

# INTERNATIONAL REDD+ INSTITUTIONS AND THE ROLE OF LAND TENURE AND PROPERTY RIGHTS

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# 1.0 INTRODUCTION

## 1.1 BACKGROUND TO REDD+

The international response to climate change through combating deforestation and enhancing forest carbon stocks in developing countries (REDD+<sup>1</sup>) will alter the way in which rural populations in many countries interact with forested landscapes through new incentives and regulations. The security of land tenure and property rights of these populations will be central to their ability to:

- Provide input into the design of these initiatives;
- Participate in the implementation of activities at the local level; and
- Receive benefits from the REDD+ activities.

Secure local land tenure and clear property rights will also help to protect rural rights holders from potential negative impacts of REDD+ activities, such as uncompensated government takings and private speculation. The international institutions guiding investment into REDD+ efforts are still developing and adapting guidance, and they incorporate land tenure and property rights concerns into their operations to varying degrees. These institutions include efforts led by bilateral and multilateral donors through international financial mechanisms, as well as the work of nongovernmental organizations (NGOs) and the private sector in developing certification standards and project activities. This paper describes how these international institutions interact with land tenure and property rights through their policies, decisions, and actions, and how these stances have evolved.

The land use sector offers significant opportunities to sequester carbon through protecting standing forests and increasing forest cover. At present, however, the land use sector is a net emitter of greenhouse gases, with deforestation in developing countries contributing to the release of 12–17 percent of global anthropogenic greenhouse gas emissions (van der Werf et al., 2009). As a result, over recent years, reaching an international agreement to formalize an incentive mechanism for REDD+ has been a major objective of the United Nations Framework Convention on Climate Change (UNFCCC) and is seen as a way to realize multiple benefits related to climate, poverty alleviation, and the provision of ecosystem services.

In December 2010, the UNFCCC Cancun Agreements included a landmark decision on REDD+ describing the international goal of REDD+ to “slow, halt and reverse forest cover and carbon loss” (UNFCCC, 2010). The decision leaves the process for meeting REDD+ goals vague except that it should occur through a phased approach, which includes development of a national strategy. This would be followed by implementation of policies and demonstration activities and ultimately results-based actions that are measured, reported, and verified. This approach recognizes that for countries to deliver emission reductions effectively and address drivers of deforestation, there are a number of necessary readiness conditions related to human and institutional capacities and legal frameworks. Securing land tenure and clear property rights are widely acknowledged as an important readiness step that has implications for defining rights and responsibilities within REDD+ institutions and also addresses the underlying drivers of deforestation.

Because of the direct link to deforestation, strengthening property rights and land tenure is foreseen as an activity that warrants results-based payments under some financing regimes. A baseline level of tenure

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<sup>1</sup> REDD+ is “reduced emissions from deforestation and forest degradation in developing countries, and the role of conservation, sustainable management of forest and enhancement of forest carbon stocks in developing countries.”

security and clarity of property rights is required for the institutions that support REDD+ to perform. For example, the local and national statutory and customary tenure context has significant implications for the ability of the rural poor to participate in REDD+ activities and/or to own and benefit from the creation of emission reductions.

Over recent years, a range of international actors has been preparing for large-scale implementation of REDD+ while waiting for a signal from the UNFCCC. These players include:

- Major international bilateral donors, particularly Norway;
- Potential recipient countries, such as Brazil, Indonesia, and Guyana;
- Intergovernmental organizations, including UN-REDD and the World Bank’s Forest Carbon Partnership Facility (FCPF), Forest Investment Program (FIP), and BioCarbon Fund; and
- Intergovernmental coordination partnerships, such as the REDD+ Interim Partnership.

At the private level, NGOs and private investors have established project-level methodologies and activities through emergent certification standards, like the Verified Carbon Standards (VCS); the Climate, Community and Biodiversity (CCB) Standards; and the REDD+ Social and Environmental Standards (REDD+ SES). These international institutions are playing an important role in controlling the initial scale and direction of funding for REDD+ activities and are defining policies with varying specificity to ensure that funding does not lead to unintended negative consequences. Each institution has varying capacity to influence local, regional, and national policies and implementation on the ground. As a result, under the present context of a disjointed and ambiguous international regime, it is important to consider how the current discussions (or lack of discussion) related to land tenure and property rights in REDD+ are resulting in actions that promote good governance and safeguard the rights of those whose (formal or informal) rights may be affected by and/or may influence the achievement of REDD+ activities.

This paper addresses this need by describing the extent to which international institutions engaging in REDD+ have considered property rights and land tenure issues in their objectives and processes. The paper uses examples from emerging experiences with each institution to consider whether the institution’s work is likely to enhance the property rights and tenure of customary and statutory rights holders. For many institutions, particularly those that have not yet delivered funds related to securing tenure and property rights, this analysis is limited to a description of the development of their current guidance documents and interviews with stakeholders who have participated in the evolution of the institution.

## 1.2 LAND TENURE AND PROPERTY RIGHTS AS A FOUNDATION FOR REDD+

### 1.2.1 POTENTIAL IMPACTS AND SOLUTIONS

Activities designed to reach REDD+ goals may have negative impacts on rural populations. In some cases, a country’s REDD+ strategy could include relocation of households from forest margins, as in Kenya’s plans to rehabilitate the Mau Forest (Republic of Kenya, 2010). Safeguards have been proposed and applied at various levels in international institutions to protect against outcomes that negatively impact the rights and livelihoods of stakeholders and follow the general principle of “do no harm.” Safeguards are generally considered as a minimum level of assurance that risks have been reduced to allow for

Tenure emerges as an issue in REDD+ through:

- Reducing risk for investors;
- Increasing security for local participants;
- Ensuring procedural rights to participate for stakeholders; and
- Informing the right to benefit from engaging in REDD+.

REDD+ activities to proceed. However, the development and application of international safeguards through the UNFCCC has been controversial due to the above concerns over infringement on national sovereignty; as a result, there is a push for national systems of risk mitigation to be developed.

As opposed to the baseline risk mitigation ensured by safeguards, standards have also emerged to promote best practices that maximize co-benefits from REDD+ activities and ensure equitable outcomes. REDD+ standards are likely to consider both process and outcomes. Although standards for REDD+ initially emerged from NGOs and the private sector, multilateral banks, United Nations (UN) institutions, and bilateral donors (including the United States Agency for International Development [USAID]) are developing standards and guidelines and are providing help to advise project developers and governments on best practices.

Despite the acknowledged central role of tenure and property rights in the development of safeguards, standards, and in the development of REDD+ institutions, it has not been at the center of REDD+ readiness investments in practice. The informal working group on Interim Financing for REDD identified land tenure clarification and land-use planning as “policy enablers” for REDD+ that will be required in many, but not all, countries before measurable results can be achieved from REDD+. These necessary investments in land tenure and planning were estimated to represent a cost of approximately \$450–\$900 million between 2010 and 2015, representing the greatest single area of investment in REDD+ readiness (Informal Working Group on Interim Finance for REDD [IWGIFR], 2009). While REDD+ funds began to flow for establishing new institutions in countries, such as systems for measurement, reporting, and verification (MRV), new funding for tenure clarification largely has not materialized. Tenure-related funds are implied in various commitments of governments, such as the United States Government (USG) REDD+ Strategy, the Copenhagen Climate pledge of \$1 billion for REDD+ readiness, and Norway’s \$1+ billion pledges of support for REDD+ processes in several countries, including Indonesia, Brazil, Guyana, and Tanzania. Nevertheless, while some funds are undoubtedly focused on tenure clarification, it is not clear that they are being used in a consistent and targeted way as a component of effective REDD+ readiness.

# 2.0 INTERNATIONAL REDD+ AND LAND TENURE AND PROPERTY RIGHTS

The international REDD+ regime is composed of a range of intergovernmental bodies, bilateral and multilateral funders, and coordination bodies, as well as non-governmental organizations and private business that develop and administer certification standards and guidelines (see Annex A for a tabular breakdown of organizations and processes involved in standards and guidelines with relevance to REDD+ and land tenure). These institutions interact with government, landowners, local communities, and project developers; each has considered land tenure and property rights to a varying degree in their policies and activities on-the-ground.

## 2.1 UNITED NATIONS AND MULTILATERAL INITIATIVES

### 2.1.1 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

REDD+ has been under discussions formally since 2005 under the UN; while the 2010 Cancun Agreement (following from the 2009 Copenhagen Accord) does not establish a REDD+ mechanism, it represents the strongest indication that there will ultimately be an international mechanism to emerge from the process, with the agreement calling on parties to “slow, halt and reverse forest cover and carbon loss” (UNFCCC, 2010).

“Land tenure issues” are presented explicitly in the Cancun text as a priority in addressing forest governance issues, drivers for deforestation, gender considerations, and safeguards. The specific mention reflects the recognition of the foundational role of tenure in securing lasting emission reductions, although it is not within the scope of such a broad international agreement to outline the relationships between tenure and the other REDD+ priorities.

In terms of the participation of stakeholders, the Agreement provides guidance at both the global and national levels and affirms the need to “promote broad country participation.” This language sets the stage for investment in readiness activities, rejecting a potential focus of REDD+ on the few countries with the strongest current enabling environments or on the countries with the largest forest cover or greatest rates of deforestation. At the national level, and more directly relevant to land tenure and property rights, the Agreement calls for “full and effective participation of relevant stakeholders” and makes special reference to indigenous peoples and local communities.

The Cancun Agreement does not elaborate on the rights to own or benefit from emission reductions through REDD+, in part because the potential financing and potential methodologies for the creation of emission reduction credits are not described in the text. The Cancun Agreement calls on countries to develop systems to provide information on how they are addressing and respecting social and environmental safeguards outlined in the annex of the agreement. These safeguards call for, among other things, “transparent and effective national forest governance structures,” “full and effective participation of relevant stakeholders,” “respect for the knowledge and rights of indigenous peoples and members of local communities,” “actions to

reduce risks for reversals,” and “actions to reduce displacement of emissions.” Each of these statements is relevant to land tenure and property rights; however, it remains to be seen how enhancing secure tenure and clear property rights will be presented in Safeguard Information Systems.

The need to address land tenure and property rights was implied within the Cancun Agreement. Although it represents movement forward in terms of objectives, it did not elaborate on operational steps. Instead, other institutions channeling funding have been responsible for clarifying the processes and rules through trial and error. These lessons may ultimately become best practice under the UNFCCC umbrella.

### **2.1.2 CLEAN DEVELOPMENT MECHANISM**

While the international REDD+ regime remains ambiguous, the UNFCCC does have experience in land-based mitigation activities in developing countries through the Clean Development Mechanism (CDM). The CDM allows participating developed countries to contribute to meeting their emission reduction commitments under the Kyoto Protocol by financing emission reduction project activities in developing countries (the USG is a party to the UNFCCC but is not a party to the Kyoto Protocol and so does not participate in the CDM). Afforestation and reforestation (A/R) project activities are permitted under the CDM. Though A/R methodologies were initially anticipated to play a substantial role in the CDM, only 61 of the over 6,000 projects registered as of April 2011 have been A/R (in part because the EU refused to accept A/R credits in their emissions trading system, due to concerns over permanence and the potential for a large volume of A/R credits to overwhelm the market) (United Nations Environment Programme [UNEP], 2011).

Nevertheless, A/R activities in developing countries are anticipated to be accounted for under REDD+, as they represent “enhancement of forest carbon stocks.” Under the CDM, host country governments own any certified emission reduction credits created in the country (because the Kyoto Protocol is an agreement among nations). However, governments typically sign agreements to transfer credits to the private project developers that originate and finance the activities (with the government usually taxing the credits). In A/R projects, project developers, which are generally environmental NGOs or private forestry companies, can arrange for local statutory or customary property owners to be official project participants and thus entitled to own credits. However, in practice, the developer usually retains ownership of the credits and develops an agreement (not necessarily contractual) with local participants for benefit sharing arrangements. These benefit sharing arrangements often resemble traditional conservation and development projects, with the project developer using the funds to finance local capacity-building activities and public goods. Therefore, while at some level, benefits are linked to performance, the benefits that reach local stakeholders may not be related directly to the performance of individuals or even groups of local participants in REDD+ activities.

As noted above, project-level mitigation activities, as in the CDM, tend to work within existing national legal frameworks and, therefore, have limited impact on land policy at the regional and national levels. According to CDM methodological guidance, all activities require a project development document (PDD), which includes a “description of legal title to the land, current land tenure and rights to the emission reduction credits that are issued,” as well as an assessment of the socio-economic impacts of the project activity.

While CDM A/R projects do not necessarily enhance land tenure and property rights, in some cases, project developers have attempted to help local communities or land owners participate through assistance in securing official title to land or to help the government clarify the extent to which existing legislation addresses carbon issues. The case of the Humbo Assisted Natural Regeneration Project, which was the first A/R mitigation project in Ethiopia, addresses each of these issues. For example, the project developer financed legal research that concluded that although the state owns the land, local users have the right to own and benefit from mitigation activities (World Vision, 2009). Additionally, the developer helped the local communities gain holding certificates for their land, which will strengthen their tenure security. In another case, the Reforestation of Croplands and Grasslands in Low Income Communities of the Paraguari Department in Paraguay, project developers started the land titling process for local farmers by helping farmers acquire certificates of land occupation, the first step toward obtaining title. It is unclear, however, whether or not project developers will continue to assist community members with this process. There is



additional concern that the efforts of project developers to clarify tenure can result in decreased tenure security by favoring one group over another or by expediting tenure claims without adequate consultation (USAID, 2011). This process may be a particularly relevant risk for REDD+ due to the anticipated national-level accounting, resulting in the pressure to clarify property rights quickly, including over large areas.

### 2.1.3 WORLD BANK OVERVIEW

The World Bank acts as the secretariat, trustee, and/or delivery partner for a number of institutions relevant to REDD+ financing and implementation, including FCPF, FIP, and the BioCarbon Fund. Each of these institutions has a different mandate for financing projects, national-level readiness, or performance payments. In addition, the World Bank acts as the trustee for other REDD+-related climate funds, including the Guyana REDD+ Investment Fund (GRIF). Funds passing through World Bank institutions must be distributed in accordance with World Bank operational policies, including World Bank Safeguards, described in box 2.1. However, the application of the World Bank Safeguards to REDD+ activities has been challenging due to the nature of REDD+ investments as part of multi-donor processes and long-term institutional reforms.

#### BOX 2.1: SAFEGUARDS

The World Bank Safeguards are the primary instruments to ensure that land tenure and property rights are not negatively impacted by REDD+ activities with funding that passes through the World Bank. The most likely Safeguards to be triggered that are relevant to tenure and property rights are Operational Policy 4.12 on Involuntary Resettlement and Operational Policy 4.10 on Indigenous Peoples, both of which are considered under the Bank's policy on Environmental Assessments. Proposed projects are initially analyzed via an Integrated Safeguards Assessment, which asks for descriptions of key safeguard issues and how they will be addressed in the project. This initial step is followed by an Environmental Assessment implemented by the funding recipient. If potential concerns are found, the recipient is required to amend project proposals to describe how Safeguard concerns will be addressed, with a preference for preventative measures over mitigation or compensation. Safeguard compliance is then evaluated through a decentralized Safeguard Policies Review and Clearance Process, with any dispute resolution occurring through a centralized coordination mechanism. If a project is ultimately approved, the borrower will report throughout project implementation on compliance with agreed measures, the status of mitigation measures, and findings of the monitoring programs.

The policy on Involuntary Resettlement is triggered by any **land acquisition or restrictions on access to resources in protected areas**, even including cases where individuals are not required to relocate. The application of the policy may require a Resettlement Action Plan. Meanwhile, the policy on Indigenous Peoples calls for free, prior, and informed consultation (in contrast to "consent," as used in some other fora, such as UNDRIP). In this policy, the World Bank is clear that the right to consultation does not constitute a veto right for individuals or groups. When this policy is triggered, it requires borrowers to develop an Indigenous Peoples Plan, which is an action plan that may take the form of providing legal recognition of existing customary tenure systems or a process to convert customary ownership rights into statutory rights?

The World Bank's Safeguards were initially designed to be relevant for discrete project-level activities, as opposed to the integrated policy, plans, and programs that are characteristic of many REDD+ investments. As a result, there has been a movement to use Strategic Environmental and Social Assessments (SESAs) for assessing REDD+ activities through the World Bank (described in Box 2.2). SESA represents an assessment that addresses governance and institutional concerns through an iterative learning process, as opposed to the

binary triggers of the World Bank Safeguard process. The SESA approach has been adopted by UN-REDD, as well, and the move is reflective of the increased consolidation of methods and approaches across some international institutions. A number of countries have instituted SESAs since 2011, though the long-term impact of SESAs on tenure clarification is not yet clear.

In addition to the SESA, the World Bank is promoting an Environment and Social Management Framework (ESMF) related to REDD+ investments. Given that the SESA for REDD+ is being developed as an approach for multiple different donors to use, the ESMF is designed to address issues specific to World Bank requirements (addressed in detail in boxes 2.2 and 2.3 below). This will allow for donors to coordinate on assessments through a SESA, but also allow for the World Bank to meet its internal obligations through the ESMF.

The following section will introduce the Biocarbon Fund, FCPF, and FIP and describe how their policies and activities address issues relevant to property rights and land tenure in REDD+. These institutions are extremely dynamic, though the emergence of the Carbon Fund Methodological Framework in recent years has given these institutions an approach around which to converge.

## **BOX 2.2: STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENTS (SESA)**

Because REDD+ implementation at a national scale will not be composed of independent and discrete projects, but rather the progressive development and implementation of national plans, the application of the World Bank Safeguards has posed a challenge for World Bank REDD+ institutions. Proposed approaches by countries in their REDD+ Readiness Preparation Proposals (R-PPs), and likely in FIP National Strategies, are a continuum of institutional building blocks, and it is not always clear at what point compliance with Safeguards should be addressed. In response to this issue, FCPF and FIP, as well as UN-REDD, have proposed the use of SESAs. SESAs represent a participatory approach that integrates environmental and social considerations into policy, plans, and programs. They are used to address institutional and governance concerns within a sector through an iterative learning process and thus contribute to the success of subsequent project activities (Slunge et al., 2010). The SESA process for REDD+ has two phases: an initial phase for R-PPs, which provides an overview of social and environmental context; followed by a deeper analysis with local consultations during the Readiness Phase. This analysis will then be presented to the FCPF for assessment as a mid-term progress report in the three-year Readiness Phase along with a description of readiness activities. This progress report on SESAs will help the FCPF determine whether a country can access the entirety of the Readiness grant (of up to \$3.6 million).

The SESAs are to be composed of a strategic component to facilitate: increasing attention to environmental and social priorities, strengthening constituencies, enhancing social accountability, and promoting policy learning (Slunge et al., 2010). In circumstances where the World Bank is the implementing entity for activities, an additional layer of social and environmental protection (ESMF) is required to ensure compliance with World Bank Safeguards for specific activities.

### **CONCERNS WITH THE SESA APPROACH**

Since 2009, civil society organizations have expressed concerns that while SESA has been praised as a practical approach to ensure that social soundness is evaluated, the initial descriptions did not highlight at what stages during the Readiness process compliance with the Safeguards would be assessed or the ramifications of non-compliance with the Safeguards (Bank Information Center, 2010). Early SESA drafts were criticized for a lack of application of safeguard policies for environmental assessments, Indigenous Peoples, natural habitats, and physical and cultural resources during the Readiness Phase (Bank Information Center, 2010). The integration of the ESMF has allayed these concerns to some extent, although experience is still emerging on their application.

### **BOX 2.3: ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**

ESMF provides the framework to identify, mitigate, and manage risks based on inputs from the wider SESA. The ESMF acts as an extension of a country's SESA to demonstrate compliance with the World Bank Safeguards. While FCPF, FIP, and UN-REDD will require SESA, only activities under the FCPF and FIP will require an ESMF. In order to be acceptable to the World Bank, the ESMF must include sections on Safeguards, including a Resettlement Policy Framework (for restriction of access to natural resources in parks or protected areas), a Process Framework, and an Indigenous Peoples Planning Framework. Each section should include procedures for consultations, capacity-building, continued assessments, time bound mitigation action plans, and monitoring plans. The SESA and ESMF approaches are adaptable to national circumstances. Countries are encouraged to build on existing institutions (FCPF/UN-REDD, 2010). A draft ESMF can be used during the R-PP development process to help inform stakeholders of potential impacts but is expected to be finalized during the three-year readiness phase.

#### **2.1.4 BIOCARBON FUND**

The BioCarbon Fund is a public-private initiative that has operated since 2004 with the World Bank as Trustee. The Fund aims to finance cost-effective emission reductions through land use and forestry projects. These projects were anticipated to take place primarily in countries that would otherwise have few opportunities to participate in a carbon market. The Fund aims to help develop new methodology and project activities; therefore, avoided deforestation and agriculture soil carbon projects fall within the Fund's mandate. Proposed projects apply to provide emission reductions to the Fund, which is capitalized by both governments and private companies. Three tranches have been opened under the fund.

Initially, BioCarbon Fund projects faced the same limitations as other project-level activities on their ability to enhance tenure security and property rights clarification, unless supportive legal frameworks exist at the national level. However, the third tranche's landscape focus has meant that the BioCarbon Fund now operates on a larger jurisdictional level and, therefore, has a greater stake in enabling policies.

The BioCarbon Fund projects must demonstrate that the activities "do no harm" by adhering to the World Bank Safeguards and preferably by exhibiting net social benefits. This approach requires a baseline representing an estimate of what would happen in absence of the project (BioCarbon Fund, 2004). Although activities under the BioCarbon Fund are evaluated against the World Bank Safeguards, they do not need an ESMF or SESA, because they represent discrete project activities.

#### **2.1.5 FOREST CARBON PARTNERSHIP FACILITY**

The FCPF aims to assist countries in the development of systems to engage in REDD+ and ultimately provide performance-based payments to countries. The FCPF is based in the World Bank and is composed of a Participants Assembly of all country participants and financial contributors and a Participants Committee of a subset of 28 participants and contributors. The FCPF includes a readiness fund and a carbon fund for performance-based emission reduction payments. The central function of the FCPF over recent years has been facilitating countries' development of Readiness Plans and, more recently, supporting the development of Emission Reduction Purchase Agreements (ERPAs).

Consideration of land tenure and property rights is both generally and specifically considered by the FCPF through the guidance offered in the Readiness Preparation Proposals (R-PP) template and through evaluation of the FCPF's Technical Advisory Panel (TAP) (Templates available at [www.forestcarbonpartnership.org](http://www.forestcarbonpartnership.org)). It has also been considered under two criteria of the Carbon Fund Methodological Framework, which asks for a land and resource tenure assessment, as well as requires proof of the project proponent's ability to transfer

legal title to emission reductions. The R-PP template calls for REDD+ strategies to identify land use trends and drivers and to describe major land tenure and resource rights issues, followed by identification of options to address these concerns. Upon submission of their R-PP, each country's R-PPs is evaluated by the TAP and subsequently approved or rejected by the Participants Committee based in part on how well the R-PP addresses "land tenure, land rights issues and recognize[s] the respect for traditional knowledge and livelihood practices," and the extent to which both statutory and customary rights are addressed (FCPF, 2010).

The TAP (indeed, the FCPF as a whole), aims to facilitate best practices and capacity-building initiatives, rather than rejecting plans and activities. Critical feedback from the TAP has, in some cases, led to resubmission of proposals. For example, the Participants Committee has called on Guyana to: "[R]eview the implications of the current land titling process (especially for Amerindian communities) for the national REDD strategy, develop a plan and schedule for inclusive and transparent consultations with stakeholders, and further develop relevant policies, laws, regulations, or guidelines concerning land tenure and resource access, and the distribution of costs and benefits, for REDD demonstration projects" (FCPF Participants Committee Third Meeting, June 16–18, 2009, PC Discussions of Guyana's Readiness Preparation). Guyana has since revised its approaches and has launched the Amerindian Land Titling program under its REDD+ investment fund.

No performance-based benefits have been distributed under the FCPF, though ERPAs are in the process of being evaluated. Such agreements will have to proceed through an Emission Reduction Program Idea Note phase requiring elaboration on issues, including benefit sharing, which calls for consideration of whether the national government is the best actor to enact and implement effective benefit sharing. This recognizes that local populations and the private sector may be the primary actors in implementing activities and, thus, should be the principle beneficiaries of Emission Reduction payments. The ERPA guidelines do not outline specific steps to ensure that local rights holders benefit from the payments, but any funded activities at this stage would need to demonstrate compliance with SESA and the World Bank Safeguards through an ESMF (FCPF, 2011a).

The Carbon Finance Mechanism of the FCPF identifies a variety of risks, including: permanence, where gains are lost due to future disturbance; leakage, where emissions are simply displaced to neighboring communities; and social risks, in cases where exclusion of some populations or forced inclusion may result in social disruption or conflict. In describing these risks, secure tenure is identified as a valuable mitigation strategy and a potential activity that can be funded through an ERPA (FCPF, 2011a).

### **2.1.6 FOREST INVESTMENT PROGRAM**

The FIP is a part of the Strategic Climate Fund, which is one of two multi-donor climate change trust funds under the World Bank to support adaptation and mitigation activities. The FIP is designed to fill an interim gap in financing and may close once an effective financial architecture for REDD+ emerges from the UNFCCC process. The FIP has explicit goals related to transforming forest related policies and practice in developing countries. While the specific activities that will be supported have not been finalized, support for "legal, financial and institutional development including forest law enforcement, cadastral mapping and land tenure reform" are explicitly mentioned in current design documents (FIP, 2009).

Within this framework, the FIP has proposed measuring a series of results over various time frames, including: activities over 1–7 years; project outcomes and outputs over 2–7 years; catalytic replication outcomes over 5–10 years; and transformative outcomes over 15–20 years. This approach requires solid background data; the FIP has indicated that it is still in the process of defining relevant indicators for tracking purposes (FIP, 2010). The FIP has established work in Brazil, Indonesia, Mexico, Democratic Republic of the Congo, Peru, Ghana, Burkina Faso, and Lao PDR, with funding to range from \$20– \$70 million per country. Countries applying for funds under the FIP are required to submit country investment strategies with country- and sector-specific background information that includes forest governance arrangements, including "land rights and tenure systems, stakeholder participation, legislation and regulations" (FIP, 2009).

The FIP also provides a dedicated grant mechanism for indigenous peoples and local communities for a selection of activities, including those that recognize and support tenure rights, traditional forest management, and full and effective participation. Grant mechanisms have been approved for Brazil, Mexico, Peru, Indonesia, and Burkina Faso.

### 2.1.7 UN-REDD

UN-REDD is a joint program of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), and the UN Environment Programme (UNEP) that assists developing countries in creating national REDD+ strategies, implementing national programs, coordinating global analyses, and developing guidelines to advance implementation of and knowledge on REDD+. One of the primary activities of UN-REDD is to develop an approach that supports effective and inclusive governance systems for REDD+. This work on governance, led by UNDP, includes support for land tenure policy, drawing from the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (FAO 2012). This governance work will also be linked to a multi-stakeholder governance assessment tool, developed by UNDP, and will help identify a country's REDD+ governance situation, gaps, and needs. The tool will act as a diagnostic, mobilize public opinion, and create a demand for accountability and government leadership on strengthening governance (Governance Assessment Portal, 2011).

UN-REDD Readiness proposals follow much of the same practices outlined above for developing a SESA. However, the use of ESMF will not be required, as UN-REDD is not subject to World Bank Safeguards. UN-REDD countries that are party to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) are expected to adhere to the principle of FPIC (further details below). UNDRIP Articles 26 and 27 contain provisions recognizing the customary rights of Indigenous Peoples to their traditional lands, as well as a process for adjudicating these rights, if necessary.

The primary area of divergence between the World Bank and UN-REDD is in provisions for consent and consultation for local communities and indigenous peoples. The World Bank provisions require free, prior and informed *consultations*, which do not give any single group a veto over activities. In contrast, UN-REDD calls for free, prior and informed *consent*, in line with UNDRIP. This difference reflects an underlying division between the UN's rights-based approach with a sustainable development objective, in contrast to the multilateral development bank's approach, which revolves around "do no harm" and economic development. Facilitating the development of guidelines on FPIC and broader support for countries to operationalize FPIC is a key focus of the UN-REDD Programme's 2011–2015 Strategy (UN-REDD, 2011). In the process of delivering this support, UN-REDD has developed "Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities" (UN-REDD, 2009). This guidance addresses principles of representation, transparency, and access to information, as well as participation and inclusion for global and local-level REDD+ activities.

## 2.2 BILATERAL SUPPORT AND NATIONAL AND REGIONAL FUNDS

Bilateral support for REDD+ has occurred through supporting national or regional funds and through direct assistance. A number of countries are developing or envisioning an approach where performance payments and donor contributions pass through a national or regional fund, which would then be used to finance project-level activities. Funds have been established in Guyana, the Congo Basin, and Brazil. Both the Guyana and Congo Basin Forest funds are established through cooperation between donor and recipient governments and include a multilateral development bank as the fund Trustee. Brazil, in contrast, has acted independently by establishing the Amazon Fund, which operates under the authority and trusteeship of the Brazilian Development Bank. Under many of the fund-based approaches, while contributions to the fund are to be ultimately based on emission reduction performance nationally (following investments in readiness), the

investments made within the country using the funds will not necessarily be tied to the emissions-reducing performance of specific communities or individuals.

### **2.2.1 BILATERAL SUPPORT**

A number of international donors have begun engaging in REDD+ through a variety of mechanisms, including support for multilateral processes, like the FCPF, FIP, and UN-REDD. However, developed countries are also supporting piloting of activities through direct assistance via traditional environment and development programming mechanisms and through direct support to national or regional funds. The active donors include: Norway through the Norwegian Agency for Development Cooperation (NORAD), the United Kingdom through the Department for International Development (DFID), Japan through the Japan International Cooperation Agency (JICA), Australia through the International Forest Carbon Initiative, and USAID. These activities support forest governance processes in developing countries, as well as pilot activities and methodology development, often through collaboration with international NGOs. Despite these efforts, none of these donors has explicit, publically available guidelines regarding the role of tenure in their REDD+ programming, though a number have funded research, workshops, and/or field activities related to clarifying tenure and forest carbon.

### **2.2.2 CONGO BASIN FOREST FUND (CBFF)**

The Congo Basin Forest Fund (CBFF) aims to reduce deforestation in 10 Central African countries by funding activities that complement the Central African Forests Commission (COMIFAC) Convergence Plan. The Convergence Plan calls for “speeding up the drafting and adoption of forest land development plans” and “securing the areas delineated for different uses in the forest land development plan,” including identification of and consultation with stakeholders (COMIFAC, 2004). The CBFF was established with funding from Norway and the UK and is managed by the African Development Bank with a fund value of \$170 million. Government, civil society, and private organizations can apply to the fund for specific project activities (African Development Bank, 2009). This approach limits the ability of the Fund to strategically address issues of tenure and property rights across large areas. However, CBFF projects are not fully coordinated and are not necessarily delivered at the necessary scale to impact national-level readiness.

### **2.2.3 GUYANA REDD+ INVESTMENT FUND**

The Guyana REDD+ Investment Fund (GRIF) was established in October 2010 with assistance from Norway. Continued financial support to the GRIF from Norway will depend on performance related to emission reductions, as well as progress on enabling activities, largely based on participation of stakeholders and protection of indigenous rights. As with other REDD+ institutions, under the GRIF, security of tenure and clarity of property rights are considered necessary enabling conditions, and insecure tenure is identified as a driver of deforestation. As a result, tenure and property rights may be addressed in both the readiness and emission reduction performance-related activities. The joint concept note between the Governments of Guyana and Norway calls for the development of a governance plan that includes a national land use planning system that considers deforestation drivers and a system for reporting on multiple benefits, including how REDD+ activities protect the rights of indigenous peoples and local communities (Guyana/Norway, 2009). This note addresses concerns related to participation and conflict resolution, but does not describe plans for a wider coordinated benefit distribution.

Guyana has launched five priority projects, including one on titling and demarcating Amerindian lands and conflict resolution, which is underway and will occur over four years and cost \$12 million. This approach aims to increase tenure security and allow for, but not require, titled communities to “opt in” to REDD+ opportunities. This approach will also consider how to address tenure disputes that are currently trapped in the national judicial system.

An additional layer of protection for the land tenure and property rights of rights holders is provided by the application of the multilateral development bank safeguards to activities funded under the GRIF. With the World Bank acting as Trustee of the GRIF, the World Bank Safeguards are generally applicable to financed projects.

#### **2.2.4 AMAZON FUND**

Brazil's Amazon Fund represents a regional REDD+ initiative that focuses primarily on the Brazilian Amazon and is financed voluntarily by donor countries and by the Brazilian authorities. The fund is managed by the Brazilian Development Bank (BNDES) and so responds to national laws and regulations rather than to an externally imposed set of safeguards. Activities and guidelines are overseen by the Guidance Committee of the Amazon Fund. The Fund has received commitments of \$1 billion from Norway to be delivered through 2015, involving delivery of \$110 million in 2009 and an additional \$28 million from Germany. Up to 20 percent of the funds may be used to finance activities in non-rainforest biomes and biomes in other tropical forest countries (Zadek et al., 2010).

Emission reduction certificates are distributed to donors after reductions have been achieved, although the certificates are “non-transferable, and do not generate rights or credits of any nature” (Brazilian Government, 2008). To be eligible, projects must directly or indirectly contribute to reducing deforestation and should be compatible with the Sustainable Amazon Plan (PAS) and the Action Plan for the Prevention and Control of the Legal Amazon Deforestation (PPCDAM). Projects can apply for funding for protected areas, sustainable production activities, science and technology development for sustainable use of biodiversity, or institutional development and improvement of control mechanisms.

Norway's Memorandum of Understanding (MOU) with Brazil to support the Amazon Fund does not reference land tenure or rights concerns, presumably to satisfy Brazil's current approach (Brazil/Norway, 2008). The agreement between Brazil and Norway on the initial donation of \$110 million references discussions of risk factors during each annual meeting but does not specifically identify the potential risks (Brazil/Norway, 2009), such as conflict related to insecure tenure or property rights.

The Amazon Fund responds to individual project applications and so does not directly support land-holders, nor does it necessarily rely on performance payments for carbon emission reductions. Under the Fund structure, payments are made from national governments to the Fund for emission reductions, but the size of the payment to the local or project level is not necessarily directly related to the amount of emission reductions achieved at the local level, but rather to the cost of implementing the activity. This arrangement is similar to other fund-based approaches, like the CBFF and the GRIF, although payment for environmental services is one of a number of potential distribution modalities under the Amazon Fund (BNDES, 2010).

Themes for implementation center around actions to improve regional development and land tenure regularization, including the designation of public forest areas that currently lack identified uses, especially community forestry, law enforcement against illegal public land occupation, and land tenure regularization, with preference to areas of higher concentration of informal land occupation and/or conflict.

In terms of supporting specific land tenure and property rights work, eligible activities include, “development of systems and methodologies for monitoring, image interpretation, geo-referencing and reconciliation of real property registration, aiming to facilitate control of deforestation, rural territory arrangement and forest regularization in the Amazon Forest.” Furthermore, securing the rights of the territories and landed estates of indigenous peoples and creating sustainable settlement projects for Amazon settlers have been central features of the PPCDAM since launching in 2004 and thus are eligible for funding under the Amazon Fund (Amazon Fund, 2011).

The application of the PPCDAM has brought controversy, as its implementation has led to the jailing of over 700 people, including government employees. The implementation of a real-time satellite monitoring program (DETER) has allowed the government to monitor deforestation hotspots and has led to landholders in 36



counties being required to present proof of their holdings to the government. Those landholders who did not comply with these government demands had their rural landholding cadastre certificates terminated, which prevented the legal sale of their property and access to credit (Environmental Defense Fund, 2009). These conflicts reflect the role of enforcement of existing rules in achieving emission reductions and the potential negative impact of this renewed enforcement on the livelihoods of rural stakeholders. Reconciling these enforcement-based versus incentive-based approaches is a crucial concern for considering how REDD+ activities will operate on the ground (Brazilian Ministry of Environment, 2008).

The Amazon Fund started distributing funds to project level activities in December of 2009, with an initial disbursement of \$40 million to five NGOs. As of November 2010, \$93 million had been distributed toward nine activities. These activities included funds used to create land registries and monitoring capacity, develop new protected areas, contribute to reforestation activities, and engage with cattle ranchers and soy farmers. Of the total submitted projects, approximately 30 percent include activities related to zoning, land use planning, and land-title regularization (Amazon Fund, 2011).

In terms of minimum safeguards for these projects, activities that involve traditional communities and indigenous people in the Amazon must demonstrate prior informed consent and in non-Amazon biomes must monitor impacts through a process that includes the participation of government and civil society. While there are equity criteria for those applying for resources, these criteria are related to distribution among states and distribution among public entities, research institutions, and civil society organization, rather than a consideration of which stakeholders should benefit on the ground (Amazon Fund, 2008).

The Fund has been criticized for lacking a specific grievance or conflict resolution mechanism. While the Fund relies on the BNDES social safeguard policies, this approach has been seen to be relatively weak as the BNDES has only recently begun to implement these operational policies in 2009 (Zadek et al., 2010). Outside of the Amazon Fund, the BNDES has been criticized over its application of safeguards, particularly with respect to its approval of the Belo Monte Hydroelectric Project. Nonetheless, it is not clear how operational safeguards will be implemented with the recent restructuring of the BNDES Environmental Division (Bank Information Center, 2010). To date, little external oversight has occurred on the tenure-related projects proposed and/or approved under the Amazon Fund.

## **2.3 STANDARDS AND CERTIFICATIONS**

### **2.3.1 VERIFIED CARBON STANDARDS**

The VCS (formerly Voluntary Carbon Standard until February 2011) accounted for more than one-third of all verified GHG credits on the voluntary market during its height in 2009 and was the most highly desired standard for forest projects, above the CDM. The VCS is designed to generate emission reduction credits at the project level, as opposed to many of the national-scale coordination efforts described above. As in other project-level activities, and because the VCS has primarily been a forum for private investment in a wide variety of project types (including industrial), REDD+ project-level activities are only likely to emerge under the VCS in areas where tenure is already clear and the governance conditions present low risk. As a result, REDD+ activities under the VCS most likely will resemble activities under the CDM or the BioCarbon Fund. However, VCS has launched a Jurisdictional Nested REDD+ Program that will provide the opportunity to consider and influence land and resource rights policy within countries.

The VCS creates a framework for broad project types, and then specific methodologies are submitted and undergo an open review process. Most of the forest carbon credits developed to date under the VCS have been based on A/R projects. REDD+ methodologies are admissible, and the first REDD+ specific credits were generated through the VCS in February 2011 from a project by Wildlife Works Carbon in Kenya, with a number of VCS REDD+ credits emerging from projects since (Wildlife Works, 2011). The most challenging hurdles for acceptance of methodologies under the VCS are related to developing rigorous accounting assumptions to reduce the chance of leakage and non-permanence, as well as to ensure additionality.

The VCS does not explicitly consider issues related to the participation of rights holders, ownership of emission reduction credits, or potential distribution of benefits. The VCS approach centers around ensuring that emission reductions are as robust as possible and has little consideration of social or ecological impacts, particularly related to land tenure and property rights. The VCS's strict standards are based on ensuring that all credits generated are: derived from real projects; measurable; permanent (or include adequate reserves to safeguard against reversal); additional to business as usual; independently verified; unique (i.e., not counted twice); transparently documented; and calculated using conservative assumptions, values, and procedures (VCS, 2011). Land tenure and property rights are thus considered mostly from a perspective of risk to the quality of emission reductions.

The VCS assesses risk through the use of an Agriculture Forestry and Other Land Uses (AFOLU) Non-Permanence Risk Analysis and Buffer Determination Tool (VCS, 2008). The tool helps auditors ascribe risks based on land ownership categories on private or public land that is legally protected and has a good management track record, privately owned land, uncertain land tenure, legally protected land, and land not protected by laws or protected but with weak enforcement. The VCS tool recognizes additional risk posed by circumstances where net revenues from a REDD+ project do not materialize for the full selection of stakeholders, including government, conservation groups, project developers, or property owners. The tool does not outline processes or wider social risks related to tenure security and property rights.

Based on these and other risks identified in this tool, a percentage of a project's GHG credits are placed into a buffer account shared by all VCS AFOLU projects to cover unforeseen carbon stock loss within the VCS AFOLU portfolio. If project risks subside (if, for example, the land tenure and property rights conditions change in subsequent verification periods), a portion of the pool of credits may be released for the project developer to sell (VCS, 2011).

### **2.3.2 CLIMATE, COMMUNITY AND BIODIVERSITY STANDARDS**

The Climate, Community and Biodiversity Alliance (CCBA) is a partnership among conservation and development NGOs, corporations, and international research institutes that have worked together to develop standards for land-based climate change mitigation projects that have additional social and environmental co-benefits. Those organizations involved in CCBA include: CARE, Conservation International, The Nature Conservancy, Rainforest Alliance, Wildlife Conservation Society, *Centro Agronomico Tropical de Investigacion y Ensanansa* (CATIE), World Agroforestry Centre (ICRAF), and Center for International Forestry Research (CIFOR), as well as foundations and corporations. Based on the recognition that some approaches, like the VCS, do not provide enough certainty that social and environmental risks have been mitigated, many projects pursue joint certification through the VCS and the CCB Standards. The standards do not result in emission reduction credits, but CCB Standards certification is designed to be complementary to project-level carbon accounting standards, like the VCS or CDM. The CCB Standards address land tenure and property rights through consideration of stakeholder participation and consultation, as well as rights to own and benefit from carbon.

The CCB Standards track aspects of projects and include sections on legal status and property rights, net positive community impacts, offsite stakeholder impacts, and community impact monitoring, each of which may have a relationship to land tenure and property rights concerns (see Table 2.1 and CCBA, 2008). Successful verification of projects under the standards requires the implementation of a robust monitoring plan that is explicit about indicators and monitoring frequency. The standards also require a public comment period. This step has in some cases provided an opportunity for civil society representatives to highlight tenure concerns. Based in part on public comments questioning the clarity of land tenure and carbon rights, validation of projects in Papua New Guinea (April Salumei and Kamul Dosa) and Paraguay (Paraguay Forest Conservation Project) have been delayed and/or brought into question. In the context of Paraguay, public comments highlighted the problems of incomplete consultations for FPIC, questions regarding Indigenous Peoples' territories, outstanding and overlapping land tenure disputes, and a lack of certainty over carbon rights in Paraguayan law (CCBA, 2011).

**Table 2.1: General criteria for evaluating projects against CCB Standards**

Original conditions in the project area	Net positive community impacts
Baseline projections	Offsite stakeholder impacts
Project design and goals	Community impact monitoring
Management capacity and best practices	Net positive biodiversity impacts
Legal status and property rights	Offsite biodiversity impacts
Net positive climate impacts	Biodiversity impact monitoring
Offsite climate impacts (Leakage)	Climate change adaptation benefits*
Climate impact monitoring	Exceptional community benefits*
	Exceptional biodiversity benefits*

\* refers to optional criteria

Project documents require a “description of current land use and customary and legal property rights including community property in the project zone, identifying any ongoing or unresolved conflicts or disputes and identifying and describing any disputes over land tenure that were resolved during the last ten years.” In terms of project design, the CCB Standards require parties to “document and defend how communities and other stakeholders potentially affected by the project activities have been identified,” as well as their involvement in project design in a way that optimizes community and stakeholder benefits and respects local customs and values. This process further requires the documentation of a plan on how consultations will continue through the life of a project. Other sections of the standards require the project developer to “formalize a clear process for handling unresolved conflicts and grievances that arise during project planning and implementation” (CCBA, 2011). This approach to describing existing processes that have led to the current institutional context and the development of processes for continued consultation and engagement are strengths of the CCB Standards.

In terms of formal legal and property rights concerns, the standards require a solid legal basis for the project and require that in cases where there are unresolved tenure or use rights disputes, there must be a plan to resolve these concerns so that there are no unresolved disputes by the start of the project. Authorization from formal and traditional authorities must be sought, as well as demonstration that the project will not encroach uninvited on others’ territories or result in relocation of people or important livelihood or cultural activities without the free and prior informed consent of those concerned and without provisions for fair and just compensation. This process includes assurances that carbon rights are clear and uncontested.

Most of the REDD+ projects under review by the VCS also pursue CCB Standards certification, and a joint standard is under development.

### **2.3.3 REDD+ SOCIAL AND ENVIRONMENTAL STANDARDS**

With the recognition that many REDD+ programs are likely to be government-coordinated at the national or regional level, a collection of NGOs, the private sector, and international institutions have developed REDD+ social and environmental standards (SES), which is a set of standards focused on respecting the rights of Indigenous Peoples and local communities and generating significant social and environmental co-benefits. The REDD+ SES includes a Standards Committee composed of developing and developed country representatives from governments, indigenous peoples organizations, community associations, social NGOs, environmental NGOs, and the private sector. Like the CCBS, the REDD+ SES moves beyond minimum safeguards and provides a framework for helping countries and provinces identify and document benefits. The standards are focused around rights holders and stakeholders, and they place an initial focus on clarifying the set of relevant rights around land ownership and management. A consideration of land tenure and property rights is ubiquitous throughout the REDD+ SES, and issues related to identification, consultation and participation of stakeholders, and the rights to own and benefit from carbon are all explicitly considered. Furthermore, the REDD+ SES approach calls for monitoring of performance on each of the SES criteria.

The first version of the REDD+ SES were released in June 2010 and are being piloted at the national level in Ecuador, Tanzania, Liberia, and Nepal and at the state or regional level in Acre, Brazil, and Central Kalimantan in Indonesia (REDD+ SES, 2010). The standards are based around eight principles with associated criteria and a framework for developing country/region-specific indicators. Among the criteria, the REDD+ program must: identify both statutory and customary rights holders; recognize and respect these rights; obtain FPIC for activities affecting rights to lands, territories, and resources; identify and use dispute resolution processes and where private ownership of carbon rights is possible, base carbon rights on the rights that generate the emission reductions and removals. The second principle builds on this process to define criteria for fair and effective benefit distribution. Other principles highlight the need for full and effective participation of rights holders and the need for access to accurate information for decision-making. A final principle on coherence of REDD+ programs with national and international law underscores the need for a review process to resolve any inconsistencies between law and the standards.

The REDD+ SES provides a framework for monitoring and reporting on REDD+ that will likely go beyond the basic international requirements under the UNFCCC, UN-REDD, and FCPF. The REDD+ SES creates a framework for documenting social and environmental impacts during the design, pilot, and full-scale implementation phases of REDD+ activities. This framework helps to first identify the issues related to land tenure and property rights, then design a process for achieving SES goals, implementing the process, and monitoring its effectiveness.

Efforts to streamline coordination are underway, particularly in Ecuador, where piloting of SES is occurring alongside the implementation of the UN-REDD approach. Thus, while funding bodies tend to outline minimum benchmarks for REDD+ activities to receive funding that focus on the “do no harm” principle, REDD+ SES provides the opportunity to go beyond “do no harm” and elaborate on net positive outcomes. Some see the REDD+ SES framework as an opportunity to collect wider information that can be easily be used for UN-REDD, UNFCCC, or FCPF reporting requirements (ProForest, 2010).

## 3.0 CONCLUSIONS

International REDD+ institutions create a framework for addressing issues relating to land tenure and property rights. However, implementation varies significantly among countries and projects. The attribution of the success of implementation is not strictly related to the guidelines established by each institution. Despite the interest in security of land tenure and clarifying property rights to realize effective institutions for REDD+, there is a lack of tools to reach these objectives. This paper identified a number of emerging tools to assess governance contexts at the local and national level that can help international REDD+ institutions secure tenure and clarify property rights in REDD+ countries. The development of cooperative approaches among UN-REDD, FCPF, and the FIP provides evidence that the international community is collaborating to address governance in a coherent manner.

Despite these efforts, it is clear that the way property rights and tenure security are currently being pursued in the context of REDD+ may not assure a positive outcome for local stakeholders. If land tenure and property rights reforms are expedited to focus strictly on formal titling without engaging in processes that consider social, political, and cultural forces, systematic exclusion of some populations could ensue (Ellsworth & White, 2004; Hatcher, 2009). For example, migratory populations or groups that use land infrequently may be susceptible to exclusion, as has occurred in Face Foundation-led project level reforestation activities in Ecuador, where a local community was incentivized to plant on “degraded” lands. The project led to conflicts when those using the land seasonally for pasture contested the new land use (Granda, 2005). In other cases, if tenure clarification does not acknowledge and address overlapping use rights, or the wide bundle of rights that exist within a given tenure regime, the rapid clarification of rights can lead to simplified outcomes that place the full bundle of property rights with a single group (Meinzen Dick & Mwangi, 2008). Thus, even efforts that seek to achieve tenure clarity must be monitored throughout the life of a project to ensure they will result in effective governance environments for REDD+.

Addressing tenure represents a costly commitment that requires significant and lasting political will. In some cases, the knowledge that tenure reforms will take decades to complete may lead to inaction and a defeatist attitude. Furthermore, the lack of clear benchmarks for participation may leave some countries guessing whether they will be required to implement land tenure and property rights interventions.

As a result, despite the recognition of its importance, land tenure clarification has received relatively little consideration within the REDD+ readiness in practice. In order to reverse this trend, the governance tools under development should include a central consideration of tenure and property rights and provide guidance on incremental goals for tenure security, as well as some indications of steps to reach these goals under a variety of tenure regimes.

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