

The International Land and Forest Tenure Facility

Advisory Group Meeting &
Interim Board Meeting

the
**TENURE
FACILITY**

March 11, 2016
Washington, D.C.

the **TENURE FACILITY**

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Fourth Advisory Group Meeting Objectives and Agenda

March 11, 2016

*RRI Offices, 1238 Wisconsin Avenue, Suite 300
Washington, DC 20007*

MEETING OBJECTIVES

1. Review Tenure Facility work plan for 2016 and assess progress and lessons to date.
2. Review and advise on TORs and selection criteria for IB and AG.
3. Review and advise on draft conflict sensitivity guidance, gender principles, and environmental & social standards.
4. Review and advise on transition scenarios and next steps to institutionalization.
5. Review and advise on fundraising plans.

MEETING AGENDA

Chair: Arvind Khare

- 9:00 Welcome and introduction
 Arvind Khare
1. Introductions, roles of participants
 2. Review of agenda
 3. Approval of Minutes of October 3, 2015, Advisory Group Meeting
- 9:15 Overview of the Tenure Facility progress
 Andy White
1. Activities underway
 - a. The Tenure Facility management team
 - b. Status of institutionalization
 - c. 2016 Work plan and budget
 2. 2015 preliminary financial statement, fundraising strategy (proposal to NICFI)
 3. Discussion

- 10:00 Update on Pilot Projects progress and lessons
Janis Alcorn
1. Overview of pilot status and progress
 2. Lessons learned from pilots to date and plans for assessing pilots
- 11:00 Governance - TORs and selection criteria of Interim Board and Advisory Group*
Arvind Khare
- 12:00 Lunch
- 12:45 Review of preliminary policies*
Arvind Khare
1. Conflict sensitive project management
 2. Gender principles
 3. Environmental and social standards
- 14:00 Update on the preliminary Theory of Change and M&E framework, and operational manual
Andy White
- 14:30 Transition scenarios, next steps to institutionalization and next meeting date*
Andy White
- 15:00 Close
Arvind Khare

* Key points of advice

INTERIM BOARD MEETING

Chair: Arvind Khare

- 15:30 Welcome
- 17:00 Close

Minutes of the Third Advisory Group Meeting

Bern, Switzerland

The Third Meeting of the Advisory Group (AG) to the International Land and Forest Tenure Facility (Facility) took place on October 2, 2015 at the Best Western Hotel Bern in Bern, Switzerland.

AG Members Present: Mario Boccucci, UN-REDD; Arvind Khare, Executive Director, RRG and Chair of the Advisory Group; Augusta Molnar, Independent Advisor; Samuel Nguiffo, Center for Environment and Development; Margareta Nilsson, SIDA; Victoria Tauli-Corpuz, Tebtebba; and Andy White, Coordinator, RRI. Chris Jochnick, Landesa: participated via teleconference.

AG Members Absent: Mark Constantine, IFC; Charles Di Leva, World Bank; Eva Mueller, FAO; and Lou Munden, The Munden Project.

RRG Board and other Observers: John Hudson (Board Chair); Jean Aden (Board Secretary); Don Roberts (Board Treasurer), Nonette Royo, Samdhana (Board member), Nighisty Ghezze (Board member); Ujjwal Pradhan (Board member); Shyam Pandey, Green Foundation Nepal; Chris Anderson, Yirri Goba; Penny Davies, Ford Foundation.

Resource Persons: Tapani Oksanen, Indufor; Anni Blåsten, Indufor; Karoliina Lindroos, Indufor; Janis Alcorn, Acting Director, ILTF; Matt Zimmermann, Senior Director of Finance, RRI; and Bryson Ogden, Private Sector Analyst, RRI.

Pilot Project Representatives: Nora Bowier (SDI, Liberia); Lionel Giron (Helvetas, Mali); Marcelo Guerra (COONAPIP, Panama); Klaus Quicque (FENEMAD, Peru); Luisa Rios (SPDA, Peru); Rukka Sombolinggi (AMAN, Indonesia).

KEY OBJECTIVES OF THE MEETING

1. Review and advice on Tenure Facility progress to date, including status of two approved projects.
2. Review and advice on new pilot project proposals (Liberia, Peru, Cameroon, Mali).
3. Review and advice on MDY report options on candidate locations.
4. Discuss draft Tenure Facility work plan for last quarter of 2015 and 2016.
5. Review logo options and website.
6. Review and advice on fundraising efforts.

INTRODUCTIONS

1. Purpose: to provide guidance and advice to RRG, who is overseeing the incubation of the Facility.
2. Resource persons and Facility staff introduced.
3. Minutes of last AG meeting in Washington DC were reviewed, and, after a suggested amendment, were approved.

OVERVIEW

1. The meeting was jam-packed and productive: it reviewed the status of the two ongoing projects (AMAN/Indonesia and COONAPIP/Panama) and the four new ones (Peru/FENEMAD, Mali, Liberia, and Cameroon); discussed lessons learned to date on the strategic niche of the TF and value added (presentation by Indufor); and discussed governance issues – including expanding the Advisory Group and the status of revenues, expenditures, and funding.
2. There was agreement to initiate establishment of the Interim Board of Directors.
3. PPTs for the Indufor presentation, presentations from AMAN, and the proposed projects from Peru, Liberia, Mali, and Cameroon were made available.
4. There was active participation from project proponents (AMAN, COONAPIP, FENEMAD-SPDA/Peru, CED/Cameroon, SDI/Liberia, Helvetas/Mali), and this allowed good sharing of early lessons and cross-learning on challenges in implementation and how to overcome them. In addition to the members of the Advisory Group, the international Board of RRI also participated, facilitating more learning and institutional support.

KEY FINDINGS & RECOMMENDATIONS

1. The two ongoing projects are proceeding well, and the Panama project is on track despite a change in leadership of the COONAPIP. President Marcelo gave a candid update on COONAPIP's recent change in leadership and how it slowed the project a bit, but reported that now all was back on track. Rukka said that the flexible structure of the AMAN project is proving very useful to enable them to take advantage of policy openings with the national government as well as with local governments where they are focusing the field work.
2. The Advisory Group found the four proposed projects to meet the criteria, and to be compelling and strategic. There were comments and recommendations to strengthen several of the proposals, and side-meetings with each project team to update and discuss any outstanding operational issues.
3. The FENEMAD/Peru project has since been approved by RRG and the grant agreement is being prepared. The other three new projects (Liberia, Cameroon, and Mali) are making final adjustments to their proposals and are expected to begin by early November 2015.

4. The INDUFOR analysis found that the projects were adding substantial value – both to the implementation of recognition in the selected countries and the development of learning and information for the operations of the TF – and that demand for the TF projects was strong and growing. It noted that the relatively rapid speed of identification, preparation, and contracting was greatly appreciated and enabling organizations to complement, and in some cases “jump-start,” the FIP/DGM/FCPF or other REDD-related projects of greater scale. It also noted that the costs of helping communities identify these pilot projects was not sustainable and proposed a two-step process to facilitate (and decrease the costs of) preparation.
5. One major finding, and point of discussion during the meeting, was the need for the TF to invest more in “knowledge generation, lesson learning and sharing” – among project operators, other indigenous and community organizations, and the relevant donor community. There was a sense that the existing pilots were already generating tremendously valuable information regarding strategy, operational complementarity with the other REDD initiatives, and relationships with government, as well as on operational issues such as costs, types of technical assistance preferred, etc. – and that the TF needed to invest more in documenting and sharing these lessons as soon as possible to inform other initiatives underway.
6. Another key finding was that, though the TF invests funds in IPOs or CSOs, all projects have strong linkages to government agencies and support. In Liberia, for example, where Andy White recently visited, the Land Commission is an enthusiastic supporter of the project because it will help them quickly establish implementation of the new Land Rights Policy – before the political winds change and risk reducing support.
7. The AG and the participating project proponents also discussed the proposed IP climate fund and relationship with the TF – a conversation led by Victoria Tauli-Corpuz. The sense of the meeting was that there was distinct complementarity: with the TF underway now and focused on recognition of forest and land rights, and the IP fund just beginning design and construction, and likely to have a much larger mandate.
8. The AG supported the TF work plan presented in the AG Third Meeting Book for the rest of 2015 and 2016 and also supported the approach of now focusing on fully establishing these six projects before considering a second round of projects during the first quarter of 2016. Leaders of the ongoing projects also inquired about the possibility of a second phase, post the 12-month pilot projects. The AG also strongly supported efforts to raise additional funding for the TF to enable full establishment and stable operation for the next 3-5 years at least. New projects have been proposed by IP and local organizations in a number of countries, despite the lack of active promotion, including in Colombia, Philippines, India, Kenya and China – in the Tibetan forest community areas.
9. The AG agreed to postpone the detailed review of the options for institutional locations until its next meeting.

10. The AG reviewed and discussed the options for the institutional logo. Based on these discussions and further consultation following the AG meeting, it was agreed that RRG would review the drafts and consult with members who have the strongest concerns and opinions, and then decide.

NEXT MEETING

The next Advisory Group Meeting has been tentatively scheduled to be held on Friday, March 11, 2016 in Washington, D.C., just before the annual World Bank Conference on Land and Poverty (March 14-18, 2015).

Board Approved 2016 Work Plan and Budget

26th Meeting of the Rights and Resources Board

January 14–15, 2016

WORK PLAN AND BUDGET

The International Land and Forest Tenure Facility (the Facility) is a mechanism for cost-effective deployment of funds to advance land and forest tenure security, and the rights and livelihoods of Indigenous Peoples and local communities. The International Land and Forest Tenure Facility (the Tenure Facility) is being established over a three year period (2014-2017). The development of the Tenure Facility has been structured around five and overlapping phases: Initial Consultation and Design, Inception, Pilot Projects, Final Design and Independent Operations. Initial consultation and design has been completed. As part of the inception phase, legal analyses have been completed, Advisory Group roles and expectations were defined, and technical advisors were selected. During the Pilot Project Phase, country demand studies were completed; six pilot projects are underway in Indonesia, Panama, Liberia, Cameroon, Mali, Panama and Peru; lessons learned are being documented and fed back into final design; and a communications strategy, including an independent website, is in place.

During 2016, lessons from the six pilot projects will be incorporated into the final design; up to six full projects will be initiated; institutional policies will be incorporated into an operational manual; and the Final Design phase will be completed, including the establishment of a Secretariat and interim Board with clear governance structure to which fiduciary responsibility will be transferred. Independent operations are scheduled to begin in late 2016 with an independent governance body, secretariat, and pipeline of strategic projects.

SECURE FUNDING

2015 Carry Forward	\$ 934,782
2016 SIDA Contribution	\$ 3,267,401
Total Secure Funding	\$ 4,202,182

2016 Funding Target \$ 5,870,454

Priority Outcome	Associated Activities	Outputs	Implementers	Budget (USD)
<i>Outcome 1:</i> Effective Governance Structure and Management in place for operations of the ILFTF	<i>Activity 1:</i> Recruit ILFTF Management and Staff	Select ILFTF Director & Administrator	RRG ILFTF Consultants	\$288,650
	<i>Activity 2:</i> Define Roles and Service of the ILFTF	Operations Manual		
	<i>Activity 3:</i> Development Standards of Accountability, including Environmental and Social Impact Standards, Conflict Sensitivity Policies and M&E mechanisms	1. Institutional Policies and Internal Controls in place 2. M&E Framework in place		
<i>Outcome 2:</i> Lessons are learned from the pilot phase to refine the design and procedures of the ILFTF.	<i>Activity 5:</i> Complete Pilot Projects	1. Final Reports for All Pilot Projects received and reviewed 2. Report of Lessons Learned from Pilot Phase	RRG Project partners Consultants	\$2,233,016
<i>Outcome 3:</i> IFLTF supports scaled up efforts to achieve tenure reforms and implementation of laws and policies.	<i>Activity 6:</i> Initiate Full Sized Projects.	Five to Six Projects are approved and initiated.	RRG/ILFTF Advisory Group Project partners Consultants	\$5,300,00
<i>Outcome 4:</i> ILFTF operations are managed by RRG in preparation for handover to ILFTF Secretariat	<i>Activity 7:</i> Management, Administration and Technical Advisory Support are supplied by RRG to support the operations of the ILFTF until the new legal entity is established.	ILFTF is effectively managed during incubation.	RRG ILFTF Board ILFTF Secretariat	\$2,175,971
	<i>Activity 8:</i> Advisory Group Meetings are conducted.	Two AG meetings are convened.		
	<i>Activity 9:</i> RRG provides office space and other administration services in support of ILFTF operations	ILFTF is housed and administered.		
<i>Outcome 5:</i> ILFTF applies M&E framework to learn from the Full Sized Projects	<i>Activity 10:</i> Apply M&E Framework to full project cycle	Adaptive management of ILFTF and projects in response to M&E.	RRG/ILFTF Consultants	\$75,000
ILFTF Total 2016 Budget				\$10,072,637

**Extracts from the Resolutions & Minutes of the
26th Meeting of the Rights and Resources Board
January 14–15, 2016**

EXTRACT FROM RRG BOARD MEETING RESOLUTIONS

Resolution 2:

The Board approved the 2016 Work Plan and Budget of \$14.758 million, with \$10.593 million allocated to RRI and \$4.165 million allocated to the Tenure Facility. Don Roberts motioned. Vicky Tauli-Corpuz seconded. The motion was approved unanimously.

Resolution 3:

The Board further authorized additional expenditures of up to \$5.908 million per the 2016 Work Plan and Budget of the Tenure Facility, subject to additional funding being secured. Nighisty Ghezze motioned. Jean Aden seconded. The motion was approved unanimously.

EXTRACT FROM RRG BOARD MEETING MINUTES

"The Board appointed Vicky Tauli-Corpuz, Abdon Nabadan, Arvind Khare, Augusta Molnar and Samuel Nguiffo to the Interim Board of the Tenure Facility to advise RRG on the approved Work Plan and Budget and on the steps towards the establishment of an independent institution."

Guiding Principles for the Transition of the Tenure Facility From Establishment to Independence

BACKGROUND:

At the September 2014 meeting of the TF Advisory Group, the decision was made to defer the selection of the host country/city of the TF and subsequent implementation of the separate legal entity until a second significant funding source was secured. This decision was intended to avoid a commitment to a specific location that could limit the consideration of potential donors and to avoid a premature commitment to the sunk costs associated with the implementation of the new entity. By leveraging the relationships and capacity of RRG to support the TF activities during the inception phase, this allowed a larger amount of the secured funding to be used on the pilot projects than was originally planned.

Since the supply of funding is the primary driver for the potential growth of the Tenure Facility based on the identified demand for projects from the scoping initiatives, the Tenure Facility will need a corporate governance structure and operational capacity that is both robust and lean in order to scale-up under different funding scenarios. Two principles have guided our approach to incubation and transition to independence to date: 1) Nimbleness and cost efficiency; and 2) Leveraging of RRG and RRI Coalition capacities and knowledge. As an example of the first principle, consultants have been used to support the activities of the TF rather than building internal capacity, so that it would be easier and less costly to transition this capacity from RRG to the new entity, ensuring continuity of technical support and capacity building. As an example of the second principle, RRI Coalition members have supported the identification of selection criteria and implementation of the pilot projects providing the advantage of their experiences and relationships in the countries where these projects are being conducted.

GOING FORWARD:

Continuity

During the establishment period under RRG, the corporate governance structure (Board, Multi-Stakeholder Advisory Group, Governing Documents) and policies (M&E/Knowledge Management, Environmental and Social Standards, Conflict Sensitivity, internal controls) are being established. A roster of consultants with the appropriate skills and experience to provide the technical advice and capacity building support needed by the projects is being developed,

with the intention of developing a pool of consultants to provide support to projects after the transition. Evaluation criteria will be developed to use as a checklist for the establishment of the new entity and the subsequent due diligence assessment to be conducted before it becomes fully independent, including transfer of full fiduciary and programmatic responsibilities.

Scalability

As we complete the inception phase, we will continue to be guided by these principles. During the establishment period under RRG, the corporate governance structure (Board, Multi-Stakeholder Advisory Group, Governing Documents) and policies (M&E/Knowledge Management; Environmental and Social Standards; Gender Equality, Conflict Sensitivity; and Internal Controls) are being established. The TF will continue to expand its roster of consultants with the appropriate skills and experience to provide the technical advice and capacity building to projects after the transition. Evaluation criteria will be developed to use as a checklist for the establishment of the new entity and the subsequent due diligence assessment to be conducted before it becomes fully independent, including transfer of full fiduciary and programmatic responsibilities.

- Securing office space
- Retention of legal counsel to support the formation and registration (business, employment, tax, etc.) of the entity in the host country, including the establishment of appropriate bank accounts for the receipt and disbursement of funds
- Management of existing program and finances
- Hiring staff
- Refinement of policies and procedures
- Selection and implementation of cloud-based accounting, and other critical support systems.

New program officers and other support staff will be added as the demand for projects and supply of funds increases.

SCENARIOS: [to be provided]

Note on The Tenure Facility Proposal to NICFI

RRG has been invited to submit an updated proposal to NICFI. Andy White met with NICFI and CLUA on 8 February in Oslo. The 2015 Tenure Facility concept submitted to NICFI will be updated and refined consistent with the Design Document approved by RRG board and partners. The new proposal will be refined based on: (1) lessons from pilots and incubation; and (2) the evolving context for supporting Indigenous Peoples tenure rights. We will submit the proposal to NICFI by 17 March. CLUA and NICFI will conduct an appraisal. A decision is expected by June 2016.

The funding requested from NICFI will be \$50 million over 5 years, with \$20M per year during first two years, including 70% for grants and 30% for consultant TA and lean secretariat

The request for \$10 million over five years is based on the high and growing demand for direct support to Indigenous Peoples and local community organizations, corresponds to the projected and manageable pipeline of quality projects, and takes into consideration the careful growth of the Tenure Facility as an independent institution. The ratio of 70% to 30% is based on Tenure Facility expenses in 2014-2015, providing support to six pilot projects in Latin America, Africa and Asia.

3.7.16	THE TENURE FACILITY	Inception Phase										Independent Operations		
		2014				2015				2016				2017
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Assessments	Activity 1: Conduct national assessments to determine needs, demand for proposed Facility services, potential pilot opportunities and co-financing options													
	Activity 2: Update analysis of the costs and best practices of securing land rights, and experiences from prior projects and initiatives													
Consultations and Information Sharing	Activity 3: Engage and consult with Indigenous Peoples, community groups, governments and private investors to receive input, adjust design and reach agreement													
Design and Setup	Activity 4: Assess and propose options for legal and financial systems, place of incorporation													
	Activity 5: Establish transition team & hire dedicated RRG staff													
	Activity 6: Set up Advisory Group with links to key stakeholder institutions													
	Activity 7: Refine Facility roles and services; develop standards and accountability and M&E mechanisms													
	Activity 8: Set up Facility Secretariat and Facility Board of Directors													
Pilots	Activity 9: Identify portfolio of pilot projects in priority countries													
	Activity 10: Launch and support pilot projects													
	Activity 11: Assess and develop second round of projects													
Operations	Activity 12: Support pilot projects													
	Activity 13: Conduct evaluation to assess Facility readiness for independent financial functioning													
	Activity 14: Maintain and run Facility (core expenditures)													
	Activity 15: Monitor, evaluate, and assess impact													
	Activity 16: Consolidate and disseminate lessons and best practices from Facility projects													

Draft Terms of Reference for the Governance Structure

Prepared by Kirk Talbott, JD

DRAFT

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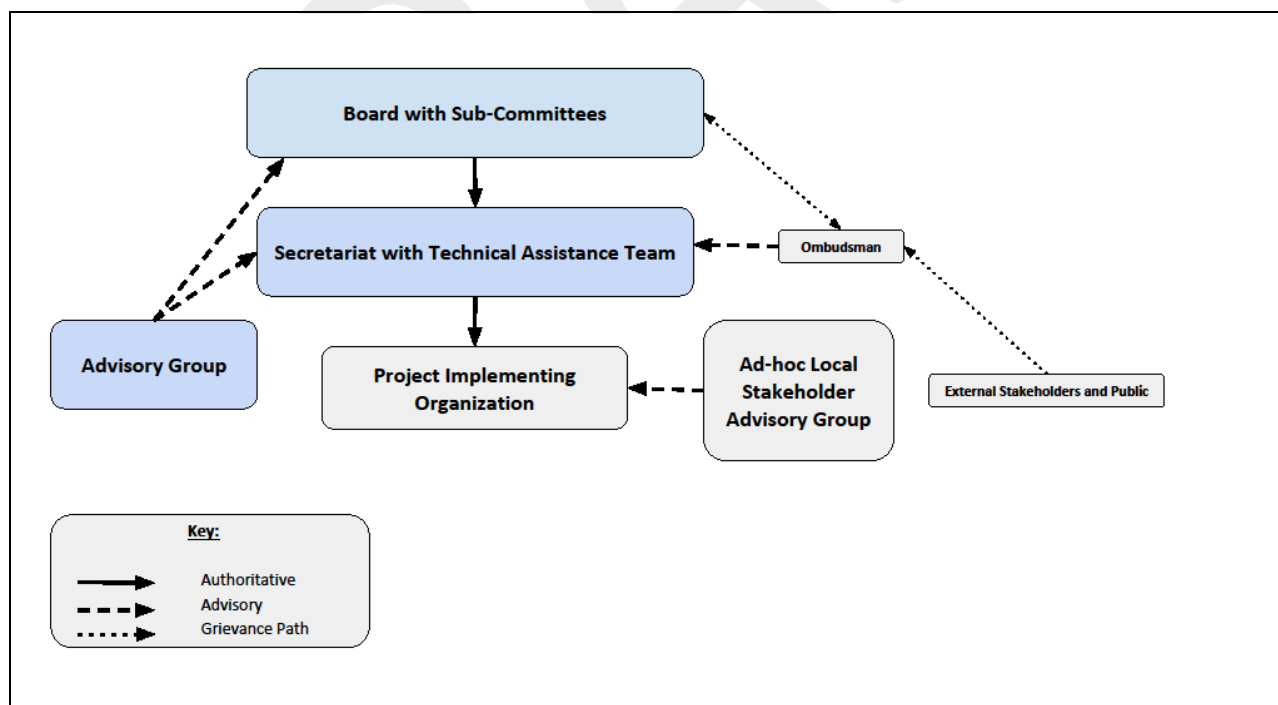
1. TENURE FACILITY INSTITUTIONAL GOVERNANCE OVERVIEW

RRG has been incubating the Tenure Facility since 2013, serving as legal, financial, and technical host. At its January 2016 meeting, the RRG Board of Directors charged the newly-constituted **Tenure Facility Interim Board (IB)** with advising the Tenure Facility (TF) on the approved work plan and steps towards the establishment of an independent institution. Once an autonomous entity, the TF will include a fully constituted Board of Directors, a Secretariat, and an Advisory Group (AG). [See Figure 1]

The RRG Board of Directors provides legal and fiduciary responsibility for the IB and the TF during the transition. Governed by a set of By-Laws and Articles of Incorporation, the RRG Board, and thereby the IB, must comply with US and DC laws, RRG provides a temporary institutional home with governance systems and internal controls for the TF as it transitions towards full independence and autonomy. RRG provides certain specific fiscal and legal responsibilities such as the (1) legal incorporation of the Facility, (2) transfer of funds or (3) IRS tax filings.

The increasing IB responsibilities include advising policies and criteria regarding (1) field projects, (2) the composition and roles of the Secretariat functions and AG and (3) effective engagement with other, similar international efforts. These groupings of tasks with other key duties constitute the main function of the IB and its membership as it shepherds the Facility towards full-functioning autonomy with its own systems and controls ensuring good governance.

Figure 1



2. INTERIM BOARD TERMS OF REFERENCE

The IB ensures that the administration of the TF meets international standards of excellence and its obligations to donors. The IB provides the legal, financial and policy advice to guide the transition of the TF from the incubation phase to its launch as an independent organization. Beyond the basic responsibility for the business and operations of the TF, the IB would also identify, and select a CEO or Executive Director (ED) for the Secretariat to shape the direction, governance, and performance of the TF. The IB leads the process of designing and implementing the Facility's duties including seeking new investors, developing a program portfolio, hiring the leadership, and developing and applying good governance and M&E mechanisms. The IB chair reports regularly, and on demand, on behalf of the IB Board, to RRG's President, who in turn reports to the Chair of the RRG Board.

2.1 Process of Internal Decision-Making

IB meetings, governed by the RRG By-Laws, lay out the process of calling meetings (annual, regular and special), providing notice (5-60 days in advance) and conducting meetings (presided over by the Chair or his/her designee). The By-laws also define a quorum (a majority of the total number of Directors), providing guidance on consent, telephone conferencing, indemnification, term limits, etc. Experience has shown that too many laws and protocols can undermine good performance and team work. Simple, clear roles and rules can guide the TF; not letting the pursuit of the perfect impede the path of the good governance.

2.2 Membership on the Interim Board

Membership on the IB and future TF Board will be balanced among individuals from Indigenous Peoples' and local communities' organizations, civil society, and public and private sector organizations; acting in their personal capacities and not formally representing any particular constituency.¹ Criteria for selection include demonstrated leadership of Indigenous Peoples' and local communities' organizations, expertise in community organization, development, property and human rights, finance and audit, investment, and corporate and non-profit management. Given their policies and preferences to provide independence and an appropriate level of separation, the Facility's donor representatives will not hold membership on the IB. However, they would be eligible for membership in the Advisory Group. They will continue holding regular meetings and communications with the TF IB and others on the direction, progress and "return on investment" in their funds as the TF continues to develop.

2.3 Composition, Terms and Removal

The IB and future TF Board will be led by Chair, Vice Chair, Secretary and Treasurer. The CEO of the implementing agency Secretariat shall also serve on the Board as a non-voting, *ex officio* member. The President of RRG would serve as *ex officio* member of the IB. IB member terms will be limited by the Interim period in which the IB functions. Future Board term limits of 3 years with limited renewal conform to best practices. Also adhering to the RRG By-Laws, any IB Director may be removed for cause by a vote of two-thirds (2/3rds) of all the remaining Directors in the office. Such action shall be taken at a regular meeting of the IB or at a special meeting called for such a purpose, and the proposed removal shall be set forth in the notice of any regular or special meeting, sent at least two (2) weeks prior.

2.4 Committees

The IB, by resolution, may designate among its members an (1) Investment, (2) Finance and Audit, (3) Nominating and (4) Program committee, each consisting of one or more Directors, designating other committees as it sees fit. Each committee shall serve at the pleasure of the IB. The IB and Chair may decide whether to establish an Executive Committee comprised of the Board Officers including the Chair, Vice-Chair, Treasurer, Secretary and Chairs of the Investment, Nominating and Program Committees.

The IB will provide direction on mandate, expectations, responsibilities as well as ‘rights’ of AG members including protocols for communication, written and oral, internal and external. These expectations will need to be met by the AG and its members through discussion and mutual agreement, to ensure best practices and management of expectations.

3. INDIVIDUAL INTERIM BOARD POSITION ROLES AND RESPONSIBILITIES

3.1 The IB Chairperson

One member of the IB shall serve as Chairperson. S/he shall preside over IB meetings, and make decisions when necessary and execute any documents or instruments on behalf of the IB, following their requisite approval by the IB, through simple majority vote of the Board membership. Overall, singular authority and responsibility for the TF governance resides with the Chairperson. The Chair’s success rests largely on their ability to delegate and work with members, committee chairs and other key stakeholders. S/he will have responsibility for bringing the IB members and key stakeholders together to reach consensus whenever possible and voting by majority rule when not.

Other IB Chair’s responsibilities include:

1. Calling and presiding over IB meetings on a regular (2 or 3 times a year) basis or as needed, working with the Secretary and Vice-Chair to develop and follow agendas and ensuring the implementation of decisions of the IB on all relevant TF matters;
2. Providing leadership to the IB Committee Chairs to help focus attention of the Board to the TF Mission and Mandate in the project portfolio and field programs of the Facility;
3. Communicating and coordinating with the RRG Board, the CEO of the TF Implementing Agency, the AG Chair, the Donor representatives and other TF stakeholders to ensure strategic partnerships and sound operations;
4. Ensuring that the conflict-of-interest protections, a grievance mechanism, M&E, and other standards of good governance are fully implemented;
5. Leading the IB’s transition to an autonomous, independent Board of Directors of the TF, selecting a Secretariat CEO and shaping the direction and policies of the new Facility.

3.2 The Treasurer

During the transition period to TF independence, the IB Treasurer position holds a unique position and set of functions related to working closely with, and, in some cases, under the direction of the RRG Board Chair and Treasurer. These responsibilities include financial aspects related to the eventual Facility's incorporation, tax law compliance and fiscal controls on program financial flows.

Over the longer term the IB Treasurer has custody of the funds and securities of the TF and responsibility for keeping accurate accounting of all receipts and disbursements and tracking and reporting on the financial condition of the TF. The Treasurer works closely with the Chair, Investment Committee, and Donor representatives as appropriate, to ensure close monitoring of the financial flows and integrity of processes and systems as the Facility achieves independent status.

3.3 The Vice-Chair

The Vice-Chair of the IB, shall, in the absence of the Chairperson, preside at all meetings of the IB and shall share, as appropriate with the Chair, oversight responsibility for the programs of the TF. S/he shall see that all orders and resolutions of the IB to the TF are carried into effect, subject to the Directors delegating specific powers to other officers of the IB.

3.4 Committee Chairs

The IB will have a few committees with purview and responsibility over critical areas of governance of the early TF; Finance and Audit, Investment, Nominating, and Program Committees. Each will have Chairs to work closely with their small committees and the IB Chair to ensure that IB meetings and agendas reflect priorities, communication between stakeholders maintained, and proper policies and practices developed.

3.5 Secretary

Acting as a clerk to record IB and Board votes and minutes in a minute book, the IB Secretary (as distinguished from the Secretariat, see below) shall perform like duties for all committees of the Interim Board when required. The Secretary shall give notice of all meetings of the Board of Directors, and shall perform such other duties as may be prescribed by the Chairperson or the CEO and under whose supervision s/he shall be.

3.6 Legal Counsel

The TF as with other non-profits, businesses and financial entities, would benefit from expert Counsel for legal and policy matters ranging from incorporation, employment, conflict-of-interest, interpreting rules of governance, indemnification and other germane legal issues likely to arise in future operations of a global Facility. Counsel provides oversight and carefully communicates with the Facility's leadership and grievance mechanism.

4. SECRETARIAT AND IMPLEMENTATION TEAM ROLES

4.1 The CEO of the Secretariat and Implementation Team

The CEO and Secretariat serve as the implementation arm of the Facility through the Technical Assistance Teams. With a small group of permanent staff and a roster of technical experts, the CEO implements, convenes and supports the Facility's project portfolio. The CEO shall be responsible for the day-to-day operations of the TF and have the general power, authority and duties of supervision and management usually vested in the office reporting to the Chairperson of the Interim Board of Directors and future TF Board. The CEO shall attend Board meetings as an *ex-officio* member of the IB. The Secretariat will provide specific funding and administrative support to IB and AG members for expenses incurred and meetings held for TF business.

5. ADVISORY GROUP'S TERMS OF REFERENCE

5.1 The Advisory Group (AG)

The AG serves at the discretion of the IB and eventual TF Board of Directors as a Volunteer Body with an appropriate and balanced membership representing the spectrum of legitimate stakeholders in the TF.

The is composed of representatives from Indigenous Peoples, local communities, donors to the TF, national and international organizations (such as the World Bank and UN) and private companies. Members should serve in their personal capacities. They advise the Facility's program design, act as a strategic information and knowledge-sharing resource, help the TF avoid duplication of other organization's efforts, and identify and capitalize on potential synergies and opportunities for TF impacts. The Advisory Group's consultations with the Board, partners and potential stakeholders, expands the reach and relevance of the Facility.

The AG will operate under a charter document or MoU based on principles and roles specified in previous TF design documents, outlining the specific nature of the Advisory Group's role, expectations of members and communication protocols as the TF evolves into full scale operations.

Although the AG has no authority over the Tenure Facility, it works on a regular basis with the Secretariat and implementing agencies, and plays an important role in "check and challenging," presenting perspectives and positions that can inform and strengthen the Facility and the deliberations of the IB and eventual Board in particular. For example, working with the Chair and Program Committee of the IB, the AG Chair and other members of a possible Executive Committee of the Group, can respond to specific requests for review of a paper on Grievance Mechanisms or a draft Terms of Reference (ToR) for a senior staff member of the Secretariat. As the Output section below demonstrates, the AG plays a relatively robust role in the spectrum of possible functions for an advisory group. As a 'safe haven' for focused input from stakeholder representatives, the AG provides a number of consequential contributions to the design and implementation of the Facility.

5.2 The AG Chairperson

Similar to the role of the Chairperson of the IB, the AG Chair presides over meetings of the Group, authorized to execute any reports or public statements on behalf of the AG, following approval by the

Group. The Chair is the main focal point for interacting with the IB Chair and the IB Program Committee Chair as well as the CEO of the implementing agency Secretariat.

The IB and future TF Board Chair sets expectations with the AG and with the IB / Board and Facility Secretariat. Regular meetings, with agendas set by the IB Program Chair and the AG Chair, support good governance objectives including appropriate representation of stakeholder groups and representatives in the Facility's evolution. *Clear and simple protocols for both internal and external communications* strengthen the AG's effectiveness in its convening and advisory role with the Facility. These include a careful review and dissemination process. Setting clear expectations and reaching agreements on roles and specific responsibilities and outputs supports the TF's mission and objectives and guides essential TF internal and external communication rules and agreements.

5.3 Possible Roles for the AG

While the Advisory Group, like the IB, seeks to remain non-bureaucratic and avoid the unnecessary, several working group options include data/economic, technical, and policy advisory support. Each group would have Chairs to coordinate and respond to appropriate requests from the Board and Secretariat, constituents and donor community supporting the TF. The Chair of the AG will work closely with the IB Chair and Program Committee Chair to make efficient decisions responsively on composition and other good governance requirements.

A more formal MoU may need to be developed that outlines the following components in the institutional relationship between the IB and AG: (1) mandate of each body, (2) IB's authority over the AG, (3) focus of the AG, (4) meeting frequency, (5) membership requirements and basic criteria, including commitment, term limits and non-disclosures, (6) size limits; and/or (7) compensation for expenses.

The IB will need to define roles and expectations of the collective AG and individual members including but not limited to (1) attendance at AG meetings, (2) participation in conference calls as well as the basic protocols and expectations for email communications, (3) representation at public symposia and publishing, TV, radio or new media engagements.

The AG would respond to IB requests for timely review of appropriate policy analyses, options studies, and other documents. This crucial function allows the IB and TF to gain specific and demand-driven guidance or expertise from members of the AG in researching answers to questions regarding TF strategy, results measurement, technical advice, lessons-learned, best practices, etc. For example, the IB needs AG engagement in reviewing TF policies, such as the Monitoring & Evaluation (M&E) and other institutional policies. These products will be communicated by emails, presentations at meetings, including to the IB and possible Program Committee, written reports and media products. Whatever outlet, these outputs represent the AG's critical function of 'check and challenging' draft policies and recommendations to properly vet, comment and advise on appropriate TF matters. These combined contributions, if properly utilized will strengthen the Facility.

The AG members will participate as agreed upon in national-level and international conferences, symposia, panels, and other meetings to informally represent the TF in their advisory roles. This

function, laid out in the TF Design Documents, responds to the need to engage in the global debate around community tenure rights and responsibilities, and opportunities to address systemic inequities and challenges across Latin America, Asia and Africa.

The Chair of the AG may have special responsibilities s/he agrees to in terms of representation on the Board, as a non-voting member but one who can support IB transparency, effective knowledge sharing, and good governance. These outputs could include IB meeting participation, occasional presentations and attendance at international events, government, UN, university or other forums, more formally representing the overall TF Structure as demands arise.

6. GUIDANCE ON AVOIDING CONFLICT OF INTEREST VIS-A-VIS INTERNAL AND EXTERNAL PARTIES

The Interim Board and TF Secretariat follow the principles and rules of good governance embodied in the multiple layers of protection of the By-Laws and governing documents of RRI. This umbrella coverage provides the institutional protection of the policies and practices of the TF's host organization, RRI. Multiple risks including bureaucratic inertia, politicalizing governance, fear of employment repercussions from whistle-blowing, abuse of power and complaints against policies and practices in the field, all require due diligence, follow-through as *appropriate and commitment to high standards of controls*.

Currently residing under the governance of RRI, all TF business and transactions, according to the April 2015 RRG Summary of Institutional Systems and Controls, "must be conducted with honesty and integrity. And in compliance with applicable laws; that employees are expected to refrain from taking part or exerting influence in, any transaction in which their own personal interests may conflict with the best interests of RRG; and that failure to abide by the policy will result in disciplinary action up to and including termination and legal action." The transitioning TF remains protected under the aegis of this rigorous standard and conflict of interest policy for its own Interim Board as well future staff of the Facility. These policies are reviewed and signed by the RRI Board and Management – and now IB Board – annually.

Adhering to best business practices to mitigate risks associated with conflicts of interest, the IB abides by the highest international governance standards, ensuring both transparency and accountability for all Board and TF operations. In avoiding conflicts of interest, all organizations can be well served by considering the salient issues and basic controls revolving around the questions of *who is accountable, to whom, for what, when, where and how*. Accountability and transparency ensure good governance and protect organizations from misrepresentation and misuse of funds and authority.

Defining policies, practices, and target constituencies differentiate:
INTERNAL parties including: (a) IB, (b) MSAG, (c) Staff
EXTERNAL parties including: (a) Partners, (b) TF Beneficiaries, (c) Other Stakeholders

6.1 Internally

Consistent with the highest standards of internal controls, the TF follows best practices on many fronts to avoid conflict-of-interest within any of the organizational bodies associated with the implementing Facility. For example, membership on the Interim and future Board of Directors and AG is comprised of a majority of members who are *not* potential beneficiaries of the Facility. In both cases, members serve in their personal, not organizational, capacities, thereby minimizing but by no means eliminating conflict of interest concerns. Organizations nominate candidates, but the IB / Board appoints. Directors of the IB shall not receive any stated compensation for their services. Expenses of attendance may be allowed for attendance at each regular or special meeting of the IB.

6.1.1 Financial Controls

The IB is strictly governed by best practices and financial controls promoted by the US IRS, Financial Accounting Standards Board, CPAs, and independent auditors. Separation of responsibilities and sharing of key financial oversight and money disbursement functions for institutional checks and balances provide protections from financial and other misuse of monies and resources. The IB and the TF remain committed under the RRG umbrella to the established practice and control such that all financial transactions require review and approval by more than one individual invested with budget management or accounting responsibility, and physical restrictions require more than one individual process to any disbursements other than petty cash.

The IB and future Board Treasurer keeps full and accurate accounts of receipts and disbursements in books belonging to the TF, and shall keep the monies of the Facility in a separate account to the credit of the Corporation. The Treasurer disburses the funds of the Facility as may be ordered by the IB or the CEO, taking proper vouchers and rendering to the CEO and IB, at the regular meetings and whenever required, an account of all his/her transactions as Treasurer. This position, as mentioned, holds special responsibilities during the TF transition period to independence, to respond to requests and direction from the RRG Board for appropriate matters of fiscal and legal oversight.

RRG and thereby the IB and current TF structure employs BlackBaud Financial Edge program software to help ensure strict financial controls. RRG adheres to best practices for all goods and services procurements, as well as HR and other business practices and policies including due diligence, financial and other risk analysis and careful accounting and oversight in all partnerships, disbursements and business dealings.

6.1.2 Prohibited Activities

Adhering to RRI's By-Laws, no part of the net earnings of the TF shall inure to the benefit or be distributable to its Directors, Officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the TF IB governing documents. Activities of the TF shall not be used for propaganda, lobbying,ⁱⁱ or to influence legislation.

Audits: The Interim Board is protected and the TF covered by RRG's annual audits, and, all financial statements and accounts will be audited by CPAs from external and independent auditors to ensure

compliance with highest international standards. Led by the Audit and Finance Committee of the RRG Board and IB, all audit activities are undertaken in compliance with the US Financial Accounting Standards Bureau (FASB)'s generally accepted accounting principles and grant-specific audit letters also in compliance with the International Standards of Auditing. The IB adheres to FASB SAS 115 requirement for a management letter of findings of systems and controls fully reported to the Board with full responses.

RRI, and therefore the TF's IB, is committed to providing employment and other whistleblower support and protections including the designation of a *Board-appointed Compliance Officer* or similar role as a point person for any wrongdoing reported in good faith, and to ensure whistleblower protections from harassment, retaliation or adverse employment consequences. RRI's internal employment grievance mechanisms provide means for people to communicate, problems of job security and consequences both direct and hidden. The RRG and IB stand committed to investigate all reported violations or good faith suspected violation, and taking action to eliminate and mitigate any violations. Any reported or suspected violations regarding TF accounting practices, internal controls, or auditing must be reported to the RRG Board and TF IB; the RRG Compliance Officer must work with the Board until the matter is resolved.

RRI's HR Handbook and employment and non-discriminatory policies prevail for the Interim TF and IB. Senior management at RRI regularly share, review and update the Handbook and seek best practices for evacuations and other preparations for natural disasters, acts of terrorism and other emergencies. The internal and external communication plans that the Implementing Agency, in concert with the IB and AG, develops upon independent status, will include crisis management principles and protocols.ⁱⁱⁱ These will be updated and strengthened as the TF staff, Board, AG and partnership and on-the-ground operations expand, as does the need for exigency planning and emergency preparation.

6.2 Externally

6.2.1 An Ombudsman

An Ombudsman office with a 'direct line' to the IB Chair and Future Board (possibly a member of the TF Board who reports to a grievance committee) who is in close consultation with the implementing agencies, AG, and partners can serve a crucial function in addressing conflict of interest issues arising out of the Facility's expanding field operations. If properly staffed, mandated and funded, it could provide the functional capacity to investigate complaints, report findings and mediate settlements for any legitimate stakeholder not associated with the Board, Secretariat or staff of the Implementing Agencies. The Facility should employ basic, enforceable contract law whenever appropriate to strengthen commitments.^{iv}

For consideration, the RRI utilizes an Independent Monitor which provides an independent evaluation of annual implementation, and could possibly include an ombudsman-like resource to investigate and report on potential conflicts of interest, malfeasance or possibilities that could challenge institutional and operational integrity and good governance.

The World Bank's Inspection Panel, UN Ombudsmen offices, bilateral aid agency whistleblower provisions, and various other constituent rights protection mechanisms exist. Yet each fits the particularly organization with their unique opportunities and threats regarding good governance. While not yet part of international law, Ombudsmen functional criteria used by the World Bank include: *accessible, competent and credible, efficient and effective (ACE)*; providing good guidelines for designing effective external grievance mechanisms.¹ They can protect the TF from external sources of conflict of interest by following simple to understand, written guidelines and best practice documents from other financial facilities and endowments for non-profit purposes. Emphasizing accountability and transparency (written records, electronic or 'hard copy') buttress the chances of avoiding both internal and external conflict of interest situations.

Adhering to basic good governance principles includes ensuring clear and reasonable roles for decision-making authority and program responsibility. Clear lines of authority help operations, starting with the Chair of the IB and Board and the Head of the possible Ombudsman. Each stakeholder group has rights that come with their positions of responsibility as well as expectations of institutional support and team work documented in By-Laws, MoUs, letters of agreement, etc. Without high-standard accountability, consequences and reasonable rules and practices of enforcement, good governance remains elusive.

Challenges at the local and national project field-level generate a further dimension of potential conflict of interest as the Facility's operations grow. This expansion underscores the need for rigorous and transparent roles, rules and practices; documented, monitored and evaluated with accountability. The possible ombudsman office will require the financial and human resources to function effectively at all levels, complying with the local, national and international legal system.

While currently covered under RRI's Board of Director Insurance policies, the future TF needs to acquire insurance for constituents, field-level programs and other external parties. Legal counsel and the IB/ Board can determine the insurance policies for the AG and Implementing Agency, including for law suits or complaints from potential beneficiaries, property owners, governments and other stakeholders.

Good Governance Principles: Accountability, Transparency, Representation, and Equity/Fairness

Best Business Practice Hallmarks: Effective, Efficient, and Responsive

ENDNOTES

¹ The Social Tenure Domain Model (STDM) provides a growing platform of best practices for community based tenure reform worldwide; highly relevant to the development of the TF. STDM relies on "Best evidence" methods of accessible and transparent information collection and dissemination from the temporal and spatial vantage point of local people, proprietors and outside investors and the government to even the

playing field. STDM combines formal (cadastral surveys) and informal (community mapping) information sources balancing gender, health, literacy and other disadvantaged stakeholders' interests. STDM seeks the minimal but sufficient property folios required by law to delineate locations and claims and advance adjudication, titling or other sought-after actions. Based on field testimonies, 'walk around' tape measurements and hand held GPS devices which clearly survey and delineate boundaries and parcels, local people proactively engage in the legal process of community recognition. Need to collect and manage information consistent with land registration institutional needs such as strengthening the civil court system and training peri-legal professionals from the slums and villages to participate in their land, housing and resource's allocation and adjudication. By innovative indexing, low cost image processing, and effective presentation of data for land administration process, the TF and its partner organizations can play a 'trusted broker' role, supporting due diligence and best practices, anticipating and mitigating risks, enabling Indigenous peoples and other target populations to receive titles for inclusion in the government registries. The positive market effects can draw attention, potential funding and private-sector interest towards the Facility. (See Annex 2, Stakeholder Governance Balancing Act).

ⁱⁱ RRG's Human Resources and Employment policy handbook, which articulates the process and practices to ensure ethical, fair and non-discriminatory employment practices, including maintaining and supporting a diverse and inclusive staff, provides a template for the IB. Also, given uncertainties and threats worldwide, RRG, and by extension, the IB and current TF maintains crisis management policies to apply best practices and preparations for exigencies and emergencies for the RRG Board and staff and, until the TF reaches full autonomy and independence, the Facility and IB as well.

ⁱⁱⁱ In the event of a disaster or other crisis that impairs the ability of the TF or IB to function, the RRG Crisis Management Plan outlines the chain of responsibility, insurances, clear and practical communication protocols and other necessary information

^{iv} *A simple contract framework* supports good governance; agreements between two or more persons which creates an obligation or not to do a particular thing. Competent parties, clear subject matter, mutuality of agreement and obligation, and consideration (the cause or price of inducement in the agreement, define a contract. Only the last applies exclusively to business, the other terms constitute the essential elements necessary to forge agreements that set the foundation for good governance.

^v "Institutional Design Options for an International Forest Tenure Facility", Peter Riggs for RRI, December 21, 2012.

Preliminary M&E Framework

Prepared by Indufor

DRAFT

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1. *RATIONALE, PURPOSE AND OBJECTIVES FOR THE TENURE FACILITY*

The Theory of Change of the Tenure Facility is driven by the overall context and rationale for The Facility.

1.1 *Issues & Challenges*

It is estimated that over 3 billion rural people, among the poorest and most marginalized in their countries, live with legally unrecognized customary land and resource rights, leaving them vulnerable to illegal or unjust capture of their lands and resources. Rising demand for land combined with weak governance in many countries is resulting in increased land use conflicts, an increase in the rate of illegal land acquisitions, destruction of valuable natural forests and habitats of indigenous peoples, and social tension and economic instability. Insecure land tenure also results in lost opportunities to advance sustainable land management and use by local communities and households as well as by responsible national and international companies.

Land use related conflicts are increasing all over the world. According to a recent global assessment by the Munden Project at least 31% of the identified total industrial concession area overlapped with local communities across, in total 150 million hectares in 12 developing countries. For the private sector, tenure risk, or the risk of conflict with customary users of land, poses significant operational and reputational risks, and can result in high financial losses.

The **key problem to be addressed by the Tenure Facility (TF)** is “**Inadequate commitment to clarify local land rights with gaps in global and local efforts**” (tenure Facility Design Document 2014). There has been significant progress by governments to address unclear and unrecognized land rights over the last several decades. But, unfortunately, progress on actually recognizing land rights concentrates in a limited number of countries, primarily in Latin America. And even in cases where progress has been made in terms of passing the necessary legal reforms to recognize rights, there is not always enough political will or resources to implement those reforms at scale.

1.1.1 *Gaps and Opportunities*

Despite various efforts at global, regional and national levels, there are still major **gaps** that need to be addressed, as well as emerging new global and local **opportunities** for addressing these issues.

Gaps	Opportunities
Inadequate awareness and incentives for governments and other actors to promote land reforms or implement existing policies.	There is increasing international interest in improving the security of land tenure. The development of Voluntary Guidelines on the Responsible Governance of Tenure, the wide recognition of needs for secure land tenure and property rights to advance the REDD+ agenda, and the rapidly growing movement towards sustainable product and raw material supply chains are good examples.
Inadequate leveraging of interests of rights holders and positive	Windows of opportunity are constantly opening at national and sub-national levels – through political, legislative, judicial and/or

private players to scale-up the securing of community tenure rights.	other situational factors (e.g., economic, social) – that can be effectively capitalized upon by national actors to advance national agendas on recognition/ formalization of traditional land rights.
Major international initiatives related to natural resource management do not yet integrate commitments and instruments for securing local tenure.	<p>Emergence of CSOs actively engaged in advocacy and promotion of policies, laws, regulations and programs in favor of traditional land rights; with support, many of them are positioned to take advantage of and capitalize upon windows of opportunity to advance national agendas on recognition and/or formalization of traditional land rights.</p> <ul style="list-style-type: none"> - Emergence of new cost-effective participatory technologies with potential for scaling-up the processes to map and formally recognize boundaries of traditional land areas. - Private sector, with some leading global companies, is becoming attuned to the financial and reputational risks of insecure tenure.
Strategic response gap; shortage of tenure specific funding sources available at the local level quickly and flexibly to make use of windows of opportunities.	The TF is planned to address some of these major gaps and also make use of these new exciting opportunities. It is to be complementary to other initiatives and instruments, working on critical niches needed to catalyze scaling-up and advance at scale tenure reforms on securing collective rights to customarily held land and forests. The interventions supported at the country level will be of strategic nature and complement existing instruments and initiatives of governments, donors, and private sector
A lack of mechanisms linking global knowledge and best practices in land and forest land tenure with field implementation in developing countries, and little sharing of experiences gained on the ground.	

2. *HOW THE TENURE FACILITY WILL REACH ITS GOAL: THE THEORY OF CHANGE*

2.1 The Tenure Facility's Results Chain

The goal of the Facility is to increase security of tenure for Indigenous Peoples and local communities in rural, forest and dryland areas, in order to contribute to local and national economic development, forest governance, food security, and climate and human rights goals.

The Facility will (i) provide funding and technical support for tenure reform projects proposed by Indigenous Peoples, local communities, governments and civil society, and possibly others, in developing countries, and ii) serve as an international platform through which governments, Indigenous Peoples, community organizations, and public and private sector leaders can raise and coordinate commitments

and develop shared strategies to strengthen community land and territorial rights in rural, forest and dryland areas. This would include becoming an instrument to deliver the land and resource tenure related.

The TF is one in a set of key instruments to strengthen and accelerate action and synergies for achieving the overall goal. It is supported by, and it supports, the Interlaken process to strengthen and enhance capacity and coordination of IPOs and their CS supporters, MegaFlorestais to constructively engage governments, and the Interlaken Group to constructively engage progressive companies. The TF is nested in this broader system of instruments, and it will continue to interact with related other instruments to create maximum synergies (e.g. those implemented by some of the Interlaken Group participants, such as Oxfam).

The overall context and rationale for the TF suggests already avenues of action to deliver results to support the achievement of the TF goal. Working from the desired goal and impacts backwards (from right to left) provides a logical description of the chain that is needed to deliver the results and make a difference. This is demonstrated below in the **TF Results Chain**.

This is a **generic** results chain for the TF that, in principle, is relevant in different contexts, including different country risk profiles and the degree of government commitment (or lack of it). At the country level, the local context will define the specific results chain, the TOC and the impact pathways of a **specific project** supported by the TF at a specific space in time.

There are two common interconnected impact pathways: the **“Rights and enabling conditions pathway”** and the **“Sustainable supply chain pathway”**, both of which are linked to the CSOs and local community organizations and various networks (see the TOC Figure below). However, private actor behavior can be changed both through government measures and action targeted directly at them. Also, private sector organizations can influence the government to introduce more enabling regulatory frameworks for responsible land resource investments.

The common **Rights and enabling conditions pathways** depend on the actors of change and the desired change mechanisms; governments and the IP/LC organizations are all integral parts of these pathways:

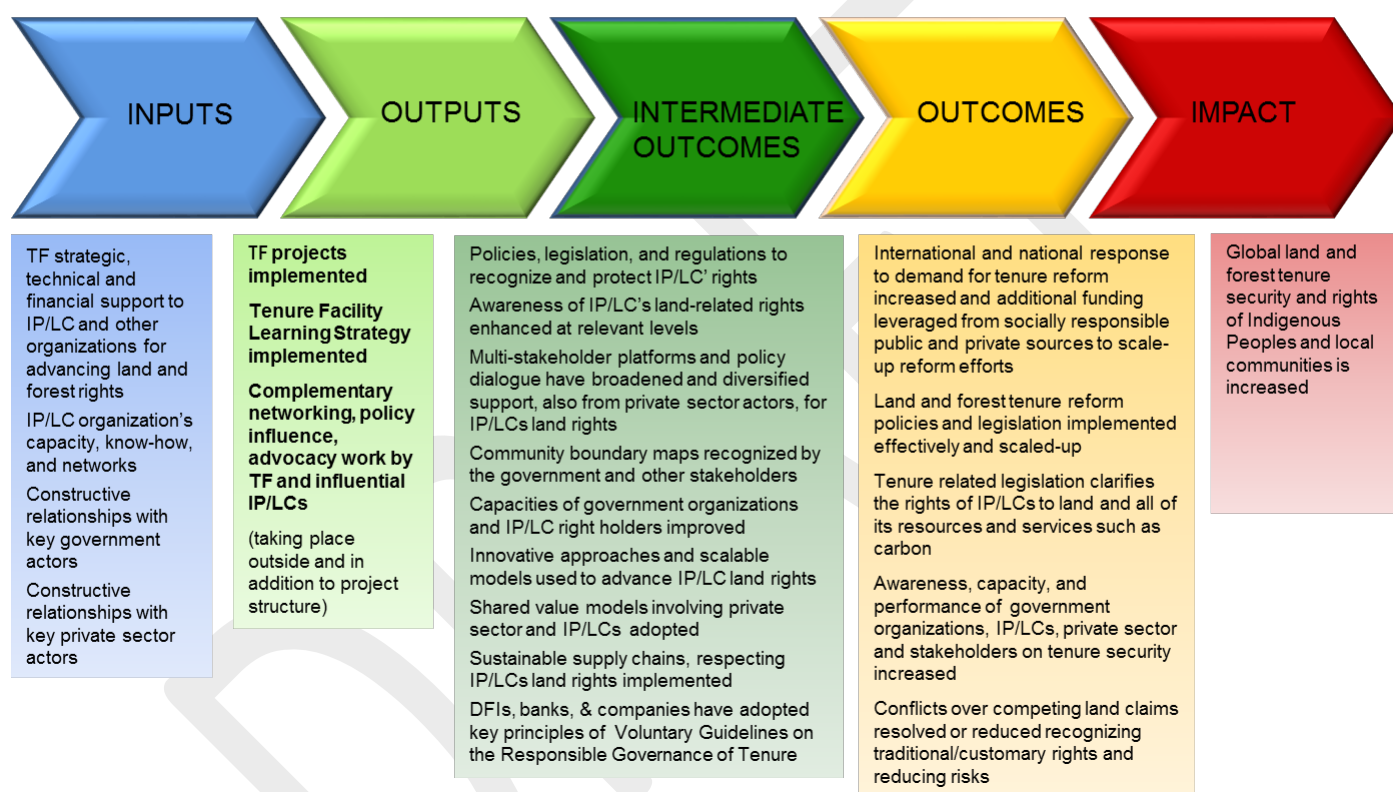
The **main actors** targeted by the TF support are:

- **Government institutions:** policy and regulation formulation bodies and processes, organizations providing services and ensuring compliance
- **Networks, coalitions, alliances and other cooperative relationships and their platforms:** this can involve creating new multi-stakeholder platforms to advance tenure rights e.g. through advocacy, knowledge/experience sharing or new coalitions and alliances aiming at influencing the policies and legislation, or reducing or resolving conflicts
- **Indigenous Peoples and local communities and their organizations:** existing ones, or support to creating new community-based organizations focused on land tenure rights

- **Individuals:** especially opinion leaders or power brokers both at the national and local levels, including national/provincial/district politicians and Indigenous Peoples and community organization leaders (formal and informal).

Results chain: vision of the TF

Goal: Advance land and forest tenure security and the rights and livelihoods of Indigenous Peoples and local communities



The main **change mechanisms** are:

- **Capacity change:** supporting indigenous and local communities in participatory mapping, or strengthening land tenure related service providers within the government sector at different levels, but also non-state actors such as CSOs and the private sector. It can also mean strengthening IP/LC and their organizations and giving them a voice in processes that influence their land tenure rights. Capacity change can also be strategically strengthening national-level actors to capitalize upon existing or growing support to advance national agendas on recognition/formalization of traditional land rights.
- **Behavior change** of government agencies, private sector, and politicians can be achieved through TF support to well-established and networked IP/LC organizations doing **advocacy work**

and awareness raising. Importantly, this work can be done by (i) the TF at global level as an authoritative source of experience, lessons and analysis on good practices in strengthening traditional land rights, (ii) through specific projects supported by the TF, (iii) nationally and locally through influential IP/LC organizations as part of their “normal” work.

- **Institutional change:** the TF can support, through CSOs, the creation of new IP/LC organizations and building of strategic partnerships that connect disparate community, civil society, government, private sector, and international development interests to positively impact trends in recognition/ formalization of traditional land rights.

The **Sustainable supply chain pathways** rely on same types of change mechanism as the “Government pathway”. Three main lines of interventions will be supported to deliver results:

- 1) Influencing the behavior of the private sector through **advocacy work** including putting pressure on companies to adopt more responsible practices, enhancing awareness, identifying “leading” companies and supporting their demonstration impacts and mobilizing their leveraging power.
- 2) Influencing the **incentive frameworks and financial and reputational risks** so that they favor/reward responsible private sector players and “punish” irresponsible companies and investors. The interventions could be targeted at the financial sector, purchasers/consumer organizations and companies controlling the supply chain, and operating companies directly.
- 3) Creating and piloting models and platforms that enable creation of mutually **beneficial partnerships** between private sector and communities and their organizations, multi-stakeholder platforms to improve dialogue and resolve conflicts, developing voluntary codes of practice and standards for responsible land-based investments.

2.2 Potential Project Types to Support Transformational Change:

The preparatory work during the development of the TF has identified similar types of themes/projects with strategic relevance in several countries (constituting the building blocks to the Theory of Change, TOC) that provide an idea of what the TF can support to introduce changes to advance the IP/LCs’ land tenure rights:

- Development of a policy and normative frameworks addressing IP/LCs’ land tenure rights
- Advocacy work and support to catalyze action to help with implementation of existing good policies and legislation
- Development and piloting scalable IP/LC-led tenure rights models
- Awareness raising and capacity development
- Cost-effective participatory mapping and other technologies/methodologies for demarcating and registering land
- Supporting creation of multi-stakeholder platforms for dialogue, knowledge-sharing, and identifying pathways for scaling
- Developing models (e.g. public-private partnerships) based on consulting IPOs and other stakeholders, including government organizations and private companies and investors.

Many projects are likely to include a combination of impact pathways involving several change actors and change mechanisms e.g.:

- **TF support for legal reform processes and their implementation:** Strategic support in the legal reform processes including development of laws and implementing regulations and guidelines. Awareness-raising of key stakeholders of the legal reform process, increasing stakeholder capacities, support in participatory processes with attention on gender issues and vulnerable and marginalized groups.
- **Piloting of new rights mapping technologies with potential to scale up.** The TF support to new technologies to scale up of cost-efficient and user-friendly solutions to mapping/demarcation of land and forest tenure rights of IP/LCs, led by the communities themselves. The project activities can include capacity development of the implementing stakeholders (typically public sector agencies or contractors) and communities, awareness-raising of all stakeholders on tenure rights of indigenous and local populations to adopt new methodologies and technologies.

The boxes below provide concrete examples of impact pathways on ongoing projects:

Box 1. Community Mapping for Effective Land-Use Planning - Development of a Common Community Mapping Protocol in Cameroon

The project will develop a common set of protocols for mapping community land use and tenure across the country and to secure support and adoption of these protocols by relevant government agencies, as well as support of the land holders themselves, key private sector operators, civil society, and donors.

The project implementation unit, a private consulting company with a strong experience in project management, acts as an intermediate and facilitator in this very technical but also political process between Cameroonian and UK based CSOs engaged in community mapping, different ministries and relevant agencies of the Government. The focus of the project is to develop a technically and socially acceptable mapping protocol that all parties preparing or using community maps in the country can agree upon. The set-up of the project requires and strengthens the dialogue between the CSOs and the Government agencies, and the initial steps of the project already show strong Government support for the project.

The project shows an impact pathway, where a highly technical work brings IPOs and the Government, the private sector and academia together to find a common technical solution to be adopted by government agencies responsible for the application of relevant land laws and ordinances.

Box 2. The ILFTF Pilot Initiative in Indonesia aims at contributing to the legal recognition and protection of tenure rights of IPs.

The project includes intensive engagement with district heads (*bupati*), local and national parliament members, and government officials for the preparation and advancement of the legal drafts in the district and national legislative bodies. This work is supported by close cooperation with other CSOs engaged in the IPs' rights. The main driving forces of this approach are the trust and support from the community members of AMAN as well as support from other CSOs, and the strategy has proven successful.

The project is an example of an impact pathway where civil society advocacy work related to land tenure can influence government decision-making. AMAN uses different advocacy channels for continuously promoting the legal recognition and protection of IPs at national and local levels. The political, social and cultural capital achieved from representing member communities authorizes AMAN to carry out the dialogue with district and national governments for the recognition and protection of IPs' rights. Drafting of legal documents is supported by the socio-political mobilization and awareness-raising among both the community members and the government, mapping activities, and training in mapping, FPIC, advocacy, and negotiation skills. In addition, AMAN supports IP representatives from all parties in political and electoral activities, and facilitates meetings of district parliaments. The TF pilot project funding has allowed the intensification of all these activities in the eight pilot districts. The TF support can also be used for political and legal advocacy work, for which other donor funds are often not eligible.

These activities have led to an on-going policy advocacy and dialogue with the government on IPs regulation, and changes in the attitudes and behavior of individual government representatives at local and national levels are observed. The pilot project has also permitted an acceleration of the mapping activities and consequent submission and approval of draft legislation recognizing the IPs' rights.

This project is an example of how the delivering of project results requires also making use of other channels, such as networking, global level advocacy, and sharing lessons learnt with other stakeholders. Local legislation processes on IPs has become increasingly widespread during the implementation period of the TF project. AMAN's work in the pilot areas has made an impact on the growth of similar initiatives in many other districts.

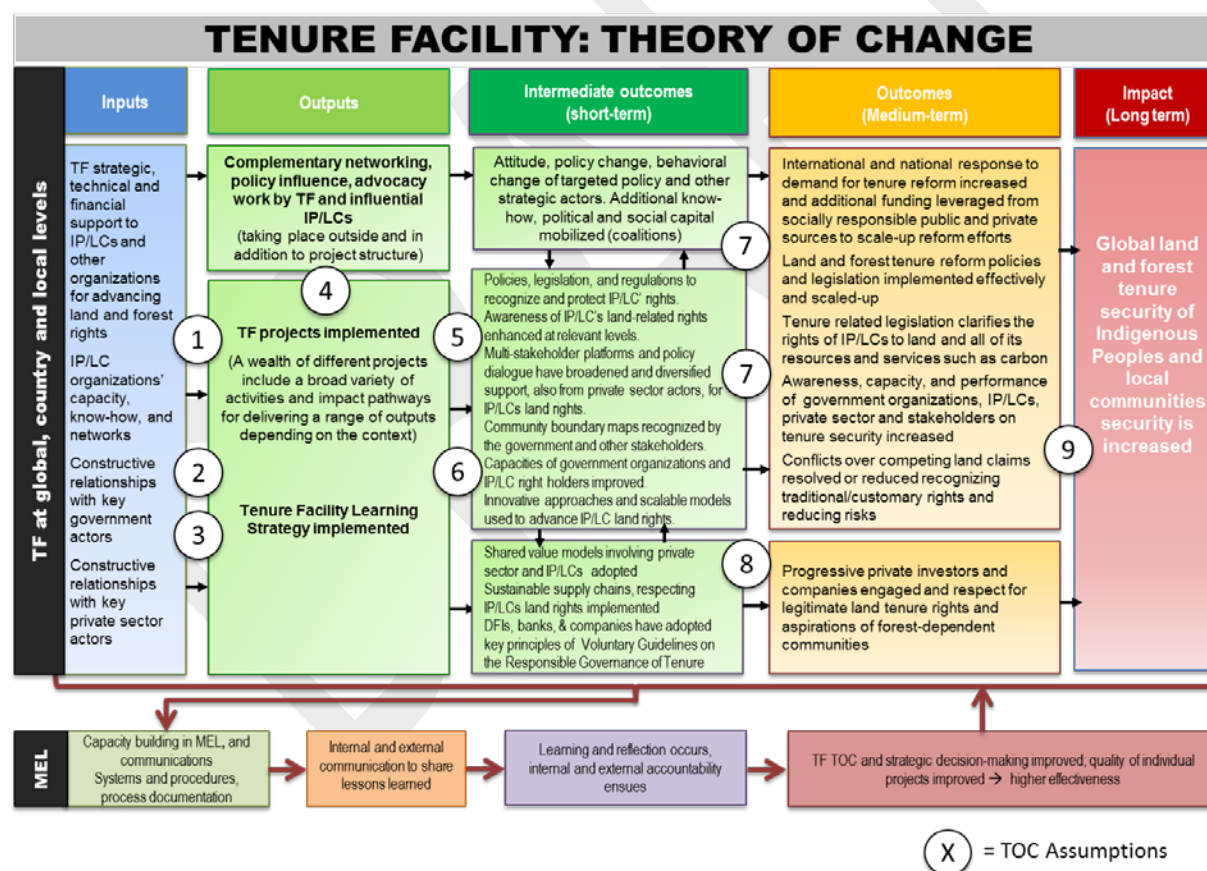
2.3 The Tenure Facility's Theory of Change

The TF Results Chain has been expanded below to a broader Theory of Change (TOC) at the Facility level. The developed TOC is a **generic theory and a process** that describes the TF's logic and change process driven by the TF's goal and the desired impact(s) by mapping the causal chain from inputs and activities to outputs, intermediate and final outcomes, and ultimately impacts, while making the critical

assumptions explicit to enable the periodic assessment of their validity and the strategic reorientation of the work of the TF when needed.

It is a **common general framework for locally-driven work** towards land and forest tenure security in a specific country, ensuring a logical link between the TF-financed project results and the overall TF goal. The TOC acknowledges diverging realities and impact pathways at the local level: TF-financed projects are based on needs and strategic opportunities identified by the local TF partners. There is hence a need for TOCs at two inter-connected levels: the TF organizational TOC, and the project level TOC. Local projects and their TOCs have their own, specific impact pathways, which are consistent with the broader TF framework and objectives. The developed monitoring, evaluation and learning (MEL) framework provides the feedback loop between these two levels.

The main thrust of the TF's TOC is learning and guiding future work to be more effective in delivering the impact; hence the TF's TOC is a dynamic process, which evolves continuously, learning and capturing innovation from the TF-funded projects and adapting to changing contexts.



Numbers refer to the round white numbers in the TOC Figure:

1. Assumptions about the support from the TF to the country and project level

- Flexibility and strategic focus in project selection and implementation
- High-quality and timely steering and facilitation and technical support from TF to the project implementers
- Efficient financial management and administration by the TF

2. Assumptions about the capacity of IPOs to enable outputs and the causal linkages

- IP/LC organizations have, or can acquire good technical capacity to implement activities as planned
- IP/LC organizations have, or can acquire, sufficient administrative and financial management capacity to meet the TF requirements

3. Assumptions about complementary inputs to enable causal linkages from inputs to outputs

- Inputs and other (e.g. political) support from governments at different levels (local, regional, central) are made available as foreseen by the IP/LC (e.g. in the project plans)
- Support from other development partners (local, national and international) is available; e.g. by the IP/LC TF secretariat for international networking and on good practices

4. Assumptions about the relationship between projects and “beyond direct project” action

- IP/LC organizations supported by TF are well-established and have credibility and broad networks
- Project implementers and partners can make use of synergies/complementarity to contribute to the TF objectives, e.g. through advocacy and policy influence

5. Assumptions underlying the choice of projects and expected outputs and their links to intermediate outcomes

- The TF project portfolio focuses on critical and high-priority themes and issues where possibilities for political engagement and influence, acting as catalyst in strategic windows of opportunity, and scaling up exist
- TF is able to establish a brand and profile that makes it a recognized source of information and partner at the local, national and international levels, attracting quality proposals and partners

6. Assumptions about the ‘how’ of intervention implementation

- The TF is able to learn from projects and country actors, allows the IOs to learn across countries (South-to-South), and within the Facility as a whole to demonstrate relevant lessons in a way that provides value to potential users and generates interest and uptake at different levels
- Indicators and learning questions evolving around TOC assumptions and change processes have been set “smartly” to see what has worked or not worked in instituting change
- TF-supported interventions are able to address social and environmental concerns such as gender effectively

- The lessons from the TF-financed projects are effectively processed to more general messages and solutions that can inform local, national and international discussions and debates

7. Assumptions underlying the causal link from intermediate outcomes to outcomes

- TF and IP/LC are able to effectively communicate lessons learned to wider audiences, and the internal two-way learning and communication process is effective
- The models and solutions advocated by TF, generalized from the TF project experience, are adopted and leveraged by other partners including governments, other IP/LC organizations, civil society actors (NGOs and INGOs), international organizations, private sector actors (companies and investors), and donor organizations
- There are both incentives and “pressure” to provide a logic for private sector engagement

8. Assumptions underlying the causal link(s) from outcomes to impacts (*actual impacts are a result of multiple influencing forces*)

- Agreements and commitments at the national (laws, regulations, corruption control, etc.) and international (corporate commitments, international agreements, etc.) levels support and enforce the IP/LCs’ land rights
- The TF has succeeded to leverage additional resources and know-how
- International and national markets and actors support new models of production and consumption recognizing the value of IP/LCs’ land rights e.g. as part of their broader corporate social responsibility (CSR) and/or environmental, social and governance (ESG).

**Preliminary Draft Guidance on Conflict Sensitive
Project Management for The Tenure Facility**

Prepared by Regula Gattiker & Esther Marthaler

DRAFT

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List of Abbreviations

CSPM	Conflict-Sensitive Project Management
WFCS	Working in Fragile and Conflict-affected Situations

...to be completed in final version...

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Executive summary

To be added in final version

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1. Introduction & Background

The Tenure Facility “seeks to provide rapid financing and technical assistance to local and national change agents to address the insecure community land and resource rights that drive conflict and undermine progress on global human rights, environment, and development goals.”¹

As this mandate implies challenges in terms of conflict sensitivity, the purpose of this guidance is to help Tenure Facility staff and grantees to analyze their projects through the conflict lens, in order to anticipate and mitigate risks of projects having unintended negative effects associated with the conflict context in which they operate.

The Conflict-Sensitive Project Management (CSPM) guidance provides staff and project partners of the Tenure Facility with more knowledge about what conflict sensitivity implies and how it can be mainstreamed and implemented. The guidance comprises:

- A CSPM Policy, including Guiding Principles on Conflict-Sensitive Resource & Land Tenure (see chapter 4)
- Topics for Consideration in Conflict-Sensitive Project Management (see chapter 5)
- Short Implementation Guide, which provides a process (the “magic formula”), including tools adapted for Resource & Land Tenure Projects in fragile situations (see chapter 6)



The Magic Formula: Resource Governance for Peace

The guidance focuses particularly on Resource and Land Tenure. References for further reading are provided.

2. Rationale

Why do projects dealing with resource and land tenure need to be conflict-sensitive?

Access to and control over natural resources, above all, land and water, have been and continue to be central issues of many conflicts around the world. According to a UNEP report², “from 1950 to 2010, at least 40% of all intrastate conflicts have had a link to natural resources”. And referring to the African continent, Joost Van Der Zwan, states: “Even where land is not necessarily at the root of conflict, tenure disputes often emerge in the course of conflict and serve to perpetuate insecurity and instability”³.

¹ See also: <http://thetenurefacility.org/what-we-do/> (last visited: 15.2.2016)

² UNEP (2015). Addressing the Role of Natural Resources in Conflict and Peacebuilding. A Summary of Progress from UNEP Environmental Cooperation for Peacebuilding Programme 2008-2015.

³ Van der Zwan, J. (2010, p.11).

The Tenure Facility, mostly against the background of RRI's rights-based approach, addresses highly sensitive issues, supporting the most vulnerable in their claim of rights, but engaging with the widest possible range of actors who are directly involved in such questions. These are, apart from the communities concerned, usually NGOs, governmental institutions and the private sector. In order to engage as credible and accepted stakeholders, both the Tenure Facility itself, as well as its grantees, must think and act mindfully and sensitively to the potential and existing conflicts at stake.

This is especially true in fragile contexts, in which many of the projects the grantees are working in, are situated. Especially in fragile contexts, natural resources conflicts tend to flare up and must be monitored carefully, so that projects contribute to peace, instead of adding fuel to the fire.

In particular, the Tenure Facility, as a financing institution, carefully monitors how its resources are used. One of the necessary steps is therefore a conflict specific stakeholder analysis (conflict actors mapping), including the invisible aspects (positions and possibly interests of the actors), and an assessment of the implementation approaches of the partner organization, its history, policy and its relations with other stakeholders.

As a donor, the Tenure Facility therefore request from their grantees minimum standards of conflict-sensitive project management, including not only conflict analysis, but also an analysis of the interaction between their proposed project and the conflict context and building a strategy based on the analysis of the gathered information. Thus, the TF only offers "quick and flexible financing without the burden of time consuming procedures", if potential partners include preliminary assessments of previously "unknown" contexts and partners in their proposals.

Generally, keep in mind that organizations implementing projects in fragile and conflict-affected contexts need to consider more than a conflict-sensitive approach: at all times, safety and security measures must be dealt with separately.

From our experience, in fragile contexts, „natural resources management is conflict management per definition“⁴.

3. Resource and Land Tenure & Conflicts

3.1 Main Factors of Resource and Land Tenure Conflicts

Renewable resources are resources that are replenished by the environment over relatively short periods of time. Nearly half of the world's population is directly dependent on renewable natural resources for its livelihood (IUCN). Renewable resources typically include water, cropland, rangelands, forests, fisheries and marine resources. Non-renewable resources (or finite resources) are resources that do not renew themselves at a sufficient rate for sustainable economic extraction. Examples are fossil fuels or minerals, as well as sometimes groundwater. Conflict over natural resources is triggered by competition over its control, access, ownership and use. It is very significant that poverty is often prevalent in rural areas, where dependence on renewable natural resources is high. Abundance of non-renewable resources related to certain circumstances (weak governance, corruption) is often referred to as the resource curse, as these resources are mostly not consumed locally, but attract globalized commerce, which tends to have more negative than positive consequences for the local population.

Resource and land tenure, as well as the social relations, institutions and rules that govern agricultural land water, forests and pastures are at the core of natural resources conflicts.

⁴ Helvetas Guideline Natural Resources and Conflict (available on: https://assets.helvetas.org/downloads/4_naturalresourcesandconflict_rot_final_engl_a4_portrait.pdf, last visited: 17.2.2016)

Indirect users and direct users of Natural Resources

DIRECT USERS: Renewable resources are often consumed or used commercially by their direct users for subsistence and close to where the resource originates. According to the *RRI bundle of rights*, the communities of direct users need to have full rights over the access and further use of the resource.

INDIRECT USERS: However, indirect users of the resources, meaning that they are not its end-users, also exploit renewable resources. In this case the right to exploitation may have been transferred to another entity (RRI bundle of rights) or it may be illicit. In the case of non-renewable resources, often, external actors exploit it. However, in some cases, the users are local people who do not consume the resource directly.

This guidance focuses on the competition over the use of resources and land. However, there are also cases, in which communities, which do are not users of the resources, are affected indirectly by resource exploitation (e.g. by large scale pollution due to industrial exploitation).

For a structured discussion on different approaches and their consequences related to conflict prevention, it is useful to distinguish between three types of natural resource conflicts⁵:

TYPE	RISKS
Direct Users - Direct Users (D-D)	These conflicts tend to be on a less visible escalation level but nevertheless very violent. They may be dragging on for a long time, severely hindering sustainable development and posing security risks for the local population.
Direct Users – Indirect Users (D-I)	Globalized commodity commerce promises high revenues, hence the escalation level is often very high and the involved actors are in a serious power imbalance. The resource curse is threatening mostly the bottom billion.
Indirect Users - Indirect Users (D-D)	Affecting local communities, but mostly out of reach.

3.2 Main Drivers of Resource- and Land Tenure Conflicts

Scarcity and poor governance are the main drivers of conflicts over natural resources. Climate change, environmental degradation, pollution, demographic changes, migration and other factors may contribute to increased scarcity. Other factors, like a lack of technical means, gender based barriers related to the access of resources or customs, likewise may contribute to increased instability. Another issue is the fact that conservation may be limiting the rights of local communities. Equally important are the tenure rights, how the respective laws, codes and rules, treat the resources and how local and national governments, as well as customary and religious institutions, govern them.

⁵ See: Mason, S., Muller A., Schnabel A., Alluri R., Schmid C. 2008. LINKING ENVIRONMENT AND CONFLICT PREVENTION, THE ROLE OF THE UNITED NATIONS. Center for Security Studies (CSS), ETH Zürich & swisspeace, Bern.

MAIN DRIVERS OF RESOURCE- AND LAND TENURE CONFLICTS	
➤	Scarcity or abundance of renewable NR
➤	Increasing competition between users
➤	Resource Governance
➤	Use of violence/force
➤	Capacity of institutions
➤	Legitimacy
➤	Accountability
➤	Transboundary issues

Additionally, the perceptions of local people regarding the reliability and accountability of these institutions and frameworks for their access to the resources are crucial. In many contexts, there is furthermore a considerable gap between the existing legal framework and the way in which resources and land de facto are governed. It is therefore useful to have a close analytical look at governance issues related to unclear or overlapping rights and

laws on natural resources, but also on their enforcement. This can be tackled with tools linking conflict with natural resources and tenure issues, in order to conceptually link the two issues and provide an overview over key issues and possible risks (see Chapter 6: Implementation Guide).

4. A Conflict-Sensitive Project Management Policy for the Tenure Facility

4.1 What is Conflict Sensitive Project Management?

Conflict sensitivity is defined as the ability of an organization to

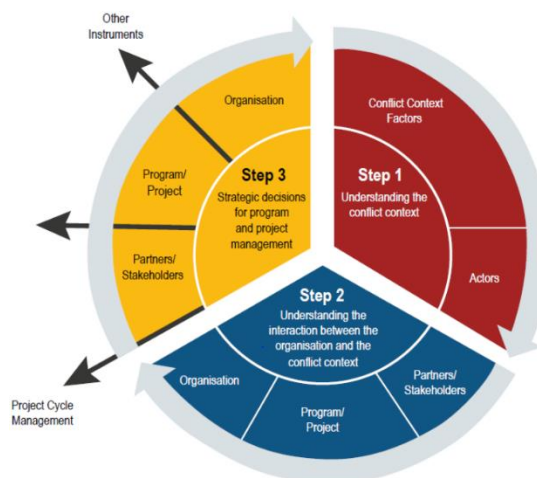
1. Understand the context in which it is operating (including intergroup tensions, the divisive issues and those that have the potential to strengthen social cohesion);
2. Understand the interaction between its intervention and that context;
3. Act on that understanding in order to avoid exacerbating a fragile and conflict-affected situation and instead strengthen local capacities for peace. This means paying particular attention to the consequences of the actions, resource transfers, behaviors and messages sent through the project implementation process.⁶

According to this definition, **conflict-sensitive project management (CSPM)** involves 3 steps:

⁶ This definition is taken from Helvetas Swiss Intercooperation's Manual „3-Steps to Working in Fragile and Conflict-Affected Situations“ (2013).

STEP 1: Understanding the conflict context

An organization working in fragile and conflict-affected situations is part of the context. Its representatives should understand the actors related to conflict and fragility, tensions and the conflict-related events and have a basic understanding of the related governance and fragility issues. The conflict context analysis focuses on factors, which can reduce or increase tensions. It looks at key actors, Sources of Tensions (SOT), Connecting Elements (CE) as well as key questions on (local) governance. The scope and depth of the conflict-context analysis depend on its aim, use and the context in which it is conducted.



STEP 2: Understanding the interaction between the organization and the conflict context

What is the interaction between the identified elements of conflict and fragility and the project, i.e. between the project, the organization and their relations with partners and stakeholders? A list of sample questions regarding these elements helps to identify relevant factors in the project, which create tensions or have a positive impact on the conflict context. They are often related to information sharing and communication, the transfer of resources and whatever implicit messages are sent with different types of every-day behavior.

STEP 3: Strategic decisions for project management

Based on the factors which are creating tensions or are having a positive impact on the conflict context that have been identified, strategic management choices have to be developed. The three fields of observation - project, organization and relations – need to be considered. Adjustments of the project to the conflict context have to become part of the project management cycle. (see: [HELVETAS 3-Steps Manual](#).)

4.2 Conflict Sensitivity in the Project Cycle Management

Measuring and monitoring the interactions between an intervention and the conflict context is a vital prerequisite for successful implementation of resource and land tenure projects. **Tenure Facility projects are therefore required to perform a quick appraisal of the conflict situation, in which they would like to implement their projects before they apply to the fund.**

Applicants hence do a quick appraisal of their project in its context and develop, based on this, a strategy for the project (see also: implementation guide). In case of high risks (e.g. a difficult HR situation or high risks of violent conflict), additional analysis may be requested before the grant is given (e.g. more conflict analysis including issues, actors and dynamics, and a rough analysis of presumed interaction between project and context, which leads to the adaptation of the project activities).

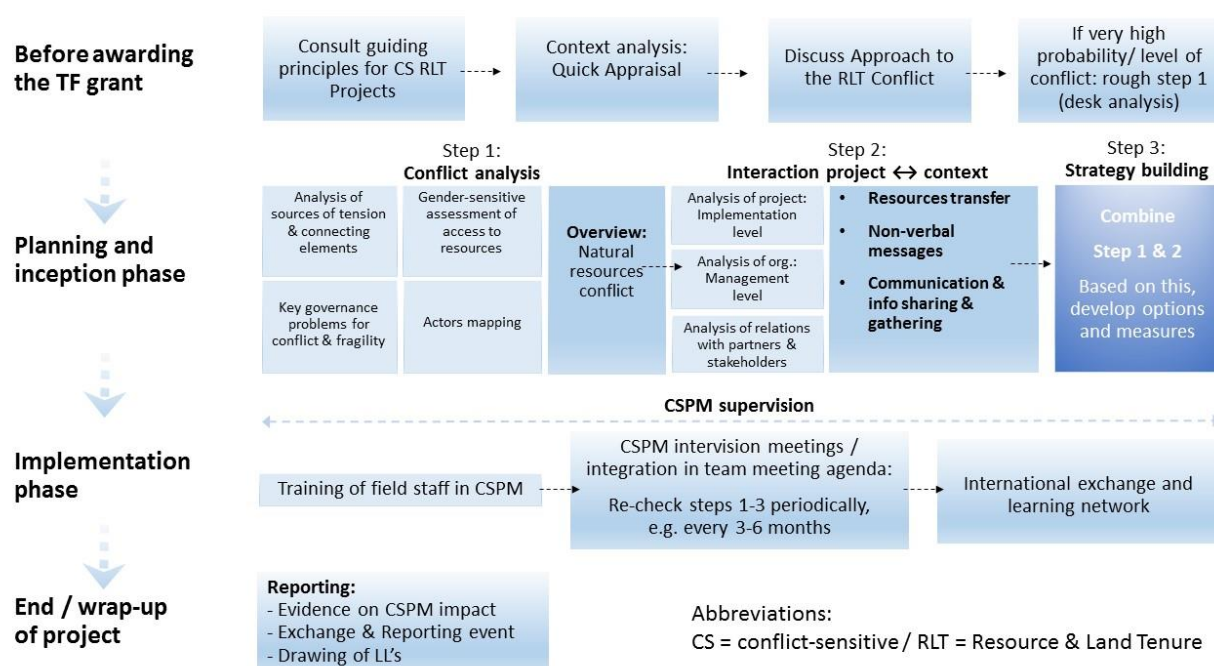
In any case, during the **planning and inception phase**, every project team has to take into account the conflict context (also potential or latent conflict) in their baseline study, project document or other planning instruments. Conflict sensitivity must be mainstreamed in all aspects of the project.

As conflict sensitivity is not only about performing an analysis, but it is something project staff should immerse themselves in so as to embody it, capacity building on conflict-sensitive program management is highly important, especially in the beginning of a project. Conflict sensitivity is

ultimately also an attitude and results in adapted behavior – it is a way of thinking and acting. It should happen automatically, always and everywhere.

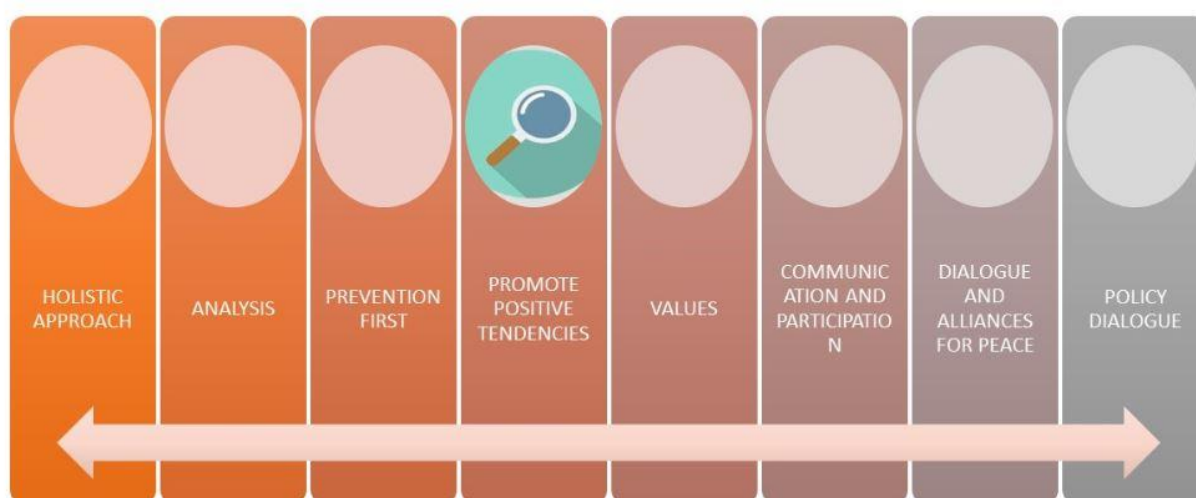
At the beginning of the **implementation** of the project, field staff must be trained in CSPM, if they are not yet familiar with it. The staff must have practical, not only theoretical experience with CSPM. During the implementation of the project, the conflict context analysis needs to be updated in the regular **monitoring** since the fragile context may change significantly. Conflict sensitivity assessments do not need to be long, tedious processes, but once an in-depth analysis is done, for monitoring purposes, the analyses just have to be checked and adapted on a regular basis (the frequency depends on the volatility of the context). Such checks can be integrated in regular team meetings or they can take place in the framework of regular spaces for reflection, e.g. intervention meetings. This enables the project's management team to react on potential changes in the context as well as to correct the intervention strategy, if harmful effects are observed and potentials for strengthening capacities for peace are identified. Continuous exchange on the context and the impact of the project on the context as well as the impact of the context on the project fosters the conflict sensitivity of staff members. Creating space and opportunities for further capacity building, training and for collaborative reflection are advisable.

In the mid-term and at the end of the project, when an **evaluation** is taking place, conflict sensitivity needs to be included in the assessment, i.e. lessons learnt regarding conflict sensitivity must be gathered and documented.



Process Map: Conflict Sensitivity in the TF PCM

4.3 Guiding Principles for Conflict-Sensitive Management of Resource & Land Tenure Projects



HOLICSTIC APPROACH

- We acknowledge that conflict sensitivity needs to be applied to projects, programs, the organization and relationships with partners. This includes the whole organization: mandate, staffing, policies, administration, procurement, budgets, allocation of funds etc.
- We think beyond: We consider that our actions may have long-term consequences, as well as consequences beyond the reach of our project or the local context.

ANALYSIS

- We invest in good, up-to-date local conflict analysis: we conduct suitable Natural Resources and Conflict Analysis to assess the link between Resource & Land Tenure and conflict. This means linking the analysis of resource and land tenure, resource scarcity/abundance, access to alternative resources and technical coping strategies to conflict sensitivity analysis. Thereby, we focus on how resource and land tenure affects conflict and how conflicts affect resource & land tenure projects, as well as how natural resource management can mitigate existing conflicts.
- We always explicitly look at the interactions between the context and our intervention to ensure conflict sensitivity.
- We take into account the broader picture such as pertinent political and governance issues and the dynamics of the conflicts/tensions, as well as the historical links between conflict and resource and land tenure.
- Our conflict analysis is systemic. Every adaptation has consequences in other areas, i.e. a change in the management of resource and tenure projects may have a significant impact on social structures. Such developments must be on the radar of the project team, as this can have both positive and negative unintended impact.

PREVENTION FIRST

- We strive to prevent that our actions unintentionally fuel existing conflict and tensions. An intervention that is successful in terms of project objectives, but divides people, is not a successful intervention.

- We strive to stabilize, reform or build systems related to the management of resource and land tenure by taking into account that these interventions may influence or be influenced by conflicts and tensions. Therefore, we systematically take into account both the positive and negative impacts on conflict of any intervention related to Resource and Land Tenure.

PROMOTE POSITIVE TENDENCIES

- By analyzing natural resources and the conflict context, we make sure that we identify existing connecting and constructive factors in the societies we work in. Existing capacities, formal and informal institutions, as well as symbolic resources and any other connecting factors must hence be strengthened and built upon.

VALUES

- We acknowledge that there are always different perceptions and perspectives in conflict analysis. Although as the Tenure Facility, we stand in for the rights of the most vulnerable, in order to manage conflicts constructively, we strive to consider all perspectives in a situation.
- In situations where human rights are violated, people may not perceive our interventions as impartial. We always act in the interest of human rights. If there are gross human rights violations, we may reconsider our approach and turn to advocacy strategies.
- By engaging in dialogue about socially embedded cultural practices and norms that are gender-biased or otherwise discriminatory in nature, we seek to understand the rationale behind them, raise awareness about the way they conflict with human rights and look for non-discriminatory responses that uphold human rights.
- Our policies have no hidden ethnic or religious agenda.

COMMUNICATION & PARTICIPATION

- We listen to all stakeholders that affect or are affected by resource and land tenure or the conflict and take the perspectives and perceptions of a broad spectrum of men and women and different user groups with different social, cultural, age, gender, economic, ethnic and political backgrounds into account.
- Whenever possible, we work in participatory settings: consultation with all stakeholders, including a wide range of community representatives is one of the main prerequisite for conflict-sensitive resource and land tenure project planning. In settings initiated or facilitated by our project partners, all participants are given the means and opportunity to tell their stories.
- We strive to keep communication lines open with all parties including unusual actors, e.g. armed groups.

PROMOTE DIALOGUE AND ALLIANCES FOR PEACE

- We work in alliances with partners that equally emphasize the nexus between conflict and natural resources and land tenure.
- We promote dialogue around these issues as well as dialogue between stakeholders. At the same time we create safe spaces to discuss possible negative impacts of projects on the conflict contexts.

POLICY DIALOGUE

- We seek to highlight conflict sensitivity in resource and land tenure related policy debates.

- Our interventions in policy discussions and campaigns promote conflict sensitive considerations and practices supporting non-violence and consensus in the context of NRM.

5. Topics for Consideration before and during Project Implementation

Tenure Facility projects have clear purposes and theories of change, which are focusing on resource and land tenure, clearly advocating for the rights of indigenous people, small farmers and other vulnerable groups, both male and female, which often are neglected by their own governments due to mostly economic interests.

The Tenure Facility positions itself as an intermediary force, which engages with multiple actors, but with a clear standing: to support the clarification of land property, in order to safeguard the natural habitat (biodiversity, environment) and living environment (cultural identity and practices, livelihood) of indigenous and small farmers.

Thus, the Tenure Facility grants money to its project partners, who are engaging in resource and land tenure. To do this in a way that is acceptable to all stakeholders involved, the projects must take into account how the project affects its surrounding and which capacities and resources they need to implement the project conflict-sensitively.

5.2 Positioning your Project: Approach and Theory of Change

To implement a project dealing with resource and land tenure issues in a fragile and conflict-affected context, a clear strategy, approach and Theory of Change are needed.

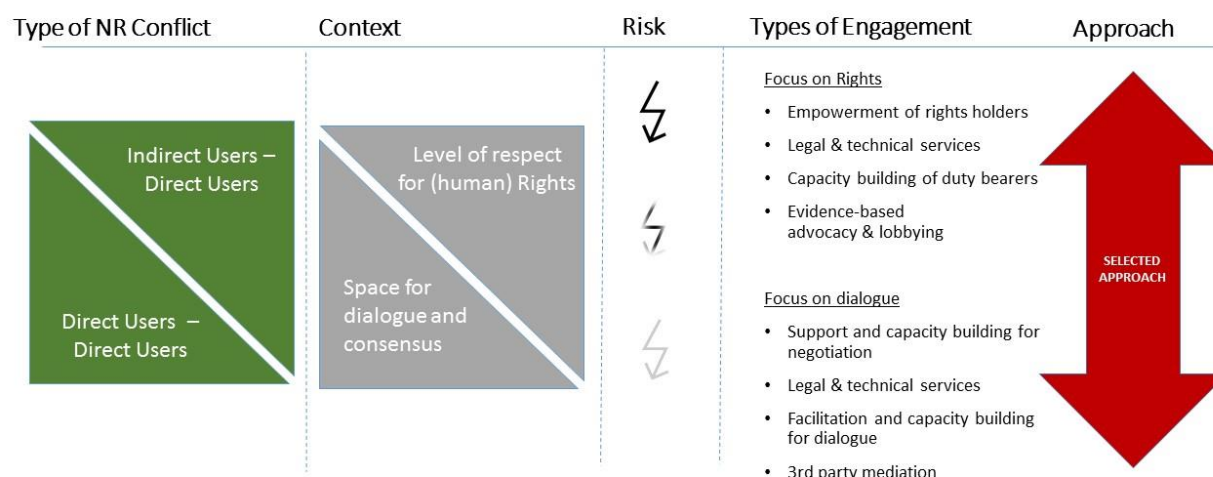
The conflict-sensitive strategy is based on:

1. The types of NR conflicts (i.e. Direct Users – Direct Users, see chapter 3.1.),
2. An assessment of the Human Rights situation and
3. The conflict analysis (see Implementation Guide, Chapter 6)

The approach specifies whether an organization uses a rather dialogical approach, e.g. bringing actors together, facilitating spaces for participatory negotiation and strengthening actors for negotiation and decision making, or even mediating between stakeholders; or whether the project focuses on claiming rights, empowering victims, providing access to justice, providing disadvantaged people with means to better defend their rights, or pursuing advocacy measures to do so. In many cases a mixture of different approaches is necessary, as most conflicts with the involvement of indirect users eventually spark local level conflict.

From a conflict sensitivity perspective, avoiding the fueling of tensions and fostering positive impacts on the conflict context, would indicate a dialogical approach. However, in situations with high power asymmetry or gross human rights violations, this approach may not be suitable. From a peacebuilding perspective, the two approaches are not exclusive and both may serve the purpose. Careful screening and analysis is therefore vital to define the appropriate strategy in a given situation. Discussing and deciding very explicitly about the approach means anticipating. The possible consequences and therefore mitigation measures can be installed. Whatever the strategy selected is, an explicit Theory of Change to lay out the basic idea of how the project achieves its aims, is very important.

APPROACHES TO RESOURCE AND LAND TENURE CONFLICTS



All project implementers dealing with resource and land tenure in fragile contexts must be clear that it is not possible for them to work around conflict, i.e. pretending that the conflict does not affect the project and vice versa.

The decision a project team can take, is whether it works in conflict or on conflict.

Working **in conflict** means that a project team focuses, according to the project aim, on objectives that are not necessarily related to the conflict, for example, technical projects which aim to improve the climate or the food security of some people. Still, such projects must be implemented in a conflict-sensitive manner, i.e. constantly monitoring the interactions between the context and the project and vice-versa.

Working **on conflict** means that projects deal with the conflicts, i.e. through s management projects, conflicts are addressed and managed. Especially in projects dealing with the management of natural resources, conflict transformation inevitably becomes an integral part of projects.

However, experience has shown, that good conflict sensitivity practice significantly increases local acceptance and accelerates conflict prevention on the local level.

5.2 Roles and Responsibilities

According to the approach chosen, it is important that project partners are aware of their role, position and responsibility.

Questions that could come up are:

- How are we perceived by the stakeholders (im/partiality)?
- What is our role in the management of the conflict?
- As a project, do we aim to contribute to non-violent conflict transformation?
- Are we initiators or providers of platforms for deliberation with multiple stakeholders?
- Are we facilitators or participants in multi-stakeholder processes? What are the implications?

The role organizations or their project staff take on influences the capacities needed during project intervention and should therefore closely discussed.

5.3 The Human Factor: What Kinds of Capacities are Suitable for the Selected Approach?

Concluding from the above reflections, it is necessary to reflect on the nature of the capacities that must be represented within a team or a partner, for the project to be successful.

When dealing with highly conflictive land issues, teams are advised to include staff with good interpersonal skills and possibly a background in law, sociology, social work, political science etc., in order to tackle the social and legal aspects of the situation.

In terms of conflict sensitivity and conflict transformation, the following profiles might be useful:

- Experience in participatory facilitation of processes and local governance
- Experience in conflict-sensitive program management
- Experience in conflict analysis
- Experience in non-violent communication
- Experience in conflict transformation
- Experience in facilitation, negotiation and mediation

5.4 “The Bigger Picture”: Linking the Levels

In most localities, multilevel conflict processes are underway (e.g. transnational, national and provincial as well as local). Therefore, the main challenges to be addressed by the project should also be analyzed in the frame of the local and national governance system and the regulatory frameworks relating to the management of natural resources. An in-depth understanding of these processes is paramount for conflict sensitivity and even more so for initiatives addressing the management of local resource use disputes.

Concretely, the following is suggested:

1. Monitoring of political events and taking them into account on project level
2. Analysis of intervention levels: which administrative, judicial, and other instances are involved, with whom do you have to engage on local, regional, national and international levels?
3. Mapping stakeholders, “looking beyond”: who is linked with whom? E.g. are there different positions on land issues, even within the government, depending on the institution? How volatile are these positions? How do economic interests determine actors’ behavior? What are the hidden interests and agendas of the actors you engage with (and those you don’t)?

5.5 Security and Conflict Sensitivity

Security situations may change rapidly. Accessibility to certain geographic areas might become difficult and security arrangements and procedures for the staff and partners may require adjustments. The TF seeks acceptance of its work by local communities, stakeholders and authorities as a primary strategy to reduce threats and ensure the safety and security of its employees, partners, property and assets. Acceptance is both a precondition to operate in a given country or context, and the result of the organization’s reputation for high quality participatory work in the interest of local communities, guided by principles of transparency, accountability, impartiality, neutrality, reliability, fairness with its partners and primary stakeholders, and respect of local cultural values.

Conflict sensitive management of projects and programs also contributes essentially to minimize overall security risks for all stakeholders, because it ensures that a project or program considers existing tensions and strengthens capacities for positive change. Conflict-Sensitive Program Management (CSPM) is looking at changing priorities of partners, stakeholders, concerned communities as well as their perceptions. CSPM has proven to increase security through increasing

acceptance as an organization. An organization engaging in a conflict-sensitive manner usually enjoys a high level of acceptance among different groups in a given context.

Strengthening the rights of certain parties or stakeholders, may endanger or expose them to risks. These risks need to be assessed and monitored carefully and if necessary, preventive steps need to be taken.

1. Engage in networking with like-minded organizations, in order to have support in delicate situations
2. Have a very clear communication strategy for all stakeholders.
3. In very delicate situations: Consider international accompaniment.

5.6 Gender and Social Equity

To be sure to be conflict sensitive, it is vital to define who the disadvantaged are in the area or country you are working in. This means elaborating clear criteria on disadvantaged men and women. This is an important step for conflict sensitivity (and peace/conflict transformation) because discrimination and different kinds of violence (direct, structural, attitudinal⁷ including gender based violence) are often among the key driving factors of violent conflict.

The questions to ask:

- Who are disadvantaged men and women (e.g. minorities, women, small farmers etc.) and are they specifically disadvantaged in terms of resources?
- Which NR are specifically vital for the disadvantaged?
- Are the disadvantaged forming or belonging to one party to a conflict?⁸

⁷ See the glossary on the definition of violence

⁸ For more information on Gender and Social Equity, please refer to HSI's GSE principles. Available on: https://assets.helvetas.org/downloads/genderequality_socialequitypolicy01_a4.pdf (last accessed on: 26.2.2016).

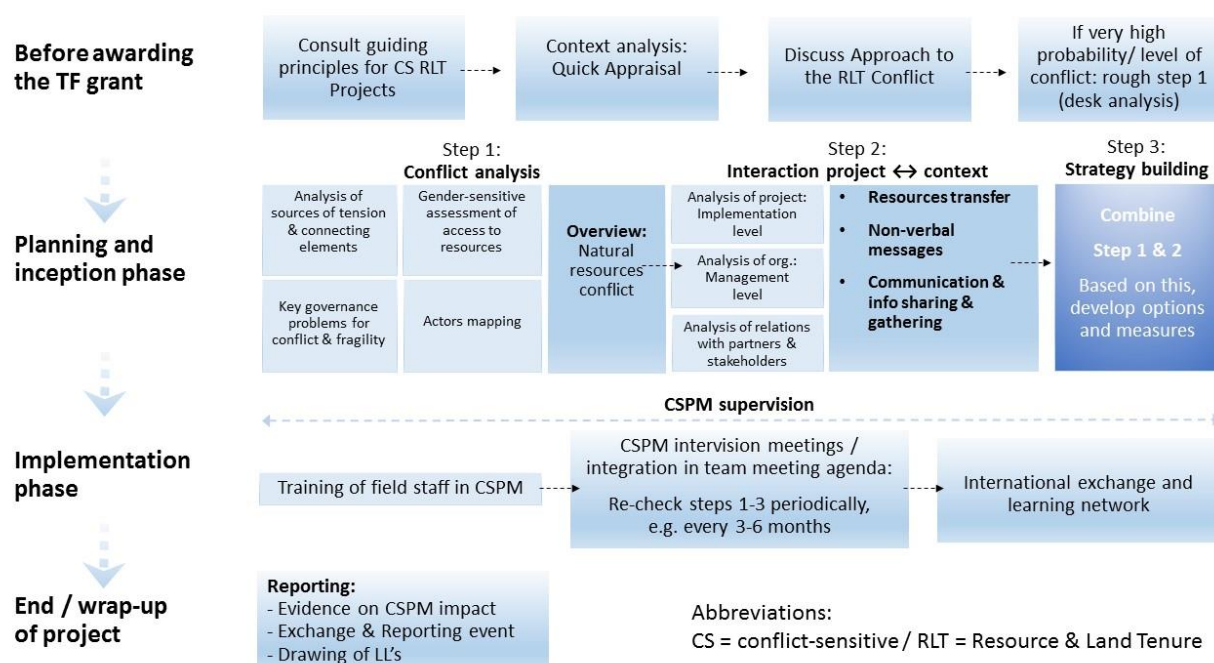
6. Implementation Guide

6.1 The “Magic Formula: RG4P: Resource Governance for Peace”

To be sure that projects are planned and implemented in a conflict sensitive manner, the following implementation guide provides a guided process with respective tools. The most important parts of the process are shown in the graph below:



The **process map** shows how the process goes along with the project cycle:



6.2. Quick Appraisal: Conflicts over Natural Resources

The first instrument for conflict-sensitive land and resources tenure project planning is a quick appraisal exercise to get a rough overview of the situation the project is dealing with.

Quick appraisal on conflicts over natural resources

Which resource is contested: _____

1. How scarce is the resource (in absolute physical terms)?

Scale from: close to nothing left to abundant

Close to nothing left -----abundant

2. Which groups/actors share/claim rights/have control over the resource (ethnic, religious, political, etc.)?

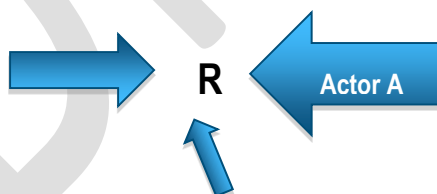
a. List or map them (gender- & age-disaggregated)

b. Which are most at risk from declining resources? Prioritize them according to their vulnerability.

3. Is the status of access to the resource (e.g. land or forest) secured, threatened, lost or has it never been provided (although rights are adjudicated)? Please take into account all relevant actors.

4. What do these actors need the resource/land for (own consumption, trade, export...)? Please take into account all relevant actors.

5. How powerful are the actors involved? To visualize existing power relations, often asymmetries, please draw the groups with their respective power as thick or thin arrows. Are they likely to use force to assert access? Please take into account all relevant actors.



6. Access to alternative resources: Scale from easy to non-existent. Please take into account all relevant actors.

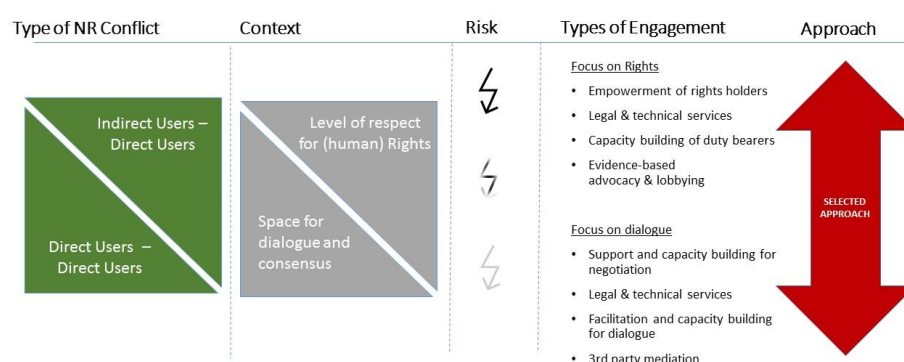
Easy -----Impossible

7. Loss of identity / forced changes in way of living / cultural practices to be expected? Other factors which deteriorate the situation of the affected community? Please take into account all relevant actors.

8. Available and possible technical coping strategies (alternative livelihoods, more efficient water use, different crops, forestation, appropriate compensation/relocation...)? Please take into account all relevant actors.
9. What social assets, institutions, processes e.g. dispute resolution and grievance mechanisms are available (legal/formal, non-legal/non-formal)? Please take into account all relevant actors.
10. What are the trends and challenges related to NR? How can these fuel conflicts on the local level and on the national level?

6.3. Approach to Resource & Land Tenure

APPROACHES TO RESOURCE AND LAND TENURE CONFLICTS



After this first appraisal, organizations should reflect about their project strategy, approach to resource and land tenure and theory of change in the respective conflict context. See chapter 5.2. Positioning your Project “Theory of Change and Approach”.

6.4 3-Steps for Working on Resource and Land Tenure in Fragile and Conflict-Affected Situations

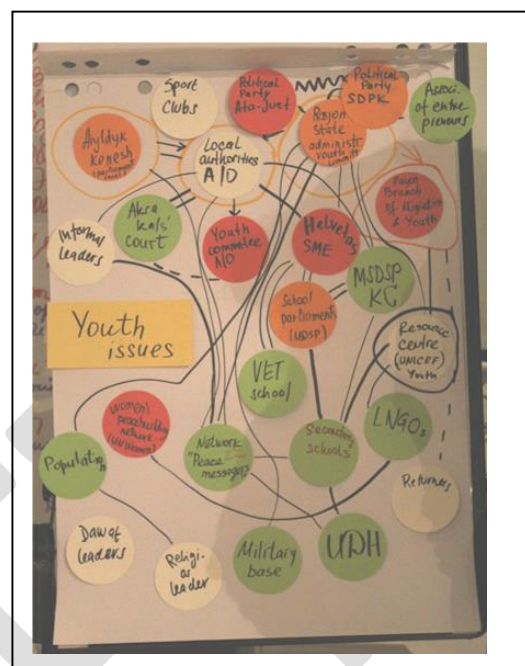
6.4.1. Step 1: Conflict Analysis

In this section, some of the most widely spread conflict analysis tools are presented, which are explained in more detail in the Helvetas Manual “3-Steps to Working in Fragile and Conflict-Affected Situations”, which served as a basis for this implementation guide⁹. As the Tenure Facility is mainly financing projects on resource tenure, the conflict analysis contains some specific questions and issues in terms of land and forest tenure and other natural resources issues.

⁹ https://assets.helvetas.ch/downloads/2013_hsi_manual_3_steps_wfcs.pdf

A) Actors mapping

The actors mapping is a basic tool for analyzing the relations between the most important actors, which are relevant to our project in the given context. It should depict the conflicts around you; and how your own relations are with the actors described. Moreover, in the actors map, relative power can be depicted using different sizes of cards for the actors. The mapping helps to analyze whether your relations are balanced, as well as whether or not you might be perceived as biased by some actors.



In the Helvetas Manual “3-Steps to Working in Fragile and Conflict-Affected Situations”, you will find a step-by-step instruction how to do a conflict mapping.

When doing a mapping for a project dealing with Resource and Land Tenure, the information gathered through the screening feeds into the mapping. When determining which actors should be mapped, the following criteria apply:

1. Actors who have a stake in the resource(s) in question
2. Actors who potentially influence the conflict/dispute.

B) Analysis of Sources of Tension and Connecting Elements

The analysis of Sources of Tension (SOT) and Connecting Elements (CE)¹⁰ is crucial for understanding the context and, more specifically, the factors that are driving and de-escalating the conflict(s) in a given context.

The basic question for this analysis is: What positive and negative factors in the society divide men and women or bring them together?

Ideally, this analysis is done in a group, together with people who are involved in the project and know the context very well. The group follows a checklist of factors¹¹:

- Values
- Institutions
- Material resources related to resources and land
- Common/different experiences
- Traditions
- Structures

Key general questions to be asked are (order them as SOTs and CEs):

- What leads to tension in the current situation?
- What creates cohesion among the community?
- What are the current threats to peace and stability?
- What supports stability and non-violence?
- How are women and men affected differently by tensions?

¹⁰ Anderson, M. (1998). *Do no Harm: How Aid can support Peace – or War*. Boulder: Lynne Rienner.

→ What do people do together despite tensions?

Most importantly, you have to analyze which groups are vulnerable in what way in a given context. How does the denied access to the resource affect the groups? Are some groups more vulnerable than others? Can you focus on those or should you focus on a wider range of beneficiaries in order not to create any tension in the community?

ANNEX 1

On the other hand, it is important to analyze the different capacities of those groups of people and to focus on how the project can increase and strengthen them. For more detailed guidance, please refer to Annex 1.

C) Key Governance Problems for Conflict and Fragility

Helvetas has designed an assessment tool for governance-related issues, which are relevant when working on conflict-affected and fragile contexts. The analysis is based on the perception and self-assessment of (local) stakeholders. It is a rapid appraisal tool and may spark controversial discussions in a heterogenous group. Participatory exercises therefore require a certain level of trust between the stakeholders.

Governance factors are highly relevant for conflict-sensitive project management, especially in the realm of natural resources!

The tool starts with identifying the most important institutions responsible for local governance (in the fields of security, justice & development). For this purpose, all **institutions governing natural resources are added**.

The participants of the analysis list the most important stakeholders, as well as the key governance problems (see Manual “3-Steps to Working in Fragile and Conflict-Affected Situations”, Session 4 and ANNEX 4 for the questions, which deal, among other things, with service provision, accountability, security and access to justice, enabling environment for civic participation etc.)

D) Overview: Conflict & Natural Resource Drivers and Restrainers

To connect resource and land tenure issues with conflict issues, the “CONFLICT DRIVERS AND RESTRAINERS” overview tool summarizes the context, both in terms of natural resource as in terms of conflict.

The tool serves mainly as a discussion basis. The process is as important as the result. However, as it serves, together with the actors mapping, as a summary of step 1, it makes sense to note down the results for monitoring purposes.

The overview takes up the most important questions in terms of resource and land tenure, relates them to the Sources of Tensions and, having in mind the relevant actors, ends with the Connecting Elements and capacities TO PROVIDE A WAY FORWARD.

It helps to look into the categorization of Resource and Land Tenure Conflicts and, referring to chapter 3, to determine the type of NR conflict. It then goes into determining the reason for scarcity of the resources or explaining abundance.

In terms of resource governance, the tool then asks to reflect on a number of issues. Regarding the equitable management of resources it prompts reflection on shared visions and common understandings concerning the handling of NR, related rights and the role of NR in relation to tax revenues. It then proceeds to a reflection on the use of violence and force as well as discriminatory

policies and practices when dealing with NR, as this is vital to assess and anticipate conflict risks. Furthermore, it assesses the capacity of institutions which is one of the crucial issues for fragility and conflict. The issues treated here are the distribution of benefits and burdens, an assessment of particularly weak institutions, government coordination in relation to NR and the resolution of land conflicts. Moreover, issues of legitimacy and how the behavior of certain actors undermines or strengthens legitimacy, can be assessed. To assess and reflect on accountability, subsequently, serves to define the existing obligations as a starting point for determining the issues that can be taken up by rights holders. Resource and Land Tenure conflicts sometimes involve a translational or transboundary dimension, which also needs to be taken into account, if applicable.

OVERVIEW: CONFLICT & NR DRIVERS AND RESTRAINERS *

Look at the regional level (project intervention area) & take the data from previous 3-Steps process

DRIVERS OF NR CONFLICTS	Contested Resource	Gender and social equity	Sources of tensions (including vulnerabilities)	Coping mechanisms (capabilities, technical measures, grievance mechanisms, Connecting Elements, GOV factors)	Key Actors
Type of use: <ul style="list-style-type: none"> Direct use of resources Indirect use of resources 	Forest: Direct vs. indirect use	No info, women more direct	Unclear rights & conflict over indigenous territories	Among indigenous people: same vision for use of land, similar culture & tradition & beliefs, GOV: land titles here, but lack of follow up, NGOs active in technical process for recognition of land titles	Indigenous people Companies Govt.
(Increasing) scarcity or abundance of renewable NR leading to (more) competition between users: <ul style="list-style-type: none"> Reasons for scarcity Abundance of NR 	More demand (from outside)		Cultural shock Power asymmetry Endangered livelihood		
Resource Governance	land				
Equitable management of NR <ul style="list-style-type: none"> Shared vision between divided communities on the use of natural resources for development 	Most probably yes	No info	See above (type of use)		
DRIVERS OF NR CONFLICTS	Contested Resource	Gender and social equity	Sources of tensions	Coping mechanisms (technical measures, grievance mechanisms, Connecting Elements, GOV factors)	
<ul style="list-style-type: none"> Clarity among landholders as to their rights? Is there a common understanding that is contradicted or undermined by law or by other rights holders? 	No clarity, no common understanding	No info	Overlapping rights Territorial claims		

The tool can be found in ANNEX 2.

ANNEX 2

After the "Overview" is completed, the CONFLICT analysis is completed.

6.4.2. Step 2: Interactions between the Project and the Context

In Step 2, the conflict-context analysis is compared against the three elements, which constitute the intervention on the ground:

- The project
- The organization
- Its relations with partners and stakeholders

These three elements are analyzed both on the implementation and the management level. Step 2 guides the user to identify at which points the organization and the SOTs and CEs interact directly. It indicates to staff and partners when they have to take action in order to avoid negative consequences and foster a positive impact on the context. Additionally, this step reinforces a common understanding among the staff and the implementing partners on how the organization handles its activities in a fragile situation. Tension in the context of a project has an impact on the levels of trust and confidence among the local population, authorities and decision-making institutions. This affects development organizations in various ways, e.g. the working atmosphere: People who have been working together for a long time may be unable to continue a relatively value-free working relationship with each other; interests of the organization might be shifting etc. STEP 2 is therefore one of the key moments for an increased level of sensitivity to conflict, violence and fragility within the organization.

According to the experience of CDA's Do No Harm Project, assistance in general interacts with the context mainly through Resource Transfers and Implicit Ethical Messages. All project activities and management decisions related to changes in the distribution, use, access to and control over natural resources are the most obvious interaction with the context, apart from an organization's policies and positions. All these aspects may have a particularly crucial effect on the sources of tension and connecting elements. Moreover, messages – verbal and non-verbal (e.g. the way in which you present ourselves to local stakeholders) - play an important role too.

Experience shows that communication and information gathering and sharing also plays a major role. Thus, both as an organization, i.e. in terms of management, and as a project, i.e. when implementing activities, resource transfers and the messages conveyed, need to be taken into account.

Resource Transfers:

When additional resources (food, funds, health care, training, mobility, etc.) are introduced into a resource-scarce environment where men and women are in conflict with each other, these resources as representing power and wealth. Thus, they become part of the conflict. In conflict situations, actors tend to try and control and use assistance resources to support their side of the conflict and to weaken the other side.

The main questions to ask here are (see and use Checklist ANNEX 3 & 4):

ANNEX 3 & 4

What are the objectives of your program? Are you engaging more in peacebuilding or working towards the respect of human rights? How do your activities influence the conflict context? Why did you choose to work on this objective in this context?

Selection of beneficiaries: Why do you work in this particular area? Who are the beneficiaries and how do they relate to conflict parties? How did you select them? Why?

Resources: What are the specific material and non-material resources you bring in? Why? Which resources might attract interest of other groups, e.g. those you neglect? How do you deal with that?

Staff Selection: Who are your staff members? How did you hire them? Why? Why don't you hire others? What skills do they need apart from technical ones? Is your staff capable to deal with latent and manifest conflict? If not, how can you train them? What is the background of your staff members? How do the communities you engage with and those you do not directly engage with perceive them?

Partner Selection: Who are your partners? How did you select them? Why did you choose to partner with these specific organizations and not with others?

Engaging with Authorities: How are you interacting and engaging with local authorities? Why? How do others view your interaction with different institutions? Are you perceived the way you want to be perceived?

- For all the above questions, most importantly, you have to ask:
- How do your interventions affect dividers and connectors identified?
- How do they affect women? How do they affect men? Girls? Boys? Elderly women? Elderly men?
- What are possible consequences of this? What will be your impact?

Non-verbal Messages:

Non-verbal, so-called implicit ethical messages focus on “how” assistance is offered, dealing with your conduct, policies and publicity. The ways in which assistance is offered carry a series of implicit messages that, also have an effect on conflict. Positive and negative patterns of your behavior determine how other people perceive you. Most of these messages have to do with

- Respect, e.g. to local culture and tradition, between different groups etc,
- Downward accountability, e.g. how accountable are you and your partners towards local stakeholders? Do you promote impunity or responsibility?
- Fairness, e.g. are you following or ignoring rules? Do you value others or treat different people differently?
- Transparency, e.g. how and with whom do you share information? How do you include communities in decision-making processes?

Communication and information gathering/sharing:

Verbal messages, i.e. communication, and information gathering/sharing have proven to be another main issue. It is important to scrutinize sources of information and the handling of them. At the same time, appropriate communication within the organizations and institutions as well as with partners about the fragile situation and its specific challenges is of utmost importance and is often a major challenge for all collaborators.

ANNEX 3 & 4

Checklists for resource transfers, verbal and non-verbal communication and management issues can be found in Annex 3 & 4, as well as in the HELVETAS Manual “3-Steps to Working in Fragile and Conflict-Affected Situations”. There are checklists which focus their perspective on the implementation level, whereas another one focuses on management issues. He two are complementary.

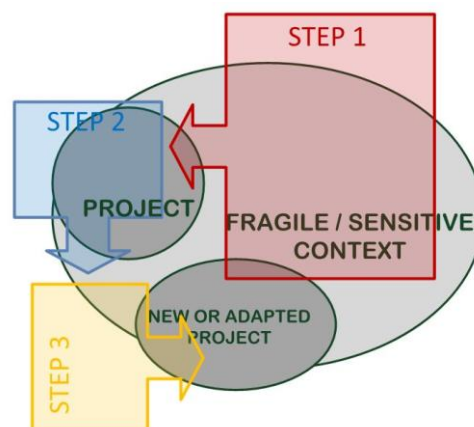
6.4.3. Step 3: Strategic Adaptations

Knowing that an intervention is not doing any harm is the first requirement of working in fragile and conflict-affected situations. Weakening the identified sources of tensions (SOT) and understanding the roles and relationships of different groups is therefore vital in a tense environment. To recognize and make use of the potential of a project for contributing to peace and non-violence, strengthening Connecting Elements (CE) is the proposed way forward.

Step 1 and Step 2 (Chapter 6.4.1 & 6.4.2.) of this guideline describe analytical steps in order to establish an assessment of the conflict context and how a development organization interacts with it.

The third step (Chapter 6.4.3.) is based on the list of observed interactions, leads through different choices or options for adaptations and ends at a few concrete strategic project and management decisions on the necessary special features of the project to consider conflict and fragility.

The development of strategic choices for the management level is normally done in a smaller management team, which includes senior staff of the field office, senior staff of the partners and one or two administrative staff such as the logistics and the financial officers, while for the development of choices and ways forward on the project implementation level, the most important participants of the analysis are the project team members.



ANNEX 2-4

Looking at Steps 1 and 2, staff members are invited to develop options how to adapt their activities, taking into account the context, the project and also their ability to handle possible challenges that those choices might involve (ANNEX 2- 4)

These strategic adaptations should feed into the planning of the organization, i.e. the log frame of the project, in order to ensure that the activities are in line with the objectives of the projects and the desired impact.

After having gone through all the steps, you have analyzed the context, looked at the interactions between context and project/program and finally come up with options or measures to react and take steps to strengthen the connecting elements you identified in the previous steps. At the same time sources of tension are identified and measures to weaken them and prevent their escalation are identified in the last step.

→ **What remains to be done is monitor regularly and report all identified issues.**

6.4.4. Monitoring and Evaluation of Conflict-Sensitive Project Management

It is necessary to consequently and constantly measure and monitor your projected impact as well as possible side effects on conflict and fragility, as working in difficult contexts means unpredictable dynamics.

Before the Tenure Facility awards a grant, potential partners/project implementers should, in their project proposals, demonstrate that they are familiar with the TF CSPM guidelines and include in their context analysis a quick appraisal of the conflict context, covering the most important aspects of resource/land tenure and conflict. If the result of the appraisal shows that there is high probability or already high level of conflict, the TF should ask the project implementer to perform a rough desk conflict analysis, going through Step 1.

In the very beginning of a project, in the **planning and inception phase**, a baseline study taking into account the conflict context (also potential or latent conflict) should be elaborated. This serves on one hand to be clearer about the risks for the project in that context, and on the other hand, it serves as a reference for monitoring and evaluating your intervention in terms of conflict sensitivity later on. The 3-Steps analysis should be performed for the first time, and thus in-depth, at this stage of the project, in order to have a reference the project can rely on during implementation.

If the staff has not yet been trained in CSPM, in the beginning of the **implementation** of the project, project staff must be trained in CSPM. It is highly important that this training is as practical and as close to the participants' reality as possible, so that the participants understand the relevance of CSPM for the project's success. After the training, the project staff should be offered supervision by a senior CSPM expert, so that they can always refer to someone if they need advice. The conflict context analysis needs to be updated on a regular basis, through **monitoring**, since the fragile context may change significantly. Conflict sensitivity assessments must not be long, tedious processes, but once an in-depth analysis is done, for monitoring purposes, the analyses just have to be checked and adapted. The frequency depends on the volatility of the context. Usually, every 3-6 months are advisable. Such checks can be integrated in regular team meetings or they can take place in special reflection spaces, e.g. intervision groups for field staff to exchange. This enables the program management to react on potential changes in the context as well as to correct the intervention strategy if harmful effects are observed and potentials for strengthening capacities for peace are identified. Continuous exchange on the context and the impact of the project on the context as well as the impact of the context on the project fosters the conflict sensitivity of staff members. It would still be good to create spaces for further capacity building and training to keep up to date on methods and further developments.

Throughout the project implementation, a new element of monitoring is suggested, which could at the same time serve as an opportunity for learning: how about an international exchange and learning network, with a virtual platform, where lessons learnt could be gathered? In order to make the exchange more fruitful, effective and deep, project implementers are invited to engage with another implementer who speaks the same language or understands the language of the other, in a tandem. Periodically, they report to each other, based on a scheme of questions (which they might elaborate themselves, so as to make it as useful and salient as possible) on the changing conflict context, challenges, successes and lessons learnt. This exchange is probably more fruitful than asking for a lot of paperwork, dealing solely with logframes.

In the mid-term and at the end of the project, when **evaluation** is taking place, conflict sensitivity must be included in the assessment, i.e. Lessons Learnt and evidence on the impact of conflict sensitivity on the project and the context must be gathered and documented, for example through storytelling, interviews (using multimedia) and the like. The establishment of slots in TF meetings on sharing experiences regarding CSPM would be very useful.

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8. Annexes

ANNEX 1: SOURCES OF TENSION AND CONNECTING ELEMENTS

Drawing on how Goddard/Lempke (2013) categorized capacities and vulnerabilities, dividers and connectors of natural resources projects can be analyzed along the following categories:

a) Physical / material dividers & connectors:

- ⇒ What hazards exist in relation to NR?
- ⇒ Who is provided with the provision of services related to NR?
- ⇒ How is the health of people and animals related to the resources in question?
- ⇒ What about food, housing, capital?
- ⇒ What infrastructures are relevant for access, control and use of the resources?
- ⇒ What NR management systems (traditional vs. modern legal system) exist and are there tension fields or opportunities?
- ⇒ What skills in relation to the resource are prevalent/missing?

b) Social / organizational dividers & connectors:

- ⇒ What are important relations and organizations within or between the groups?
- ⇒ What are the groups' affiliations to religion, ethnicity, language, social position, family, community organizations or groups?
- ⇒ What are important relations regarding natural resources within or between the groups (trade, labor, community organizations, religion, ethnicity, language, social position)?
- ⇒ What kind of systems for goods and services, decision-making structures, informal hierarchies exist?

c) Motivational / attitudinal dividers & connectors:

- ⇒ What are the community's strengths (special capacities, behaviors etc.)?
- ⇒ What positive traits and characteristics do they consider typical for their communities?
- ⇒ What kind of coping strategies do they have to deal with loss, anger and frustration?
- ⇒ What kind of internal weaknesses does the community identify (e.g. lack of union, insufficient communication, internal conflicts etc.)?

⇒ Which of these capacities can the community mobilize to create change? How can it deal with its internal weaknesses to strengthen capacities for peace/connecting elements?

The most important CEs and SOTs are listed, One sentence per SOT / CE specifies why this is a SOT or CE. (e.g. “**Shortage of water**”: Shortage of water fuels competition between user groups)

ATTENTION: Do not forget the positive elements and capabilities!

With this basic analysis on access to the contested resource, taking gender into account, looking at the capacities and vulnerabilities of the people involved, the ground is laid for further analysis on actors' relations and our/the implementing organization's relations to the stakeholders.

Typical connecting and dividing elements in terms of natural resources could be access to the resources, provision of services, traditional vs. modern legal system, economic factors, power asymmetries, the presence of arms, increased mistrust due to incidents, the creation of new laws or institutions, traditional knowledge, religious beliefs/practices, impact on the environment, work/labor issues etc.

When analyzing dividing and connecting elements, it is important to think in terms of natural resources, as well as wider aspects, e.g. relevant political issues, as well as economic and social factors.

In Step 3, when thinking about options of the project with the context, looking at the connecting and dividing factors again, facilitates discussions on how the project can strengthen the connecting elements and weaken the dividing factors.

Further checklists on SOTs and CE can be found in the HELVETAS Manual (2013).

ANNEX 2: OVERVIEW: CONFLICT & NR DRIVERS AND RESTRAINERS *

→ Look at the regional level (project intervention area) & take the data from previous 3-Steps process



DRIVERS OF NR CONFLICTS	Contested Resource	Gender and social equity	Sources of tensions (including vulnerabilities)	Coping mechanisms (capabilities , technical measures, grievance mechanisms, Connecting Elements, GOV factors)	Key Actors
Type of use: <ul style="list-style-type: none"> Direct use of resources Indirect use of resources 					
(Increasing) scarcity or abundance of renewable NR leading to (more) competition between users: <ul style="list-style-type: none"> Reasons for scarcity 					
<ul style="list-style-type: none"> Abundance of NR 					
Resource Governance Equitable management of NR <ul style="list-style-type: none"> Shared vision between (divided) communities on the use of natural resources for development 					
<ul style="list-style-type: none"> Clarity among landholders as to their rights? Is there a “common understanding” about the resource that is contradicted or undermined by law or by other rights holders? 					
<ul style="list-style-type: none"> Questionable use of high-value natural resources for economic recovery and tax revenues 					

DRIVERS OF NR CONFLICTS	Contested Resource	Gender and social equity	Sources of tensions (including vulnerabilities)	Coping mechanisms (capabilities , technical measures, grievance mechanisms, Connecting Elements, GOV factors)	Key Actors
<i>Use of violence/force:</i> <ul style="list-style-type: none"> Forceful/violent appropriation of NR by some parties (including intimidation and threatening) 					
<ul style="list-style-type: none"> Discriminatory policies 					
<ul style="list-style-type: none"> Overlapping/unclear rights, laws that discriminate certain groups 					
<i>Capacity of institutions:</i> <ul style="list-style-type: none"> Unequal distribution of benefits and burdens from development projects (major infrastructure, pollution) 					
<ul style="list-style-type: none"> Are specific relevant institutions particularly weak or lacking with the consequence that important governance and management functions are not being provided? 					
<ul style="list-style-type: none"> Cooperation over natural resource management (improved) between multiple levels of government 					
<ul style="list-style-type: none"> How are land disputes resolved? What formal and customary mechanisms and what capacities exist? What is the inter-relationship between them? 					
<i>Legitimacy:</i> <ul style="list-style-type: none"> Lack of public participation and transparency in decision-making 					
<ul style="list-style-type: none"> Resource concessions circumventing accountability, 					

DRIVERS OF NR CONFLICTS	Contested Resource	Gender and social equity	Sources of tensions (including vulnerabilities)	Coping mechanisms (capabilities , technical measures, grievance mechanisms, Connecting Elements, GOV factors)	Key Actors
transparency, and sharing of benefits					
<ul style="list-style-type: none"> Tension hotspots neglected (the potential of natural resources as a peace platform not used) 					
<ul style="list-style-type: none"> High-value natural Resources not used for economic recovery and tax revenues 					
Accountability: <ul style="list-style-type: none"> Existing political obligations (related to NR) which are not met Financial, administrative and managerial obligations not met Performance obligations not met 					
Transboundary issues (if applicable) <ul style="list-style-type: none"> Unequal or inflexible use of NR 					
<ul style="list-style-type: none"> Environmental degradation 					
<ul style="list-style-type: none"> Migration of population/wildlife 					
<ul style="list-style-type: none"> Illegal exploitation of resources 					

ANNEX 3: CHECKLIST: MANAGEMENT PERSPECTIVE STEP 2 & STEP 3

			INTERACTIONS	(Possible) MEASURES/OPTIONS (STEP 3)
THE PROJECT	OBJECTIVES AND ACTIVITIES	1. Look at your STEP 1 analysis and determine how your objectives relate to the conflict context:		
		Objective 1		
		Objective 2		
		Objective 3		
		Objective 4		
THE PROJECT	"THE CONCERNED"/PRIMARY STAKEHOLDERS	2. Look at your STEP 1 analysis and consider whether the <u>project activities</u> ¹³ likely lead to the envisaged change.		
		3. Are there <u>rights-holders/beneficiaries</u> who are actively taking sides or supporting one party to the conflict (e.g. different perspectives)?		
		4. Look at the actors map from STEP 1 and check if you have balanced information about the context from all involved stakeholders?		
INFORMATION/COMMUNICATION	INFORMATION SHARING			
	INTERNAL COMMUNICATION	5. Does the organisation actively encourage all staff to have structured discussions about conflict issues?		
	INTERNAL COMMUNICATION EXTERNAL COMMUNICATION	6. Are there specific moments (in the PCM) where conflict analyses (STEP 1) and other issues about conflict sensitivity are shared within the organisation?		
		7. 8. Do you have a clear policy with whom you share what type of information (e.g. different reports for different stakeholders)?		

¹³ The selection of activities to consider depends on the conflict you have identified

			INTERACTIONS	(Possible) MEASURES/OPTIONS (STEP 3)
	EXTERNAL COMMUNICATION VALUES & PRINCIPLES	Do you have a clear information-sharing policy including guidance on suitable language (e.g. sensitive words) and form (e.g. written-oral, stating names-hiding names)?		
		<p>9. Are there working principles and values which are difficult to implement due to the fragile situation? (Look at the Sources of Tensions (SOT) and Connecting Elements (CE) as well as actors to answer this question):</p> <p>Possible principles and values to look at are:</p> <ul style="list-style-type: none"> a. Partnership b. Social Equity c. Gender equity d. Transparency e. Accountability f. Local Ownership g. Long-term Engagement h. Empowerment and capacity building i. Non-discrimination j. Advocacy <p>10.</p>		
OWN ORGANISATION	STAFF	11. Is there a staff recruitment policy including criteria for conflict sensitivity?		
	STAFF SECURITY	Are all staff well aware and equally trained to work in a tense situation?		
		12. Is the (e.g. ethnical, religious, social, political) diversity existing in the context equally respected in the team compositions and hierarchies?		
		13. Are all staff on the ground perceived as neutral?		

			INTERACTIONS	(Possible) MEASURES/OPTIONS (STEP 3)
		15. Are there staff members that cannot be sent anymore to specific geographic areas (due to ethnic background, gender, previous experiences etc.)?		
		16. Do you have a clear and shared policy about closure of programs/projects due to security reasons as well as about staff security (Implicit Ethical Message)?		
	SECURITY LOGISTICS	17. Do your security regulations encourage you to invest in trust relationships with local partners and stakeholders to increase safety and security?	Yes	
		18. Procurement: where are materials coming from and who benefits from selling/renting them? • Cars (rented from a local warlord?) • Gasoline • Office rent • Rent for apartments of staff • Food • Service providers of communication (phone, internet etc.) • Generators • Maintenance services for office building • Office equipment and materials		
	PARTNERS AND DONORS	19. Do you know how your partners and donors your partner organisations perceived (regarding SOTs/CEs and regarding their relationships with other important actors)?		

			INTERACTIONS	(Possible) MEASURES/OPTIONS (STEP 3)
EXTERNAL ACTORS	PARTNERS AND DONORS	20. Are these partners/donors currently engaged in other projects in this conflict context?		

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ANNEX 4: CHECKLIST: IMPLEMENTATION PERSPECTIVE STEP 2 & STEP 3

	INTERACTIONS	(Possible) MEASURES/OPTIONS
<p>Resource transfers</p> <ul style="list-style-type: none"> • Theft/Diversion: Fuelling the conflict with stolen or diverted goods. Has it ever happened that materials or money from the projects have been misused, not accounted for properly or stolen (who stole or misused it and is the theft related to conflict parties)? • Market Effects: Changing local markets with an influx of outside goods. Has the assistance program had an effect on rising/falling prices in the area (who benefits from the raise and who suffers)? • Distribution Effects: Distributing goods along the lines of the conflict. Does your project benefit all groups equally within the defined working environment (look at diversity in terms of ethnicity, politics, social status, gender, religion, caste, decent: <i>whatever is relevant to frictions in the context</i>)? If not, how do you deal with this? • Substitution Effects: Replacing existing functioning systems or structures. Are there groups that do profit more and do those that profit more, consequently have more resources to invest in the conflict? • Legitimization Effects: Giving legitimacy to a group or leader by working with them. Do the project activities legitimize actors (make them more respected) that contribute to tensions, would these people/groups be less legitimate without the project? • EXAMPLES OF ADDITIONAL QUESTIONS designed by a country program: <ul style="list-style-type: none"> • For the sake of quality and price of some agricultural inputs and materials the project purchases some items outside the project district. Did the team ever discuss with the local shopkeeper to purchase the material on the same conditions? If not, why? • If an infrastructure measure (protection wall of a floodway, water supply, etc.) benefits a local strong man (securing his property, easy access to water, etc.) what do you do? 		
<p>Information & Communication</p> <ul style="list-style-type: none"> • Did it ever happen that different parties of a local conflict had different opinions on a project? How do you deal with that? • Do you take/have enough time to explain the project to all relevant stakeholders to avoid misunderstandings or misconceptions? Are there some groups or people that seem to misinterpret the projects or your work? • Are you sometimes not sure how to explain difficulties to your colleagues or managers? • Do you have equally good relationships and communication channels with all stakeholders or parties to a conflict? • Do you know where in the PCM conflict and fragility related issues are assessed and recorded? 		
<p>Implicit ethical messages:</p> <ul style="list-style-type: none"> • Did it ever happen that women or men that benefit from the project and therefore got into trouble (e.g. because of local values, local conflicts)? • Have you ever hired armed personnel or have people forced or threatened you to do/abstain from project work by using arms? 		

<ul style="list-style-type: none"> • Do you sometimes feel that development workers/staff are using privileges for their own benefit? • Do you feel sufficiently protected? • Do you sometimes have a feeling of resignation in the sense of not being able to have a positive influence? • Is it sometimes difficult to convince partners as well as women and men (beneficiaries) to work according to your principles and how do you deal with such situations? 		
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ANNEX 5: GLOSSARY

Civic Education	Civic education prepares people of a country to carry out their roles as citizens. It encompasses the cultivation of the virtues, knowledge and skills for political participation. Civic education, especially democratic education, should, involve both formal settings (schools) and informal settings (families, communities, libraries, houses of worship, workplaces, civic organizations, unions, sports teams, campaigns and elections, mass media, and so on). (Stanford Encyclopedia of Philosophy)
Conflict	<p>Is a relationship between two or more parties (individual or groups) who have, or think they have, incompatible goals, values, interests or claims to status, power or scarce resources. (...) Conflicts are a fact of life, inevitable and often creative. Conflicts are usually resolved peacefully and often lead to an improved situation for most or all of those involved. (Chris Mitchell, 1981)</p> <p>A social conflict occurs when: (1) at least two parties interact in such a way that at least one of the parties experiences incompatibility (of thought/feeling/perception/ will) in their interaction, and (2) the damage (not at all/not fully being able to push through with its thought/feeling/perception/will) resulting from their incompatible interaction is seen as stemming from the other party. (Friedrich Glasl, 2002)</p> <p>Is a feature of a system including incompatible goal perceptions so that the achievement of a goal excludes the achievement of the other. (Johan Galtung, 1972)</p>
Conflict, Violent	A conflict becomes violent when (1) there are inadequate channels for dialogue and disagreement and/or (2) dissenting voices and deeply held grievances cannot be heard and addressed and/or (3) there is instability, injustice and fear in the wider community and society.
Conflict, Hot / Cold	The Austrian conflict researcher Friedrich Glasl makes a difference between “hot” (= extravert, loud, argumentative) and “cold” (= introvert, defensive, blocking each other) conflicts. The difference is important, as a cold conflict may create the illusion of being less escalatory than a hot conflict, even if it is not.
Conflict, Latent / Open / Surface	Whereas a latent conflict is below the surface and may need to be brought into the open before it can be effectively addressed, an open conflict is both deep-rooted and very visible. It may require actions that address both the root causes and the visible effects. A surface conflict has shallow or no roots and may be only a misunderstanding of goals that can be addressed by means of improved communication.
Conflict Analysis	<p>Conflict analysis encompasses the analysis of context, actors, causes and dynamics of a conflict as well as the identification of (possible) entry points for peaceful conflict resolution and transformation.</p> <p>Conflict analysis is a central component of CSPM and DNH.</p>
Conflict Management	Umbrella term for different, pro-active informal and formal forms of conflict handling.

Conflict-sensitive monitoring	Conflict-sensitive monitoring incorporates an understanding of conflict actors, profile, causes and dynamics into traditional monitoring processes and activities, with the intention of better understanding the context and the intervention, as well as the interaction between the two. Conflict-sensitive monitoring is used to inform adjustments and changes to project or programme activities so that the intervention has the optimum impact on conflict dynamics.
Conflict Resolution	Refers to all process oriented activities that aim to address the underlying causes of direct, cultural and structural violence (main actors: Track II).
Conflict Sensitivity	For Helvetas, conflict sensitivity means to analyze the peace and conflict context, to understand and to anticipate the interaction between one's own intervention and the context, and to avoid negative impacts and maximise positive impacts in the actions taken (Fewer et. al. 2004).
Conflict Settlement	Refers to all outcome oriented strategies for achieving sustainable win-win solutions and/or putting an end to direct violence, without necessarily addressing the underlying conflict causes (main actors: Track I).
Conflict Stages	<p>Pre-conflict: is the period when there is an incompatibility of goals which could lead to open conflict. The conflict is hidden from general view, although one or more parties is likely to be aware of the potential of confrontation.</p> <p>Crisis/Conflict Stage: this is the peak of conflict when the tension/violence is most intense; period of war. Normal communication between the sides has ceased.</p> <p>Post-conflict: the situation is resolved leading to an ending of violent confrontations and to more normal relationships. However, if the problems from their incompatible goals have not been adequately addressed, this stage could eventually lead back into another pre-conflict situation.</p>
Conflict Transformation	Refers to outcome, process and structure oriented peace-building efforts, which aim to truly overcome revealed forms of direct, cultural and structural violence. While conflict transformation is the most thorough and far-reaching strategy, it is also the one that needs the longest and most wide-ranging commitment (main actors: Tracks I + II + III).
Connectors and Dividers	<p>The Do no harm methodology is based on the idea, that in each conflict factors exist which separate people from each other (dividers), as well as factors which connect people with each other (connectors). Such dividing or connecting factors include (1) systems and institutions (e.g. infrastructure, markets, electricity system), (2) attitudes and actions (e.g. adoptions of war orphans from the other side), (3) shared or different values and interests (e.g. common religion), (4) common or different experiences (e.g. colonial history, war suffering), and (5) symbols and occasions (e.g. art, music, literature). Depending on the specific situation, a factor can be a divider or a connector. Religion, for example, can connect people in one conflict, and divide them in another one. International Cooperation should support connectors and weaken dividers.</p> <p>Included in the connectors are all those factors and means which connect people and contribute to a feeling of belonging to and of sharing responsibility (inclusiveness). In internal conflicts, these could be for example a common language, connecting infrastructure (telephone, roads and public transport), common memories, and common religious or national feasts.</p>

	Included in the dividers are all those factors and means which maintain the existing polarisation of the parties to the conflict. Amongst them are, for example, corruption, impunity from punishment, unequal access to resources, services and employment, language barriers or the manipulation of ethnic differences
Continuum and Contiguum	<p>Based on the experience of violent struggles mainly being interstate crises or wars, a linear intervention model (continuum) has been practiced from the 1960s onwards. According to this, development cooperation has no role to play in crisis res. war-torn situations. Only after a situation of relative stability has been established, development assistance gets active again implementing mid- to long-term projects.</p> <p>The contiguum concept, widely advocated for nowadays, consists of a more integrated and multidirectional approach. It does not consider relief, rehabilitation and development as sequenced and conceptually as well as institutionally separated but as coexisting, overlapping and coordinated, with changing importance in time and space.</p>
Crisis	Some authors make a distinction between conflicts and crises. Conflicts are resolved peacefully and can be regarded positively since they may function as “engine” for continuous development. Where conflict management mechanisms are missing or have been eroded, conflicts may become harmful and destructive, i.e. they may turn into crises. Crises include violence over a longer-term period. They come to the fore when societies cannot represent, manage or resolve its different interests in a productive manner, thus initiating a degenerative or destructive cycle of violence. The aim is thus not to avoid conflicts but to prevent crises (Goodhand and Hulme, 1999).
Crisis or Violence Prevention	Aims to prevent the (re-)outbreak of violent conflicts and/or to reduce structural tensions; refers to strategies that address conflict when it is still latent.
CSPM,	CONFLICT SENSITIVE PROGRAMME MANAGEMENT: Programmes or individual projects are involved in conflict situations; this corresponds to working in conflict. The open or hidden conflict must therefore be observed as it concerns the programme. The programme attempts to reduce active conflict-relevant risks and to avoid negative conflict-aggravating effects. The programme supports existing connectors for example by encouraging the non-violent, peaceful resolution of political, social, economic or gender-specific conflicts which could possibly appear or become aggravated through the influence of the programme. The CSMP approach does not seek to actively transform conflict through new initiatives (= transversal aspects of violence prevention).
Do No Harm (DNH) or Local Capacities For Peace (LCP)	Is an assessment and programming method (including practice-oriented tools) for analysing the effects of specific International Cooperation interventions on a conflict situation and generating options for modifying the interventions towards conflict sensitivity? DNH analyses whether project elements unintentionally support factors contributing to tensions (see dividers) or factors reducing conflicts (see connectors). It allows to develop change options for not sustaining or strengthening conflicts and whenever possible for contributing to their de-escalation. (Mary B. Anderson, 1999).
Downward Accountability	Downward accountability can be defined as the obligation to take responsibility for ones actions and choices and their consequences towards those affected by them, i.e. your primary stakeholders.

Early Warning	Defines the systematic observation of a latent conflict applying models of conflict forecast. The aim is the timely recognition of a conflict escalation and the initiation of preventive measures (early response/early action).
Fragility	Statehood or on the contrary “fragility” is manifest in three areas: (in-) effectiveness of state functions, authority over use of force, and legitimacy. The more a state provides goods and services to its citizens (effectiveness), the more it enforces a legitimate monopoly of the use of force (authority) and the more it allows for civil and political rights and is accepted by the people as legitimate (legitimacy), then the more stable and functioning a state is (adapted from Fabra Mata/Ziaja, 2009, Chesterman, Ignatieff/Thakur 2005, Ignatieff 2004, Rotberg 2004). Considerable deficits in these areas may lead to a fragile situation. Numerous studies also point to the important aspect of state-society relationships. Obviously the three state functions are interdependent, and each of them represents one distinct form of state-society relations, which is at the centre of your interest. State-society relationships and relationships between different groups is recognized as a crucial topic for conflict and fragility by the WB and UNDP, which are both emphasizing social cohesion. Fragility contrasts with resilience, and fragility can be transformed into resilience in what is essentially a non-linear process (see: HELVETAS Fragility Topic Sheet).
Good Governance	UNDP defines Good Governance as “the exercise of political, economic and administrative authority to manage a society’s affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences”. The widely acknowledged description builds the basis of almost all Good Governance definitions. For Helvetas, Good Governance comprises six principles: accountability, transparency, participation, rule of law, equity and inclusiveness, efficiency and effectiveness.
Local Democratic Governance	Local democratic governance is the management of public affairs through inclusive decision-making, based on good governance principles, at local level with the objective to ensure that needs, priorities and rights of (rural) poor women and men are considered and represented (voice) and accounted for by the State.
Multipartiality	A principle of mediation that defines a particular mode of engagement with conflict parties or key stakeholders based on understanding and identifying with a diversity of opposing positions and standpoints, without seeming to favour one of these above the other. Some mediators strictly adhere to this principle because it helps them to interact with all of the conflict parties without being seen by one or more of them as partisan, one-sided or having uneven levels of commitment. Multipartiality is distinct from neutrality and impartiality.
Peace Peace, Negative / Positive	In general terms, it is often defined as a process that – in the framework of “stable societal structures” – manages conflicts by involving all parties according to the principles of equality and mutual respect and thus leads to settlements accepted by all parties involved. Negative (‘cold’) peace: no open violence but continuation of structural, cultural and indirect violence. Positive (‘warm’) peace: negative peace plus social justice, morale legitimacy, human security and structural stability.
Peacebuilding	Peacebuilding covers a broad range of measures of short and long-term, implemented in the context of emerging, current or post-conflict situations and which are explicitly guided and

	motivated by a primary commitment to the prevention of violent conflict and the promotion of lasting, just and sustainable peace to foster development (OECD DAC 2005).
Public Policies	<p>Public policies are all those decisions taken by government authorities, in executive, legislative or judicial branches, which provide specific solutions for management public affairs. Public policies consist of rules, public institutions, plans programs projects and actions, budgets and public investments.</p> <p>"Policy influence may be understood as the process through which citizens, and social and economic and institutional actor participate in or have an influence in the definition, management and evaluation of general or sectoral public policies, at the local regional, national or international level. Such participation or influence implies creating, modifying, enforcing and/or repealing public policies." (ASOCAM, Intercooperation & SDC 2007)</p>
Reflecting on Peace Practice (RPP)	Improving the effectiveness of direct efforts to bring peace in conflict areas, including at the "Peace Writ Large" level. A tool for analyzing program strategies (CDA 2007).
Track I	Track I range from outcome-oriented, official and non-coercive measures, such as good offices, fact-finding missions, facilitation, negotiation/mediation and peacekeeping, to more coercive measures, such as power-mediation, sanctions, peace-enforcement and arbitration. Main Track I actors are political and military third parties and/or official representatives of conflict parties and International Governmental Organisations (IGOs).
Track II	In contrast to Track I, Track II refers to all process-oriented, non-official and non-coercive activities, illustrated by facilitation or consultation. Main Track II actors range from private individuals, academics, professionals, 'civil mediation', citizens diplomacy' to international and local non-governmental organisations (NGOs) involved in conflict resolution.
Track III	Track III defines all process- and/or structure-oriented strategies which may range from capacity building, trauma work, grassroots training, development and human rights work. Main Track III actors comprise from local grassroots organisations to local and international development agencies, human rights organisations and humanitarian assistance
Violence	Consists of actions, words, attitudes, structures or systems that cause physical, psychological, social or environmental damage, and/or prevent people from reaching their human potential.
Cultural Violence,	Defines the socio-cultural and political legitimisation of direct and structural violence. Example may here be genital mutilation or forced arranged marriages.
Direct Violence,	Refers to physical violence by humans exercised directly against other humans.
Structural Violence,	Refers to socio-economic and political conditions that (intentionally) cause human suffering through poverty, migration, discrimination etc.
Indirect Violence,	Defines the unintentional and negative effects of violence-free actions which can be as harmful as direct violent acts, such as high infancy mortality rate as direct result from economic sanctions).
Working Around / In / On Conflict	The British development expert Jonathan Goodhand (2001) differentiates three basic approaches to violent conflicts in the contexts of development and aid: (1) Working around the conflict : The programme recognises the conflict as an obstacle and circumvents it as an external negative factor. (2) Working in conflict : the conflict must be observed in respect to its influence on the programme; the programme attempts to minimise active conflict-related

	risks and avoid negative conflict-aggravating influences. (3) Working on conflict : The programme or parts thereof are affected by the conflict; it must actively offer a direct contribution to the transformation of the conflict.
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the **TENURE FACILITY**

Preliminary Gender Equality and Social Equity Policy

Under Consideration for Adaptation to The Tenure Facility

HELVETAS Swiss Intercooperation

December 2012

UNDER CONSIDERATION



Source: Flurina Rothenberger

GENDER EQUALITY AND

SOCIAL EQUITY (GSE) POLICY

Zurich, December 2012

POSITIONING

This policy document was elaborated through a process of consultation that dove-tailed with the drafting of the organisational strategy of HELVETAS Swiss Intercooperation. It also draws lessons from, and builds upon, the pre-merger experiences of both HELVETAS and Intercooperation. Reflecting the vision and values of HELVETAS Swiss Intercooperation, it sets out the ways in which we can better focus our work in supporting poor and disadvantaged individuals, particularly women and girls. As a policy document, it is not time bound, but establishes a frame of engagement. A separate GSE strategy outlines how the GSE policy will be put into practice over the coming five years.

CONTEXT

It is a fact that you are more likely to be economically poor if you are a woman and/or are an indigenous person/member of minority ethnic group, practice a minority religion, come from an isolated geographical area, were born into a low social status (caste, bonded labour, etc), are very young or very old, or live with impaired health. Being economically poor tends to be strongly correlated with being socially disadvantaged – that is, experiencing social discrimination and powerlessness.¹ Those in this unequal situation are often unable to exercise their rights or develop their full potential as human beings; this is not only a personal tragedy at individual level but also represents a significant loss in terms of overall social and economic development. Although evidence points to societies that are closer to social equality being better overall, the opposite trend is true today, with social inequalities within countries being on the rise².

Although the way and degree to which women are socially disadvantaged compared to men is different in different country contexts, support for gender equality is in all cases an important aspect of social equity. Numerous micro and macro-level studies show a strong correlation between development performance and women's emancipation in the home and workplace. Recent global reviews of progress in promoting gender equality have revealed progress in many fields – particularly in health, education and participation in the labour force, although advances in political participation have been far less marked³. Yet despite many international declarations on the importance of women's equality⁴, and the existence of supportive international and national legislation, the social reality at country level is that gender inequalities persist, and in many parts of the world, gender gaps are widening⁵. This is acknowledged in the Istanbul Principles for civil society development practice, to which HELVETAS Swiss Intercooperation is a signatory. The first two Istanbul Principles⁶ are a commitment to

- Respect and promote human rights and social justice
- Embody gender equality and equity while promoting women's and girls' rights.

HELVETAS Swiss Intercooperation adopts a combined approach in striving for gender equality and social equity. The reasons for us doing so are two-fold:

- Gender discrimination is an integral part of social inequity; furthermore where major social inequalities exist, these are often borne to a greater degree by women than men.
- An understanding of gender relations in a given country requires a wider understanding of the social context and power relations, and the way that different cultural beliefs and practices impact on women and men according to their class, caste, ethnicity, religion, age and other relevant social groupings to entrench inequalities.

GENDER EQUALITY OR GENDER EQUITY?

Do we at HELVETAS Swiss Intercooperation talk about gender equality or gender equity? The use of the word “equality” here means equal opportunities and equal rights, and as such has gained widespread use. We thus also use it in this sense – whilst recognising that “equality” does not necessarily imply treating women and men in exactly the same way. However, we talk about social equity as this has the implication of fairness or social justice – of trying to redress existing social disadvantages in a pro-active manner.

DEFINITIONS

Gender equality

Gender is a socially constructed definition of roles, behaviours and power relations between women and men, not to be confused with sex (the biological characteristics of women and men)⁷. Our organisational stance in support of gender equality is based on the recognition that women and men have equal rights, and should also have equal opportunities and equal responsibilities in realising their potential. This often entails changed power relations within households, working places, communities and society at large. However, gender equality does not always mean striving for equal numbers of men and women in all activities, or treating men and women in the same way. Men and women often have different needs

KEY PRINCIPLES

> 1. We strive to include the marginalised and excluded

We inform ourselves about local and wider power dynamics, seeking to ensure that those who have the least space to develop their own development initiatives benefit the most from our interventions.

> 2. We are sensitive to local culture whilst respecting human rights

In raising awareness about socially-embedded cultural practices and norms that are gender-biased or otherwise discriminatory in nature, we seek to understand the rationale behind them and to find non-discriminatory responses that uphold human rights.

> 3. We intervene in a focused manner

In working with women and other poor and disadvantaged individuals or groups, we aim to support them to build their human capital, promote their economic empowerment and increase their voice (agency or social and political empowerment).

> 4. We acknowledge the needs and opinions of men and women

We are aware that changes in gender relations require a changed perception of social norms and expectations amongst both men and women. Furthermore, we acknowledge the fact that men's and women's knowledge and opinions are often different and together provide a more comprehensive picture; we seek to build on this wherever possible.

> 5. Our partnerships are based on shared values

We are selective in our choice of cooperation partners – government, private and NGO – endeavouring to work with those that share our values with regard to gender equality and social equity as set out here and in the HELVE-TAS Swiss Intercooperation organisational strategy, and to support them in building their capacities accordingly.

> 6. We seek to highlight gender equality and social equity in development policy debates

We intervene in a targeted manner in policy discussions and campaigns supporting gender equality and social equity in the context of development cooperation.

> 7. We uphold gender equality and diversity in our internal organisation

Our human resource policy supports gender equality and workforce diversity, and we aim for as gender-balanced a workforce as possible, especially in middle and senior management as well as in our Board of Directors.

> 8. In monitoring and evaluating our efforts, we seek to learn and improve

Through our planning, monitoring and evaluation procedures we seek to continuously learn from experience and improve our performance in promoting gender equality and social equity – also sharing with and learning from others working in the same field.

and priorities, face different constraints, have different aspirations and contribute to development in different ways. It is important to recognise, respect and work with both feminine and masculine perceptions. Furthermore, gender relations are often strongly interlinked with other power relations based on difference, such as ethnicity, age and education, and need to be addressed in a holistic, context-specific manner: in our programme activities, in our collaboration with partners, and in our workforce.

Social Equity

Social equity can be understood in different ways in different contexts, but we take it to encompass the upholding of human rights and the combating of social injustice. We seek to reduce or remove the unequal life chances that prevent poor and disadvantaged individuals and

groups from playing an active role in their personal, community and societal development. Such inequalities may relate to the individuals themselves, in terms of their health, education and skills; to social practices that discriminate particular ethnic groups, castes or religions, women or persons of different sexual orientation (including those of “third gender”); and to ways of community organisation and political systems that are dominated by elites and allow little or no room for the voice of others. Another important aspect of social equity is supporting the socially marginalised in gaining secure access to natural, financial and other resources. Social equity is also relevant within our own organisation, both amongst our Country Programme and Head Office staff, in that we seek to promote workforce diversity, champion human rights, and to encourage inter-cultural communication.

> 1. We strive to include the marginalised and excluded

Our experience shows that it is generally easier to work with groups and individuals (often men) who have some assets, education, and are willing to take risks because they can afford to do so. Working with such people is a valid part of development efforts, but they should not be those who benefit most from our activities. We are committed to including women, poor and disadvantaged individuals, and are aware that this requires a pro-active effort. Thus all country programmes:

- carefully analyse their local context, identify the most poor and disadvantaged groups, and systematically ensure that they are at the centre of the programme and benefit the most from direct and indirect programme support – without excluding and thus alienating more wealthy and powerful groups;
- aim for a balance between support for broadly beneficial social and economic development, and specific, targeted support for poor and disadvantaged groups – especially girls and women.

We uphold a “do no harm approach”, ensuring that none of our interventions exacerbate conflict or have a detrimental impact on the most poor and disadvantaged. Furthermore, we are aware that disadvantage and discrimination between individuals occur within households as well as at the wider community or societal level. We design out interventions with this in mind.

> 2. We are sensitive to local culture whilst respecting human rights

Gender norms and stereotypical expectations based on ethnicity, caste and other identities are often deeply embedded in cultural norms, leading to a perceived tension or even incompatibility between supporting gender equality and social equity and respecting local culture. However, in all countries of the world, culture is dynamic and evolving – sometimes at a fast pace, sometimes more slowly. Furthermore, different individuals in society often have different viewpoints, influenced by factors such as their own values, world vision, and background. This provides an opportunity to engage in discussion and to facilitate self-reflection, taking the human rights based approach.

- As part of our country level planning, we analyse and attempt, as far as possible, to address gender roles at all levels - household, social group, local community and within wider society. This often entails specific

interventions that empower women. We also analyse wider patterns of social inequality and consider how one influences the other.

- When challenging existing cultural practices or beliefs, we seek to work in a sensitive manner, and support local organisations and individuals who share our values.
- In countries in which it is difficult to access women directly, we adopt culturally appropriate approaches (such as seeking the support of tribal and/or religious leaders, working through respected elderly women or teachers, etc).
- We uphold the dignity of women and men, and take a stance against gender-based violence.
- Where useful and feasible, we promote institutional and wider public exchange on the topic of social discrimination based on gender or other criteria – by, for example, convening local speakers with differing views to discuss discriminatory practices and norms in the context of today's society.

> 3. We intervene in a focused manner

Within each country programme, we aim to focus our support for women, poor and disadvantaged individuals according to three main thrusts,

- building their human capital through improved health (expected through access to drinking water and sanitation), education (formal and informal) and skills development (vocational training and other capacity building) with a particular focus on the younger generation, building their capacities for the future;
- promoting their economic empowerment through access to resources (especially land and affordable credit), to labour markets (especially better paid jobs), gaining equal pay for equal work; and developing income-generating opportunities;
- facilitating their increased voice (agency) - gaining representation in local user group committees and similar fora, but especially in important community and/or political decision-making positions.

Individual projects may focus on one or more thrusts, but the country programme as a whole should seek to cover all three. Wherever possible and constructive, we support initiatives responding to strategic empowering needs such as securing tenure over resources, and legislative reform in favour of women and/or marginalised groups. We also seek to build the social capital of women, poor and disadvantaged individuals.

> 4. We acknowledge the needs and opinions of men and women

Seeking to challenge practices that discriminate against women and other vulnerable individuals and groups does not mean working only with women or members of such groups – including those amongst them who do not believe in change. It is essential to also understand masculine opinions and to work with men – for gender equality will be difficult to achieve against the resistance (passive or active) of men. Since masculine and feminine perspectives are often different, ensuring that both are taken into account generally results in a more holistic overall understanding and thus better, more balanced decision-making.

In some situations, albeit not so common, men or boys may be at a disadvantage compared to women and girls. Examples include low motivation and poor school performance of boys compared to girls in some countries, and in others, cultural expectations of risk-taking in young men that result in higher male mortality from accidents. Being gender sensitive requires an understanding of societal expectations of masculinity and femininity, and of finding appropriate ways of negotiating greater gender equality within the local context.

- We support men and women who challenge narrow gender stereotypes in a positive way, recognising that both men and women have an important role in caring for others (so-called reproductive activities), production (especially participation in the labour market), community activities, and political representation.
- We aim especially to promote positive images of women and men from poor and disadvantaged backgrounds who have successfully challenged discrimination, exercise their rights, and who can inspire others to change their lives for the better.
- We work with male and female opinion leaders who are open to greater social equity and are willing to publically support such a stance, challenging existing power relations, including gender-based violence.

> 5. Our partnerships are based on shared values

Given that we generally work through cooperation partners in our project implementation, they play a crucial role in our efforts to promote gender equality and social equity. Whilst the nature of our collaboration with cooperation partners varies according to the context and task, experience shows that it is important to build relationships that go beyond simple contractual agreements, being based on trust and shared values. We

- include GSE responsiveness as an important criterion in the selection of our partners wherever possible.

- analyse partner performance with regard to GSE, provide appropriate training and accompaniment to those in need of it, and if necessary, decide against contract renewal if no progress is made.

With regard to funding partners, opportunities for specific leverage may be more limited, but when considering new funding partnerships, we

- assess the degree to which the values of the potential partner are compatible with our own
- avoid partnerships with organisations that openly disregard gender and social equity principles.

Some funding partners (eg. SDC) have their own clear guidelines on gender and social inclusion⁸. We respect these guidelines, and if possible seek to “go a step further” in our own practice.

> 6. We seek to highlight gender equality and social equity in policy debates

As an international organisation rooted in Switzerland, we are aware of potential sensitivities when intervening in national policy issues related to gender equality and social equity in our partner countries. We therefore

- work particularly through our partners, supporting them in their advocacy campaigns;
- offer our services directly as appropriate, for example in convening multi-stakeholder platforms and collating relevant information into a readily accessible form (briefing paper, video, etc).
- tailor our policy level activities according to the country circumstances, with specific project or programme-wide actions where “windows of opportunity” arise.

In Switzerland, we are active in direct publicity, advocacy campaigns and political debates around gender equality and social equity in the context of development cooperation.

> 7. We uphold gender equality and diversity in our internal organisation

It is important that we “practice what we preach”.

- We monitor our own workforce diversity and endeavour to make it as gender-balanced as possible. We are committed to achieving a minimum 40% women or men in middle and senior management, as well as in our Board of Directors.
- Our human resource regulations are responsive to

gender equality and social equity.

- We expect all our male and female staff to uphold GSE principles, and we take this into account in recruitment, annual performance reviews and promotion.
- Where necessary, we are pro-active in recruiting women or men, seeking to do this in a way that challenges gender stereotypes, and offering training as appropriate. At country level, we aim for a workforce that is representative of social diversity in our programme area.

> 8. In monitoring and evaluating our efforts, we seek to learn and improve

We seek foremost to learn from our own experiences in promoting gender equality and social equity.

- We establish sex disaggregated baseline data in all our projects, and work towards full data disaggregation on the basis of social status as well as sex. We devise indicators at project and programme level that specifically target women, poor and disadvantaged individuals when referring to the intended beneficiaries or primary stakeholders. These are regularly monitored to guide further interventions.
- We aim to ensure that the allocation of financial resources is consistent with our GSE principles. To analyse performance and draw out lessons learned with regard to progress on GSE aspects in our programmes, we also conduct periodical evaluations at project, country and global level.

At the same time, we also seek to share and learn from the experience of others.

- We document our experiences at country programme and organisational level in a systematic manner
- We participate in networks for knowledge sharing at country and organisational level
- We integrate what we learn from others with regard to GSE in our activities, striving to progress and innovate.

ENDNOTES

¹ Indeed, many people living in poverty perceive their social exclusion to be the worst part of their situation. See www.poverty-wellbeing.net/en/Home/Focus_on_Poverty/Views_of_the_Poor or Briefing Paper 2 www.poverty-wellbeing.net/en/Home/Focus_on_Poverty/The_Poverty_File

² See for example www.equalitytrust.org.uk/

³ World Bank (2011) Gender Equality and Development World Development Report 2012 World Bank, Washington DC, USA.; Global Gender Gap Report 2012 www.weforum.org/issues/global-gender-gap

⁴ Most notably, the 1979 UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which has been ratified by most countries of the world www.un.org/womenwatch/daw/cedaw

⁵ With the exception is girls' primary school enrolment, where progress is broadly on track in many although not all countries, the MDGs that specifically seek to address women's needs (goals 3 and 5) are amongst those least likely to be met see: www.un.org/millenniumgoals/pdf/%282011E%29_MDRReport2011_Progress-Chart.pdf

⁶ www.cso-effectiveness.org/-8-istanbul-development067.html

⁷ This definition is essentially that used by SDC. Another definition, formulated by Joan Scott (1986), is that "Gender is the perceived differences between the sexes; and gender is a primary way of signifying relationships of power" Gender: A Useful Category of Historical Analysis Joan W. Scott The American Historical Review Vol. 91, No. 5 (Dec., 1986), pp. 1053–1075

⁸ See www.sdc-gender-development.net and www.sdc-decentralization.net/en/Home/Practical_Learning/Learning_Projects/Social_Inclusion

the **TENURE FACILITY**

Preliminary Thoughts Towards the Social and Environmental Standards for The Tenure Facility

Prepared by Jean Aden

DRAFT

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DRAFT

INTRODUCTION

The Tenure Facility's **Sustainability Charter** comprises a set of five standards or processes to assess and manage risk and promote sustainability in Facility-supported land tenure projects. **The standards include Conflict Sensitivity, Environmental and Social Assessment, Indigenous Peoples, Gender and Social Equity, and a Grievance Process.**

These standards and processes can start small and proportionate to The Facility's current pilot projects, and be ratcheted up as The Facility approaches its anticipated scale. I recommend that the Facility consider a pilot exercise to define, apply, evaluate and fine-tune these standards and assess their value-added over a 2 to 3-year period, beginning with The Facility's achievement of independent status in 2016.

1. THE CONFLICT SENSITIVITY STANDARD

[Link to Guidance for Conflict Sensitive Project Management]

2. THE ENVIRONMENTAL AND SOCIAL ASSESSMENT STANDARD

The ESA standard would identify potential social and environmental impacts of a proposed project and propose measures to prevent or limit such impacts. The key process elements in an ESA would consist of: i) initial screening of the project and scoping of the assessment process; ii) stakeholder identification (focusing on those directly affected), gathering of environmental and social baseline data, and consultation with stakeholders; iii) impact identification, prediction and analysis, in which the breadth, depth and type of analysis would be proportionate to the nature and scale of the proposed project's potential impacts; iv) generation of mitigation measures, as needed; and v) documentation of the assessment process (i.e., the ESA report).

The ESA would assess potential environmental impacts on physical and biological resources, and social impacts on tenure security and livelihoods in the project area. The assessment would be calibrated to the size of the proposed project and level of anticipated risk – a review of best practices would likely suffice for low risk projects, a limited or focused ESA for moderate risk, and a fullscale ESA would be reserved for high risk projects.

The ESA would adopt a risk and impact mitigation hierarchy to anticipate and avoid adverse social and environmental impacts to the extent possible. Where avoidance is not possible, it would prescribe minimization or mitigation of adverse impacts. Where residual impacts remain, compensation or offsets for affected communities would be considered.

Commensurate with The Facility's mission to promote secure land tenure for indigenous and local communities, the ESA would promote consultation with affected communities, indigenous organizations, local communities, and civil society organizations throughout the project cycle on issues that could concern them, and ensure that their views and concerns are taken into account.

The ESA would use independent social and environmental expertise to produce a concise assessment document, proportionate to the risk level of each project, and would disclose the document in a timely manner, in a place accessible to key stakeholders, in a form and language understandable to them.

3. *INDIGENOUS PEOPLES STANDARD*

The Indigenous Peoples Standard would recognize that indigenous peoples, as social groups with identities that are distinct from mainstream groups in national societies, are likely to be among the most marginalized and vulnerable segments of the population in project areas. This is particularly the case where indigenous lands may be encroached upon or significantly degraded, and indigenous communities may be vulnerable to loss of identity, culture and natural resource-based livelihoods. This vulnerability may limit their capacity to exercise and defend tenure rights, and to benefit from development.

The IP Standard would ascribe to indigenous peoples status as distinct social and cultural groups that:

- i) self-identify as members of a distinct indigenous cultural group and are recognized as such by others;
- ii) are collectively attached to geographically distinct habitats and territories and the natural resources therein; iii) have customary cultural, economic, social or political institutions that are separate from those of the mainstream society or culture; and/or iv) have a distinct language or dialect, often different from the official language/s of the country or region where they reside.

This standard would prescribe that adverse impacts on project-affected communities of indigenous peoples should be avoided where possible. Where alternatives have been considered and adverse impacts deemed unavoidable, the project would minimize, restore and/or compensate for these impacts in a culturally appropriate manner during the life of the project. In high risk projects, proposed actions to address impacts on indigenous communities, developed in consultation those communities, may be defined in a time-bound Indigenous Peoples Plan.

Under this standard, the project would engage with affected indigenous communities and their representative bodies, such as councils of elders or village councils, and would provide sufficient time for indigenous peoples' decision-making processes. Where a project or subproject involves use of land under traditional ownership or customary use, or relocation of indigenous people, the standard would require compensation of affected communities and would seek indigenous communities' Free, Prior and Informed Consent to the project's design, implementation and expected outcomes.

Given The Facility's core commitment to secure land tenure for indigenous peoples, it is likely that a Facility-endorsed Indigenous Peoples standard would apply to the majority of Facility-supported projects. Rather than signaling potential reputational risk, however, a practical and well-articulated IP standard could showcase The Facility's dedication to strengthening indigenous communities' capacity to exercise and defend land tenure rights. And by documenting best practices in indigenous communities' engagement and consent procedures, a robust IP standard could generate positive lessons for the community of indigenous organizations and representative bodies with links to The Facility.

4. GENDER AND SOCIAL EQUITY STANDARD

[Link to Gender Equality and Social Equity Policy]

5. GRIEVANCE PROCESS

The Facility's Grievance Mechanism would receive and respond to project-affected persons' concerns and complaints about Facility-supported projects' impacts and/or implementation of sustainability standards in Facility-supported projects. A grievance focal point would be publicly designated by The Facility and directly accessible to project-affected persons. S/he would have capacity to investigate complaints and/or help resolve disputes, and a direct reporting line to The Facility's Director and/or Board.

A Grievance Mechanism would offer assistance to intended project beneficiaries and project-affected persons to access project benefits, to avoid potential impacts of a Facility-supported project, and/or to seek mitigation or compensation for adverse impacts. The mechanism would contribute to resolution of disputes between project and project-affected communities which, if left unresolved, could grow into full-blown conflicts that could derail projects. Such a mechanism would also benefit The Facility by conveying awareness and findings of an investigation of project risks, impacts or harm that may have escaped The Facility's notice. By generating carefully validated information about concerns in and around project areas, the mechanism would create a valuable feedback loop on conditions on the ground and generate lessons learned.

Land-related issues raised in complaints to grievance mechanisms at various development institutions may offer some food for thought. In terms of the volume of land-related concerns brought to the attention of grievance mechanisms, the mechanism at the IFC reports that of the over 150 complaints and dispute resolution cases it has handled since 2000, 52 percent have involved issues related to land, including land acquisition, land compensation, resettlement and land contamination. In terms of land tenure projects, the grievance mechanism at the World Bank has documented design and due diligence issues in projects that aimed to build land registries while assisting indigenous peoples to gain secure tenure. The World Bank cases demonstrated that in order to prevent indigenous persons from losing out when tenure registries were reorganized, much more comprehensive due diligence was required during project preparation.

In any case, these findings suggest that there may be no shortage of cases received by a grievance mechanism at The Facility. At the same time, those cases should not be regarded as a blot on The Facility's reputation, but rather as a powerful feedback loop that could be of great value to The Facility and to communities affected by Facility-supported projects.

6. QUESTIONS FOR THE TENURE FACILITY BOARD AND ADVISORY GROUP MEETING

The "mitigation hierarchy" referenced on p. 2 calls for avoidance of adverse impacts or, failing that, minimization, mitigation and/or compensation for adversely affected persons or communities. Given

budget constraints and host governments' activity or lack thereof around tenure issues, to what extent would The Facility consider providing the mitigation and/or compensation called for in the Environmental and Social Assessment and Indigenous Peoples Standards?

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the **TENURE FACILITY**

Integrated Operations Manual

Governance, Fiscal Management, & M&E System

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INTRODUCTION

The Board of Directors, Advisory Group (AG) and the Secretariat of the Tenure Facility (TF) have developed the following operational policies and procedures to support the effective and efficient management of the TF. The day-to-day functional implementation of these policies and procedures is the responsibility of the Director of the Secretariat of the TF.

The purpose of this manual is to provide guidance and a point of reference for all TF staff and collaborators as regards the day-to-day operation of the Secretariat. It covers a broad range of operational issues, organizational mission, vision, structure, and functions; general staff management information; financial management policies and procedures; and monitoring, evaluation, and reporting systems and processes.

While this manual does not answer all the operational questions and issues that will confront TF, it makes a reasonable effort to provide a standard framework for approaching work and the decision making process in a clear, organized, and cohesive way. It provides some detailed operational descriptions of the organizational design and the information systems that support the delivery of the programs of the TF.

The Manual is divided into five (5) sections:

Section 1: About The Tenure Facility

Section 1 provides an understanding of the inspirations behind the establishment of the Tenure Facility and the principles and standards the TF supports as part of advancing land and forest tenure security, and the rights and livelihoods of Indigenous Peoples and local communities across the developing world.

Section 2: Organizational Structure and Responsibilities

Section 2 covers foundational organizational issues – mission, vision, structure, and functions. It shows how the TF is organized to carry out its mission and the clear lines of authority through which organizational communication flows.

Section 3: Governance Environment

Section 3 covers all governance related policies including ethics, whistle blowing, conflicts of interest, and compensation among others.

Section 4: Financial Management System

Section 4 lays out the accounting policies and procedures that will guide financial management at TF. It ensures an effective system of accountability, including standard accounting practices and design, a system of good internal controls, and timely and appropriate reporting. It covers cash management, assets management, procurement, and reporting, among others.

Section 5: Monitoring, Evaluation, & Reporting System

Finally, Section 5 addresses the M&E and reporting needs of TF to ensure that donor funds are used to achieve the intended outcomes and presents some standard processes and procedures for

carrying out M&E and reporting on TF activities on a regular basis.

Together, the five (5) sections of the manual explain the nature and purpose of the TF and the processes, procedures, and decision tools that support an effective and efficient day-to-day operation.

1. ABOUT THE TENURE FACILITY

1.1 About The Tenure Facility

1.1.1 Mission and Purpose of The Tenure Facility

The Tenure Facility is the first and only multi-stakeholder institution exclusively focused on securing collective rights to land and forests. While many community organizations, governments, and international institutions are addressing aspects of the global land and forest tenure crisis, to date, there has been no coherent international body capable of securing the rights of indigenous and local communities while also remaining complementary to ongoing international initiatives and engaged with the private sector. This unmet demand continues to hinder progress on human rights, sustainable development, agriculture, forest conservation, and climate change. Governments face serious challenges to implement tenure reforms and titling.

The Tenure Facility is designed to be strategic and synergetic with local, national, and international stakeholders to foster community level partnership and joint action with governments and the private sector. The Tenure Facility's projects promote local and indigenous ownership and are designed to provide quick and flexible financing that minimizes administrative burdens while ensuring an appropriate control environment.

The Tenure Facility concept was developed by the Rights and Resources Initiative (RRI) coalition. The RRI coalition responds strategically to priorities identified by local communities, complementing and adding value to existing initiatives and ensuring those community organizations and Indigenous peoples' representatives play major roles in guidance and governance. Hence RRI is uniquely positioned to design and establish a Tenure Facility to respond to the needs of Indigenous Peoples and local communities.

1.1.2 Vision of Land Tenure

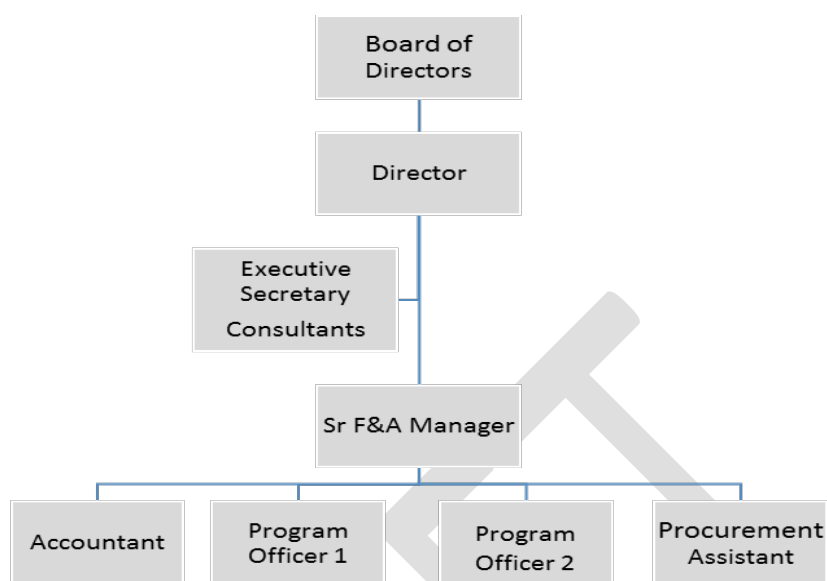
The vision of the Tenure Facility provides is to facilitate grants to advance land and forest tenure security and the rights and livelihoods of Indigenous Peoples and local communities. It is emergent and responsive to the growing global land and forest tenure crisis that often pits communities, businesses, and governments against one another.

1.1.3 Collaborators' Implementation Requirements

The Tenure Facility works with Collaborators or the Project Implementing Teams in developing countries to achieve its mission of securing rights and protecting the world's land and forests. To become a collaborator of the Tenure Facility, an organization must have demonstrated or be involved in a range of activities relating to securing the rights and protecting the land and forest of a particular community. Collaborators are expected to maintain an appropriate control

environment to comply with donor and their own government requirements.

1.1.4 Organizational Chart of the Secretariat

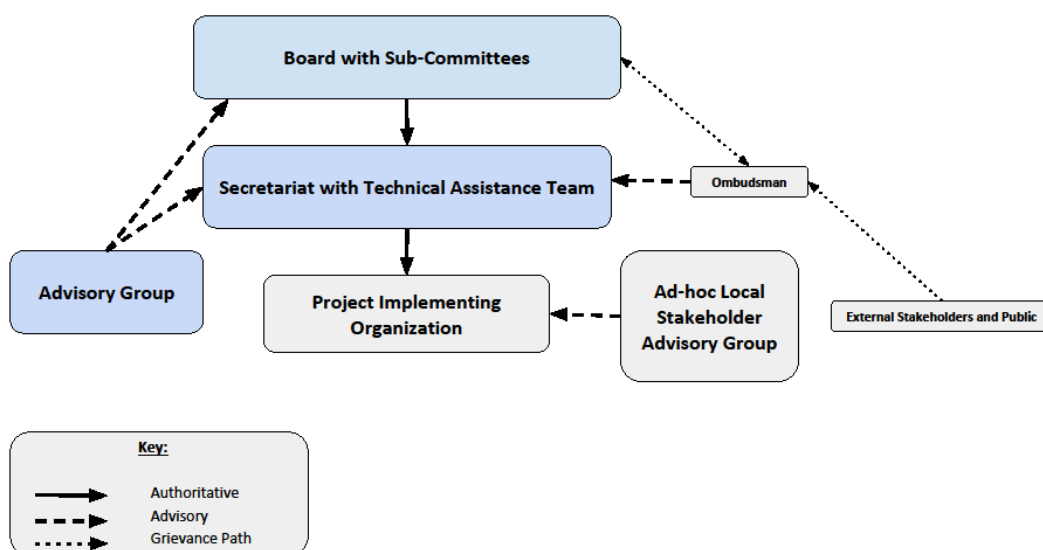


2. MANAGEMENT STRUCTURES AND RESPONSIBILITIES

2.1 Management Structures and Responsibilities: The Board

2.1.1 Structure

The Tenure Facility is led by a board of directors, the secretariat, the Multi-Stakeholder Advisory Group (MSAG) and a Project Implementing Team (Ad-hoc Local Stakeholder Advisory Group).



2.1.2 Responsibilities

The management of the Tenure Facility, along with the implementation of all activities and

programs, shall be done under the authority and supervision of the board of directors.

Accordingly, the board shall be responsible for the following:

- Ensuring that the administration of the TF meets international standards of excellence and its obligations to donors.
- Providing the legal, financial and policy oversight to guide the transition of the TF from the incubation phase to its launch as an independent organization.
- Identifying, selecting, and hiring a CEO or Executive Director (ED) for the Secretariat and implementing agency to shape the direction, governance, and performance of the TF. The Board leads the process of designing and implementing the Facility's duties including seeking new investors, developing a program portfolio, hiring the leadership, and developing and applying good governance and M&E mechanisms.

2.2 Management Structure and Responsibilities: The Multi-Stakeholder Advisory Group

2.2.1 Structure

The MSAG will be composed of representatives from community, Indigenous Peoples, national and international organizations (such as the World Bank and UN) and private companies, members should serve in their personal capacities.

2.2.2 Responsibilities

- Advising the Facility's program design and operations, acting as a strategic information and knowledge-sharing resource, helping the TF avoid duplication of other organization's efforts.
- Although the MSAG has no authority over the Tenure Facility, it works on a regular basis with the Secretariat and implementing agencies, and plays an important role in "check and challenging," presenting perspectives and positions that can inform and strengthen the Facility and the deliberations of the IB and eventual Board in particular
- The MSAG plays a relatively robust role in the spectrum of possible functions for an advisory group. As a 'safe haven' for focused input from stakeholder representatives, the MSAG provides a number of consequential contributions to the design and implementation of the Facility.

2.3 Management Structure and Responsibilities - the Secretariat

2.3.1 Structure

The day-to-day operation of the Tenure Facility is the responsibility of the Secretariat. The Secretariat is headed by a Director, who is assisted by a Sr. Manager of Finance and Administration, other staff members and consultants.

The main functions of the Secretariat include: Central Administration, Finance, Procurement, and

grant management.

2.3.2 General Function of Tenure Facility Secretariat

The CEO and Secretariat serve as the implementation arm of the Facility through the Technical Assistance and Project Implementing Teams. With a small group of permanent staff and a roster of technical experts, the CEO implements, convenes and supports the Facility's project portfolio.

In this role, the Tenure Facility Secretariat:

- Ensures that the collaborators are compliant with the principles, standards, and requirements of the Tenure Facility but also donors and governments.
- Develops and updates financial reporting templates used by collaborating organizations to report on grants received.
- Obtaining and circulating information that will facilitate the achievement of the objectives of the Tenure Facility as may be directed by the board
- Prepares periodic reports, including annual reports, on the operation of the Tenure Facility and the implementation of all programs from the collaborating organizations
- Perform any other duties as assigned by the Chairperson from time to time.

In carrying out these functions, the Tenure Facility engages in the following programs, which further define its role:

- Providing a platform for collaborating organizations and indigenous people to promote their advocacy of land rights
- Provide a platform for collaboration between and amongst organizations on best practices.
- Communicating and sharing lessons learned with collaborators
- Research, Monitoring, and Evaluation
- Center of excellence for grant management and disbursement.
- Governance and Administration
- Engagement with private sector companies and governments to promote land and forest rights

2.3.3 Functions of the Units

a) Office of the Head of Secretariat – Director

Functions: The CEO shall be responsible for the day-to-day operations of the TF and have the general power, authority and duties of supervision and management usually vested in the office reporting to the Chairperson of the Interim Board of Directors and future TF Board. The CEO shall attend Board meetings as an ex-officio member of the IB without voting power. The Secretariat will provide specific funding and administrative support to IB

and MSAG members for expenses incurred and meetings held for TF business.

In addition, the Office of the Director directly supervises the activities of the other key units: Administration, Finance, and Procurement.

b) Finance and Administration

Functions: The Finance Department is responsible for managing the Tenure Facility's financial resources (finance), recording and reporting its financial transactions, and giving sound professional advice to the management and board of the Tenure Facility on issues of financial management. The specific tasks of the Department include:

- Financial policy and regulations
- Budgeting - preparation, administration, and monitoring
- Cash and asset management
- Maintenance of financial accounts and records
- Financial Reporting
- Development and management of administrative policies and procedures
- Management of the Tenure Facility's contract and procurement portfolio
- Managing Grant Compliance
- Plans, coordinates, and directs a broad range of services that allows organizations to operate efficiently

Structure: The Finance and Administration Department shall be structured with the following two basic units: Finance and Administration.

2.4 Human Resources

2.4.1 Staff Regulation

The Tenure Facility is committed to fair, clearly stated, and supportive relationships with our staff. These Staff Regulations of the Tenure Facility have been developed in order to provide a guide to the personnel and related administrative practices of the Tenure Facility and to ensure consistency of personnel and related administrative decisions. It is the intention of the Tenure Facility to administer the personnel programs in a manner which complies with the letter and spirit of all applicable legal and administrative regulations. This document is designed to provide guidance to staff at the Tenure Facility. It is not a part of any contract between the Tenure Facility and its employees. It is only a set of formal guidelines for personnel and related administrative practices.

2.4.1.1 Purpose

These Staff Regulations serve three equally important functions.

- a. To communicate important organization information with employees;
- b. To clearly communicate mutual expectations between the Tenure Facility and employees;
and
- c. To meet legal and regulatory requirements.

These regulations will serve as a vital communications link between management and employees because it clearly states in writing what is expected in a wide variety of areas.

2.4.1.2 Applicability of Regulations

These Regulations shall apply to all staff members of the Secretariat holding a contract of employment. In implementing these Regulations, the Director may issue corresponding, specific additional Staff Rules, as and when necessary.

2.4.2 Employment Policies

The Tenure Facility will adopt the employment policies of the Rights and Resources Initiative.

2.4.3 Employee Information System

2.4.3.1 Purpose

The purpose of the Employee Information System is to maintain basic information on each employee in the organization, which is important for employment record keeping and a variety of personnel decision-making

2.4.3.2 Description and Format

The Administration Department (or person responsible for personnel administration) maintains information on each Tenure Facility employee, which would serve a variety of reporting and decision making purposes. The major component of the Employee Information System is the Employee Personnel File, which is maintained for each employee of the organization. This information system contains personnel and organizational related information related to the employee. These may include such information as:

- Name of the employee
- Employee I.D. #
- Sex
- Date of Birth and Citizenship
- Job Title and Department
- Address
- Home/Office Phone Numbers
- Marital Status
- Date of Hire
- Education Level
- Employment History

- Previous Experience
- Salary Grade and Rate
- Date of Termination

This sample format below may be followed in maintaining the employee's record in the personnel filing system (See Annex No. 10).

2.4.4 *Employee Evaluation System*

2.4.4.1 Purpose

This system is designed to facilitate the review of the work of employees on a regular basis. Such reviews assist the making of decisions regarding merit pay, pay increases, transfers, promotions, training and development, and the continuity of employment.

2.4.4.2 Description and Format

A new employee is to be evaluated at the end of his/her first three (3) months of employment. Thereafter, like all other employees, evaluation will be carried out once a year—usually at the end of the budget/operating year.

Performance appraisal data is collected through the administration of appraisal forms by the supervisor of each employee. The supervisor will proceed to review the performance of the employee for a specified period of time, based on performance criteria set long in advance and understood by the employee.

The appraisal process should be characterized by the following actions:

- An interview between the supervisor and the jobholder. During this interview, job analysis issues should be frankly discussed, with the jobholder given the opportunity to comment on how he/she sees his/her performance and how he/she could do better.
- As part of the interview process, targets, priorities, and actions, where considered necessary for employee improvement in the coming period, should be frankly discussed and agreed. A memorandum should be sent to the jobholder after the discussion stating these targets and priorities.
- The reviewing manager should take particular note of the jobholder's work interests and career aspirations and consider what actions should be taken by the jobholder, or the institution, to improve performance and develop potential.
- Any queries raised by the jobholder about his/her future prospects should be answered as openly and frankly as possible. The information given should be factual and not speculative as it is easy to say things that can unnecessarily give rise to disappointments later on.
- The first section of the performance review form, which focuses on job objectives and targets for the current review process, should be filled by the manager/supervisor and agreed by the jobholder.

- After the interview, the reviewing manager should complete the review form covering his/her overall assessment of the jobholder's performance, estimate of potential, and recommendation for action to be taken. Any problems in completing these sections should be discussed with the countersigning manager.

See Annex No. 9.

2.4.5 Job Analysis & Design Information

2.4.5.1 Purpose

This system exists for the purpose of describing the types of jobs needed in the organization and the qualities of the workers needed to fill them. It is primarily intended to help determine the qualities and types of employees who are to be recruited, which applicants should be selected, where new employees should be placed, and what duties and responsibilities they are expected to carry out in the various positions.

The Tenure Facility maintains the following levels of staffing based on the current structure. Job descriptions and specifications are developed for these jobs and offices:

- Director
- Sr. F&A Manager
- Office Manager
- Accountant
- Program Officer
- Program Officer – Procurement

2.4.5.2 Job Descriptions and Specifications

Forthcoming.

3. DESCRIPTION OF THE GOVERNANCE ENVIRONMENT

3.1 Description of Governance Structure

3.1.1 Ethics Statement

3.1.2 Conflict of Interest

3.1.3 Compensation

3.1.4 Document Retention

3.1.5 Preparation and Filing of 990

3.1.6 Gift Acceptance

3.1.7 Whistle Blower

3.1.8 Institutional Systems and Controls

3.1.9 Emergencies and International Travel

3.1.10 Public Disclosure

[For sections 3.1.1 through 3.1.10, The Tenure Facility will adopt the policies of the Rights and Resources Initiative.]

4. FINANCIAL MANAGEMENT SYSTEM

4.1 Financial Management System

The Tenure Facility's main source of funding will be grants from governments and other donors. In order to effectively and efficiently manage and account for these grant funds, the Tenure Facility is developing this Financial Management System, which sets the standards for financial management and reporting by the Tenure Facility. In addition to these systems and procedures, the TF is to also strictly adhere to the reporting systems, formats, and requirements laid down by individual sources of funding for its programs.

4.1.1 Introduction

This Financial Management System addresses the following key issues of accounting and reporting for resources entrusted to the Secretariat for the running of the Tenure Facility and to collaborating organizations:

- Responsibility for Financial Management
- General Financial Management Policies
- Cash Management Policy and Procedures
- Fixed Assets Management
- Procurement Management

The purpose of this manual is to set out the basic practices and procedures, which should be adopted, in the accounting function of the Tenure Facility. Management should ensure that the practices and procedures in this manual are implemented.

4.1.2 Purpose

To enhance compliance to donor reporting requirements and consistent with generally accepted accounting principles, the Tenure Facility has developed these financial regulations which:

- Define the scope of the financial regulations;
- Describe financial policy and procedures;
- Provide the policy and procedure guideline as to how to monitor, use, and control the available resources;

- Define limits and responsibilities of all staff involved so that the financial regulations may be executed with maximum efficiency;
- Ensure that internal control measures enhance accountability;
- Ensure the systematic recording of all transactions to permit the preparation of financial statements in conformity with generally accepted principles and other donors accounting and reporting requirements in order to maintain accountability; and
- Ensure that the assets of the Tenure Facility are exclusively used for the Tenure Facility business and in accordance with management's authorization.

4.1.3 Responsibility for Implementation

Director

In conjunction with the Sr. Finance & Administration Manager, the Director should endeavor to ensure compliance with the regulations of the manual. In other words, the Director is responsible to execute the financial regulations. However, these regulations may be executed by the Sr. Finance and Administration Manager or any other Officer, as may be delegated by the Director in writing.

Sr. Finance and Administration Manager

It is the responsibility of the Sr. Finance and Administration Manager to ensure the procedures themselves and the rationales behind them are fully understood by all staff with cash/spending responsibilities. For example, the Sr. F&A Manager must brief all new staff with cash/spending responsibilities on the regulations in the manual.

4.2 Financial Policies

4.2.1 General Fiscal Policy Statements

To enable it to effectively control the activities of the Tenure Facility's Secretariat and exercise adequate control over its finances, and for properly accountability of donor's grants, the board of directors promulgated financial policy guidelines to be used. Various aspects of the Financial Policy Management (FPM) are as follow.

4.2.2 Budget

An annual budget covering the calendar year basis is prepared in October of each preceding year and submitted to the board of directors for approval during the annual meeting.

4.2.3 Accounting Basis

The basis of accounting is accrual basis.

4.2.4 Authorized Signatories to Bank Accounts

The Director and the Secretary of the Board of Directors are designated as the primary signatories of

the bank accounts of the TF. The Executive Director will have the authority to delegate responsibility to other staff members as appropriate with written documentation to be maintained by the Accountant. Disbursement over \$10,000 (or appropriate currency equivalent) will require two signatures.

4.2.5 Income

Sources of income are recognized as grants, donations, and charitable contributions.

4.2.6 Authorization of Expenditures

Expenditures are authorized through payment vouchers signed by the accountant provided that such expenditure falls within the limit of the budget approval by the board.

4.3 Financial Policies and Procedures

4.3.1 Cash Receipt & Revenue Recognition

The Tenure Facility is an autonomous organization whose activities are largely funded by government, charitable organizations and other donors.

Revenue is to be recognized on an accrual basis consistent with the terms of the individual donor agreements and appropriate accounting standards in the host country.

When a donor approves a project and transfers fund for same at a bank into the account of the Tenure Facility, the amount transferred should be debited to cash in bank and credited to the project concern.

It is only at the point of approval and transfer of fund by the donor, should the cash be recognized as receipt.

In the case of contributions, cash should be recognized at the point where a check is issued to the Tenure Facility, for deposit into the Tenure Facility account or payment.

4.3.2 Cash Book

A cash book should be maintained for individual donor and charitable contributions. All physical cash movements in and out of the cash book should be recorded immediately in the cash book. It is also a valuable tool for reconciling any differences should they arise. The cash book should be maintained for each month.

4.3.3 Petty Cash

4.3.3.1 Establishment of Petty Cash Fund

Petty Cash is an imprest amount that is intended to take care of small expenses that do not require check writing. To establish a petty cash fund, a written request by the Sr. F&A manager is sent to the director for approval. At most, US\$ 500.00 is appropriated for the petty cash fund. When director approves the request, a voucher is raised to establish the fund. This float shall be reviewed and approved by the Director, from time to time.

When the cash is drawn from the bank, petty cash fund is debited and cash is credited.

4.3.3.2 Petty Cash Scope & Limitation

Since petty cash has been set aside to take care of minimum/small office expenses, it should be used wisely in order to meet its desired objectives. In this case, there must be a reasonable restriction as to disbursement on a daily basis.

Petty cash disbursement per day should not exceed USD 50.00 unless under extreme circumstances, where management is notified and convinced that such payment is to be made.

Because of the limited fund, petty cash should not be used for salary advances or other forms of office staff credit.

4.3.3.3 Petty Cash Management

Payment out of the petty cash fund shall only be made on petty cash voucher, which shall be supported by documentary evidence. The Sr. F&A Manager will authorize petty cash vouchers.

All petty cash vouchers shall be stamped "PAID" and dated after being paid.

A payment voucher, supported by relevant documents (PV), shall be prepared to replenish the petty cash float. Such replenishments shall be approved/authorized by the Director.

4.3.3.4 Petty Cash Disbursement Procedures

The Petty cash fund should be guided by a system and control procedure. The custodian of the fund should ensure that all of the processes are complete and certified before payment is made.

When the need for petty cash disbursement arises, the procedures should be observed:

- i. A written request should be made to the accountant.
- ii. The accountant reviews the request and initials it and should submit the request to the Sr. F&A Manager for approval.
- iii. The approved request goes back to the accountant for the preparation of the petty cash voucher.
- iv. The accountant signs the petty cash voucher and submits same to the Sr. F&A Manager for approval. The voucher should accompany the request for the Sr. F&A Manager to ensure that the amount requested agrees with the voucher amount.
- v. When the voucher is approved, it should now be taken to the Petty Cash Custodian for payment. The custodian should make sure the recipient of the payment signs for the amount received.
- vi. Upon disbursement of the fund, the custodian should file the voucher and the request for payment promptly. Always ensure that petty cash disbursement records are arranged chronologically and intact for accounting and audit purposes.

- vii. Petty Cash recipient should, for the usage of the fund, bring a genuine receipt(s). Said receipt(s) should be attached to the petty cash voucher upon submission. In the case of round town transportation, it is obvious that taxi drivers do not issue receipt to passengers. However, the custodian should ensure that the errand the recipient went on was accomplished.

4.3.3.5 Petty Cash Accounting & Replenishment

Accounting for petty cash fund should begin with journal entries. A petty cash disbursement book or journal should be maintained at all times.

The book can be maintained on computer software or a multi-columnar pad. The computer software preferably, could be in MS Excel.

Whenever petty cash transaction takes place, the accountant/custodian should record in the journal promptly to avoid oversight.

The custodian/ the accountant should record in the journal,

- the date of the transaction
- the name of the recipient
- the purpose of the transaction
- the amount of the approved request/voucher in amount column
- the amount under the expense item (account/code) affected.

At the end of the period (monthly) before replenishment, the individual expense account column in the journal is totaled and the petty cash accountability statement is prepared and submitted along with the petty cash replenishment request.

At the end of the period (monthly) also, the total of the individual expense accounts should be posted to the general ledger under their respective controlling accounts and credit cash.

4.3.3.6 Petty Cash Reconciliation (Annex 8)

The basic principle of petty cash reconciliation is that the beginning balance plus the replenishment and, less expenditure for the month should be equal to the cash balance on hand. Petty cash fund should be replenished when the fund reaches a minimum of US\$100.00 Petty cash fund replenishment request should accompany the petty cash reconciliation statement and should follow the normal cash disbursement procedures. The reconciliation statement should be attached with all the necessary receipts to justify the fund usage.

4.3.4 Bank Reconciliation

Monthly bank reconciliation statements shall be prepared by the Sr. F&A Manager and approved by the Director.

Purpose: Means of control for deposit made against withdrawals based on approved expenditures and disbursements.

Frequency and Reviewers: the bank reconciliation is performed by the Accountant monthly; reviewed and co-signed by the Sr. F&A Manager and the Director.

4.3.5 Cash Disbursement

The Tenure Facility cash disbursement procedures should be consistent with international best practices and specific donor requirements, reflecting the multiple sources of funds and the need for standard financial management practices.

a) Donor's Funds:

Besides donor's regulations relating to the disbursement of project funds, the Tenure Facility should maintain its own internal control in responding to donor regulations as it relates to cash disbursement. Such controls should include the followings:

- When a need arises for the disbursement of cash, a written request should be made to the Director of the Tenure Facility disclosing in detail the need and the amount to be disbursed.
- Upon the approval of the request by the Director of the Tenure Facility, a voucher (See Appendix 4) should be raised indicating all the detail and submitted to the Sr. F&A Manager along with the approved request for review and approval.
- When the Sr. F&A Manager approves the voucher for disbursement, the accountant shall refer to the donor's regulations governing the fund and follow the procedures therein.
- When the donor regulations regarding the disbursement of the fund are certified and the Director gives the go ahead for the disbursement, a check should be written in the amount stated on the approved vouchers.
- The check, after it is written, should go through the internal control process: the Director the Tenure Facility and an additional authorized signatory for disbursement in excess of \$10,000 or the equivalent amount in another currency.

In the case of Goods supplied:

- i. At least three (3) proforma price quotes.
- ii. Invoice from the supplier itemizing the goods supplied, the quantity, and the amount.
- iii. The delivery note to certify that the goods were delivered. The delivery note should be signed by both the supplier and the recipient.
- iv. If the supplier has formal contract or won a bid, the contract or the bid documents should be attached.

In the case of Services rendered:

- i. A certificate of completion or an inspection of job report should be attached.
- ii. If there was a formal contract or a bid was won by the service provider, the contract or bid documents should be attached.
- iii. At least three quotations, with breakdown of activities to be performed, should be attached

Payment will not be made from anything but an original invoice in order to prevent duplicate payments.

4.3.6 Payment Request Register

All payment requests received at the Tenure Facility shall be recorded in the Payment Request Register (Accounts Payable Ledger). The register will be maintained by the Accountant. The register will show all relevant details of the payment request with supporting documents such as:

- Name of the requesting company or organization
- The date the request was made
- The date of receipt of payment request
- Name of consultant / vendor / supplier
- The invoice number
- Consultant / vendor / supplier invoice date
- Payment description
- The amount on payment request

4.3.7 Vendor Payment Management & Preferred Vendor List

- Approved or Preferred vendors list: [The Tenure Facility will follow the policies of the Rights and Resources Initiative.]
- Terms of payment: [The Tenure Facility will follow the policies of the Rights and Resources Initiative.]
- Terms of shipment
- Payment with or without PO

4.3.8 Employee Reimbursements

The Tenure Facility will reimburse its employees for authorized expenses incurred while fulfilling their responsibilities as employees after proper procedures are followed.

Expense reimbursements should be requested using the Expense Report form and completed by following the instruction. Attach appropriate expenditure receipts to the Expense Report. Expenditures will not be reimbursed without appropriate receipts. Expense Reports are to be submitted no later than ten days after each trip ends or every two weeks if expenditures are incurred on an ongoing basis. Your supervisor must approve the Expense Report before reimbursement will be made.

[The Tenure Facility will follow the processes of the Rights and Resources Initiative for credit card policies and procedures.]

4.4 Fixed Assets Management

4.4.1 Definition of Fixed Assets

A fixed asset is an item with a useful life of more than one year. In addition to this definition, it is sometime appropriate to set a minimum value on the cost of items we regard as fixed assets. For we may choose to amend the definition to: "A fixed asset is an item with a useful economic life of more than one year and an acquisition cost greater than US\$1,000.00 or the equivalent amount in another currency.

Fixed Assets include property, furniture and fixtures, Office equipment, leasehold improvements, vehicles and audio visual equipment acquired by or donated to the Tenure Facility. Fixed Assets are capitalized and depreciated over their estimated useful economic lives.

4.4.2 Accounting Policies of Fixed Assets

- Freehold land and buildings shall be capitalized as cost. Such property shall be revalued in the balance sheet based on a valuation performed by a reputable independent agent.
- Land and building held under a long term lease, which qualifies as capital lease under the relevant generally accepted accounting principles, shall be capitalized in accordance with the applicable accounting standards. Revaluation of such leaseholds shall be permitted, if appropriate.
- All other fixed assets shall be capitalized at COST and shall not be revalued. Subsequently (unless their value is impaired in which case the asset shall be written down to its realizable value), leasehold improvements shall be capitalized over the estimated economic life or the term of the lease, whichever is shorter.
- Fixed assets received from donors shall be capitalized at LANDED COST of the asset at port of entry, with any customs, clearing and forwarding charges being expended during the year of acquisition.
- Fixed assets donated by third party donors shall be capitalized at their ESTIMATED FAIR MARKET VALUE, if determinable, or ESTIMATED REPLACEMENT COST. In case where the estimated value is not provided by the Donor and is otherwise not obtainable, valuation should be established by consulting with the donor.
- Depreciation: Fixed assets, except freehold land, shall be depreciated. The fixed assets that

are capitalized should be depreciated on a straight line basis. They shall be depreciated according to rates defined below:

Asset Category	Rate	Maximum Useful Life
Vehicles	33.33%	3 years
Office Equipment	16.67%	6 years
Office Furniture	10.00%	10 years
Communications Equipment	16.67%	6 years
Buildings	10.00%	25 years
Motorbikes	25.00%	4 years
Electrical equipment	20.00%	5 years

4.4.3 Accounting Policies of Fixed Assets

All fixed assets in the possession of the Tenure Facility must be evaluated to determine their accounting treatment. For land and fixed asset with value greater than US\$1,000.00, further criteria (as follows) must be examined to determine the appropriate treatment of fixed asset.

4.4.4 Accounting Treatment

4.4.5 Recordkeeping for Fixed Assets

- Fixed assets require detailed records to be kept over a number of years in the form of a Fixed Assets Register, in addition to the normal accounting records relating to the purchase/sale transactions. A fixed assets register shall be maintained for recording all fixed assets procured or constructed from each project/program fund or donated by any other body. The register shall contain detailed information concerning each asset. The assets shall be code- numbered for proper identification as to category and location.
- The assets register shall be designed to accommodate the additions and disposals of asset entries and update. All movable fixed assets such as vehicles will carry the imprint of the project name.
- Fixed assets verification exercise shall also be conducted to ascertain the existence, custody, location, ownership and conditions of the project's/program's fixed assets.

4.4.6 Administrative Control

For the purpose of proper administrative control and accountability, the following policies shall guide the management of all fixed assets of the Tenure Facility.

- All fixed assets are under the control of the Director.
- The Sr. F&A Manager is the custodian of the Tenure Facility's fixed assets.
- All fixed assets must be numbered/marked for identification and control purposes.
- The Finance division will maintain a fixed assets register to record all fixed assets.
- Authority to purchase fixed assets for the Tenure Facility depends on the approved Annual

Program Budget for the year.

- vi. Disposal of fixed assets must be in accordance with general accepted accounting principles
- vii. Ensure appropriate security, insurance, and conduct proper preventive maintenance.

4.5 Procurement Policy, Standard, & Procedures

4.5.1 Daily Operations

The overall objective of procurement is to provide the appropriate quality and quantity of goods and services to support the Tenure Facility projects and programs at the right time, price, and place and to ensure that the procedures are in accordance with best commercial practices and appropriate donor restrictions.

In achieving this objective, it is important that authority delegated by the Director to purchasing and procurement staff is clearly defined to enable them to act speedily in obtaining the goods and services needed at the right time and in such a way as to obtain the best value for money in a fair and transparent manner.

This means, for example, providing written definitions of which members of staff are entitled to authorize expenditure up to what limit, under what circumstances competitive bids are required and what paper work is required for each transaction.

4.5.2 Procurement Planning

The procurement plan derived from the approved work plan shall be approved as per the financing agreement by the governments or donor organizations. The plan once approved becomes effective and forms the basis of procurement and disbursement.

The Budget and Procurement Plan include the estimates of the cost of each activity based on which the associated procurement method is determined.

4.5.3 Procurement of Goods and Services

This policy will apply to **goods and services** purchased from companies, individuals, government, other not-for-profit organizations, and all other entities. This policy does not apply to implementation sub-agreements signed with other not-for-profit organizations to collaboratively achieve the results of this project.

The Sr. F&A Manager will be designated to review any **exceptions** to this policy, and their review, approval, and justification will be documented and retained with the other procurement documentation.

Any indication or allegation of **corruption, nepotism, illegal practice, or misuse of resources** will be addressed as specified in the main body of this grant agreement letter.

Proof of all payments for goods, services, and reimbursement of expenditures will be maintained by the TF, including date, amount, and recipient of the payment.

Reimbursement of **staff expenditures** will require documentation such as receipts invoices, or other documentation. If certain types of expenditures are below US\$25 and local practices impose undue burden to documentation, the TF may define these types as having optional documentation, but will still assess the appropriateness of each reimbursement.

Price comparison and documentation is expected for all procurement, following the thresholds below in US dollars or local equivalent.

< US\$25	Should be documented with receipts, invoices, or other documentation if possible and appropriate without imposing undue burden due to local practices
\$25 - \$999	Must be documented with receipts, invoices, or other documentation; exceptions must be explained and approved by the above designee. Services procured require a contract agreement specifying the substance, quantity, and quality of the services to be provided.
\$1,000 - \$9,999	The above requirements, plus documentation of at least 3 price quotes, and documentation of the reason of selection. If 3 quotes are not available, this must be explained and approved by the above designee.
> \$10,000	The above requirements, plus a Request for Proposals should be publicly tendered, with documentation of the reason of selection. If a Request for Proposals is deemed not appropriate, this must be explained and approved by the above designee.

The individuals undertaking and making decisions in procurement will be required to disclose any potential **conflicts of interest** based on financial interest or family ties with any vendors and consultants under consideration prior to contracting or commitment to purchase. The above designee will review this and document efforts to mitigate the conflict of interest. If the above designee has potential conflicts of interest, a member of management without potential conflicts of interest will review the designee's disclosure.

All procurement of goods and services must be documented with both a **proof of purchase** documenting cost and a **proof of receipt** of the goods and services procured. Internationally tendered requests for bids or proposals for goods and services must be issued foremost in English in addition to any other languages; where procurement must be local and the primary local language is not English, English is not required. Procurement must also comply with the Terms and Conditions in the main body of this grant agreement.

The purchase of **First Class** and **Business Class fares** for any mode of transportation is not allowable.

For **fuel and oil** expenses, a summary list of the distance covered, the average consumption of the vehicles used, fuel costs and maintenance costs will be documented.

Salary and benefit costs will be documented through the use of time sheets or other method for documenting the time actually spent by employees and consultants working on the activities

supported by this grant agreement. Employee salaries will be based on a rate of pay documented through a letter of appointment or other means standard to the organization, and will be competitive with local standards. Consultant remuneration will be based on a rate specified in a consulting contract, subject to the procurement comparison provisions above.

For **equipment or other durable assets** purchased under this agreement with a purchase cost of at least **€5,000** (Euros) or local equivalent, disposal instructions will be sought from the Tenure Facility at the end of this agreement.

4.5.4 Procurement of Consulting Services

The Procurement Plan drawn for the year should contain consultancy services required for the year. The following additional requirements apply to the procurement of consulting services.

4.5.4.1 Terms of Reference

Terms of Reference (TOR) for specific assignments should be drawn and approved by the Director, and then an Expression of Interest (EOI) is advertised for interested consultants to respond.

The EOIs received are evaluated and a shortlist is drawn from the interested consultants. For all contracts in excess of \$10,000 or the equivalent a Request for Proposal (RFP) document is drawn. The RFP is sent to the financing agency or donor organization for approval, if required. On receipt of the Agency's No-objection to the RFP, proposals are invited from the short listed consultants.

4.5.4.2 Evaluation of Technical Proposals

The technical proposals received from the consultants are evaluated by an Evaluation Panel appointed by the Director. The Panel issues a Technical Evaluation Report.

The Technical Evaluation Report is first sent to the Financing Agency for approval, if required. On receipt of No-objection from the agency, an invitation is sent to the qualified consultants for the opening of financial proposals.

A combined Technical and Financial report, including a recommendation for selection of the most responsive consultant, is issued. The combined report is sent to the financing agency for approval. Upon receipt of approval, the selected consultant is invited for negotiations on financial proposal.

A draft contract is drawn and submitted to the financing agency for review together with the minutes of negotiation. Upon receipt of approval from the agency, a letter of award is issued to the consultant and a service contract is entered into.

4.5.4.3 Donor Requirement

The Tenure Facility Procurement Policy is designed to be as demanding, if not more demanding, than most donor requirements. However, no policy statement can hope to cover every aspect of every donor particular requirements and care should be taken into account at all times.

4.5.4.4 Supporting Documentation

Documentation relating to procurement function (Supply requisition notes, competitive quotes, minutes of Procurement Committee Meetings, etc.) is an integral part of the audit trail. As such it should be retained and filed with the same degree of care and longevity as standard accounting documents.

4.5.4.5 Authorization Limits and Paperwork Requirement

There are no special requirements for single purchases below USD \$10,000, although managers must ensure this threshold is not abused by breaking larger transactions down into smaller installments.

Expenditure above USD \$10,000 must be subject to three (3) competitive quotations. The quotations should be compared in a tabular format. In general, it is expected that the cheapest will be accepted and reason for non- acceptance of the cheapest quotes should be documented.

Acceptance of higher quotes can be justified in a variety of circumstances such as value of money, quality, lead-times, supplier history, etc. documentation relating to quotations must be kept for audit and donor purposes.

4.6 Payroll Management

4.6.1 Payroll System

The Tenure Facility payroll system should be computerized.

4.6.2 Payroll Processing

Changes to the payroll database must be made only on the basis of properly approved and authorized documents. Prior to each payroll submission, the Accountant must inform the Sr. F&A Manager in writing of any changes to the payroll. This should be in the form of a schedule summarizing any changes supported by (1) copies of the appointment letter for new employees showing the salary level and start date, and (2) copies of the letter or memo informing existing staff of any changes to their salary. Once the Sr. F&A has checked and verified the changes he/she should initial the schedule and pass it on to the Accountant.

The Accountant runs the payroll and passes the payroll summary report to the Sr. F&A Manager who verifies that employees has been added or deleted as required and that all changes in salary have been correctly recorded.

The Sr. F&A Manager must sign the payroll summary to confirm that this review has been completed.

The payroll should be verified by the Sr. F&A Manager prior to payment. The verification process should include (1) identifying all changes since the last payroll date (2) ensuring all changes has been properly approved and are supported by correctly authorized documents (3) checking that all terminated employees have been deleted from the payroll or that their final pay has been adjusted to what is specified on the termination form; (4) random checks of the payroll calculations.

The Sr. F&A Manager must sign the payroll summary to confirm that the verification has been completed. The Director should then review the payroll summary and provide the final authorizing signature. The Payroll Summary is then returned to the Accountant who pays the salaries and then raises a payroll journal to recognize the expenditure in the accounts or submits them to the appropriate third party payroll service provider.

4.6.3 Payroll Disbursement

As far as possible, the net pay due to each member of staff should be settled by direct transfer to their bank account. If this is not possible, then the next most preferable option is that payment should be made by check.

4.6.4 Payroll Journal

The payroll Journal helps to ensure that:

- All payroll cost are properly recorded on completion of the payroll even though some physical payments (eg. Payment of Taxes) may take place much later.
- All statutory deductions are paid over to the relevant authorities.

4.6.5 Payroll File

The Accountant must maintain a documentation file for the payroll. As a minimum, this file should contain:

- Original payroll summary for each month with appropriate authorizing signatures
- Copies of all documentation explaining any changes to the payroll (e.g. new staff or new salary levels) and any additional payments or deductions in a given month.
- Copies of correspondence with tax authorities regarding payment of statutory deductions
- Properly authorized time sheets

4.7 Financial Reporting

The Sr. F&A Manager makes regular financial reports on the state of the Tenure Facility's finances. These financial reports are prepared for both internal and external use. They include monthly reports, quarterly reports, annual reports, and other reports, as may be required by the management of the Tenure Facility, donors, and others.

In addition, the Tenure Facility prepares and submits regular reports to donors, as per their requirements laid down in grant agreements.

4.7.1 Monthly Reports

The Sr. F&A Manager should prepare a set of monthly financial reports for review and approval of the Director, followed by distribution to the board of directors. The reports should include: a balance sheet, a statement of income and expenses (operating); a budget-to-actual (budget

performance) report for all accounts included in the annual operating budget with an analysis of significant variances; a list of deferred and receivable funds, and a cash flow projection. The monthly statements will be finalized by the conclusion of the month following the statement period.

4.7.2 Quarterly Reports

In addition to monthly reports, Sr. F&A Manager should also consolidate monthly reports into quarterly financial reports. These reports will be submitted to the board for their review and acceptance at the following board meeting.

4.7.3 Half Yearly Reports

The Director and the Sr. F&A Manager will prepare and submit both the programmatic and financial reports to the board for review and approval.

4.7.4 Year-End Reports & Audit

In the same way as the Half-Yearly report is prepared, so shall the End-of-Year Report. The Director and the Sr. F&A Manager will prepare and submit both the programmatic and financial reports to the board for review and approval.

The end-of-year financial reports should reflect the total income and expenditure activities and outcomes for the entire 12 months of the year ended. A Statement of Income and Expenditure a Balance Sheet and Statement of Cash Flow shall be the main reports components of the year-end financial report.

This report will be initially reviewed by the Director and the Sr. F&A Manager, and then distributed with board members at the annual meeting. They will also be arranged, along with various books of records, for the annual audit of the Tenure Facility accounts.

4.7.5 Donor Reports

Reports to donors shall be presented in accordance with the requirements of the agreements entered into with them. The main financial reports that may be required by donors during the life of a project are:

- Initial Budget
- Interim Report(s)
- Budget Revision Request
- Final Report (which may need to be audited)

The following sections address typical consideration for each of these reports.

4.7.5.1 Initial Budget

The more accurate the initial budget is, the easier reporting against it will be during the lifetime of

the project. It is essential that great care be taken in preparation of project budgets and that all relevant parties are involved are gathering and collating the information that goes into them.

One of the key responsibilities of the Sr. F&A Manager in this process is to ensure it complies with the donor guidelines and is set up in a way that will facilitate easy reporting from the software that will be in use or by user friendly excel spreadsheets.

4.7.5.2 Interim Reports

The frequency of interim reports and the deadlines for their submission will be contained in either the donor guidelines or in the project contract. Reporting deadlines must be complied with at all times.

Usually donors have prescribed formats, generally the budget with additional columns to analyze variances. Usually the financial report has to be submitted at the same time as a narrative report detailing project progress. It is very important that you review the two reports together to ensure that they are consistent.

The time frame for interim reports is normally a three-month period. Some donors will release the next tranche of funding only after the approval of interim reports, so it is important from a cash-flow perspective that these reports are submitted on time.

The interim report gives the donor a picture of how financial execution of the project is progressing. In this respect it will also indicate when there is a need to change the project budget- i.e. if budget variances exceed the per cent allowed by the donor. Again, this makes timely preparation and submission of reports an essential pre-requisite of good financial management.

4.7.5.3 Budget Revision Reports

Donor guidelines normally stipulate the degree of variation that they allow between individual line items or between budget sub-headings. Changes in circumstances may cause expenditure to vary from the initial budget by more than the permitted amount (e.g. sudden unforeseen price changes or alteration in project priorities). In cases like this, an application must be made to the donor for a budget reallocation. This applies whether the budget is over spent or under spent, as donors generally dislike under spends just as much, if not more, then overspent budgets.

Budget revisions must be applied for at the earliest possible moment ideally as soon as the need becomes apparent. This highlights the necessity for close monitoring of the management accounts by the responsible members of staff.

A budget revision will usually also need to be submitted to the donor when it becomes necessary to utilize any contingencies in the budget. Normally the donor must approve the specific allocation of the contingency prior to the funds being committed or spent.

When it looks like budgeted funds will not all be spent within the original project implementation period, it may be possible to submit a “no-cost extension” request. This allows the implementation period to be extended with no additional cost to the donor. Not all donors allow this (some organizations, for example, often specifically excludes it) and few donors like or encourage it. So it

should be a last resort and when you decide to use it, make sure you apply for the extension well in advance of the end of the implementation period.

4.7.5.4 Final Report

Donors may have varying deadlines for submission of the final report-generally two to three months after completion of the project. The final report will usually include narrative and financial reports submitted together which must be consistent with each other.

4.8 Grant Compliance

A primary focus of the Tenure Facility is to provide assistance to the grantees on how they should comply with the donor's requirements. The Tenure Facility shall assist grantees in understanding all donor financial regulations and will advise and ensure that internal controls are maintained, understood and appreciated by grantees. The organization shall provide necessary support, as it is able to provide within the available resources.

4.8.1 Introduction

Donor reporting is one of the biggest challenges facing accountants, mainly NGO accountants. Each donor agency has its own specific guidelines, rules and formats for proposals and reports, including the types of costs they can and cannot fund. Many have sub-agencies that manage grants in particular sectors and for different types of scenarios. Government agencies often have separate departments responsible for disasters/emergencies and development activities. The more donors associated with a particular project, the more complex the reporting process can be.

It may not be possible to give detailed analyses of various rules in this manual. However, guidelines are usually sent out by the donor with the grant confirmation letter or with the contract they ask the grantee to sign.

When the grantee receives such a document, it is important to check what one has agreed to do as part of the agreement for funding with the donor. Conditions imposed by donors can include the following:

- Interim reports - frequency, format and style of reports, usually quarterly to coincide with release of grant installments
- Scope and designation of funds - what funds may or may not, be used for; whether funds can be carried forward from one financial year to the next.
- Administrative overheads - the specific items that are allowable or excluded, or a percentage limit based on the total grant.
- Budget line items - specific budget headings/account classifications which correspond with the original grant application
- Budget revision policy - permission (or how to get it) to transfer surpluses in the budget from one heading to another, and within what limits.

- Accounting method - Accrual or Cash accounting
- Bank accounts and interest - separate bank accounts are required by some donors and often there are rules governing the use of any interest earnings.
- How to treat fixed assets purchased with a grant - often with additional reports specifically governing such purchases.
- External audits - some donors require a separate external audit.

4.8.2 *Procedures*

- When a new grant is received or renewed, a copy of the executed grant must be forwarded to the Accountant.
- The Accountant should set up a permanent file for the grant and maintain the contract along with any other financial correspondence regarding the grant.
- It is the responsibility of the Sr. F&A Manager to review the grant contract and extract any fiscal items which must be complied with by both the grantee and the Tenure Facility. Typically, these may be required in time to facilitate the donor's own reporting needs.

4.8.3 *Compliance with Donors Requirements and Accounting Principles*

- It is a policy of the Tenure Facility to adhere to any restrictions imposed by its funders, both governmental and private. Therefore, the Tenure Facility's employees are expected to bring to the attention of management, any instances of non-compliance.
- When the Tenure Facility is expending government or donor funds, prior written approval from the funding agency is required for certain purchases, particularly capital items. This should be clarified in the funding agreement

4.9 **Audit: Scope, Requirements, Standards and Procedures**

An external audit is an independent examination of the published financial statements prepared by the organization. The audit must cover all activities during the financial year, which maybe the same as the calendar year.

4.9.1 *External Audit*

The purpose of the external audit is to verify that the annual accounts provide a true and fair picture of the organization's finances and that the use of funds is in accordance with stated policies, aims and objectives and the terms of any agreements with donors. It is generally for the benefits of those outside the organization, e.g. donors. However, for those inside the organization, the audit should be a positive experience and not one to be feared; it is an opportunity to receive feedback on strengths and weaknesses in the accounting systems and procedures and (particularly the management letter) to discuss ways of improving them.

The external audit requirements as specified in the financing agreements shall be strictly followed

by the organization and may thus vary from donor to donor. The financial statements of the organization shall be each year in accordance with International Standards on Auditing (ISA) or Standards acceptable to donors.

Audit scope will vary from one project to the other because of different implementation arrangements and other differing requirements.

The auditor's formal contract shall set out the responsibilities of the auditor. The contract shall include:

- Confirmation of acceptance of the appointment including reference to terms of reference
- The organization's responsibilities, particularly the preparation of financial information
- Access to premises and documents the auditor may require
- The expected date the audit report will be issued
- The basis on which fees are determined, and billing arrangement

[The selection of auditors will follow the selection process of the Rights and Resources Initiative.]

4.10 Chart of Accounts

4.10.1 Purpose and Structure

The Chart of Accounts is a coding system for identifying and classifying financial events so that accounting data satisfy both internal and external financial and managerial report needs and requirements. The coding scheme greatly facilitates record keeping and is particularly essential if there is possibility of automating the accounting system.

This section of the manual has been written to provide a means of identifying and grouping financial data and also assist the Finance Department of the Tenure Facility to record financial events relating to the organization and following institutions:

- Internally, the board of directors
- Funding agencies, both local and foreign institutions
- Government regulatory agencies; and
- Professional evaluating organizations and institutions

We have applied a great deal of efforts and care in ensuring that the chart of accounts presented here satisfies three basic requirements of Management Accounting Structure (Chart of Accounts), which are:

- Flexibilities of providing the means to arrange and report financial data from various perspective and at various levels of aggregation;
- Informatively of allowing for sufficient details in classifying and recording financial events; and

- Efficiency in terms of relative ease of implementation and maintenance.

The chart of accounts has been classified in the listing of the General ledger codes and titles of General ledger accounts.

5. MONITORING, EVALUATION, AND REPORTING

5.1 Monitoring Evaluation and Reporting Framework

Monitoring, evaluation, and reporting are essential feedback mechanisms for assessing and communicating the effectiveness of organizational programs and activities. With monitoring and evaluation, we can:

- identify problems and their causes and suggest possible solutions to them;
- Raise questions about assumptions and strategy;
- Lead us to reflect on where we are going and how we are getting there;
- Provide information and insight into a broad variety of organizational issues, especially those that support decision making – at all levels;
- Increase the likelihood that we will make a positive development difference.
- Help facilitate the improvement in the program impact of collaborating organizations

5.2 The Tenure Facility M&E Reporting Policy

5.2.1 Objectives of M&E

There are five (5) basic objectives for M&E and Reporting at the Tenure Facility:

- i. To assess the actual results and impacts of the Tenure Facility's activities against planned results and impacts;
- ii. To provide a basis for decision-making on issues of policies, strategies, program management, procedures, and projects;
- iii. To promote accountability and the proper use of resources intended for the work of the Tenure Facility;
- iv. To document, provide feedback on, disseminate, and be guided by results and lessons learned from the operation of the Tenure Facility; and
- v. To communicate with all stakeholders including donors on the experiences, outcomes and challenges of the outcomes of the Tenure Facility's collaborating organizations programs impact.

Monitoring and evaluation activities are seen as an investment rather than a cost. By investing in these activities, the Tenure Facility gains credibility that translates into better relations with all of its stakeholders, including donors. Furthermore, improved learning translates into more effective and

efficient practices.

More specifically, the Tenure Facility M&E Reporting Policy is designed to check progress, results, and experiences of program implementation and to communicate same periodically with all stakeholders. It will address such issues as:

- performance of projects
- adequacy of policies and procedures;
- changes in operating environment
- country capacities for addressing donor grant requirements
- changes in policies affecting the environment of The Tenure Facility
- stakeholders' participation

See The Tenure Facility Monitoring and Evaluation Framework in the annexes of the Advisory Group Meeting and Interim Board Meeting Book.

5.2.2 Annual Report for Independent Monitor

An independent monitor will conduct an annual independent evaluation of The Tenure Facility.

ANNEXES

Annex 1 Cash Payment Voucher

Cheque Payment Voucher		NO:	
Address: _____ _____ _____		Cheque No: _____ Date: _____	
TRANSACTION	LID		USD
ACCOUNT	CODE	DEBIT	CREDIT

Received by: _____

Signed By: _____

Prepared By: _____

Checked By: Accountant

Approved By: Sr F&A Manager

Annex 2 Purchase Order

Purchase Order		No.	
To: _____ _____ Date: _____ _____		Address: _____ _____ _____	
		Unit Price	
Total			
Amount in Words			
<i>Please enter our order for goods listed above. The right is reserved to cancel this order if not delivered within a reasonable time. Materials furnished not in accordance with our policies will be acquired at your expense.</i>			
		Authorized Signature	
For TF Use Only	Requested By:		

Annex 3 Procurement Plan

Procurement Plan															
Item	Item Description	Sub-Units	Total Quantity	Estimated Total Cost	Procurement Method	GPN	Domestics Advertising	Threshold	Bank Approval	Bid Process	Contract Award / Type of Contract	Placing of Order	Deliverables	Procurement Arrangements	Expediting Updates / Clearance Plans

Annex 4 Cash Book

Cash Book					
Name of Donor:					
		Ref. No.			

Annex 5 Check-Issued Register

Check-Issued Register							
Name of Bank / Branch	Payee	Invoice Number	PO No.	Check No.	Date	Amount	Signature

Annex 6 Fixed Asset Register

Fixed Asset Register												
Ref	Description	Transaction Date	Supplier	Balance b/f	Additions	Disposals	Balance c/f	Depreciation rate %	Balance B/F	Annual Charges	Balance c/f	Remarks

Annex 7 Petty Cash Voucher

Annex to be inserted.

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Annex 8 Petty Cash Reconciliation

Annex to be inserted.

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Annex 9 Employee Evaluation Form

Annex to be inserted.

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Annex 10 Employee Record Form

Annex to be inserted.

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Annex 11 Work Plan

Annex to be inserted.

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Pilot Project Information and Progress Table

As of March 6, 2016

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1. Indonesia – AMAN

Title of the pilot project:	Contributing to the Legal Recognition and Tenure Rights of Indigenous Peoples
Agreement signed with:	AMAN
Partner(s):	No partners; AMAN and its regional branches are sole implementing organization
Associate(s):	Other organizations will be involved in the implementation of activities. Collaboration arrangements will be established during project preparatory phase and in a flexible manner during project implementation.
Location(s) of the project:	Indonesia national level, and eight pilot districts.
Project duration:	15 months May 2015-2016 plus additional 3 months for project administrative close. Request for support for additional 12 months received in February 2016, responding to an offer made by TF in 2015, at time of approval of pilot grant.
ILFTF financing requested: (amount)	USD 750,000 Midterm narrative report accepted December 2015; Midterm financial report accepted February 2016; second payment made 3 March, 2016.
ILFTF financing requested as a percentage of total budget of the project: (indicative)	100 %
Objectives of the project:	<i>Overall objective:</i> Contributing to the legal recognition and protection of tenure rights of IPs. <i>Specific objective(s):</i> <ul style="list-style-type: none"> Increased readiness at the district level for legal recognition of the tenure rights of IPs Strengthened legal and administrative instruments at the national executive and legislative levels towards the recognition and protection of tenure rights of IPs
Final beneficiaries:	Indigenous communities, including women and marginalized groups within communities, in the project sites, IPOs and CSOs in the project sites (AMAN district level chapters, associated IPOs, and CSOs), District government, AMAN, CSOs, Public sector agencies relevant to forest tenure, Office of the President, National

	Parliament.
Expected results:	<p><i>Component 1:</i></p> <ul style="list-style-type: none"> • Formalized, shared understanding on IPs' tenure rights in project district government institutions and district parliament; • Improved skills in project sites in preparing legal drafts of district legislation and regulation on the recognition and protection of IPs' tenure rights; • Draft of district legal and/or administrative instruments on the recognition and protection of tenure rights of IPs formulated; • Process of generating sociocultural and land use data complementing existing participatory maps in 8 project sites started. <p><i>Component 2:</i></p> <ul style="list-style-type: none"> • Increased executive commitment to establish the Presidential Task Force on IPs and/or the executive order to implement the Constitutional Court ruling no 35/2012; • Increased understanding of the members of the National Parliament on the tenure rights of IPs; • Developed commitment towards the establishment of the IPs caucus in the Parliament.
Results and challenges reported:	<p><i>Results:</i></p> <p>Progress and achievements vary from one district pilot to another. Kabupaten Lebak for example is the most progressive one where on 19 November 2015, the Lebak District Parliament in Banten Province adopted a Local Legislation on Indigenous Peoples. The Bulukumba District Parliament in South Sulawesi also adopted Local Legislation Concerning the Kajang (Ammatoa) Indigenous Peoples in November 2015. The Bulukumba's Legislation took almost three years (since 2012) to adopt and the ILTF support has enable AMAN to facilitate various meetings to ensure all strategic actors in the District agreed to push for its adoption. Except for Mentawai District, other pilot districts are progressing well in 2015 and will carry on in 2016. They are: Ende District, Bulungan District, Luwu District, Banyuwangi District, Sumbawa District, Halmahera Tengah District, and Enrekang District.</p> <p>Project leader Rukka and TF focal point consultant Chip Fay participated in TF February M&E/LL workshop in London, shared updates and communications/lessons learning plans.</p> <p><i>Challenges: (from midterm report)</i></p> <p>During the first 6 months of project implementation, challenges revolved around a situation when government and House Representatives issued laws and policies that are not in line with the spirit of recognition and protection of IPs contained both in the constitution and Constitutional Court Decision 35/2012. For instance, Law No. 18 of 2013 on Prevention and Eradication of Forest Destruction, which in fact ensnares indigenous peoples. Some victims under the implementation of this Law among other</p>

	<p>are 4 members of Semende Banding Agung indigenous peoples who were sentenced to imprisonment, in addition to Agrarian and Spatial Affairs Ministerial Regulation No. 9 of 2015 on the Communal Land Rights. These regulations not only block the possibility of structural conflict settlement on rights to land and territory, but also trigger horizontal conflict on the ground. One other challenge at the national level is PPHMA bill has not been registered in the 2016 National Legislation Program. No one can ensure the hearings and consultations made by AMAN, which then generated commitment from some factions in the House Representatives and MPs, can be well maintained until PPHMA bill determined as priority of the 2016 National Legislation Program.</p> <p>At the local level, the legislation process is running rapidly. Thus, AMAN needs to act quickly to respond to various developments at the local level. While on the other hand, AMAN regional and local chapters encounter complicated local political situation. The entry of Local Regulation draft on indigenous peoples in the Local Legislation Program of pilot and non-pilot areas, partly responds the urge of indigenous peoples. In this context, the challenge is how to harness and fill the legislation processes of indigenous peoples, making it a public awareness, especially in local level bureaucracy, so that once Local Regulation related to indigenous peoples is enacted, it can be well implemented.</p> <p>Rapid legislation process leads to other challenges in the project implementation, i.e. limited time. In general, Local House Representatives shall determine Local Legislation Program in November of each year, containing a list of local regulation drafts to be discussed from January to December of the subsequent year. If not approved until December, then public pressure is important for a draft to be included into the next Local Legislation Program. Currently, the policy draft in eight pilot areas have been included in the 2015 Local Legislation Program, meaning the remaining time is only 3 months. If it is not passed in December 2015, intensive advocacy works and public pressure are required in order to make the draft included in the 2016 Local Legislation Program. Some of local regulation drafts in the pilot areas namely Luwu, Ende, Enrekang, and Lebak, have reached the advanced stage and anticipated to be enacted toward the end of 2015. Work in areas with less advanced stage will be continued in 2016.</p>
Adaption to challenges: (from midterm report)	<p>Some strategic acceleration measures to be done in this project, in order to respond the existing challenges:</p> <ul style="list-style-type: none"> • AMAN needs to perform monitoring and intensive advocacy with the House Representative and Government, encouraging them to incorporate PPHMA bill into the 2016 National Legislation Program in November 2015. In line with this interest, as well as for long term interest, AMAN needs to speed up the meeting agenda of legislator originating from indigenous people to take action and drive the acceleration of laws and policy making in various government level. • It is important to maintain the study on state laws and policies to see what

	<p>kind of policies should to be issued, and which policies should be amended, revised, or even revoked. Results of this study will be presented in discussions and dialogues with Government and House Representatives.</p> <ul style="list-style-type: none"> • During project implementation in the field, acceleration is required both in indigenous territory mapping and social data mining, and preparation and refinement of academic papers and Local Regulation Draft. In addition to intensively empower internal resources, AMAN needs to mobilize national and local networks to carry out these activities collectively. • Given the fact that some districts and provinces other than the pilot areas are encouraging the legal recognition and protection of indigenous peoples, AMAN, through the support of this project, needs to extend the working area, not only in the pilot areas, but also in other potential districts and provinces.
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2. Panama – COONAPIP

Title of the pilot project:	Pilot Project with the National Coordinating Body of Indigenous Peoples in Panama (COONAPIP)
Proponent:	The National Coordinating Body of Indigenous Peoples in Panama (COONAPIP)
Agreement signed with:	Program for Social Promotion and Development (PRODESO)
Partner(s):	Traditional authorities (Congresses & Councils) of participating indigenous territories & COONAPIP
Associate(s):	<ul style="list-style-type: none"> Government of Panama: National Land Administration Authority (ANATI); National Environmental Authority (ANAM); National Commission for Political and Administrative Limits; National Geographical Institute “Tommy Guardia”. Rainforest Foundation US Others to be finalized during implementation: Univ. of Panama’s Law Faculty; University of Oklahoma; University of Saskatchewan; Panama College of Lawyers
Location(s) of the project:	Panama: Panama City and up to 12 indigenous territories.
Project duration:	<p>15 months</p> <p>June 2015 - September 2016, including 3 months for administrative closing.</p>
ILFTF financing:	<p>USD 574,680</p> <p>Midterm narrative and financial report accepted in February 2016. Second payment sent in February 2016.</p>
% ILFTF total financing:	<ul style="list-style-type: none"> Approximately 96%, without accounting for in-kind financing from COONAPIP, Government, or communities. The 4% sought from Univ. of Panama (co-financing, develop Diploma Course in Indigenous Rights) and through a 25% cost sharing from lawyers taking project developed courses Rainforest Foundation US is supplying parallel financing, totaling \$90,082 in 2015, for activities related to titling of the Collective Territories of Bajo Lepe and Pijibasal, and additional funding in 2016.
Objectives of the project:	<p><i>Overall objectives:</i></p> <ul style="list-style-type: none"> The collective rights (land, forest and, water) of Panama’s Indigenous Peoples are consolidated and protected. The design of the International Land and Forest Tenure Facility is tested and

	<p>the lessons learned in pilot project cycle are systematized for the benefit of the Facility's design.</p> <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> Existing opportunities with the Government of Panama capitalized upon to accelerate processes of land titling, registry and conflict resolution and strengthen governance of indigenous territories. Institutional capacity developed to support the full exercise and protection of indigenous territorial rights.
Final beneficiaries:	Indigenous Peoples, communities and their traditional authorities (Congresses/Councils), COONAPIP, relevant government agencies.
Expected results:	<ul style="list-style-type: none"> COONAPIP's capacity is strengthened for the provision of legal services in support of Indigenous Peoples full enjoyment, exercise and protection of their rights to land, water and forests. Traditional indigenous authorities are educated on priority issues of indigenous rights and have permanent and continuous access to legal advice and services in support of the advancement of indigenous rights and territorial governance. The Collective Territories of Bajo Lepe and Pijibasal are titled, registered and the title documents provided. Significant progress is achieved in the legal and administrative processes for the titling of the Territory of Maje Embera Drúa.
Results and challenges reported:	<p><i>Mid-term report submitted January 2016</i></p> <p><i>Results:</i></p> <ul style="list-style-type: none"> The organizational phase of the Legal Clinic has been completed within the originally projected timeframe and COONAPIP's Junta Directive has approved the strategy and the internal statutes and regulations for the operation of the Clinic. As of 1 February 2016 the Legal Clinic began operation as a formally constituted arm of COONAPIP. Under the umbrella of the Legal Clinic: <ul style="list-style-type: none"> A "Program for Legal Assistance to the territories of Maje Emberá Drúa and Bajo Lepe/Pijibasal began early in the project. To date the greatest demand has been for direct legal assistance and some 50% of the funds programmed for those ends has been utilized with good effect. See below for details. An agreement with the Universidad de Panamá was signed and a diploma course in indigenous rights (entitled "Legal Administration

	<p><i>and Organization of Territories Within the Framework of Indigenous Rights”) developed and validated. The announcement of the offering of the first course was made in mid-February.</i></p> <ul style="list-style-type: none"> ○ A two day workshop for Naso leaders and community members (50 people, 30% women) in their territory on national laws governing recognition of indigenous territories. Support to the Naso is a national priority for COONAPIP. • COONAPIP’s strategy for communications (<i>Incidencia Política</i>) has been completed and its implementation began in February. • The development of the modules for training of local indigenous authorities (and other local actors) has been contracted out and the following modules are being developed, based on results of stakeholder consultations: Indigenous Rights in National and International Law; Mediation and conflict management; Land Tenure; Leadership and; Contracting Processes. • Support to titling processes in: <ul style="list-style-type: none"> ○ Maje Embera Drua – Two training workshops (60 people, 30% women) on indigenous rights; completed diagnostics, prioritization processes and planning with local authorities and communities of Maje Cordillera and Unión Emberá for advancing titling processes; a communications and promotion strategy and program was agreed; successful negotiations were held with Government to deploy the required functionaries from two agencies (Land Administration and Mapping) in February 2016 to review and validate limits and identify conflicting claims and; ongoing follow up with Government by COONAPIP and local authorities to ensure processes completed. ○ Bajo Lepe/Pijibasal – In close coordination and cooperation with Rainforest US, the inspection of limits has been carried out by government with Community participation and Agreements with Colonists (Resolution of Conflicting Claims) have been reached so now the formal titling process has advanced about 75% and may move forward. All necessary documentation has been submitted to Government and it is under final revision by them. • Mid-term Review: COONAPIP’s Junta Directiva evaluated the implementation experience to date in January 2016 and concluded that Project objectives, goals and desired results remain highly relevant, valid and feasible to achieve <p><i>Challenges reported:</i></p> <ul style="list-style-type: none"> • Government agencies have been slow to respond in the performance of
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	<p>their administrative responsibilities to advance titling processes. This has been confronted with a dual strategy. One, through the figure of the Legal Clinic, COONAPIP has mobilized indigenous lawyers to attend meeting with government agencies and their lawyers to reach concrete agreements on timing, based on the agencies own norms. And, two, widely publicizing the through formal and informal media the agreements and agreed dates for action to make it publicly difficult for the agencies to not comply. One example is the Maje Embera Drua case where the agencies responsible for review and validation of limits and identification of conflicting claims proposed to carry out their field work “sometime” in coming months as budget became available. COONAPIP’s legal team was able to extract a commitment that they do the required fieldwork in mid-February and this commitment was published in the national press.</p> <ul style="list-style-type: none"> • Given Government’s slow response and the potential for conflict with the colonists that have invaded into the Maje Embera Drúa lands, we now estimate that we can achieve about 75% of the formal titling processes with Government thru the Project. Originally, the goal was set as “significant advances in titling”. The 75% advance will be “significant” but we are not at all sure that actual titling could be achieved because of these factors. • Internal politics of COONAPIP caused a one month delay in startup, but these were resolved through an extraordinary session of the COONAPIP Congress. • Internal conflicts associated with the change in leadership in COONAPIP resulted in a temporary paralysis of activities for the field work in Bajo Lepe y Pijibasal, but those were overcome thru negotiations and the work moved forward successfully after a 5 week delay. <p><i>Additional updates from:</i></p> <ul style="list-style-type: none"> • Project leaders and TF focal point consultant (Osvaldo Jordan) actively participated in TF 2-3 February M&E/LL workshop in London, shared updates and communications/lessons learning plans. • TF Consultant Jim Smyle has carried out three monitoring and TA visits in 2015, and plans next visit in April/May 2016.
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3. Peru – FENEMAD & SPDA

Title of the pilot project:	ILTF Pilot Project in Madre de Dios, Perú
Agreement signed with:	Peruvian Society for Environmental Law (SPDA)
Partner(s):	Native Federation of the river Madre de Dios and Tributaries – FENAMAD SPDA
Associate(s):	Regional Government of Madre de Dios
Location(s) of the project:	Madre de Dios, Perú
Project duration:	14 months October 2015 - December 2016, including administrative close
ILTF financing requested: (amount)	USD 748,852 First financial report due April 2016
ILTF financing requested as a percentage of total budget of the project (indicative)	84%
Objectives of the project:	<p><i>Overall objective:</i></p> <p>Contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco, Peru.</p> <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> • Proper management of the natural resources and the ability to exercise collective rights are strengthened in the communities benefited by the project. • Strengthening of the political advocacy activities and indigenous legislation promoted by FENAMAD.
Final beneficiaries:	Native communities (Indigenous Peoples), indigenous peoples in voluntary isolation and initial contact, Regional Government of Madre de Dios – GOREMAD (entities involved: Regional Agricultural Department and Department for Physical and Legal remediation of rural property).
Expected results:	<ul style="list-style-type: none"> • The realization of the remediation and consolidation of the titles, Physical and Legal land plans for 5 communities. • The regional Forest Monitoring Initiative of FENAMAD is strengthened. • A system of legal defence of territorial rights of the native communities and

	<p>the Peoples in Voluntary Isolation is operative.</p> <ul style="list-style-type: none"> • An indigenous territorial Multiplatform web site is created and operative. • Platform for the Committee for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPACI) is operative. • Better visibility of the actions of FENAMAD in favour of the indigenous peoples of Madre de Dios.
Results and challenges reported:	<p><i>First report due April 16, 2016.</i></p> <p>Consultant Martin Scurrah (TF Focal Point for Peru) regularly updates on progress and relevant situation in Peru. Martin made a monitoring visit to project site in January 2016, and found that project is underway, equipment purchased, and all five communities are beginning official demarcation with regional government and FENEMAD team.</p> <p>SPDA and FENEMAD designated TF Focal Point Martin to participate in TF 2-3 February M&E/LL workshop in London, where he shared their updates and communications/lessons learning plans, because new FENEMAD president just took office on 1 February. There is a project pause during February to allow new president to learn more about and take up leadership of the TF project. FENEMAD president will visit TF office in March, accompanied by SPDA project leader.</p>

4. Mali – CNOP & HELVETAS MALI

Title of the pilot project:	Land and Forest Tenure Support Project Benefiting Local Communities in Mali
Agreement signed with:	HELVETAS Swiss Intercooperation
Partner(s):	<i>Coordination nationale des organisations paysannes au Mali</i> CNOP Helvetas Mali
Associate(s):	
Location(s) of the project: — <i>specify country, region(s) that will benefit from the action</i>	Republic of Mali (West Africa) Koulikoro, Sikasso, Segou and Kayes Regions
Project duration:	14 months November 1, 2015 to December 30, 2016, including administrative closing.
ILFTF financing requested (amount):	USD 657,400
ILFTF financing requested as a percentage of total budget of the project (indicative):	100%
Objectives of the project:	<p><i>General objective:</i></p> <p>Accelerate the implementation of innovative measures contained in the new land policy for decentralized and peaceful management of natural resources.</p> <p><i>Specific objectives:</i></p> <ul style="list-style-type: none"> • Strengthen village and community land commissions' operability • Demonstrate the constitution of collective rights in: i) a pilot intercommunal forest ii) a negotiated accord between a local community and a mining company with regards to its social and environmental responsibilities. • Host a strategic dialogue space on the implementation of the agricultural tenure policy and law.

Final beneficiaries:	<ul style="list-style-type: none"> • Grassroots communities and their organizations • Family farms (including small farms) • Vulnerable groups (Youth, women, migrants, herders) • National authorities on land governance
Expected results:	<p>a. Dynamic related to the land commission:</p> <ul style="list-style-type: none"> • Eight community COFOs are created and recognized; • Nine village COFOs are created and recognized; • Work tools and forms for land management organs are available; <p>b. Dynamic related to the collective rights of forestry and mining tenure:</p> <ul style="list-style-type: none"> • An intercommunal forest is identified and a consensus is obtained regarding its constitution; • A support agreement is signed between a private company (mining) and a communal council; <p>c. Dynamic related to national-level pilot and dialogue:</p> <ul style="list-style-type: none"> • A national, multi-stakeholder coalition is hosted around the implementation of the tenure policy
Results and challenges reported:	<p><i>First report due May 30, 2016</i></p> <ul style="list-style-type: none"> • Project leaders actively participated in TF 2-3 February M&E/LL workshop in London, shared updates and communications/lessons learning plans. <p>Progress update from Helvetas 5 March 2015:</p> <ul style="list-style-type: none"> • The staff of Helvetas Swiss Intercooperation and CNOP agreed upon the terms and conditions of the implementation of the project and clarified administrative and financial procedures through different working group sessions. Helvetas and CNOP signed a collaborative agreement as a result of these sessions. Staff have been recruited, including a coordinator within Helvetas, a project leader within CNOP in Bamako, and five facilitators placed within the local branches of AOPP in the project's five areas of intervention. A 4x4 vehicle for coordination and five motorbikes for facilitators' transportation were purchased. • The project was effectively launched in each of the five areas of implementation. Local workshops allowed the introduction of facilitators to

	<p>local authorities and within collectivities and local communities. The official project launch is planned with relevant ministries and government agencies, including the High Council of Collectivities and the National Assembly.</p> <ul style="list-style-type: none"> • A workshop in Bamako convened the following representatives: leaders from Helvetas and CNOP, a team from the permanent secretariat of the High Council of Agriculture, the National Council on Issues of Transparency in Mining Governance in Mali, AOPP representatives from concerned areas, and NGOs. The workshop provided an opportunity to update everyone on the context of land, mining, and forest governance in Mali. The roles and responsibilities of the different actors responsible for the project's implementation were also clarified during the workshop. The following items were developed during the workshop: <ul style="list-style-type: none"> ○ An action plan for facilitators to be used as an indicator in the implementation of activities ○ Support plans for NGOs, assorted collaborative agreements, and terms of reference ○ A draft monitoring plan to finalize with TF consultant, James Acworth, support in April • Exchanges and local workshops were organized with local and regional actors from the projects' areas of implementation, during which the project was presented and the working sites were validated and approved by relevant stakeholders. • The terms of reference for baseline studies on land and forest tenure have been developed, and the organizations to lead the studies have been identified. • An information and awareness-raising session on COFOs convened regional actors and actors from the project implementation areas to exchange information about the project's challenges, objectives, and expected results, as well as to discuss different stakeholders' expectations. • With regard to steering and political dialogue at the national level, exchanges with the permanent secretariat of the High Council of Agriculture galvanized the existing steering committee. The steering committee is expected to expand membership to project partners to create a multi-stakeholder, multi-sector platform for consultation. • The project has garnered enthusiasm at the institutional level and in the field, where local actors have many expectations for the project yet are simultaneously concerned that the implementation period is too short. The
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	different processes that the project will initiate require more time to unfold than can necessarily be demonstrated.
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5. Cameroon – Rainbow, CED, FPP, RFUK

Title of the pilot project:	Community Mapping for Effective Land-Use Planning - Development of a Common Community Mapping Protocol in Cameroon
Agreement signed with:	Rainbow Environment Consult, Yaoundé, Cameroon
Co-Applicant, i.e. Partner(s):	Centre for Environmental Development (CED). Forest Peoples' Programme (FPP) Rainforest Foundation UK (RFUK)
Associate(s):	Other CSOs to be included during the project implementation.
Location(s) of the project:	Cameroon at national level. Testing of protocols in specific locations to be agreed separately.
Project duration:	13 months 1 December 2015 – 30 Dec 2016, including administrative closing
ILFTF financing:	USD 750 000
ILFTF financing requested as a percentage of total budget of the project:	100 %
Objectives of the project:	<p><i>Overall objective:</i></p> <p>To meaningfully advance the land tenure security of local communities and indigenous peoples in Cameroon building upon existing laws.</p> <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> • Develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes; • Secure broad support and the adoption of common mapping protocols by government agencies responsible for the application of relevant land laws and ordinances, as well as the support of the land holders themselves, and key private sector operators, civil society actors and donor agencies.
Final beneficiaries:	Indigenous communities, IPOs, CSOs, Government (MINEPAT - for easier coordination of planning activities), other public sector agencies relevant to forest tenure and mapping, Chiefs, private companies, managers of protected areas.

Expected results:	<ul style="list-style-type: none"> • High-level advisory group (SAG) established and functional, to assess the state of the problem, dialogue on issues, identify potential solutions, and ultimately support and advance the adoption of the identified recommendations. • Support and adoption of common mapping protocols secured. • Technical review completed and results shared with SAG. • Gaps analysis with the legislation. Legal argument for community mapping. • Draft mapping tools/protocols developed and proposed to SAG.
Report of challenges and results:	<p><i>First report due June 1, 2016</i></p> <p><i>Updates reported to date:</i></p> <ul style="list-style-type: none"> • The official launch of the Cameroon pilot project took place on January 27, 2016, with a public meeting of diverse stakeholders, including ministries, media, and NGOs in attendance. This event confirmed wide support in Cameroon for the development of a common method and set of protocols for participatory mapping to be adopted and used nationwide. A framework that includes the major phases of future work was drafted and will be presented at the first meeting of the Strategic Advisory Group in late March 2016. The launch received wide-spread media attention, with a number of interviews and photographs appearing in the Cameroonian press and TV news coverage. The project Communications team will accompany the TF project staff at important meetings and will create a database of project advances to be presented through various media, including documentaries and interviews. • James Acworth, Tenure Facility Consultant, made his first TA and monitoring visit to the project on February 27 -29, 2016, during a kick-off workshop focusing on participatory mapping methodologies. James reports that the workshop was successful and attended by participants from key ministries, government institutions, and key NGOs.

6. Liberia – SDI

Title of the pilot project:	Protection of Customary Collective Community Land Rights in Liberia
Agreement signed with:	Sustainable Development Institute
Implementing partners:	Foundation of Community Initiatives Land Commission Sustainable Development Institute
Associates:	Potentially various associates, estimated at 3-5 CSOs. Engaged through partnership with the core partner CSOs (SDI and FCI) to take part in implementing the community self-identification process (Component 1). The potential associates will be identified in the beginning of the project.
Location(s) of the project: <i>specify country, region(s) that will benefit from the action</i>	12 communities in various counties representing range of community and forest situations.
Project duration:	16 months December 2015 – March 2017, including administrative close.
ILFTF financing requested (amount):	USD 749 600 First payment sent to SDI in January 2016
ILFTF financing requested as a percentage of total budget of the project (indicative)	100%
Objectives of the project:	<p><i>Overall objectives:</i></p> <ul style="list-style-type: none"> • Collective community land and natural resource tenure rights in Liberia are recognized, secured and formalized • Increased capacities of communities and multistakeholders in implementing the self-identification process for recognition of the land rights of communities once the Land Rights Act is enacted and regulations issued • Recommendations from the pilots generated into the further development of the “Framework for Implementing Customary/Community Land Rights Recognition Nation-Wide” • The design of the International Land and Forest Tenure Facility tested and the

	<p>lessons learned and experiences gained in pilot project cycle systematized for the benefit of the International Land and Forest Tenure Facility's design</p> <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> • To assist in developing steps and procedures for community self-identification- the first process for implementing customary land rights recognition nation-wide, and ensure that pilot communities go through the process of self-identification • To increase the awareness and understanding on community land rights recognition, as it relates to the process of community self-identification, and build capacities on community self-identification • To establish broad awareness and support by key agencies, CSOs and international organizations of the national protocol for community self-identification; and to generate recommendations that will further inform the development of the protocol for community self-identification, and create awareness and support of key agencies, CSOs and international partners on the protocol for community self-identification
Final beneficiaries:	Communities, in pilot sites, including women, youth and other possibly marginalized groups within communities; Local and national level CSOs; Government Institutions and staff; Development partners; Private sector; Liberian society.
Expected results:	<p><i>Component 1:</i></p> <ul style="list-style-type: none"> • Documented body of evidence on the testing and application of the process of community self-identification • Active multi-stakeholder partnership in testing and applying the process of community self-identification • Process of community self- identification carried out in 12 communities facilitated by CSOs and observed and verified by Land Commission <p><i>Component 2:</i></p> <ul style="list-style-type: none"> • Awareness raising and capacity building events and activities carried out at national and local levels <p><i>Component 3:</i></p> <ul style="list-style-type: none"> • A consultative process carried out by the multi-stakeholder partnership resulting in the "Field Guide".
Report of challenges and results	<p><i>First report due June 1, 2016</i></p> <p>Project leader participated in TF 2-3 February M&E/LL workshop in London, shared</p>

	<p>updates and communications/lessons learning plans. Project team was hired in February. TF consultant Jim Smyle will do a monitoring and TA visit in April.</p> <p><i>Update from interview by Jim with Nora on 4 March, 2016:</i></p> <ul style="list-style-type: none"> • The implementation is now in its organizational phase, with establishment of the PMU the first priority. The recruitment process for PMU staff is well advanced and a short-list has been developed. Interviews will be the week of March 7th and it is expected that contracting of PMU staff will occur two weeks afterwards. • Initial meetings have been held between the implementation partners (SDI, FCI and Land Commission) and, as well, two new associates have been added (Green Advocates and PARLEY) and they participated in the meetings. Among others, the draft Memorandums of Understanding (MOU) that will guide the implementation and relations between all participants, were reviewed. This is discussed in more detail, below. Also, a clear understanding and agreements were reached on priority next steps and on the need to fast track actions given the delay in startup and other external factors (e.g., 2016 is a presidential election year). The implementing partners and the associates now all share a common vision on the project and how to proceed. • The MOUs have not yet been signed because the Land Commission (LC) completed its mandate and it was not extended by government. Prior to the LC's closing, it was agreed with the Governance Commission (GC) that the project would now work directly with the GC. The institutional arrangements for this have been agreed. The GC will take over the role of the LC. However, some aspects of the implementation arrangements are still under discussion. What is agreed is that SDI will make available to the GC the funds that were destined in the project design to go to the LC (e.g., for purposes of oversight and validation of processes and community self-identification outcomes). The GC, in turn, will contract ex-LC technical staff to perform the functions previously assigned to the LC in the project design. To facilitate that, the GC and ex-Director of the Land Commission (Dr. Brandy) drew up an MOU and, reportedly, that has now been recently signed. However, the GC has reservations about reporting to CSOs as proposed in the project document. Presently, the discussion is that the GC would sign one MOU with the PMU (SDI) and separate MOUs with the other involved CSOs, in order to share findings to them. A meeting will take place prior to 10 March 2016 with the GC to clarify the content of the MOUs. At the moment, SDI does not foresee that the GC would have any hesitancy to accept financial reporting to SDI as a necessity. What remains to be discussed are other aspects of accountability and information sharing, within the context of the project. Should there be an impasse in these discussions, other alternatives would have to be sought, and those would need to be identified through further discussions among the implementation partners and associates. Note, that while the LC no longer has formal status, its offices
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	<p>remain open and functioning informally during the transition period, i.e., while awaiting the legislature to pass the law to create the new Land Administration Authority.</p> <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • The Land Rights Act (LRA) has not yet passed. While this does not undermine the potential for the project's implementation <i>per se</i> (i.e., because the Community Rights Act provides a legal framework), it does constitute a threat should the Land Rights Policy on recognition of customary land rights be weakened in the legislative process. An Executive Committee has been established, made up of key Ministers and other GoL officials, to review and adjust the draft Land Rights Act to facilitate its passage by the legislature. The Committee is operating without any public disclosure of their deliberations or proposed adjustments. In response, civil society is pressuring for release of the most current draft of the LRA and demanding that the recognition of customary land rights, as articulated in the Land Right Policy's, not be weakened. The President is publicly supporting the passage of the LRA and this is taken as a positive sign. • The signing of the MOU with the Governance Commission (GC) is one of the principal challenges at this time. The signing of the MOU with the GC will also allow moving forward on setting up the Advisory Group, which is the mechanism for broader coordination and involvement of the relevant public and private sector actors. It will be the role of the GC to take the lead on identification of the participants in the Advisory Group and to facilitate its formation thru contacting and inviting the proposed members.
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Agenda & Minutes of the Pilot Project Leaders Workshop

Royal Society, London

February 3–4, 2016

AGENDA

February 3, 2016

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| 8:30 AM | Meet in lobby of Club Quarters to walk together to The Royal Society |
| 9:30 AM | RRI 2015 Annual Review Presentation and Discussion, The Royal Society.
<i>Panelists include Rukka Somboliingi, Joan Carling, Luis Felipe Duchela, Lou Munden, Constance Teague and Andy White, moderated by Fred Pearce.</i> |
| 12:30 PM | Lunch with The Tenure Facility group, Royal Society Conference Room |
| 1:30 PM | Time for addressing individual participants' logistical questions |
| 2:00 PM | Updates on The Tenure Facility and Brief Reports Shared by Each Project Leader, Royal Society Conference Room |
| 3:00 PM | Review of agenda and roles for tomorrow |
| 6:00 PM | DINNER for TF Group – Meet in lobby at Club Quarters to walk together to The Balcon [6:15 Reservation] |

February 4, 2016

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|----------|---|
| 8:00 AM | Meet in lobby of Club Quarters to walk together to The Royal Society |
| 9:00 AM | Learning & Knowledge Management Workshop for TF Pilot Project Leaders, The Royal Society Council Room |
| 12:30 PM | Lunch, The Royal Society Conference Room |
| 1:30 PM | Learning & Knowledge Management Workshop for TF Pilot Project Leaders cont'd, The Royal Society Conference Room |
| 3:00 PM | Workshop Closing, The Royal Society Council Room |
| 6:00 PM | DINNER for TF Group – Meet in lobby of Club Quarters to walk together to Prezzo [6:15 Reservation] |

February 5, 2016

Participants will check out from lodging and depart from London

OVERVIEW OF AGENDA:

- We need to have good M&E system. Some key questions to be answered here: What do you want to learn from your work, and each other? Who do you want to learn it from? When do you want to learn it? It is essential for us to understand the demand, so we can adjust the system.

PRESENTATION OF 10 MINUTES FROM EACH PILOT PROJECT COUNTRY:

Peru (Presented by Martin Scurrah):

- Three focuses of the project:
 - 1) Land titling
 - 2) Sustainable exploitation of forests
 - 80% of logging in Peru is illegal, usually carried out by companies who have made agreements directly with communities. It is important for them to understand how to work and have negotiating power.
 - 1) Workshops in communities 2) Established community logging operation
 - 3) Protecting IP in voluntary isolation
 - Met with Special Rapporteur of Indigenous Peoples
 - Working with Peruvian government
- How progress is documented:
 - Project is managed by 3 organizations; an integrated team combining indigenous federation, NGO and regional government
 - Project has its own M&E system
 - Preparation of aide memoire after each event or tendency
 - Monthly progress reports
 - Systematization of the verification means and digital photos
 - The challenge is how that internal system can work with the TF framework
- Means of communication:
 - Information bulletins on FENAMAD's website
 - Expansion of mobile phone networks in Peru means that people have internet access in areas of Amazon; Facebook
 - Working on leaflet to formally explain what the project is about
- Who are you learning from?
 - Webpages and social networks
 - Exchanges with other regional federations in Peru
 - State institutions and NGOs – not very specific here. Martin will work on detailing this in his next visit to the project
- What is the most useful support from TF?
 - It strengthens organization and capacity, lifts voice
 - Opportunity to understand problems facing other pilot projects and their strategies for dealing with recalcitrant regional government and changing government policies. Titling for communities takes 20 steps and is more expensive than individual titling. These

procedures need to change. SPDA has already done work with M of A for simplifying procedures. Most of their allies believe that this is insufficient. Currently working on more proposals before the change of government in July.

- Generates spaces for virtual and real life dialogue and exchanges
- Will be important for the TF to be flexible in responding to changing contexts

Panama (Presented by Marcelo Guerra):

- Summary of progress:
 - 75% progress in titling 2 collective territories and 50% in another
 - Communication strategy: capacity building for indigenous authority
 - Agreements signed with University of Panama to create legal clinic, supports local communities
- How are you documenting progress?
 - Taking photos, writing up meeting minutes, publications online, systematization of experiences is being prepared
- How is information being shared with local stakeholders?
 - Public community meetings, general, regional and local congress, emissions by television, radio and newspaper
 - Meetings of leaders and community directors, handing out documents in workshops and capacity building
 - Workshops and meetings of information sharing (government stakeholders, lawyer group and University of Panama)
- Most valuable support from TF?
 - Technical and financial support, capacity building for community leaders, knowledge sharing of international law protecting IPs
 - Platform to manage tenure information
 - Publications and expert advice
 - The areas you mentioned were important for support from TF

Liberia (Presented by Constance Teague):

- Overview of project
 - Critical moment because LRA is being deliberated upon to be passed into law. One of the first steps once this happens is self-identification (as a village, as a clan or a district). When title is received, their self-designation will be reflected. TF project will test 3 different methodologies for communities to self-identify.
 - SDI has already done this work in Rivercess. TF will help them do this process in other communities; good opportunity to see how other communities will self-identify
 - In the process of hiring the project managing unit for this project. In March will host consortium with implementing partners (SDI, Green Advocates) to discuss methodologies. Each organization has selected 4 different communities in 4 different regions.

- One of the implementing partners may need to be changed - missing some documents
- Land Commission mandate has expired – it is no longer a legal government body in Liberia. Will be working with FDA instead of Land Commission. Not best case scenario because the Land Commission is the one that worked on LRA.
- How progress is documented:
 - Regular meetings with partners (FCI, Green Advocates), with contractors working in the field, and governance commission
 - Monthly reports from field staff
 - Quarterly reports provided to TF on progress
 - Animators and mobilizers will provide briefs
- Means of communication:
 - Meetings held at least 4 times throughout project with all stakeholders
 - Progress report drafted on quarterly basis available to local and international partners, including government
 - Lessons learned shared through multi-stakeholder fora and disseminating final project report to stakeholders.
 - Liberian government has 36 months to figure out community self-identification process, hopefully this pilot will influence it
- Who are you learning from?
 - Namati – has done customary land rights work in other countries. Looked at other processes to create methodology for self-identification
 - Implementing partners have self-identification experience
 - Country to carry out self-identification in 4 communities
 - Pilot project will inform of the costs associated with this work
- What is the most useful support from TF?
 - Connecting Liberia project with other TF projects; seeing what is being done in other countries to think about process of helping communities self-identify and demarcate land.
 - Would be useful to have learning forum to communicate with other TF projects
- Julia Falconer: How does this relate with ongoing parallel process to identify forest rights?
 - Constance: This broader land project can inform parallel process on identifying community forest rights on where boundaries start and end.

Cameroon (Presented by Timothée Fomete):

- Overview:
 - Ongoing land mapping efforts, international zoning plan, infrastructure development projects
 - Participatory mapping pushed by national and international initiatives is not systematically used by decision makers. Propose standard methodology used by authorities. Responsibility of government to manage maps, but to date has not created any. 12 month process in the participatory mapping process

- Current progress:
 - Formalization of the coordination unit and the facilitation
 - Meetings with key ministers and high-level officers to explain project and get their buy in
 - Identification of NGO and institutions all over the country with solid mapping experience to assist with technical aspects of the project
 - Develop communication strategy, around:
 - Review existing mapping methodologies in Cameroon, working with Rainforest Foundation
 - Review to build the legal argument for community mapping and see where legal gaps exist
 - Organization of the formal launch of the project that happened end January with 80 participants – key stakeholders, media
- Documentation of Progress:
 - One staff member dedicated to documenting progress
 - Log frame and work plan
 - This is an interactive process – documenting feedback from technical partners and SAG members in order to address them as part of consensus building
- Diversified communication channels:
 - Bilateral informal meetings with members of the strategy group
 - NGO – Have identified 1) key members of most relevant platforms 2) informal focal points in key regions and 3) mailing lists
 - With Project partners: 1) Mailing list 2) Dropbox
 - With Communities: 1) mainly through NGO 2) Some IPs and local community leaders
 - With wide public in Cameroon through media
 - Filmmaker hired to document
- How will the project be rooted in the current land tenure environment?
 - The project is well connected to existing networks – including those focused on forests, land, extractive industry, REDD and climate change, IP and women rights, infrastructure
 - It is connected to existing initiatives focused on mapping – WB funded PNDP, EFI initiative in SW Cameroon
 - Project is participating in ongoing discussion on land use planning
 - The purpose is to ensure that all mapping experiences and mapping needs will be appropriately identified and properly addressed in the frame of the project
- Support received from TF?
 - Backing of international body adds to credibility toward the government and method leaders
 - Government sees value of having results without covering costs, and expects a continuation of the efforts with support of the Facility
 - Learning sharing from other projects
 - Technical assistance on issues not covered by existing partner expertise

- Publicity is incentive for project partners
- James Acworth question: It is impressive the progress they've made. How is government taking this, what is the level of blockage and how are you planning on dealing with it?
 - Government enticed by idea that mapping information will be available. During first meeting with Ministries (started with Forest and Fauna, Land Affairs, Territorial Administration), acceptance was there.
 - Also, strong support from Ministry of Territorial Administration (minister was in regional meeting in Gabon, where had to deal with transboundary coordination)
 - Land Affairs was very supportive – requested that have leadership/be part of strategic group

Indonesia (Presented by Rukka Sombolinggi):

- Overview:
 - Objective: Contribute to the legal recognition and protection of tenure rights of Indigenous Peoples
 - Rising awareness of rights, sharing knowledge between districts.
- Lessons:
 - Need to be flexible, responsive to opportunities and political dynamics
 - Collective leadership in AMAN is useful
 - Strict regarding reporting, operations and management. Financial report published in newspaper and on website every 2 months.
- Documenting progress:
 - Project staff meetings, three monthly meetings with Secretary General, Organization meetings – AMAN Council meetings (every 6 months, 2 year), issue end Year report every December
- Communications:
 - Newsletter (Guang Aman) sent by print and email sent to members every two months (more than 2,000 community members, 10 issues sent to each)
 - Twitter, Facebook
 - Community radio, also on YouTube (news is only produced by Aman, Songs are only indigenous – this is their platform so message much gel with their perspective)
 - SMS Adat – 150 characters to send urgent alerts about arrest or conflicts. 15,000 phone numbers (one number sent to at least 5 friends). Pressure from community to stop arrest. Solidarity messages from those in jail.
- Learning source and networks:
 - NGO, Governments, Friends and Academics
- Needs:
 - Strengthen communication
 - Learn from IPs in other countries how they achieved success
 - M&E: Do not have progress card currently. Will need something user friendly, simple and easy to capture essential elements. Need dedicated staff to be trained to use tools.

- Addition by Chip Fay: As we look at other projects, we realize that Indonesia is not a project, but rather support to ongoing activities. Finessed by saying that these activities fit into timeframe and budget, and we can report on them overtime. Ongoing process.
- Comment from Julia Falconer: Most of the presentations are on technical aspects, but very little talk about bigger challenges: political will, competing interests between communities/different sets of stakeholders. Within context of sharing experiences, it is important to share the kind of maneuvering and mediation. This should be incorporated into M&E exercises, along with communication strategies.

Mali (Presented by Celestin Dembélé):

- Overview:
 - 1) Establishment of village and commune level land commissions; contribution of ongoing reform of elaboration of ag/land tenure law; support local structures for manage land tenure conflict and regulate
 - 2) Negotiate collective land rights in the forest domain and with mining investors
 - 3) Dialogue at the national level to engage decision makers on land and forest land law
- Already in place: Institutional contracting has been achieved Helvetas and CNOP, staff recruitment – Coordinator, Project manager and Facilitators
- Documenting progress:
 - Annual/semester work plan and reports, project notes, meeting notes, result framework
- Communication:
 - From village to national level, different strategies for each including village assemblies, committees and workshop; way to open spaces for intervention
- Learning:
 - Networks and thematic groups, advocacy network for agricultural land tenure security, Malian coalition against land grabbing
 - Universities and experts – reference groups
- What they want from TF:
 - Be connected to int'l level to larger organizations (info exchange, on existing initiations and publications)
 - Technical support
 - Possibility to access other funds
 - Comparative country studies
- Question from Timothée:
 - Passing of land tenure law is a great challenge. If the land law does not move forward, will the other aspect of the project - engagement with PS - be compromised?
 - Response: How long could it take to pass this law? It was voted in 10 years ago. It was finalized recently with all the stakeholders. Confident that it will be implemented.

DRAFT TENURE FACILITY RESULTS CHAIN AND KM STRATEGY

Prepared by Indufor

Overview: Presented by Tapani (with PowerPoint)

- Why a result chain? Simple, straightforward
- Starts with the impact at the national level, then they look at the outcomes, then outputs, activities and finally inputs
- Outcomes are most important because bring together diversity of different national-level projects. Not a straightjacket for projects but will guide pilot ideas so focus on common objectives

Plenary discussion:

- Osvaldo Jordan: Important to take into account that there are political systems ongoing in these countries. Governance issues of how IPs make decisions – that needs to mesh with decision making process within a project.
- Martin Scurrah: More emphasis needs to be placed on how you achieved outcomes, rather than what you achieved. More opportunity for knowledge management.
- Margareta Nilsson:
 - You use the expression "secure tenure" as the impact the TF should contribute to, but you haven't defined what secure tenure is. One can get the impression it's just about legal recognition of rights. We know it's about more than that. So in order to show progress towards this impact, you need to show more clearly what "secure tenure" consists of, and you would better understand (as an outsider) how the different outputs and outcomes would lead to that.
 - Indicators proposed in the draft are quantitative. Encourage to be more explorative of the range of different indicators. SIDA needs to report to Swedish public on what they've done with the money. What is helpful for them is different storylines/narrative. Something that you can put into the theory of change.
 - Theory of Change is useful, because it explains more of the context, how the actions of the Facility fits into the bigger picture, who are the different actors, what are the different things that need to happen in order to achieve secure tenure (see 1.), what are the critical assumptions and the risks you have to handle? For instance, it could better explain why something like "community self-identification" might be a very important step towards "secure tenure."
 - The Tenure Facility is a brave endeavor. You have to be confident about it, including being confident and proud about your M&E system. Make sure you come up with something you believe is good, useful. It is worth putting some effort in to make it right.
- Rukka:

- The challenge is that the organization is really big and there is no systematized knowledge management. M&E can't be too burdensome. How can the project implementers see that M&E is practical and easy to implement?
- Martin Scurrah:
 - Some projects have incorporated into the project design more than others sharing of knowledge. Are there resources incorporated in TF that allow for knowledge sharing?
 - Broader measure of achievement of land tenure security, not just # ha – political volatility.
- James Acworth:
 - Is it possible to have a simple M&E system for such a complex issue? Working with so many different actors. Need to sell this aspect; it's what gives legitimacy from governments.

REPORT BACK FROM WORLD CAFÉ WORKING GROUPS (By Language):

ENGLISH CAFÉ:

- Need flexibility to work with what's already there. Pose the question of the organization: is it in your interest to do more than what you're already doing, and if so, what would that look like? Clear between Indonesia, Liberia and Cameroon that challenges were different but that they were doing a lot already. Agreement generates a lot of information but they don't learn from it and don't share it. Info that is good for policy papers, they don't have the stories that show why land rights are important.
- TF should assist organizations to be better at telling their story which leads to better advocacy, and attracts people to you.
- Format that people fill out to systematize will need to be thought through carefully because cultures vary and not all formats cut across cultural lines. Having the right questions to ask is key. Not so much rigid format as having the right set of questions that can be posed in their own way and time.
- Access to existing knowledge and building institutional memory in a real way. It's hard to document things. Vast reservoirs of reports but no effective way of utilizing to tell the story.
- Should have dedicated staff person for communication and knowledge who would work with people at Secretariat to coordinate at international level. Because in everyone's interest to do that (both TF and local organizations).
- Spaces of reflection are key
- REACTIONS to proposal: Test drive in country

FRENCH CAFÉ:

- How to share?
 - Resource person from inside the team who assisted to document
 - Produced a film which supported the law reform process

- Prepared audio cassettes, used radio. Written word is less effective because many people don't read. Television is not as widespread
 - Value in having standardized template for case studies. Makes it easier to collate if people want to later search from them and draw out cases to make into film or story. Traditionally case studies are fragmented; having a database would be helpful.
- How to learn?
 - What did you do to recognize rights of communities?
 - What avenues/methodologies/advocacy strategies can/did you use?
 - Temoignages are powerful – how did people defend their rights, win the battle?
 - Need to capture lessons from other non-ILTF countries too, not just learning from ourselves.
 - Learning from non-likeminded people as much as likeminded. This helps to build partnership among diverse stakeholders.
- Experiences of Francophone Africa are specific because of French Colonialism; it is interesting to learn from other countries with different history. Comparing between countries. What have some countries done and how have they done it.
- Large Scale Land Acquisition (LSLA) versus elite grabbing. Important to nuance.
- FAQ sheet – ready-made answer of why doing it, position of group. Could help network members less familiar to answer questions in for a.
- Engaging media – Radio is priority, but need to educate journalists on issues, bring them to key events. Independent media vs. paid. Focus on first, but must engage with second too.
- Need for everyone (communications persons from each country) to come together for exchange before communications strategy formalized.
- Define 4-5 key areas of intervention and establish communities of practice that share information on them: LinkedIn, Facebook, Open Source. Write up case studies of communities trying to document land viewable by all.
- Tenure day – National forest day or national youth day. Build out calendar of events. WPC/World Economic Forum/COP – Expensive to organize your own, possible to freeride on existing.
- Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) are bible in Mali, but hardly mentioned in Cameroon. How to take advantage of existing guidelines and push them in each country.

SPANISH CAFÉ:

How to share knowledge:

- Ips have a distinct way of understanding compared to organizations. Audiovisual is essential to diffuse learning.
- Think about different audiences – women, elderly and the youth. Often will need to use native languages to reach them most effectively.
- Roundtable, working groups, workshops to systematize and capture lessons – for this need to strengthen staff capacity.

- Case studies. Narrate the story of the titling process of a community from start to finish.
- Distribute lessons learned back to communities especially orally. Radio is one of the most effective means of communication, also YouTube for youth.
- Written briefs should be distributed to public.

What is needed from TF?

- Funds either from 1) those approved and 2) additional funds. Maybe there could be a call for proposal for communication efforts separate from existing funds.
- Virtual communication channel with Indufor and RRI
- Capacity building/technical assistance around M&E
- Methodological diversity. Must be context specific
- Archive information not only through surveys/forms but also audiovisual and interviews
- Video is a great idea – documentation, monitoring, but also product that will serve the community and organization

Tapani's Synthesis of key take-away messages:

- Not only about sharing what, but also how – how to influence governments and private sector
- Should also document processes and use different means – not just reports, also video and radio that can reach all audiences, including youth through social media
- Do not impose things on the outside, or create additional burden from organizations. If we do ask for them then the Secretariat should provide technical assistance
- Secretariat will help capacity on information and lesson sharing. Those working on knowledge management in Secretariat must coordinate closely with country partners
- Use existing guidelines and national platforms
- Need to look at what are IP's own ways of learning and documenting. Understand that different audiences have different ways of communicating
- Indufor will collect this information to inform the next draft of ME/LL framework with a Theory of Change, taking into account need to be flexible

WRAP UP – ROUND THE TABLE:

- Andy White – half of the projects are just starting, the other half are well underway. Is this useful to meet again like this? What would be most useful? Maybe in September?
- Constance – was helpful to hear what others are doing, will take that back to Liberia.
- Rukka – need a portal where project teams can share information directly; need LL at two levels, for TF itself and for projects. Looking forward to test drive with Indufor next week.
- Chip – good to be with RRI family, good to see each other face to face.
- Timothee – very fruitful 2 days in London, on learning curve, very helpful to sit around the same table together, seeing people face to face is superior form of communication. Next meeting in regions where best opportunity to meet in person. Proposal is solution – this project will benefit at least ten other organizations and government ministries and private sector.

- Samuel Nguiffo – lessons from pilots are important beyond the results of each project. We need at least one face to face meeting before end of pilot, when we have lessons to share. We need to put emphasis on documentation of lessons learned but not sure we are ready to do that yet. Need support from outside (like Indufor) to make full use of the wealth of experience/learning from the pilots.
- Elisabeth – very valuable meeting to see different views and struggle in different parts of the world; TF is intriguing.
- Jim – this meeting has reminded us all of how unique TF is. This has been a unique discussion of Knowledge Management and Lessons Learning. As TF moves forward, its an opportunity to support you make a difference in your countries. KM can be helpful, should not be imposed. Should do what projects need to do to be more effective in the long term, without being a burden.
- Margareta – glad came to join meeting. Land tenure is pre-condition for so much, but there is so little funding for it because it is difficult and political. TF is proving very interesting. Need a simplified monitoring system. Reading reports can be boring, need oral communications to reach audiences.
- James A – very inspirational meeting. Need to break others mental barriers that Africa cannot do what has been done in Latin America and Asia. Results chain needs work. Needs to show what we are trying to do. Is there another road? A different visual presentation? Need to convey clear idea of purpose.
- Celestín – meaning of the word Facility in French does not convey its purpose. Land issues are not easy – facil! This table here brings true context and life depends on it. These 6 pilot projects show that this subject is relevant and we can create deep transformations.
- Ibrahima – need to persuade the world to see this from a different perspective, see that the poor are essential to humanity, if have dignity and rights, world will be stable.
- Martin Scurrah – recommends having a follow up face to face workshop in one of the regions of the TF. Very interesting to share across project, talk to the protagonists and see it on the ground. Would leave us all richer. Instead of calling it M&E/LL should call the process Reflection and Learning. Would be good for Indufor to visit Peru too, to test drive the system.
- Osvaldo – been a great experience. Helps to understand issues and situations faced in different contexts. Helps us to understand our situation better This is about much more than just protecting a territory Agrees having meeting in a few months in pilot country. More bilateral exchange.
- Manuel – very happy to learn from so many, leaves this meeting with his pockets full of knowledge and ideas. Annual report to all was useful. This is a very rapid project working without a set recipe, not mechanical delivery. This project gave us the right to decide what to do, need to push us to reflect, not give a report.
- Marcelo – it's valuable to know what pilots are doing in other countries to strengthen IP and LC rights. It is a real advance to have a platform like this one. Happy to see IPs at world level defending our territories and land. Will be in touch with others when we have a place to exchange our ideas and opinions

- Anni – we have a lot of work to do!
- Tapani – echoes Manuel’s summary. Aim for focused, strong and flexible. This is an exceptional and exciting moment. Have to de-program selves from what was standard over past 30 years and translate this into The Tenure Facility.
- Janis – thank you to everyone – very inspirational, we will take your thoughts, advice, information, and insights into account as we move forward with TF. Further, we thank the interpreters for their excellent simultaneous translation, without their assistance we couldn’t have had such rich exchanges amongst people from different parts of the world!

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