

Tenure, governance and climate change

Debating the role of forest tenure in climate-change mitigation



Panelists, from left: Patrick Anderson, Iman Santoso, Bernadinus Steni, Avi Mahaningtyas, Eduardo Mansur, Mubariq Ahmad, Dominic Elson. *Photo: Tetra Yanuariadi*

Iman Santoso, Director General, Forest Development Unit, Indonesian Ministry of Forestry: I coordinate a working group on forestland tenure, the members of which represent ministries, civil-society organizations, universities and parliament. I try to bridge the views of those inside and outside the bureaucracy. It is important for the working group to link with climate-change mitigation because there will be actors who perform mitigation, there will be beneficiaries, and there will be people who might be harmed. Land tenure is a fundamental element of forest-based mitigation, and our working group needs to address it.

Mubariq Ahmad, adviser on climate-change policy, World Bank: As economists say, you won't get a service unless you pay people to deliver it. So we are working on REDD+ to put it in place. There are two ways to distribute REDD+ benefits. The first is on the basis of rights to the land on which the activity is being carried out, and the second is on the basis of the services provided. Tenure security is a precondition for ensuring that the benefits of REDD+ are distributed fairly.

Free, prior and informed consent (FPIC) is a process to identify the legitimate rights-holders and the allocation of REDD+ benefits and it has been declared as part of the rules for the approval of REDD+ projects. The World Bank is committed to FPIC, where the 'C' means obtaining broad consensus in a community. So the 'C' does not necessarily imply veto rights. FPIC must be based on equal access to information and a fair process. A lesson we have taken from forest dialogues is that agreements always have a range—they are never just yes or no. Agreement can be partial, conditional, temporary or complete.

Bernadinus Steni, HuMa: I have been working for five years on how we can give space to local communities—who are often the victims of unfair processes—in the climate-change regime. In many forests in Indonesia the livelihoods of local people have been declining at the same time as their forests are being put forward for REDD+. So some NGOs have tried to encourage a mechanism to ensure that the

position of such people is not made even more vulnerable by REDD+. Indeed, they should be the *focus* of new schemes. We are introducing the concept of 'rights-based safeguards'. We need to be firm that people and communities who hold rights—not just legal but also historical—should be able to claim those rights. Such safeguards need to be more visible in policies on climate change and REDD+.

Dominic Elson, independent consultant: Land-use change is responsible for 85% of greenhouse-gas emissions in Indonesia. Because the energy sector will grow as the country develops, the land-use sector has to run a lot harder than we think it does. If REDD+ is to have any chance of working we have to change the way in which things are done. Very few countries have performed as badly as Indonesia in its reforestation efforts. REDD+ tends to look first at the carbon and we need to turn this around and look first at the people—who are they, what are they doing and what do they want? Start with the people, create the right systems and you will get the outcomes you want. But if we ignore tenure, Indonesia will miss its emissions targets.

Patrick Anderson, Forest Peoples Programme: Recent studies of forest management have asked the question, what difference does it make if forests are managed by local communities or governments? In 50 forests in half a dozen tropical countries examined, forests managed by local communities retained more carbon, contained more biodiversity and brought greater wealth into the local economy, compared with forests under government management.¹

In Indonesia, 50–70 million people are members of traditional communities with customary rights to land, but these rights are not recognized or respected by government. Addressing this is the key to addressing climate-change mitigation in the land-use sector—put the focus on people by respecting their rights. International standards for

¹ See: http://illinois.academia.edu/AshwiniChhatre/Papers/146772/Synergies_and_Trade-offs_between_Carbon_Storage_and_Livelihood_Benefits_from_Forest_Commons.

REDD+ require project developers to respect the right of local communities to give or withhold their consent to proposed developments. The Indonesian National Task Force on REDD+ has agreed that the right of communities to FPIC will be honoured. Implementing this commitment will make an enormous difference for Indonesia's forest-dependent communities.

Eduardo Mansur, ITTO: The focus should be on people; I think everyone agrees with that. REDD+ is conceived as a mechanism to fund tropical forests; the 'plus' refers to conservation, the sustainable management of forests and the enhancement of carbon stocks. We should not be afraid of REDD+, provided that all stakeholders participate in the development of the mechanism that is being built. It is a new opportunity to bring serious money to bear on forests. There are specific risks for indigenous and local people, however—such as a lack of tangible benefits; the loss of traditional territories; the imposition of restrictions on land and resource rights; exclusion from design and implementation; and the loss of traditional knowledge. Safeguards are essential and must be embedded in the mechanism that we eventually come up with.

Comment from the floor: In the field we are often unsure how to help people with REDD+. Because its benefits are unclear we cannot communicate to provincial governments and communities the value of keeping forests.

Comment from the floor: Often, *adat* rights are not limited to villages but may extend to other villages—a cluster of villages (*mukim*)—and communities cannot agree where their boundaries start and finish. Today the problem in Aceh over delineation is not just between communities and companies, it is also between *mukims*. What can we do to encourage the resolution of conflict between villages?

Comment from the floor: You say “we should not be afraid of REDD+, as long as everyone is involved”. In Indonesia there is huge diversity even within specific community groups. How do we take that into account? If REDD+ is implemented without considering these people we will create more development refugees.

Comment from the floor: My community has been badly affected by a national park. If REDD+ takes place we—the lowest level of society—don't know what the impact will be. So we strongly ask that you consider how to mitigate poverty in our region.



Subject to change: Rice paddies near forest on a Lombok hillside. Climate change will affect both agriculture and forests. Photo: Tetra Yanuariadi

Mansur's response: In ITTO's view, adding value to forests is good, not bad. Forests are always struggling against other land uses. We want to reduce deforestation and forest degradation, and we want to reduce the poverty of forest-dependent people, so we have to add value to forests. Carbon is emerging as a new commodity with considerable potential to add value. But REDD+ doesn't exist yet; we are in a preparatory phase, a 'REDD-readiness' phase. What we want from it is money, under certain conditions that must be clearly stated. Safeguards are a way through. We are all suspicious, but we want it to succeed because it adds value to tropical forests.

Mubariq's response: Rights should be the basis of benefit distribution. Forests have different values for different people. Standing forest brings public benefits. But the private sector benefits when it chops the trees down. That is the context. We need to realize that standing forests have many values for communities. This is the reason why the 'plus' in REDD+ is so important. Do all stakeholders have the same level of information in a fair manner?

Steni's response: In many communities, the idea of REDD is accepted, but it is becoming more complex and harder for people in communities to understand its politics and market demand. Many see it as “plant trees and get money”. REDD means money to many people. It should be informed through a good FPIC process. But people talk about FPIC as the mobilization of a few tribal leaders who are asked if they agree, so it is not as good as we want it to be. At the same time, the point of safeguards is important. How can we reconcile all the ideas on safeguards? Often they are even contradictory.

Anderson's response: The United Nations has agreed through its Declaration on the Rights of Indigenous Peoples that indigenous peoples will be able to give or withhold their consent on projects that will affect them. Importantly, governments are recognizing that the old approach is unjust, especially as it relates to indigenous peoples and their customary lands. The Governor of Aceh recently asked, “why do we only respect community rights to FPIC for REDD projects? It should be for all government projects that would affect local communities”. Eventually other sectors will have to respect FPIC. I've written a book on this for REDD+ project developers because there is plenty of detail packed into the term 'FPIC'.²

² Free, prior, and informed consent in REDD+: Principles and approaches for policy and project development, published by the Center for People and Forests and GIZ, can be downloaded at: http://www.forclime.org/images/stories/RECOFTC-GIZ_FPIC_in_REDD_2011.pdf.