INCREASING REDD+ BENEFITS TO INDIGENOUS PEOPLES & TRADITIONAL COMMUNITIES THROUGH A JURISDICTIONAL APPROACH

IN APRIL 2016, 175 NATIONS GATHERED to sign the Paris Agreement, a historic commitment to halt climate change crafted during the United Nations Framework Convention on Climate Change Conference of Parties last December.

Meanwhile, far from the cosmopolitan hubs of New York and Paris where climate change treaty negotiators have gathered, tropical forest peoples continue to protect over 350 million hectares of forest lands – equivalent to over one-third of the United States' and almost one-half of Australia's total area – in 30 of the world's tropical forest countries, holding the line against chainsaws and bulldozers, keeping huge amounts of carbon pollution from pouring into the atmosphere, and risking (and too often losing) their lives to secure their rights.

Slowing tropical deforestation and recovering and re-growing tropical forests are crucial to avoid the 2°C threshold above pre-industrial levels established in the Paris Agreement. The clearing and thinning of tropical forests today is the source of 10 to 15% of global carbon dioxide emissions—bigger than all emissions from the European Union. An ambitious global agenda focused on keeping tropical forests standing and healthy and getting them back where they once grew could buy humanity precious years to reduce emissions from energy supplies.

Indigenous peoples (IP), traditional communities (TC) and other forest guardians are important partners and allies in making the global commitment to slow climate change a reality:

- IP and TC own or have designated use rights to approximately 18% of the world's tropical forests.[1]
- Indigenous and other forest-dependent communities in many regions have successfully inhibited deforestation through relatively lower intensity land uses or through active protection of boundaries and other legal restrictions on natural resource exploitation by outsiders.[2]
- IP are important stewards of forest carbon stocks; indigenous territories (IT) account for 32.8% (28,247 MtC) of total above-ground carbon storage in Amazonia alone,[3] and 20% (45,858 MtC) in the world's major tropical forest regions put together (Indonesia, Democratic Republic of Congo, Mesoamerica, Amazon Basin).[4]
- Insufficient clarity over land tenure, overlapping claims, violent conflict and historical inequities present barriers in recognizing IP and TC's role in forest conservation.
- Despite the hopes of many IP and TC that REDD+[5] would be a source of direct funding to recognize and reward their stewardship, it remains difficult for most IP to receive direct payments under the current system of performance linked to reducing emissions from deforestation and forest degradation.
- Broad REDD+ donor commitment to seeing REDD+ benefits flow to IP and TC represents an important opportunity to overcome this problem.

As the world strives to make good on myriad global, national and sub-national climate mitigation commitments, we ask:

How can indigenous peoples and traditional communities be better integrated into climate change mitigation strategies, receive more benefits for their role in climate change mitigation, and have more control over those benefits to meet their needs and aspirations?

The Goal of this Report

In this report, we (1) review the current situation of IP and TC with regards to climate change, REDD+ and low-emission rural development (LED-R) in the Tropics; (2) present a conceptual framework for Jurisdictional REDD+ to demonstrate how IP and TC could receive greater and more lasting benefits from climate change mitigation strategies (including possible climate finance) under certain conditions; (3) present six regional case studies on Jurisdictional REDD+; and (4) summarize recommendations for the road beyond Paris. In particular, we examine which actions can be supported by IP and TC, governmental decision-makers, and other key stakeholders to ensure equitable and sustainable low-emission rural development.

1 Derived from FAO. 2015. Global Forest Resources Assessment 2015. Rome: Food and Agriculture Organization of the United Nations. http://www.fao.org/3/a-i4808e.pdf and RRI. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Rights and Resources Initiative, Washington, D.C.

2 Nepstad et al. 2006. Inhibition of Amazon deforestation and fire by parks and indigenous lands. *Cons Biol* 20(1): 65-73'; Ricketts et al. 2010. Indigenous lands, protected areas, and slowing climate change. *PLOS Biol* 8(3): e1000331; Ferretti-Gallon & Busch. 2014. What Drives Deforestation and What Stops It? A Meta-Analysis of Spatially Explicit Econometric Studies - Working Paper 361. Center for Global Development, http://www.cgdev.org/publication/what-drives-deforestation-and-what-stops-it-meta-analysis-spatially-explicit-econometric.; Soares-Filho et al. 2010. Role of Brazilian Amazon protected areas in climate change mitigation. PNAS.

3 Walker et al. 2014. Forest carbon in Amazonia: the unrecognized contribution of indigenous territories and protected natural areas, *Carbon Management*, DOI: 10.1080/17583004.2014.990680

4 Walker et al. 2015. Tropical Forest Carbon in Indigenous Territories: A Global Analysis. http://www.edf.org/sites/default/files/tropical-forest-carbon-in-indigenous-territories-a-global-analysis.pdf.

5 Reducing Emissions from Deforestation and forest Degradation

REFRAMING REDD+

It is little more than a decade since tropical forests have found a place of their own in international climate change dialogues. Their rising prominence has opened new opportunities for recognition of the role of IP and TC in forest conservation and climate regulation, as well as helped to establish a new platform for dialogue regarding rights recognition and consultation, bringing together advances in international frameworks for human rights and climate change mitigation *(see Box 1, right)*.

REDD+ emerged as a promising global mechanism for slowing climate change through international dialogues. The original intent of REDD+ was to compensate tropical forest nations for reducing carbon emissions from deforestation and forest degradation, or for enhancing forest carbon stocks. In the process of gaining acceptance among varied stakeholders, the concept of REDD+ evolved from a compensation mechanism focusing on emissions reductions in areas of high deforestation to a potential silver bullet for sustainable development.

Among the potential benefits of REDD+ beyond climate mitigation are financing community enterprise, increased rights recognition, and territorial security, among others. *(see Box 2).* Perhaps not surprisingly, REDD+ has fallen short of these ever-increasing expectations, in part due to the failure of compensation mechanisms to deliver funding at scale; insufficient engagement with relevant actors including those either driving deforestation or those protecting carbon stocks in areas with relatively low deforestation rates, such as IP and TC *(see Box 3)*; and in large part because of unrealistic expectations of REDD+ to solve a broad range of social, economic and environmental ills beyond its intended scope[6].

REDD+'s lack of progress on the ground also reflects its development within the international climate negotiations, with slow and incremental progress on developing standards and financing mechanisms acceptable to a broad range of nations and other interested parties. In the absence of more rapid advancement, a narrowly focused REDD+-project industry grew and proliferated, coming to define stakeholders' perception of how REDD+ works and its impacts. This industry was often not beneficial to IP and TC—in fact, very often it was detrimental—and is a key reason underlying much of the criticism of REDD+ today.

REDD+ still holds significant potential to achieve its original aims while benefitting key actors on the ground, including traditional forest stewards. However, a new approach is needed, one that is more encompassing and more flexible. The jurisdictional approach to REDD+ aims to scale-up emissions reductions and distribute the benefits from jurisdiction-wide emissions reductions across multiple land users within that landscape *(see "What is Jurisdictional REDD+" on page 7)*.

6 Nepstad, D., et al. 2012. Reframing REDD+. IPAM

BOX 1

KEY INTERNATIONAL EVENTS AND LEGISLATION

IN CLIMATE CHANGE MITIGATION AND IP RIGHTS RECOGNITION

Human rights and climate change agendas have converged in recent decades; along with a greater recognition of the role of forests and traditional forest peoples in climate regulation, the need for secure rights, Free, Prior and Informed Consent (FPIC) and safeguards has been increasingly seen as fundamental.

1957 ILO Convention 107, first international instrument addressing human rights of IP

1989 ILO Convention 169, Indigenous and Tribal Peoples Convention, revised ILO 107 acknowledging IP as as distinctive and permanent peoples and protecting IP rights

1992 Rio Declaration on Environment and Development acknowledged role of IP in sustainable development and that states should enable their effective participation in sustainable development

2003 Compensated reduction concept (precursor to REDD) introduced at COP9

2005 Concept of REDD as an international instrument originated – Papua New Guinea and Costa Rica presented first RED proposals

2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

2007 World Bank launched Forest Carbon Partnership Facility

2008 Governors' Climate & Forests Task Force (GCF) formed; today includes 29 subnational governments and more than 25% of the world's tropical forests

2010 COP 16: Safeguards for REDD+ a major outcome

2014 Rio Branco Declaration, 21 sub-national governments committed to share a "significant portion" of benefits from climate finance with local communities

2015 COP 21: IP rights and forests included in the Paris Agreement

Jurisdictional REDD+ could play an important role in low-emission rural development (LED-R) strategies that seek to transition entire regions towards climate-smart and people-friendly development, including many IP and TC that have yet to receive benefits from REDD+.

Jurisdictional REDD+ and LED-R: Options for Forest-Dependent Communities

We reframe the REDD+ paradigm to include multiple pathways to LED-R, providing a range of climate and socio-economic benefits to diverse actors, including IP and TC. REDD+ benefits to IP and TC are easiest to justify in regions characterized by high deforestation rates and either low or high forest cover *(Fig 1, Table 1)*. However, regions with High Forest Cover and Low Deforestation can also attract climate finance if future trends are likely to increase deforestation. Similarly, regions with little forest remaining can qualify for jurisdictional REDD+ funding on the basis of carbon that is absorbed from the atmosphere through forest recovery and restoration. Furthermore, jurisdictional REDD+ addresses the principle problems associated with project-level REDD+, particularly penalization of forest guardians as low-performers in terms of reducing emissions and seeks to promote diverse mechanisms for allocating benefits.

BOX 2

HOW HAS REDD+ BENEFITTED IP AND TC?

REDD+ has benefitted IP and TC, although these success stories are few relative to their numbers. For example, the Pater-Suruí REDD+ project in Rondônia, Brazil established the first Indigenous carbon fund, supporting community infrastructure, like new schools and clinics, livelihood activities and organizational capacity building. In Colombia, an Afro-Colombian community, Cocomasur, co-designed and implemented the Choco-Darien REDD+ project on communally-owned land, receiving VCS[1] certification in 2012.

More broadly, REDD+ dialogues have helped to raise the national and international profile of issues regarding land rights and tenure security. In Panama, for example, the arrival of UN-REDD resulted in a national dialogue around, and eventual delineation of, territorial rights. REDD+ has also contributed to the development of environmental and social safeguards, bringing these to the fore as nations and sub-national jurisdictions develop their REDD+ strategies *(see spotlight on Chiapas on p. 18, for example)*.

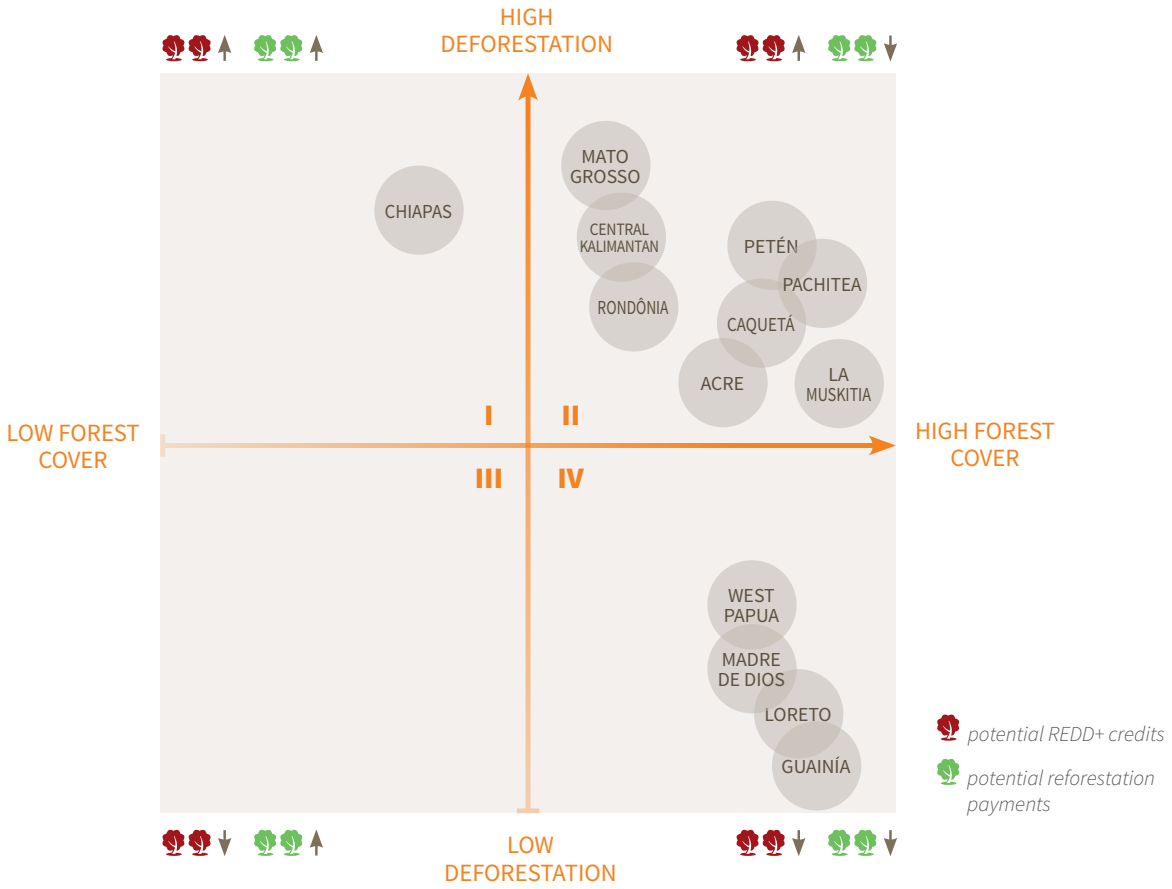
1 Verified Carbon Standard is a leading standard for certification of GHG emissions reduction projects.

BOX 3

WHY HASN'T REDD+ REACHED MORE IP AND TC?

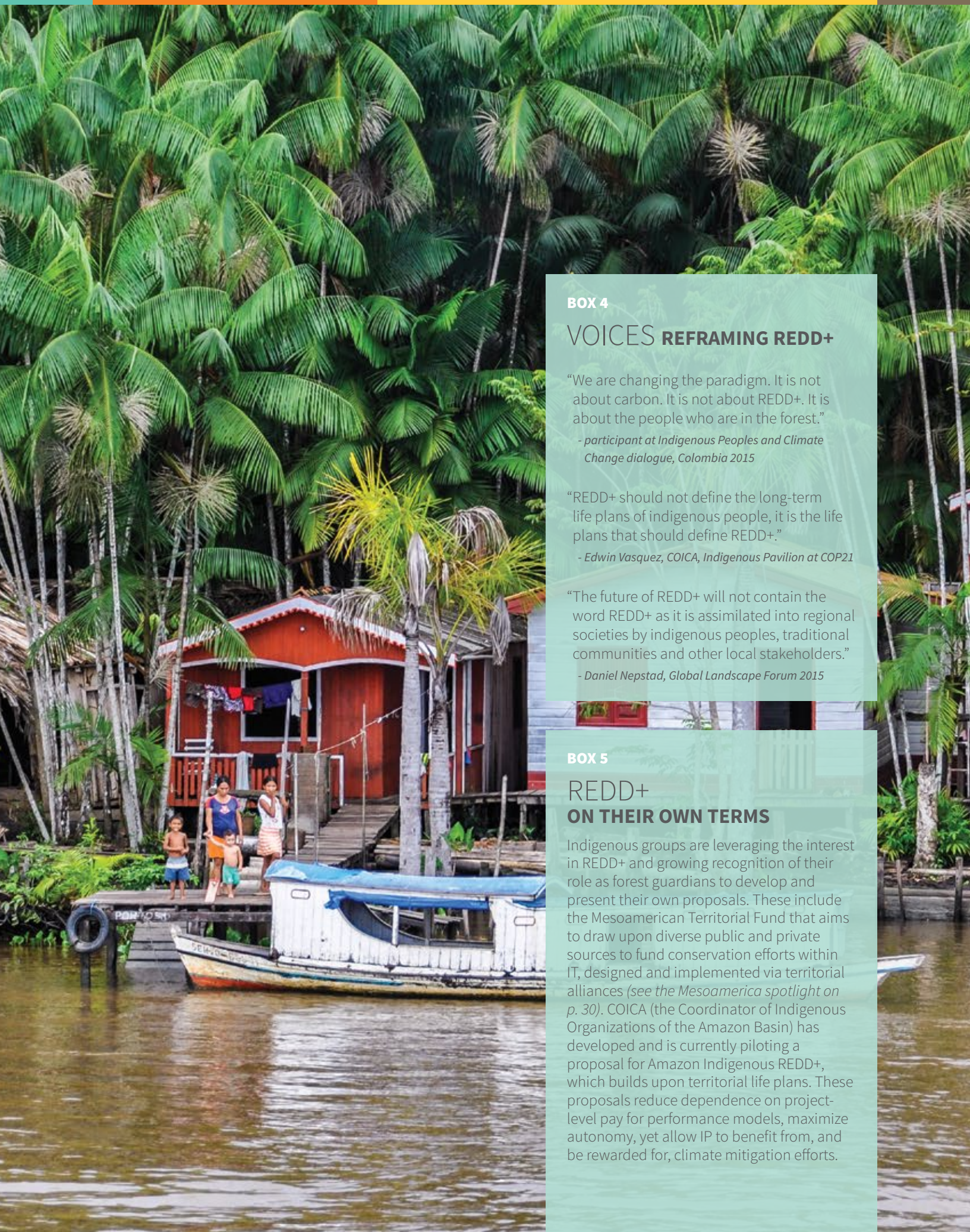
- Predominant metrics for performance, linked to historical deforestation rates, penalize many IP and TC as "low performers" in terms of reducing emissions.
- Some projects developed using the name REDD+ have not respected IP and TC rights, implemented Free Prior and Informed Consent (FPIC) or engaged environmental and social safeguards.
- Fundamental disagreements regarding the commodification of nature and/or disconnect between REDD+ projects and indigenous cosmovisions have led some groups to choose not to engage in or actively oppose REDD+.
- Expectations surrounding REDD+ have been largely unmet, especially in terms of the financial benefits estimated at REDD+'s outset.
- Language and logistical barriers, and paucity of information at the village level leave many key stakeholders uninformed and their voices absent from climate change dialogues.
- The project approach to REDD+ has been increasingly criticized for failing to address roots causes of deforestation which are often intertwined with threats to IT and TC (e.g., mining, colonization, agribusiness).

+ Figure 1 *Matrix showing spotlight regions' combinations of remaining forest cover and deforestation rate. Remaining forest cover is calculated as a percent of original cover (with <50% classified as low forest cover). Deforestation rate is calculated as an annual percentage. The average from 2001-2009 for each region is compared to the global average for tropical forests for the same time period (0.18%). Regions with less than 0.18% annual deforestation are classified as low deforestation.*



+ Table 1

SCENARIO	DESCRIPTION	APPROACHES	CO-BENEFITS	RISKS
(I) Low Forest/ High Deforestation	• High potential for REDD credits • High potential for reforestation payments	• Jurisdictional REDD • Reforestation • Alternative Enterprise (e.g., sustainable farming/livestock)	Climate change finance supports IP sub-programs with input from stakeholders: systemic change, services, representation, participation	Contingent upon required benefit-sharing to direct portion of climate change finance (at one scale up from jurisdiction)
(II) High Forest/ High Deforestation	• High potential for REDD credits • Low potential for reforestation payments	• Jurisdictional REDD • Forest-based Enterprise (e.g., Sustainable Forest Management)	Climate change finance supports IP sub-programs with input from stakeholders: systemic change, services, representation, participation	Contingent upon required benefit-sharing to direct portion of climate change finance (at one scale up from jurisdiction)
(III) Low Forest/ Low Deforestation	• Low potential for REDD credits • High potential for reforestation payments	• Jurisdictional REDD • Reforestation • Alternative Enterprise (e.g., sustainable farming/livestock) • IP-led Proposals for Territorial Fund	Improve well-being of IP and TC (e.g., firewood, fodder, community enterprise)	Difficult to attract big climate change donors — often not a high priority area
(IV) High Forest/ Low Deforestation	• Low potential for REDD credits • Low potential for reforestation payments	• Jurisdictional REDD • Support for Life Plans • IP-led proposals (e.g., RIA, Mesa Guainía, Territorial Fund) • Forest-based Enterprise (e.g., Sustainable Forest Management)	• Highlight needs and aspirations of IP • Focus on supporting implementation of life plans, other alternatives	Limited opportunity for "pay-for-performance"



BOX 4

VOICES **REFRAMING REDD+**

"We are changing the paradigm. It is not about carbon. It is not about REDD+. It is about the people who are in the forest."

- participant at Indigenous Peoples and Climate Change dialogue, Colombia 2015

"REDD+ should not define the long-term life plans of indigenous people, it is the life plans that should define REDD+."

- Edwin Vasquez, COICA, Indigenous Pavilion at COP21

"The future of REDD+ will not contain the word REDD+ as it is assimilated into regional societies by indigenous peoples, traditional communities and other local stakeholders."

- Daniel Nepstad, Global Landscape Forum 2015

BOX 5

REDD+ **ON THEIR OWN TERMS**

Indigenous groups are leveraging the interest in REDD+ and growing recognition of their role as forest guardians to develop and present their own proposals. These include the Mesoamerican Territorial Fund that aims to draw upon diverse public and private sources to fund conservation efforts within IT, designed and implemented via territorial alliances *(see the Mesoamerica spotlight on p. 30)*. COICA (the Coordinator of Indigenous Organizations of the Amazon Basin) has developed and is currently piloting a proposal for Amazon Indigenous REDD+, which builds upon territorial life plans. These proposals reduce dependence on project-level pay for performance models, maximize autonomy, yet allow IP to benefit from, and be rewarded for, climate mitigation efforts.

WHAT IS JURISDICTIONAL REDD+?

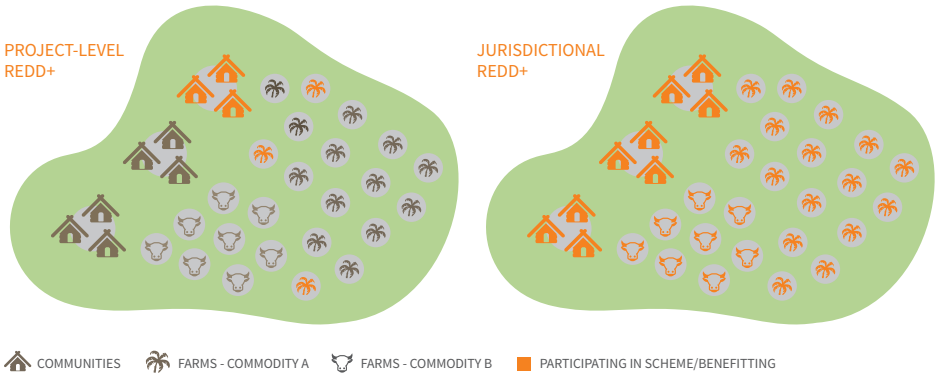
- **Compensation of reductions in carbon emissions from deforestation and forest degradation, and through carbon uptake by re-growing forests** across policy-relevant landscapes, including municipal, state, provincial or other politically relevant geographies (also known as "political jurisdictions"). To realize the major potential benefit of jurisdictional REDD+—greater benefits for communities—jurisdictions must be large enough to include areas of both forest protection (e.g. most indigenous territories) and forest clearing and degradation (e.g. zones of agricultural expansion).
- **Equitable distribution of the benefits** of jurisdiction-wide emissions reductions across multiple land users within that jurisdiction. Under this approach, indigenous peoples and other forest-dependent communities may be recognized for historical and current forest conservation efforts without being penalized as "low performers" from the conventional perspective of earning "avoided deforestation/emissions" credits used by many REDD+ and Payments for Environmental Services schemes.
- **Integrated policies, programs, finance and markets** that foster equitable, sustainable, low-emission rural development across large tropical forest jurisdictions.
- **Improved livelihoods of indigenous peoples, traditional communities and smallholder farmers** while increasing environmental health and integrity and lowering emissions from deforestation and forest degradation.

Jurisdictional REDD+ versus Project REDD+

Jurisdictional REDD+ differs from the project-based REDD+ approach in several key ways, including scale, stakeholder involvement and prospects for long-lasting policy reform *(See Table 2 and Figure 2)*.

+ Figure 2

Under the Project approach, only a few communities (including IP and TC) or farms are participating and benefiting in the scheme and emissions reductions are small in scale. Under the jurisdictional model, entire jurisdictions would be rewarded for reducing emissions from deforestation, with benefits reaching a broader group of stakeholders. Incentives and investments flowing from climate finance could have positive effects on a range of issues, including health, infrastructure, addressing communities' needs and necessary systemic change.



+ Table 2

	PROJECT REDD+	JURISDICTIONAL REDD+
BORDERS	Indigenous territory	National, state, county, district, or municipal boundaries
SCALE	Usually Small	Medium to Large
STAKEHOLDER/ACTOR INVOLVEMENT	Restricted	Inclusive, broad
ROLE OF GOVERNMENT/POLICY	None to Small	Intermediate to Large
RISKS TO INVESTORS	• Community doesn't reduce emissions • Leakage • Lack of permanence	• Emissions across jurisdiction are not reduced • Dealing with government agencies/bureaucracies
TRANSACTION COSTS	High	Medium to High
POTENTIAL TO SUPPORT BROADER TRANSITION TO LED	Low	High
HOW PERFORMANCE IS DEFINED	Discrete, often narrow goals directly related to forest carbon, usually determined by Project developer and investors	Flexibility to address key local needs and aspirations
TERRITORIAL RIGHTS	FPIC (Free, Prior & Informed Consent)	Prospects for deeper and longer-lasting reforms through policy reform
BENEFITS TO INDIGENOUS COMMUNITIES	Variable, depending on how credits are earned and investor interest; IP and TC may be penalized as "low performers" using some REDD+ performance metrics	Non-financial benefits can be realized rapidly; higher chance of attracting financial benefits; Potential to allocate benefits according to budgetary needs of IP and TC
PROCESS	Minimal, mostly focused on stakeholders involved directly in project	• Complex • Multi-stakeholder engagement necessary

HOW CAN JURISDICTIONAL REDD+ SUPPORT SYSTEMIC POSITIVE CHANGE FOR IP AND TC?

- **Provides a new seat at the table where government decision-making is taking place:** Consultation with and political engagement of IP and TC as part of jurisdictional REDD+ processes can increase the inclusion of their needs, threats and aspirations across landscapes.
- **Greater access to REDD+ and other finance:** IP and TC can leverage commitments to benefit-sharing by sub-national governments, as well as increasing donor requirements for benefit-sharing (see BOX 7) to support and implement their life plans, especially in areas with high forest/low deforestation. Domestic funding sources represent potential, and largely untapped, sources of support for life plans, community enterprise and capacity building to advance LED-R.
- **Diversify and scale-up non-monetary benefits to IP and TC:** an integrated jurisdictional approach, with an emphasis on multiple benefits streams, territorial security, and greater inclusion in regional planning, has the potential to bring a range of benefits to IP and TC, including greater provision of basic needs such as health care, sanitation, and education.

BOX 6

ACRE, BRAZIL'S SISA
A SUCCESSFUL BENEFIT-SHARING MODEL

Acre's State System of Incentives for Environmental Services (SISA) is the world's reference for jurisdictional REDD+ and the most advanced jurisdiction-wide benefit-sharing model to date. There 70% of international REDD+ funds received are destined to communities as incentives for forest conservation to support their livelihoods and life plans, either through support for statewide programs or as direct incentives to communities. For example:

- ~ 1.5 million USD have been allocated to Indigenous programs within SISA
- ~ 1 million USD to a state program for Indigenous Agroforestry Agents who work within their communities to develop and renew indigenous land-use practices
- ~ 500,000 USD channeled directly to communities to support their life plans- ranging from improving territorial management to supporting community associations
- Over two million USD to support traditional communities who depend on rubber tapping

HOW CAN THE ASPIRATIONS OF IP AND TC BE MET?

Core Principles of a successful benefit-sharing model:

- Based on real needs—financial, technical, infra-structural, administrative, health, sanitation, etc.—of IP and TC.
- Beyond "Money from the Sky": this is an agenda for enabling IP and TC to develop and implement life plans *(see Box 6)*.
- Representative and accessible: It must serve all IP and TC of a region, not just those that are well-connected..
- Flexible: the approach must recognize and respond to the diversity of IP and TC—their organization, cultures, and natural resources.
- Accountability: crucial to demonstrate that both financial and non-financial benefits can reach IP and TC communities with efficiency and accountability.

How to develop fair benefit-sharing systems:

- IP and TC supported to **develop their life plans**, including effective consultation and assessment of the financial, technical, infra-structural, administrative, health, sanitation, and educational changes that are needed to implement these life plans.
- IP and TC supported to **embed their life plans** into dialogues with REDD+ donors, emerging REDD+ markets, government agencies, and private sector actors.
- Effective **mechanisms developed for delivering** finance, technical support, infra-structural investments, health services, sanitation, etc.

BOX 7

PLEDGES
FOR GREATER BENEFIT SHARING WITH IP AND TC

In 2014, 21 sub-national governments encompassing 14% of the world's tropical forests signed the Rio Branco Declaration committing to share a "significant portion" of benefits from climate finance with local communities.

Germany's REDD+ Early Mover Program (REM) requires at least 50% of finance be channeled to local communities.

The Forest Carbon Partnership Facility (FCPF) Carbon Fund requires a Benefit Sharing Plan to detail the types of beneficiaries, both monetary and non-monetary benefits, of Carbon Fund projects.

+ **Table 3**

CRITERIA	**ACRE** BRAZIL	**MATO GROSSO** BRAZIL	**RONDÔNIA** BRAZIL	**COLOMBIAN AMAZON**	**CHIAPAS** MEXICO	**LORETO** PERU	**PACHITEA WATERSHED** PERU	**MADRE DE DIOS** PERU	**CENTRAL KALIMANTAN** INDONESIA	**WEST PAPUA** INDONESIA	**LA MUSKITIA** HONDURAS	**NORTHERN LOWLANDS (PETÉN)** GUATEMALA
FORMAL RIGHTS RECOGNITION	●	●	●	●	●	◐	◐	◐	○	○	●	◐
TERRITORIAL SECURITY	○	○	○	◐	◐	○	○	○	○	◐	◐	◐
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	●	○	◐	◐	◐	○	○	○	○	○	◐	◐
BENEFITS-SHARING MECHANISMS	●	○	◐	○	◐	○	○	○	○	○	○	◐
ENABLING GOVERNANCE CONDITIONS	●	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐

○ LOW/BEGINNING ◐ MEDIUM/INTERMEDIATE ● HIGH/ADVANCED

In this report, we analyze barriers and opportunities for IP and TC in the context of LED-R across six tropical forest regions in Latin America and Asia. Methods included policy analyses, semi-structured interviews with indigenous leaders, sub-national government representatives and civil society members, and analysis of deforestation rates within indigenous territories and traditional lands in comparison to the rest of the region.

We used the 5 criteria above to describe and compare the regions in terms of 1) the scope of indigenous rights and territorial security, 2) the participation of and benefits received by IP and TC with regards to climate change processes, and 3) governance. These criteria include:

Formal rights recognition: Extent to which IP and TC rights are formally recognized, and/or supported by policies, legislation or court rulings, as well as the extent to which IP and TC rights are vulnerable to conflicting or pending policies and legislation.

Territorial Security: Extent to which indigenous territories and TC are subject to threats, such as land invasions or overlapping claims, and the extent to which IP and TC are participating in national or sub-national dialogues on territorial rights.

Participation in Climate Change Dialogues: Extent to which IP and TC participate in climate change dialogues and their interests and concerns are included in these dialogues. Also considers if there are existing innovative initiatives to reduce emissions from deforestation involving IP and/or TC in the region.

Benefits-sharing Mechanisms: Refers to the amount of climate-related finance in which IP and TC are broadly included, as well as the amount directly channeled to IP and TC. Also examines the presence of innovative benefits-sharing mechanisms targeting IP and TC (e.g. voluntary carbon projects, agreements between IP/TC and private sector actors).

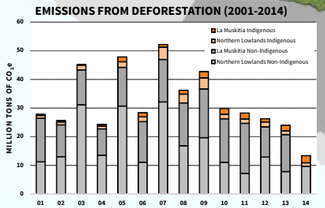
Enabling Governance Conditions: These include the strength of IP and/or TC organizations and representation in decision-making fora and sub-national climate change policies or strategies, as well as if the jurisdiction is a member of the GCF and/or signatory of the Rio Branco declaration.

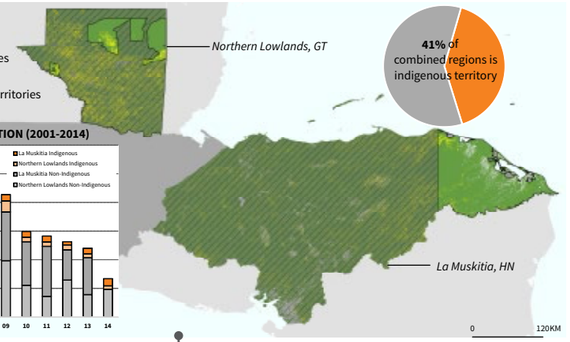
THE STUDY REGIONS AND THEIR INDIGENOUS TERRITORIES

MESOAMERICA

5% of combined indigenous territories is deforested

43% of combined non-indigenous territories is deforested

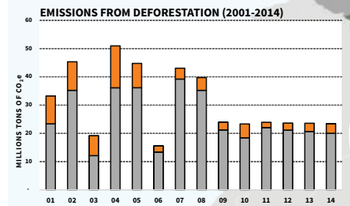




COLOMBIA

1% of indigenous territories is deforested

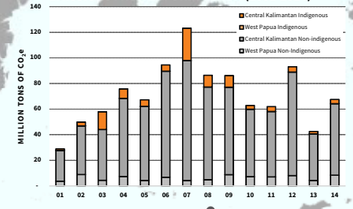
4% of non-indigenous territories is deforested

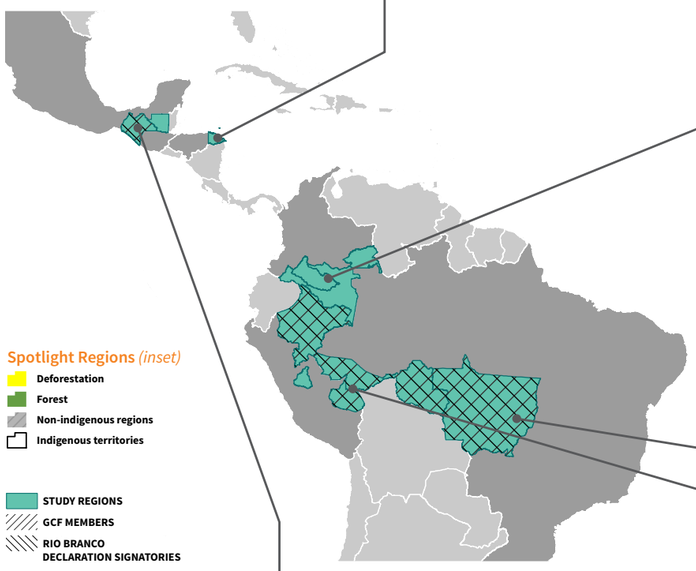


INDONESIA

14.2% of combined indigenous territory is deforested

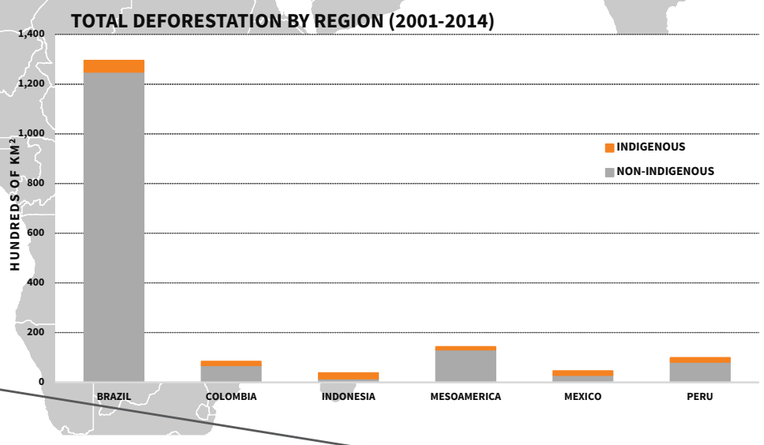
0.7% of combined non-indigenous territory is deforested

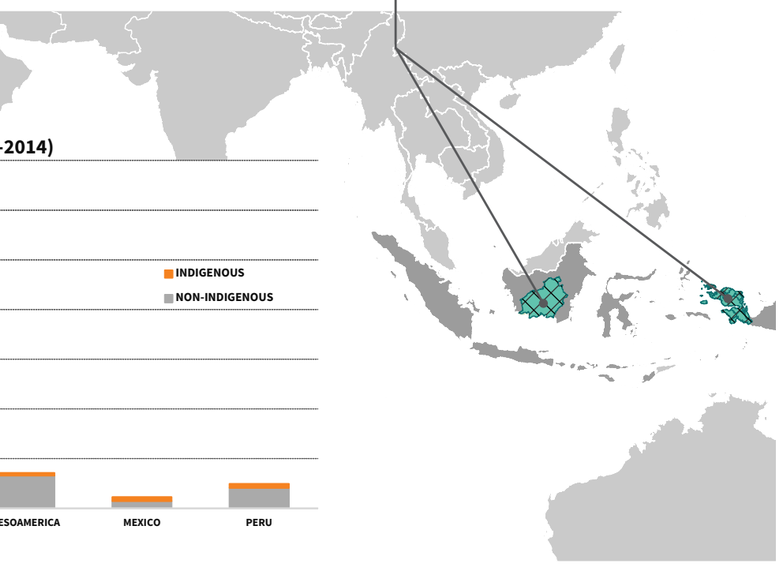




2% OF WORLD'S CARBON STOCK

2% OF WORLD'S TROPICAL FORESTS

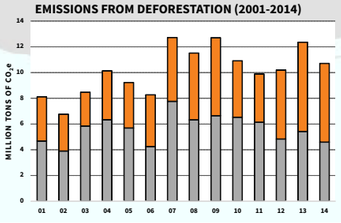


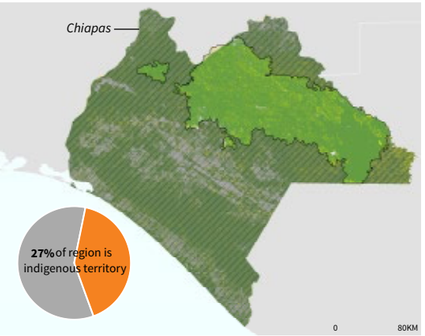


MEXICO

8% of indigenous territory is deforested

5% of non-indigenous territory is deforested

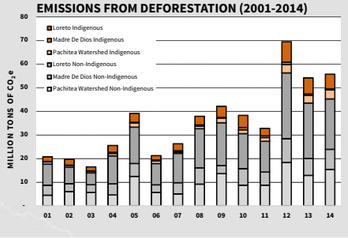


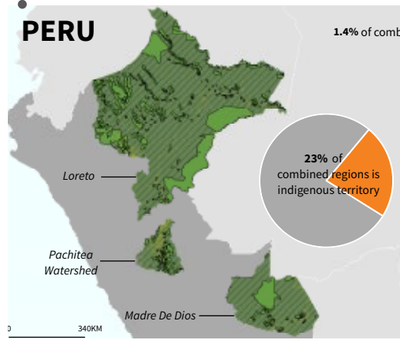


PERU

1.4% of combined indigenous territories is deforested

2.2% of combined non-indigenous territories is deforested

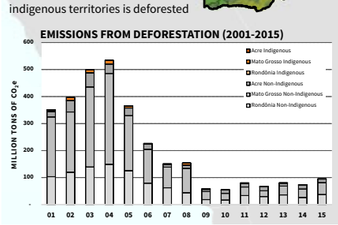




BRAZIL

2% of combined indigenous territories is deforested

11% of combined non-indigenous territories is deforested



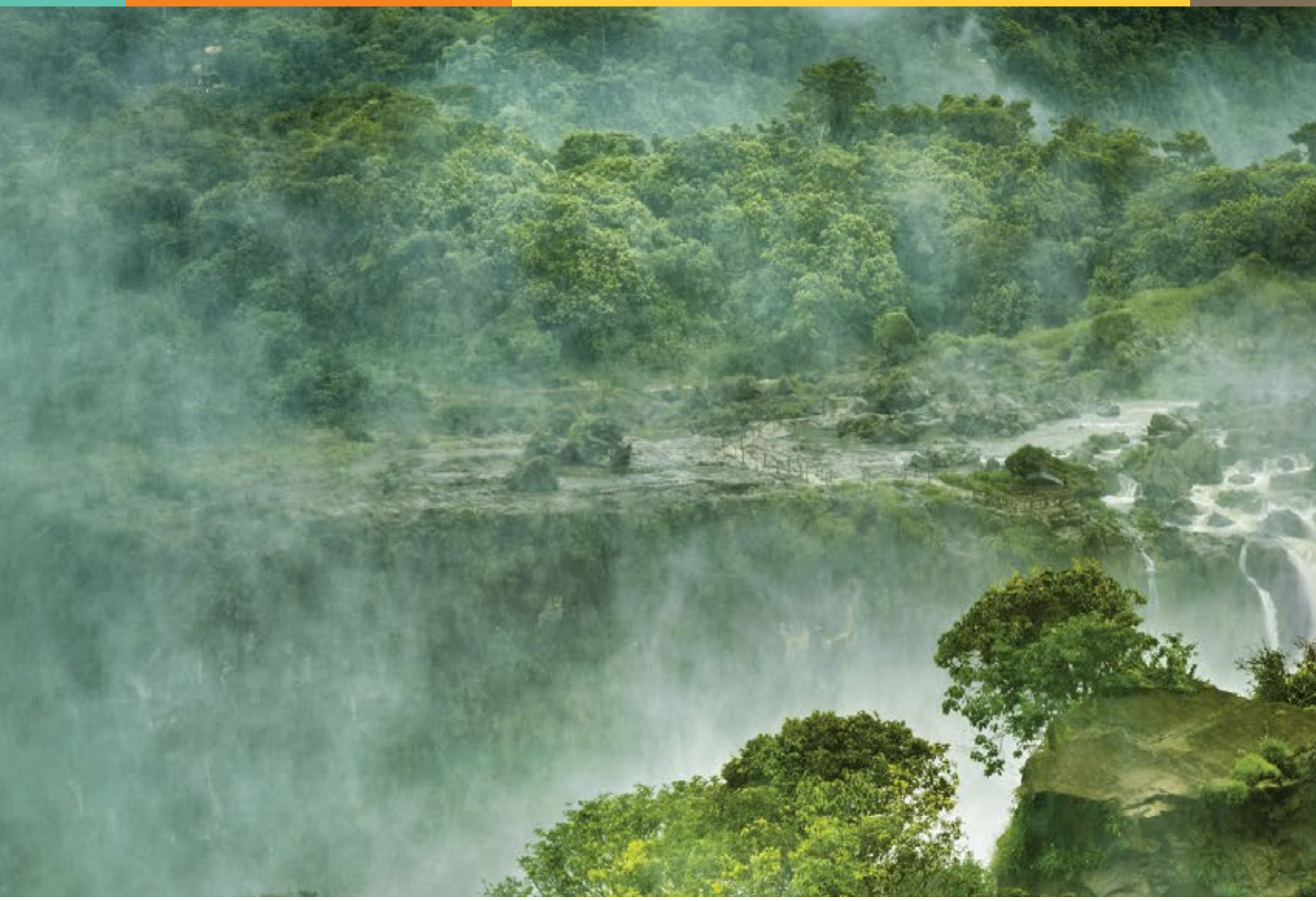
1 Brazil forest cover data source: PRODES (INPE. http://www.obt.inpe.br/prodes/index.php); Colombia forest cover data source: IDEAM;
Forest cover data source for remaining regions: M.C. Hansen et al., High Resolution Global Maps of 21-st Century Forest Cover Change. Science 342, 850 (2013)

2 Emissions and carbon stocks calculated by using an average forest carbon content for the forested portion of each region. Carbon data source: A. Baccini et al.
Estimated carbon dioxide emissions from tropical deforestation improved by carbon-density maps. Nature Climate Change, 2(3), 182-185 (2012), doi:10.1038/nclimate1354.

3 There are no official indigenous territories in Chiapas, Mexico. The municipalities identified with high indigenous populations were used to approximate indigenous land. (CDI. http://www.cdi.gob.mx/index.php?option=com_content&view=article&id=2578)

4 There are no official indigenous population data in Central Kalimantan, Indonesia. The indigenous population was approximated using the ratio of indigenous land to total area of Central Kalimantan and the province's total population.

5 Indigenous territory data sources: Brazil, Fundação Nacional do Índio (FUNAI); Honduras, Sistema Nacional de Información Territorial (SINIT); Indonesia, Jaringan Kerja Pemetaan Partisipatif (JKPP); Mexico, Instituto Nacional de Estadística y Geografía (INEGI); Peru, Instituto del Bien Comun (IBC).



REGIONAL SPOTLIGHTS

OPPORTUNITIES FOR INCREASING REDD+ BENEFITS TO IP and TC

The Paris Agreement provides inspiration and a framework to move forward on our global commitment to climate change mitigation; however, much of the action and innovation is happening far from the global stage. Sub-national jurisdictions are spaces where civil society actors, communities and governments come together to create real change on the ground. In this report we explore some of the key opportunities along the road beyond Paris within 6 key tropical forest sub-national jurisdictions, including:

- **Sub-national innovations:** Regional governments, such as those in Acre, Rondônia and Mato Grosso, Brazil, are leading the way towards innovative policies that reduce deforestation while increasing inclusion of IP and TC. Innovations at the sub-national scale are critical not only in delivering tangible benefits to their constituents on the ground, but also in their "trickle up" effect on national policy frameworks. The spotlight section on the Brazilian Amazon highlights states' advances in developing state REDD+ laws and their inclusion of IP.
- **New spaces for inclusion of IP and TC:** Sub-national and national innovations, such as those described above, have also facilitated new spaces for inclusion of indigenous peoples and traditional communities. For example, Mexico has made important strides in formalizing the participation of IP and TC in national and state environmental policies. In the spotlight on Chiapas, we focus on new mechanisms for participation and inclusion, including a recent indigenous consultation process to inform the national REDD+ strategy.
- **Diverse strategies for IP and TC to help achieve national climate commitments:** As nations and sub-national jurisdictions develop their climate change mitigation strategies, they must take into account not only a range of stakeholder groups, but also the diversity within each stakeholder group. The spotlight on Colombia highlights the diversity of indigenous territories *(resguardos)*, ranging from those with large forest estates and low deforestation rates to smaller, more fragmented reserves experiencing higher deforestation rates and

threat levels, and explores what approaches might work under these diverse scenarios.

- **Changing legal contexts:** Despite a slow-down in customary land rights recognition in recent years, both Indonesia and Honduras have made historical advances towards recognizing and protecting customary tenure and territorial rights. The spotlight section on Indonesia investigates some of the challenges and opportunities for rights recognition through Indonesia's 2012 constitutional ruling, potentially recognizing 30-40 million hectares of forests as customary tenure regimes[7].
- **Climate finance for territorial security:** While a large portion of the world's tropical forests are managed by IP and TC, a much smaller percent actually enjoy legal rights to these lands[8]. Those that have legal rights often face threats to their territorial security, including policies that undermine their rights, or complex bureaucratic processes for titling that effectively stall legal rights recognition. In the spotlight on the Peruvian Amazon regions of Loreto, Madre de Dios and the Pachitea watershed, we investigate the flow of climate finance for titling indigenous lands *(comunidades nativas)*, suggesting that climate finance can help leverage broader goals of IP, including tenure security, that are beneficial for communities and forests.
- **New forms of governance and collective action:** IP and TC are increasingly organized into regional, national and international networks, through which they have made important gains in terms of defining and designing territorial governance. The spotlight on Mesoamerica summarizes how IP and forest communities, in establishing territorial rights, can leverage those rights to build the institutions needed to ensure territorial governance, coordinate collective action across communities and groups, and guide regional low-emission development.

7 Kelly, A. and N. Peluso (2015) Frontiers of Commodification: State Lands and Their Formalization. Society & Natural Resources, 28:5, pg.488.

8 RRI 2014 estimates 15.5%

BRAZIL

ACRE, RONDÔNIA AND MATO GROSSO, BRAZIL

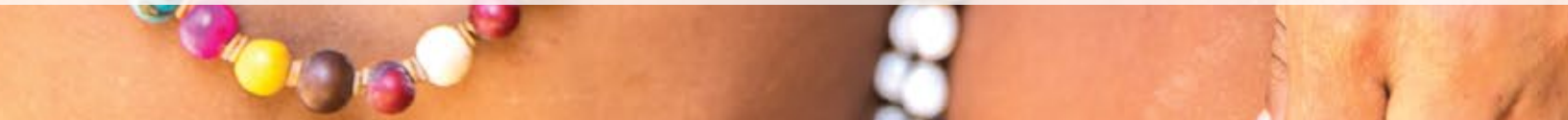
Focus on State-led Efforts for Climate Change Mitigation and IP Inclusion

- Brazil has made several bold commitments to climate change mitigation, including commitments to reduce greenhouse gas emissions to 43% below 2005 levels by 2030, reduce deforestation by 80% by 2020[1], end illegal deforestation in the Amazon Biome by 2030, and restore and reforest 12 million hectares of forests by 2030 – all while fully respecting human rights, indigenous populations and traditional communities[2].
- Indigenous territories in the Brazilian Amazon, spanning 115 million ha and including estimated population of 433,363 people[3], play an important role in climate change mitigation, representing key areas of forest conservation and maintenance of carbons stocks and thus are critical to fulfilling Brazil's climate change commitments.
- The National Policy of Territorial and Environmental Management of Indigenous Lands (PNGATI) recognizes the important role of IP and TC in ecosystem service provision and biodiversity and cultural preservation.
- While territorial rights are recognized at the federal level, sub-national governments are leading the way with innovative models to engage and share benefits with IP.
- Acre's state system of incentives for environmental services (SISA) and Suruí Forest Carbon Project, the first certified Indigenous REDD project in Brazil, are some of the most successful examples to date of climate change finance mechanisms engaging and reaching IP.
- Yet, these sub-national efforts still face significant challenges including: addressing rising deforestation rates, creating and sustaining new resource governance models and aligning state efforts with federal legal frameworks.

1 National Policy on Climate Change (Law 12,187/2009)

2 Intended Nationally Determined Contribution towards achieving the objective of the United Nations Framework Convention on Climate Change
http://www4.unfccc.int/submissions/INDC/Published%20Documents/Brazil/1/BRAZIL%20iNDC%20english%20FINAL.pdf

3 Calculated for Brazil's Legal Amazon, https://pib.socioambiental.org/pt/c/0/1/2/populacao-indigena-no-brasil



BRAZIL

ACRE RB GCF

INDIGENOUS POPULATION
15,921 | 2%

THREATS
Infrastructure, climate change, fisheries/game depletion

DRIVERS OF DEFORESTATION
Small-scale cattle, colonization projects, fire

1% of indigenous territory is deforested.

6% of non-indigenous territory is deforested.

ACRE
3% of emissions from indigenous territories.

MATO GROSSO
6% of emissions from indigenous territories.

RONDÔNIA RB GCF

INDIGENOUS POPULATION
305,873 | 17%

THREATS
Extractive industries, large-scale ag., infrastructure

DRIVERS OF DEFORESTATION
Small-scale agriculture, small-scale cattle, illegal logging

0.2% of indigenous territory is deforested.

13% of non-indigenous territory is deforested.

RONDÔNIA
0.4% of emissions from indigenous territories.

MATO GROSSO RB GCF

INDIGENOUS POPULATION 42,538 | 1%

THREATS
Extractive industries, large-scale agriculture, infrastructure

DRIVERS OF DEFORESTATION
Large-scale cattle, fire, colonization projects

3% of indigenous territory is deforested.

12% of non-indigenous territory is deforested.

SPOTLIGHT REGIONS
- Deforestation
- Forest
- Non-indigenous regions
- Indigenous territories

0 520KM

RB *Signatory of Rio Branco Declaration*
GCF *Member of the Governors' Climate and Forests Task Force*

TIMELINE

Key legislation and events supporting IP and TC rights and participation in climate change mitigation strategies

1967 National Indigenous Foundation (FUNAI) created to coordinate and execute federal indigenous policies

1973 Statute of Indigenous Peoples, focused on "mainstreaming" IP

1988 Brazilian Federal Constitution, recognizing rights of IP and respect for social organization, languages and customs, breaking from relationship previously defined in Indigenous Statute

2004 Promulgation of OIT 169, Decree 5051 ratifying ILO treaty on rights to consultation

2006 National Commission on Indigenous Policy established

2007 National Policy for the Sustainable Development of Traditional Peoples and Communities (Decree 6040)

2010 Acre SISA Law 2308 enacting state system of incentives for environmental services

2012 Decree 7747 | National Policy of Territorial and Environmental Management of Indigenous Lands (PNGATI)

2013 Mato Grosso REDD Law (Law 9878) approved, with mandate for IP participation

2015 Rondônia Climate Change Law approved by the House of Representatives, open for public consultation *(see Box, right)*

2015 PEC 215/2000 approved by the House of Representatives and sent to Senate for consideration

LEGAL CHALLENGES TO STATES' ADVANCEMENT OF IP AGENDA

States face several legal challenges in developing state REDD programs and IP sub-programs

- Because indigenous territories (IT) fall under federal jurisdiction and are administered by FUNAI there is a need for improved coordination between state actions and federal agencies.
- Ministry of Environment's December 2015 decree mandates that states cannot act independently to sell carbon credits, creating uncertainty regarding if and how state REDD programs align with national frameworks and can be sustainably financed.
- PEC 2015 is a controversial amendment to the constitution currently under review by the Senate. If approved, it would be a major setback to IP rights and IT recognition and climate change mitigation efforts[4]. Specifically, it would transfer to Congress the ultimate authority regarding demarcation of IT, put a halt to demarcation of IT and allow federal interests to trump IP land rights.

4 A recent report by IPAM estimates deforestation incurred by PEC215 could lead to the emission of approximately 110MTCO2 by 2030. IPAM. 2015. Ameaça aos Direitos e ao Meio Ambiente: PEC 215. Available at www.ipam.org.br.

PROMISING OPPORTUNITIES FOR BRAZILIAN AMAZON STATES

Acre

- Indigenous working group within SISA provides platform for sharing information between the state and IP.
- System under development for allocating benefits from emissions reductions across sub-programs.

Mato Grosso

- MT state government considering a proposal for state-wide consultation of IP, co-led by IP, to identify IP needs and priorities across diverse bio-cultural regions.
- The proposed participatory process would result in an IP-led recommendations for IP sub-program within the state REDD program.

Rondônia

- RO is currently developing a state climate change policy, providing an opportune moment for stakeholder input into policy development.
- The existing state forum for climate change and recently formed COPIR (Coordination of Indigenous Peoples of Rondônia) represent opportunities for greater inclusion of IP and other actors within state planning processes.

CURRENT SITUATION OF INDIGENOUS PEOPLES AND CLIMATE CHANGE MITIGATION
strategies in Acre, Mato Grosso and Rondônia

○ LOW ◐ MEDIUM ● HIGH

CRITERIA	ACRE (AC)	MATO GROSSO (MT)	RONDÔNIA (RO)	
FORMAL RIGHTS RECOGNITION	●	●	●	*IP rights are protected by Brazil's constitution. The federal government is the main authority for indigenous people's rights[5], including demarcation of their lands and regulating access to resources[6].*
TERRITORIAL SECURITY	○	○	○	*If PEC 215 is approved, it will halt demarcation of IT, generating land speculation, and causing potential deforestation*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	●	○	◐	• *AC: SISA Program created IP sub-program and Indigenous Working Group, providing mechanisms for IP consultation and participation* • *MT: IP participation is limited to date; however, state government is exploring ways to engage IP in the implementation their REDD System* • *RO: IP groups such as the Suruís are spurring the government to move forward with the REDD program*
BENEFIT SHARING MECHANISMS	●	○	◐	• *AC: SISA program channels 70% of funds to IP and TC.* • *RO: The Suruí Forest Carbon Project (RO) has generated financial benefits to the Suruí tribe through the sale of carbon credits, but they are not widespread.* • *MT: IP in MT have yet to receive benefits.*
ENABLING GOVERNANCE CONDITIONS	●	◐	◐	• *AC: SISA Program globally recognized governance model for IP benefit sharing* • *MT: Emerging REDD law mandates IP participation sub-national strategies to reduce emissions* • *RO: State-REDD law undergoing public consultation, establishment of COPIR (Coordination of Indigenous Peoples of Rondônia)*

5 Brazilian Federal Constitution of 1988, Art. 22, XIV.
6 Art. 231.

THE ROAD BEYOND PARIS
Opportunities for state-led efforts to reduce deforestation and increase inclusion of Indigenous Peoples

- State-level REDD laws and Indigenous sub-programs, either existing in the case of AC or developing in the cases of MT and RO, are opportunities to improve capacity of state governments to engage IP and meet climate change mitigation goals, as well as for IP to provide input to these regional planning processes through dialogue with governments.
- Dialogues between states and IP should be inclusive of all groups, acknowledge diversity of IP, require distinct and locally adaptable approaches, and allow sufficient time.
- Brazilian states' membership in GCF can facilitate learning and collaboration, especially with regards to how member states can fulfill climate change commitments, including the Rio Branco Declaration.
- States could benefit from a common agenda in developing IP programs, while at the same time recognizing each state's unique socio-political context and advances to date.
- Increased coordination between states and federal agencies such as FUNAI could help leverage existing processes and programs to maximize impact and efficiency.
- Success of state-led REDD programs will be contingent upon their ability to deliver a range of tangible benefits to IPs that secure well-being and address direct threats to their territories.

CHIAPAS

INDIGENOUS PEOPLES AND CLIMATE CHANGE POLICIES

Consultation process for REDD+

- Mexico is a megadiverse country, home to 62 indigenous groups occupying 14% of the country.
- Mexico's extensive social property system of communal land grants, known as *ejidos* and *comunidades*, does not explicitly recognize indigenous territories; however, these property regimes account for 75% of land holdings by indigenous peoples.
- Some 80% of forests are located within this social property network, making these land managers key for forest conservation and climate change mitigation efforts.
- Chiapas is one of 5 states in REDD+ Early Action Areas, targeted by Forest Carbon Partnership Facility (FCPF) and Forest Investment Program, which prioritizes states with high deforestation rates.
- Indigenous communities[1], which account for some 27% of the state's population and 41.4% of the state's total area, are strategic stakeholders for reducing emissions from deforestation.
- Institutional arrangements at state and national levels have sought to increase the inclusion of IP and TC in the design of climate change policies, including community consultations for the national REDD+ strategy.

1 Indigenous communities were identified with those with a high population of indigenous language speakers (> 40%) using data from CDI.

MEXICO

CHIAPAS

RB GCF

INDIGENOUS POPULATION

1,312,391 | 27%

THREATS

Extractive industries, agriculture, weak governance

DRIVERS OF DEFORESTATION

Small-scale agriculture, small-scale cattle, large-scale cattle

8% of indigenous territory is deforested.

5% of non-indigenous territory is deforested.

0 100KM

RB *Signatory of Rio Branco Declaration*
GCF *Member of the Governors' Climate and Forests Task Force*

TIMELINE

Key legislation and events supporting IP participation in climate change strategies

1917	Mexico's constitution, Article 27 established the social property regime
1996	San Andrés Accords between Zapatista Army and the government granted autonomy, recognition and rights to Mexico's indigenous population following indigenous-led Zapatista uprising
2010	REDD design and implementation begins in "early action areas"
2011	Elements for the National REDD+ Strategy published
2011	Creation of Chiapas' Climate Action Plan, framing the state's policies around climate change
2011	Chiapas REDD+ Technical Consultation Council (CTC in Spanish) formally established for public participation and guidance on decision-making
2014	General Law of Sustainable Forest Development reformed
2014	Mesa Indígena y Campesina created within the National Forest Council (CONAF) as a consultative body made up of key actors involved in the forestry sector, including IP
2015-2016	National REDD+ strategy consultation conducted by CONAFOR
2015	New Chiapas Climate Change Adaptation and Mitigation Law published
2015	New Sustainable Forestry Development Law for the State of Chiapas
2016	Expected: First draft of the REDD+ Strategy for the State of Chiapas

INSTITUTIONAL ARRANGEMENTS

for IP and Campesino participation in REDD+ development

Technical Consultation Councils (CTC in Spanish) were created to provide a forum for stakeholder participation in REDD+ policy formulation, first at the national level and then state level. Participation of indigenous and *campesino* (farmer) organizations in the CTC varies from state to state. For example, Oaxaca's CTC is dominated by indigenous forestry organizations, in contrast Chiapas' CTC to date has no indigenous representation. One weakness of the CTC is that there is no mandate to include input from the CTC into decision making.

Active participation of civil society organizations, such as REDMOCAF *(Red Mexicana de Organizaciones Campesinas y Forestales)* and RITA (Red Indígena de Turismo Alternativo), in REDD+ dialogues led to reform of Mexico's General Law for Sustainable Forestry in 2014, mandating community safeguards, FPIC, benefit sharing and property rights recognition in conservation efforts. As a result of this reform, a working group comprised of indigenous and *campesino* organizations *(Mesa Indígena and Campesina)* was formed as a consultative body within the National Forestry Council to support the national REDD+ consultation process, among other activities.

CURRENT SITUATION OF IP AND TC AND LED-R

○ LOW ◐ MEDIUM ● HIGH

CHALLENGE		
FORMAL RECOGNITION OF RIGHTS	●	*Land rights secured via Mexico's 1917 constitution.*
TERRITORIAL SECURITY	◐	*Agrarian conflicts, stemming from insufficient tenure clarity and overlapping claims, continue unresolved especially in the predominately indigenous regions of* Sierra Madre, Lacandon *Region and* Chimalapas. *Need to resolve agrarian conflicts as part of REDD+ dialogue in Chiapas.*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	◐	*Existing sub-national platforms for dialogue include the state Forestry Congress, the Inter-Institutional Commission for Climate Change and CTC REDD+. However, IP participation is still low.*
BENEFIT SHARING MECHANISMS	◐	*Most benefits have focused on the* Lacandon *Region, as part of Chiapas' REDD+ early action efforts, and around protected areas of the* Sierra Madre. *Within communities, resources may not be equitably distributed, favoring rights holders.*
ENABLING GOVERNANCE CONDITIONS	◐	*Three general routes to decision making – via formal community institutions, and via municipal or state-level bodies; however, there is no mandated quota for IP and TC participation and decision making may be co-opted by political parties and via state and federal institutions, such as Indigenous and* Campesino *working group, CTC.*

NATIONAL REDD+ CONSULTATION PROCESS

- The consultation process was initiated in 2015 by the National Forestry Commission (CONAFOR) with the objective of creating a culturally, socially, and environmentally relevant national REDD+ strategy. It was funded by FCPF as part of REDD+ Readiness activities.
- The National Commission for the Development of Indigenous Peoples (CDI in Spanish) developed a protocol for consultation process, which was then adopted by CONAFOR.
- A key aspect of the consultation process was the training of local facilitators or "promotores" to carry out and adapt the protocol to local community needs.
- 219 Indigenous communities have been consulted – including 30 from Chiapas.
- Communications materials are available in some indigenous languages *(see Figure 3)*, but only cover a fraction of languages spoken by indigenous groups.
- CONAFOR is currently systematizing lessons learned and recommendations for the National REDD+ strategy based on the consultation, although there is insufficient clarity how findings will be incorporated into strategies.
- Preliminary positive outcomes included increased dialogue between communities and CONAFOR regarding policies and strategies for conservation beyond subsidies and the need to align such policies with traditional customs and cultures.
- A main criticism is that consultation process was not designed to establish agreements with communities, but rather to quickly gather opinions on a poorly understood topic. Given the wide range of knowledge and perceptions regarding REDD+ among civil society and communities, it is important that the consultation process facilitate learning about REDD+, address concerns, communicate tangible benefits, and not expect communities to make important decisions regarding land management quickly.

+ Figure 3

REDD+ materials in indigenous languages produced by Mexico's National Forestry Commission

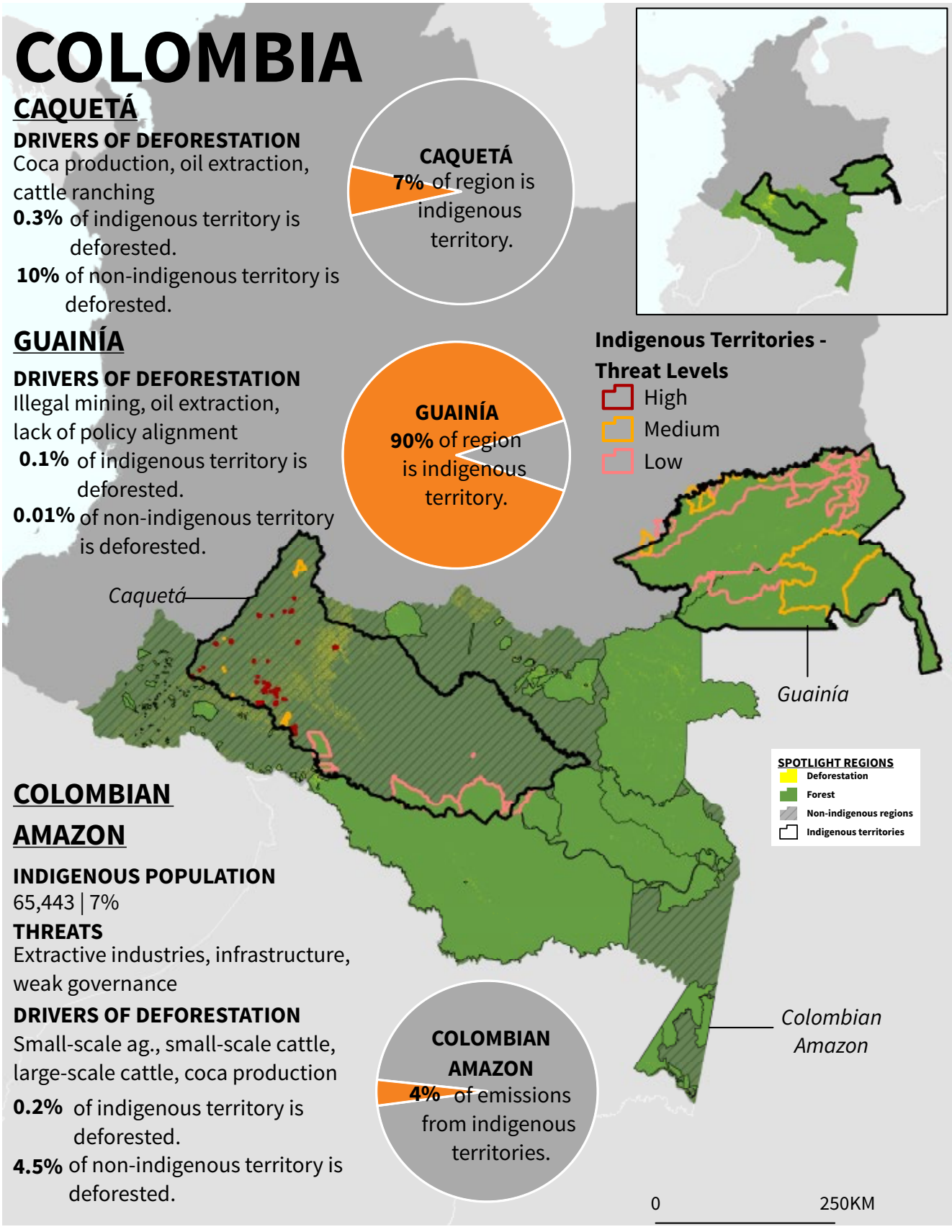
RECOMMENDATIONS

1. Mexico has a robust legal framework for both climate change mitigation and more recently consultation (as in the General Law of Sustainable Forest Development). Further action is need to ensure that state legal frameworks explicitly include the concept of FPIC, reinforcing the General Law of Sustainable Forest Development at the national level. Further, legal guarantees of access to resources and respect for biodiversity, cultural diversity and customary practices should be implemented or reinforced.
2. Improve and broaden existing spaces for participation. REDD+ dialogues in Mexico are largely technical, dominated by civil servants with a small number of civil society leaders. There is a need to actively engage more civil society organizations and more local actors. For example, participation of indigenous communities could be broadened through fostering second-level organizations among indigenous communities and increasing community representation within existing participation arenas via working groups.
3. Preliminary findings from the consultation process highlight a high demand from communities for capacity building for forest management and integration of customary practices into land use planning. Integrated approaches for LED-R should focus on these needs as key insertion points for community engagement in strategy design and implementation.
4. Strengthening spaces for participation and ensuring integration of consultations into strategy development will be critical to the success of the jurisdictional approach in Chiapas.

COLOMBIA

DIFFERENTIATED STRATEGIES TO SUPPORT INDIGENOUS PEOPLES' FOREST CONSERVATION EFFORTS

- Indigenous lands encompass approximately 47% of the forest area in the Colombian Amazon.
- Indigenous peoples (IP) control, with varying degrees of formal recognition, large swaths of tropical forest, and therefore are critical players in fulfilling Colombia's recent commitment to zero-net deforestation in the Amazon by 2020.
- Initiatives such as the national REDD strategy and Colombia's multilateral Amazon Vision program represent tremendous opportunities for greater inclusion of IP and increased benefits for IP, such as improved territorial management and security, support for community enterprise, and mitigation of threats to indigenous territories (IT) through improved land use planning. Yet to date, there are no specific proposals for inclusion of IP.
- Indigenous territories *(resguardos)* vary greatly in size, population and local organizational capacities, with insufficient information regarding how IP are currently confronting diverse threats. *Resguardos* represent both high forest/low deforestation and high forest/high deforestation scenarios as depicted on page 5.
- Seventy-one percent of Amazon indigenous territory is concentrated in eight large reserves, including Predio Putumayo, Gran Vaupés, Cuenca Media y Alta Del Río Inírida-CMARI and others, characterized by large forest estates and low deforestation rates.
- The majority of *resguardos* are less than 100 ha and characterized by high threat levels, pressures from deforestation drivers and low organizational capacity.
- Strategies for greater inclusion of IP in climate change mitigation must take into account the diversity of geographic, demographic and socio-political contexts.



Map highlights the departments of Guainía and Caquetá to demonstrate diversity of contexts for IT in the Colombia Amazon. Threat levels were determined by the proximity of IT to mining concessions, oil exploitation and/or coca production areas. Potential strategies for these departments are explored on page 25.

TIMELINE

Key legislation and events supporting IP rights and territories

1991 Constitution acknowledged *resguardos* as inalienable territorial entities

1991 Ratification ILO Convention 169 regarding FPIC (Act 21)

1993 Allocation of budgetary resources to *resguardos* through the General Participation System (SGP in Spanish) (Act 60, Decree 1809)

1998 Regulation of previous consultation processes with indigenous and afro-colombian communities about natural resource exploitation within their territories (Decree 1320)

2002 National System for Royalties to indigenous territories (Law 756) allows *resguardos* to receive royalty funds to support IP-led proposals, as permitted for municipalities and departments

2009 Endorsement of UNDRIP

2010 Mechanisms for the application of Act 21/1991 related to constitutional rights to previous consultation and participation of ethnic groups (Presidential Decree No. 01)

2012 Establishment of the Environment and Climate Change Indigenous Amazon Roundtable (MIAACC)

2014 Mechanisms for effective protection and legal security of land ancestrally occupied or owned by indigenous communities (Decree 2333)

POTENTIAL THREATS AND OPPORTUNITIES

- Colombia's 1991 National Constitution protects the rights and autonomy of indigenous peoples (IP). Colombia was one of the first Latin American countries to ratify ILO Convention 169, and its constitutional court has upheld the unconditional right of IP to Free, Prior and Informed Consent (FPIC).
- Despite formal recognition and legal protections, IT face continued threats to their autonomy and territorial management due to the expansion of agriculture and extractive industries, illegal activities (e.g. mining and illicit crops), development of infrastructure and armed conflict.
- The prospect of peace in late 2016 could bring an end to more than 50 years of armed conflict and open up the Colombian Amazon for a new wave of colonization. Under this post-conflict scenario, analyses of the dynamics of existing and potential threats to IT, as well as potential opportunities, are needed to inform territorial planning that both reduces deforestation, as well as safeguards indigenous rights and supports IP life plans and proposals.

CURRENT SITUATION OF INDIGENOUS PEOPLES AND LED-R

○ LOW ◐ MEDIUM ● HIGH

CRITERIA	COLOMBIAN AMAZON	
FORMAL RIGHTS RECOGNITION	●	*National Constitution recognizes rights and the autonomy of indigenous peoples' territories.*
TERRITORIAL SECURITY	◐	*Decades of violent conflict, illicit activities and unplanned colonization have contributed to weak governance and territorial insecurity in the Amazon region.*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	◐	*IP are participating in the development of a national REDD+ strategy, advocating for a special Amazon Indigenous REDD+ initiative* (REDD+ Indígena Amazonica). *The Environment and Climate Change Amazon Indigenous Roundtable (MIAACC), initiated in 2012, is a regional platform for discussion and coordination among indigenous peoples. Recent efforts to replicate the model are at the department level.*
BENEFIT SHARING MECHANISMS	○	*There are no benefits-sharing instruments in place related to climate change finance; however,* resguardos *receive national funds (via Sistema General de Participación) and have access to a portion of royalties.*
ENABLING GOVERNANCE CONDITIONS	◐	Resguardos *are recognized as autonomous, have allocated national budgets and are involved, to varying degrees, in territorial planning processes.*

POTENTIAL STRATEGIES FOR LED-R UNDER DIFFERENT *RESGUARDO* SCENARIOS

GUAINÍA

- Guainía is characterized by large forest estates with low deforestation rates, making it difficult for IT to access REDD credits, under the traditional pay-for-performance model compensating for emissions reductions.
- Strategies could (and should) focus on leveraging existing donor commitments to benefit sharing with IP to support IP-led proposals that seek to integrate life plans into regional LED-R models.
- The organization of indigenous peoples of Colombia (OPIAC) is supporting a pilot process for a Forest and Climate Change Roundtable in Guainía (Mesa Indígena Guainía), providing a platform to develop proposals and link IP to regional decision-making processes.

CAQUETÁ

- Caquetá is a highly forested, heterogeneous landscape with high deforestation rates, making it a suitable context for a jurisdictional approach.
- An integrated approach can help address conflicting land uses and land rights that undermine climate change mitigation efforts and territorial security.
- Increasing the governance capacity of smaller and more fragmented IT and greater articulation of these *resguardos* in decision-making processes provides opportunities to collectively call attention to needs and threats.

THE ROAD BEYOND PARIS

Recommendations for Differentiated Jurisdictional LED-R Strategies

- Implementation of national goals to reduce emissions and deforestation in the Amazon depend on territorial and environmental management of indigenous lands and, as a consequence, governance capabilities of local communities to conserve their territories and respond to existing threats.
- Differentiated strategies for low-emission rural development are needed to address diverse threats and implement life plans tailored to each community and territory. Pilot studies are being developed in Guainía, Vaupes and Amazonas that could provide relevant inputs to the national REDD+ strategy and existing government initiatives like Amazon Vision.
- Jurisdictional REDD+, incorporating *resguardos* into larger territorial planning and performance systems, could achieve greater impacts in terms of emissions reductions, more benefits for communities and improved linkages among relevant stakeholders.
- Government actors, civil society, indigenous representatives and donors involved in national commitments for climate change mitigation must also support the meaningful participation of IP in climate change dialogues at local, regional and national scales (e.g. MIAACC and pilot Mesa Indígena Guainía); strengthen local capacities for territorial management; and disseminate information at the village level to support decision making.

INDONESIA

CENTRAL KALIMANTAN AND WEST PAPUA, INDONESIA

Reconfiguration of forest ownership in Indonesia- opportunities for greater inclusion of customary rights holders in forest conservation

- Deforestation in Indonesia contributes 30-40% of global deforestation emissions[1] and accounts for the largest source of the country's total GHG emissions (average 60% annually)[2].
- While Indonesia has committed to reducing GHG emissions by at least 29% by 2030[3], the country's remaining forest- and carbon-rich lands continue to be under significant pressure.
- Indonesia is home to an estimated 50-70 million[4] indigenous peoples (approx. 30% of the population), who historically have not had formal access and ownership rights to forests.
- About 2.6 % of Indonesia's forest area (892,636 ha) is formally designated to indigenous peoples (IP) and communities[5], while the government controls more than 90% of Indonesia's forest estate[6].
- In 2012 the nation's Constitutional Court issued a decision (MK35) recognizing customary indigenous forests as a separate zoning category from state-owned forest. Some 30-40 million hectares could potentially be excised from state forests and recognized as customary tenure[7].
- Indonesia's Middle Term Development Plan aims to recognize customary and community rights over 12.7 million hectares by 2019[8].

1 Estimated over the period 2000-2010, Climate Action Tracker, http://climateactiontracker.org/countries/indonesia.html

2 Ministry of Environment, Republic of Indonesia. 2010. Indonesia Second National Communication Under The United Nations Framework Convention on Climate Change (UNFCCC). http://unfccc.int/resource/docs/natc/indonc2.pdf.

3 Indonesia's INDC

4 AMAN- http://www.aman.or.id/2016/01/28/aman-tuntut-jokowi-penuhi-janji-hadirkan-uu-masyarakat-adat/

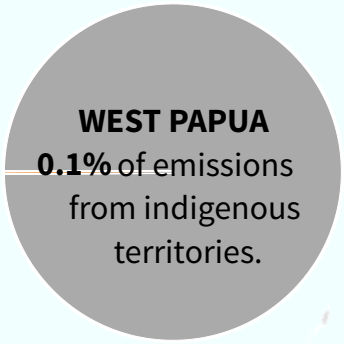
5 Multistakeholder Forestry Programme, 2015, Strategi Percepatan Perluasan Akses Kelola Masyarakat atas Kawasan Hutan Negara

6 MoF (2014) 'Ministry of Forestry Statistics 2013'. Jakarta: Ministry of Forestry.

7 Kelly, A. and N. Peluso (2015) Frontiers of Commodification: State Lands and Their Formalization. Society & Natural Resources, 28:5, pg.488.

8 Rights and Resources Initiative. 2016. Closing the Gap: Strategies and scale needed to secure rights and save forests. Washington, DC: RRI. See also Indonesia's Middle Term Development Plan 2015-2019

INDONESIA



WEST PAPUA RB GCF

INDIGENOUS POPULATION
900,000 | 50%

THREATS
Overlapping land claims, lack of incentives for forest conservation

DRIVERS OF DEFORESTATION
Commercial wood, colonization projects, small-scale agriculture

1% of indigenous territory is deforested.

2% of non-indigenous territory is deforested.

CENTRAL KALIMANTAN RB GCF

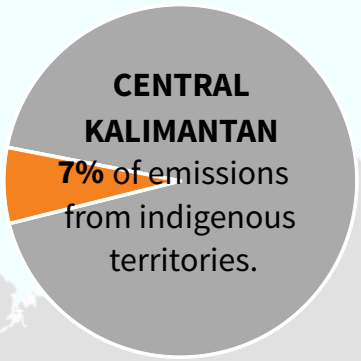
INDIGENOUS POPULATION
1,002,817 | 42%

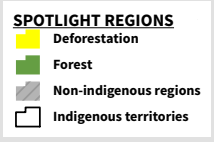
THREATS
Large-scale agriculture, weak governance, extractive industries

DRIVERS OF DEFORESTATION
Small-scale agriculture, fire, transportation

14% of indigenous territory is deforested.

18% of non-indigenous territory is deforested.





0 540KM

RB *Signatory of Rio Branco Declaration*
GCF *Member of the Governors' Climate and Forests Task Force*

TIMELINE

Key legislation and events supporting IP rights and territories

1954 Central Kalimantan established as a Province through mobilization of indigenous Dayak people

2001 Papua province granted special autonomy, allowing the provincial government to manage some policies for the benefit of indigenous Papuans

2004 Papuan Indigenous Peoples Assembly established

2008 Customary land rights of indigenous Papuans established (Perda 23)

2009 Indigenous land rights established in C. Kalimantan (Pergub 13)

2011 Indonesian National Forest Moratorium issued to protect about 64 million ha of forest and peatland from new concessions

2012 Constitutional Court Decision MK35 recognized customary forests as separate from state

2015 President Widodo extended moratorium on new forestry permits

2015 Ministry of Agrarian and Spatial Planning recognized communal rights to land within forest area (Regulation 9)

2015 MOU between the Indigenous Peoples Assembly and NGOs in W. Papua to accelerate mapping of IP territorial claims

2015 C. Kalimantan's spatial plan allocates ~ 2.7 million ha to IP, marking the first time in Indonesian history that a formal spatial plan has allocated customary lands (Perda 5)

"INDIGENOUS PEOPLES" IN INDONESIA'S LEGAL CONTEXT

- There are no official mechanisms for identifying or recognizing indigenous groups (with the exception of geographically isolated communities). *Masyarakat adat* is the term generally used to denote indigenous peoples, which includes the 1128 ethnic groups recognized by the government.
- "Indigenous" rights are implicit (although in some cases conditional) in the basic agrarian framework and human rights decree and in some environmental legislation pertaining to *masyarakat adat.*
- There has been resistance to national legislation recognizing IP, despite the fact that the Indonesian government has referenced IP in international dialogues. For example, Indonesia is a signatory of the UNDRIP, but the government argues that "almost all Indonesians are indigenous and entitled to the same rights", thereby rejecting the idea of explicitly recognizing rights of IP[9].

9 Vindling, D. and C. Mikkelsen eds. (2016). The Indigenous World 2016. International Work Group for Indigenous Affairs.

ADVANCES IN IMPLEMENTATION OF MK35

- Legal frameworks at the provincial level, such as C. Kalimantan's 2015 spatial plan, lay the basis for customary rights recognition as well as the development of institutional arrangements facilitating IP land registration.
- In 2015, most of the districts in C. Kalimantan established coordination teams to identify and verify customary lands within forest areas. From their efforts, the District Land Agency has proposed the recognition of several customary lands, but the process is stalled around the procedure of forest relinquishment from Ministry of Environment and Forestry.
- In W. Papua, the Indigenous Peoples Assembly, together with government agencies and civil society organizations, has planned to map the territories of ~65 indigenous clans within the next 5 years.
- Financial support, such as a recent grant from the World Bank to AMAN (Indonesian Indigenous Peoples Alliance), will accelerate mapping of indigenous lands and increase the capacity of IP organizations to support land registration.
- Several key challenges remain: 1) overlapping allocation of customary land proposed for MK35 implementation and private lands; 2) complex bureaucratic processes for land registration; and 3) poor alignment between provincial and national regulations and procedures for land registration.

CURRENT SITUATION OF INDIGENOUS PEOPLES AND CLIMATE CHANGE STRATEGIES IN CENTRAL KALIMANTAN AND WEST PAPUA

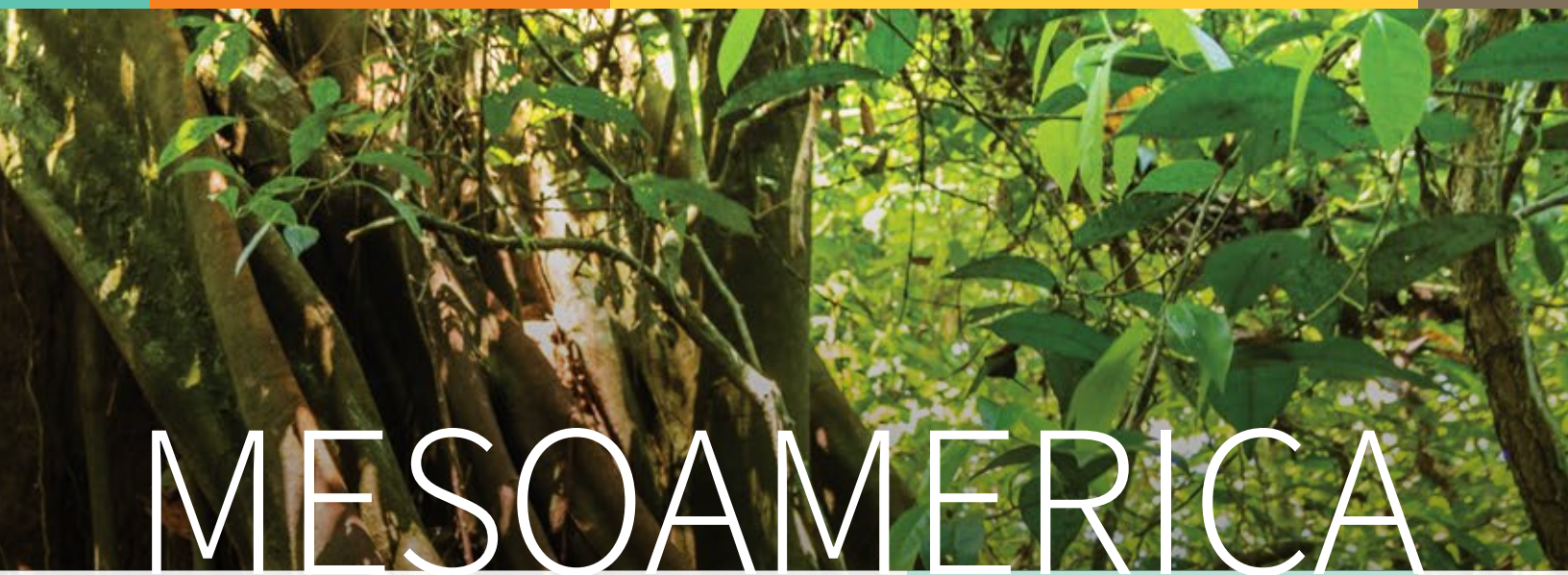
○ LOW ◐ MEDIUM ● HIGH

CRITERIA	CENTRAL KALIMANTAN	WEST PAPUA	
FORMAL RIGHTS RECOGNITION	○	○	*2012 Constitutional ruling establishes legal basis for customary tenure; however, policies and procedures for implementing are still under development and face many challenges.*
TERRITORIAL SECURITY	○	◐	*CK: Overlapping land claims result in conflicts between customary land holders and land users from other sectors (plantations, mining, forestry). Formal procedures for settling conflicts and establishing claims are complex, and IP are often on unequal footing when fighting for rights in court, due to lack of formal evidence required for land claims.* *WP: IP have managed to protect their territories through direct negotiation with other actors.*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	○	○	*In W. Papua, NGOs are facilitating dialogues to empower IP to participate in local decision-making processes.*
BENEFIT SHARING MECHANISMS	○	○	*Norway pledged 1 billion USD in performance-based REDD finance, with ~50 million disbursed. REDD finance has yet to reach IP and TC "Village Funds", established to channel government funds to villages.*
ENABLING GOVERNANCE CONDITIONS	◐	◐	*Both provinces are members of the GCF and signatories to the Rio Branco Declaration, supporting political will to implement MK35 and climate change commitments.* *Special autonomy of W. Papua provides a unique mechanism for securing IP interests, although they may be superseded by sector-specific policies (e.g. mining, forestry).*

THE ROAD BEYOND PARIS

Recommendations for realizing customary land tenure as part of LED-R

- The Constitutional Court Decision MK35, C. Kalimantan's 2015 spatial plan, and W. Papua's special autonomy status and majority indigenous population all create opportunities for greater recognition of customary tenure and participation of IP in sustainable development strategy.
- However, in order to support climate change mitigation goals, rights recognition must be concomitant with incentives for forest conservation (e.g. support for community enterprise, capacity building, finance, village-level investments), as well as mechanisms to ensure inclusion and participation of rights holders in LED-R planning processes.
- The groundwork is being laid through the monumental mapping efforts underway and greater coordination among agencies for land allocation and registration, and a proposed indigenous taskforce within the Presidential office.



MESOAMERICA

INDIGENOUS PEOPLES AND FOREST COMMUNITIES

from La Muskitia (Gracias A Dios), Honduras and the Northern Lowlands (Petén), Guatemala lead climate change efforts

- Mesoamerican communities and indigenous people have formal rights to over 60% of the region's forest ecosystems, in contrast to Africa and Asia, where the state owns the bulk of forestland.[1]
- Yet, IP and forest communities' (FC) rights may be temporally limited, subject to persistent external threats and in the early stages of recognition.
- Top-down and bottom-up tenure reforms in recent years have resulted in a broad range of rights-based approaches led by FC and IP.
- 10 Territorial Authorities own or manage a major portion of the forests expanding from Mexico to Panama,[2] covering more than 50 million hectares.
- The Mesoamerican Alliance of Peoples and Forests (AMPB, Allianza MesoAmericana de Pueblos y Bosques) is a network formed by these 10 rights-holding organizations. Since its formation in 2010, AMPB has elevated concerns of forest-based IP and communities to international and national dialogues on rights and resources.
- AMPB and its member organizations provide platforms to secure rights, increase visibility of the role of IP and FC in mitigating climate change and develop proposals for sustainable development.
- Mesoamerican jurisdictional low-emission rural development (LED-R) is a bottom-up approach that incorporates the rights-based agenda of territorial governance institutions into regional development and climate change dialogues, led by territorial authorities themselves.

1 AMPB/PRISMA (2013) Mesoamerica at the forefront of community forest rights: Lessons for making REDD+ work. San Salvador, Alianza Mesoamericana de Pueblos y Bosques/Fundación PRISMA. Retrieved from: http://www.prisma.org.sv/index.php?id=detalle&tx_ttnews%5Btt_news%5D=536&cHash=880e729eb7d7b16d3b2a0c9a4cb277f3

2 AMPB members include: Congreso General Guna, Comarca Emberá-Wounaan, Nación Mayangna, Yatama, Ribca, RedMocaf, Alianza OFC Guatemala, FEPROAH, ACOFOP, MASTA

MESOAMERICAN JURISDICTIONAL LED-R

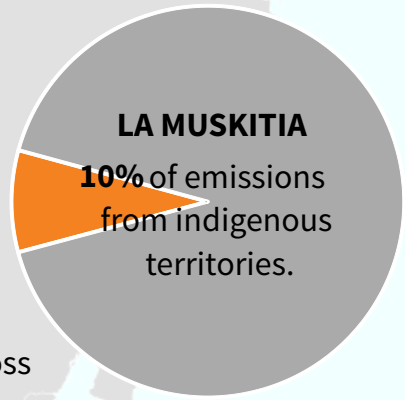
- Initially named "Mesocarbon", a uniquely Mesoamerican Jurisdictional LED-R approach has evolved to focus on low-emissions territorial development, recognizing territorial authorities, designated via formal collective rights recognition and democratic governance processes, as the most relevant counterparts for successful REDD programs.
- The initiative has focused initially on pilot AMPB territories with potential to expand across other IP forests across 6 countries and more than 20 million hectares in Mesoamerica.
- The Mesoamerican Initiative is piloting new methods of social, environmental and enterprise monitoring that move beyond a narrow focus on carbon.
- The Initiative is also focused on options for financing that are more accessible to communities than previous REDD+ efforts, and that are adapted to local livelihoods and territorial realities.
- While many nationally-led REDD+ processes have made limited progress in building local institutions for forest governance, Mesoamerica's IP and FC have already led a dynamic process of institutional evolution resulting in strengthened governance, a process that has already achieved concrete climate impacts.

MESOAMERICA

LA MUSKITIA, HN

INDIGENOUS POPULATION
58,098 | 64%

THREATS
Large-scale agriculture, narcotrafficking, biodiversity loss

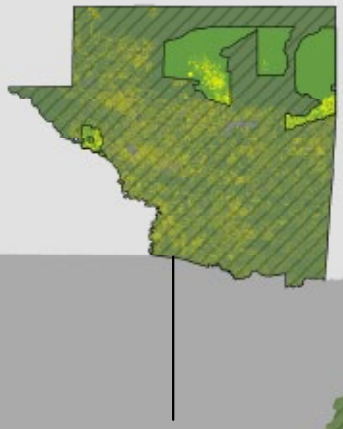


SPOTLIGHT REGIONS
Deforestation
Forest
Non-indigenous regions
Indigenous territories

DRIVERS OF DEFORESTATION
Large-scale cattle, commercial wood, large-scale agriculture

3% of indigenous territory is deforested.

6% of non-indigenous territory is deforested.



NORTHERN LOWLANDS, GT

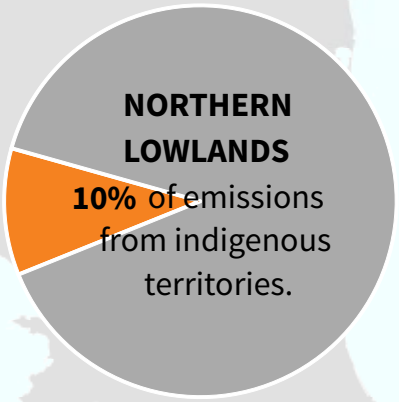
INDIGENOUS POPULATION
118,000 | 17%

THREATS
Policies undermining IP rights, biodiversity loss, large-scale agriculture

DRIVERS OF DEFORESTATION
Large-scale agriculture, large-scale cattle, transportation

10% of indigenous territory is deforested.

23% of non-indigenous territory is deforested.



0 220KM

TIMELINE

Key legislation and events supporting IP and FC rights and climate change mitigation efforts

ASSOCIATION OF COMMUNITY FORESTS OF PETÉN (ACOFOP)

1996 Peace Accords in Guatemala formally ended 34-year armed conflict

1994-2001 25-year renewable community forest concessions formed in roughly 500,000 hectares of Guatemala's Petén region

2007 Community forest concessions launched voluntary forest carbon project GuateCarbon

2015 Finance achieved through project, though rights remain unsecured, work continued on Jurisdictional REDD+ to ensure consolidation of rights

MISKITU ASLA TAKANKA (MISKITU UNITY)

1990s Miskitu communities renewed demands for territorial rights, while forming new territorial forms of government in response to invasions

2009 Early voluntary carbon project effort stalled in the Muskitia due to inadequate consultation of Miskitu Authorities

2010-2011 Property Law of 2004 modified to allow for territorial titling processes

2012-2015 Miskitu mobilization achieved government commitment for titling, over 10 territories covering more than 1 million hectares now recognized

2015 Territorial authority Miskitu Asla Takanka (MASTA) proposed pathway forward for REDD+ based on respect for territorial rights in the sub-national region of the Muskitia, given the slow pace of the national REDD+ process

2016 Titling process completed for all 12 Miskitu territories including those within the Rio Platano Biosphere Reserve, commonly referred to as the heart of the Mesoamerican Biological Corridor

DIVERSE RIGHTS-BASED APPROACHES

to climate change mitigation and improved governance

NORTHERN LOWLANDS (PETÉN), GUATEMALA

- In the northernmost forest frontier region in Guatemala's Petén, the Association of Community Forests of Petén (ACOFOP) has evolved over more than 20 years to improve forest management, benefit sharing and capacity building. ACOFOP is leading the country's largest and most advanced jurisdictional effort, managing nearly 500,000 hectares of forest under 25-year contracts.
- Community-led innovations such as the local concession model have allowed for the emergence of a variety of community-controlled and FSC certified timber and non-timber enterprises, contributing to the region's success in curbing high deforestation rates.[3]
- ACOFOP has pioneered a voluntary carbon initiative, Guatecarbon, a jurisdictional REDD+ effort that has partnered with the government and private investors to secure benefits from the successful forest management practices through the sale of voluntary carbon credits, while at the same time investing in regional governance.
- Although private investment has been committed to the initiative for Verified Emissions Reductions (VER), uncertainty remains for both the project and the Guatecarbon program as the government has not yet renewed the 25-year community-concessions, set to expire within 5 years.

LA MUSKITIA, HONDURAS

- In Honduras, MASTA is the highest authority of the Miskitu People and currently leading governance transformation in their territory.
- In early 2016, after decades of conflict, the Miskitu People finally achieved the historic collective titling of their 12 Territorial Councils, covering 1 million hectares.
- MASTA is currently spearheading a proposal for jurisdictional REDD+ based on these territorial rights, and has made significant progress on territorial zoning and regulations, the resolution of third party claims, and the application of Free, Prior and Informed Consent through a Miskitu-designed and tested Bio-Cultural Protocol.

3 Hodgdon, B. et al., 2015. 2000-2013: Deforestation trends in the Maya Biosphere Reserve, Guatemala. Rainforest Alliance., Elías, S. & Monterroso, I.,2014. La lucha por los derechos territoriales para las comunidades rurales: la Experiencia de ACOFOP en la Reserva de la Biósfera Maya, Petén. Fundación PRISMA. San Salvador., and Davis, A. et al., 2015. R*ights based governance: Experiences of Territorial Authorities in Mesoamerica*. PRISMA, San Salvador.

CURRENT SITUATION OF IP AND TC AND LED-R

LOW MEDIUM HIGH

CRITERIA	LOWLANDS (PETÉN), GUATEMALA	HONDURAN MUSKITIA	
FORMAL RIGHTS RECOGNITION	◐	●	*In the Muskitia, historic titling of MASTA territories, covering more than 1 million ha. In Petén, rights of community concessions are strong but temporary (25-year contracts begin to expire within 5 years)*
TERRITORIAL SECURITY	◐	◐	*External threats (such as invasions by outsiders, illegal logging, cattle ranching and narco trafficking) persist in both regions. In Honduras, indigenous institutions strengthened with titling, while in Petén, impending expiration of concessions has exacerbated territorial insecurity and threats, despite strong local capacity.*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	◐	◐	*In Honduras, IP participation has improved after a weak start, though meaningful results from dialogue with national climate change processes remain to be seen. In Guatemala, ACOFOP has participated in dialogues, though main obstacle for governance – insecure rights – remains unresolved.*
BENEFIT SHARING MECHANISMS	◐	○	*In Petén, some benefits have been delivered to communities, though government has received the bulk of resources. In Honduras, processes are still incipient, with no concrete benefits to communities yet.*
ENABLING GOVERNANCE CONDITIONS	◐	◐	*Both regions have a strong and growing foundation of rights-based governance; however, significant external threats to overall governance persist, such as drug trafficking.*

MESOAMERICAN TERRITORIAL FUND

The Mesoamerican Territorial Fund is a finance mechanism under construction, led by AMPB, that channels international public and private financing to forest and agroforestry landscapes to address climate change, conserve biodiversity and ecosystems, and enhance livelihoods. The approach is based fundamentally on the respect and implementation of indigenous and community rights, with the recognition that a wide range of actors contribute to these goals, including public, private and civil society organizations. Funding is therefore channeled to territories where these actors are united in *Territorial Alliances*, and where strategic multiple goals of climate change, livelihood development as well as ecosystem and biodiversity conservation can be advanced. Locally devised monitoring criteria to measure progress towards social and ecological goals are a central part of this effort, and include nesting options within REDD+ processes, as well as a broader set of financing modalities. A variety of territorial finance mechanisms, which are being organized into a broader regional funding structure, are already in place across the region.

THE ROAD BEYOND PARIS

Perspectives from Mesoamerica

Jurisdictional Approach to REDD+ and LED-R can support existing territorial development processes, and vice versa

- The assertion of indigenous and community rights over resources and autonomy can be key for climate change mitigation through LED-R, as secure rights help attain forest conservation and climate change mitigation goals. In turn, climate change initiatives provide a basis for a broader discussion on territorial rights.
- The experiences of the Miskitu in Honduras and the community forestry organizations in Petén offer a number of lessons: the reconfiguration of rights and territorial authority in the Muskitia opens up a historic opportunity for LED-R to support the implementation of rights aligned with conservation and economic development; in Petén, the struggle of community forest concessions to ensure long-term access to their resources underscores the importance of tenure clarity and security, including rights over carbon.
- These experiences demonstrate how forging multi-level democratic governance institutions, in which diverse territorial institutions and authorities are recognized and included in the design of sustainable development proposals, can lead to strengthened governance and deliver on both social and environmental goals.
- Territorial governance institutions, many of which operate and are strongest at the sub-national level, have the potential to inform and bring together national-level institutions and decision-making processes.

PERU

CLIMATE CHANGE INITIATIVES CAN SUPPORT LEGAL SECURITY OF INDIGENOUS TERRITORIES IN THE PERUVIAN AMAZON

- Native communities *(comunidades nativas)* in the Peruvian Amazon cover nearly 18 million hectares, of which approximately 6 million hectares have yet to be titled[1].
- Peruvian government policies have considered indigenous territories as obstacles to private investment, ignoring their key contributions to climate change mitigation, food security, biodiversity conservation and traditional ecological knowledge.
- Recent policies are threatening the legal security of indigenous territories (for example, Law 30230, which undermines community land rights and weakens environmental regulations under the auspices of promoting investment).
- New analysis demonstrates that the economic benefits of securing rights via titling outweigh the costs of territorial insecurity[2] in other parts of the world.
- In Peru, climate change mitigation funds are now being directed to support titling of *comunidades nativas*, with increasing recognition of the key role indigenous territories play forest conservation and avoided emissions.

1 Instituto del Bien Común, 2014. Sistema de Información sobre Comunidades Nativas

2 Gray, E. et al., 2015. "The Economic Costs and Benefits of Securing Community Forest Tenure: Evidence from Brazil and Guatemala." Washington, DC: World Resources Institute. Available online at http://www.wri.org/forestcostsandbenefits.

PERU

LORETO RB GCF

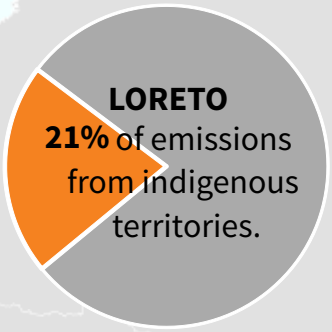
INDIGENOUS POPULATION
115,006 | 13%

THREATS
Extractive industries, large-scale agriculture, infrastructure

DRIVERS OF DEFORESTATION
Illegal mining, large-scale agriculture (oil palm), infrastructure

1% of indigenous territory is deforested.

1% of non-indigenous territory is deforested.



Loreto

PACHITEA WATERSHED

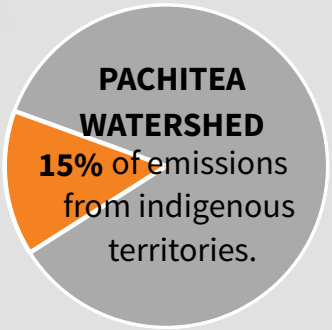
INDIGENOUS POPULATION
25,223 | 22%

THREATS
Infrastructure, policies undermining IP rights, fisheries/game depletion

DRIVERS OF DEFORESTATION
Small-scale agriculture, smallholder cattle, commercial wood

7% of indigenous territory is deforested.

13% of non-indigenous territory is deforested.



Pachitea Watershed

MADRE DE DIOS RB GCF

INDIGENOUS POPULATION 3,955 | 4%

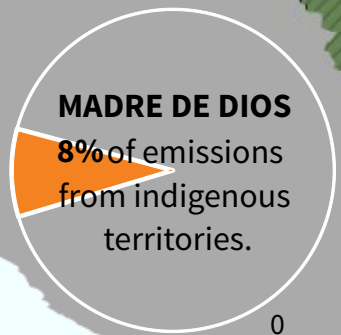
THREATS
Extractive industries, biodiversity loss, loss of cultural traditions

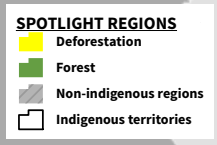
DRIVERS OF DEFORESTATION
Illegal mining, illegal logging, colonization

1% of indigenous territory is deforested.

2% of non-indigenous territory is deforested.

Madre de Dios





0 360KM

RB *Signatory of Rio Branco Declaration*
GCF *Member of the Governors' Climate and Forests Task Force*

TIMELINE

Key legislation and events supporting IP rights and territories

1974 Law of Comunidades Nativas (Law 20653) granted legal recognition and property rights to Amazonian indigenous settlements, to be known as comunidades nativas. After several revisions of the law, titles were changed to usufruct contracts[3]

1980 AIDESEP formed | civil society organization representing diverse indigenous communities in the Peruvian Amazon

2006 Law for Protection of Isolated Indigenous Peoples

2008-2009 Rise of social and indigenous rights movements, which helped detain several anti-Indigenous laws and promoted the consultation law

2011 Indigenous Peoples Consultation Law

2011 Forest and Wildlife Law (Law 29763) | for the first time recognized native and peasant communities, reinstates rights of comunidades nativas to use of forest resources in their territories, asserts rights to consultation and included native and peasant communities in the directive council of the National Forest and Wildlife Service (SERFOR)

2014 Law 30215 | recognized the rights of communities to benefit from carbon as an ecosystem service

2015 Forest and Wildlife Bylaws passed to enable implementation of Forest and Wildlife Law

3 Larson, A., I. Monterosso,M.R. Banjade, E. Mwangi (2016). Community rights to forests in the tropics: Progress and retreat on tenure reforms. In M. Graziadei and L. Smith, eds., *Comparative Property Law: Global Perspectives* (Cheltenham: Edward Elgar)

WAITING FOR LAND TITLES

- The Peruvian Amazon is home to 2006 *comunidades nativas*; one-third remain to be titled[1].
- Barriers to titling include lack of political will, historical discrimination against indigenous peoples, lack of institutional capacity and resources to carry out titling, conflicts with colonization settlements and other land users, and cumbersome and costly bureaucratic processes.
- Only 19 *comunidades nativas* were titled between 2006 and 2010.
- In Pachitea, the Unipacuyacu community has been waiting 20 years for titling, during which time their lands have been invaded.
- In Loreto, extension and titling of the Ampiyacu communities have taken 11 years.
- In 2013, *Apus* communities in *Madre de Dios* backed AIDESEP's (Asociación Interétnica de Desarrollo de la Selva Peruana in Spanish) position that rejects REDD+ projects as long as they lack titling.

1 Instituto del Bien Común. 2014. Sistema de Información sobre Comunidades Nativas

CURRENT SITUATION OF IP AND TC AND LED-R

○ LOW ◐ MEDIUM ● HIGH

CRITERIA	PACHITEA	LORETO	MADRE DE DIOS	
FORMAL RIGHTS RECOGNITION	◐	◐	◐	*Slow progress towards titling* comunidades nativas *may be advanced with climate finance.*
TERRITORIAL SECURITY	○	○	○	*Threats include conflicting claims, illicit economic activities, and policies undermining community rights (Law 30230).*
PARTICIPATION IN CLIMATE CHANGE DIALOGUES	○	○	○	*IP participation is concentrated at the national level, with fewer opportunities at the sub-national level.*
BENEFIT SHARING MECHANISMS	○	○	○	*Few mechanisms in place.*
ENABLING GOVERNANCE CONDITIONS	◐	◐	◐	*New sub-national commitments, including the recent membership of Peruvian departments in GCF, establishment of the Interregional Amazon Council (CIAM), signing of Under2MOU, BIOAY Biosphere Reserve, and Sistemas Locales de Gestión Ambiental represent important advances as well as new spaces for inclusion of IP and opportunities to increase visibility of IP within regions.*

FUNDS DESTINED TO TITLING OF *COMUNIDADES NATIVAS*

- **Forest Investment Program (FIP-Peru):** US$5.5 million for titling of comunidades nativas and forest management, participation of AIDESEP and CONAP (Confederación de Nacionalidades Amazónicas del Perú) in National Committee.
- **Cooperation Agreement between Norway, Germany and Peru:** commits US$50 million to reduce deforestation and forest degradation and fostering sustainable development; includes regularization of 5 million hectares that belong to comunidades nativas by 2017 and links performance based finance to 2 million hectares within indigenous communities.
- **Forest Carbon Partnership Fund (FCPF):** Pilot project for titling of comunidades nativas in Loreto—US$20,000 with an additional US$800,000 pledged by other donors such as FIP.
- **InterAmerican Development Bank:** US$80 million loan to strengthen the capacity of regional governments for titling in the Amazon, including Madre de Dios.
- **DEVIDA (Comisión Nacional para el Desarollo y Vida sin Drogas)** has invested US $330,000 for titling 6 communities in Pichis (Pachitea) in agreement with the Regional Government of Pasco.
- **The Pro Tierra program,** funded by the German development organization GIZ, has begun a project aimed at building the capacity of Amazon regional governments to title native communities.

THE ROAD BEYOND PARIS

Legal Security for Indigenous Peoples can lay the foundation for a regional transition to LED-R.

- Shift in climate finance to secure tenure rights in the Peruvian Amazon has the potential to quicken the glacial pace of titling.
- In the face of strong resistance from the state to support legal security of *comunidades nativas*, these financial incentives could be leveraged to garner increased commitment from regional governments to support IPs (e.g., using both social and environmental criteria for performance based payments at the territorial scale) and to fulfill their mandate to benefit-sharing as signatories of the Rio Branco Declaration.
- Titling of *comunidades nativas* not only lays the groundwork for communities to receive financial benefits from REDD or LED-R programs, but also may strengthen efforts to address broader threats faced by indigenous territories, including land invasions and hydrocarbon exploration.
- Building the capacity of regional governments to overcome institutional barriers to titling is key.
- In addition, adequate funding must be channeled to titling of *comunidades nativas*, in conjunction with other land regularization processes, in order to avoid social conflicts.

For additional information
www.ibcperu.org
http://comunidadesdelperu.ibcperu.org/

RECOMMENDATIONS

for Increasing REDD+ Benefits to Indigenous Peoples & Traditional Communities through a Jurisdictional Approach

Expand current concept of REDD+: Jurisdictional approaches to REDD+ are allowing for a more expansive definition of REDD+, one that seeks to channel more rewards to forest guardians, who to date have struggled to receive benefits under the current mechanisms. To successfully engage traditional forest guardians, who control nearly twenty percent of the world's tropical forests, climate change mitigation initiatives must address their needs and priorities.

Catalyze regional transitions, rather than creating isolated REDD+ islands: Under a jurisdictional approach, whole regions—municipalities, states, or other politically-relevant geographies—can advance towards a low-emission development paradigm through coordinated policies and incentives that seek to address root causes of deforestation. Because deforestation drivers are often inextricably linked to threats faced by IP and TC, a holistic, integrated approach to forest conservation can also advance human rights and confront territorial threats.

Address systemic barriers: Jurisdictional REDD+ strategies can help address the systemic barriers faced by IP and TC in achieving their aspirations, including threats to territorial security and insufficient consultation concerning regional development processes. Rather than making tenure security a prerequisite for REDD+, climate initiatives can actively enhance tenure security by supporting land titling and land registration processes, as emphasized in the Peruvian case study. Mesoamerica's jurisdictional approach to REDD+, linking over 50 million ha of forest and indigenous and community organizations in seven Central American countries, highlights how such an approach can incorporate issues of territorial security, cultural and political rights into REDD+ and other strategies.

Broaden the range of benefits: Jurisdictional approaches should develop benefit-sharing mechanisms to bring diverse services and support for forest-dependent communities to improve their well-being and livelihoods, support community enterprise and improve governance capacity. IP and TC can and should play a critical role in co-designing proposals with governments and donors that are firmly rooted in life plans, with budgets and mechanisms to efficiently and effectively deliver finance where it is most needed.

Secure a seat at the table for IP and TC: Climate change mitigation strategies should include a range of stakeholders, including those actors driving deforestation and those who have historically protected forests, such as IP and TC. It is not enough for IP and TC to be on government and donor agendas, they must be at the table as well. Both Mexico and Brazil have made advances in creating institutional

arrangements, such as the Indigenous Working group within Acre's SISA program and Mexico's National Forestry Council's Indigenous and Campesino taskforce.

Consider climate finance as one piece of the puzzle: Climate finance, including for REDD+ and from voluntary carbon markets, must be part of a broader set of interventions to improve livelihoods and quality of life within forest-dependent communities, and not seen as a silver bullet.

Tailor strategies and incentives: Within the jurisdictional approach, diverse incentives and strategies can be designed in order to address the specific needs and objectives of IP and TC, as well as confront both direct and indirect threats faced by communities. As the Colombian case study demonstrates, the unique socio-political and biophysical context of indigenous territories creates distinct opportunities and challenges. For example, IP controlling large forest estates with low deforestation rates can be better linked with government planning processes through institutional arrangements like the Forest and Climate Change roundtable in Guainía, whereas in Caquetá strategies may prioritize resolving overlapping land claims.

Prioritize tenure security: Jurisdictional approaches can promote increased coordination between indigenous territories and government agencies charged with designating and securing community rights at sub-national and national levels. Social movements and grassroots organizations have paved the way for formal recognition in many regions; now governments must step up to develop and implement policies and programs that support these rights. The Indonesian case study explores the 2012 constitutional ruling reconfiguring forest ownership, highlighting some of the advances and challenges in implementation.

Support sub-national governments to pursue innovative programs that channel more benefits to IP and TC: As seen in the case studies on Brazil, sub-national governments can be important game-changers by creating enabling conditions for greater inclusion of IP and TC and through the development of innovative programs and benefit-sharing mechanisms. Without adequate positive incentives, including flow of climate finance, and positive signals from national decision-makers and international community bolstering political will, there is a risk of failure. Improved alignment between sub-national and national governments and agencies addressing IP and TC can help maintain momentum for advancing climate change mitigation and IP and TC agendas.

Build local capacity: Indigenous communities, like many resource-dependent communities, are facing an array of new challenges, from the expanding reach of global markets to adapting to climate change. Building capacity within communities to confront new challenges, including developing skills to transform production systems, engage in the carbon economy and negotiate equitable terms with government and private sector actors, will be critical as regions embark on a paradigm shift to LED-R. Many of the successful cases highlighted in this report involve significant investments in IP and TC capacity, for example Acre's Indigenous Agroforestry Agents program and Indonesia's mapping of customary lands.

Strengthen IP and TC networks and collective action: IP and TC alliances, such as AMPB, COICA, and AMAN, have been successful not just in bringing their concerns to the forefront of national and international dialogues on climate change mitigation, but also in developing and implementing their own proposals to address those concerns. History has shown that bottom-up approaches are often the most innovative and most relevant in addressing real needs on the ground, as well as the most lasting.

The **Sustainable Tropics Alliance** is a strategic partnership of independent, non-governmental organizations that draw on research, multi-stakeholder engagement, and local knowledge to develop alternative, low-emission rural development (LED-R) models in the Tropics. The current members of the Alliance are Earth Innovation Institute (Brazil and Colombia), Institut Penelitian Inovasi Bumi (Indonesia), Instituto del Bien Común (Peru), the Instituto de Pesquisa Ambiental da Amazônia (Brazil), Green Belt Movement (Kenya) and Pronatura-Sur (Mexico). For more information, visit: www.sustainabletropics.org

The Forest-Based Livelihoods Consortium, a partnership of nine environmental and indigenous organizations to empower forest-dependent communities to more fully contribute to and directly benefit from climate change mitigation efforts. The Consortium works to build the capacity of indigenous and other forest-based communities to improve governance of their territories and forests, while supporting key jurisdictions to develop institutional and policy frameworks that are more inclusive of the rights and views of such communities. Consortium members are Forest Trends, COICA, Earth Innovation Institute, EcoDecisión, Environmental Defense Fund, Metareilá, IPAM, PRISMA, AMPB and Pronatura Sur.

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