RIGHTS FROM THE START: WHY COMMUNITY LAND TENURE MATTERS TO MITIGATION OUTCOMES

2024 World Bank Land Conference

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Chair and moderator:

- **Pablo Mis,** Advisor, Board for the United Nations Voluntary Fund for Indigenous Peoples

Presenters:

- **Malcolm Childress** Land Specialist and Executive Director, Global Land Alliance
- **Celina Salcedo-La Viña,** Senior Associate at the World Resources Institute's Land and Resource Rights Initiative and Gender Equity Practice (WRI)
- **Rocio Escudero,** Project director of the Quechua Indigenous People's CONAP
- **Asyl Undeland,** Senior Social Development Specialist and Fund Manager of EnABLE

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Collective Forest Rights of Indigenous and Local Peoples as Basis for Climate Action

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The Main Forest Carbon Areas of the Planet Are Occupied by Communities with Weak Property Rights

Figure 1: Tenure security and carbon biomass density, from Bruce et al., 2010.
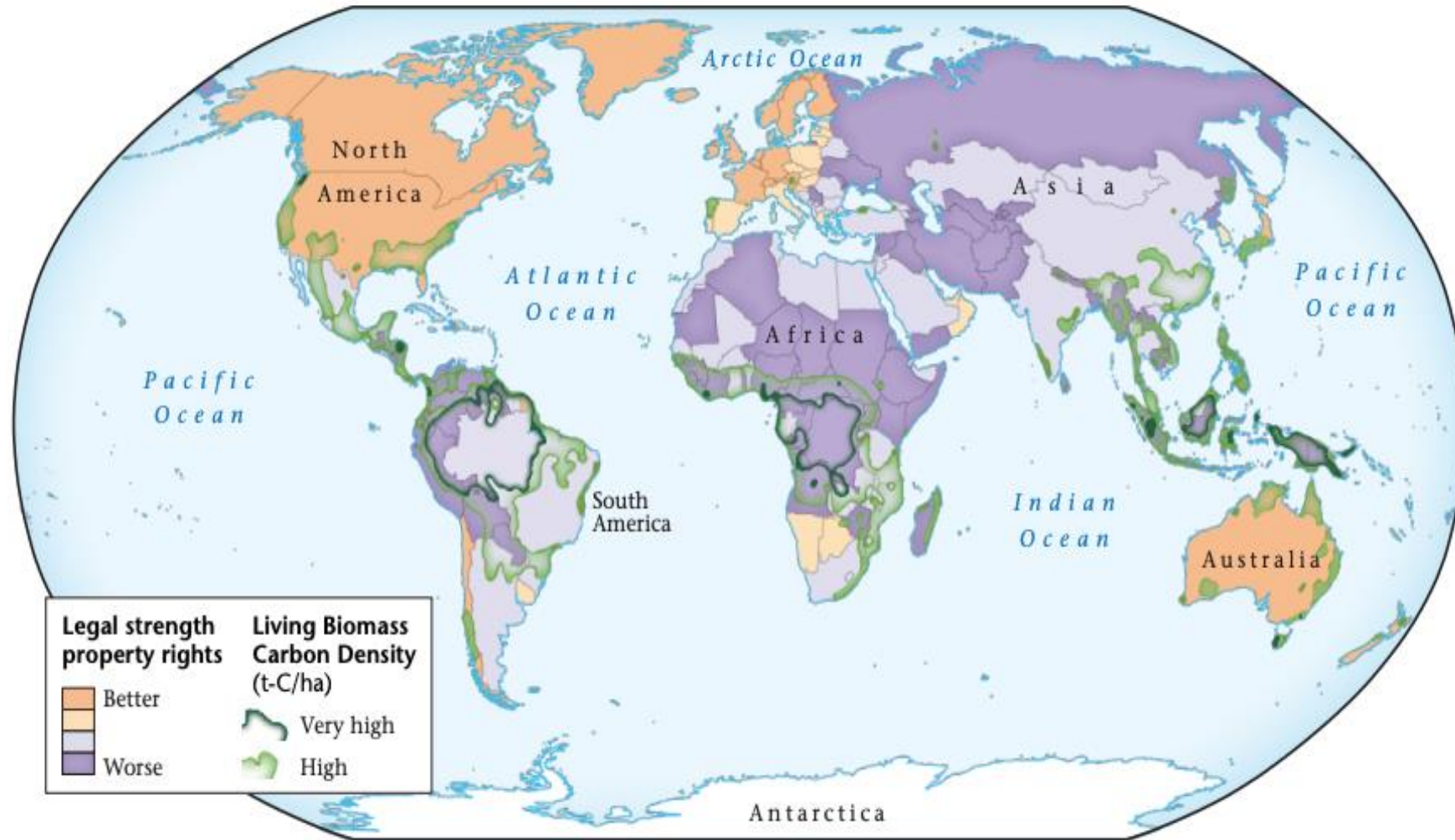
The Prevalence of Indigenous Peoples' and Local Community Lands in the Forest Areas of Latin America, Africa and Asia/Pacific
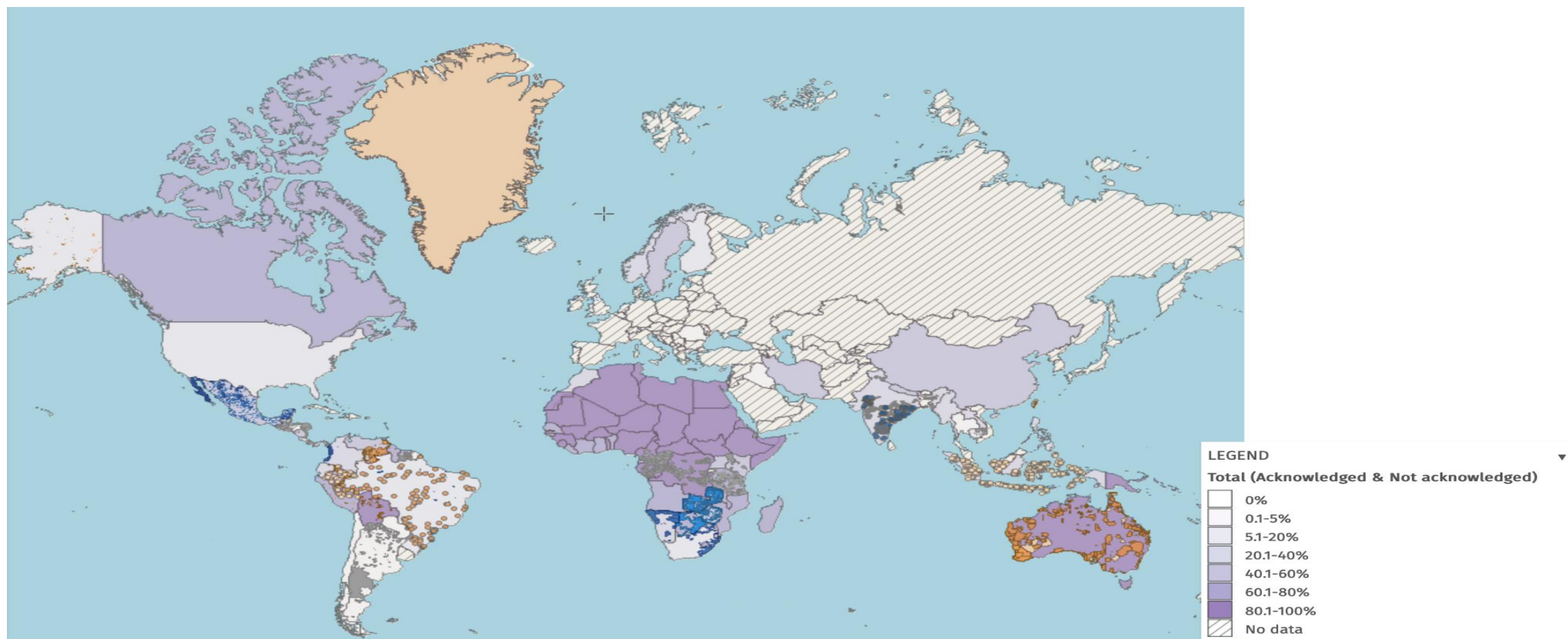
Source: (www.landmarkmap.org) The degree of shading is based on the percentage of a country's land that is in the hands of communities (including Indigenous Peoples).[1

Indigenous Peoples' Land Overlap the Intact Forest Landscapes of Latin America, Africa and Asia/Pacific
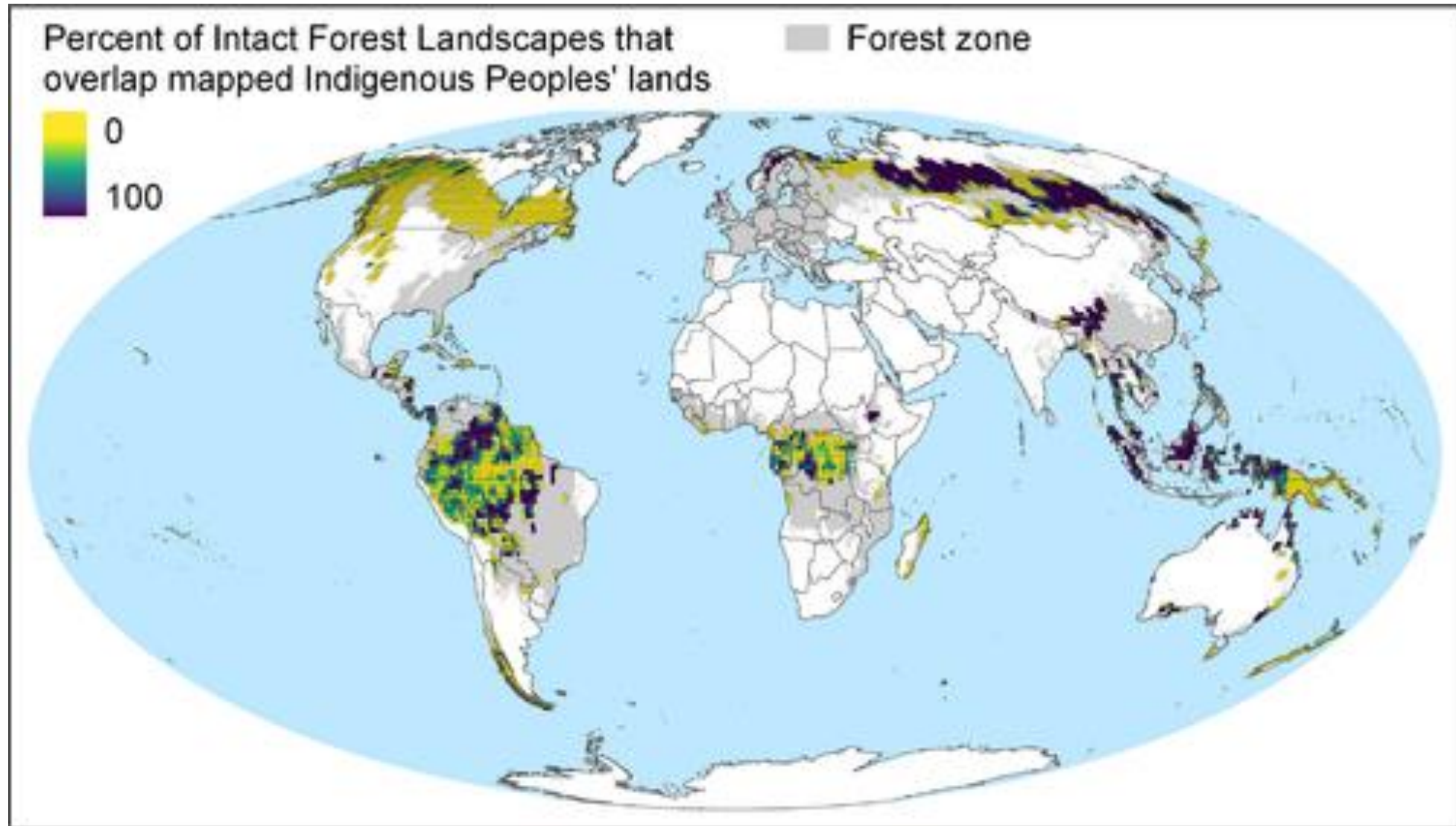
Source: Fa, et.al., 2020

Indigenous Areas of Latin America as a Basis for Climate Action

Source: WRI
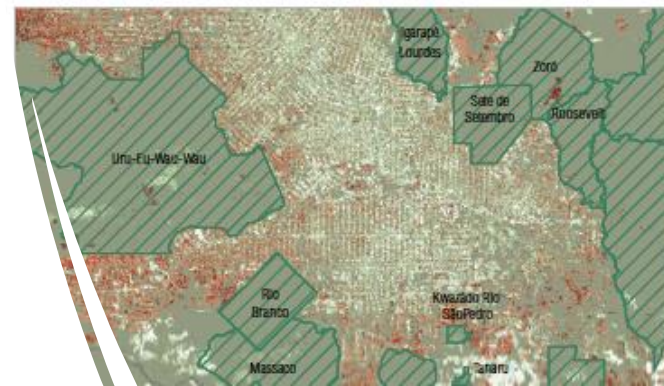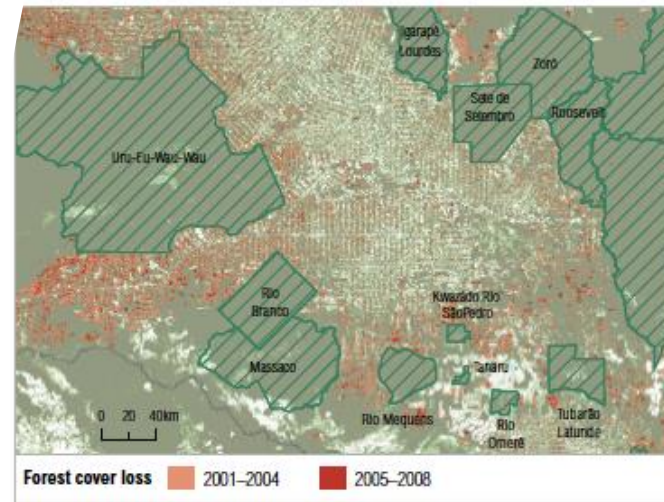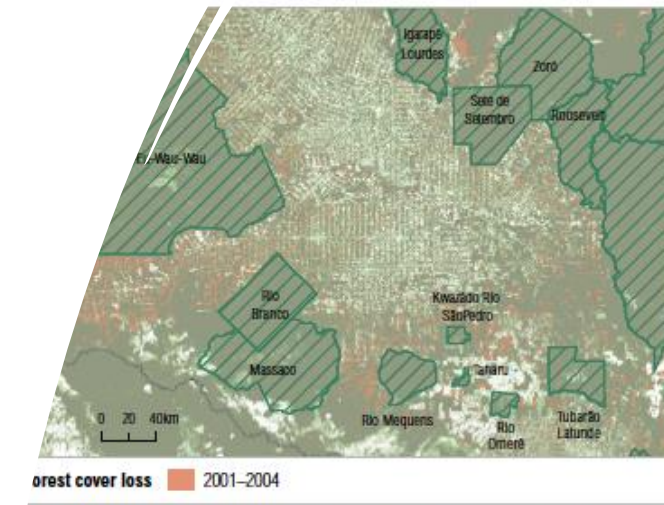
Indigenous Areas of Latin America as a Basis for Climate Action—What needs to be done

- Strengthening communal territorial rights.
- Compensating indigenous and tribal communities for environmental services.
- Facilitating community forest management.
- Revitalizing traditional cultures and knowledge.
- Strengthening territorial governance and indigenous and tribalorganizations.

Collective tenure constitutes the ultimate basis for ownership, control and use of most forest landscapes in Africa.

Photo: Gerardo Segura-Warnholtz
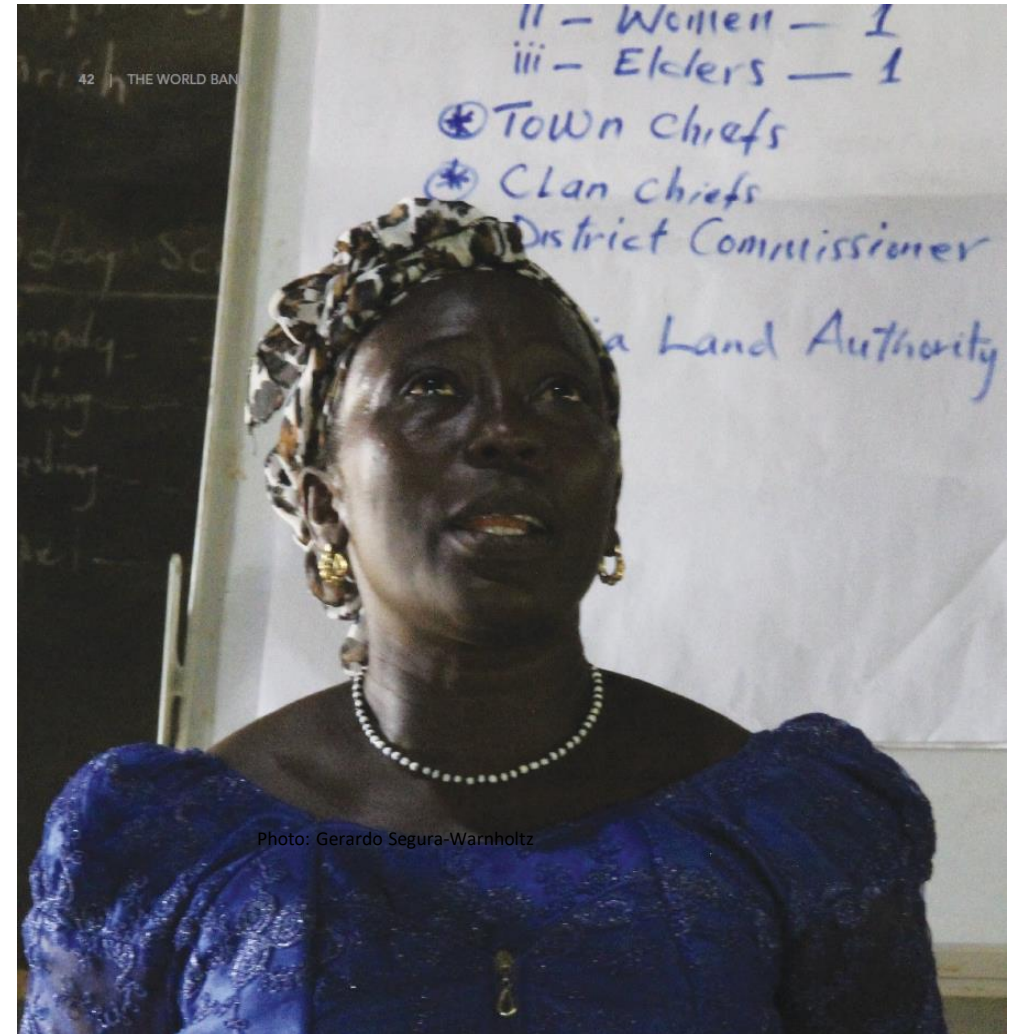
Recognition of collective rights to forest land and trees is the basis for triple wins (environment, livelihoods, equity) in forest management, but other factors must also be in place

- Secure rights to trees and land (e.g. property rights);
- Supportive governments;
- Material benefits for community members;
- Community governance; and
- Gender and socio-economic equality within communities

A three-phase process for investment to support climate action in African forests

- Invest in Rights;

- Invest in Capacity;

- Invest in Forest Enterprises

See Gnych, et.al., 2020

Conclusion and Call to Action: Centering recognition of forest rights for climate action

- Reconcile the contradiction between *de jure* state rights and *de facto* indigenous and customary rights.

- Center tenure security is the basis for sustainable stewardship of forests for climate mitigation and adaptation programs.

- Failure to establish secure rights at the community level prevents the incentives of long-term stewardship from emerging at scale in Latin America, Africa

- This contradiction means that both state-supported actors and communities are incentivized towards short-terms extraction.

Photo: Gerardo Segura-Warnholtz

Thanks for your interest!

Malcolm Childress

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GLOBAL LAND ALLIANCE

SUSTAINABLE PROSPERITY FOR PEOPLE & PLACES

CLIMATE ACTION & GENDER
Potential Risks to Women's Land Rights in Matrilineal Tenure Systems & Ways to Address Them

Celina Salcedo-La Viña, Land & Resource Rights Initiative

CONTEXT

- Climate Action: actions or initiatives to combat climate change and its impacts (SDG 13).

- Matrilineal societies: societies in which kinship or lineage is traced from the maternal line and ancestral land is transmitted from mother to daughter.

- Land tenure systems are gendered hence risks and opportunities of climate will be experienced differently by women and men.

- In matrilineal communities, women's land rights have strong social legitimacy, hence risks may be higher.

- Communities studied: Wayúu in Colombia, Bribri in Costa Rica, Guna in Panama.

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COLOMBIA – WAYÚU

Ancestral territory: *resguardos indígenas* in La Guajira, northernmost department of Colombia, live in settlements called *rancherias*.

Governance: parallel institutions - decentralized ancestral leadership based on clans (*alaula, palabrero*) & state-recognized traditional authorities

Climate Action: Wind Park development, Renewable Energy Strategy
- La Guajira has powerful trade winds year-round, with wind speeds double the global average (9 m/s)
- 48 wind park projects in various stages of development , 2 operational
- Decentralized consultations, no state guidelines for negotiations and benefit sharing, poverty context

Status: Many projects are delayed due to conflict

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COLOMBIA – WAYÚU

Land loss

Uprooting to make way for wind farm
- Displacement due to intra and inter-clan conflict
- Enough land may not be available elsewhere, or governed by statutory systems that privilege individual titling
- Women are less able to purchase land on their own

Livelihoods disruption
- Territorial fragmentation can disrupt heritage practices such as pastoralism

Cultural erosion
- Daughters/descendants of uprooted, displaced families moved out of matrilineal system
- Loss of political & cultural autonomy over landscapes
- Territorial fragmentation can hinder preservation of traditions

COSTA RICA: BRIBRI

Ancestral Territory: *Reserva Indígena de* Talamanca
- densely forested region, with protected areas
- half occupied by non-Indigenous settlers

Governance: Integral Development Associations serve as local government

Climate Action: REDD+
- Costa Rica is a UN-REDD partner country
- Cultural Mediators Program
- 5 Priority Themes in Indigenous reserves
  - land tenure security and restitution

Status: Ongoing negotiations
- Bribri awaits action on priority themes
- Negotiating 2 additional themes: gender and tourism

Photo: Maria Hass https://mariahaas.at/project/die-bribri-2/

COSTA RICA: BRIBRI

Land loss
- Risk of ADI bypassing matrilineal clans in favor of other criteria
- ADI holding title as REDD+ signatory

Livelihoods disruption
- Forest uses and traditional livelihoods replaced by conservation and carbon offsets

Cultural erosion
- Shift from matrilineal ownership to other forms (patrilineal, private collective)
- Intergenerational impacts – daughters moved out of the matrilineal system
- Loss of political & cultural autonomy over landscapes
- Indigenous cosmology replaced by market logic

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Mitigating Risks

FPIC

- Consistent with international standards (ILO 169 & UNDRIP)
- Respects ancestral authorities

Land

- Restitution consistent with matrilineal tenure system
- Compensation & benefits account for cultural features (matriliny)

Regulations

- Address regulatory gaps
- Implement measures to fulfill consultation agreement

Gender

- Support Indigenous women's organizations
- Address gender-based violence

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Thank you!

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DE LA ESPERANZA A LA REALIDAD

"Experiencias promoviendo la seguridad territorial, la economía indígena y la conservación de los recursos naturales – MDE SAWETO MEMORIA VIVA"

MDE SAWETO PERÚ MEMORIA VIVA

✓ El proyecto MDE Saweto fue un proyecto de los pueblos indígenas y para los pueblos indígenas. Fue diseñado, liderado y ejecutado por los pueblos indígenas. Dos organizaciones Amazónicas mas grandes en el Perú decidieron unirse.

✓ El proyecto fue basada en la agenda de los pueblos indígenas y acciones directas en el territorio, fue no negociable: 1) Seguridad Jurídica de los territorios y 2) Fortalecimiento de las actividades productivos con fines de seguridad alimentaria y negocios.

✓ Los pueblos indígenas amazónicos del Perú han luchado desde siempre por esa aspiración y reconocimiento, lucha que ha cobrado la vida de varios líderes. Después de 20 años se inicio un proceso de titulación.

✓ Para la ejecución del proyecto se estableció una estructura de gobernanza clara

| Nivel Orientación	Comité Directivo Global	Ejecutar Global	Nivel Coordinación
Nivel Decisorio	CDN: CONAP y AIDESEP		
Nivel Técnico	AGENCIA NACIONAL EJECUTORA WWF PERÚ		
Nivel Implementación	9 Regionales de CONAP 9 Regionales de AIDESEP		
	Comunidades Nativas		

RETOS

El proceso no fue sencillo, hubo que enfrentar grandes retos:

✓ Conflictos por constantes cambios de gobierno a nivel nacional.

✓ Alta rotación de funcionarios públicos de los Gobiernos Regionales.

✓ Limitado recursos para fortalecimiento organizacional y crear condiciones habilitantes para el arranque del proyecto.

✓ Débil capacidades en los funcionarios de gobierno.

✓ Alta burocracia en los procedimientos para reconocer y titular.

✓ Insuficientes normativas para procesos de reconocimiento y titulación.

✓ Insuficiente logística para los procesos de titulación.

✓ Débil capacidades desarrolladas de las organizaciones para implementación

✓ Pandemia durante la ejecución y cierre del proyecto.

LOGROS MDE SAWETO PERÚ MEMORIA VIVA
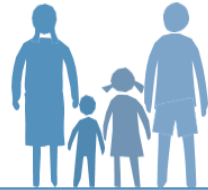
10.600 Familias
560 Comunidades
30 Pueblos indígenas

230,239 hectáreas tituladas

Implementación de emprendimientos productivos

44 Emprendimientos en general
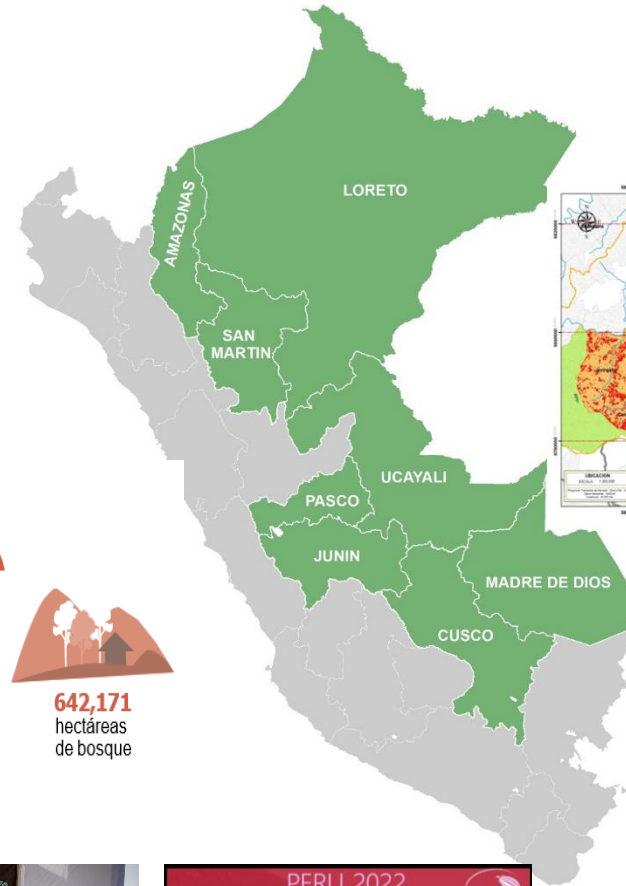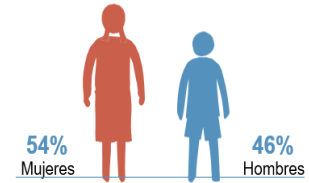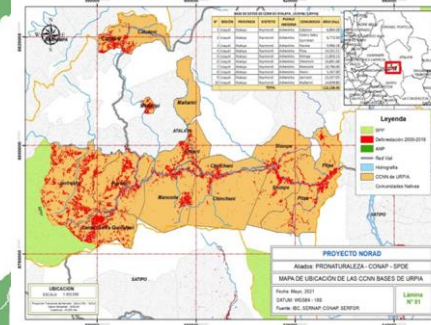**16** Emprendimientos de mujeres

+26,000 habitantes
119 comunidades indígenas
642,171 hectáreas de bosque
5,282 familias

LORETO
AMAZONAS
SAN MARTIN
UCAYALI
PASCO
JUNIN
MADRE DE DIOS
CUSCO

54% Mujeres
46% Hombres

LOGROS MDE SAWETO PERÚ MEMORIA VIVA

✓ Fortalecimiento de las organizaciones indígenas.

✓ Alianzas con los gobiernos regionales. Se trabajo de la mano y de forma planificada con el gobierno.

✓ Se simplificaron procedimientos (logrando reducir el tiempo que toma reconocer a las comunidades indígenas a una décima parte).

✓ las organizaciones indígenas de la Amazonía han demostrado que pueden ejercer el rol de liderazgo como implementadores y han sentado un precedente de cómo funciona en la práctica un rol ejecutivo con gobernanza y autonomía indígena.

✓ Desarrollo de habilidades de gestión, negociación y concertación

✓ 4 Normas legales para simplificar el proceso de titulación de tierras

✓ Impulso de la economía sostenible, colectiva, recíproca y solidaria, desarrollada en el marco de la gobernanza indígena, buscando el bien colectivo.

✓ Fortalecer los emprendimientos indígenas liderados por mujeres.

✓ Escalar estas acciones a otros ámbitos del territorio de la Amazonía.

"APOSTEMOS A QUE ORGANIZACIONES COMUNIDADES Y FAMILIAS, PUEDAN PROGRESAR CUANDO ELLOS MISMOS SON LOS RESPONSABLES DE SU ÉXITO "

.... Muchas gracias

Why IPs' LCs' land tenure security is important in climate mitigation programs?

- AFOLU sector is responsible for nearly a quarter of global GHG emissions . To keep 1.5°C within reach, 65-85% of all mitigation could come from avoided nature loss or nature-based sequestration

- 1.6 billion people live in and depend on forest land areas, and community forest legal recognition has increased by 40% over the last two decades. Still , less than ½ of the customary-held forest land is formally recognized.

- IPs and LCs forest lands with secure land rights are associated with lower rates of deforestation and better biodiversity protection. IPs and LCs hold 1/4 of the forest carbon.

EnAble | ENHANCING ACCESS TO BENEFITS WHILE LOWERING EMISSIONS

FCPF/EnABLE Funds and Land Tenure Security

Forest Carbon Partnership Facility's (FCPF) Emissions Reduction Projects present opportunities to secure collective and customary land tenure:

- Land tenure security as a driver of deforestation can be addressed in ER Programs (9 out of 15 ER Programs)
- Land rights often define carbon rights and thus tenure security could be advanced for expansion of the area for monetization of the ERCs
- Land rights can be used as eligibility criteria for the payments and benefits

The Enhancing Access to Benefits while Lowering Emissions (EnABLE) program aims to promote inclusivity in ER programs by proposing strategies that mitigate risks and amplify benefits and providing direct financing for IPs and LCs organizations to address carbon and non carbon benefits.

FCPF and ISFL Countries and Emission Reductions Programs

- ER Programs in 19 countries
- TA Grants for readiness in 50 countries
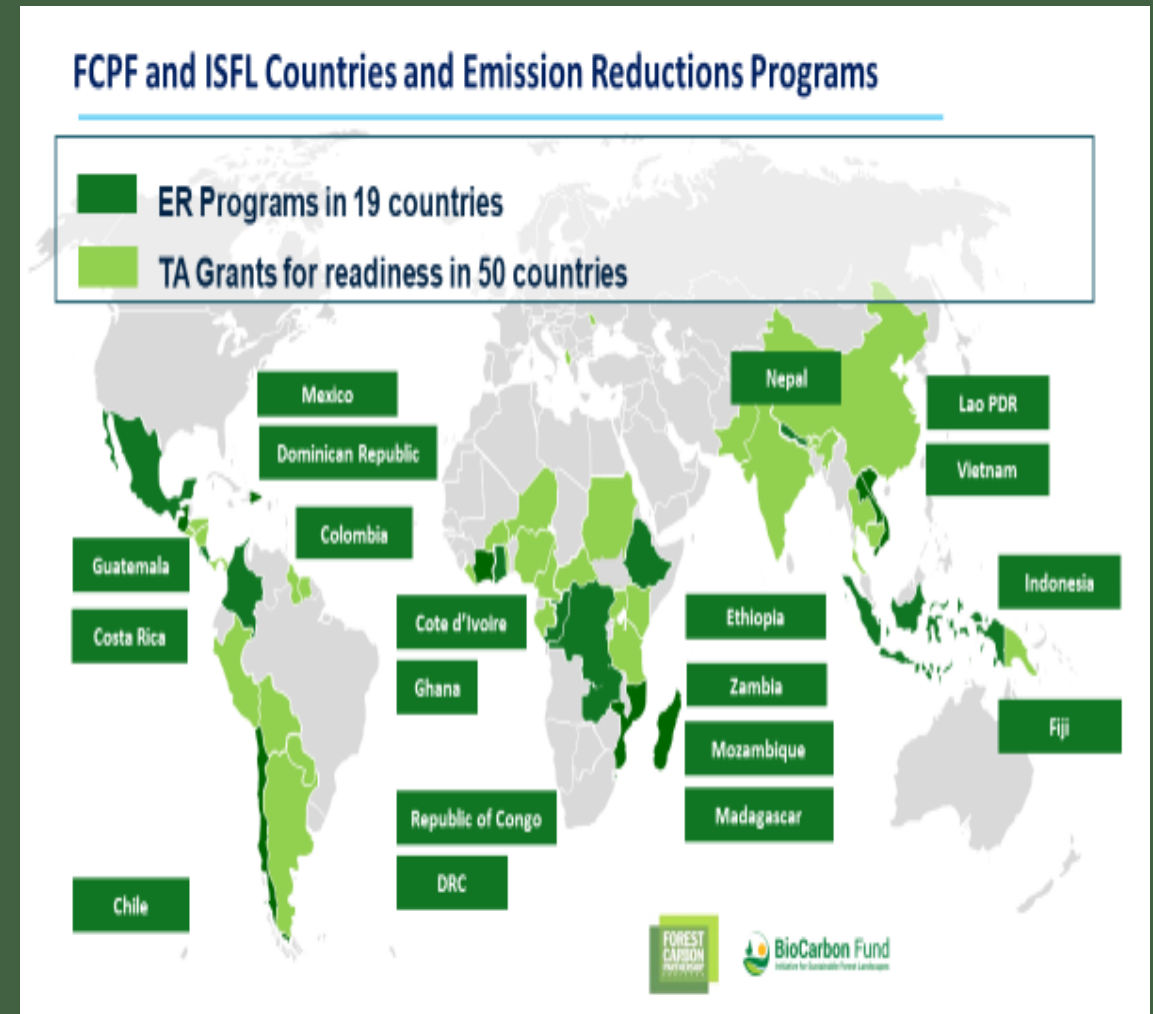
Case 1: Guatemala land tenure security's opportunities in the FCPF ER Program

- Reduction of 10.5M tons of GHG with FCPF payment of $52.5M with the jurisdiction of 92% of the country.

- Association of Forest Communities of Petén (ACOFOP) manages more than 500,000 hectares of forest in the Maya Biosphere Reserve

- Carbon rights are linked to land ownership but policy has been revised to allow REDD+ proponents without legal ownership. This results in securing land tenure rights of IPs and LCs communities and access to benefits from REDD+ .

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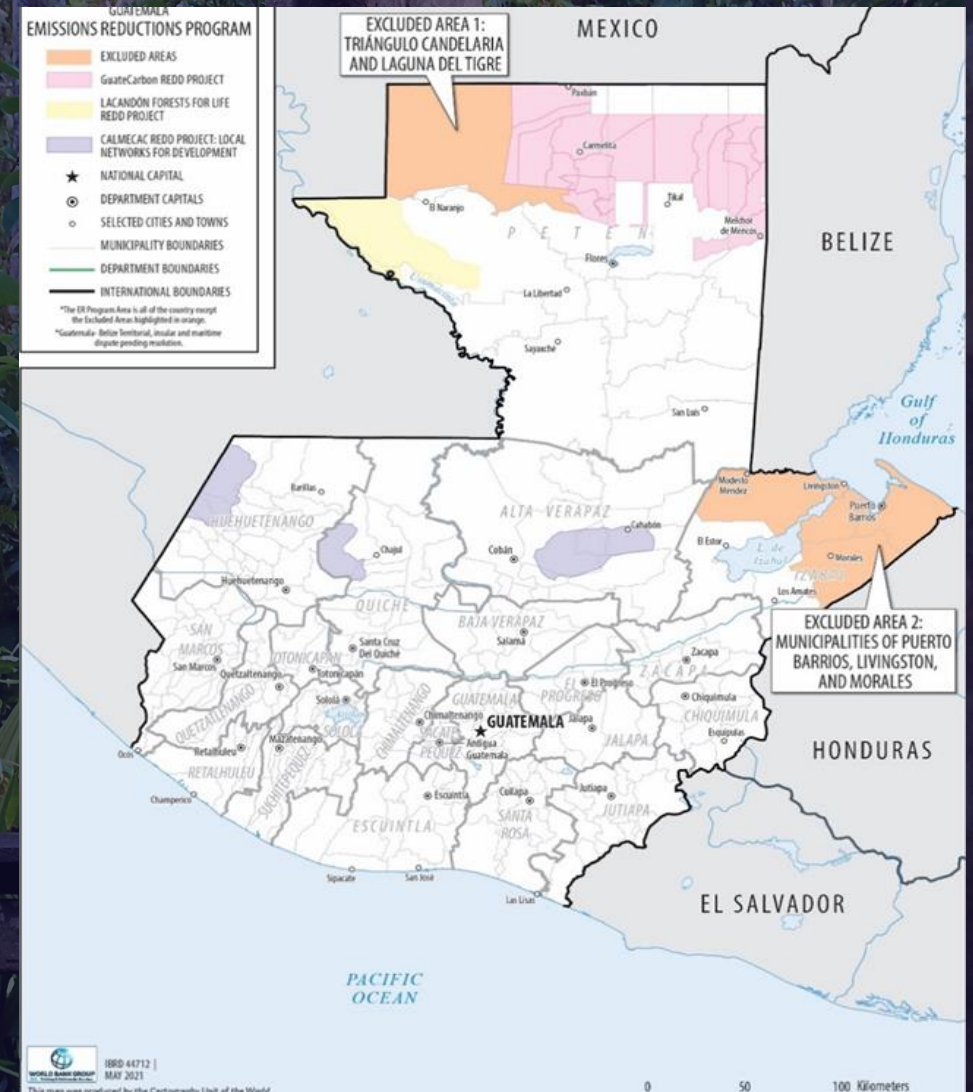
Guatemala: REDD+ and land tenure challenges

- **Smallholders can not access REDD+ projects of Guatemala Government:** requirement of 50 ha minimum for project area

- **Land Conflicts and Overlapping Claims:** areas associated with the land conflicts resulting from overlapping claims are excluded from the ERPA.

- **Vulnerability of Forest Concessions:** forest concessions are vulnerable and not secure due to lack of legal recognition

- **Legal and Administrative Obstacles:** significant obstacles, including oversights and incorrect identification of communal land tenure during cadastral surveys.

- **Diminished Dialogue and Consultation:** The once-active dialogue and consultation underpinning the REDD+ process have diminished,

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Case 2. Costa Rica: Land tenure opportunities in FCPF Emission Reductions Program

- FCPF ERPA signed in 2020 for reduction of GHG 12M tons to receive US$60M.

- Costa Rica recognizes 24 Indigenous territories covering approximately 6.7% of the national territory with significant encroachment by non-Indigenous occupants, lack of proper demarcation and boundary disputes. Land under disputes not eligible for REDD+ programs

- PES has been a main source of income for Indigenous territories and used for
- Reclaiming land (example Nairi Awari)

- IPs can access FCPF ER Program and Benefit Sharing system through Contract to Reduce Forest Emissions (CREF) based on Forest and Environmental Territorial Plans (PATF)

- Benefit Sharing Plan supports marginalized sub-groups, who have no land title including Indigenous women and youth, through the Inclusive Sustainable Fund and the Green Business Fund.

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IPs Land Tenure Security Advancement

- **Indigenous Participation**
- Indigenous concerns were included in the National REDD+ Strategy aiming to promote the participation of Indigenous peoples, to adapt the Payment for Environmental Services (PES) program to support land tenure security and restitution for Indigenous communities.

- **National Plan for Territory Recovery**
- With assistance from the REDD+ readiness fund, Costa Rica initiated the National Plan for the Recuperation of Indigenous Territories.

- **Implementation Challenges**
- Limited budget allocation
- Compensation eligibility
- Instances of violence and legal disputes between Indigenous communities and non-Indigenous occupants.

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Recommendations

✓ **Support Indigenous Traditions:** Recognize and respect traditional governance structures, empowering Indigenous communities to manage their territories in accordance with their cultural values and practices.

✓ **Strengthen IPs Organizational Capacities:** for engaging effectively in inclusive carbon finance

✓ **Inclusive benefit sharing with meaningful non carbon benefits:** The distribution of monetary and non-monetary benefits within IPLCs must be conducted in an inclusive and transparent manner.

✓ **Enhance multi stakeholder forums:** Reinvigorate multi-stakeholder forums and dialogue platforms to facilitate collaboration and consensus-building on land tenure issues and REDD+ implementation.

✓ **Mainstreaming safeguards: i**ntegration of these safeguards helps mitigate risks associated with land disputes and potential conflicts

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EnABLE

ENHANCING ACCESS TO BENEFITS WHILE LOWERING EMISSIONS

- EnABLE provides direct finances to Indigenous Peoples, local communities' organizations, and CSOs to engage in FCPF and SCALE ER programs and access benefit sharing arrangements.

- Focus on women, youth, other disadvantaged groups to enable them to benefit from the RBCF.

- Amplifies generation of the non-carbon benefits (e.g. secured land tenure, resilient livelihood systems)

- Supports preparation and implementation of the benefit sharing arrangements for inclusion of consideration of IPs, LC, gender equality

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Climate Change

How can EnABLE enhance land tenure in Guatemala and Costa Rica?

BENEFIT SHARING STRUCTURES

• Direct financing of IPs organizations. Supporting the economic autonomy of territorial organizations by providing opportunities for grassroots organizations to establish themselves and access funding more easily.

MULTI STAKEHOLDER FORUMS TO IMPROVE CIVIL SOCIETY PARTICIPATION

• Supporting the reactivation and strengthening of multi-stakeholder forums, such as the Mesa de Tierras Comunales in Guatemala.
• Promoting the creation of multi-stakeholder forums in CR where Indigenous stakeholders can engage in more horizontal collaboration and dialogue, complementing existing government-led instances like the Inter-Institutional Board, is essential for fostering inclusive participation.

INSTITUTIONAL STRENGHTENING

• Supporting technical teams in CONAP and INAB in Guatemala working with communal lands, focusing on deconcentrated offices as prime points of contact for communities.
• The case studies highlight the importance of establishing territorial offices to operationalize ERPA actions and collect information for monitoring, drawing from the experience of FONAFIFO's regionalization in Costa Rica.

MAINSTREAMING SAFEGUARDS

• Mainstreaming safeguards by assisting government agencies in incorporating ERPA safeguards into other projects, such as those funded by Voluntary Carbon Markets, by providing technical expertise.

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Thank you!

Asyl Undeland

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Climate Change Group, World Bank

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Q&A

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