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# **SUSTAINABLE LANDSCAPES & LAND AND RESOURCE GOVERNANCE**

## EXPERIENCES FROM USAID PROGRAMMING (2009-2023)

### **INTEGRATED LAND AND RESOURCE GOVERNANCE TASK ORDER UNDER THE STRENGTHENING TENURE AND RESOURCE RIGHTS II (STARR II) IDIQ**

Contract Number: 7200AA18D00003/7200AA18F00015

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# LIST OF ACRONYMS

A2C	Alternatives to Charcoal
B+WISER	Biodiversity & Watersheds Improved for Stronger Economy & Ecosystem Resilience
BIJAK	Build Indonesia to Take Care of Nature for Sustainability
CAFEC	Central Africa Forest Ecosystem Conservation
CARPE	Central Africa Regional Program for the Environment
CBO	Community Based Organizaiton
CBNRM	Community Based Natural Resource Management
CFCL	Community Forestry Concessions Land
CFP	Community Forests Program
CREL	Climate-Resilient Ecosystems and Livelihoods
DEC	Development Experience Clearinghouse
DRC	Democratic Republic of the Congo
EEZ	Ecological Economic Zoning
FABS	Forest and Biodiversity Support
FCCM	Forest Carbon, Markets and Communities
FPIC	Free, Prior and Informed Consent
GEMA	Gobernanza en Ecosistemas, Medios de Vida y Agua
GHG	Greenhouse Gas
GPS	Global Positioning System
IDIQ	Indefinite Delivery/Indefinite Quantity
IFACS	Indonesian Forest and Climate Support
ILRG	Integrated Land and Resource Governance
IPLC	Indigenous Peoples and Local Communities
IR	Intermediate Result
LEAF	Lowering Emissions in Asia's Forests
LEDS	Low Emissions Development Strategy
LGP	Lukautim Graun Program
LRCFP	Land Rights and Community Forestry Project
LRG	Land and Resource Governance

LTPR	Land Tenure and Property Rights
LUP	Land Use Plan
MCHF	Modern Cooking for Healthy Forests
NGO	Non-Governmental Organization
NRM	Natural Resource Management
NZDZ	Net Zero Deforestation Zones
PERFORM	Protecting Ecosystems and Restoring Forests in Malawi
PES	Payment for Ecosystem Services
PLUS	Partnership for Land Use Science
PRAP	Provincial REDD+ Action Plan
PROSPER	People, Rules & Organizations Supporting the Protection of Ecosystem Resources
RCCP	Regional Climate Change Program
RDMA	Regional Development Mission for Asia
REDD+	Reduce Emissions from Deforestation and Forest Degradation
SEA	Strategic Environmental Assessments
SEGAR	Sustainable Environmental Governance Across Regions
SFB	Supporting Forest and Biodiversity
SFM	Sustainable Forest Management
SINAPH	National Protected Areas System of Honduras
SL	Sustainable Landscapes
STARR II	Strengthening Tenure and Resource Rights II
STEWARD	Sustainable & Thriving Environments for West Africa Development
TNS	Sangha-Trinational Landscape
USAID	United States Agency for International Development
VFD	Vietnam Forests and Deltas
WABiCC	West Africa Biodiversity and Climate Change
WABiLED	West Africa Biodiversity and Low Emissions Development
WMA	Wildlife Management Areas

# 1.0 INTRODUCTION

The United States Agency for International Development (USAID) has funded sustainable landscapes (SL) programming for almost 14 years. Emerging from the Copenhagen Commitment for Tropical Forests in 2009, sustainable landscapes funds are earmarked by the US government to help slow, halt or reverse greenhouse gas (GHG) emissions from land use worldwide, largely focused on forest conservation, restoration, and management. This has amounted to more than half a billion dollars mobilized for forests to date. Yet sustainable landscapes programming does not exist in a vacuum; sustainable landscapes objectives overlap with other key areas of USAID interest, including resilient agriculture systems, food security, good governance, and poverty alleviation. Thus, SL emission reduction goals must be achieved while ensuring that interventions do not create or reinforce exclusionary governance regimes or increase the economic vulnerability of the rural poor who often live adjacent to or within forested areas. Land and resource governance systems (LRG) determine who has access to natural resources, how and when they can be used, and who can make decisions over how resources are managed. A country's LRG system may constrain or facilitate achievement of GHG reduction goals, and interventions that strengthen land tenure and resource rights can unlock mitigation opportunities and align incentives towards sustainable land use.

With respect to constraints, weak governance of natural resources at the national, regional, or local level may make it difficult for local stakeholders to effectively manage or protect forest resources against extractive interests and land use change. Stakeholder groups may be excluded from participation by law, for example, if they are not recognized as rightsholders, or by traditional practices, for example the exclusion of women in forest management decision-making bodies. SL interventions may introduce new property rights for government and communities to consider; for example, forest carbon presents a new bundle of rights and responsibilities associated with emission reductions, trade, and benefits, where ownership and benefit streams are not yet clearly defined in legislative frameworks. Without sufficient attention to who has rights over commitments and decisions, and whether actors are incentivized to change behavior, programs cannot be expected to have lasting or structural influence. Many national legal frameworks dating back to colonial times are based on state control of forest resources and lack rights recognition for Indigenous Peoples and local communities (IPLC). A failure to consider these constraints presents risks that USAID programs will either not achieve scalable impact, or that they will reinforce systems that center decision-making and power in existing inequitable institutions.

Interventions that secure land tenure and resource rights can unlock private sector investment and align stakeholder incentives for communities and individuals to adopt practices that support reduced GHG emissions and increased carbon sequestration by forests. Land tenure and property rights interventions further provide opportunities to resolve long-standing boundary conflicts and address historical grievances among stakeholders, which are often based on rights over resources. Investments that increase awareness of rights, or help stakeholders clarify rights, are essential to promote locally legitimate governance solutions. Indeed, almost all SL programs deploy LRG interventions, such as mapping community natural resource boundaries, capacity building training for community resource governance bodies, land use planning, or in a few cases, legal/regulatory reform efforts. This often includes working with IPLC communities to both clarify their rights and support their ability to manage and protect forest resources.

Yet even as programs recognize LRG constraints and identify potential interventions, there may be a reluctance to engage, as LRG issues are often perceived as intractable and may risk opening up political issues that have no clear solution on a donor-driven timeframe. USAID programs may be fearful of being sidetracked into these political and cultural battles that may take decades to resolve. In some cases, program design may not be well informed by LRG constraints and opportunities, as a land governance



regime may be perceived as established and not open to amendment. However, there are approaches to integrate LRG interventions, either as a design element from the beginning of the work or as part of an adaptive management approach after identifying the above constraints.

Within this context and given USAID’s existing investment in and continued commitment to forest protection and management, it is important to take stock of how LRG has been addressed in USAID SL programs. This paper thus examines how LRG issues have appeared in sustainable landscapes projects, looking at the LRG constraints and interventions that have contributed positively or negatively to successful program design and implementation. The paper encourages programs to identify local level interventions that support or strengthen national level land tenure and property rights. The analysis highlights examples, case studies, and recommendations to integrate LRG considerations more effectively for better SL outcomes. Table I defines key LRG and SL terms used throughout the remainder of this paper.

**TABLE I. KEY TERMS**

<b>TERM</b>	<b>DEFINITION</b>
Sustainable landscapes (SL)	Refers to programs that help conserve, manage, and restore forests and other landscapes that store carbon while improving livelihoods and community resilience. <sup>1</sup>
Land and resource governance (LRG)	Refers to the rules, policies, and regulations (as well as the structures and institutions) that govern the rights, ownership, use, access, control, and management of land and natural resources. <sup>2</sup>
Natural resource management (NRM)	Refers to the management and use of land, water, forest, wildlife, and mineral resources, with a focus on protection and stewardship of these resources for future generations. <sup>3</sup>
Low emissions development strategy (LEDS)	Refers to economic development policies that identify the source of a country’s greenhouse gas emissions and prioritizes interventions that mitigate their impacts. <sup>4</sup>
Land tenure and property rights (LTPR)	Refers to the right to own or use land, water, forest, wildlife, or mineral resources. These rights may be held by individuals, families, communities, government, or private sector entities. <sup>5</sup>
Indigenous peoples and local communities (IPLCs)	Refers to groups that are descendants of the original occupants of a given region, rather than those groups that have settled in the area more recently. <sup>6</sup>
Payment for ecosystem services (PES)	Refers to payments made by users of ecosystem services (like carbon or forest resources) to those that provide, maintain, or protect those resources. <sup>7</sup>
REDD+	Refers to the UN framework that guides forest sector programs that aim to reduce emissions from deforestation and forest degradation, as well as improving the sustainable management of forests and the conservation and enhancement of forest carbon stocks in developing countries. <sup>8</sup>

<sup>1</sup> USAID (2023). “Natural Climate Solutions.”

<sup>2</sup> Stevens, C., Panfil, Y., Linkow, B., et al. (2020). “Land and Development: A Research Agenda for Land and Resource Governance at USAID.” Washington, DC: USAID, pg. 13.

<sup>3</sup> Muralikrishna, I.V. and Manickam, V. (2017). “Natural Resource Management and Biodiversity Conservation.” Environmental Management 2017: pg. 23-35.

<sup>4</sup> GIZ (2013). “Low-Emission Development Strategy (LEDS).”

<sup>5</sup> USAID (2016). “Land Tenure and Property Rights: Tools for Transformational Development.”

<sup>6</sup> IPBES (2023). “Indigenous Peoples and local communities.”

<sup>7</sup> Fripp, E. (2014). “Payment for Ecosystem Services (PES): A practical guide to assessing the feasibility of PES projects.” Indonesia: CIFOR.

<sup>8</sup> UNCC (2023). “What is REDD+?”



## 2.0 METHODOLOGY

The analysis examines a cross-section of recent USAID programs with SL funding over the past 14 years. The research team began by looking at all countries that had received SL funding (Bangladesh, Cambodia, Colombia, Guatemala, Haiti, India, Indonesia, Malawi, Mexico, Peru, Philippines, Vietnam, Zambia) and searched through the Development Experience Clearinghouse (DEC) for environment and natural resource related programs. After compiling this initial list, a snowball approach was used, reaching out to USAID contacts and other implementers to fill in projects not yet identified. The research team ended up with a list of 62 projects that had engaged on forest resource management.<sup>9</sup> From this list, the research reviewed 53 projects for deeper analysis, based on the public availability of project documents.<sup>10</sup> These 53 projects (Table 2) represent a range of geographic areas, implementing partners, and technical interventions. Using the 2012 USAID Land Tenure and Property Rights Matrix as a conceptual framework for land and resource governance constraints and interventions, the analysis includes:

1. Assessment of the extent to which LRG is found within SL programs;
2. Analysis of most common LRG constraints and interventions in SL programming; and
3. In-depth review of highly relevant SL programs with LRG activities as case studies.

**DEGREE OF LRG INTEGRATION** – As a first step, 53 selected SL programs were analyzed to assess how much (or how little) LRG considerations were integrated into their goals, intermediate results, and activities. This analysis used the final report or most recent annual report of each of the 53 programs and conducted a word count of 21 common LRG terms to identify a) which terms were most prevalent, and b) highlight approaches, tools, technologies, indicators and/or case studies that merited more in-depth review. A full list of program documents examined can be found in the reference list. Each program was then classified as follows:

- **Highly integrated** – Land and resource governance is integral to program approaches or activities as an intermediate result (IR) or program goal level.
- **Mostly integrated** – Program includes explicit land and resource governance approaches or activities at sub-IR level.
- **Moderately integrated** – Program includes discreet land and resource governance approaches, indicators, or activities.
- **Slightly integrated** – Land and resource governance is a by-product or incidental to approaches, indicators, or activities.
- **Negligible** – Land and resource governance elements are entirely or mostly absent in approaches, indicators, or activities.

**ANALYSIS OF CONSTRAINTS AND INTERVENTIONS** – Using the 2012 Land Tenure and Property Rights Matrix as a framework, six common LRG constraints and seven common LRG interventions were used to catalogue a range of approaches used by sustainable landscapes programs. These constraints and interventions are summarized in Figure 1 below.

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<sup>9</sup> Some programs may not have been funded by the SL earmark, but were carrying out forest and biodiversity management activities within priority SL countries and as a result they were included in this analysis.

<sup>10</sup> The research team looked on DEC and publicly available online sources for project documents. If documents were not easily accessible, the team then reached out to implementing organizations to try and obtain an internal copy of an interim or final report. Of the nine projects not reviewed, two were recently awarded so no reports had been published yet. The team was not able to track down program documents for seven programs (though an earlier iteration of the same program was reviewed in three of these cases).

**FIGURE I. LAND TENURE AND PROPERTY RIGHTS CONSTRAINTS AND INTERVENTIONS**



**IN-DEPTH REVIEW AND CASE STUDIES** – Several notable projects and activities had high integration of LRG themes in project goals, demonstrated notable successes (or failures) in integrating LRG into SL programming, and/or highlighted important cross cutting themes (such as gender, IPLC) and technical areas (such as carbon rights or LEDS). These projects and activities were summarized as case studies contained in this report.

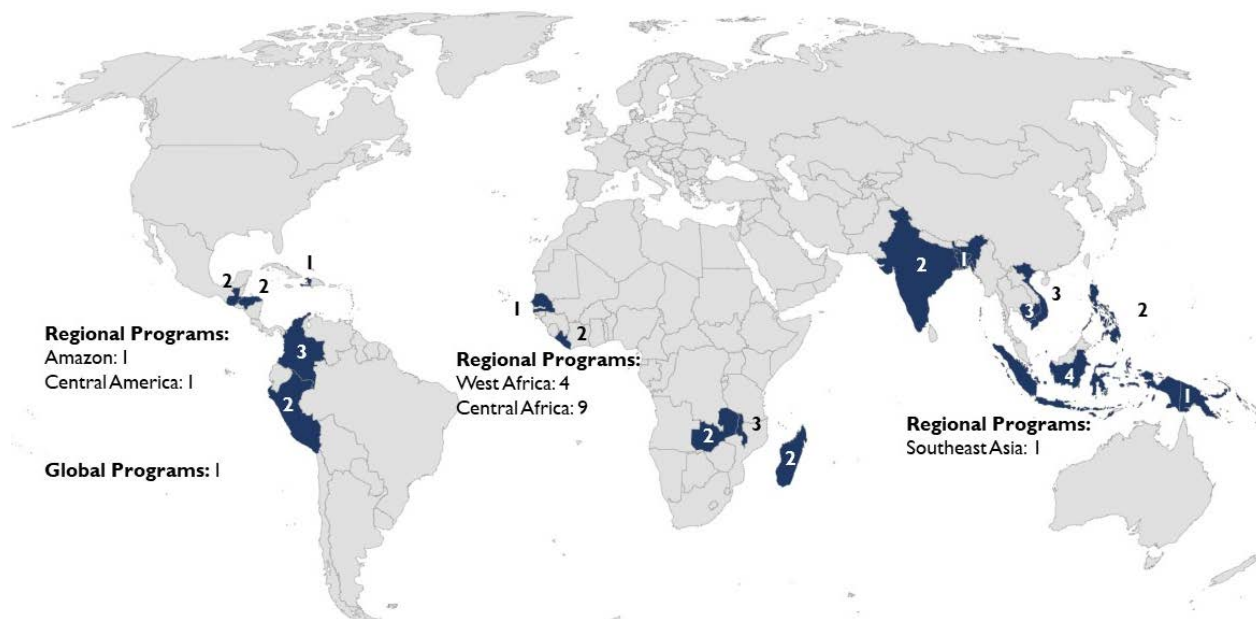
The 53 projects selected for this analysis (Table 2) were determined based on the availability of project documents. Reports were sourced from the DEC or through direct requests to project contacts, with a focus on gathering the most recent annual report or (where available) final report or evaluation. This means that the analysis for some projects is limited to a specific timeframe and limited by the quality of the reports. For instance, most reports focused on results and successes rather than a deep discussion of challenges and how they were overcome. As a result, these findings may present an overly optimistic picture of how projects addressed LRG issues. Alternatively, some LRG project interventions may have been overlooked or may be missing from the reports entirely. These findings should thus be taken as indicative of the breadth and depth of areas that LRG issues showed up in reports, as opposed to a definitive analysis of the full range of LRG issues encountered and addressed. Additional conversations with project staff could be a valuable next step to identify greater nuance and limitations of the approaches undertaken.

**TABLE 2. SL PROGRAMS REVIEWED**

Country	Project
Amazon	Net Zero Deforestation Zones (NZDZ)
Bangladesh	Climate-Resilient Ecosystems and Livelihoods (CREL)
Cambodia	Greening Prey Lang
Cambodia	Morodok Baitang
Cambodia	Supporting Forest and Biodiversity (SFB)
Central Africa	Central Africa Forest Ecosystem Conservation (CAFEC) - Bateke Lefini Landscape
Central Africa	CAFEC Ituri-Epulu-Aru Forest Landscape
Central Africa	CAFEC Lac Tele-Lac Tumba Landscape
Central Africa	CAFEC Maiko Tanya Kahuzi Biega
Central Africa	CAFEC Maringa-Lopori-Wamba
Central Africa	CAFEC Salonga-Lukenie-Sankuru Landscape
Central Africa	CAFEC Sangha-Trinational (TNS) - Noubale-Ndoki Landscape
Central Africa	CAFEC Virunga
Central Africa	Forest and Biodiversity Support (FABS)
Central America	Regional Climate Change Program (RCCP)
Colombia	Bio-REDD+
Colombia	Natural Wealth Program
Colombia	Paramos and Forests
Global	Forest Carbon, Markets and Communities (FCMC)
Guatemala	Climate, Nature and Communities
Guatemala	Low Emissions Development Project (LEDS)
Haiti	Reforestation Project
Honduras	Gobernanza en Ecosistemas, Medios de Vida y Agua (GEMA)
Honduras	PROPARQUE
India	Partnership for Land Use Science (Forest PLUS)
India	Forest PLUS-2.0
Indonesia	Build Indonesia to Take Care of Nature for Sustainability (BIJAK)
Indonesia	Indonesian Forest and Climate Support (IFACS)
Indonesia	LESTARI
Indonesia	Sustainable Environmental Governance Across Regions (SEGAR)
Liberia	People, Rules & Organizations Supporting the Protection of Ecosystem Resources (PROSPER)

Country	Project
Liberia	Land Rights and Community Forestry Project (LRCFP)
Madagascar	Hay Tao
Madagascar	Mikajy
Malawi	Kulera
Malawi	Modern Cooking for Healthy Forests (MCHF)
Malawi	Protecting Ecosystems and Restoring Forests in Malawi (PERFORM)
Papua New Guinea	Lukautim Graun Program (LGP)
Peru	BOSQUES
Peru	Pro-Bosques
Philippines	Biodiversity & Watersheds Improved for Stronger Economy & Ecosystem Resilience (B+WISER)
Philippines	Protect Wildlife
Regional Development Mission for Asia (RDMA)	Lowering Emissions in Asia's Forests (LEAF)
Senegal	Wula Nafaa
Vietnam	Forests and Deltas
Vietnam	Green Annamites Activity
Vietnam	Sustainable Forest Management (SFM) Project
West Africa	SERVIR West Africa
West Africa	Sustainable & Thriving Environments for West Africa Development (STEWARD)
West Africa	West Africa Biodiversity and Climate Change (WABiCC)
West Africa	West Africa Biodiversity and Low Emissions Development (WABiLED)
Zambia	Alternatives to Charcoal (A2C)
Zambia	Community Forests Program (CFP)

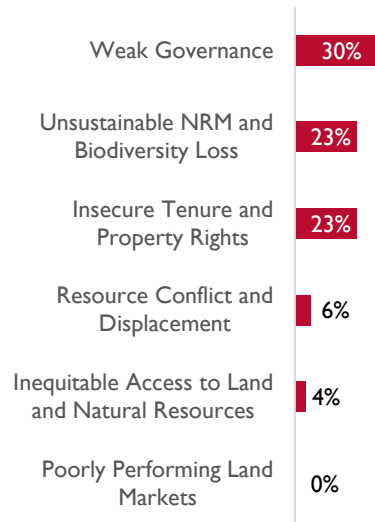
**FIGURE 2. MAP OF SL PROGRAMS**





adapted their approaches to address tenure constraints and opportunities during implementation. The findings also highlight the importance of clearly defined resource rights for successful PES and REDD+ activities. Relatively few projects worked on national-level LRG policy issues; most interventions were focused on community level rights delivery and administration. Within these activities, IPLCs and customary tenure are important areas of focus, but gaps remain in certain geographies.

**FIGURE 5. LRG CONSTRAINTS**



**FIGURE 6. LRG INTERVENTIONS**



The following section presents key takeaways from the analysis of the 53 SL programs, highlighting both common themes across interventions as well as gaps where additional attention to LRG issues might have improved program outcomes. The tables in the Annexes present detailed findings from the 53 programs examined on LRG interventions and constraints.

### 3.1 WEAK GOVERNANCE AND UNSUSTAINABLE NATURAL RESOURCE MANAGEMENT ARE COMMON LRG CONSTRAINTS IN SL PROGRAMMING

The most common LRG constraints to activity implementation that were explicitly identified in project documents were weak governance (30 percent) and unsustainable natural resource management (NRM) (23 percent). Governance constraints were most often due to inadequate capacity or enforcement authority of formal state systems. For example, an evaluation of the Senegal Wulu Nafaa project (2003-2012) noted that the failure of the government to enforce many national laws and regulations, and inadequate funding, staff, and institutional capacity, was a significant constraint to generating community support and sustaining activities on reforestation, land-use and management plans, and detailed natural resource inventories. Government capacity is not the only challenge. Under the Central Africa Regional Program for the Environment (CARPE) II project in Central Africa, community governance groups were set up to manage forest resources. However, the follow-on Central Africa Forest Ecosystem Conservation (CAFEC) Bateke Lefini Landscape project (2013-2018) under CARPE III found that these groups were completely inactive; roles and responsibilities were not clearly defined during the earlier project, limiting their ability to take the work forward. The project had to reestablish and train groups before they could move forward with new work streams.

Beyond capacity, the plurality of statutory and customary tenure systems can complicate natural resource management. For instance, Zambia’s Alternatives to Charcoal (A2C) program (2021-2026) noted that while customary land tenure institutions have an important role to play in natural resource



management, to date there has been insufficient efforts by stakeholders to leverage these customary systems to help sustainably manage charcoal production and promote community forest management. In Papua New Guinea, the Lukautim Graun Program (LGP) (2019-2024) observed that government seemed to be using customary ownership of land and marine resources to avoid central government responsibilities to establish protected areas or develop legal frameworks to govern habitat conservation. Similarly, community members working with the Protecting Ecosystems and Restoring Forests in Malawi (PERFORM) project (2014-2019) noted while authority was given to the communities to co-manage natural resources with government, the lack of support and action from government had led to a lack of enforcement and forest degradation. Thus, while local resource ownership can be an asset for conservation efforts, it can come at the expense of national level buy-in which is often needed to drive change.

Issues such as lack of transparency, participation, and accountability; inadequate regulatory, policy and legal framework; and lack of inclusion of marginalized groups such as women and indigenous peoples also act as governance constraints. The CAFEC Maiko Tanya Kahuzi Biega program (2014-2019) found there was low representation by women and Indigenous Peoples in meetings, structures, and local leadership. This was driven by social and cultural norms which exclude women from decision making, lower levels of education, which was seen as an obstacle to participation, and the fact that few women, IPLC, or other marginalized groups own land. Concerted efforts that go beyond quotas are needed to bring under-represented groups into the natural resource governance ecosystems, giving groups the soft and hard skills needed to meaningfully participate.

Unsustainable NRM refers to degradation and overuse of land and natural resources, often resulting from weak tenure regimes and unstable or ineffective governance systems. Common constraints include unregulated or unenforced activities such as forest clearing, mining, and logging; insecure, poorly defined, or inadequate land rights; and difficult tradeoffs between promoting conservation and providing for community needs. For instance, one of the main challenges the Indonesian Forest and Climate Support (IFACS) program (2010-2015) set out to address was the clearing and burning of forests leading to uncontrolled fires. The practice of fire clearing, common among both smallholder farmers and large palm oil companies, was seen as a mechanism to establish ownership over plots of land or to claim unused land, especially when boundaries were disputed. This led to severe firestorms each year during fire season in Indonesia's carbon-rich forests and peatlands and was estimated to contribute to 50 percent of the country's emissions. In Central America, the Regional Climate Change Program (RCCP) program (2013-2018) found that insecure tenure was a barrier to developing carbon markets and stimulating private sector investment in forest protection. Communities and individuals who could not demonstrate their rights to the land were not eligible for the scheme, which resulted in low community buy-in and increased pressures on forests and other natural resources because of limited livelihood alternatives. Similarly, Senegal Wulu Nafaa noted in its lessons learned report that a key shortcoming of its predecessor project, the Senegal Reforestation Project (SFP) (1987-1995) was its failure to clarify resource rights to increase economic incentives for local communities to invest in on-farm trees and forest management and protection. Incentivizing communities to protect, manage, and restore resources requires attention to underlying use and ownership rights.

### **3.2 PARTICIPATORY LAND USE PLANNING, COMMUNITY FOREST MANAGEMENT, AND LAND RIGHTS ADMINISTRATION ARE COMMON LRG INTERVENTIONS IN SL PROGRAMMING**

Most interventions identified in the analysis focused on two main areas: improving resource use management (83 percent) and strengthening rights delivery and administration (53 percent). Participatory land use planning was by far the most common approach for improved NRM, with 41 out of 53 projects (77 percent) implementing it in some way or form. Some projects such as Central Africa



CAFEC and the Vietnam Sustainable Forest Management (SFM) project (2020-2025) elevated community-led land use planning as specific objectives. Others were focused on engaging indigenous communities (Honduras RCCP) or women (Vietnam Forests and Deltas) in consultations and participatory decision making for REDD+ or were the first to normalize participatory lower emission land use planning such as the Lowering Emissions in Asia's Forests (LEAF) project in Madang province, Papua New Guinea. USAID's research under the Proland project highlighted that land use planning interventions are rarely successful at achieving emission reduction goals, largely due to the lack of clear land use rights and ability to enforce land use plans. It however documents positive experiences from Cameroon, underscoring five conditions for land use planning that have resulted in conservation success, mostly related to the governance conditions and legal framework around their implementation.

Another key outcome of successful land use planning is decreased conflict. A number of programs – CAFEC Maikao Tanya Kahuzi Beiga (2014-2019) and CAFEC Virunga (2014-2018), Liberia People, Rules, and Organizations Supporting the Protection of Ecosystem Resources (PROSPER) (2012-2017), Cambodia Supporting Forest and Biodiversity (SFB) (2012-2018) – noted that the participatory nature land use planning, including boundary demarcation with neighboring jurisdictions, helped resolve longstanding land-tenure related disputes, which enabled better forest management in the long term. The Indonesia IFACS program used the community spatial planning exercise to update data on land ownership status and develop community institutions for tenure related dispute resolution.

Community forest management (CFM) is another common type of participatory LRG intervention in sustainable landscape programs: the West Africa Sustainable & Thriving Environments for West Africa Development (STEWARD) (2011-2016) supported communities to map their lands to establish clear boundaries for community forests, and the Senegal Wulu Nafaa program helped create community co-management structures to protect chimpanzee forest habitats. CFM provided the legal framework for Zambia's REDD+ program to recognize community boundaries and allow for benefits to accrue to forest management groups. As noted in the box below, USAID's engagement in CFM in the Democratic Republic of the Congo (DRC) has been particularly impactful as USAID has linked site-level experience with policy engagement to promote scalability and sustainability of the intervention. Recently, the model has also been expanded to marine areas. The West Africa Biodiversity and Climate Change (WABiCC) project (2015-2021) supported communities to establish a Coastal Chiefdoms Natural Resources Management Network which has strengthened mangrove governance in coastal communities, and the Vietnam Forests and Deltas (VFD) program (2012-2021) worked to increase women's participation in community-based coast spatial planning to better manage coastal protection and benefits.

Rights delivery and administration was the second-most common category of intervention. Interventions included formalizing and documenting individual and group rights (including customary rights), supporting spatial surveys and mapping, and improving land administration systems. Some projects even mapped individual land rights – Madagascar's Mikajy (2018-2023) provided support local land tenure offices to issue land certificates and map plots, strengthening tenure rights for 9,794 people and reducing pressures on protected areas. Other projects looked at communal rights registration. Projects such as Cambodia SFB helped communities navigate the complex legal registration process and supported creation of 13 indigenous community land titles, while the CAFEC Lac Tele – Lac Tumbé Forest Landscape project (2014-2019) helped 27 communities secure community forest concessions, with an additional 25 in process at the time of project completion. Colombia Natural Wealth (2017-2022) worked with Yukpa communities to register 7,000 hectares in the Indigenous and Community Conservation Area Global Registry to conserve their land rights and culture, and the Indonesia LESTARI program (2015-2020) supported the mapping and sustainable management of 796,580 ha, often with traditional community engagement.

Several projects also supported spatial surveys and mapping to better document land rights and catalog resources, such as Philippines Protect Wildlife (2016-2021), which engaged communities in mapping

exercises to identify current land uses in their areas (tenured and non-tenured settlers, crop production areas, etc.) as a basis for forest land use planning. The Papua New Guinea LGP program represents a positive case of how mapping combined with rights devolution helped to increase community ownership and protection of resources. The government attempted to establish a series of national parks in the 1960s and 1970s but faced push back from local customary landowners living on or adjacent to the parks and abandoned the effort. Under LGP, the government adopted a new approach – Wildlife Management Areas (WMAs). The government authorized local communities to develop a conservation plan for part of their traditional lands or waters, following rules laid out in the national conservation framework. The communities appointed a management committee and surveyed and mapped the boundaries, which were then published in the national gazette. The management of the WMAs are thus fully owned by the local customary landowners, with government and non-governmental organization (NGO) support for conservation efforts. In most cases, USAID programs seem to be working with the existing legal frameworks provided under the law, whether for asserting land rights, forest management rights or other resource use or ownership rights. Cases in Zambia, DRC and Indonesia have provided USAID partners to have a voice in the legislative process, often bringing implementation experience from site-based work.

### **3.3 SOME SL PROGRAMS ADAPTED THEIR APPROACHES TO ADDRESS TENURE CONSTRAINTS AND OPPORTUNITIES DURING IMPLEMENTATION**

While there was high prevalence of SL programming with at least some element of land tenure (87 percent), relatively few of these had LRG as an explicit goal or project objective from the outset: tenure issues were “highly integrated,” or reached an intermediate result (IR) or program level goal, in only 11 out of 53 programs (21 percent).

It is notable that even projects that had “negligible” (7 projects) or “slight” (13) LRG integration were impacted by land tenure constraints and often ultimately adopted discreet LRG interventions in their NRM and LEDS approaches. For example, a challenge for the Colombia Bio-REDD+ program (2011-2015) was the lack of a clear government policy on community carbon rights. This legal limbo led the project to reorient its REDD+ approach around use rights and not property rights, as the government had not yet made a decision on the issue. This represents a clear example of how failing to consider LRG issues in SL program design can create risks and impact progress, as well as where USAID intervention objectives may be constrained by the lack of a conducive legal framework for resource rights. There are however risks in USAID site-level interventions moving forward with an expedient solution, for example focusing on use rights for communities (which tend to be relatively insecure) rather than addressing underlying land rights tensions. A positive externality, however, of this shift to clarifying land-use rights under Colombia Bio-REDD+ is that community leaders found the land use planning documents were helpful tools in dialogues with external investors regarding REDD+ and other development objectives and served as further proof of their rights over the territory. The participatory planning process seems to have reinforced community empowerment to drive decision making on their ancestral homelands.

Similarly, the West Africa STEWARD program initiated a process to map all community lands to establish clear boundaries for community forests. However, the project noted that a significant challenge to community forests is a lack of clarity around property rights and entitlements of communities to forest resources. As they attempted to map forest boundaries, there were frequent disputes around community boundaries. As a result, the boundary mapping exercise was deemphasized, and communities were encouraged to explore locally led dispute resolution mechanisms to secure their land rights using due process. Thus, failure to take tenure considerations into account limited the program’s ability to advance community forest management efforts.

While LRG was not a clear goal at the objective or activity level for the Honduras PROPARQUE program (2011-2018), the final evaluation recognized the relevance and different incentives required to influence management of private and public lands to increase sustainable economic opportunities in Honduras. The project noted that while a legal framework exists for promoting biodiversity conservation, it has not helped create alternative livelihood opportunities to reduce encroachment and misuse of resources. Determining who has the use rights to these resources is critical to setting up viable business and employment alternatives.

Some projects grew into LRG considerations over time. While LRG issues were minimally integrated into the Peru BOSQUES program (2011-2016), with LRG only referenced regarding building community capacity to monitor and manage natural resources; LRG was highly integrated into the follow-on Pro-Bosques program (2018-2023). Objective 3 of Pro-Bosques was to “support indigenous communities’ rights and resources through sustainable forest management,” and Objective 1B was to “assist indigenous organizations to scale-up, expand and operationalize community control and oversight to support independent management of indigenous territories.” Part of this shift represents a new focus on IPLCs in Latin America SL programming. But it also reflects an awareness that working with IPLCs requires a deeper understanding of the underlying rights and uses of natural resources by the communities in order to promote greater community management, protection, and decision making.

Other projects, such as Colombia Paramos and Forests (2018-2025) and Honduras Gobernanza en Ecosistemas, Medios de Vida y Agua (GEMA) (2016-2018) still performed rudimentary tenure assessments as a precursor or environmental management plans or certification of protected areas. Many SL programs have emerged from biodiversity-funded collaborations. Since many biodiversity programs are often focused on protected area management in areas that are heavily state managed, tenure issues may be less apparent in the design of such programs (though legacy LRG issues are very often at the heart of biodiversity loss). As a result, some programs have a design bias against working on land tenure and rights recognition that should be examined throughout the life of the program.

### **3.4 SUCCESSFUL PAYMENT FOR ECOSYSTEM SERVICES INITIATIVES MUST CONSIDER UNDERLYING RIGHTS REGIMES AND BENEFIT DISTRIBUTION**

14 of the projects in this analysis had strong focus on payment for ecosystem services (PES) activities, REDD+, or other carbon rights initiatives. Two factors contributing to the success of these types of programs were strengthening land rights and the development of benefit sharing mechanisms, each of which is centrally an LRG consideration. In Colombia, the Natural Wealth program began its efforts to establish protected areas for bird habitats in Cano Blanco II and Damas del Nare by assessing the current legal regime and which individuals and families in the area held legal titles to their land. This formed the basis of the project’s stakeholder engagement in the development of a nature tourism PES initiative, as well as the conservation and restoration of the areas. However, Colombia’s REDD+ strategy is still under development, so it is not yet clear if communities will retain full rights to the carbon benefits from their land/resources or how the government will regulate and distribute these benefits. The Colombia Bio-REDD+ program noted that this was a clear shortcoming of the current policy, and an area for future USAID engagement with government to discuss the issues of community rights to carbon benefits.

Under the Thailand LEAF project, USAID partnered with private sector partner Aura, a bottled water company owned by Tipco Foods PCL, to pilot a PES scheme with community members in Chiang Mai province to restore degraded forests near the company’s water source to improve local watershed management. The work began with an assessment of community and private sector perceptions of the commercial benefits ecosystem services in the watershed, a clarification of their rights to engage in such a partnership, as well as the willingness to pay for services. 54,000 hectares are now under improved

natural resource management under this scheme, providing 195 households with additional economic benefits and secure rights to the resource.

Other programs worked on strengthening the capacity of local organizations to carry out carbon monitoring and benefit sharing distribution for current and future REDD+ initiatives. The Zambia Community Forests Program (CFP) (2014-2019) worked with government to help formalize community rights to forests and forest resources. The government's Statutory Instrument on carbon stock management articulates that communities have an ownership stake in the carbon located in the forests that they manage. CFP helped delimit community forests and set up community forest management groups, provided for under the law, to help manage these resources, and trained these groups on their rights and responsibilities under the REDD+ legislation. The West Africa STEWARD project worked to set up a systematic carbon monitoring system at the community level in Ghana. Working with the Forst Institute of Ghana, they trained NGO partners and community members to self-monitor forest carbon in two pilot sites. The goal was that embedding these monitoring skills within the communities themselves would allow them to better assess and advocate for carbon mitigation benefit streams.

### **CASE STUDY I. VIETNAM FORESTS AND DELTAS (VFD)**

The Vietnam Forests and Deltas (VFD) Activity (2012-2021) aimed to improve policy, strengthen institutions, and develop innovative models to improve natural resource management and increase the resilience of vulnerable communities. The project supported stakeholders in two provinces near protected reserves to develop Provincial REDD+ Action Plans (PRAPs) to guide improved forest management and reduced emissions from deforestation and forest degradation. As part of this effort, VFD supported a benefit sharing mechanism for local communities to receive carbon payments, as well as a safeguards system to reduce the risk of negative social and environmental impacts. This mechanism and the PRAPs became the foundation for Vietnam's Emissions Reduction Program developed and funded by the World Bank's Forest Carbon Partnership Facility.

The government has long recognized the importance of local people in forest management, and as a result adopted a policy for allocating forest land ownership to households. While most of the country's productive forests are allocated to households, boundaries remain unclear and there are often conflicts over forest-use rights.

The PES program attempted to use e-payments to pay beneficiaries for increased transparency. Land documents were used as proof of eligibility for the PES system in order to open e-payment accounts. However, the project found that land documents in many communities were outdated and incomplete. In one pilot community, only 79 percent of households had clear documentation of forest ownership rights. The remaining 300 households were unable to open accounts because the name in the forest owner "red book" for a given plot did not match the name of the current owner. While the project did deliver cash payments to the remaining beneficiaries, verified with a national ID, it highlighted the need for updated, accurate forest land ownership data to successfully implement the PES scheme.

As a result, the project worked with district government, forest owners, and villages to review forest allocation records and make changes based on on-the-ground realities. In five communes, the project helped review old red books, identify inconsistencies, and develop corrected maps. These changes were integrated into updated red books, benefitting 1,700 households. Ensuring beneficiaries have the underlying rights is critical to establishing well-functioning PES systems and encouraging greater protection of forested resources.

A rights-based approach is fundamental to effective REDD+ implementation. The global Forest Carbon, Markets and Communities (FCMC) project (2011-2015) produced a series of analyses and guidance,

“Tenure Rights, Human Rights, and REDD+” to help countries better understand the technical elements rights associated with REDD+ to better design programs and benefit sharing strategies. A rights-based approach helps define who owns the resources in question, which can help identify drivers of forest loss and appropriate incentives for behavior change. Greater clarity around forest user rights, decision making, and ownership can help enhance the long sustainability of REDD+ efforts.

### **3.5 RELATIVELY FEW PROGRAMS HAVE UNDERTAKEN A TENURE ASSESSMENT TO UNDERSTAND THE LEGAL FRAMEWORKS THAT CONTROL THEIR PROGRAM SUCCESS**

Relatively few of the programs in this assessment conducted an analysis of legal frameworks related to tenure and/or resource governance. Among the exceptions, the Madagascar Hay Tao project (2018-2023) developed an analysis of legal issues that needed to be addressed to unlock REDD+ financing, many of which were tenure-related such as clarifying the rights and ownership status of communities. The Malawi PERFORM project conducted a land tenure and property rights (LTPR) assessment, which identified a number of tenure related constraints to forest management such as weak capacity of government and community forest committees and a lack of transparency, participation and accountability of benefit sharing agreements. This helped inform program areas of focus, including improving the capacity of national government and NGO stakeholders to play a central role in REDD+ activities. The West Africa STEWARD program undertook a property rights assessment in program areas and used the findings to sensitize communities about their rights and program activities. They found that rights to community forests are closely connected with rights to land, but these rights are generally unclear and contested between neighboring communities. While local land governance structures exist, they often reflect local power dynamics, which poses a risk for establishing equitable benefit sharing arrangements under forest management plans.

While there were relatively few programs that conducted assessments of legal frameworks, far more worked with local partners to support policy development and general strengthening of the enabling framework for NRM. For example, Philippines Biodiversity and Watersheds Improved for Stronger Economy and Ecosystem Resilience (B+WISER) (2012-2018) helped the city of Bago develop a local ordinance to establish a PES initiative, the LEAF program supported policy and legislative reform to create a National REDD+ Fund in Vietnam, and the Zambia CFP program completed REDD+ rights and institutional analysis. At a regional level, the Central Africa Forest and Biodiversity Support (FABS) program (2020-2025) led an analysis of land and resource tenure models related to community rights and conservation and how they incentivize or disincentivize sustainable resource management to inform future program design. Likewise, the LEAF project produced a “Decision Support Tool on Developing Forestry and Land Use Policy in the Context of Climate Change” to help address shortcomings of current project, including insufficient analysis of existing laws and policies related to resource use and ownership.

The lack of focus on tenure-specific policy analysis and legislative assessments is an important gap, especially given the widespread prevalence of LRG interventions at the local level. The Papua New Guinea LGP program notes that one lesson learned from the project was that they should have undertaken a detailed analysis of tenure and inheritance systems at the start of the project. Programs that rely on implementing existing legal frameworks for rights allocation and land management, present risks of reinforcing inequitable outcomes, or not responding to the emerging global forest carbon mechanisms. USAID activities can tie local level learning and experience (often struggles) to national and global policy change.

### **3.6 LACK OF COMMUNITY AWARENESS OF CARBON MITIGATION PROJECT OBJECTIVES CAN LEAD TO INCONSISTENT RESULTS FOR REDD+ FOREST CONSERVATION EFFORTS**

Although there is general recognition that a clear definition of carbon rights is critical to ensure the success and sustainability of REDD+ and forest conservation initiatives, many projects conduct only limited community engagement and sensitization about program objectives before launching into program implementation. For example, the Zambia CFP program faced obstacles during early implementation due to the lack of sufficient community sensitization about the program and REDD+ goals, likely driven by the extremely ambitious targets for land area to be covered. This led some villages to select distant forest sites that had lower risk of deforestation to begin with, which led to lower potential impact and decreased the expected price communities could receive on carbon markets. In Nyimba, for instance, the boundary of the REDD+ forest was 10 km from the village. Community members noted that the forest was too far away to be of concern to the community, which led to limited mitigation potential.

The process of building awareness at a local and national level of REDD+ commitments, which may last thirty years or more, is not one that should be rushed into, yet community-level REDD+ programs are faced with relatively short USAID programmatic timelines. Capacity and time constraints thus contribute to lack of awareness and understanding of REDD+ and the ability of local stakeholders to participate in decision making. This was noted by the Indonesia IFACS project, which found that many district governments in Indonesia lacked the skills and resources to complete high-quality Strategic Environmental Assessments (SEAs), let alone fully integrate LEDS for effective REDD+ and forest conservation. Similarly, the CAFEC Ituri-Epulu-Aru Forest Landscape project in DRC aimed to share information on climate change and benefit sharing with communities in line with the National REDD coordination policy. However, the project noted that the government shifted from a National REDD plan to a REDD fund mid-project. This was seen as an attempt to avoid transparency around benefit sharing provisions by communities, which reduced overall support for the project.

Communities and governments need to understand the financial, governance, and land rights implications of REDD+ and forest conservation initiatives in order to make more informed decisions and foster truly locally led approaches. Despite its initial challenges, Zambia CFP was able to adapt its approach and by the end of the project had completed a Zambia REDD+ Rights and Institutional Analysis, expanded community sensitization meetings and trainings on forest rights and REDD+, and created Standard Operating Procedures for the free, prior, and informed consent (FPIC) process in communities impacted by CFP. In response to local capacity constraints, IFACS developed an SEA-LEDS approach to enhance local ownership over the process and ensure communities understood how development plans would affect biodiversity, the economy, and future climate change impacts.

### **3.7 RELATIVELY FEW PROGRAMS ADDRESS TENURE AT THE NATIONAL POLICY LEVEL**

There are many examples of projects that work on implementation of regional or local tenure policies, such as city ordinances, protected area demarcation, and community land use planning. However, only 10 projects addressed tenure at the national policy level within their final reports. Many of the regional programs, like the global FCMC project, LEAF in southeast Asia and STEWARD in West Africa, were more focused on national policy efforts, using their cross-country nature to build regional momentum for REDD+ and conservation legislation. Most policy work has focused on strengthening elements of existing legislation and policy, particularly forest laws, at community level. For example, West Africa STEWARD worked to formalize community forest rights in Sierra Leone by clarifying the process for community forest registration and helping communities to prepare bylaws for restricting hunting and sale of bushmeat, protecting forests, and preventing bushfires within community-managed land. In

Bangladesh, the Climate-Resilient Ecosystems and Livelihoods (CREL) program (2012-2018) convened a joint working group of civil society and donor projects to strengthen the Jolmohal Management Policy of 2009 for improved water resource management. CREL led the consultative process to identify reforms to the policy to strengthen benefit sharing, user rights, and co-management which were adopted by the Ministry of Land. Similarly, the Zambia CFP program helped to operationalize the existing community based natural resource management laws, specifically around community forest management groups. Government officials noted that the project helped facilitate dialogue between stakeholders and provide training for central and provincial level staff to help clarify policy implementation challenges and processes.

The general lack of projects working on LRG policy and legislation at the national level may be explained in part by the complexity of the issues, and by the limited ability of most five-year programs to influence significant policy changes. In many cases, the existing legal and policy framework has embedded interests which impede meaningful reform. For instance, in Papua New Guinea the LRG project found that WMAs were frequently criticized because the legislation in which they were enshrined, the Fauna Act of 1966, has loopholes that allow landowners or the government to establish logging or mining in the WMAs. LRG and other stakeholders seeking to change the status quo often found that government priorities for economic development trumped conservation. In another example, the Colombia Bio-REDD+ project had to contend with uncertainties around the national-level REDD+ strategy and policy, specifically the government's attempts to acquire access to the economic benefits from REDD+ programs and lack of clarity on community-level property rights. Instead, the program changed its approach to focus on user rights rather than property rights.

## **CASE STUDY 2. CARPE (CONGO BASIN)**

USAID's Central Africa Regional Program for the Environment (CARPE) is a long-term initiative to promote sustainable forest management, biodiversity conservation, and climate change mitigation in the Congo Basin through increased local, national, and regional natural resource management capacity. Early phases of CARPE tested conservation-oriented land use planning as a core strategy to engage local communities and indigenous peoples within landscapes and reduce forest loss as well as encroachment on protected areas. In its third phase, CARPE capitalized on new community forest legislation in the Democratic Republic of Congo to focus on policy support and field interventions that enabled communities to secure formal rights to manage forests.

CARPE-supported achievements include working with the Ministry of Environment and Sustainable Development to complete the legal decree on community forest management requirements, develop the operational guide for simple management plans, and establish a National Community Forestry Strategy that instituted a five-year pilot phase to facilitate learning and inform future revision of the legal framework. CARPE's support for the enabling environment set the stage for the allocation of over 150 community forests covering an estimated three million hectares since 2016. In parallel, CARPE support to CAFEC landscape programs facilitated rapid establishment of community forest concessions in multiple landscapes including Virunga, Kahuzi-Biega, and Salonga National Parks. In its current phase, CARPE programs are building on this investment by strengthening integration of market systems approaches into community forests to strengthen both economic and environmental performance.

The CARPE example demonstrates the importance of sustained interventions that identify political and legal entry points to strengthening LRG, as well as the need for USAID programs to adapt over time based on strategic analysis of interventions. While early emphasis on land use planning established critical relationships that later supported community forest interventions, supporting development of the national policy framework catalyzed a significant expansion of formal rights recognition for communities.



In some countries, legal frameworks for securing land rights do not exist, are nascent, or are not supportive of community rights. Few countries formally recognize customary land tenure, with exceptions such as Papua New Guinea where customary land rights are enshrined in the constitution. More common is the example of Madagascar, where a legal assessment by the Hay Tao project found that there is no single definition of a “community” in the legal framework and traditional community institutions (such as fokonolona) are not recognized as legal entities. This creates significant constraints for community-led co-management of protected areas, as community organizations have difficulty accessing funds and enforcing their decision making. Without investment in clarifying these land and resource governance issues, there is inherent risk that REDD+ projects may recentralize power and authority over forests and re-embolden forest departments at the expense of IPLCs.

In addition, many legal and institutional frameworks manage land separately from other natural resources such as forests. In Zambia, for example, while community rights to land are clear, rights to benefit from forest products, including carbon, rest with the state, creating a disconnect in management incentives, and a need for new mechanisms that allow communities to participate in and benefit from forest management. USAID’s support of community forest management regulations in Zambia has helped to bridge this gap. This highlights the importance of political economy analysis and stakeholders mapping exercises to inform the choice of policy and intervention targets. USAID has a clear comparative advantage in supporting this broader enabling environment and cross-ministerial dialogue to ensure that newly created rights and benefits do not accrue unduly to the elite or the state.

### **3.8 LRG WORK UNDER SL PROGRAMS FOCUSES ON COMMUNITY RIGHTS NOT HOUSEHOLD RIGHTS WHICH HAS IMPLICATIONS FOR PROMOTING AGRICULTURAL INTENSIFICATION**

Forest protection often relies on changing the behaviors of farming households, often through agricultural intensification and influencing community or government level enforcement of rules. At the agriculture/forest interface, land rights are often ambiguous or contested as ostensibly state-managed forested areas meet household-controlled agricultural land, which has traditionally been acquired through forest clearance. Yet, 90 percent of sustainable landscapes activities that strengthen the delivery and administration of resource rights are focused on community level, rather than household or individual rights. Participatory land use planning is one of the most common LRG approaches used under sustainable landscapes projects, but it tends to focus on group or community rights to resources. Formalization of individual rights is much less prevalent, even though individual/household rights are an area where LRG interventions can influence positive behavior change for improved NRM rather than rely strictly on community and government level enforcement. For example, the Madagascar Mikajy Activity supported local land tenure offices to map plots and issue land certificates, thereby strengthening individual and household rights, reducing pressures on protected areas, and improving forest condition and cover for carbon sequestration. Overall Mikajy strengthened the land tenure security of 9,794 people (of which 51% were women and 33% youth) in areas surrounding forested ecosystems. In Vietnam, the Forests and Deltas project worked with local communities to create land use proposals and submit them to district authorities. In Muong Lat district, this resulted in 110 new user rights certificates issued to households. In Bac Yen district, efforts to update government “red books” of land ownership benefited 1,700 households across 22,000 ha of forests. The final report noted that while most of the country’s productive forests are officially allocated to local households, plot delineation and boundaries remain unclear, which can lead to conflict of user rights and sub-optimal management outcomes. The project recognized the importance of local people in forest management, and as a result the value of strengthening household tenure rights. Cambodia’s Greening Prey Lang (2021-2023) project carried out some limited support for rice parcel mapping. In the 98 villages mapped, these improved tenure rights helped household access livelihood and benefit sharing agreements. These examples and others illustrate that while a focus on community-level rights can make sense especially for

initiatives such as strengthening community forest management, it may overlook the individualized incentives that influence household decisions over agricultural land expansion or resource extraction.

### **3.9 STRENGTHENING THE INCLUSION OF IPLCS AND CUSTOMARY TENURE IS IMPORTANT FOR LRG, BUT GAPS REMAIN**

There has been a positive trend for greater inclusion of IPLCs within sustainable landscapes interventions: 20 out of the 53 projects analyzed had interventions related to IPLCs or customary tenure regimes. Many of these examples are concentrated in South America, where projects such as Peru Pro-Bosques have an explicit mandate to support IPLC rights and resource management. Several other projects in Latin America and the Caribbean have helped IPLCs register their land as protected areas (Colombia Natural Wealth) and acquire land rights to participate in REDD+ initiatives (Central America RCCP, Amazon Net Zero Deforestation Zones (NZDZ) (2011-2014)). In contrast, activities in Asia have focused on increasing IPLC participation in NRM decision making rather than recognition or administration of rights (An exception to this trend is the Cambodia SFB project, which supported the creation of 13 indigenous community land titles). For instance, in Indonesia the IFACS program helped to raise awareness and empower IPLCs around the Mimika coastal lowlands to advocate for sustainable land-use policies that protect mangroves and swamp forests as well as support local livelihoods. The Cambodia Morodok Baitang project (2021-2026) likewise attempted to strengthen the inclusion of women's groups and IPLCs in REDD+ benefit sharing discussions. Philippines B+WISER helped increase recognition of the crucial role of communities, including IPLCs, in NRM. The program worked with tribal leaders to create the first-ever written record of customs, traditions, and practices related to natural resource management of the three tribes residing on Mount Kitanglad: "The Wisdom Keepers of Mt. Kitanglad." There are fewer examples from Africa that are framed with indigenous rights language, though ensuring communities benefit remains central. The different regional focus reflects the varied challenges associated with recognition of indigeneity between Latin America, Asia and Africa and the differing legal frameworks for respecting Indigenous Peoples' rights to land and resources.

#### **CASE STUDY 3. PRO-BOSQUES (PERU)**

USAID's Securing a Sustainable, Profitable, and Inclusive Forest Sector in Peru (Pro-Bosques) (2018-2023) aimed to strengthen forest governance, promote private sector engagement in sustainable forest management, and increase the participation of IPLCs in forest value chains. Pro-Bosques worked with Indigenous communities in two landscapes to promote community development, community oversight and management of natural resources, and community forest management as an economic enterprise.

Pro-Bosques conducted georeferencing work to help update and finally register community territories in Ucayali. This effort helps strengthen Indigenous communities' tenure security in the face of increasing threats to their lands. However, subsequent steps in the registration process, which rely on regional government partners, have been slow. A coalition of Indigenous partners are monitoring progress, but the presence of third parties' interests in the area, including the settlement of a Mennonite colony, has complicated the process. Pro-Bosques is supporting a multi-stakeholder approach to the situation to help resolve tenure security and resource rights threats in the area. In Loreta, Pro-Bosques is providing technical assistance to help Indigenous communities register their titled territories and demonstrate the community's capacity for greater land use to support a request to expand their territory in select areas.

As key environmental stewards, it is critical to ensure Indigenous communities have the legal right and tenure security to independently manage and protect forest resources in their territories.

Despite the large number of programs working with IPLCs and customary tenure systems, only seven of the programs analyzed have highlighted a FPIC process in their approach. Most FPIC examples are from South American programs, such as Colombia Paramos and Forests which conducted an FPIC process for three REDD+ feasibility studies and Colombia Natural Wealth, particularly on FPIC for the proposed expansion of the Nuevo Espinal Indigenous Reserve. The final evaluation of the Central America RCCP program noted that safeguards such as FPIC are important to mitigate the risk of social and environmental impacts from project activities, and also promote benefits by increasing the security of land use and empowering stakeholders (mainly vulnerable groups such as IPLCs and women) within sustainable biodiversity and forest governance. FPIC has also been used in sub-Saharan Africa, with projects such as Central Africa CAFEC-Virunga applying it to help communities obtain valid titles in Ituri Province, DRC, and Zambia CFP which conducted FPIC around the creation of community forests, culminating in the creation of almost two million hectares of community forest.

## 4.0 RECOMMENDATIONS

Though sustainable landscapes programming focuses on key forest conservation and climate change mitigation outcomes, programs inevitably touch on many areas of land and resource governance. Especially in areas where new rights are being created, it is critical to understand who has what type of rights over these resources, to better support key environmental defenders and better plan behavior change interventions.

LRG issues are already readily apparent in the 53 sustainable landscapes programs examined for this analysis, appearing as both constraints to program success, as well as key interventions. Sometimes, these interventions were designed as intentional interventions from the beginning, but other times, were a result of adaptive management when a program ran into an LRG constraint that was impeding implementation.

A key takeaway from this analysis is that LRG issues are already being considered in many SL programs, but a more concentrated analysis and focus on these issues could improve program impacts. Some programs, such as Colombia Bio-REDD+ and Honduras PROPARQUE failed to take tenure considerations into account, which evaluations revealed impacted program achievements. Carbon mitigation projects specifically struggled to achieve intended results due to a lack of community awareness about carbon management rights and responsibilities. A lack of focus on national level tenure policy alongside REDD+ interventions increases the risk that projects concentrate power over new natural resources in the hands of the elites at the expense of IPLCs. A greater focus on tenure constraints, including broader use of tenure assessments at the beginning of a project, could help to mitigate risks and increase project success.

The below recommendations are intended to enable future SL programs to better integrate LRG considerations into program design to improve both resource governance and conservation/biodiversity outcomes.

- I. **Use LRG frameworks to understand local context, identify stakeholders and respond to risks of exclusion.** Before beginning work in a given landscape, it is critical to determine who has pre-existing legal and traditional rights to the resources in question. Relatively few projects in this analysis assessed legal frameworks related to tenure or resource governance. Such an assessment includes an understanding of historical grievances, which are often rooted in colonial legacies and even pre-colonial grievances. Colonial forest management regimes usually placed commercial rights to natural resources with the colonial government, while providing use rights for subsistence agriculture to communities. Post-

colonial governments largely kept this centralized approach. If a community does not have secure rights to a given resource, behavior change interventions or benefit sharing arrangements are likely to have limited impact. The most successful PES programs examined, Colombia Natural Wealth and Vietnam Forests and Deltas, began by assessing the current tenure regime and determining who had rights to the resources in question. Community rights devolution legislation and implementation has moved at varying rates and with varying success. Programs should review entry points for strengthening tenure security for key groups of interest, either in policy or practice. It is important to review existing tenure and landscape level assessments before proceeding with other time consuming, expensive exercises like land use planning to ensure subsequent activities have taken landscape level dynamics into account.

2. **Rights recognition should be prioritized but seen as social, not technical processes.** With the high investment in participatory land use planning, community forest management groups and even in community and household titling by SL programs, there is often a tendency to focus on the delivery of a document as evidence of success. The technical steps of collecting names, producing maps, or documenting rules may be perceived as the evidence of impact, however in most cases, the process of dialogue and community agreement that goes into rights formalization is much more important. Hastily developed community forests that rush to “agree” on boundaries or that empower a small group of local elites, can create lasting conflict or exclusion. Under many IPLC programs specifically, increasing community rights recognition, decision making, and participation is just as important as physical boundary demarcation. For instance, under Peru’s Pro-Bosques project, registering community territories in Ucayali did not resolve all tenure concerns; the project also supported a multi-stakeholder process to adjudicate overlapping claims in the area. Many projects (CAFEC Maiko, Tanya Kahuzi Beiga, Virunga; Liberia PROSPER; Cambodia SFB) noted that the participatory land use planning and mapping with neighboring communities was key to conflict resolution and establishing real-world boundaries that both communities agree to.
3. **Invest in national policy frameworks that allow for community forest and resource rights recognition.** While there are a growing number of legal frameworks that support community rights recognition, including community forest rights recognition under West Africa STEWARD in Sierra Leone, there is a need to normalize and scale their implementation beyond donor-led investments. Devolution of forest and land rights to communities has been carried out sporadically around the world, and in many cases has struggled to find a strong foothold either in ministries responsible for lands or forests. CARPE, for instance, had to work across multiple ministries in DRC to complete a legal decree on community forest management requirements. Centralized approaches to land, forest, carbon, and other resource rights risk reinforcing exclusionary systems, and in particular centralization of national commitments to achieving emission reductions from forests creates tensions. Greater inclusion of customary tenure systems and underrepresented groups such as Indigenous Peoples and incorporate them back into the national system, should continue to be the focus of USAID policy-focused investment. USAID’s history of supporting legislation and deployment of community forests management group in Liberia, DRC, Vietnam, and Zambia can act as positive examples of national and local level impact. USAID investments can help to strengthen national will for implementation.

4. **Engage and sensitize communities and governments to strengthen their capacity as decision makers for REDD+ programs.** Community understanding and awareness raising is a critical part of any carbon mitigation scheme. Stakeholders need to understand their rights and responsibilities, as well as any benefit sharing arrangements, if they are expected to engage in behavior change activities. These rights and responsibilities are rooted in land and resource rights. This need includes better understanding of the financial aspects and implications of their decisions to ensure socially and environmentally sound REDD+ programs. For example, stronger community awareness raising and engagement under the Zambia CFP program could have resulted in the identification of REDD+ sites with greater potential for mitigation efforts. Examples of the effective use of FPIC, policy advocacy, and local capacity development are available from a variety of USAID SL projects around the world, including Colombia Paramos and Forests. While voluntary forest carbon activities require the use of FPIC, helping to align international best practices with a country's legal and cultural context, based on rights will help to ensure that USAID's investments are replicable.
5. **Invest in dialogue processes to understand and negotiate new rights regimes.** The expansion of investment in low carbon solutions has led to the creation of new rights over carbon resources. As these rights are clarified, there is the potential to create conflicts over institutional management of benefits between communities, the private sector and governments, as national level commitments are translated into programs and community action. These new legal frameworks and best practices are still being sorted out at the global level. Programs themselves may not have all the answers, but there is a core role for USAID to help convene and facilitate these difficult conversations to help sort out the rules of the game in an equitable, inclusive manner that ensures against elite capture.
6. **Share LRG best practices and approaches for effective SL implementation.** USAID has existing LRG resources that can serve as helpful tools to design and implement successful SL interventions. These include the 2012 USAID Land Tenure and Property Rights Matrix which provides an important conceptual framework for land tenure and its integration in various types of programming, including climate change, forests, water, conflict, and gender. These lessons, tools, and approaches should be shared more widely within USAID and across implementing partners. Understanding tenure as a constraint to achieving forest protection goals will help USAID identify the most viable interventions. At the same time, integrating resource tenure strengthening activities both at the community and national policy level into programs will ensure that USAID's is implementing inclusive programming with the potential to scale.

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