs' rights,

particularly because debates over collective forest tenure are now central to wider political debates about the origin and nature of rights and responsibilities in contemporary sociopolitical structures, and these are taking place in and across many countries. In addition, each could be developed in further research or in policy guidance for actors working in collective forest tenure (particularly guidance aimed at donors, large nongovernmental organizations, and governments).

CORE FINDINGS

All the Carbon Fund countries have some type of legal framework for the recognition of IPLC rights. However, in several cases these fundamental legal frameworks are not usable for recognition of rights at scale for a variety of reasons, including limited experimentation with the framework, weak or absent institutional capacity, undefined procedures, and high degrees of legal and operational ambiguity. In Africa, this was the situation for the Republic of the Congo, Côte d'Ivoire, and Madagascar. In Latin America, Chile recently began the process of convening a new constitutional assembly with Indigenous participation that is expected to enshrine Indigenous rights in a new constitution, addressing a gap in Indigenous rights in the country's legal framework. Although each of these countries faces complex political-economic circumstances regarding rights, each also faces an opportunity to advance collective forest rights through policy,

BOX 1: EXAMPLES OF OPPORTUNITIES TO STRENGTHEN COMMUNITY RIGHTS

Examples of opportunities identified in the study include:

- » **Expand community forest concessions** in the Democratic Republic of the Congo to potentially secure community rights to 72 million hectares of forest.
- » **Clarify rights** over extensive forest area of Ghana through communal land secretariats, community resource management areas, and hotspot intervention areas, bringing together traditional authorities, government, and representatives of individual farmers and agribusinesses.
- » **Expand management and recognition of forest rights** in Mozambique via community use rights.
- » **Recognize community rights in Guatemala** by renewing existing concessions and joint management of protected areas and biodiversity hotspots.
- » **Resolve widespread occupation of Indigenous land** by third parties in Costa Rica through the Indigenous Peoples Territorial Recovery Plan.
- » **Recognize customary community land** in Indonesia under existing laws and advance village boundary mapping and natural resource planning in 75,000 villages.

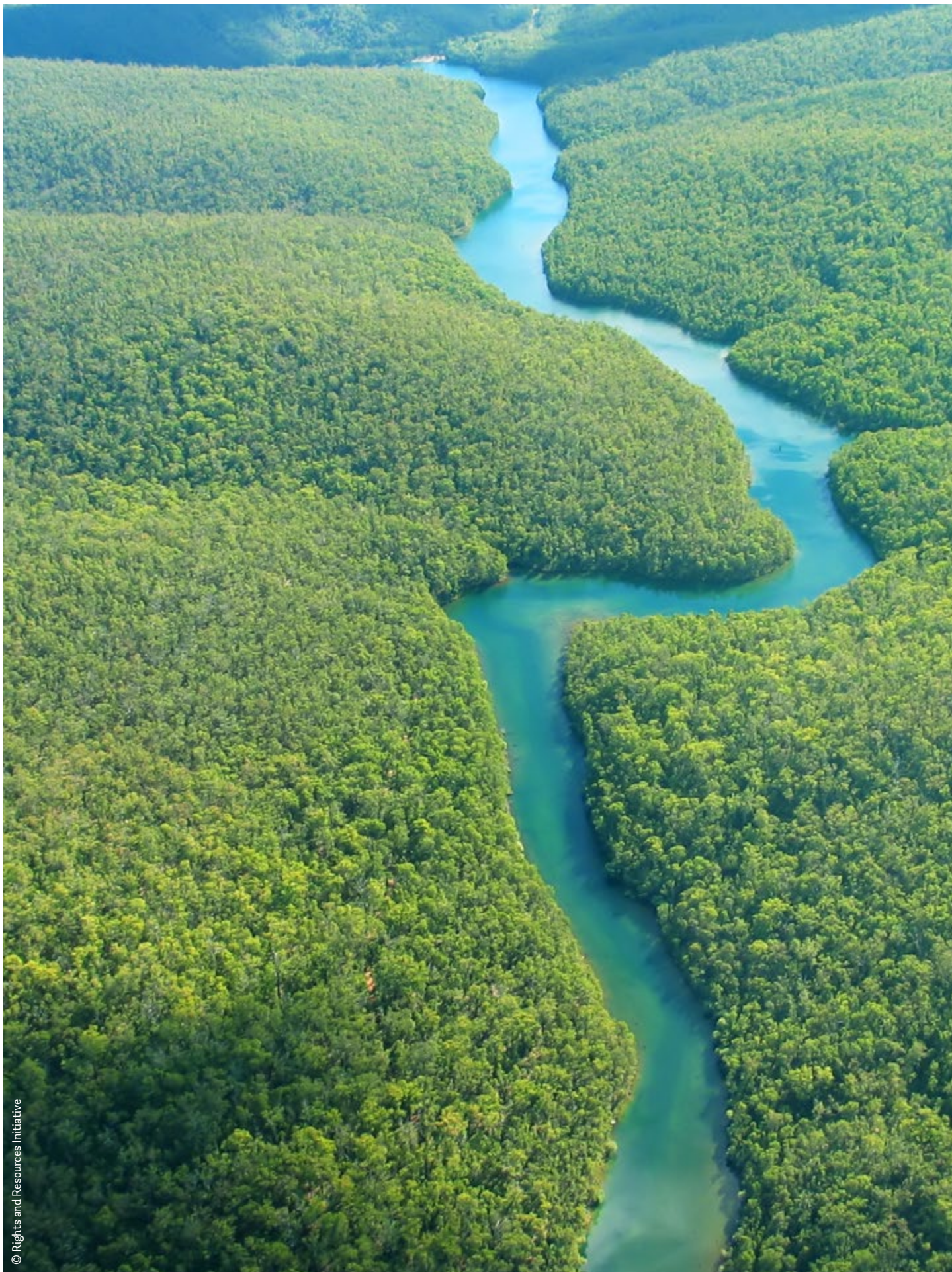
legal, and institutional developments that can overcome barriers to making rights achievable at scale.

Opportunities to strengthen and consolidate community rights are considerable in most Carbon Fund countries, even in situations in which legal frameworks are not fully in place or some legal or procedural elements are missing or not consolidated. In almost all of these cases, existing or incipient programs could be expanded to strengthen and consolidate rights. Examples of opportunities identified in the study are outlined in *Box 1*.

Opportunities to leverage rights for the benefit of communities, and women within these, are common and varied but generally undervalued. There are opportunities for sustainable economic gain and forest management improvements through community forest management and enterprises in almost every country in the study. Although community-based approaches to forest resource use have increased in size and sophistication over the last few decades, the study results suggest that the potential for value addition far exceeds currently employed strategies. Numerous opportunities for improving community forest

management have been identified, including using public-private partnerships to enhance commercialization of community products, better integrating women into design and management of initiatives, leveraging green and fair-trade certification schemes, and using carbon and other environmental payments to increase the sustainability and efficiency of community-driven land-use priorities.

FCPF has commissioned Resource Equity to conduct another study of legal and policy constraints and opportunities in each of the Carbon Fund countries affecting women's land and forest tenure, women's ability to exercise land and forest rights in statutory and customary systems, how Carbon Fund programs (benefit sharing plans, ERPs) can affect these rights, and what is needed to protect and strengthen women's rights to land and forest tenure. By focusing on women and other marginalized groups as target beneficiaries of benefit sharing and ERPs, EnABLE seeks to advance gender equality and social inclusion while not only mitigating climate change, but also encouraging broader development outcomes such as resilience of livelihoods and conservation of biodiversity.



INTRODUCTION

Governments, development institutions, and the private sector are increasingly turning to nature-based solutions to address the world's climate and biodiversity crisis². Countries, corporations, and investors are increasingly looking to forest- and land-based emission reduction programs (ERPs) to achieve early mitigation gains while they develop longer-term strategies and solutions to cut their greenhouse gas emissions. Central to emerging natural climate solutions are efforts to reduce deforestation and forest degradation while encouraging restoration, conservation, and sustainable use of forests in developing countries (reducing emissions from deforestation and forest degradation, forest carbon stock conservation, the sustainable management of forests and enhancement of forest carbon stocks (REDD+)). Pursued in the context of a global urgency to protect and restore the world's tropical and subtropical forests while contributing to global climate, biodiversity, and sustainable development goals, many of the initiatives underway will be implemented in areas that Indigenous Peoples and local communities (IPLCs) and Afro-descendent peoples customarily hold. Together, it is estimated that some 1.6 billion people live in and depend on the land and forest areas, and many of them are now being targeted for ERPs and offset schemes. At the same time, governments formally recognize less than half of communities' claims to land and territory (*RRI 2017; 2020*).

IPLCs and Afro-descendent peoples have historically played an outsized role in sustainable management, use, and protection of the world's forests (*IPBES 2019; IPCC 2019; FAO and FILAC 2021*). Secure Indigenous and community tenure rights are essential to sustainable management, conservation, and restoration of the world's lands and forests (*Agrawal 2007; Badini et al. 2018; Baynes et al. 2015; IPCC 2019; Pagdee et al 2006; Robinson et al. 2014; Seymour et al. 2014*). Forests that are held by IPLCs who have secure land rights to these forests have lower rates of deforestation and forest degradation (*Blackman et al. 2017; Graziano et al. 2015; IPCC 2019; Tobin et al. 2014; Wehkamp et al. 2018*), lower emissions (*Blackman and Viet 2018; Chhatre and Agrawal 2009; Ding et al. 2016; Nolte et al. 2016; Stevens et al. 2014*), better biodiversity protection (*Brondizio et al. 2019; Garnett et al. 2018; Holland et al. 2017; Paneque-Gálvez et al. 2018; Robinson et al. 2018; Schleicher et al. 2017*), and greater liveli-

² Defined herein as solutions to societal challenges that involve working with nature (*Seddon et al. 2020*).

hood benefits (*Arce 2019; Chhatre and Agrawal 2009; Dudley et al. 2018; Seymour et al. 2014; Stevens et al. 2014; Timko et al. 2018*) than areas that governments or private entities manage. Some claim that forest communities manage at least 22 percent (218 gigatons) of the total carbon found in tropical and subtropical forests (*Frechette, Ginsburg, and Walker 2018*) and that clear, secure, collective tenure rights are necessary, if insufficient by themselves, to realize effective, efficient, equitable ERPs (*Andersson et al. 2018; Larson et al. 2013; Naughton-Treves and Wendland 2014; Seymour et al. 2014; Sunderlin et al. 2018*), forest maintenance and restoration activities (*Badini et al. 2018; Seymour et al. 2014*), and pursuit of adaptation and mitigation efforts more broadly (*Ramos-Castillo et al. 2017; Suzuki 2012*).

Based on the outsized role of IPLCs and Afro-descendent peoples in forest management, expanded recognition of their land and forest tenure rights by countries and development institutions could strengthen conditions for achievement of global climate and biodiversity goals. Given the substantial area that communities customarily hold and the positive relationship between community-based tenure security and pursuit of global climate and biodiversity goals, recognition and protection of community land and resource rights is fundamental to realization of climate and biodiversity commitments in a context of equity and sustainable development. Although significant gains have been achieved over the last two decades, especially in Africa, Asia, and Latin America, where the amount of forest legally recognized as community forest rose by 40 percent (from 337 million to 484 million hectares), the total extent of customarily held forestlands is estimated to be at least twice the area that is currently recognized (*RRI 2020*). With shifting and often narrow, time-bound windows of opportunity for achieving legal recognition of community-held forests, risks to communities and the forests they steward are considerable, and the cost of inaction continues to mount.

Forests and forest peoples face increasing threats from rising demands for natural resources and pervasive forms of discrimination and exclusion that often hinder recognition of their rights. Although stricter application of international law and commitments to uphold community rights to free, prior, informed consent and ensure recognition of their customary land rights would have a direct beneficial impact on the pursuit of REDD+, governments are generally ill equipped to support such ends.

As documented in this and other analyses (*RFN 2021; RRI 2016; 2021*), applicable safeguards, grievance redress mechanisms, benefit-sharing plans, and ERPs do not always require jurisdictional proponents to recognize and secure community rights to their lands and forests and the carbon stored therein.

Taking advantage of these opportunities calls for undertaking a wider set of actions than attempted to date and doing so at a larger scale and faster pace than done currently. Progress can be intensified by gaining a more holistic understanding of the many paths to advancing rights, strengthening and consolidating recognition, and leveraging community land and forest rights for benefits, including community livelihood benefits and environmental benefits valued as global public goods. Progress depends on identifying and understanding the context-specific pathways for advancing the requisite changes and the flexibility to take advantage of opportunities to increase communities' rights, control, and use of and benefit from the land and forest resources they *customarily own*. Taking advantage of these opportunities is thus integral to pursuit of climate actions on the basis of equity and in the context of sustainable development and poverty eradication, as called for in the Paris Agreement. In effect, successful long-term emission reductions are unlikely in the absence of inclusive governance and economic development, justice, legal recognition and protection of land and forest rights of IPLCs, and the ability of communities to benefit from these rights.

The findings of this study reinforce more than half a century of scholarship showing that multisectoral, polycentric approaches create the greatest opportunities to govern and manage forests effectively. Multisectoral programs for recognition of rights that combine significant degrees of community management of sustainable economic activities and conservation and management of long-term environmental benefits appear to be the most promising for achieving social-ecological outcomes (e.g., FCPF and REDD+ goals, Sustainable Development Goals, Convention on Biodiversity).

Political and technical complexity challenges must also be embraced. If we have learned anything in the last 20 years, it is that forest conservation goals cannot be achieved through narrow, forest-centric approaches. If this were the case, FCPF and REDD+ goals would have been achieved long ago. Recognizing this, it is crucial to begin to think beyond the silos of public administration found in most countries and the sectoral divides that often lie between land, forest, and environment ministries and state forest agencies. Although securing community rights and access to equitable benefits is essential to encouraging joint progress toward environmental benefits that are valued as global public goods, such ends can only be achieved if communities are effectively engaged and involved in the decisions that affect them, states enforce and protect their rights, and others respect those rights. It will be politically and technically complex to pursue such coordinated, multisectoral approaches effectively, but to leverage the types of tenure opportunities proposed here would imply embracing the inevitable accompanying political and technical complexities. Opportunities for improving recognition of collective forest rights by increasing the role of land administration agencies in a fit-for-purpose manner are identified in all 18 countries in the study: Cameroon, Chile, Colombia, Democratic Republic of the Congo (DRC), Republic of the Congo, Costa Rica, Côte d'Ivoire, Dominican Republic, Fiji, Ghana, Guatemala, Indonesia, Lao People's Democratic Republic (PDR), Madagascar, Mozambique, Nepal, Nicaragua, Peru, and Vietnam. It was originally expected that 18 countries would join the Carbon Fund, however Mexico, Nicaragua, and Peru are not currently members.

Entry points to catalyze land and forest tenure reforms are many, varied, and nonexclusive, suggesting that strategic plans, such as strategic country diagnostics, can ben-

efit from cross-sectoral approaches that bridge gaps and trigger complementary actions. From the perspective of the World Bank and the FCPF, this implies that opportunities for engagement may be found within and across the Bank's myriad products, services, global practices, and country engagement processes, where forest-sector led activities may be combined with areas related to land administration, community-driven development, governance, agriculture, and rural development or some judicious combination of these.

These emergent opportunities call for well-considered engagement between bottom-up, community-driven priorities and top-down, multisectoral approaches and entry points. Although the size and complexity of the challenges may vary, entry points are likewise many and varied, making it possible to advance community-based forest tenure rights with practical considerations of context-specific, inclusive, achievable, cost-effective interventions. Therefore, each country profile reflects different sets of specific opportunities and entry points.

The remainder of this report is structured as follows. Section 2 provides an overview of the analytical and methodological approach of the study. Section 3 discusses core findings about the nature and range of emergent opportunities associated with efforts to advance, strengthen, and leverage rights and presents the main opportunities in six selected countries. Section 4 discusses lessons learned and cross-cutting areas for further development of rights recognition as a global process. Section 5 provides a summary of the country profiles. A separate document with full profiles of all 18 countries is available on the [FCPF website](#).



STUDY OVERVIEW

FCPF and the FCPF Secretariat of the Carbon Fund commissioned RRI and GLA to conduct this study with the purpose of identifying emerging opportunities for advancement of collective land and forest tenure rights in FCPF Carbon Fund countries³.

Pursuant to the acknowledgement that REDD+ investments should prioritize inclusive land and territorial titling and restitution processes and take measures to resolve overlapping land claims and conflicts, delegates of the Second Weilburg Conference on Social Inclusion in REDD+ Processes called on the FCPF to conduct a global survey of land tenure situations in REDD+ countries. This report outlines a two-prong process for responding to this salient demand, first capturing the current state of play of land and forest tenure rights, and then identifying challenges and opportunities for expanding recognition of these rights. By reviewing 15 FCPF Carbon Fund countries (plus Mexico, Peru, and Nicaragua) and taking deeper dives into six of them, the study's goal is to identify opportunities to advance, strengthen, and leverage collective rights for IPLCs.

The study had two objectives: identify and prioritize promising pathways to advance the legal recognition and security of collective land and forest rights, including opportunities to achieve lasting social, environmental, and livelihood benefits; and identify strategic investment and activity areas where governments, civil society actors, IPLCs, donors, and other international collaborators can focus efforts to bring benefits to IPLCs over the short (0-2 years) to medium (2-7 years) term.

This Opportunity Assessment is primarily designed to support the decision-making needs of the FCPF Secretariat of the Carbon Fund, supporting donors, FCPF Carbon Fund countries, and IPLC organizations. The report is also designed to inform and influence broader dialogues on nature-based solutions and actions and commitments that public and private sector institutions, civil society actors, and nongovernmental organizations (NGOs)—including other dedicated REDD+ financing and technical support mechanisms and institutions—can initiate to leverage change.

³ For more information on FCPF, visit <http://www.forestcarbonpartnership.org>

ANALYTICAL FRAMEWORK

To ensure rigor and comprehensiveness in overall approach, the study relied on the analytical framework that the World Bank developed as part of its *Securing Forest Tenure Rights for Rural Development* initiative (World Bank 2019). Structured around nine key elements that provide a basis for effective community tenure security and the factors that contribute to implementation, governance, enforcement, and safeguards of collective tenure rights, the framework was used to organize data collection, conceptualize linkages between key elements and aspects of tenure security, and formulate opportunities to advance tenure security.

Consistent with the various legal and administrative dynamics of the reviewed countries and the varied intersections of the land, forest, and other natural resource sectors, tenure opportunities were assessed across rural development portfolios (inclusive of land, forest, agriculture, and agro-forestry sectors). Enabling conditions for collective rights holders to benefit from those rights (Gnych 2020) were also considered (e.g., access to capacity-building support, public or private financing, other support for inclusive community economic development).

METHODOLOGY

A more detailed description of the study's methodological approach is included in Annex I. Country Profiles are grouped by region, leading with the expanded “deep-dive” profiles.

Data Sources - The Opportunity Assessment study methodology was developed to encompass multiple differentiated data sources that are evidence-based, participatory and operationally relevant.

Evidence-based: Triangulation between different types of data sources was critical at every step of the study. Areas of significant divergence were followed up with additional review and inquiry.

Operationally relevant: With functionality as a key outcome of the study, the study team remained in close

communication with the FCPF Secretariat throughout the study to ensure that the results meet the needs of the FCPF and supporting donors. This included extensive documentation of preliminary findings to inform the FCPF's decision as to “deep-dive” countries and an expansive view of tenure rights as well as related livelihood benefits. This inclusive view encompasses several World Bank resource sectors, including forests, land and rural development/agriculture.

Consultative and Participatory: The study team drew from the knowledge and experiences of World Bank staff (global and regional), especially the FCPF Focal Points. This consultative process included preliminary review of country findings and additionally served to build trust in the study results and facilitate timely on-boarding of potential opportunities to existing World Bank projects and programs.

The study's broad scope relied on significant qualitative and quantitative inputs from a variety of sources. For the final synthesis of identified recommendations and pathways in each country to be operational and robust it was critical that the reviewed data be validated, usually resulting in an iterative process over a timeframe of several months. This process differed in intensity between countries, as several countries were selected by the FCPF for additional review (i.e., “deep-dive” countries) and country contexts varied considerably in complexity (i.e., some countries have no collective tenure regime, where others have multiple regimes). An additional factor that was often related to the feasibility of rights advancement is that in some countries the study team was met with far greater engagement and enthusiasm from the FCPF and WB Focal Points and expert informants.

The basic data collection process included:

- 1. High-Level Review:** The study team leveraged data points from the draft High-Level Scan of FCPF countries – conducted independently by RRI – to understand the overall context related to IP and LC rights advancement.
- 2. Desk Review:** A desk review of relevant country documents and literature included:
 - » The status of IP and LC collective land and forest rights for selected countries, from sources such as

RRI's Tenure Databases⁴, LandMarks's Legal Security Indicators⁵, Chatham House's Forest Governance Assessments⁶, and PROFOR's Forest Governance Assessments⁷;

- » Relevant REDD+ country documents and relevant donor project documents, especially country ERPDs, documented evidence of tenure prioritization and multilateral donor forest sector reviews;
- » Relevant bilateral donor analysis (i.e., USAID's LandLinks country profiles and project reports);
- » Relevant NGO/CSO reports;
- » Relevant academic literature; and
- » Review of the project pipeline in Carbon Fund countries.

3. Electronic Survey: Based on the Analytical Framework a “drill-down” survey was disseminated to over 350 global experts on collective tenure rights, including national CSOs/NGOs, donor/project staff, academics and independent experts. The results of this survey addressed data gaps and inconsistencies and served to increase the pool of informants validating the results of the study. In order to facilitate as much inclusion as possible, the survey was offered in Bahasa, English, French, Lao, Malagasy, Spanish, Nepali and Vietnamese.

4. Semi-structured Interviews: Virtual interviews with key expert informants were conducted to explore information about IP and LC rights recognition and elucidate potential operational pathways. Interviews began with an overview/context discussion with WB-FCPF FPs in each country (where possible) and were follow-up by other country experts. Snowball sampling was utilized to select follow-up interviews.

5. Additional “deep-dive” Data Sources (Ghana, Mozambique, Costa Rica, Guatemala, Indonesia and Vietnam):

- » **Follow-up interviews** directed at key government officials, community and Indigenous organization leaders and other experts;
- » **Validation workshops and external review** in selected countries;
- » **Media-reviews** of the online news media dis-

course around collective land and forest rights, including disputes and recent conflicts. The GLA study team conducted reviews of media for Ghana, Mozambique, Costa Rica and Guatemala. RECOFTC specialists conducted reviews for Indonesia and Vietnam.

- » **ODA financing review** of selected countries to analyze the scope and scale of recent financing and to identify potential partnerships from multilateral and bilateral official development donors within this forestry, agricultural and rural development sectors.

Synthesis, Review and Reporting of Results – Country Profiles

Data collected over the course of this study were analyzed and synthesized into brief country profiles. Country profiles underwent external review by WB FPs in each country, or, in cases where FPs were unavailable, independent experts working in the land and natural resources sectors. The study's six “deep-dive” countries underwent a more exhaustive data collection, analysis, review process. In the case of Ghana, a stakeholder validation workshop was convened in Accra in February 2021. Therefore, the context and opportunities defined in these countries are more detailed and made with an enhanced degree of confidence.

Potential opportunities for IP and LC tenure advancement were tracked from all data sources and iteratively refined and selected over the course of the study. Where possible, stakeholders of specific investment/action/reforms are identified. Many opportunities identified in the country profiles are expected to have a synergistic effect on overall tenure security and would in many cases ideally be part of concerted projects or program in the relevant jurisdiction. Nevertheless, specific investment/action/reforms aimed at particular opportunities may be able to stand alone. As such, the synthesis of opportunities can be viewed as an overall “opportunity pathway” within a country context where smaller actors (CSOs/NGOs, donors, government institutions) can approach specific identified opportunities (i.e., investments/activities/reforms) and make tangible contributions to collective tenure security.

⁴ <https://rightsandresources.org/tenure-tracking/>

⁵ <http://www.landmarkmap.org/data/>

⁶ <https://forestgovernance.chathamhouse.org/>

⁷ <https://www.profor.info/content/assessing-and-monitoring-forest-governance>

The country profiles are intended to provide a rapid overview of trends and conditions related to collective rights within each Carbon Fund country and an orientation to potential opportunity spaces and investments/activities/reforms that can lead to IP and LCs' collective rights recognition and sustained livelihood benefits.

The country profiles include:

1. Summary statistics of the extent and nature of collective forest and land rights in the country;
2. FCPF REDD+ advancements and jurisdictions;
3. Collective tenure regimes;
4. Context of collective rights;
5. Synthesis of opportunities to secure collective tenure;
6. Entry points and specific opportunities, including key stakeholders, the estimated scale, location and time-frame of investments;
7. Table briefly detailing the status of land and forest rights organized by key elements of the Analytical Framework;
8. Potential vehicles for tenure-related investments to advance collective rights, as identified from donors and project literature; and,
9. Constraints and/or risks to tenure security within the national context, including the estimated level of impact on the proposed tenure advancement measures and the potential for in-project/program mitigation.

“Deep-dive” Countries: Based on a review of OA study data by the FCPF Advisory Panel at the mid-point of this study (November 2020), six countries were selected for additional assessment (two in each region), based on the following criteria:

1. Potential for investment through existing or pipeline project/program “vehicles” in the WB forest, land, or rural development/agriculture sector portfolios;
2. Value in providing a diversity of learning experiences from the FCPF OA study; and,
3. Potential for immediate and significant gains in IP and LC tenure security.

The country profiles of the six countries selected to further review (“deep-dives”) the following additional components:

1. A brief description of the online news media discourse

related to collective tenure and the implications for potential advancement opportunities (see Annex II);

2. Additional context discerned from more diverse stakeholder engagement; and,
3. Brief analysis of recent ODA financing by sector and donor category, and discussion of the implications for operationalizing opportunities to advance collective tenure.

OPPORTUNITY ASSESSMENTS

The approach to defining and identifying opportunities was based in part on the simplifying assumption that there are three overarching objectives or goals to be pursued within the context of supporting customary collective land and forest rights of IPLCs to achieve global climate, conservation, and sustainable development goals: advance or expand legal recognition of collective rights, strengthen and secure collective rights, and leverage collective rights for communities' benefits. Figure 1 provides greater detail as to what is being pursued under each of these goals in terms of enabling conditions (to be developed, refined, strengthened, or taken advantage of) and the types of desired outcomes associated with their achievement. Pursuit of the specific goals is proposed neither as a linear strategy (first #1, then #2, and finally #3) nor as being mutually exclusive or limiting. That is, in the absence of “adequate” higher-order enabling conditions or the presence of severe constraints, it might still be possible to achieve significant progress toward, and beneficial impacts from, pursuing one or more of the other goals. Arguably, under most circumstances in which it is feasible to pursue FCPF and REDD+ objectives, it would be equally feasible (and ideal) to pursue all three simultaneously, with emphasis on and priorities between them varying, depending on context and the nature of the opportunities.

In addition, assessment of opportunities must account for the prevailing forest tenure regimes as defined according to who the rights holders are and their specific legal entitlements recognized in national laws and regulations. The opportunities framework follows RRI's approach using

three of the four categories of forest tenure regimes identified in that publication⁸:

- » State owned, government administered: Forestlands under this category are legally claimed as belonging exclusively to the state. Community-based rights to access to and withdrawal of forest resources may be recognized. Concessions on state-owned lands are included here.
- » State owned, designated for IPLCs: National law recognizes IPLCs' rights to access and withdraw resources, to participate in management of forests, or to exclude outsiders. Other tenure rights may also be recognized, but the bundle of legally recognized rights that communities hold does not amount to "forest ownership" as defined below.
- » Owned by IPLCs: IPLCs own forestlands when their forest rights of access, withdrawal, management, exclusion, and due process and compensation are legally recognized for an unlimited duration. Alienation rights (whether through sale, lease, or use as collateral) are not required for communities to be classified as forest owners under this framework.
- » Privately owned by individuals and firms: This category is not directly relevant to this exercise, although privately owned land may be interspersed within IPLC territories, requiring careful discrimination and demarcation. In some jurisdictions, IPLC land can be converted into private ownership through community decisions.

Because the opportunities and entry points for advancing, strengthening, and leveraging benefits from forest and land rights will differ based upon the individual country's tenure regime, it is useful to examine what types of actions and investments might be made to achieve these across tenure regimes. Although not exhaustive, *Table 1* provides orientation and guidance. *Country Profiles: Presenting Opportunities for Scaling Up Land and Forest Tenure Rights*

The country profiles, containing an opportunity assessment for each of the 18 countries in the Carbon Fund, are the main outputs of the study and are presented in a separate document. They provide an overview of community

forest rights and challenges; a description of the legal, institutional, and operational situation of forest rights in the country; a synthesis of identified opportunities along with entry points; a summary of the status of the nine elements of secure forest tenure from the analytical framework; a summary of existing investment vehicles with potential for enabling action on the opportunities; and a summary of constraints on and risks of improving collective forest rights. The country profiles can be used as a combination of database and policy brief to orient discussion about actions to improve collective forest rights in the country.

HOW TO USE THIS REPORT

This report is intended to be a guide to policy dialogue, investment planning, and progress monitoring of collective forest rights by multiple stakeholders, including the FCPF, the World Bank and other multi- and bilateral organizations, governments, IPLCs and civil society actors, academics, and media organizations. As such, it is designed to complement rapid assessment tools such as the RRI Opportunity Framework and more detailed operational assessments (e.g., World Bank Securing Forest Tenure Rights for Rural Development), providing a core element of a coordinated international effort to recognize collective forest rights in the short and medium term in concert with FCPF and REDD+ programming, Enhancing Access to Benefits while Lowering Emissions, other climate policies, and national development strategies. This study's unique contribution is assessing specific opportunities and entry points for recognition of IPLC rights in all of the Carbon Fund countries. It is limited in institutional detail and depth of consultation with stakeholders because it was a broad global survey produced under pandemic conditions without extensive on-site corroboration. With these limitations acknowledged, the findings of the report can guide operational agenda setting to prioritize opportunities to recognize IPLC rights in the 18 countries and strengthen the basis for monitoring the progress of those rights transparently over time.

8 See *Figure 1 in RRI 2018*: https://rightsandresources.org/wp-content/uploads/2019/03/At-A-Crossroads_RRI_Nov-2018.pdf

FIGURE 1. ACTION FRAMEWORK FOR ADVANCING, STRENGTHENING, AND LEVERAGING TENURE OPPORTUNITIES

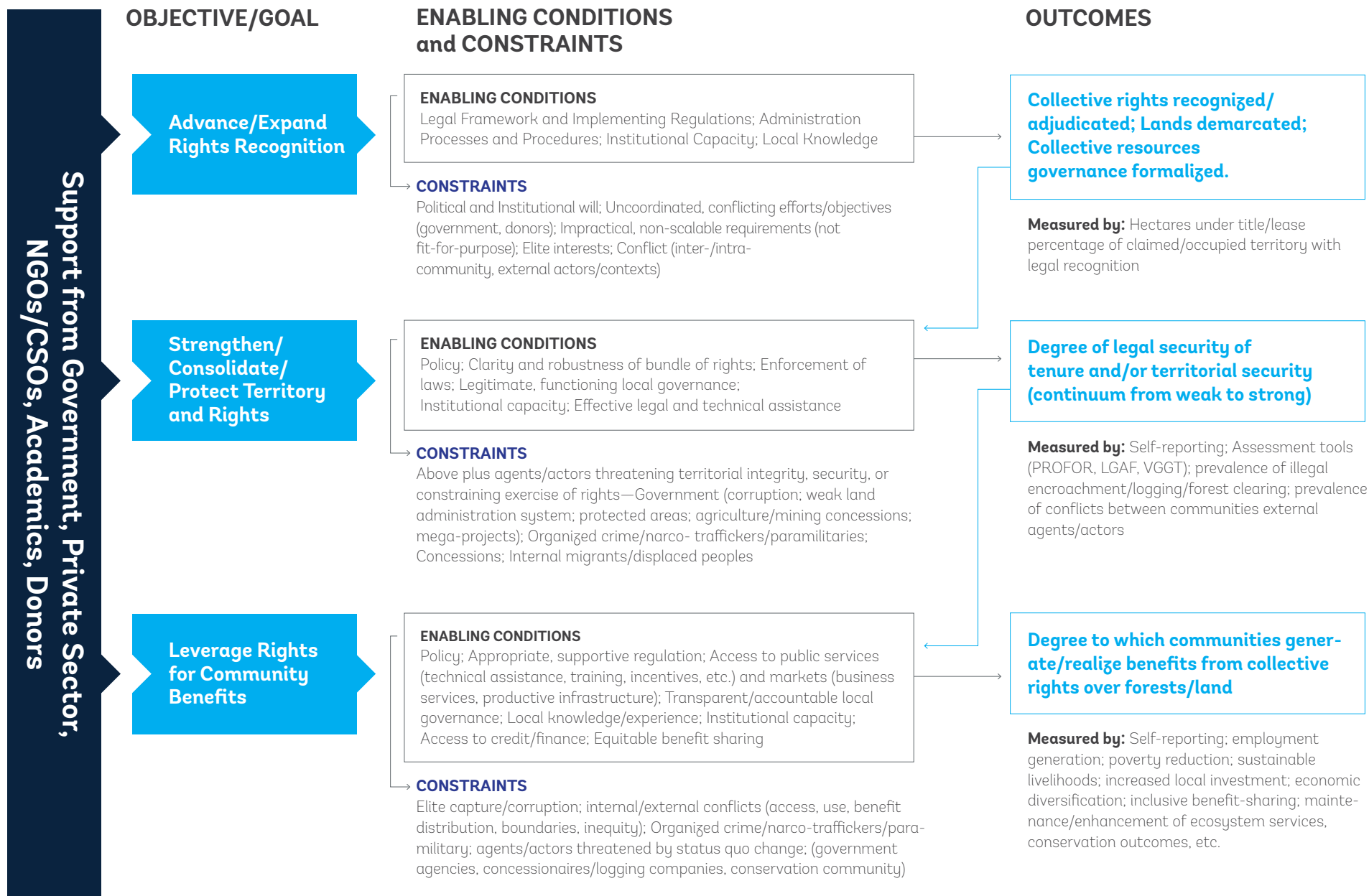


TABLE 1. INDICATIVE OPPORTUNITIES ACCORDING TO TENURE REGIME

| Tenure Rights | Indicative activities, interventions, and investments according to goal | | |
|---|--|--|---|
| | Advance and expand rights recognition | Strengthen, consolidate, protect territory and rights | Leverage rights for community benefits |
| State owned, government administered <i>Community access and use rights through concessions or other externally managed arrangement</i> | <ul style="list-style-type: none"> » Policy dialogue: promote policies and legislation to recognize customary collective land and forest rights » Promote forest management and protection schemes that recognize existence and importance of customary collective lands and incorporate IPLCs into management » Promote strategies, administrative norms, and regulations that increase IPLC access to and benefits from forests » Increase government and CSO capacity to support communities seeking rights to manage and benefit from forest and forest lands » Support village land-use planning and community delimitation and demarcation to clarify and expand areas that communities occupy, use, and manage | <ul style="list-style-type: none"> » Support community consultation and participation processes » Provide for honest broker in contract and benefit-sharing negotiations » Support monitoring of and compliance with legal, contractual, and social safeguards » Support community internal governance and links with supporting organizations » Support dispute- and conflict-resolution mechanisms » Identify and systematize traditional governance and knowledge systems that could provide basis for strengthening sustainable management | <ul style="list-style-type: none"> » Provide incentives that empower community participation in management and increase direct benefits to community » Engage with companies to promote equitable benefits for communities (e.g., employment, income-generation opportunities, public and productive infrastructure development, alternatives for displaced livelihoods, equity and inclusion for women and youth) » Build technical capacity of service providers and communities to manage forest resources, process and add value to forest products, and maintain and enhance forest ecological services » Invest in community forest enterprises in support of value addition, marketing, product diversification, sustainable natural resource management, and other employment- and income-generating activities |
| State owned and designated for IPLCs <i>Access, withdrawal, management, exclusion rights over fixed or unlimited duration</i> | <ul style="list-style-type: none"> » Promote policies and legislation to expand and strengthen customary collective land and forest use and governance rights » Strengthen policy and legal framework to further community use and governance rights » Promote strategies, administrative norms, and regulations that increase IPLC access to and benefits from forests » Encourage village land-use planning and community delimitation and demarcation to clarify and expand area that communities manage » Preserve community delimitation and demarcation in formal land administration records | <ul style="list-style-type: none"> » Support community consultation and participation processes » Support government and community capacities for co-management and joint management » Support community internal governance and links with supporting organizations » Identify and systematize traditional governance and knowledge systems for sustainable management » Simplify regulations and incorporate customary systems and traditional natural resource management practices where extant » Support monitoring and compliance with legal, contractual, and social safeguards » Support dispute and conflict resolution mechanisms » Identify successful examples and communicate these to decision makers and the population through popular media | <ul style="list-style-type: none"> » Invest in value addition, marketing, product diversification » Build capacity for sustainable natural resource management » Support community internal governance and key government institutions (e.g., extension services, marketing) » Build technical capacity and provide for experience and knowledge interchange between communities » Increase government and CSO capacity to support communities' exercise of management and use rights » Promote inclusive, equitable participation of and benefits for women, youth, and vulnerable and marginalized segments of communities |

| Tenure Rights | Indicative activities, interventions, and investments according to goal | | |
|--|---|---|--|
| | Advance and expand rights recognition | Strengthen, consolidate, protect territory and rights | Leverage rights for community benefits |
| IPLC owned <i>Access, withdrawal, management, exclusion, due process, and compensation are legally recognized for an unlimited duration. Alienation rights may or may not be included.</i> | <ul style="list-style-type: none"> » Strengthen legal framework to ensure that customary collective ownership rights are raised to level of statutory rights » Increase judicial capacity to enforce and protect IPLC collective land rights » Ensure IPLC land delimitation, demarcation, documentation, and registration to expand area that communities own » Build capacity for and access to legal defense of IPLC rights » Build awareness of IPLC rights among community leaders, women, and youth » Strengthen national solidarity networks of IPLCs to defend legal rights and have an effective voice in national policy and political decision making. | <ul style="list-style-type: none"> » Increase government capacity to enforce laws and protect IPLC territorial integrity » Build capacity for inclusive territorial governance (participatory land use planning and zoning, monitoring of land and forest resources, strengthening of natural resource governance and decision-making mechanisms) » Build internal capabilities for sustainable natural resource management » Facilitate productive engagement between relevant government agencies and IPLCs on technical, administrative, and development matters of mutual interest (simplification of regulations, management of conservation areas, biodiversity conservation, sustainable forest management, payment for ecosystem services, access to national and international finance and investment, public infrastructure investment) » Support informal dispute- and conflict-resolution mechanisms » Provide access to legal counsel for defense of IPLC rights | <ul style="list-style-type: none"> » Build capacities in financial management; strategic and participatory planning, business and financial planning, investment proposal development, outreach and promotion, business administration » Support access to technical services and training for sustainable forest management, natural resource management, community forest enterprises » Support investment in and access to finance for sustainable forest management, value-added production, community forest enterprises, marketing, product diversification |



CORE FINDINGS



Each of the countries featured in this study is unique, and the specific opportunities they hold for the advancement, strengthening, and leveraging of community-based forest tenure rights are not fully generalizable, but several core findings emerged that can help provide an overall understanding of the nature of the opportunities available, and several specific opportunities from the six countries in which deeper examination was conducted stand out.

FINDINGS

FINDING 1: ALL REVIEWED COUNTRIES HAVE A LEGAL FOUNDATION TO ADVANCE COMMUNITY RIGHTS AT VARIOUS SCALES. HOWEVER, SOME ARE NOT YET FULLY READY.

All the Carbon Fund countries have some type of legal framework for recognition of IPLC rights corresponding to one or more of three categories of recognition (explained above in the Study Overview), but in several cases, these fundamental legal frameworks cannot be used to recognize rights at scale for a variety of reasons, including limited experimentation with the framework, weak or absent institutional capacity, undefined procedures, and high degrees of legal and operational ambiguity. In the African context, this was the situation for the Republic of the Congo, Côte d'Ivoire, and Madagascar. In Latin America, Chile recently began convening a new constitutional assembly with Indigenous participation that is expected to enshrine Indigenous rights in a new constitution, addressing a lack of Indigenous rights in the country's legal framework. Although each of these countries faces complex political-economic circumstances regarding rights, each provides an opportunity to advance collective forest rights through policy, legal, and institutional developments that can overcome barriers to practically extend rights to the rights-holder and doing so at large scale.

FINDING 2: POTENTIAL FOR STRENGTHENING AND CONSOLIDATING COMMUNITY RIGHTS IN MOST CARBON FUND COUNTRIES.

There are many potential opportunities within Carbon Fund countries to strengthen and consolidate rights for communities, even in situations in which usable legal frameworks are not fully in place or where some legal or procedural elements may be missing or unconsolidated. In almost all of these cases, existing or incipient programs could be expanded to strengthen and consolidate rights. Important examples identified in the study are opportunities to expand community forest concessions in the DRC to potentially secure community rights to 72 million hectares of forest; clarify rights over extensive forest areas of Ghana using communal land secretariats, community resource management areas, and hotspot intervention areas, bringing together traditional authorities, government, and representatives of individual farmers and agribusiness; expand management and recognition of forest rights in Mozambique via community use rights; recognize community rights in Guatemala by renewing existing concessions and joint management of protected areas and biodiversity hotspots (*Política de Administración Conjunta y Gestión Compartida del Sistema Guatemalteco de Áreas Protegidas y de Áreas Naturales de Importancia para la Conservación de la Diversidad Biológica En Guatemala*); resolve widespread occupation of Indigenous land by third parties in Costa Rica through the Indigenous Territories Recovery Plan (ITRP); and recognize traditional community land in Indonesia under existing laws, and advance village boundary mapping and natural resource planning in 75,000 villages. Many more cases are presented in the country profiles.

FINDING 3: OPPORTUNITIES TO LEVERAGE RIGHTS FOR THE BENEFIT OF COMMUNITIES, AND WOMEN WITHIN THESE, ARE COMMON AND VARIED BUT GENERALLY UNDERVALUED.

Opportunities to leverage collective forest tenure rights for livelihoods and conservation have been identified. There are opportunities for sustainable economic gain and forest management improvements through community forest management and enterprises in almost every country in

the study. Although community-based approaches to forest resource use have advanced in size and sophistication over the last few decades, study results suggest that the potential for value addition far exceeds currently used strategies. Numerous opportunities for improving community forest management have been identified, including use of public-private partnerships to enhance commercialization of community products; better integration and involvement of women in the design and management of initiatives; leveraging of green and fair-trade certification schemes; and use of carbon and other environmental payments to strengthen the sustainability and efficiency of community-driven land-use priorities, including a number of agro-forestry techniques and exploitation of non-timber forest products.

OPPORTUNITIES IN DEEP-DIVE COUNTRIES

Specific areas for the World Bank's consideration are presented in *Table 2* as key opportunity entry points (What) and potential vehicles and platforms for exploiting them (How). Although country deep dives were conducted using a mixed-method approach that involved multiple sources of data, emerging findings could not be validated in country because of COVID-19 travel restrictions. Pending further validation at the country level, the results presented herein should be viewed as indicative of the range and depth of emerging opportunities to advance, strengthen, and leverage community-based forest tenure rights. To guide that process, it is recommended that World Bank teams consider using the Program on Forests-developed *Securing Forest Tenure Rights: Forest Tenure Assessment Tool* (Box 2).

Recommendations for actions in the deep-dive countries are summarized in *Table 2*. Although relevant to all actors and institutions supporting advancement of tenure rights in the selected countries, recommendations are designed to highlight opportunities specifically within the World Bank's control. The need to ensure effective engagement and participation of all community members, especially women, is assumed rather than made explicit for each country. To achieve durable outcomes, any discussion of collective land, assets, and governance systems must in-

volve all community voices from the outset, including the need to respect the free, prior, informed consent (FPIC) and rights of IPLCs and Afro-descendant peoples and of women within all of these groups to free, informed, substantive participation in consultative processes and decisions that may affect their lands, resources, or livelihoods.

Such an approach also ensures that tenure-related processes and activities empower community structures; give local people a stake in the process and its outcomes; and strengthen local governance by providing examples of, and experience in, transparent, inclusive decision making and governance.

TABLE 2. SUGGESTED PRINCIPAL OPPORTUNITY POINTS OF ENTRY

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|---|--|---|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Ghana | What: <ol style="list-style-type: none"> Promote passage of Wildlife Resources Management Bill Develop fit-for-purpose procedures for rapid documentation of land and tree rights and demarcation of customary lands Expand successful community-based natural resource management models (community resource management areas, hotspot intervention areas), incorporating and validating fit-for-purpose procedures Promote and support multi-stakeholder dialogue on alternative tenancy arrangements for cocoa farming to provide security and encourage investment by farmers and owners | What: <ol style="list-style-type: none"> Build momentum (analysis, promotion) to rationalize laws and regulations on forest and tree resources and tenure for long-term security and investment Expand successful community-based natural resource management models (community resource management areas, hotspot intervention areas), incorporating and validating fit-for-purpose procedures Provide systematic support across portfolio for gender and social inclusion (policies, mainstreaming, capital building, productive practices, equity and inclusion) Provide dispute and conflict resolution (build off customary and REDD+ grievance redress mechanisms) Implement and enforce laws and regulations governing forest resources | What: <ol style="list-style-type: none"> Focus on cocoa farm sustainability and diversification Facilitate private sector engagement (technical assistance, finance, inputs, markets) in concert with tenure security interventions to reduce investment risk to farmers and private companies Support and strengthen farm extension services, especially of farmer-based organizations and farmer-oriented research Note potential for community forest enterprises to legally supply domestic markets and support these community enterprises where possible (policy, strategy, services, finance) |
| | How: <ol style="list-style-type: none"> World Bank existing (ERP, Land Administration Phase 2, Landscape Restoration and Ecosystem Management for Sustainable Food Systems) and pipeline (landscape restoration, cocoa sector development, digital acceleration, improving governance) project opportunities for synergies and coordinated and parallel efforts Donor dialogue and coordination with key bilateral partners working on governance, public service provision, agriculture and forestry, gender, community resource management areas, and land issues (e.g., United States, Canada, France, Germany, Netherlands, United Kingdom) to promote reforms and seek opportunities for synergies and coordinated and parallel efforts Process for development of country partnership strategy (high-level policy dialogue) and analysis to promote and build consensus for key legislative reforms and investments under existing and potential projects | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|---|---|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Mozambique | What: Develop integrated approach to secure rights, improve community governance, build capacity in and support community natural resources management, facilitate development and outside investment (e.g., community land value chain approach) | | |
| | What: 1. Support communities in establishing legal identities that can represent, hold, and administer assets on their behalf 2. Delimitate community and collective lands 3. Advance land-use planning 4. Support formalization of community use rights | What: 1. Support national land policy review and any forthcoming legislative reforms to strengthen community use right mechanism (e.g., rights holders' powers and prerogatives, flexibility, predictability, legal security, closer alignment of land and natural resources rights according to relevant policies) 2. Build capacity of communities (e.g., governance, leadership, conflict management, rights and laws, organizational skills), NGOs and civil society organizations (relevant topics to enhance community support capacity), and government (relevant topics for land administration and community use right formalization, FPIC processes) 3. Accelerate dispute resolution processes (e.g., using paralegals and other mechanisms and agents) 4. Create community cadaster to feed updates to national cadaster | What: 1. Support capacity building of communities (business and financial skills and tools, basic forest planning and management options, technical forestry and agriculture) and government (technical support capacity, especially forest management and agricultural extension) 2. Promote and facilitate development opportunities and outside investment in and support of communities in negotiations with investors 3. Strengthen district forestry services to provide technical assistance to communities and integrate community-based natural resource management into their development strategies |
| | How: 1. Mozambique offers an unparalleled opportunity in that it is already providing a model for alignment and support across a country portfolio. The ERP in Zambézia Province is joined with and benefits from synergies with an existing integrated landscape management portfolio that comprises four World Bank-financed projects: Agriculture and Natural Resources Landscapes Management Project, Mozambique Conservation Areas for Biodiversity and Development, Mozambique Forest Investment Project, Dedicated Grant Mechanism for IPLCs. In addition, the existing Mozambique Land Administration Project (Terra Segura) is working on relevant policy and institutional reform to strengthen the land administration system, community land delimitation, and land tenure regularization; it is also supporting implementation of a standard, low-cost, fit-for-purpose, participatory methodology for community delimitation and land tenure regularization. Several projects (e.g., Northern Mozambique Rural Resilience, Sustainable Rural Economy Program, Digital Government and Economy) that could help strengthen, consolidate, and protect territory and rights and leverage rights for community benefits are in the World Bank pipeline. The proposed development policy financing, Mozambique Programmatic Green, Resilient, and Inclusive Recovery, provides opportunities at the policy-level, given that land tenure insecurity is a significant driver of deforestation and a limiting factor for rural poverty reduction (disincentive to productive investment by farmers and investors). 2. The government's Agrarian Sector Strategic Plan 2020030 (under preparation, with expected approval in 2021) provides an umbrella and platform. To achieve its aims, which depend upon good management of land, natural resources, and ecological services, will require resolving tenure insecurity, planning for local land use, and providing other suggested interventions central to providing enabling conditions. 3. Donor dialogue and coordination with other major donors (e.g., African Development Bank, which is increasingly active in agricultural sector investment; U.S. Agency for International Development—focusing on governance, investment climate, and public services) offer the opportunity to leverage additional parallel support for which Mozambique's effective model of donor coordination offers promise. | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|---|---|---|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Indonesia | <p>What—national level:</p> <ol style="list-style-type: none"> 1. Promote and support legislation to clarify collective forest tenure rights and an updated land bill to expand the scope of agrarian reform and community land recognition 2. Advance One Map; improve governance, data transparency, access by public and affected peoples, data sourcing and protocols for incorporation of Network for Participatory Mapping and Ancestral Domain Registration Agency mapping 3. Support high-level policy dialogue and analysis (e.g., to evaluate direct and indirect costs of agrarian land conflicts, impacts on doing business, and recommendations and strategy to resolve) <p>What—subnational level:</p> <ol style="list-style-type: none"> 1. Accelerate recognition of IPLC customary land rights claims, including support for participatory mapping and demarcation of customary territory (especially in and around commercial concessions) 2. Strengthen formal and informal conflict resolution mechanisms, especially between traditional communities and concessions 3. Support fit-for-purpose learning and innovation to enhance efficiency of IPLC rights recognition and local land use planning | <p>What:</p> <ol style="list-style-type: none"> 1. Improve land administration at the sub-provincial level, including testing new institutional arrangements to increase efficiency and recognition of IPLC land and forest rights 2. Increase local government capacity and village-level sustainable development planning through village boundary setting, resource mapping, and community mapping 3. Support FPIC processes in administrative land-use decision making at all levels 4. Support IPLC participatory land-use planning, including long-term vision for guiding land-use management and development of sub-plans for forest rehabilitation, village conservation areas, and as relevant, livelihood displacement mitigation 5. Increase women's awareness of rights, address barriers to inclusion, strengthen implementation of women's rights in law | <p>What:</p> <ol style="list-style-type: none"> 1. Focus on development of alternative livelihoods (also addresses deforestation linked to agricultural encroachment) 2. Support government social forestry and village development programs 3. Support community forest concessions 4. Engage private sector in promoting community co-management of private sector activities as business strategy (especially to mitigate financial and reputational risks from land and resource tenure conflicts) |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|-----------------------------|--|--|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Indonesia (cont.) | <p>How—national level:</p> <ol style="list-style-type: none"> 1. Establish dialogue and process for development of next country partnership strategy to address policy and legislative challenges and illuminate economic, environmental, and societal costs of conflicts over land 2. Mobilize World Bank analytical resources for in-depth analysis of conflicts over land, including impacts on private investment and economic growth; develop economic and business case (with recommendations) for resolution of IPLC land and forest tenure problems <p>How—subnational level:</p> <ol style="list-style-type: none"> 1. Exploit opportunity in East Kalimantan (through Indigenous Peoples Plan of East Kalimantan Project), where jurisdictional approach and Green Growth Compact offer platform for accelerating regional governments' processes for advancing IPLC rights 2. Open facility and funding window (East Kalimantan) for learning and innovation in developing fit-for-purpose solutions to address gaps and weaknesses in current IPLC rights formalization processes (e.g., conflict management, boundary harmonization, increase in efficiency and decrease in cost) to achieve progress and mobilize solutions across a wide range of local conditions and contexts | <p>How:</p> <ol style="list-style-type: none"> 1. Ensure that current (where feasible) and relevant future World Bank projects support village boundary setting and resource mapping according to Ministry of Home Affairs requirements and ensure maps are included in regional land use plans and One Map coverage 2. Facilitate recognition of IPLC lands through village boundary setting and resource mapping as part of village-level administrative and land use planning exercise | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|--------------------------|--|---|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Indonesia (cont.) | <p>How:</p> <ol style="list-style-type: none"> 1. Leverage project synergies and coordinated efforts across rural portfolio to accelerate agrarian reform and One Map Project, East Kalimantan Project for Emissions Reduction Results, Jambi Sustainable Landscape Management Project, Strengthening of Social Forestry in Indonesia, and potentially through the Indigenous Peoples Plan if and when developed by (pipeline) Agriculture Value Chain Development Project 2. Leverage East Kalimantan Jurisdictional Approach and Green Compact for testing new institutional arrangements, capitalizing on Provincial Council on Climate Change as multi-stakeholder forum to promote, coordinate, and align implementation of national and international donor programs in supporting, testing, and validating these arrangements 3. Define and implement model of effective coordination between agricultural and forestry sectors for resolution of land tenure problems and replication in other provinces through the office of the East Kalimantan provincial executive 4. Exploit process for development of a country partnership strategy to promote and build consensus for key investments under existing and potential projects 5. Establish donor dialogue and coordination with other major donors (e.g., U.S. Agency for International Development, whose 2020-25 program includes helping Indigenous communities secure and uphold their legal right to manage customary land; Germany, which pledged €82 million in 2019 for, inter alia, assistance in implementing forestry reforms for sustainable forest management, establishment of social forests, and new projects for peatland management and rehabilitation; and potentially the Asian Development Bank, whose 2020-24 program includes climate change mitigation and adaptation and green recovery). | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|---|---|---|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Vietnam | What—national level: <ol style="list-style-type: none"> 1. Support development of new 2023 Land Law with added focus on ethnic minorities and customary collective land rights to strengthen customary tenure, remove uncertainties, and provide long-term security for forest investments 2. Support development of decree for implementation of sections of the 2017 Forest Law that are supportive of customary collective ethnic minority tenure | What—provincial level: <ol style="list-style-type: none"> 1. Support strategy development to prioritize and address ethnic minority forest and land tenure issues and resolution of land and forest conflicts 2. Support land dispute resolution between state forest corporations and ethnic minority communities 3. Document and map customary tenure systems and traditional forest management and governance systems 4. Develop and test models of traditional forest management and governance 5. Pilot activities to help communities manage communal land and natural resources in accordance with customary tenure rules 6. Build capacity for and strengthen approaches to FPIC | What—national level: <ol style="list-style-type: none"> 1. Support and promote simplification of regulations for productive community forest land and resource management 2. Support and promote clarification of community forest management guidelines and rights over and benefits of forest products 3. Support and promote development of ethnic minority-positive policy on nontimber forest products 4. Support and promote the reform of taxation of forest products to encourage the legal use of forest products and improve forest management |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|------------------------|--|---|---|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Vietnam (cont.) | How—provincial level: <ol style="list-style-type: none"> 1. Support replication and expansion of adaptive collaborative management approach and forest management contract in the northern mountains, North Central (provinces that are part of the emissions reduction agreement), and Central Highlands with priority for ethnic minorities 2. Help accelerate access to forest lands controlled by state forest corporations and forest management boards | | What—provincial level: <ol style="list-style-type: none"> 1. Support policy dialogue on importance of accessing FCPF and REDD+ and meeting government forestry goals (protection and production) 2. Evaluate potential and options for aligning public incentives (e.g., payment for environmental services, tenure security, social and rural development programs) in support of community forest management, adaptive collaborative management approach, and forest management contracts 3. Support awareness building and education of communities on rights after land allocation, ensure land-use rights certificates are issued, and support local management of forest land |
| | How: <ol style="list-style-type: none"> 1. World Bank existing (North Central Region Emission Reductions Program, Forest Sector Modernization and Coastal Resilience, Improved Land Governance and Database Project, National Targeted Programs Support) and pipeline (First Mekong Delta Region Development Policy Operation) project opportunities for synergies and coordinated and parallel efforts 2. Donor dialogue and coordination with key multilateral (especially International Fund for Agricultural Development and Green Climate Fund with pipeline Reduced Emissions through Climate Smart Agroforestry) and bilateral (U.S. Agency for International Development sustainable forest management project for REDD and Biodiversity Conservation project, Germany and German Technical Cooperation Agency payment for environmental services, forestry; Helvetas and European Union ethnic minority land rights) organizations to promote reforms and seek opportunities for synergies and coordinated and parallel efforts 3. Development of country partnership strategy (high-level policy dialogue) and analysis to promote and build consensus for 2023 Land Law reforms and investments under existing and potential projects | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|---|--|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Costa Rica | What: Support for continued progress toward fully implementing the ITRP | | |
| | How: Follow up and implement ERP activities relevant to Indigenous Peoples to: <ol style="list-style-type: none"> 1. Update land tenure studies in all Indigenous people's territories 2. Develop a long-term plan to regularize Indigenous people's land rights | How: Follow up and implement ERP activities relevant to Indigenous Peoples to: <ol style="list-style-type: none"> 1. Support design of legal and cadastral assistance mechanism for Indigenous people's territories 2. Support conflict resolution mechanisms, including for tenure disputes in Indigenous people's territories 3. Identify gaps between national and international regulations over Indigenous people's resource management | How: Follow up and implement ERP activities relevant to Indigenous Peoples to: <ol style="list-style-type: none"> 1. Update National Forestry Development Plan with FPIC in Indigenous people's territories 2. Build forest management capacity and facilitate knowledge transfer 3. Build capacity of Indigenous Peoples to improve knowledge on accessing benefits from new financing mechanisms |
| | How: There are few vehicles or opportunities for soft financing from bi- and multilateral donors for IPLC land and forest tenure security; the emission reductions program is the World Bank's main resourced option. Therefore principal, available vehicles are <ol style="list-style-type: none"> 1. Follow-up to and leveraging of ERP as noted above 2. Taking advantage of the process for development of the next World Bank country partnership framework, especially within the context of the second pillar (social response) of the World Bank post-COVID "Build Back Better" strategy 3. Engaging allies (donors, academics, NGOs, government agencies) in process and connecting with Indigenous leaders and communities 4. Exploring option of prioritizing payment for ecosystem service allocations for ITRP implementation to capture resources to secure Indigenous rights for achievement of global goals 5. Supporting access to Green Climate Fund, Global Environmental Fund, and Global Environmental Fund-Inclusive Conservation Initiative, tenure facility, bilateral actors, others financial sources in support of short- and medium-term priorities 6. Engaging in dialogue with country partners (including traditional and statutory Indigenous representatives) on <ol style="list-style-type: none"> a. Reframing by global community of conservation and biodiversity as social issue involving IPLCs b. Managing risk that a focus on the carbon stored by forests reduces attention on conservation, protection, and governance of the wide range of ecological services that forests and forest lands provide c. Aligning FCPF and REDD+ incentives with worldview of Indigenous Peoples and delivery mechanisms supportive of Indigenous sovereignty and governance of natural resources 7. Engaging in donor dialogue and coordination with: <ol style="list-style-type: none"> a. Inter-American Development Bank (pipeline project: "Toward a green economy, support to Costa Rica's decarbonization plan", which includes conserving and restoring ecosystems with high rates of greenhouse gas sequestration; and two relevant technical cooperation grants "support for policy reforms and implementation of nature-based and climate-smart agriculture solutions that contribute to Costa Rica's national decarbonization plan" and "support for the Indigenous Peoples' agenda of Costa Rica" b. Central American Bank for Economic Integration, which is an accredited intermediary for the Green Climate Fund and the Adaptation Fund, has launched a green bond initiative concentrated on renewable energy. Discussions with the Executive Director of the Central American Bank for Economic Integration confirmed that they are interested in and supportive of developing green bonds for sustainable land use with Indigenous communities. | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|---------------------|--|---|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Guatemala | What: Support implementation of existing, 2015-approved Policy of Joint Administration and Shared Management of the Guatemalan System of Protected Areas and Natural Areas of Importance for the Conservation of Biological Diversity (Política de Administración Conjunta y Gestión Compartida del Sistema Guatemalteco de Áreas Protegidas y de Áreas Naturales de Importancia para la Conservación de la Diversidad Biológica En Guatemala) | | |
| | What: 1. Support and promote renewal of community forest concessions in the Petén 2. Support and involve Register of Cadastral Information in current and future projects and programs where IPLC lands are affected to survey and certify Indigenous and communal lands | What: 1. Increase local capacity (municipal and traditional governance structures) for natural resource administration and governance 2. Increase capacity of National Council for Protected Areas, National Forest Institute, Communal and Municipal Forestry Strengthening Project to implement, support, and oversee decentralized and devolved natural resource management, conservation, and protection arrangements through communities and traditional governance systems 3. Support conflict resolution mechanisms and expansion of capacity for mediation of conflicts, especially for certification of communal lands | What: 1. Support capacity building and development of marketing opportunities for timber and nontimber forest product value chains 2. Help community forest enterprises enter and participate in forest product value chains 3. Support diversification of community-based businesses beyond timber (tourism, nontimber forest product marketing, agroforestry, payment for ecosystem services) 4. Review community concession contracts to expand focus beyond timber and embrace community landscape and diverse opportunities from nontimber values of forests and forest land |
| | How: 1. Use ERPA discussions, process, and dialogue for development of next country partnership strategy to consistently reinforce the importance of concession renewals for Guatemala, ERPA, and World Bank commitments (past, pipeline, future) 2. Involve Register of Cadastral Information in current and future projects and programs where IPLC lands are affected to survey and certify Indigenous and communal lands | | |

| Deep-dive countries | Suggested principle opportunity points of entry | | |
|--------------------------|--|---|--|
| | Advance and expand rights recognition | Strengthen, consolidate, and protect territory and rights | Leverage rights for community benefits |
| Guatemala (cont.) | <p>How:</p> <ol style="list-style-type: none"> 1. Assess opportunities in current country pipeline (Forest Governance and Livelihoods Diversification; Guatemala Subnational Program for the Reduction and Removal of Emissions, Dedicated Grant Mechanism for Indigenous Peoples and Local Communities) to support these, as well as certification of communal lands with Register of Cadastral Information 2. Take advantage of process for development of next World Bank country partnership strategy to build support in World Bank and government for inclusion of these as priority needs for poverty reduction, inclusive economic growth, sustainable rural development, and natural resource management 3. Follow up and implement ERPs and activities that could be relevant to Indigenous Peoples, including commitment that program would take on role of interinstitutional coordination for formal recognition of Indigenous people's communal tenure 4. Donor dialogue and coordination with: <ol style="list-style-type: none"> a. U.S. Agency for International Development, which has a diverse, relevant portfolio and a 2020-25 strategy heavily focused on improving quality of life and deterring illegal immigration b. German Technical Cooperation Agency (pipeline), which has a program for biodiversity in the Selva Maya c. Inter-American Development Bank, which provides an ongoing technical cooperation grant for REDD+ Strategy and sustainable forest management project (within same government Forest Investment Program framework as World Bank's) d. Central American Bank for Economic Integration, which is an accredited intermediary for the Green Climate Fund and the Adaptation Fund and has launched a Green Bond initiative concentrated on renewable energy. Discussions with the Executive Director of the Central American Bank for Economic Integration confirmed that they are interested in and supportive of developing Green Bonds for sustainable land use with Indigenous communities. | | |

BOX 2: PROGRAM ON FORESTS SECURING FOREST TENURE RIGHTS: FOREST TENURE ASSESSMENT TOOL

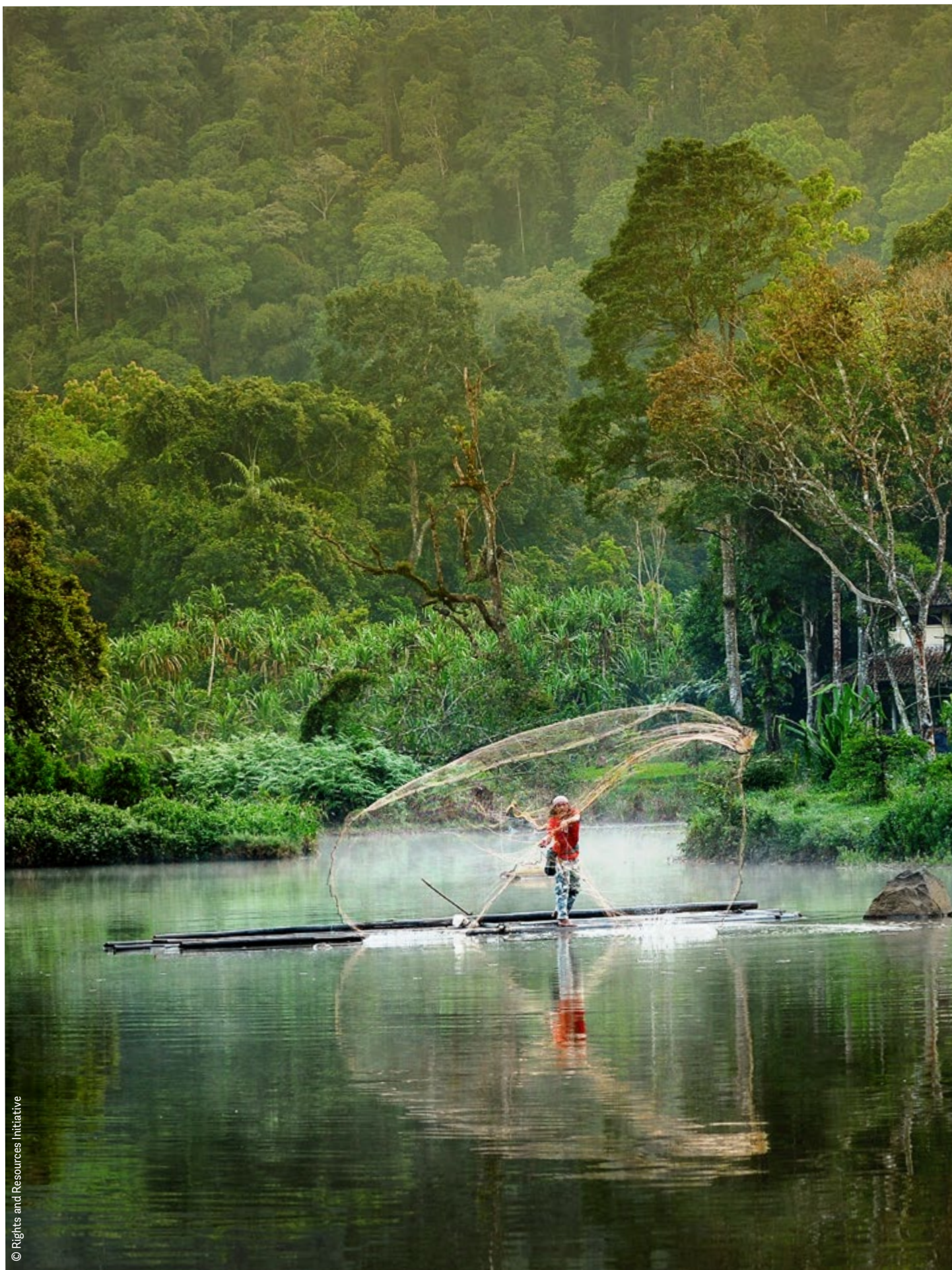
The forest tenure assessment tool is designed to assess the rationale for securing community-based forest tenure in a given national or subnational context.

The assessment methodology is used to consolidate country-specific evidence of the linkages between community-based forest tenure security and advancing national or international climate and development priorities, such as those outlined in the Sustainable Development Goals (in particular, Goals 1, 2, 5, 8, 13, 15, 16, and 17). The methodology involves exploring opportunities to achieve development goals by strengthening tenure security and risks to achievement of development outcomes where tenure is insecure. Together, these steps help inform policy rationales for dialogue between high-level decision makers in governments and supporting institutions such as the World Bank.

In terms of how to secure collective forest tenure, the methodology relies on participatory diagnostic assessments of the strengths and weaknesses of current land and forest tenure frameworks, capacities, and implementation processes. The assessment tool is designed for anyone interested in understanding and strengthening community-based tenure security in forest landscapes in any country or region.

A final section identifies five broad categories of World Bank products and services that can benefit from the forest tenure assessment tool and provides a range of modalities of implementation and their varying costs and duration.

Source: <https://www.profor.info/content/securing-forest-tenure-rights-forest-tenure-assessment-tool>



CROSS-CUTTING ISSUES AND LESSONS LEARNED

The multi-country, multi-regional nature of the study yielded a set of six cross-cutting issues and six lessons learned that may help shape comprehensive, coherent responses to the challenge of collective forest tenure recognition. Although not the central focus of the study, they are relevant for the global agendas in recognition of rights of IPLCs and could be developed in further research or policy guidance for actors working in collective forest tenure (particularly guidance aimed at donors, large NGOs, and governments).

The list of cross-cutting issues, lessons, and topics extends into debates about the political economy of IPLCs. Debates over collective forest tenure are now central to wider political debates about the origin and nature of rights and responsibilities in contemporary sociopolitical structures and are taking place in many countries. This set of issues encompasses a great deal of diversity in the meanings of the types of collective tenure and collective organization found globally and their implications for forest management; the tensions between individual and collective tenure with IPLC-occupied forest areas and the role of women and other vulnerable and marginalized groups in the proliferation and resolution of tensions; the relationship between national, local, and IPLC governance; the political voice and representation of IPLCs in national and global discourse; and the territorial claims of Indigenous groups. The implications of these debates go beyond the scope of the study but provide important context for ongoing efforts to increase recognition of rights and for future research and policy reform.

CROSS-CUTTING ISSUES

Enabling conditions

Efforts to advance, secure, and leverage rights are fundamentally political in nature, requiring concerted efforts to pursue collective actions that can bridge social, political, and economic divides. Governments, civil society, international development or-

ganizations, and other partners can expand their vision of how benefits can be achieved and in doing so accelerate their programming without sacrificing flexibility and knowledge that can turn locally derived priorities into near-term outcomes and longer-term results. The study provides insights into how such enabling conditions might be prioritized and achieved in the Carbon Fund countries within current planning processes (e.g., through national commitments to recognition and protection of IPLC rights or official commitments to macro- and local-level land-use planning and identification of *in situ* occupation and use of land by IPLCs, capacity building of local governments and judicial sectors, expansion of IPLC representation in policy development, strengthening of forest law enforcement, earmarking of forest investment funding for tenure-related activities, and capacity development for community forest management and identification of markets and business lines for community forest enterprises).

Mixed understanding of national climate strategies

National REDD+ agendas and other related climate priorities present risks and opportunities for community and civil society actors. As detailed in recent analysis of 31 REDD+ countries (Lofts, Frechetter, and Kumar 2021), a few countries have developed legal frameworks to support their trade in carbon, only two have operational benefit sharing plans, and only six recognize communities' rights explicitly or as a function of land or forest rights. Similarly, Indigenous and community representatives ask how the race to secure carbon rights will affect their land and forest rights, how REDD+ will ensure that their livelihood needs are met, and how such measures can ensure a better future for community youth. Concerns that informants in countries from all regions voiced, in particular representatives of Indigenous groups in Mexico, Guatemala, and Costa Rica, involved questions like the following: Are carbon rights and their governance undermining or eroding existing rights and establishing parallel governance structures? Does REDD+ carbon pricing (vs social costs of carbon) constitute a subsidization of polluters? Has a too-narrow focus on carbon evolved, such that the pursuit of broader ecological, cultural, and social values and services is being weakened, possibly reducing the social authorization of REDD+? The raising of such questions

underscores the need for greater national-level engagement and coordination between authorities charged with developing climate action ambitions and the communities that will be the main beneficiaries of these initiatives.

Decentralization processes

The relationship between decentralization of governance and community efforts to secure land and resource rights constitutes a recurrent theme in almost every country—overlapping with issues related to forest tenure, natural resource governance, transparency, revenue and benefit sharing, law enforcement, and other social themes. The importance of the decentralization process as a way in to addressing tenure rights challenges or, where decentralization processes are ongoing, the importance of harnessing them to address unresolved rights, tenure security, and sustainable natural resources management is vital for improving outcomes.

Criminalization, criminality, and violence

Actors, agents, or institutions that constrain opportunities to make improvements create disabling conditions for advancing, strengthening, and leveraging tenure security. Examples encountered in the course of the study include regulatory barriers, found across all regions, that have the effect of criminalizing many of the options and possibilities open to communities and, in Latin America, narcotics trafficking as a significant threat that affects physical security, expands agricultural land into forest areas, increases deforestation, and corrupts local governance. These threats to security suppress free speech, reduce the freedom of IPLC leadership, curtail the political and policy process, and inhibit legitimate investment. Although solutions to regulatory barriers lie well within the range of the possible, public security threats to communities lie largely outside the scope of this study, within fundamental governance, policy, and state security realms, although they must be emphasized and addressed in parallel, because the positive opportunities are much harder to realize until such direct threats to communities are reduced. Under these conditions it remains possible to advance rights (e.g. in the Moskitia region of Honduras), but strengthening tenure in the face of overt criminality and violence may

be too risky in communities where local institutions and governance are incipient or weak.

Competing land claims, land uses, and land cover changes

In all regions of the study, commercial and private interests—including large-scale mining, extraction of hydrocarbons, hydroelectric projects, agricultural and infrastructure development mega-projects—are threats to the integrity of community forest tenure, even though in some cases communities may accept or welcome them because of the economic benefits they hope they will bring. These threats to community tenure may manifest through forced relocation, loss of access to resources, livelihood displacement, influencing of political processes to the detriment of communities and smallholders, pollution and environmental degradation, invasion and colonization by outsiders, competition for land, and realignment of land markets that leaves out smallholders (e.g., industrial oil palm plantations) and may lock in rural development pathways that prevent conservation of forests and lands and in so doing undermine the cultural survival of the communities that depend on them. Contingent on higher-order political will and government capacity, these constraints on advancing and securing community tenure can be avoided or mitigated through clear policies, high-level intersectoral coordination and land use planning, systematic application of the appropriate analytical tools (e.g., sectoral environmental assessments with robust analyses of economic, social, and environmental benefits and costs, alternatives, and tradeoffs), and robust application of FPIC. Another pervasive constraint on strengthening and consolidating community forest rights comes from internal migration and expansion of the agricultural frontier, which erodes community forest lands, and generates conflicts that can intensify into physical violence and political conflicts.

Conflict and competition between designated authorities

Further to, and associated with, competing land claims is the challenge in many countries of there being little or no coordination between public entities charged with managing and administering land rights and those involved

in issuing forest, agricultural, and mining concessions and declaring protected areas; those planning and building public infrastructure; and those responsible for developing sectoral plans and policies whose expression on land-use maps betrays overlapping and incompatible sectoral claims. Geographic and environmental planning tends to be weak at the local and subnational levels worldwide, as is enforcement of forest laws and property rights. The ambitious agenda of long-term forest conservation, and the key role that IPLC forest tenure plays (or could and should) in that agenda, is unlikely to be achieved where unmanaged competition, conflict, and chaos in forest landscapes is the norm. Territorial and landscape approaches based on participation, transparency, intersectoral coordination, and rule of law are needed. Fit-for-purpose approaches to land administration and planning, which give local communities the lead role in defining and demarcating rights using rapidly advancing, cost-effective technologies, are important tools in this regard, but they can only be effective when applied in concert with the high-level political will and coordination of sectoral interests (*Box 3*). International actors (multilateral organizations, bilateral donors, environmental organizations) and investors in forests and rural sectors have an important role to play in using their influence with national governments to advocate for these political decisions and coordinating functions and support fit-for-purpose approaches to advancing recognition of rights.

LESSONS LEARNED

Six core lessons emerged from synthesis of the opportunity assessments.

Collective forest rights cannot be divorced from communities' broader landscapes and priorities.

There generally are no neat “edges” between forest and nonforest lands and community members' land-use systems, especially when seen from the perspective of household and community livelihoods and livelihood strategies. Even in places like Peru, where community-based tenure is relatively clear and robust, land and forest ownership

BOX 3: FIT-FOR-PURPOSE LAND ADMINISTRATION FOR COLLECTIVE FOREST TENURE RIGHTS

Fit-for-purpose approaches to land administration used over the last few decades offer an important set of practices that can be adapted to meet the challenge of recognizing collective forest rights. Fit-for-purpose approaches are technical tools for local operations that combine community leadership and participation and low-cost procedures with articulation of findings to language used by the state institutions that recognize rights. These approaches can be efficient and expandable when social conditions and power relations permit legitimate operations to define and recognize rights. Fit-for-purpose approaches, for example, might document rights of occupation in an informal settlement before judges could establish rights of ownership or might enable paralegals (instead of lawyers and courts) to resolve minor disputes.

The fit-for-purpose approach is relevant to collective forest tenure because the issues are highly local and culturally specific, often remote from infrastructure and national government agencies. A suggestion to support fit-for-purpose approaches in recognition of Indigenous Peoples and local communities (IPLCs) is to create a facility or funding window for a learning and innovation agenda around community-led, fit-for-purpose-friendly solutions to lack of recognition of collective forest rights. The learning and innovation agenda would be structured to seed support of a wide range of actors in the countries where opportunities are identified and elicit lessons about rights and opportunities associated with Forest Carbon Partnership Facility and other carbon payments in relation to IPLCs. Potential lessons learned are available from Tenure Facility interventions that use fit-for-purpose elements and many other projects. Widespread innovation and proofs of concepts could underpin expanding successful experiences and seed similar fit-for-purpose approaches widely and expansion of REDD+.

A learning and innovation agenda could generate more understanding of political and social conditions that favor success in expanding recognition of rights within evolving schema for environmental payments. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries provide an established global framework and soft-law minimum standard for tenure outcomes and are linked to reducing emissions from deforestation and forest degradation, forest carbon stock conservation, the sustainable management of forests and enhancement of forest carbon stocks requirements for forest monitoring.

rights offer limited protection against activities such as mining, which pose a serious threat to conservation and livelihoods (*Vallejos et al. 2020*). Similar to communities elsewhere, IPLCs occupy and manage diverse landscapes that contain and support a diversity of ecosystems and land-use strategies (e.g., conservation, small-scale farming, agro-forestry, cultural values such as sacred groves, nontimber forest products). Thus, for effective management, use, conservation, and governance of forests and forest lands by communities, it will ultimately be counterproductive to attempt to divide their broader, shared landscape neatly between forest and nonforest lands and uses. Doing so may be convenient from a sectoral or agency mandate perspective, but it will miss the mark if it separates forest governance from the inherent landscape approach of collective tenure rights and community governance structures. Community mapping; village boundary setting; participatory land use planning; and inventorying of mining concessions, agricultural concessions,

forest carbon resources, and biodiversity in a landscape approach are technical tools that can support multi-stakeholder decision making about land rights and land use in specific administrative or natural regions. IPLC groups from various countries in the study are voicing demand for greater agency for IPLC representatives to help guide these processes.

Tenure security is an essential foundation for sustainable, resilient communities and landscapes.

Community experience from the ongoing COVID-19 pandemic offers essential lessons for building back better. Long-term territorial security and its maintenance depend in no small part on communities being able to sustain themselves, their livelihoods, and their economic well-being and to do so within challenging contexts. Re-

ardless of their respective circumstances (e.g., proximity to markets, weak or strong enforcement by states, exposure to competing land use claims and land grabs, development pressures), securing collective tenure rights is not only an opportunity to promote prosperity, but also a strong, effective incentive for conservation of IPLCs' linked social-ecological systems that provide proven climate and conservation benefits.

Bottom-up engagement and community leadership are key to achieving effective, sustainable results.

Across reviewed countries, there are notable opportunities to engage with and support communities in securing their rights and pursuing their self-determined priorities, but many lack the capacity or resources to engage effectively in processes to advance, strengthen, and leverage collective forest rights. Where bottom-up engagement and leadership are occurring, good results generally follow (although the types of threats noted above can thwart them). Expanding this engagement and leadership can happen in many ways, including political representation in local and national government, participation in planning bodies and project designs, robust FPIC processes, media participation, and participation in international fora. Fact checking and understanding communities' cultural expectations and aspirations are crucial to building durable rights and effective management. Within such contexts, community-based organizations, CSOs, and NGOs can play a critical role in achieving a stable operating environment by filling gaps in government capacity and threat reduction (from monitoring and compliance activities).

Legal recognition and protection of collective forest rights requires a whole-of-government approach.

When technical forest management and enforcement challenges arise, forest agency engagement may be important, but forest-centric approaches⁹ to community land claims are seldom adequate to meet the people-centric re-

quirements of IPLC forest rights recognition. Although forest agencies are often tasked with adjudication of IPLC claims to customary collective lands that lie within public forest lands, resolution of such challenges is generally one of broader public land policies and land laws that requires a whole-of-government approach, not a narrow sectoral one. To avoid conflicts of interest associated with single-agency perspectives, it may be useful to strengthen the role of local government and land administration agencies in IPLC rights recognition (as a function separate from forest management, as in the case of Indonesia) using fit-for-purpose approaches led by communities and facilitated by these public actors. Similarly, bolstering creative partnerships between government agencies and institutions at national or subnational levels, customary rights holders, and other actors (e.g., civil society, local governance institutions, private sector) is often critical to engendering broad support for recognition and protection of communities' collective forest and resource rights.

Community tenure and livelihoods can be advanced even when legal frameworks are weak or inadequate.

Global experience is demonstrating the value of strengthening *de facto* rights when *de jure* options are lacking or limited. In strengthening *de facto* rights, it is important also to seek opportunities and means to facilitate and establish durable outcomes from the process. This may include policies of eviction moratoria; robust FPIC by communities; provisional mapping of existing tenure and land use; land use planning in light of *de facto* rights; commitments to negotiated processes for new forestry, agribusiness, mining, or infrastructure; and recognition of *de facto* rights within forest law enforcement activities. In many cases, these rights may have *de jure* standing according to legal frameworks, but full recognition (through mapping, certification, titling) has not been achieved.

⁹ Forest management plans are relatively recent introductions in the developing countries of the tropics and subtropics. As instruments for forest management, they are entirely based on European, Western-centric silviculture, not on local knowledge and traditional practices.

Legal recognition of IPLC land and forest rights is a necessary but insufficient condition for realization of local priorities and broad climate ambitions.

In addition to dedicated actions to legally recognize and secure collective land and forest rights, most communities require support to address the social, economic, or environmental challenges they face. Although some may have robust governance institutions and clear development pathways, others might grapple with human rights challenges, food insecurity, or limited access to financing or market opportunities. The capacity to pursue self-determined priorities often requires improvements in areas of governance, organizational capacity, access to capital, technical knowledge, planning, management, equitable and transparent benefit-sharing arrangements, enforcement, provision of infrastructure, and ability to expand initiatives or withstand business cycles. These challenges are not insurmountable, as amply demonstrated in countries where successful community initiatives and enterprises¹⁰ have emerged and from which lessons can be learned and replicated.

To secure the long-term well-being of communities, the core institutions supporting results-based payment agreements and market-based transactions could play a more catalytic role in working with countries to advance agreed-upon standards, such as the United Nations' Voluntary Guidelines on the Governance of Tenure, to secure collective forest tenure rights and thus contribute to other societal goals that provide essential, enabling conditions for REDD+ and recognition of IPLC rights.

As the country profiles reveal, there are opportunities in most Carbon Fund countries to work on and across each of the opportunity dimensions and to face the type of cross-cutting challenges noted above. The next section summarizes the country profiles and areas of opportunity using these cross-cutting issues and lessons learned.

¹⁰ Successful experiences in developing community enterprises of all types and supporting micro, small, and medium-sized enterprises can be broadly drawn upon when learning to develop and nurture community forestry enterprises. Although the specific context differs, to a great extent the approach does not.



COUNTRY PROFILE SUMMARIES



The following section presents summaries of the country profiles that compress the sections of each country profile into a short description of context and opportunities. After a description of opportunities, the summary table of opportunities presents them using color coding to differentiate the objectives of advancing rights, securing tenure, and leveraging rights for benefits. Arrows are used to indicate that the opportunity identified is an upstream, prior action for the objective, following the logic of the action framework presented above. Countries are presented according to region, with deep-dive countries marked with an asterisk.

CÔTE D'IVOIRE

| | |
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| <p>Context: Land tenure and ownership have historically been politically and socially contentious in Côte d'Ivoire. Following the land improvement colonial model, the goal of land rights was that an individual who cultivated the land would gain de facto rights to it, but after an economic crisis in the 1980s, widespread internal migration in search of livelihoods occurred, and land distribution became increasingly contentious. After a coup in 1999, precipitated in part by challenges with land distribution, the new president advocated for implementation of the 1998 Rural Land Law. Enacted with the assistance of the World Bank, the law aimed to transform customary land rights into private property rights regulated by the state, but implementation has been slow because of political turmoil and violence, contributing to continued deforestation, with the loss of more than 80 percent of the country's natural forests over the past 50 years, which has drastically reduced related ecosystem services, leading to loss of livelihoods from forest resources, direct impacts on the agricultural sector, and reduced resilience to climate change. Meanwhile, the Forest Code has been used to evict people from the land forcefully, and international watchdogs have found that environmental protection measures do not respect the rights of people living in protected forests.</p> | |
| <p>Opportunities: The 1998 Rural Land Law remains largely unimplemented, and the Ivorian government and donors are focusing on how to implement it fully. This legal avenue for statutory rights presents a clear opportunity to advance community rights, but establishing a rural land tenure regime governed by statutes and customs has been an enormous challenge. To address these challenges and take full advantage of the 1998 land law, priority actions should include implementing the national rural land tenure security program with the short- to medium-term objective of developing and testing streamlined, simplified, low-cost, participatory registration of customary land rights—whether a land certificate or a lease agreement. Other possibilities include development of alternative dispute resolution mechanisms that can assist traditional and local government authorities' efforts to resolve disputes, especially with migrants; preserve social cohesion; support women's land rights; and suspend forceful evictions. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Support implementation of 1998 Rural Land Law and associated national rural land tenure security program |
| Strengthen tenure | <ul style="list-style-type: none"> » Support participatory mapping initiatives, such as Liberating Rural Land's Potential in Côte d'Ivoire » Support alternative dispute resolution that can help traditional and local government authorities advocate for suspension of forceful evictions from forest areas » Facilitate resolution of land disputes involving migrants » Support and advance legal education programs in rural areas to help women secure and assert their land rights |
| Leverage rights | <ul style="list-style-type: none"> » Expand successful community-based natural resource management models |

DEMOCRATIC REPUBLIC OF THE CONGO

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| <p>Context: The DRC is home to a large part of the second largest rainforest in the world, a landscape of critical importance to millions of IPLCs. The government of the DRC is fragile, and in many ways the state is still in the process of formation. Chronic land and forest insecurity are typical throughout the DRC: The state owns all land and resources, although there are now legal mechanisms to secure use rights for IPLCs. Customary institutions and governance prevail throughout the country, and the diversity of local contexts is poorly studied and not well understood, presenting a considerable obstacle to outside institutional efforts to strengthen rights in this large country. As a result of the government's decentralization process, the province of Mai-Ndombe (where much donor-supported activity is concentrated) is relatively new, with correspondingly limited institutional capacity in the land and forest sectors. Local community forest concessions provide a mechanism for communities to obtain long-term rights to millions of hectares of forest. As of early 2021, more than 2 million hectares of concessions had been granted, and it is estimated that up to 75 million hectares may be available to communities, but according to a recent review, local community forest concessions are unlikely to develop if local peoples are not assured that such arrangements will increase their financial and physical capital. A new law confirming Indigenous rights, along with health care and services (passed in the DRC National Assembly in November 2020 and approved by the Senate in April 2021), is a major advance in IPLC rights in the DRC.</p> | |
| <p>Opportunities: Despite many constraints and obstacles, the DRC has attracted significant donor support in recent years because of pressing social conditions, ongoing formation of the state, and legal frameworks that govern the natural resource sectors and the critical conservation and climate value of its forests. Conditions that may enable advancement of rights include diverse donor activity and experience; high levels of government support for reforms (as evidenced by the recent pace of major legal reforms); a pragmatic, experienced business sector; and strong CSOs and NGOs that can support government. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Support land and forest rights reform process related to final adoption of a new law on protection of Pygmy Indigenous people's rights and its implementation |
| Strengthen tenure | <ul style="list-style-type: none"> » Support operationalization and implementation of legal instruments to advance community concessions under the Forest Code and National Strategy for Community Forestry (local community forest concessions) » Resolve legal pluralism by defining roles of statutory law vis-a-vis customary law » Provide technical capacity and financial support for provincial government administration » Advance understanding by policy makers and government officials of stakeholder context, including social assessments |
| Leverage rights | <ul style="list-style-type: none"> » Develop capacity of and support for local community efforts to benefit from natural resources and sustainable forest management, resolve local conflicts, and enhance community governance structures |

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| <p>Context: Eighty percent of Ghana's national territory is held in customary collective ownership. A pluralistic regime that includes customary laws and norms, as well as statutory laws, governs land and natural resources. Rights to natural resources (including trees) are separate from land rights, with economic rights to naturally occurring timber trees under the management and control of the Forestry Commission but non-economic reasons to cut trees (clearing for agriculture) recognized under the law. This challenge of cutting trees for economic benefit encourages farmers to avoid planting trees on their farms and illegality. Lands are rented from traditional authorities and customary owners under a variety of customary arrangements. Most of the time, these transactions are undocumented, and associated conflicts are common. In many of these arrangements, cutting older, unproductive cocoa trees would force renegotiation of the use rights, which encourages tenant farmers to clear forests for new farms rather than rehabilitating older farms, contributing to a high rate of deforestation. These land administration challenges and disincentives related to tree tenure are substantial constraints on combatting deforestation and the cocoa industry's ability to support livelihoods. Progress has been made recently in resolving these challenges, especially in innovative land and resource management models that strengthen governance, such as regional management boards, communal land secretariats, community resource management areas, and hotspot intervention areas (modeled after community resource management areas and supported by emission reduction programs). Activities of the private land regularization services company Meridia have had positive results in negotiating and documenting rights to land and trees in the cocoa sector.</p> | |
| <p>Opportunities: Ghana's government has made good progress in resolving complex land and resource governance challenges, despite mixed signals about recent political will to address such matters. Ghana has a very strong private sector and public industry groups and CSOs (cocoa companies, Ghana Cocoa Board) that support initiatives to resolve challenges regarding resource governance and can be a source of private investment. There are several key opportunities to advance and strengthen rights through regulatory reforms and innovative procedures that hold promise for negotiating durable agreements among traditional authorities, government, and individual farmers, improving conditions for individual land users and thereby decreasing the risk of conflicts while encouraging investment and benefits for customary owners. Similarly, support for development of a robust government extension service could enhance the livelihoods and environmental sustainability of communities. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Promote passage of wildlife resources management bill » Develop fit-for-purpose procedures for rapid documentation of land and tree rights and demarcation of customary lands » Promote and support multi-stakeholder dialogue involving traditional authorities, farmers, and government on alternative tenancy arrangements for cocoa farming to provide security and encourage investment by farmers and owners |
| Strengthen tenure | <ul style="list-style-type: none"> » Expand successful community-based natural resource management models (community resource management areas, hotspot intervention areas), incorporating and validating fit-for-purpose procedures » Enforce rules and regulations governing forest resources » Develop dispute and conflict resolution mechanism (build off customary and REDD+ grievance redress mechanisms) |
| Leverage rights | <ul style="list-style-type: none"> » Make gender and social inclusion investments such as supporting the shea marketing chain for women » Focus on cocoa farm sustainability and diversification » Facilitate private sector engagement (technical assistance, finance, inputs, markets) in concert with tenure security interventions to reduce investment risk to farmers and private companies » Support and strengthen farm extension services, especially of farmer-based organizations and farmer-oriented research » Note potential for community forest enterprises to supply domestic markets legally and support such enterprises (policy, strategy, services, finance) » Support cocoa farm rehabilitation and renovation to increase productivity on land under production, achieve forest and organic certification, avoid deforestation of new areas, encourage production under shade, and reduce water pollution |

MADAGASCAR

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| <p>Context: Madagascar is one of the most biodiverse and threatened places on Earth, facing unprecedented habitat loss and degradation due to agricultural expansion, mining, and deforestation in a context of acute levels of poverty. Strategic solutions for local livelihoods and conservation are needed to avoid the irrevocable loss of Madagascar's biodiversity. Forests are governed by Law 2015-005 of the Code for Managing Protected Areas, which states that communities, NGOs, and the private sector can manage protected areas under the condition that they engage local communities and assess social and environmental impact. Although the state owns all forests, the 1996 Gestion Locale Sécurisée (GELOSE) law (Law 96-025), through which Madagascar became one of the first countries in the southern hemisphere to establish a legal framework for community-based natural resource management, enabled co-management between the national government and local communities. Implementation of the GELOSE law has been criticized for the failure to enact the full set of decrees needed to make the law enforceable. Madagascar has sought to decentralize land administration to commune-level and municipal governments and local communities, with backing from donors through the National Land Program, but this program does not govern forests or forest resources, which remain subject to the protected area code and the GELOSE law. RRI estimates that 37.7 million hectares (64.8 percent of national territory) of IPLC lands are not legally recognized. A key legal discussion playing out at the time of this report is over the legal characteristics of the <i>Fokonolona</i> (popular assembly), which implicitly references the historical and cultural collective management of the commons. The legal underpinnings of the <i>Fokonolonas</i> have yet to be effectively implemented, and recent legislation has undermined recognition of <i>Fokonolonas</i>, according to Malagasy lawyers.</p> | |
| <p>Opportunities: The government's tenure-related projects are mainly focused on titling rural property, rather than supporting collective tenure. Forest land tenure remains a persistent challenge that recent legislation has failed to fully address. Donors and other relevant actors could support implementation of the GELOSE law of community-based resource management, which is already receiving technical support from the World Bank. Donors and actors could commission studies and convene dialogue to resolve contradictions, gaps, and overlaps in the current legal framework, which could include joint analyses with the Madagascar National Parks to establish community-managed protected areas and efforts to strengthen community control over customary territories and resources by restoring traditional <i>Fokonolona</i> assemblies. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Support government of Madagascar in implementing the progressive GELOSE law (Law 96-025) by continuing reforms in progress » Work with government to support restoration of <i>Fokonolona</i> legal bodies |
| Strengthen tenure | <ul style="list-style-type: none"> » Support gender integration into the National Land Program by increasing the capacity of local authorities and local land office to title land and include women on the title » Expand and strengthen local land offices under the National Land Program with the goal of decentralizing land administration and increasing land titling » Support studies, dialogue, and advocacy that demonstrate and highlight the importance of communities |
| Leverage rights | <ul style="list-style-type: none"> » Commission a review of designated community areas to showcase benefits and the importance of community land management approaches » Support community forest management |

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| <p>Context: Mozambique has a high level of forest cover, covering more than half of the country's land area. Demographic pressure and other demands on land resources have led to competition for land access between rural communities and conflicts between communities and private investors. In Mozambique's land law, the state is the ultimate owner of all lands and natural resources, but the legal framework recognizes the rights of rural communities established through customary occupation and enables them to formalize and register these rights through a community-use right that allows for legal recognition of community-based organizations and land-use planning approaches, among other processes. Community land has not been registered in a widespread manner, yet some private investors have been granted leasehold titles for land development and natural resource exploitation without strong safeguards and procedures for consultation for affected communities, raising concerns that some community rights may be ignored or lost.</p> <p>Formalized use rights make local community rights visible to outsiders and may strengthen a community's negotiation position with external investors, but a number of civil society informants questioned the sustained political will to support these processes from national planning to local implementation. Technical demands and transaction costs of obtaining commercial licenses for natural resource exploitation are significant and often require support of local service providers to complete necessary documentation. Although consultations with communities are required for any potential concession or collaborative agreement with communities, few have the necessary capacity or information to negotiate effectively—or even participate. As a result, consultations are often cursory, and because of non-compliance with management plans, conflicts between communities and companies are common.</p> | |
| <p>Opportunities: The government has taken many concrete steps to support collective rights, although the capacity of public institutions to follow through at the local level is extremely limited in most cases. Significant investments in local government capacities are needed (extension services) for communities to benefit from their resources. Similarly, the capacity of community-based governance institutions to manage resources for sustainable livelihoods and commercial purposes is generally low. Significant support is required from outside NGOs and government to build adequate capacity to negotiate effectively with external interests and perform any type of community-based natural resource management for commercial purposes, for which there are many opportunities. With several concurrent World Bank-supported projects directly addressing IPLC tenure, Mozambique has multiple vehicles for further investments to support communities. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Expand recognition of collective community-use rights within macro-spatial planning framework » Support communities in establishing legal identities that can represent, hold, and administer assets on their behalf » Delimitate community collective lands » Support land use planning » Support community-use right formalization |
| Strengthen tenure | <ul style="list-style-type: none"> » Support national land policy review and any forthcoming legislative reforms to strengthen community-use right mechanism (e.g., rights holders' powers and prerogatives, flexibility, predictability, legal security, closer alignment of land and natural resource rights according to relevant policies) » Build capacity of communities (e.g., governance, leadership, conflict management, rights and laws, organizational skills), NGOs and CSOs (on topics that enhance community support capacity), and government (relevant topics for land administration and community use right formalization, FPIC processes) » Accelerate dispute resolution processes (using paralegals and other mechanisms and agents) » Create community cadaster to feed updates to national cadaster |
| Leverage rights | <ul style="list-style-type: none"> » Enhance community access to legal council and technical extension services to improve local resource governance and increase management capacity » Support capacity building of communities (business and financial skills and tools, basic forest planning and management options, technical forestry and agriculture) and government (technical support capacity, especially forest management and agricultural extension) » Promote and facilitate development opportunities and outside investment in and support of community in negotiations with investors » Explore community-investor partnerships in forest enterprises, taking advantage of REDD+ opportunities » Strengthen district forestry services to provide technical assistance to communities and integrate community-based natural resource management into development strategies |

REPUBLIC OF THE CONGO

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| <p>Context: The Republic of the Congo has no community forests as defined in statutory law. The legal framework related to IPLC collective rights is potentially progressive, with a major law (Law 5 of 2011) providing a framework for Indigenous rights recognition, but the law has not been implemented, and land has not yet been titled under it. As long as there is this gap in implementation, loss of access to traditional territories for livelihood and subsistence will continue because of development and resource extraction. The recently adopted Forest Code aims to strengthen community rights by including FPIC in the law and greater CSO and community involvement in forest monitoring, planning, and concessions. Despite a lack of true community forests, community development zones, which are designated in companies' forest concession management plans, provide a limited mechanism by which communities can obtain use rights. In these zones, communities have subsistence rights (and limited commercial rights) to forest resources. Many forest concessions are remote, and the communities feel the absence of government-supported infrastructure and administration keenly. The details vary, but in many cases, communities appear to depend largely on services provided by companies, which are required to pay into local development funds. Overall, government and civil society lack the capacity to support communities in recognizing rights and leveraging them for benefits. The government's institutional capacity is severely constrained, and natural resource sectors allocate concessions separately, leading to significant overlaps in jurisdiction.</p> | |
| <p>Opportunities: The limitations of the community development zone model and lack of implementation of the legal framework pertaining to IPLC collective rights highlight the need to improve conditions and increase benefits for communities in the context of limited government capacity and resources. CSOs are stable partners in efforts to improve conditions for IPLCs (despite lack of resources), as are, potentially, forestry companies and concessionaires, who may be the only major actors in remote areas. Investments to improve conditions and increase benefits for communities within community development zones could leverage donor funding to include parallel investments to strengthen and advance rights under the legal framework (Law 5 of 2011). Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Simplify and formalize Indigenous and customary land rights under Law 5 of 2011 |
| Strengthen tenure | <ul style="list-style-type: none"> » Support development of national territorial management and land-use plan and increase intersectoral coordination between government institutions » Support community consultation and participation processes » Improve monitoring of and compliance with natural resource sectoral laws with respect to environmental and social safeguards » Increase government implementation capacities » Enhance CSO capacity to support diverse stakeholders |
| Leverage rights | <ul style="list-style-type: none"> » Engage companies and concessionaires to increase compliance with safeguards and increase community benefits |

LATIN AMERICA AND THE CARRIBEAN

CHILE

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| <p>Context: Indigenous communities are a legal entity defined by law (Indigenous Law 19.253) in Chile and can obtain individual and collective title to ancestral lands. Chile has ratified International Labor Organization 169 and the United Nations Declaration on the Rights of Indigenous Peoples, which provide a reasonable basis for advancing Indigenous people's collective land rights, but the Indigenous Law lacks implementation regulations that define registration processes, and Chile is an exception among Latin American countries in that Indigenous Peoples lack constitutional recognition. The government has a land and water fund to recover Indigenous lands; most of the land acquired has been for individual families. The at-times violent conflict between the Mapuche people and the Chilean state has for many decades been the dominant face of the struggle for Indigenous rights in Chile.</p> | |
| <p>Opportunities: The Chilean electorate overwhelmingly approved a 2020 plebiscite on constitutional reforms, and many view a new constitution as a chance for Indigenous Peoples to be constitutionally recognized. Conflict between Indigenous Peoples and the government is extremely sensitive and deeply rooted, and beyond the scope of REDD+ and donor efforts. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Expand constitutional recognition of Indigenous rights (expected under new constitutional provisions) |
| Strengthen tenure | <ul style="list-style-type: none"> » Expand land acquisition for Indigenous communities under Law 19.253 » Update nationally determined contribution to include legal recognition and strengthening of IPLCs' and Afro-descendant people's tenure rights » Strengthen Indigenous people's self-governance |
| Leverage rights | <ul style="list-style-type: none"> » Support government institutional capacity building and incentive programs » Deepen research and experience with community forest management |

COSTA RICA*

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| <p>Context: Costa Rica's legal framework supports recognition of Indigenous People's rights (in the Indigenous Law of 1977), their exclusive occupation of customary territories, and their ability to participate in the payment for ecosystem services program that encourages sustainable land use, but critical gaps remain, with Afro-descendant and peasant community rights not recognized under the existing regime, despite customary claims to an estimated 800,000 hectares. As a result, emerging concerns and opportunities in Costa Rica are different for Indigenous and non-Indigenous communities. A major concern for Indigenous Peoples and implementation of REDD+, and the exchange of carbon credits in particular, is incomplete consolidation of titling across many Indigenous lands due to widespread occupation by non-Indigenous landholders. Despite prohibitions in the Indigenous Law, non-Indigenous Peoples occupy 43 percent of land in Indigenous territories. In response to a formal request from the Inter-American Commission on Human Rights that the government of Costa Rica adopt measures to guarantee the life and personal integrity of Indigenous leaders and human rights defenders after violence and attacks against them, the Institute for Rural Development initiated the Indigenous Territories Recovery Plan in 2016, but this mechanism is limited in scope to development of case files, and follow-through by other institutions has been limited. The government's legal processes through the Institute for Rural Development and National Commission for Indigenous Affairs to expropriate land and compensate good-faith non-Indigenous landholders have been slow and inadequate in the face of the scale of the issue, and the effort will require many decades at the current level of resourcing from the government. Meanwhile, incomplete titling contributes to growing conflicts.</p> | |
| <p>Opportunities: Despite gaps and challenges, including these findings about Afro-descendant and peasant communities, Costa Rica's legal framework offers opportunities to improve and benefit from tenure security for IPLC communities. The highest-priority, and most challenging, opportunity is implementation of territorial regularization and efforts to recover Indigenous territorial lands from private non-Indigenous landholders. Implementation is necessary to meet the government's legal obligations under the Indigenous Law and to resolve the increasing degree of tenure insecurity and conflict. This process of recovery is in place and can be expanded, provided appropriate resources are available. A constraint on progress in recovery of Indigenous lands is the relatively low political and media profile of Indigenous Peoples in Costa Rica amidst growing violence and conflict. It is possible that growing violence and conflict will encourage broader public interest and in turn stimulate serious political interest in these issues, but as conservation is increasingly reframed as a social challenge involving IPLCs, Costa Rica's slow progress in resolving territorial regularization risks damaging its standing and credibility as a world leader in environmental protection and conservation. Other challenges include strengthening Indigenous People's technical and governance capacity, especially in protected areas and buffer zones. Indigenous Peoples have expressed that the recent forests as carbon stores does not represent their holistic view of land, resources, and local governance and may marginalize or exclude other resources and values. This is linked to Indigenous People's concerns that the emergence of parallel governance institutions for carbon rights are a step back from their vision and efforts to govern their land and resources. Along with strengthening and recognizing internal Indigenous governance systems, international and government actors must look beyond technocratic management aimed at reducing greenhouse gases and toward a more people-centered, integrative view of landscapes and resources. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Support policy dialogue and engagement on importance of the ITRP to the country and to Bank support » Develop medium-term strategy for implementation and financing of ITRP |
| Strengthen tenure | <ul style="list-style-type: none"> » Support implementation of ITRP » Raise public profile of Indigenous territorial issues » Strengthen Indigenous People's technical and governance capacity and support legal reforms to enable their participation |
| Leverage rights | <ul style="list-style-type: none"> » Commission a review of designated community areas to showcase benefits and the importance of community land management approaches » Support community forest management |

DOMINICAN REPUBLIC

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| <p>Context: Collective and customary tenure are not recognized in the Dominican Republic. The land tenure system makes accessing formal ownership rights difficult, and even when ownership is obtained, there may be a lack of legal rights over forest resources. There appear to be high levels of insecurity with regard to land rights and skepticism of government programs in the forest sector. In recent years, government programs have included local communities, although the programs are primarily plantation and reforestation programs, with NGOs serving as managers of forestation campaigns. There is lack of participation from and inclusion of local actors in the design of management plans, which can lead to limited and unequal access to benefits of local communities, which can be a source of conflict.</p> | |
| <p>Opportunities: Collective tenure is not recognized in the Dominican Republic, although there are at least two exceptions when NGOs supported collective ownership of plantation farming land. Therefore, opportunities for engaging and investing in the Dominican Republic to support local forest-dwelling communities are oriented toward strengthening private, individual tenure, including supporting ongoing initiatives of rural titling, advancing community participation and inclusion in REDD+ initiatives, and strengthening legislation for land use and resource rights. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Increase rural titling efforts to build on successful experiences |
| Strengthen tenure | <ul style="list-style-type: none"> » Promote application of existing legislation on land use and zoning change » Review and draft legal and administrative instruments to strengthen the legal framework regarding matters related to ownership of natural resources, land tenure, and forest ownership profit sharing derived from removal or storage of natural resources in forests |
| Leverage rights | <ul style="list-style-type: none"> » Community participation in REDD+ program. » Support participatory processes of the environmental and social management framework |

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| <p>Context: Indigenous Peoples in Guatemala have faced centuries of exclusion from their lands, including a recent Civil War (ended in 1996) that left more than 1 million people displaced, uneven access to land, highly concentrated land holdings, and widespread territorial conflicts. Nevertheless, the country has a strong tradition of communal forest management and several examples of highly successful initiatives with considerable conservation and livelihood outcomes. Forest concessions in the Petén of the Western Highlands allow communities to practice productive forest management and communal forest usage, which until recently produced most wood used in the domestic furniture industry while protecting critical watersheds. Recent decentralization of forest administrative responsibilities to municipalities presents opportunities and obstacles to Indigenous people's customary control of forests, with a range of experiences. Indigenous Peoples in Guatemala often hold legal title to the land they have traditionally occupied, having entered into agreements centuries ago to "buy" their lands and obtained legitimate titles to them, but over time and through illegal processes, these legitimate titles have often been "overwritten" by fraudulent titles, under which ownership of the land purportedly belongs to private parties or to municipal governments. In recent years, a significant number of Indigenous communities have taken legal action and obtained favorable rulings from the courts annulling the fraudulent titles and recognizing their lawful titles. Furthermore, a Constitutional Court ruling in 2016 established that the legal personality of titled Indigenous communities gives legal standing not only to the communities (including for purposes of accessing payments for environmental services), but also to their traditional leaders as legitimate government bodies within their own towns and communities.</p> | |
| <p>Opportunities: IPLC tenure opportunities in Guatemala are predominately focused on strengthening tenure for Indigenous Peoples and peasant communities. For government institutions that administer forests in Guatemala (National Forest Institute, National Council for Protected Areas), financial, staff, and technical resources are limited, which limits the reach of incentive programs and the ability to issue licenses and permits for forestry activities. In addition, municipalities are limited in capacity and resources, despite their key role in forest administration and supervision throughout the country. Forest concessions in the Petén, which achieve conservation and economic objectives for communities, are being renewed. Given that the concessions have come under repeated threat from outside interests, it is incumbent on decision makers and political actors to recognize the successes of this model by ensuring their renewal. National political will for legal reforms is lacking after several years in which national political processes have stalled. As such, high-level support for multi-stakeholder efforts to advance regularization of communal lands is lacking. Despite this, there are significant opportunities to support IPLCs' rights and benefits, such as enabling institutional actors (National Council for Protected Areas, Register of Cadastral Information) to implement their existing policies and responsibilities and supporting IPLC governance and their capacity to act beyond timber extraction to incorporate a holistic landscape approach to resource management and use. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Support renewal of community forest concessions in the Petén » Support Register of Cadastral Information in current and future projects and programs where IPLC lands are affected, to survey and certify Indigenous and communal lands |
| Strengthen tenure | <ul style="list-style-type: none"> » Strengthen local capacity (municipal and traditional governance structures) for natural resource administration and governance » Increase capacity of National Council for Protected Areas, National Forest Institute, and Communal and Municipal Forestry Strengthening Project to implement, support, and oversee decentralized and devolved natural resource management, conservation, and protection arrangements through communities and traditional governance systems » Support conflict resolution mechanisms and expansion of capacity for mediation of conflicts, especially for certification of communal lands |
| Leverage rights | <ul style="list-style-type: none"> » Support capitalization, building, and development of marketing opportunities for timber and nontimber forest product value chains » Help community forest enterprises enter into and participate in forest product value chains » Diversify community-based businesses beyond timber (tourism, nontimber forest product marketing, agroforestry, payment for ecosystem services) » Review community concession contracts to expand focus beyond timber to allow communities to pursue diverse opportunities from nontimber values of forests and forest land |

NB. Mexico is included in this study, however it is not currently one of the 15 member countries of the Carbon Fund.

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| <p>Context: The community forestry sector in Mexico is considered to be among the most advanced in the world. Thousands of communities have strong collective ownership rights to more than half of the country's land area and forests. In recent decades, an increasing number of forest communities have assumed significant control over their forests through their community forest enterprises. The capacity of communities, the quality of their forest resources, and the efficacy of their community forest enterprises in supporting local livelihoods vary widely across Mexico, and forests owned by communities are managed through institutional arrangements that vary from community to community. One challenge for communities in Mexico is to broaden economic inclusion. An additional challenge is that national political and government support for community forestry has dramatically declined in recent years, and the current administration has taken actions that limit support from CSOs that support community forestry.</p> | |
| <p>Opportunities: In general, community forest governance is strong, if uneven. Areas with stronger community governance tend to have fewer challenges from narco-traffickers (e.g., Oaxaca). Declining government support for community forestry is a serious setback, although it can be partially mitigated by re-enabling and investing in Mexico's robust civil society to support communities. Maintaining sensitivity to these traditional governance structures is critical to ensuring the continued success of these communities. Experts indicated that community decision makers would support investments and activities targeting those without rights to participation or to commons management, because these people are integrated into the families and communities of the community leaders who hold voting rights; thus the social and economic benefits are widespread, and all members share them. These investments must be sensitive to the specific interests and needs of communities, focus on leveraging already strong rights to increase benefits. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Broaden economic inclusion within communities by creating openings for women and youth within management roles and in associated forest enterprises |
| Strengthen tenure | <ul style="list-style-type: none"> » Revise community forestry rules and regulations; help the Secretariat of Environment and Natural Resources revise community forestry rules and regulations to improve forest management, encourage community forestry, and enhance economic opportunities » Address loopholes that permit privatization of community land in the National Agrarian Registry without full review |
| Leverage rights | <ul style="list-style-type: none"> » Support community forest management through technical trainings and long-term support to increase participation in service-provider and business roles within community forest enterprises (e.g., accounting, forest technicians, equipment operators and mechanics, tree fellers) » Provide grants and loans targeted at micro-enterprises and small businesses associated with community forest management, including expansion of agro-forestry and silvo-pastoral and nontimber forest products, especially for women-managed enterprises |

NB. Nicaragua is included in this study, however it is not currently one of the 15 member countries of the Carbon Fund.

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| <p>Context: Collectively governed and managed lands of IPLCs and Afro-descendants in Nicaragua are organized as territories that encompass almost one-third of the national territory. Lands of IPLCs and Afro-descendants are recognized in the Constitution and several major laws, although the law has not been fully implemented. Power has been decentralized to local and regional authorities because of demand for Indigenous political control over natural resources, after decades of central government concessions to private interests without sufficient input from Indigenous and Afro-descendant landowners. Governance of IPLC and Afro-descendant territories combines traditional institutions with state and territorial actors and institutions. Internal migration within Nicaragua from the Pacific and north-central regions into the Caribbean region (where IPLC and Afro-descendant territories predominate) has led many mestizo settlers, migrants, and sharecroppers (collectively called <i>terceros</i>) to settle in IPLC and Afro-descendant territories. The more recent migrants (since 1987) without clear title must sell improvements to IPLC and Afro-descendant communities and vacate unless a rental contract can be arranged with the community. In many cases, <i>terceros</i> outnumber Indigenous inhabitants of the IPLC and Afro-descendant territories, and as the growth of the <i>tercero</i> population increases, so does the risk of conflicts, including violence. IPLC and Afro-descendant leaders demand that the government resolve the problem and evict the settlers. This major conflict dominates the discourse around IPLC and Afro-descendant territorial rights in Nicaragua.</p> | |
| <p>Opportunities: In recent years, the government's capacity to respond to the growing <i>tercero</i> conflict on IPLC and Afro-descendant lands has diminished. The national economy has been in recession since 2018, and it is likely that it will shrink for the next several years, a situation that the ongoing COVID-19 crisis and the profound decline of the tourism industry has compounded. The devastating impacts of back-to-back category 4 and 5 hurricanes profoundly affected the Indigenous territories of the Caribbean coast. These economic constraints, accompanied by a reduction in lending by multilateral donors (World Bank, Inter-American Development Bank) has reduced Nicaragua's institutional capacity and taken focus away from resolving long-standing problems related to IPLC and Afro-descendant land and forest rights. Despite these constraints, there is potential to support longer-term resolution of the conflict by focusing on conflict resolution led by neutral trusted parties. Other opportunities are focused on strengthening indigenous governance to be able to consolidate and leverage rights to obtain benefits for Indigenous Peoples. Opportunities include:</p> | |
| Advance rights | » Address the <i>tercero</i> crisis of third-party occupation as a human rights and governance priority |
| Strengthen tenure | » Resolve conflicts over IPLC and Afro-descendant territories » Strengthen and administer mechanisms of third-party cohabitation in territories |
| Leverage rights | » Support IPLC and Afro-descendant capacity for forest management » Explore potential for collaboration with private sector investors |

NB. Peru is included in this study, however it is not currently one of the 15 member countries of the Carbon Fund.

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| <p>Context: Forty percent of deforestation in Peru occurs on lands without clear rights or ownership. Demand for recognition of rights by IPLCs is high, especially in the Amazon region. Decentralization laws have shifted responsibilities over land administration to regional governments that, after nearly two decades, lack sufficient capacity to perform this function effectively. As forest areas of Peru have become hosts of massive illegal commercial investment, encroachment, and questionable titling, resulting conflicts over natural resources have emerged, to the detriment of existing IPLC rights. Although high-level political will to control deforestation has often appeared strong in Peru, lack of intersectoral coordination and political turnover, which decreases local government capacity, has led to weak enforcement of territorial rights and environmental law in many areas. Encroachment on IPLCs' land occurs through overlapping concessions and allocations, unauthorized logging, and mining. In some cases, titling efforts for IPLCs' lands cannot proceed because of conflicts between forest, mining, hydrocarbon, and environmental interests. Donor investment in land administration and recognition has been strong at the national level in Peru, but many of the most challenging and contested cases in the forested areas are unresolved. Peru has a strong legal basis for and a long experience of village-level recognition of IPLCs' rights, but unsatisfactory results in which deforestation and mining is not well controlled and legally available rights to IPLCs are being recognized too slowly or deteriorating in practice has matched progress in some areas.</p> | |
| <p>Opportunities: Political will at the national level is sufficient to advance tenure security for IPLCs with a robust legal framework for recognition of community rights and well-resourced land administration programs. Resistance to Indigenous rights is not an obstacle overall (outside of hotspots where mining and hydrocarbon interests dominate), and CSO capacity is high. Local governments are required to play major roles in recognition of IPLCs, but they face high turnover and low capacity, so finding ways to strengthen local government capacity is a key area for development. One notable opportunity is to support communities that have title to land so that they can benefit from that legal recognition by increasing capacity for benefit sharing and community forest management.</p> | |
| Advance rights | » Expand successful models of recognition of Indigenous Peoples (e.g., Loreto program for titling of Indigenous territories) |
| Strengthen tenure | <ul style="list-style-type: none"> » Increase institutional capacity, focusing on long-term capacity building with municipal and regional governments, bottlenecks in the titling process, and training programs to ensure sufficient human resources and technical capacity » Improve coordination between land and natural resource sectors (e.g., mining, forests, hydrocarbons) » Clarify legal entity of communities seeking land rights » Build capacity for public community consultations » Strengthen land information databases |
| Leverage rights | » Support communities with secure tenure: Improve benefit sharing for communities working with other natural resource sectors (e.g., mining, hydrocarbons), support maintenance of land and natural resource sectoral documentation for communities, support sustainable forest management and community forest enterprises |

FIJI

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| <p>Context: Indigenous Peoples (<i>iTaukei</i>) already own the vast majority of land and forests in Fiji, and customary governance is strong and functions with significant implementation capacity. Ownership is based on a strong legal framework, and rights are clearly defined, with complete registration of lands throughout the country. The customary governance system plays a significant role in the daily lives of Indigenous Peoples. In Fiji, those who own the land own the forests on them. Individuals generally do not hold land titles in Fiji, which are instead vested in a traditional landholding group, the <i>Mataqali</i>, roughly equivalent to a tribal group, of which several make up a village. The <i>iTaukei</i> Land Trust Board controls Indigenous people's lands and grants leases and licenses for various purposes with the approval of members of the board. All dealings on <i>iTaukei</i> land, including with forests, requires the approval of the <i>iTaukei</i> Land Trust Board. Roles and responsibilities of the customary governance system are well established, although the government's roles are not well understood by all sectors and society, and the government lacks capacity to implement existing policies and regulations related to natural resources. Additionally, the dominant leasing arrangement on forestlands results in long-term degradation of the resources and discourages investment and sustainability. A notable weakness of equitable tenure security in Fiji relates to the role of women in decision making. Although women have equal rights to ownership of customary land, men tend to hold most positions of power, and women lack access to credit and markets that would enable their participation in community-based forest enterprises.</p> | |
| <p>Opportunities: There are several possible ways that the collective tenure regime in Fiji can be strengthened by encouraging private investment in forests to provide benefits to owners and increase social equitability. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Review leasing model for forest lands » Increase women's role in land trust management |
| Strengthen tenure | <ul style="list-style-type: none"> » Increase institutional capacity » Advance the 2016 Forest Bill |
| Leverage rights | <ul style="list-style-type: none"> » Increase women's participation in forest management |

Context: More than 120 million hectares of forestland make Indonesia the third largest area of tropical forest in the world and home to 10 percent of global species. Management of forests in Indonesia faces many challenges because of competing interests from plantation agriculture, mining, and urban sectors, resulting in a complex land tenure history with overlapping rights and a deep public–private divide that separates forestlands (per “public-private” divide¹¹). from other private lands regardless of the actual or historical facts of occupation and use. As such, all lands in Indonesia fall into the forest zone (*kawasan hutan*), which the Ministry of Forestry administers, and covers some 70 percent of the land area; and nonforest areas, which the National Land Agency administers and cover public and private land designated for other purposes, 30 percent of which is formally titled (as privately owned land). Consequently, forest agencies consider Indigenous community villages to be within state forest land, whereas Indigenous people consider state forest lands to be within their villages. Across Indonesia, some 32,000 villages are located within and around public forest zones¹², and according to the Indigenous Peoples Alliance of the Archipelago, these village areas cover at least 86 million hectares of forest, of which 40 million hectares is eligible for recognition as areas of customary use. As the Ministry of Forestry has made functional allocations of this forest zone over time, from production forests managed by extractive industries to conservation forests managed by the national parks, inhabitants of those villages have faced problematic situations and a variety of socio-ecological and gender injustices (*Gnych et al. 2020*). Based on historical occupation and use of land, customary land rights are fairly well established, but legal recognition of such rights is contentious for the most part. Although the Constitutional Court recognized the principle of customary village collective forest land in 2013, progress has been slow.

Opportunities: Although progress on recognition of collective forest tenure is slow, political will to address the problems of the forest sector is growing, as evidenced by the Presidential Instruction 86/2018 to accelerate re-allocation of land to the poor; Presidential Instruction 5/2019 for a permanent ban on licenses in primary forests and peatlands, and Government Regulation 45/2017 for peoples’ participation in regional governance.

Development of progressive legislation at the central level (e.g., Land Bill), modernized concepts and definitions for traditional tenure land and communal land, and progressive modification of the Agrarian Reform Law and Forestry Law that could bind the ministries of the environment and forest together in a single, co-executing role of supporting efforts to advance rights. Although such advances have been thwarted in the past, new opportunities for specific legislative reforms are emerging within Indonesia’s rapidly changing political economy.

At the level of strengthening and consolidating collective tenure, prospects for advancing participatory planning and mapping approaches could lead to rights recognition and greater local capacity for enhanced decision making. To this end, village boundary-setting and resource-mapping could facilitate recognition of IPLC forest lands as part of a village-level administrative and land-use planning exercise. All of the country’s 75,000 villages are supposed to have boundaries mapped according to requirements of the Ministry of Home Affairs, and the maps are included in regional land-use plans and One Map coverage. Social forestry initiatives and other initiatives such as the joint effort by the Tenure Facility, Alliance of Indigenous Peoples of the Archipelago, and a consortium of farmers to “accelerate agrarian reform and recognition of Indigenous territory in Indonesia” aims to achieve legal recognition of 2 million hectares of IPLC lands using participatory methods also demonstrate the opportunity to expand inclusive community-led approaches to recognizing collective forest rights. Opportunities include:

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| Advance rights | <p>National level</p> <ul style="list-style-type: none"> » Promote and support legislation to clarify collective forest tenure rights and updated land bill to expand scope of agrarian reform and community land recognition » Advance One Map; improve governance and increase data transparency, access by the public and affected peoples, and data sourcing and protocols for incorporation of Network for Participatory Mapping and Ancestral Domain Registration Agency mapping » Support high-level policy dialogue and analysis (e.g., to evaluate direct and indirect costs of agrarian land conflicts, impacts on doing business, and recommendations and strategy to resolve) <p>Subnational level</p> <ul style="list-style-type: none"> » Accelerate recognition of IPLC customary land rights claims, including support for participatory mapping and demarcation of customary territory (especially in and around commercial concessions) » Strengthen formal and informal conflict resolution mechanisms, especially between traditional communities and concessions » Support CSO and Indigenous Peoples’ organization efforts to enact progressive legislation at the central level, such as updated versions of the land bill and modernized concepts and definitions for traditional tenure land and communal land, as well as progressive modification of the agrarian reform and forestry laws |
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11 The “private-public” divide refers to the fact that the country’s land is administered in two separate systems.

12 <https://www.forestpeoples.org/en/topics/legal-human-rights/publication/2016/indonesian-human-rights-commission-s-national-inquiry-ind>

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| Strengthen tenure | <ul style="list-style-type: none"> » Improve land administration at the municipal (sub-provincial) level, including testing new institutional arrangements to increase efficiency and recognition of IPLC land and forest rights » Increase local government capacity and village-level sustainable development planning through village boundary setting, resource mapping, and community mapping » Support FPIC processes in administrative land-use decision making at all levels » Support IPLC participatory land-use planning, including long-term vision for guiding land-use management, and development of subplans for forest rehabilitation, village conservation areas, and livelihood displacement mitigation as relevant » Increase women's awareness of their rights, address barriers to inclusion, strengthen implementation of women's rights in law |
| Leverage rights | <ul style="list-style-type: none"> » Focus on development of alternative livelihoods (also addresses deforestation linked to agricultural encroachment) » Support social forestry and village development programs » Support community forest concessions » Engage private sector to promote community co-management of private sector activities as business strategy (in particular, mitigate financial and reputational risks from land and resource tenure conflicts) |

LAO PEOPLE'S DEMOCRATIC REPUBLIC

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| <p>Context: The state owns all land and forests in Lao PDR. Communities secure de facto use rights through village land use plans, the methodologies for which have evolved over several decades of donor and government initiatives and have resulted in varied levels of implementation in thousands of villages. Despite recent legal reforms in the forest and land sectors and the potential of village land-use plans to document and clarify use rights for communities, significant incoherence related to the different definitions of land and forest use and tenure remains, and the revised laws have yet to be operationalized through development of procedures and regulations. As conditions for plantation investments improve throughout the country, the need for publicly accessible, enforceable village forest boundaries becomes all the more pressing to minimize the significant potential for villages to lose rights. Although the legal framework recognizes village customary rights, limited land-use planning by the state exposes these lands to expropriation or allocation without compensation. Government institutions related to village land-use plans are relatively new, and although staffing may be sufficient at higher levels (provincial and above), critical gaps remain at the district level, which in turn limits expansion and implementation of land and forest tenure security. At the same time, there is a wealth of traditional knowledge and governance systems for land and forest management that the government and government programs largely (if not completely) ignore. Given the major institutional weaknesses on the part of government, the potential for such traditional systems to provide a foundation and installed capacity for improving forest and land governance and management should be recognized and the potential for capitalizing upon it defined. Unfortunately, little is known about the extent and capacity of the remaining traditional systems because of the lack of attention paid to these over the last three decades of support to the forest sector.</p> | |
| <p>Opportunities: With a weak government-controlled civil society and chronically under-resourced and under-staffed government personnel and institutions, expansion of rights for communities over forests and land requires significant support. External donor- and government-led initiatives aimed at strengthening rights through village-level land-use planning have shown positive results, with potential for further gains. Clarifying and demarcating village boundaries, forest area boundaries, and natural resource management planning using multi-stakeholder processes is a clear path forward in Laos, as is assessing and capitalizing upon existing traditional knowledge and systems for land and forest governance. Opportunities can focus on increasing the consistency and compatibility of approaches and procedures for village land-use planning rights while building in sufficient flexibility to allow space for traditional local knowledge to inform and improve the process. Also of clear importance is the need for ongoing efforts to increase the technical capacity of government partners hindered by budgetary and personnel limitations, build the capacities of local communities, and capitalize on traditional local knowledge systems. This will also require simplification of regulations and development of fit-for-purpose approaches to forest management and regulation to allow communities to benefit economically from sustainable forest management. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Consider suggested revisions to the Land Law that would clarify regulatory framework on recognition of customary tenure » Consider suggested guidelines on recognition and protection of customary land rights, including individual and communal land delimitation, adjudication, registration, and titling |
| Strengthen tenure | <ul style="list-style-type: none"> » Include all natural resource management sectors in multi-stakeholder process of regional land-use planning » Clarify village land areas (including forest and fallows) in systematic consultations to incorporate traditional knowledge and management systems and participatory demarcation » Expand and strengthen village land-use planning » Strengthen court procedures and conflict-resolution mechanisms » Document and recognize customary natural resource management knowledge and systems |
| Leverage rights | <ul style="list-style-type: none"> » Strengthen community forest management and governance capacity via training that builds on traditional governance and natural resource knowledge and management systems and enables sustainable forest management and community forest-based enterprises » Provide micro-loans or other direct investments in community forest enterprises |

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| <p>Context: Over the past 40 years, Nepal has shown that transferring forest rights and responsibilities to community-based forest user groups can support conservation-related goals; 22,266 community forest user groups, which include many poor households benefiting from allocations within community forests for nontimber forest products, manage more than 2 million hectares of Nepal's forests. The most important and widespread type of collective tenure is community forests, where division forest officers give use and access rights to areas of national forest after they approve of a community forest operational plan. Despite this broad allocation of use rights to communities, significant livelihood benefits from forest resources have not materialized for most of the rural population. Forest policy and regulation, which have been oriented toward forest conservation and subsistence usage, constitute formal barriers that make it difficult for communities to meet legal requirements for formulating plans for managing, harvesting, transporting, processing, and selling timber. The limited capacity of government officials to implement the regulations (exacerbated by ongoing decentralization), which in turn creates additional costs for communities to harvest timber, compounds the situation. Informal barriers exist as well, such as corruption and elite capture, and are also identified as serious challenges for community forest user groups. The barriers and resulting high transaction costs limit the potential of sustainable forest management to reduce poverty. Social benefits from the forest sector are also highly uneven. Women's participation is extremely limited in forest policy decision making, institutions, and forest-related skilled work.</p> | |
| <p>Opportunities: Donors must consider opportunities that increase the profitability of community forests for user groups. Investment potential and specific investments in this area will differ based on the capacity of specific user groups, provincial and local government capacity for forest management, and quality of forest resources. In some cases, forests are mature and in need of thinning to maintain productivity, and access to finance is a constraint on many user groups investing in value addition. Possible actions include use of the state restructuring process to expand the commercial scope of community forestry and improve its governance; capacity building and training for government officials and technical staff related to forest management and supporting community forest user groups to develop operational plans that reflect the needs and capacities of the community; capacity building and training of community forest user groups on technical forest management (forest technicians supporting forest inventory activities) and development and updating of appropriate operational plans and relevant forest-sector regulations; and support to forest-based community enterprises to stimulate demand and a strong market (domestic and international) for value-added forest products, an essential part of realizing economic benefits from expanded supply. In addition, the well-tested use rights-based regime in Nepal can be expanded to new areas of the country, and these rights can be strengthened by influencing operationalization of the Forest Act (2019) as rules, regulations, and guidelines are developed at the provincial and local levels. Drafting of these implementation guidelines over the coming months provides a unique opportunity to make regulatory changes that can enhance tenure security and encourage investment. Opportunities include:</p> | |
| Advance rights | <ul style="list-style-type: none"> » Extend forest use rights to more communities based on the Forest Act (2019) » Map and demarcate community land and forests, increasing local capacity to obtain rights and develop operational plans |
| Strengthen tenure | <ul style="list-style-type: none"> » Improve governance and influence community forestry policies and legal provisions » Influence rules, regulations, and guidelines being developed from the Forestry Act (2019) to strengthen collective rights and align with government poverty reduction goals |
| Leverage rights | <ul style="list-style-type: none"> » Increase local capacity for sustainable forest management by revising and updating operational plans and processing and marketing forest products |

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| <p>Context: The constitution of Vietnam establishes that all lands and natural resources are public property. The constitution and the Land Law (2013) recognize the right of organizations and individuals to be assigned or leased land and to have the state recognize their land-use rights. Land users have the right to transfer their rights to others in accordance with the Land Law (2013). Accordingly, households' rights to allocated agricultural and residential land are legally recognized and subject to compensation in the event of appropriation by the state. The Forestry Law (2017) provides for allowable exploitation of all three forest types (special use, protection, production) and receipt of compensation as providers of forest ecosystem services.</p> <p>There is neither constitutional nor legal recognition of the customary land or rights of the country's 54 ethnic groups. Although the 2017 Forest Law recognizes religious and customary forests and the need to respect them, only 7.8 percent of forest lands were allocated to communities in 2016.</p> <p>The poorest communities, particularly ethnic groups, depend the most on forest resources. Strengthening their rights over land and forest is thus key to forest management and poverty reduction. There are significant gaps between policies aimed at ensuring access rights and livelihoods of ethnic groups and actual practice. State forest enterprises, which manage large areas, tend to reallocate holdings to private companies instead of individuals.</p> <p>Women are frequently disadvantaged in access to and control over forest resources. Although Vietnam has developed various laws and policies to promote women's rights, the poor and women are still structurally disadvantaged in terms of access to land, forestry policies, and participation in REDD+ processes.</p> <p>The focus on individuals and households in forest- and land-use allocation has substantially weakened collective, customary land management. In theory, communities can receive collective land-use rights certificates, but this confers no formal governance powers, such as deciding about land-use classification or pursuing sustainable forest management initiatives.</p> | |
| <p>Opportunities: The adaptive collaborative management approach, with its local, multi-stakeholder forest management councils, offers a promising strategy to address ethnic groups' forest and land tenure challenges and provide for effective representation of local communities in forest management decision making and resolution of land disputes. Its implementation is seen as an opportunity to resolve forest boundary questions and rights, clarify benefit sharing, strengthen community rights, and facilitate investment in livelihood activities.</p> <p>There is likewise a need to strengthen the application of FPIC processes. The opportunity that the 2017 Forest Law provides, which, among other things, prioritizes peoples and communities who have customs, traditions, culture, beliefs, and traditions attached to forests, is potentially enormous for securing customary, collective forest rights of ethnic minorities. To take full advantage of this opportunity, the FPIC process will be critical. Certain gaps in policy, capacity, technical know-how, and financing likewise must be addressed for REDD+ and other related initiatives. These include strengthening legislation to overcome community-level uncertainties over the long-term benefits of sustained investment in forests and forest lands, enhancing recognition of customary tenure, accelerating access to state-controlled forest lands, identifying critical community forests in the Northern Mountains and Central Highlands, improving land dispute resolution, defining and promoting customary tenure rights, and developing capacities and tools for collective forest management systems.</p> <p>The ERPA provides opportunities to support the opportunities noted above. The World Bank's policy dialogue and the potential for Analytical and Advisory Assistance around review and drafting of the new Land Law being considered for 2023 would be high-value opportunities for advancing customary land rights. Opportunities include:</p> | |
| Advance rights | <p>National level</p> <ul style="list-style-type: none"> » Support development of new 2023 Land Law with added focus on ethnic minorities and customary, collective land rights to strengthen customary tenure, and removing uncertainties by providing long-term security for forest investments » Support development of decree for implementation of 2017 Forest Law's positive elements supportive of ethnic minorities' customary, collective tenure <p>Provincial level</p> <ul style="list-style-type: none"> » Support replication and expansion of adaptive collaborative management approach and forest management contracts in Northern Mountains, North Central (ERPA provinces), and Central Highlands with priority given to ethnic minorities » Accelerate access to forest lands controlled by state forest corporations and forest management boards |

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| Strengthen tenure | <p>National level</p> <ul style="list-style-type: none"> » Structured learning and systematic piloting of adaptive collaborative management approach and forest management contracts and collective forest land allocation arrangements <p>Provincial level</p> <ul style="list-style-type: none"> » Support strategy development to prioritize and address ethnic minority forest and land tenure issues and resolution of land and forest conflicts » Support land dispute resolution between state forest corporations and ethnic minority communities » Document and map customary tenure systems and traditional forest management governance systems » Develop and test models of traditional forest management and governance » Pilot activities to strengthen communities in management of communal land and natural resources in accordance with customary tenure rules » Build capacity for and strengthen approaches to FPIC |
| Leverage rights | <p>National level</p> <ul style="list-style-type: none"> » Simplify regulations for productive community forest land and resource management » Clarify community forest management guidelines and rights to and benefits from forest products » Develop ethnic minority-positive policy on nontimber forest products » Reform taxation of forest products to encourage legality and improve management <p>Provincial level</p> <ul style="list-style-type: none"> » Support policy dialogue on importance of accessing FCPF and REDD+ and meeting government forestry goals (protection, production) » Evaluate potential and options for aligning public incentives (e.g., payment for environmental services, tenure security, social and rural development programs) in support of community forest management, adaptive collaborative management approach, forest management contract » Build awareness and educate communities on rights after land allocation, ensure land-use rights certificates are issued, provide support for local management of forest land |

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