What Are We Learning?

Key Take-Aways from the 2018 Tenure Facility Learning Exchange

October 4-6, 2018

Indian School of Business, Hyderabad, India

Leaders and advisors of Tenure Facility-financed projects[1] gathered over two and half days in Hyderabad to share experiences and learning to date. This distillation of key findings is divided into three categories: 1) what are we learning from and about implementing the projects themselves (i.e. strategy, design, operations); 2) what are we learning from and about the Tenure Facility itself (as a new international financial mechanism); and 3) what do we want to learn more about?

What are we learning from and about implementing Tenure Facility projects?

1. **Tenure Facility projects are already achieving major results and leverage, encouraging and surprising many stakeholders.** The 6 pilot projects and 4 approved full projects in Peru, Panama, Colombia, and India have already secured over 2 million hectares of forest land and are likely to exceed 4 million by the end of 2018. And more important in many ways, by proving the possible, many projects have already shifted the political and development discourse and plans towards the recognition of Indigenous Peoples' and local community land rights and leveraged millions of dollars of additional government and ODA investment in many countries (e.g. Liberia, Cameroon, Colombia, Peru).

2. **Governments, particularly local governments, are increasingly strong allies in many countries while in some countries central government agencies remain resistant.** The active support of central government agencies (particularly in Liberia, Mali, Colombia, and Peru) and at least tacit support in all other countries has been greater than many expected, and contradicts the assumption held by some that since the Tenure Facility finances civil society actors in lieu of government agencies then governments would not endorse or support projects. In some cases (e.g. Colombia), Tenure Facility projects have motivated governments to initiate additional titling efforts and promote new alliances between communities and government agencies. Particularly interesting is the growing role of local governments in many countries (e.g. Indonesia, India) – perhaps because central forest agencies are often resistant to give up power and local governments are more directly accountable to citizens and local organizations, and thus more responsive. And, in a number of countries (e.g. Mali, Indonesia) decentralization has shifted land and forest responsibilities to local government, providing more opportunities for direct engagement and progress.

---

[1] The term "projects" is used here to focus on the particular role of the term-bound funding provided by the TF and avoid confusion with the much longer term IPLC owned and led initiatives and movements to secure their rights.

3. **The recognition of indigenous and community land rights is in many ways "the second wave" in the historic struggle for decolonization.** After winning independence most countries maintained the same land tenure systems and centralized government structures. For politically disenfranchised Indigenous Peoples, local communities, and ethnic communities – such as the Afro-descendants of Colombia – official recognition of their land rights and community governance institutions enables them to finally feel the rights of citizenship, on equal footing with the descendants of the colonizing families and their institutions. For many, recognition of their collective land rights has brought a sense of liberation, legitimacy, achievement, and possibility.

4. **Implementation is very political—often more so than getting new policy and law passed in the first place.** Implementation requires actually confronting and transforming the entrenched colonial structures, the "spoilers" with vested interests, and corruption embedded in many bureaucracies – and is an exercise in fundamentally changing the relationship between the state, its bureaucracies', and its rural, citizens – whereby the state serves its citizen land owners rather than the citizens being subservient to the state's land interests. It is thus not a surprise that even good laws with strong political support are often not implemented. Tenure Facility projects are demonstrating that there are champions within even difficult governments and strategies to overcome the challenges to implement tenure reforms. It is also increasingly clear that the Facility and collaborating organizations need to nurture relationships with these champions to keep opportunities alive and be ready to seize new opportunities when they emerge.

5. **An increasingly common strategy is for project proponents to pro-actively mobilize a diverse set of allies and champions from other civil society movements, academic institutions, and government agencies in the design and execution of projects.** Examples include the collaboration between AMAN and the national peasant consortium in Indonesia (KPA), the multi-NGO platforms to execute projects in India, Liberia, and Cameroon, the strong role of the Land Agency in Liberia, the central role of academic institutions in India and Colombia in project design and coordination, and the selection of a private firm respected by both civil society and resistant government agencies to serve as the project secretariat in Cameroon. By building broad support this approach decreases political risks, builds capacity and momentum, facilitates scaling-up, and increases the "security" of tenure beyond the project and paper title. It is also important to proactively engage representatives of women's and youth organizations in the design of projects to ensure the gender dimensions are well considered and because youth will eventually inherit and manage the community lands.

6. **The projects are actively innovating: developing new technologies, legal and political approaches to facilitate and accelerate implementation.** More sophisticated collection, analysis, and display of data is playing a key role in many projects. Notable during the exchange was the suite of tools developed by the ISB team, including: an app using cloud-based technology to map and register community forest lands, an app to monitor project implementation, an internet platform that facilitates analysis of political constituencies for tenure reform, as well as a tool to determine the effects of recognition on forest cover. Other innovations included the official commitment of a government titling agency to accept the maps issued by the Afro-descendant civil society organization (Colombia), engaging federations of youth in mobilizing support (India), using drones to patrol community lands (Panama), pro-actively engaging resistant stakeholders to build trust (Peru), linking the Indigenous Peoples and peasant federations (Indonesia), and inviting a well-respected former Minister (Cameroon) to serve as the project leader, enabling a coalition of civil society actors to gain the support of multiple Ministries for a new public policy in Cameroon to map and register community land rights.

What are we learning about the Tenure Facility as a financial mechanism?

1. **The distinct comparative advantage of the Tenure Facility is that it avoids conventional top-down approaches and, rather, responds to and supports Indigenous Peoples, local communities, and disenfranchised ethnic communities in their own struggle for recognition, in a quick and flexible manner.** Projects must be able to take advantage of the political "chaos" within which all projects operate and seize opportunities – and the high degree of flexibility provided to date has already proven essential (e.g. Peru and India). Maintaining the speed and responsiveness of the pilots has understandably been a challenge as Tenure Facility operations transition from Washington to Stockholm. Regaining the speed will be essential to maintain credibility with leaders of indigenous and community organizations.

2. **The Tenure Facility can only engage effectively when there are strong indigenous and community organizations and alliances, and as well as legal space and support from key government agencies, a situation that exists only after years of advocacy and alliance building.** In the continuum of Indigenous Peoples' and communities' struggles for rights the Facility comes fairly late in the picture—often after decades of advocacy when an opportunity for implementing a new policy or law finally emerges. Project experience is demonstrating that the best way for the Facility to identify these opportunities without violating the spirit of the struggle of Indigenous Peoples and local communities is to engage legitimate leaders and organizations at national level to carefully avoid undermining locally built alliances. The Facility is designed to provide financial support to local organizations of rights-holders, helping them implement reforms, building on and complementing the roles of advocacy support organizations. Project experience is demonstrating that if the political climate or collective capacity of local organizations to lead the implementation of reforms is not adequate then the Tenure Facility should wait to engage.

3. **There is great value in facilitating extensive exchange and learning amongst project leaders, advisors, and allies--hosted by a "learning institution"—and building a stronger community of leaders pushing for tenure reforms**. The exchange in Hyderabad was arguably the Tenure Facility's most effective to date for a number of reasons: 1) it was a two and a half day event rather than a one day event, 2) the agenda allowed for active participation in each session, 3) the participants were from the broad set of actors, including civil society, government agencies, the Tenure Facility Advisory Group and Board, and 4) at least in part because it was hosted by a learning institution, the ISB, who demonstrated a sincere interest in learning from experiences around the world. The event also demonstrated the strong sense of comradery and co-ownership in the Tenure Facility, and the momentum and inspiration that is felt by project leaders.

What do we want to learn more about?

Issues directly regarding the Tenure Facility:

1. **How can projects advance women's equal rights to land and resources, as well as equal roles in governance without fragmenting community lands and culture?** Women have long been engaged in leading many of the struggles for tenure rights but do not enjoy equal rights to land or community land governance in most countries – and helping address this injustice is a priority challenge for the Tenure Facility. In some countries – such as Burkina Faso – there are no legal barriers to gender justice in community land rights, rather cultural. The proposed project in Burkina Faso is path-breaking in that it proposes to assist women gain private group rights to land within the community lands. All projects are confronting these issues to some degree and are undertaking steps to strengthen women's rights and roles – and all projects will be learning much more as they proceed. Given the anticipated advantages, risks, and tradeoffs in securing equal rights of women, all would benefit from more dedicated efforts to learn from each other. And similarly, it will be essential for all to better understand and appreciate the

roles of women leaders in the political struggles as well as in the design and development of Tenure Facility projects.

2. **Where, and when, should Tenure Facility involvement end?** The demand and opportunities from and within countries are great and the resources limited. For example, while the Facility complements the work of other organizations by focusing on implementing policies and laws on the ground, how can Tenure Facility projects best contribute to confronting the challenge of criminalization of local people, or the challenge of overlapping concessions and conservation areas? Are there approaches or steps that projects can consider within their mandate? How can the Facility best coordinate with other organizations and encourage potential donors and governments to address related issues and scale up implementation? And how should the Facility consider the risks of rollback in its project selection criteria, once a country has made progress?

3. **How can the TF better share promising new technologies and facilitate the development of new technology?** There was strong interest in the power of digital technologies and analytics during this exchange, and great interest in facilitating more learning and exchange between project leaders on this specific topic. And what is the particular role of universities in the Tenure Facility network, who generate a lot of the technology, data, analytics, and learning (e.g. Universidad Javeriana in Colombia and ISB in India), and how can we foster their involvement?

4. **How does the Tenure Facility position itself to better influence interventions of donors and conservation organizations – to ensure they adopt rights-based approaches across their portfolios (e.g. for more rights-based conservation) and prioritize direct support for the recognition of community land rights?** More donors and conservation organizations are entering this space and there is a risk that they will support recognition of rights conditioned on commitments for conventional conservation. How can the Tenure Facility best influence the broader donor and conservation communities?

5. **How should the Tenure Facility think about ethnic communities – such as the Afro-descendants of Latin America?** The terms used by the Tenure Facility and beyond are obviously an over-simplification, and the Facility is already engaging the Afro-descendent community in Colombia and has no set rules (or barriers) for engaging other types of communities with claims to collective lands. By engaging with other ethnic communities with collective land rights claims, the Tenure Facility is supporting a political discussion on the conception of other ethnic groups as subjects of rights, such as the Afro-descendant communities in Latin America. Are there missed opportunities, i.e. should the Tenure Facility more pro-actively identify and engage other deserving rights-holders?

6. **How do we ensure learning remains a process and not an event? What do we do after a learning event to ensure that the projects continue to learn from one another?** A common recommendation emerging from the discussion was for the learning program to foster more country-country exchanges in addition to the annual learning exchange meetings.

Challenges beyond the Tenure Facility:

1. **From Ashwini: How do we better engage private companies and investors and make the "business case" for formal recognition of collective land rights?** How might we adjust our language, our concepts, to gain allies and gain leverage with private companies and investors without compromising our values?

2. **From Abdon: How do we shift from a "poverty alleviation" paradigm to a "wealth management" paradigm, where Indigenous Peoples are real, equal business partners?**