

**Rights and Resources Initiative
Advisory Group Meeting
International Land and Forest Tenure Facility**



**October 2, 2015
Bern, Switzerland**

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Advisory Group Meeting | International Land and Forest Tenure Facility

Friday, October 2, 2015

Best Western Hotel Bern, Conference Room No. 3

Zeughausgasse 9, CH-3011 Bern, Switzerland

Objectives & Agenda

Meeting Objectives

1. Review and advise on Tenure Facility progress to date, including status of two approved projects
2. Review and advise on new pilot project proposals (Liberia, Peru, Cameroon, Mali)
3. Review and advise 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 advise on fundraising efforts

Meeting Agenda

Chair: Arvind Khare

- 9:00 Welcome and Introduction
 Arvind Khare
1. Introductions
 2. Review of Agenda
 3. Approval of Minutes of March 20, 2015 Advisory Group Meeting
- 9:15 Overview of the Tenure Facility progress in Inception Phase
 Andy White
1. Activity Underway
 - a. The Tenure Facility Management Team
 - b. Pilot projects (Indonesia and Panama)
 - c. Outreach
 - d. Establishment of Institution
 2. Indications of future demand
 3. Status of expenses to date and fundraising
 4. Discussion
- 10:00 Lessons learned to date
 Andy White, Tapani Oksanen and Janis Alcorn
- 10:30 Coffee
- 10:45 Presentation of new pilot project proposals
 Janis Alcorn
1. Liberia - SDI and collaborators - Nora Bowier
(10 minute presentation, 10 minute Q&A)
 2. Peru – SPDA, FENEMAD and collaborators - Luisa Rios
(10 minute presentation, 10 minute Q&A)
- 11:45 Lunch (Hotel's Restaurant Volkshaus) .
- 13:00 Presentation of new pilot project proposals, (continued)
1. Cameroon – CED, Rainbow Consultants, and collaborators - Samuel Nguiffo
(10 minute presentation, 10 minute Q&A)
 2. Mali - Helvetas -Lionel Giron
(10 minute presentation, 10 minute Q&A)

13:45	Discussion of pilot proposals (after project proponents have left the room)
14:45	Coffee
15:00	Facility Work Plan Andy White
15:30	Options for establishing the institution and location Andy White 1. Key new findings regarding location options 2. Criteria and process for making a decision regarding location
16:00	Next Steps Andy White 1. Review Logo options 2. Next Steps 3. Scheduling next meeting
16:30	Closing Remarks

Second Advisory Group Meeting (AG-II)
International Land And Forest Tenure Facility
Friday, March 20th 2015
Washington D.C.
Minutes

The second meeting of the Advisory Group to the International Land and Forest Tenure Facility (Facility) took place on March 20th 2015 at the offices of the Rights and Resources Secretariat in Washington D.C.

AG Members Present: Mark Constantine, IFC; Chris Jochnick, OXFAM; Arvind Khare, Executive Director, RRG and Chair of the Advisory Group Augusta Molnar, Independent Advisor; Lou Munden, The Munden Project; Samuel Nguiffo, Center for Environment and Development; Margareta Nilsson, SIDA; and Andy White, Coordinator RRI . Eva Mueller (FAO) participated via teleconference (9:30-11:00) and Jon Lindsay (WB), stood in for AG member Charles Di Leva.

AG Members Absent: Mario Boccucci, UN-REDD; Charles Di Leva, World Bank; and Victoria Tauli-Corpuz, Tebtebba.

RRG Board Observers: Jean Aden (Secretary); Ghan Shyam Pandey (Green Foundation, Nepal); and Don Roberts (Treasurer).

Resource Persons: Tapani Oksanen, (Indufor); James Smyle, (Indufor); Janis Alcorn, Director, Country & Regional Programs; Patience Fielding, Manager, ILTF; Alain Frechette, Director, ILTF; and Bryson Ogden, Private Sector Analyst.

Key Objectives of the Meeting

- Review and advise on the status of incubation
 - Review and advise on pilot project program and the two projects prepared to date
 - Review and advise on the candidate cities for the location of the Tenure Facility
 - Identify agenda, date, and location of the next AG meeting
-

1. Introductions

- Purpose: to provide guidance and advice to RRG who is overseeing the incubation of the Facility
- Resource persons and Facility staff introduced
- Minutes of last AG meeting in Gottenberg were reviewed .

2. Overview of the Status of the Inception Phase

2.1 Emerging Findings from Initial Pilot Identification

- High demand – strategic opportunities that lie beyond the investment and implementation capacities of RRI and the scope/flexibility of existing institutions, (e.g., Global Environmental Facility, UN-REDD, World Bank’s Forest Investment Program and Dedicated Grant Mechanism);
- Clear niche – a flexible, responsive, and adaptive financing institution that provides timely financing and technical assistance to local and national change agents, including community-based organisations, civil society, indigenous groups, governments and the private sector.

- Excitement – among proponents of the first pilot projects, who appreciate the opportunity to actively contribute to the creation of a new international institution that will be responsive their specific local/national needs, and among colleagues in the international development, donor and private sector for the opportunity to address fundamental gaps in the
- land and forest tenure arena;
- Ownership – collaborators (pilot proponents) understand that they are developing “their own” projects, and not responding to an agenda or a “call” set by someone else;
- Contribution – proponents recognize that they are contributing to the incubation of a new structure and the testing innovative modalities of collective action that will have repercussions beyond their immediate sphere of influence;
- Progressive approach – demonstrating flexible responsiveness to project proponents at this stage, but need to test and demonstrate relevance, value added, in order to earn credibility, experience and lessons through effective implementation / field experimentation before the Facility can assume a convening function.

2.2 Funding Status

- Current commitments:
 - SIDA has committed SEK 100 million to the Facility;
 - Acacia Foundation has provided a grant (USD 600,000);
- Other bilateral agencies have expressed interest with commitments to follow the development of the Facility, but no formal offers have been expressed since the First AG meeting;
- AG Advice – “nothing breeds success like success”
 - Accelerate the incubation of the Facility and the start-up of selected pilot-projects;
 - Demonstrate value-added (e.g., capacity to provide timely assistance; support innovation and critical change agents; tight feedback loops and adaptiveness; being nimble, strategic, and timely; monitoring and seizing political opportunities);
 - Strengthen synergies, and identify explicit collaboration and complementarity where possible with existing funds, projects, initiatives (e.g. DGM, FIP, UN-REDD, Farm and Forest Facility).
 - How to consider/engage/leverage potential private sector investments
 - Strengthen visibility / public engagements (e.g., upcoming UNFF side event);

2.3 Discussion

- Concerns expressed over the level of work and leadership still required to lay a solid foundation for the Facility, generate buy-in, and further donor commitment;
- Discussion on the adequacy of staffing investments to date and the staff needed..

3. Overview of Pilot Project Program

3.1 Candidate Countries

- Current pilot project proposals under development – Indonesia (AMAN) & Panama (COONAPIP);
- Concept notes submitted – Cameroon; Mali (Helvetas);
- Prospective interest – Philippines, Colombia, & Liberia;
- Postponed – Peru, due to political uncertainties and the large tenure-related investments from WB, IDB and Norway.

3.2 Criteria, Policies and Procedures

- Continue testing and refining the existing set of criteria (see p. 9 & 10, AG-II Book for evaluating proposals).
- AG advice
 - Develop clear project selection guidelines. Existing set of criteria need to be further refined to ensure that they are clear, equitable and feasible.
 - All possible means should be taken to simplify / streamline project selection process;
 - Need to maintain transparency and build trust across constituencies. To this end, a conflict-resolution mechanism / ombudsmen / help desk function is needed to proactively address possible concerns that may arise during planning and implementation;
 - Need to develop effective monitoring mechanism and knowledge management systems to capture learning, proactively refine tools and processes, and start developing a repertoire of principles and/or models for affecting change in the land and forest tenure arenas.

3.3 Roles for RRG and Indufor

- Identify potential projects and proponents;
- Provide guidance and technical assistance to proponents in view of developing specific, measurable, achievable, result-based and time-bound projects;
- Help strengthen the relevance and rationale for proposed projects, and the steps that would be required to achieve the intended results;
- Support the delivery of projects via targeted technical assistance, mentoring or coaching.

3.4 Lessons to date

- 12 months may be too short a time frame for drawing lessons that are appropriate for the full investment projects. Less we should generate lessons for pilots instead of long-term investments for change, we may consider extending the timeframe of the selected pilot projects. For example, the first year should set clear and achievable expectations for the initial phase of investment, along with a clear commitment to continue support once progress is shown to be satisfactory.
- In line with the previous point, the Facility may need to clarify what would constitute reasonable milestones for each of the proposed pilots, and the means of validation.
- There are merits to both short and long-term projects. The Facility should consider opportunities for investments that are fit for purpose and draw lessons on what works and why;
- Without a full complement of ILFTF staff, some questioned if reliance on local collaborators and consultants would make it difficult to predict the relative outputs and indeed success of 12 month investments.
- A more important consideration for the design of the Facility would be the need to strike a balance between the support/assistance that proponents require to ensure delivery and the desire to maintain a light, flexible and adaptive structure. The business model of the Facility would need to be consistent with this challenge.

4. Presentation of Pilot Proposals and Concept

4.1 Pilot Countries

- Pilots were considered from countries where national demand studies were carried out (Indonesia, Colombia, Peru & Cameroon) and from countries where there are no demand studies in order to ensure that pilots would be diverse;
- Panama pilot was selected because of a strategic opportunity raised by COONAPIP;
- Pilot concept from Mali has been submitted by Helvetas;
- Interest from the Philippines has been indicated
- A scoping study in post-ebola Liberia will be conducted to assess situation, demand and opportunities in June 2015;
- Concept proposal from Cameroon is being reviewed with CED.

5. Assessment of Pilot Projects

5.1 Comments / Advice

- The Facility should distinguish itself: develop practical guidelines / how-to booklet to inform prospective proponents on selection criteria, process for submission, key steps for developing a strong proposal, etc;

5.2 Emerging Questions

- Will scaling-up be done through the Pilot Project, through the Facility or through government?
- Considerable amount of time spent on gathering background information. Was that necessary to make a decision regarding the pilot proposals?
- What is the strategy for accessing Private Sector engagement? Private Sector should be key players / concessionaires and should be integrated in the ILFTF design and piloting process;
- Private sector engagement – need to look at private sector and land rights for what purpose? Are we considering wealth creation opportunities? Opportunities to pull the conventionally distant actors together? Role in conflicts and conflict resolution/prevention?
- Private capital can have a pulling effect – need to address stranded assets to increase value for rights owners;
- What is the appropriate range of actors to engage? There should be a mechanism for pulling a diverse set of actors together;
- Need to quantify/qualify reach – number and types of beneficiaries;
- Timeliness and acceptability are key, but these do not explain how change will be achieved or whether proposed solutions will benefit government
- Projects should be tied to clear goals / pillars, such as:
 - Recognition of collective rights;
 - Fair access to markets;
 - Effective association;
 - Enabling environment – infrastructure, financing, institutional support

5.3 Questions & Experiences to date with Initial Pilots¹

- Structure operations to allow sufficient time for project preparation;
- Improve communication, criteria and processes of project selection to clearly highlight why one entity was selected over other possible proponents;
- Facility needs to provide balanced appreciation of stakeholder representatives and hand over project selection to local stakeholders;
- Need to prepare proposal development guide as well as a project preparation and implementation manual;
- Should there be pre-existing conditions in a country for projects to be considered?
- Who, exactly, would make the procurement or disbursement decisions once the proponent gets money – should Facility disbursement be conditional / integrated? Provide oversight?
- While there is need to work with credible actors what oversight is/will be provided by the Facility?
- Private sector operators appear not to have been adequately considered in the design and scope of existing pilot studies, beyond the role of private sector in creating conflicts with communities. Other than civil society organisations and indigenous peoples, the Facility may need to consider ways of leveraging private sector support and involvement, both at the country level (projects) and in dedicated arenas such the Interlake Group to help identify opportunities;
- While the private sector operators were intentionally, and appropriately, not consulted in the design of two pilot projects completed to date, there is now recognition of the importance of seeking opportunities to engage with private companies or investors in one or more of the remaining pilot projects. The Facility should take advantage of dedicated arenas, including the upcoming meeting of the Interlaken Group to help identify opportunities;
- Specific reflections on the two pilot proposals under development - Panama – the challenge is to demonstrate implementation of a legal framework; Indonesia – Are we setting the criteria for success? Are we just reflecting AMAN's criteria --how have government and other stakeholder interests been addressed?

6. Tenure Facility

6.1 MDY Report

- Comments on Candidate Cities: London, Stockholm, Montreal, Geneva, Barcelona;
- Very little difference in costs between the different cities;
- Staff costs and liability issues have not been adequately addressed. Ex. What are the constraints of hiring international staff or how difficult is it to recruit qualified staff or fire underperforming staff?
- Government support for the Facility would be key in selecting a location;
- Interest manifested for hosting Facility by two countries: Switzerland and Sweden;
- Individuals within different organizations are interested but the government of Sweden would be hesitant to promote locating the Facility in Stockholm without buy-in from other donors.

¹ See Appendix 1 for INDUFOR's lessons from ongoing pilot project proposal development in Indonesia and Panama.

6.2 Board

- SIDA could act as an observer but cannot sit as a board member
- What would be the role of the ILFTF Secretariat on the board?

6.3 ILFTF Secretariat:

- Look at different organizational cultures and see how they function to inform the Secretariat set up;
- There are risks involved if RRG hosts the ILFTF for too long;

7. Outcomes and Way Forward

- Keep generating lessons from pilot projects;
- Make some key decisions by the end of the year regarding institutional set up of the Facility Secretariat;
- TOR's for Facility Board, governance structure and staff to be developed; and
- As a proactive measure to bridge relations between private sector, communities and indigenous peoples and leverage private sector engagement to further the social and economic wellbeing of forest-dependent communities, the Facility should consider ways to involve the private sector more explicitly in the design and implementation of pilot projects;

7.1 Next Events

- Next Advisory Group Meeting-Friday October 2nd in Bern, Switzerland, following the conference.
- Possible Facility side event during World Forestry Congress in South Africa on 7-11 September
- RRG visit to FAO Rome to present the Facility and explore synergies and possible collaboration with the VGGT, forestry, climate change, and FFF teams.

Appendix I Emerging Lessons (Indufor Presentations)

Element	Lessons
Planning time frame	Remaining pilots: Time available for the project preparation was too short to: • Ensure consistency inside the proponent organization • Build a shared vision and feeling of inclusion and participation, openness, transparency among all of the stakeholders that are relevant for the process and that can be supported by the Facility in the future Pilot project preparation schedules should be matched with those of the proponent Facility: Externally established timelines may pose a risk of relying too much on technical service providers and result in inadequate proponent ownership and participation to build a shared vision
Selection of Proponents	Remaining pilots: Direct selection of proponent can cause confusion / discontent among potential implementing organizations Strengthen communications to explain rationale/reasoning for selection Facility: Direct selection may raise concerns about the neutrality of the planned Facility
Scope of operation	Remaining pilots: Consider scope of the pilot from the start to avoid perception of inequality in treatment of local communities: Indonesia pilot will target indigenous peoples. Stakeholders consulted emphasize that over time, the Facility needs to address tenure rights across indigenous / local communities to avoid creating inequality Facility: Support should not be limited to indigenous peoples Communication on the scope of the Facility support needed.
Engaging with the private sector	Remaining pilots: In Indonesia pilot initiative the proponent did not consider useful engaging private sector in the pilot initiative Facility: How to engage the private sector as per the aspiration in the ILTF design document?
Rules of the Game	Remaining Pilots There must be clear and consistent instruction and guidance available from the outset of the preparation. Facility: A manual should be developed to provide guidance on the preparation that details process, decision-making, eligibility, requirements, etc.
Rapid response	Remaining Pilots Pre-existing conditions for feasible proposals: (i) Consensus/vision; (ii) Legitimacy, internal politics & external relations; (iii) Existing implementation framework were available Facility: (i) Very simple design formats; (ii) IFLTF capacity to meet financiers' demands
Operating Environment	Remaining Pilots What? Where we agree Incremental technical assistance – overestimate Detailed attention governance/decision-making Facility Capacity to mitigate conflict/broker solutions & assist mid-course corrections, resolve bottlenecks • Rapid response to eligibility questions & work programs and budgets • Knowledge of projects, contexts, actors

Option 1



Option 2



Option 3



Option 4



Option 5



Option 6



Protection of Customary Collective Community Land Rights in Liberia

Proposal from the Sustainable Development Institute (SDI), the Foundation for Community Initiatives (FCI), Green Advocates (GA), and associates

Liberia is recovering from civil war with the peace agreement signed 12 years ago in 2003. Since the end of the war Liberia has experienced land related conflicts. Liberian Truth and Reconciliation Commission has found that land disputes are a key threat to peace in Liberia.

The vast majority of the land in Liberia is managed through customary or informal arrangements, with limited documentation. However, the statutory land tenure system does not recognize customary rights for land ownership. The end result has seen the state and few privileged individuals/families with ties to the state claiming ownership over a large area of land. Further, an estimated 50% of the country's land is believed to be under concessions or long lease contracts. The Government of Liberia has been granting concessions to palm oil, mining, and logging companies often with little or no community consultation.

In recent years various attempts have been made to secure customary tenure rights. The Community Rights Law of 2009 provides recognition for customarily managed land and the Land Rights Policy of 2013 defines customary land as land owned and managed by the community. An accompanied draft Land Rights Act establishes strong rights for people over their customary lands and natural resources. This draft is currently being reviewed by the legislator. The aforementioned tools provide critical protection for customary land rights. This protection includes communities' rights to self-identify their territory and membership, to legally claim their customary lands, and to manage local natural resources.

In support of the currently on-going land reform initiative in the country, the project seeks to test community self-identification processes to further develop the Land Commission draft protocol for community self-identification. The testing is carried out through a partnership of a consortium of civil society organizations (CSOs) and the Land Commission. Enhancing the CSO-public sector partnership for future multistakeholder cooperation is also important to allow for the scaling up of community self-identification processes in Liberia.

The proposed project is timely because of the recent and on-going significant advances in the policy and legal frameworks. There is currently momentum to advance community collective rights recognition where community self-identification is the first crucial step. The proposed project aims to test the self-identification in a number of geographies and cultural contexts to establish a critical mass of evidence to further develop the Land Commission draft community self-identification protocol and build support for its official approval.

The proposed pilot project will work with a variety of stakeholders and beneficiaries at town, chiefdom, district, county and national level. The project will benefit communities, including women, youth and marginalized groups and CSOs, government institutions, private sector stakeholders and development partners. These stakeholders will benefit through community empowerment, through self-identification process and through increased capacities, awareness and readiness and further development of the national protocol for community self-identification.

The project aims to optimize synergies with other interventions. There are various large land sector projects planned or soon starting in Liberia. According to stakeholder consultations carried out during the formulation of the proposed pilot project, there are clear opportunities for synergies. As the proposed pilot would be the first of the current projects to start field level implementation it can i) feed information and inform the planning of the large land sector projects and ii) build strong CSO-public sector partnerships for furthering the customary collective land rights recognition.

The pilot project is relevant and consistent with ILFTF objectives. It operates through a flexible model, takes strategic action to advance collective tenure rights, engages the private sector through its governance structure and invests in activities that offer scale-up opportunities.

The project partners are the CSO consortium that includes the Sustainable Development Institute, the Foundation for Community initiatives and the Green Advocates. The CSOs will implement the community self-identification process while their public sector partner, the Land Commission, observes and verifies the process. The partnership will jointly gather lessons learned to further develop steps and procedures of the community self-identification protocol. The CSO–Land Commission partnership has been from the beginning of the project formulation strongly aligned and with a shared vision for the project. The current submission by this partnership is a robust draft document.

Legal Security for the Indigenous Territories of Madre de Dios and Cusco in Peru

Proposal from the Native Federation of the Madre de Dios River and Tributaries (FENAMAD), and Peruvian Society for Environmental Law (SPDA)

The degree of forest conservation found among indigenous territories located in the Peruvian Amazon Rainforest, is quite high in comparison to the degree of conservation found elsewhere in Peru. This is quite an important fact especially considering the context of climate change in which we are immersed. The granting of land rights to indigenous peoples is essential in order to maintain a high degree of forest conservation within their territories. However, this has not been a priority for the Peruvian Government and therefore has not been reflected in the national policy. Due to the lack of action from the Peruvian Government, it is the indigenous organizations along with the civil society, who for the past years have been working actively on this issue.

Within the Peruvian Region of Madre de Dios, the Native Federation of the Madre de Dios River and Tributaries (FENAMAD), a regional indigenous organisation that represents 33 communities, stands out for its active work on this issue. Since December 2013, FENAMAD has been working in collaboration with the Peruvian Society for Environmental Law (SPDA), contributing to the consolidation of the territories of the indigenous communities in Madre de Dios.

Over 50% of the indigenous communities located within this region still have pending the legal and physical remediation of their territorial titles. Some of them have land titles emitted without the necessary georeferencing of the territory; others have a georeferenced titles, but are not yet inscribed in the public records; whilst others have incomplete or defective titles.

Madre de Dios is a challenging region when it comes to land rights granting to Indigenous Peoples. This region is characterized by a high number of overlapping rights and conflicts over indigenous territories. Because of the lack of clear rights over their territories, indigenous communities are at a complete disadvantage when they attempt to defend themselves against the multiple threats they face (including illegal mining, logging, land speculation and invasions).

To respond to this need, the main objective of the proposal is to contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco. The two specific objectives, (1) the strengthening of communities' natural resources' management capabilities and abilities to exercise collective rights; and (2) the strengthening of political advocacy activities and indigenous legislation promoted by FENAMAD. This proposal focuses on activating processes that enable the physical and legal remediation of indigenous territories and promoting changes in public policies focused on legislation that allows shorter, less bureaucratic and less costly procedures to ensure the integrity of indigenous territories. These activities and procedures, applied to secure the titles and rights of five communities, will produce a replicable methodology as well as build political will for its application.

The expected results include: strengthened capabilities of FENAMAD and the Regional Government of Madre de Dios (GOREMAD); strengthened regional forest monitoring; improvements in the standards for the consolidation of the indigenous territories and progress in addressing issues related to indigenous peoples in voluntary isolation or initial contact; and reduced levels of conflict and deforestation in the region of Madre de Dios.

These results will be achieved by the implementation of several activities, including the implementation of work plans that promote and support the legal and physical remediation process; training of indigenous communities and community forestry monitors in community forest management; developing and implementation of a legal defense system for territorial rights of indigenous communities and PIAVCI; implementation of a territorial web multiplatform with cartographic information regarding communal territories and PIAVCI; developing of a mechanism to incorporate the indigenous territorial land cadaster to the integrated national land information system; promotion of opportunities for dialogue between indigenous organizations, members of civil society and government agencies in order to generate proposals for policy improvements; and designing of a communications strategy to systematize and enhance the capabilities of FENAMAD and make visible its work regarding the defense of indigenous territories in the regions of Madre de Dios and Cusco.

This pilot proposal aims to generate a knowledge base and work experience on the consolidation of indigenous territories, adding to the technical and legal capabilities that will enable improved performance of state officials in the medium and long term. The collaborative work experience of FENAMAD, SPDA and the Regional Government (Indigenous Organization + State + NGO) will generate a methodological model replicable in other regions that will be employing public funds and international funding from FCPF, Norway , CAF, World Bank and others, to resolve indigenous land and territory claims, in the medium and long term.

This proposal has an important range of immediate beneficiaries, including indigenous communities of the regions of Madre de Dios and Cusco; Indigenous Peoples in Voluntary Isolation or Initial Contact (PIACVI); and the Regional Government of Madre de Dios (GOREMAD), particularly its departments of Physical and Legal Territorial Remediation for Rural Property, Agriculture, and Forestry and Wildlife.

Community Mapping for Effective Land-Use Planning in Cameroon

Proposal from Rainbow Environment Consult and associates

Community and indigenous peoples land tenure and uses are already somewhat recognized in existing land and forest laws and policies in Cameroon. Unfortunately, the enforcement of these laws and policies regarding community, indigenous and women's land tenure, by government, companies, and conservation organizations, has been constrained by a lack of agreed methodologies for identifying community and indigenous peoples' land and resource tenure. The state is responsible for national mapping in Cameroon, and at the moment, there is not a common, mutually agreed public approach to the identification and recognition of community, indigenous peoples and women's land uses and resource rights.

There exists an urgent need for a common operational approach that is supported by local communities, indigenous peoples, women and the government. The proposed pipeline of projects from the international development community to support land use planning, rural development, and REDD+, as well as planned investments in mining and infrastructure present new opportunities to scale-up tested and proven methodologies. Given the emerging consensus and awareness of the options, achieving a common community mapping protocol would be entirely possible if concerted government, investor, and CSO action were undertaken. This proposed project is to develop a common approach for identifying community and indigenous peoples land uses that would earn the support of all stakeholder groups and be adopted by key government actors.

Current practices do not always respond to the legal requirements on community mapping and the information on land use by local communities. A number of NGOs and companies have developed different methodologies to map community and Indigenous Peoples' land use, and a large number of community maps have been prepared. However, these maps are produced for a specific purpose with a methodology applied to that purpose only, and the methods used in collecting the information vary creating doubts on the credibility of these maps. As a result of this project, such maps could be trusted and combined into a national system.

The proposed project purpose would be to develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes. It would also aim to 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.

Creating a common community mapping protocol that is approved by all stakeholders will contribute indirectly to a better recognition of local communities and Indigenous Peoples' rights; with a simpler method, improved efficiency will bring cost savings to all actors by avoiding multiple efforts in design and training. Availability of more maps will improve the awareness of usage rights in the different processes and reduce the number of conflicts.

The project will benefit local communities, Indigenous Peoples, the Government, other public sector agencies relevant to forest tenure and mapping, Chiefs, national and international CSOs, private companies, and managers of protected areas. The outputs of the project are based on two parallel processes; a political and a technical process, supported by a Technical Coordination Unit with a political

Facilitator. A Strategic Advisory Group (SAG) will be established to support the adoption of common mapping protocols. Technical reviews on existing methodologies and legislation will be carried out as a basis for the mapping protocol development work. Very close coordination will be ensured between the political and technical processes to ensure the achievement of the objectives during the 12-month project duration.

The project proponent is seeking cooperation with two international organizations that are well respected CSOs and the developers of the widely used methodologies in Cameroon (FPP and Rainforest Foundation UK). A large part of the community maps produced by national CSOs are based on their technical/methodological leadership.

The pilot project is relevant and consistent with ILFTF. It has high strategic value, as harmonized participatory mapping procedures accepted by government agencies and other stakeholders provide a ground for explicit recognition and support in the ongoing policy and legislative reforms on land tenure and forestry. Common mapping protocols have the potential to enable agreement among various actors on community rights on land, a constant contested issue. The current reforms on land tenure and forest law, and the development in the land use planning policy indicate a momentum for addressing community rights, and completing the proposed project in the short time frame would help seize this momentum and, if effectively used, would put in place the basis for institutionalizing the practice of participatory mapping in the policy, legislative, or court rulings. There are also remarkable possibilities for scaling up, given the number of institutions already involved in community mapping in Cameroon, and the potential influence of such a common methodology on the Congo Basin countries as well as countries in the Sahel, sharing the same social and ecological characteristics with Cameroon. The project will also promote responsible private investment by reducing risks related to land conflicts.

In addition, the implementation and completion process of the project would help establish the newly created ILFTF. Lessons learned from the pilot project will feed and provide further guidance to the facility on its design, operational modalities and priorities. Next steps include the approval of the final proposal by Rainbow Environment Consult and its partners, and submission by the end of October 2015.

Support for Tenure and Natural Resource Governance Benefiting Local Communities in Mali

Proposal from Helvetas Swiss Intercooperation, in partnership with the National Coordination of Peasant Organizations in Mali (CNOP)

The proposed ILFTF project in Mali will build on the momentum of the political advances described below to accelerate the implementation of the new Agricultural Land Law and its innovative provisions on natural resources governance. More specifically, the proposed ILFTF project aims to i) establish and strengthen Local Land Commissions (COFOs) at the communal and village levels; ii) strengthen collective tenure rights through the creation of a pilot intercommunal forest domain, as well as through a negotiated agreement between a community and mining company; and iii) establish and facilitate a national multi-stakeholder strategic orientation committee around the implementation of the Agricultural Land Policy. The expected results include the creation and strengthening of seventeen (17) Local Land Commissions at the communal and village levels capable of resolving a total of twenty (20) land conflicts; the creation of a classified intercommunal forest domain under the control of local communities; a successfully negotiated agreement between a local community and a mining company on its social and environmental responsibilities; and the convening of all of the key actors in the field of rural development in Mali for the accelerated implementation of the Agricultural Land Policy and Agricultural Land Law.

Since the 1990s, Mali has been engaged in a decentralization process through the creation of territorial collectivities with legal personality as well as financial and administrative autonomy. In reality, natural resources and land governance remains centralized two decades later, with overlapping statutory and customary rights that result in frequent land conflicts.

The Agricultural Orientation Law (2006), which establishes the foundations of land governance in Mali, reflects the government's ambition to make Mali an agriculture powerhouse in the region. However the Agricultural Land Policy (2013) and its accompanying (and soon to be enacted) Agricultural Land Law both contain innovative provisions for land governance at the local level, including considerations for smallholders and pastoralists. Meanwhile, large scale land acquisitions are exacerbating land conflicts and tenure insecurity in Mali. Recent legal and policy developments offer a critical opportunity to create solutions to weak land governance and to alleviate the threats it poses to national security and to the wellbeing of local communities. With the signature of the peace agreement on May 15, 2015, Mali has made a decisive step towards national reconciliation.

The Mali pilot project will contribute to the ILFTF objectives of securing local communities customary tenure rights in rural forest and arid areas. In this respect, the proposed project will provide for local communities' participation in local land governance and generate valuable knowledge on the effective transfer of power around natural resources management. By creating a space for dialogue amongst stakeholders, the project will foster greater synergies on issues related to land governance and contribute to scaling-up decentralization efforts.

The Mali pilot project has been developed in the spirit of cooperation with all of the actors involved in land issues in Mali, including civil society organizations, technical and financial partners, and the government and its technical services. The pilot project is largely supported by the High Council of Collectivities (HCC) as well as the Commission for Rural Development and Environment at the National Assembly.

Helvetas Swiss Intercooperation, the main proponent of the proposed ILFTF project, will partner with CNOP for the advocacy component of the proposed project and will collaborate with local civil society organizations for the project's implementation.

Helvetas Swiss Intercooperation (HSI) is an international development organization that focuses on five major areas: Water & Infrastructure; Skills Development and Education; Rural Economy; Environment & Climate Change; and Governance & Peace. HSI's Mali program cuts across all five areas with the aim to improve local, regional, and national development by building capacity for the sustainable management of human, financial, and natural resources. HSI has been active in Mali for over thirty years, focusing on rural development in the regions of Kayes, Sikasso, Segou, Mopti, Tombouctou and Koulikoro.

The National Coordination of Peasant Organizations in Mali (CNOP), co-partner in the Pilot Project, works to promote competitive family agriculture through capacity building and the promotion of dialogues at the local, regional, and national level. CNOP is a strong advocate for inclusion of smallholders in the development of Mali's agricultural and land policies. In this respect, CNOP was instrumental in the development of Mali's Agricultural Orientation Law (AOL).

INTERNATIONAL LAND AND FOREST TENURE FACILITY

WORKPLAN SUMMARY OCTOBER 2015 – JUNE 2016

20 SEPTEMBER 2015

1 Introduction

The International Land and Forest Tenure Facility (the Facility) will be established over a three-year period, beginning in late 2014. Midway through the scheduled implementation, we are pleased to note the significant progress made thus far and remain confident that the Facility will be ready to become a fully operational and independent structure by the summer of 2016.

This summary provides an overview of the progress to date and the key deliverables that will be pursued over the next year, including associated activities, timelines, and responsible entities.

2 Facility Establishment

From the initial design and consultations to its eventual independence, the development of the Tenure Facility was structured around five overlapping phases. The following table presents the key outcomes associated with each of the proposed phases, along with an abbreviated assessment of the state of completion.

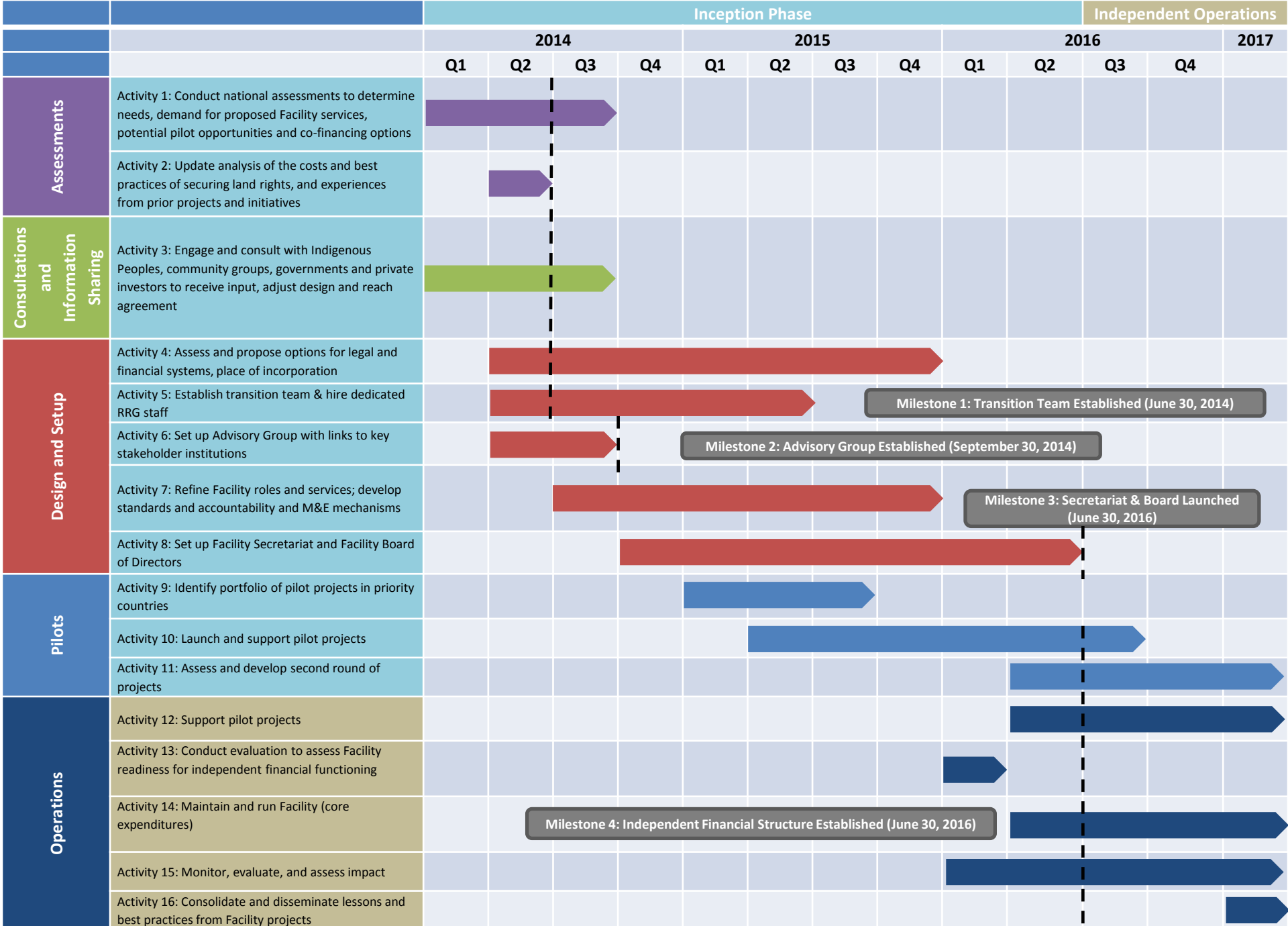
Table 1: State of Progress on Key Outcomes

Key Outcomes of Each Phase	State of Progress / Elements to be Finalised
1. Initial Consultation and Design Consensus on demand and initial design endorsed	Completed
2. Inception Phase - Facility domicile, legal, and institutional options - Advisory Group roles and expectations defined - Monitoring and evaluation standards developed - Funding is secured to design and establish the Facility	- MDY Legal analysis completed - AG roles and expectations are defined - Technical advisors selected - M&E tools under development - Funding to support the design / establishment secured
3. Pilot Project Phase - Demand studies are completed - Selected pilot projects are prepared - Pilots are implemented and lessons are documented	- Demand studies completed - Two (2) pilots projects underway - Four (4) new pilot project proposals developed - Lessons learned are being documented
4. Final Design - Additional funding secured - Secretariat and governance structure finalized - Fiduciary responsibility transferred - Project pipeline established	To be completed by March 2016
5. Independent Operations Phase	To be achieved by June 2016

The next 15 months of operation will focus on the establishment of a fully operational institution. The main outputs and activities associated with the institutional set-up of the Tenure Facility are presented in section 3 below.

3 Key Outputs and Activities: October 2015 – June 2016

Outputs	Key Activities	Responsibility	Timeline
1. Website / institutional information	Develop or refine core institutional documents outlining the purpose, relevance, and operational modalities of the Facility: • Mission and vision, priorities, goals and objectives • Relevance and connection to key development and conservation priorities and institutions (e.g. World Bank, UN) • Core competencies, theory of change, and strategic niche	TF/RRG	October 2015
2. Project management guidelines	• Specify and establish project management cycle • Refine project identification and selection criteria, including preparation and appraisal guidelines, risk assessment, and mitigation measures • Identify cross-cutting issues and mainstreaming requirements • Translate and disseminate to key constituencies	TF / RRG	November 2015
3. Project pipeline	• Identify critical opportunities in alignment with strategic objectives • Design approach and priorities for next round of projects • Identify candidate projects for 2nd round	TF / RRG / AG / Partners	Ongoing (2 nd round March 2016)
4. Operational guidelines	• Develop operations manual • Establish code of ethics and disclosure policy • Develop / adopt conflict resolution procedures	TF / RRG	January 2016
5. M&E system	• Develop the Facility's monitoring, evaluation, and reporting policy and function, including the institutional performance management framework, indicators, and project monitoring and reporting guidelines • Establish mechanisms to capture lessons, manage knowledge, support learning, and inform the development of the Facility	TF / RRG	June 2016
6. Financial management system	• Finalize project contracting template, including due diligence protocols and accounting and audit procedures • Develop institutional procurement policy, including standards and guidelines for different types of procurement managed by the Facility and grantees; internal oversight and external control procedures; and dispute resolution processes • Continue monthly tracking and quarterly financial updates	RRG / TF	November 2015
7. Outreach strategy	• Develop communication strategy and related products • Complete naming / branding of the Facility (logo, stationary) • Finalize website and increase social media visibility • Monitor / track visibility and outreach effectiveness • Develop / share lessons learned on securing land and forest rights	RRG Communications & Consultants	Ongoing
8. Secretariat	• Finalize selection of hosting location; begin negotiations and planning • Finalize TORs; identify and hire permanent director and key staff • Develop roster of technical experts to provide country-level assistance – contract templates, function, performance management system	RRG / TF / AG	March – June 2016
9. Governance structure	• Finalize TORs for governance structure and committees, recruit Directors, establish Board • Identify competencies and skills required, and develop short list of potential candidates	RRG & AG	October 2015 – March 2016



The Tenure Facility
Revenue and Expenditure Projection
September 2015

Revenue	2013	2014	2015		2013-2015 Total
		Actuals Receipts	Actual Receipts	Future Anticipated Payments	
Sida - ILFTF Grant		1,466,900	1,159,840	1,058,400	3,685,140
Acacia Conservation Fund ¹		-	see note 1 below	-	-
TOTAL	369,403	1,466,900	1,159,840	1,058,400	3,685,140

Expenditures	2013	2014	2015		2013-2015 Total
		Actuals	Actuals ²	Additional Committed ³	
Testing the Concept, Consultation, etc.	336,372	-	-	-	336,372
Institutional Establishment of Facility	-	180,832	230,997	48,164	459,993
National Assessments	-	166,337	276	-	166,613
Pilot Projects, Design & Implementation ⁴	-	24,581	618,627	964,497	1,607,705
Advisory Group	-	5,071	11,434	32,096	48,601
RRG Administration/Overhead	33,031	33,026	66,189	-	132,246
TOTAL	369,403	409,847	927,522	1,044,757	2,751,529

Pending Proposals	2015-2016	
	Proposed ⁵	
Peru	748,851	
Mali	647,400	
Liberia	749,600	
Cameroon	750,000	
TOTAL	2,895,851	

¹ Acacia Conservation Fund has authorized Rights and Resources at its discretion to utilize a portion of their \$600,000 contribution to RRI to support the Tenure Facility.

² Actual expenditures recorded, through Sept 21. Some salary and administration allocations through Sept 21 are pending and have not yet been recorded.

³ Contractual, grant, or employment commitments through 2015. Does not include proposed grants or other planned expenditures not under contract or other commitment.

⁴ Contracted pilot proposals are with PRODESO/COONAPIP in Panama, and AMAN in Indonesia.

⁵ Pending proposals include projected expenses in both 2015 and 2016.

Legal and Institutional Options Report for the International Land Tenure and Forestry Facility (“The Facility”)

Answers to Supplemental Questions and Conclusions

1. Introduction

MDY Legal has prepared the following reports for Rights and Resources:

- i. Phase 1 report dated 21st August 2014 which set out due diligence on the London, Stockholm, and Geneva.
- ii. Phase 2 report dated 12th March 2014 which set out due diligence on Montréal and Barcelona.

These reports largely addressed legal questions relating to the structures available, and related legal, tax and regulatory issues in respect of doing business in each country.

On 9th April 2015 Rights and Resources asked us to look at other questions relating to doing business in each country. Our answers to these supplemental questions are summarised in Annex 1 to this report and further detail is provided in the attached Matrix of Answers to the Supplemental Questions (Annex 2).

In our Phase 1 report we identified the following criteria for selection of the legal and governance structure and location of the Facility. These are set out below:

- i. Minimise core costs to reduce the financial vulnerability of the Facility and ensure value for money;
- ii. Maximise tax efficiency to enable funding to be utilised for the core purposes for which the Facility is established while balancing tax efficiency with the other drivers for the Facility;
- iii. Allow set up and commencement of operations within the next twelve months;
- iv. Allow for a multi-stakeholder governance system and international legitimacy;
- v. Enable a diverse work-force to be employed;
- vi. Allow for fundraising and leveraging of capital, know-how and political support;
- vii. Be a sustainable institution;
- viii. Be an example of best practice and adhere to the highest standards of good governance; and
- ix. Allow for ease of operations.

We have reviewed the different country options against these criteria based on the due diligence set out in each of our reports.

2. Analysis

2.1 Analysis against criteria

We consider that all of the cities would meet the following criteria:

- *Allow set up and commencement of operations within the next twelve months*

All of the structures considered in each of the different countries can be set up and operating within a twelve month period. However, if the Facility is set up as a treaty based organisation in any of the countries or as a Swiss foundation registered under the Host State Act (which potentially offers tax and visa privileges), the operationalisation could take longer.

- *Allow for a multi-stakeholder governance system and international legitimacy*

Based on our experience of setting up and operating a wide range of multi donor entities and multi-stakeholder governance systems we consider that entities could achieve this objective in any of the jurisdictions. This issue will need to be considered carefully as part of the governance design process.

- *Enable a diverse work-force to be employed*

All of the cities considered potentially offer a diverse work force. Clearly some, London in particular, offer huge diversity and a very large ‘talent pool’.

- *Allow for fundraising and leveraging of capital, know-how and political support*

We consider that all of the cities offer the potential for international fund raising and leveraging of capital, know-how and political support. It could be argued that locating the Facility in a major financial centre like London could facilitate the raising of capital and access to know-how. The Facility’s stakeholders may wish to consider whether the level of long term political support (for example of “anchor donors”) for the facility may be influenced by the location.

- *Be a sustainable institution*

We do not consider (operating costs and political support aside which are considered elsewhere) that the country in which the Facility is located will be a determining factor in its long term sustainability. However, the relationship between the location and the long term levels of support provided by ‘anchor’ donors, and generally the ability to raise funding are something that the Facility’s stakeholders should consider.

- *Be an example of best practice and adhere to the highest standards of good governance*

Noting that all of the countries under consideration offer an appropriate framework for doing business and good governance, and assuming that the governance arrangements to be put in place for the Facility will be properly structured, the location of the Facility should not affect its ability to be an example of best practice and adhere to the highest standards of good governance.

As regards the other criteria set out below we consider there are differences between the countries in how well they meet the criteria. We have provided an analysis of the different countries against these criteria which draws upon the information gathered in preparing the August 2014 and March

Legal and Institutional Options Report for the International Land Tenure and Forestry Facility (“The Facility”) - Answers to Supplemental Questions and Conclusions

2015 reports and the current report.

Minimise core costs to reduce the financial vulnerability of the Facility and ensure value for money

The key drivers of the core costs of the Facility are likely to be the costs of running the Facility’s secretariat including the cost of employing staff, office rental, utilities and travel costs. VAT on the purchase of services could also be a significant cost.

Our research shows that the cost of renting office space is highest in London, and significantly lower in the other cities. We estimate that for an office space of 100 square metres which would house say 10 people the cost could range from USD 25,000 in Barcelona and Montréal though USD 35,000 in Geneva and Stockholm to 120,000 in London. This said we are aware that in London significantly cheaper accommodation can be found for not for profit organisations which could bring the total cost down to similar levels to Geneva and Stockholm. Similar arrangements are available in Geneva. We have not found evidence of such arrangements in other cities but this does not mean that they cannot be found. However, it would clearly be more important to find such an arrangement in London should it be chosen as the preferred city based on the other criteria.

The annual cost of utilities (water, electricity, heating, phone, and internet) for say 10 people in an office of 100 square metres is likely to be approximately 12,000 USD in Geneva, 10,000 USD and closer to 5000 per annum in the other cities.

Staff remuneration will be a significant cost for the Facility, and remuneration levels will affect the core cost. The monthly staff remuneration is likely to vary significantly (average monthly costs are Geneva 6,488.02, London 3,033.28, Stockholm 2,687.94, Montréal 2,213.98, and Barcelona 1,626.97). This cost reflects the cost of living in the different cities (consumer price plus rent index Geneva 101.59, London 98.79, Stockholm 56.94, Montréal 47.83, Barcelona 42.06). On the basis of these findings Geneva and London are likely to be the most expensive in terms of staff costs and cost of living.

Based on these findings we estimate that the annual core cost of the Facility is likely to be highest in Geneva, followed by London then Stockholm, and lowest in Barcelona and Montréal. The amount of the difference on an annual basis will of course depend upon the size of the office.

Maximise tax efficiency to enable funding to be utilised for the core purposes for which the Facility is established while balancing tax efficiency with the other drivers for the Facility

We understand that the Facility is not intended to make a significant profit. We therefore consider that the tax on the income of the Facility itself is not likely to be a significant driver in the choice of country.

As regards tax on employment income the rates vary between the countries with the highest rates in Sweden 29-54%, followed by Spain 24.75% - 51%, Montréal (Quebec 16 to 24% and Canadian Federal 15 -29%), then Switzerland (11.5% and combined cantonal and municipal tax 34.5% plus wealth tax at 1% of taxable wealth), then the UK 20-45%. Sweden and Switzerland offer special tax rates for expatriate workers.

There are also differences in the VAT rates which depending on the volume of services to be purchased by the Facility will affect the cost of doing business with Sweden highest at 25% followed by Barcelona 21%, UK 17.5-20%, then Switzerland 8%, and Montréal 5%.

Allow for ease of operations.

We have considered a number of issues under this heading including the extent to which employment and health and safety are regulated, ease of recruiting professional qualified staff including obtaining visas for foreign nationals, ease of travel and the conduct of regulated investment activity.

All of the countries have ‘modern’ employment law frameworks that contain minimum standards of employment covering such matters as minimum wages, hours of work, statutory holidays and annual vacation, maternity and parental leave, notice of termination of employment and severance, data protection, health and safety, and equal pay for equal work. We do not therefore consider that the employment law frameworks should be a factor in the choice of country.

Recruiting suitably qualified professionals will be a significant factor in operating the Facility. In a 2014 global survey published by Bloomberg index of global cities in attracting talent, business ideas and capital, the cities were ranked globally (London 2nd, Barcelona 24th, Stockholm 34th, Montréal 30th, (Geneva not ranked). We consider that this could be viewed as an advantage of London over the other cities.

All of the countries have visa requirements which impose conditions that restrict the recruitment of foreign nationals to jobs that could be undertaken by local employees. However, all countries recognise the need to recruit foreign nationals and maintain quota systems. However, Sweden and Spain have special arrangements in place for highly qualified foreign workers.

It should also be noted that all of the countries have arrangements with other countries or groups of countries that would widen the pool of foreign nationals for whom visas could be obtained (for example EEA nationals can move freely within the EEA). We do not consider that the immigration policy of any particular country makes it significantly more attractive than any other.

In all of the countries investment activity (eg lending) is regulated and we do not consider that there is a sufficiently significant difference of approach between the different countries to be a determining factor in the choice of location, although further due diligence on the regulation of the entity should be undertaken as part of the design process if it is to lend.

2.2 *Analysis by City*

London

The advantages of London are that it is a global financial and international business centre. It offers access to global financial institutions and technical resources. It is also a global hub for transport and so offers excellent transport links and cheap air fares. London is the second best city in the world for attracting global talent. It also benefits from the free movement of people across Europe. Free healthcare and English language education is also available to tax residents subject to duration of residency. Nursery education is not free of charge. The disadvantages of London are that rents in particular are expensive. The cost of living and salaries are also higher than in Stockholm, Montréal and Barcelona although significantly lower than Geneva.

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Stockholm

The operating costs of the Facility would be significantly lower in Stockholm than in London or Geneva although comparable to Montréal and Barcelona. Sweden offers a high quality of life. The Facility would also be able to recruit freely from across the EU. Free healthcare and education is also available to tax residents. The disadvantages of Sweden are that VAT is high. Employment income tax rates and social security contributions are high although Swedish tax legislation offers foreign key personnel tax and other incentives. It is not a hub for international transport and employment. Recruitment of staff is less easy than in the UK. It is also worth noting that the Swedish Companies Act requires at least half of the board members to be residents of the EEA, unless an exception is granted by the Swedish Companies Registration Office.

Geneva

The advantages of Geneva are that it offers a high quality of life which potentially makes it attractive to recruit to. The Facility would also be able to recruit across the EU. Employment tax, social security contributions and VAT rates are also low compared to the other cities. There is the possibility that the Facility could be registered under the Host State Act which could afford it a range of exemptions including from tax and visa obligations. The disadvantages are that operating costs and in particular staff remuneration costs are high, although low cost rental can be found for NGOs. Switzerland also does not have a public national health system. Recruitment of staff in Geneva is less easy than in the UK or Spain.

Barcelona

The advantages of Barcelona are that operating costs would be low. Office rental, salary costs and the cost of living are low. The Facility would also be able to recruit from across the EU. The disadvantages are that employment tax rates and social security contribution rates are high. The VAT rate is also high. It is also not a hub for international transport.

Montréal

The advantages of Montréal are that the operating costs would be low. Office rental, salary costs and the cost of living are low. VAT is also low. The quality of life is high. A local organisation Montréal International could potentially offer technical and subsidies towards operating costs. Social security contributions are low. We have not identified any particular disadvantages of Montréal although one source indicated that recruitment is less easy than in the UK or Spain. It is also not an international transport hub.

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We have summarised the pros and cons of the countries based on these findings below in the table below.

	London	Geneva	Stockholm	Montréal	Barcelona
Pros	Ease of recruitment Global financial and international business centre Hub for transport Cheap air fares Lower social security contributions Subsidised healthcare and access to state education for foreign residents subject to conditions	Possible privileges and immunities if registered under Host State Act Lower VAT High quality of life Lower social security contributions Deductions from employment taxes Free access to public education	Lower operating costs Lower salaries Lower cost of living Higher quality of life Special visa arrangements for highly qualified employees Tax relief for key foreign staff Affordable healthcare for all foreign residents	Lower operating costs Lower salaries Lower cost of living Lower VAT Lower social security contributions Higher quality of life Free or subsidised access to all public services	Lower operating costs Lower salaries Lower cost of living Special visa arrangements Free access to public services
Cons	Higher operating costs Higher cost of living Higher salaries	Higher operating costs Higher cost of living No public healthcare Highest salaries Recruitment less easy	Higher employment tax rates but possible exemptions High social security contributions Recruitment less easy	Higher employment tax rates Recruitment less easy	Higher employment tax rates High social security contributions High VAT rates

3. Conclusions

- i. All of the cities potentially offer viable locations for the Facility.
- ii. Appropriate not for profit legal structures are available in each of the countries.
- iii. The principal differences between the cities relate to:
 - a. Operating costs (office and utilities)
 - b. Staff remuneration costs
 - c. Living costs
 - d. Employment income tax rates
 - e. VAT
 - f. The relative size and importance of the city as a financial centre
 - g. Ease of recruitment of qualified staff
 - h. Availability of cheap airfares
 - i. Quality of life
- iv. We have not found significant differences in:
 - a. Immigration and visa rules although there are some exemptions for particular categories of foreign nationals (Sweden and Spain).
 - b. Access to free state education and health care, and nursery places which are largely linked to tax residency (although Switzerland does not have a public healthcare system).
- v. We are unable to make a single recommendation on the most appropriate city for the location of the Facility. However, if operating costs and cost of living are the main drivers London and Geneva may be considered less attractive and Montréal, Stockholm and Barcelona more attractive. Of these more cost effective locations we would argue that Montréal and Stockholm are the most attractive. If on the other hand presence in a large financial centre and transport hub with a correspondingly large “talent pool” is important London would be the most attractive. A further factor that should be considered is whether there is/are particular anchor(s) donor(s) that may offer greater political and financial support if the Facility is located in a particular country or region. We also observe that London (in terms of operations) and Montréal (in terms of cost) have the highest number of positive attributes. Barcelona has fewer operational and financial benefits. Given the high cost of operating in Geneva it would only seem relatively more attractive if Host State Act registration were obtained giving exemption from taxes on employment income and visas.
- vi. By way of note the Facility could be established as an international organisation which would offer tax, visa and other privileges. However, this is potentially a very drawn out process (e.g. at least 2 years).

Section 1 - Answers the supplemental questions

i. What are the rental costs for office space?

There is a clear difference in the cost of rental space between the different city options with London office rental being at least four times more expensive than the other cities Montréal and Barcelona being significantly cheaper than Geneva and Stockholm. The impact of the difference will of course depend upon the size of the floor space required. But assuming a team of 10 would require 100 square metres the cost would vary between USD 120,000 in the UK, 35,000 in Geneva and Sweden and USD 25,000 in Barcelona and Montréal. It should be noted that rents may not include service charges and local taxes. It should also be noted that cheaper accommodation available for charitable organisations in the London and Geneva¹ which could reduce the cost of London accommodation significantly.

ii. What are the average costs for basic utilities (water, electricity, heating, phone, Internet)?

It was not possible to establish the cost of business utilities in all of the different cities but we established that in London the cost for 1000 square metres would be USD 8000 per annum. Based on the difference between domestic utility costs in the different cities we estimate that the cost in Geneva would be over USD 10,000 per annum and in the other cities closer to USD 5000 per annum.

iii. What are the actual taxation rates (if applicable)?

The corporation tax rates are lowest in Montréal (15%) and the UK (20%), slightly higher in Sweden and Switzerland (22%), and highest in Barcelona at 30%.

iv. In terms of the above, would the facility be liable in each of the countries?

Given that the Facility is not intended to make a profit, and should also qualify for tax exempt status on account of its not for profit purpose these taxes on the Facility’s income may not be relevant.

However, obtaining charitable status would not reduce the amount of VAT Payable by the Facility. The Facility would pay Value Added Tax (VAT) in each of the countries (5% in Quebec, 8% in Geneva, 15% in Montréal, 17.5%-20% in London and 30% in Barcelona). It is assumed that the Facility would not itself be making supplies that would allow it to recover the VAT. The impact of the VAT rates on the cost of the Facilities operations will of course depend upon the value of purchases to be made by the Facility.

As regards employment income the tax rates are:

- Sweden - 29-54% although foreign key personnel, such as executives, experts, researchers, and others with sought-after skills that are difficult to find in Sweden may qualify for a special tax regime that reduces their income tax by 25% and lowers the employer's social security costs by the same percentage. In addition, foreign key personnel may also receive tax-exempt contributions from employers for travel to their home country, moving expenses (to and from Sweden), and school fees for children.

¹ <http://www.geneve-int.ch/services-ngos>

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- Spain - 24.75% - 51%. There are no employment tax discounts/deduction arrangements for foreign nationals.
- Montréal - Quebec 16 to 24% and Canadian Federal 15 -29%. There are no employment tax discounts/deduction arrangements for foreign nationals.
- Geneva - 11.5% and combined cantonal and municipal tax 34.5% plus wealth tax at 1% of taxable wealth), and the UK 20-45%. Switzerland offers special tax concessions at federal and cantonal levels to resident and non-resident expatriates.

By way of note tax on employment could only be potentially mitigated by establishing the facility as a treaty based organisation. This process requires a host state (ie one of the bilateral funders of the Facility) to host the entity and to commit to steer it through the treaty process.

v. What benefits, if any, do international organisations receive in different countries?

Our research has shown that Switzerland and Canada offer additional benefits to international organisations. These are described below.

Switzerland

Switzerland (in addition to being able to register as a Foundation which like charitable status in other countries offers exemption from income and capital taxes) offers a unique regime which is described in our previous reports under the Host State Act that offers benefits that are normally only available to treaty based international organisations such as exemption for staff from tax on employment income, visa requirements and immunity from suit in Switzerland.

We have explored with our Swiss colleagues the possibility of the Facility being registered under the Host State Act who consider that the Facility would be eligible to register under the Host State Act in the residual category “other international organisations”.

Montréal

Montréal International can provide technical support on visa applications

The Facility could also be eligible for financial support for operational costs (of around USD 230,000) and technical support through the Montréal International Development Fund (FODIM), managed by Montréal International. To qualify, organisations must meet certain criteria, namely:

- present a business plan to Montréal International, including 5-year financial projections;
- commit to create at least five permanent full-time positions in Montréal;
- demonstrate that they have secured adequate funding (50% of the organization’s revenues must be derived from non-Canadian sources).

vi. Are there precedents for lower or subsidised rental space and/or services?

We have identified precedents in the UK and Geneva which are the most expensive locations for office costs.

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As rental costs in Sweden are lower, and in rents in Montréal and Barcelona are very cost effective the rental cost will be less significant as a proportion of the overall operating costs of the Facility in these countries.

There is no difference between the benefits offered by the different countries to international treaty based organisations. The principal benefits would be negotiated as part of the treaty negotiation and typically include immunity from suit and tax exempt status for staff. Given RRI’s own government sponsors the Facility could potentially be established as an international organisation with treaty benefits. There is no material difference in the benefits offered by the different countries to charities. The legal definition of a charitable organisation is different in each of the countries. However, the overall approach to qualifying for charitable status is broadly similar. The principal benefits of charitable status are that the Facility would not pay tax on its income. The Facility’s staff would however be liable to tax on employment income at the rates quoted above. As a charity the Facility would also pay VAT.

vii. What are the availability, skill sets and cost structure of the local workforces?

The Facility will be supported by a secretariat which will oversee the daily operations and administration of the Facility. In our assessment a suitable cadre of secretariat staff would be available in each of the cities. However, there are differences in the ease of recruiting internationally qualified staff. This is explored below.

As regards the cost structure of the local workforce the social security employer contribution rates are UK 12%, Switzerland 5.15%, and Canada 12.4%, whereas in Sweden at 31%, and Spain 29.9% the rates are significantly higher.

viii. How difficult is it to recruit qualified staff?

We consider that in each of the countries the Facility would be able to recruit qualified staff to support the core functions of the Facility’s secretariat, for example finance, contracting, communications, administration, operations, governance and legal. This said our research shows that in the UK and Spain only 14% of employers have trouble finding qualified staff, whereas by contrast in Switzerland 41%, Sweden 39%, and Canada 32% of employers have difficulty in recruiting qualified staff.

ix. How difficult is it to dismiss underperforming staff?

In all of the countries except Switzerland, where only mandatory contractual notice of up to three months is required, the employer must in addition to observing contractual rights comply with a higher standard. This means that an appropriate procedure must be followed which and evidence of underperformance demonstrated in accordance the requirements set down on the relevant legislation - UK (‘unfair dismissal’), Sweden (‘just cause’), Spain (‘objective grounds’), and Canada (‘good faith’).

x. What are the constraints of hiring international staff?

There are no restrictions on hiring staff within the European Union (EU) which would make recruiting international staff from across the EU to the UK, Sweden and Spain straightforward. Similarly if located in Switzerland (subject to the comments on the recent referendum in Switzerland

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on quotas for migrants in response to question (xii) below) the Facility could recruit freely across the EU.

xi. What are the considerations for remuneration, recruitment and retention of staff?

Living costs and quality of life are likely to be the key considerations for remuneration, recruitment and retention of staff.

The cost of living in each of the countries is addressed in the answers to question xiii and xv below.

A recent survey by Numbeo ranked the quality of life in Switzerland 1, the highest followed closely by Sweden 5, then Canada 12, UK 15, and Spain 20. However, the differentiation of this index is debatable as all of the cities arguably have a high quality of life.

xii. What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?

In all of the countries there are restrictions on the granting of visas for international staff.

UK - In the UK employers of non-European Economic Union (EEA) nationals must demonstrate an inability to fill the post with a resident worker. Non-EEA nationals must usually obtain permission to work or train in the UK under the points-based system which makes special provision for sponsored skilled workers with a job offer, including those transferring from an associated company overseas (Tier 2).

Sweden - In Sweden for non EEA nationals a work permit may not be obtained unless the job has been advertised so that residents in Sweden, the EU/EEA and Switzerland can apply for the job. However, highly qualified employees can apply for a specific type of work permit, EU bluecard. A bluecard can be applied for by a foreigner who has a university degree or five years of work experience provided that the following conditions are met:

- i. The foreign worker's salary in Sweden will exceed 1.5 times the average gross salary in Sweden (SEK 44,700 for 2013).
- ii. The employment will last for at least a year.
- iii. Other requirements for a normal work permit are fulfilled.

Spain - In Spain ‘high qualified individual permits’ are also available.

Switzerland - The relations between Switzerland and the EU are enshrined in bilateral treaties under which the Switzerland is able to participate in the EU single market. However, in February 2014, the Swiss voted in a referendum to introduce quotas for all migrants in Switzerland. If implemented this would violate the agreement between Switzerland and the EU on the free movement of persons, and require the renegotiation of the various bilateral agreements. This potentially leaves an element of uncertainty over the Facility’s ability to recruit international staff from across the EU if the Facility is located in Switzerland.

Work permits for non-EU nationals are subject to general quotas that apply to all non-EU states, and the employer must demonstrate that they have searched for potential employees in Switzerland and the EU, that the prospective employee is highly qualified, and that employment terms and conditions comply with Swiss standards. Some facilitation provisions exist for intra-group transfers.

Legal and Institutional Options Report for the International Land Tenure and Forestry Facility (“The Facility”) - Answers to Supplemental Questions and Conclusions

Canada - In Canada the hiring of international staff can either be done from visa exempt countries (comprising most but not all western EU countries, Australia, New Zealand, the USA and a few select others), or through an Intra-Company Transfer (in order to qualify for the later, the applicant must have obtained at least one year of work experience with the same group/organisation outside of Canada, be transferring to a Canadian affiliate and be either a specialised knowledge worker or senior manager). For staff who do not qualify under these exemptions the Facility may first have to obtain a Labour Market Impact Assessment (“LMIA”) measuring the impact on the labour market of hiring a foreign worker.

xiii. How do individual cities compare in terms of the cost of living?

The cost of living in the cities is set out below.

City	Consumer Price Plus Rent Index	Groceries Index	Restaurant Price Index
Geneva	101.59	135.47	140.9
London	98.79	80.82	107.66
Stockholm	56.94	66.17	93.41
Montréal	47.83	78.09	67.46
Barcelona	42.06	46.33	66.88

This shows that Geneva and London are the most expensive cities and Barcelona the cheapest.

xiv. In relation to the above, what are the average wage expectations for professional and technical staff depending on location?

City	Average Monthly Disposable Salary (After Tax)	Average Monthly Disposable Salary (After Tax) USD
Geneva	CHF 6242.48	6,488.02
London	GBP 1,955.63	3,033.28
Stockholm	SEK 23,096	2,687.94
Montréal	CAD 2888.39	2,213.98
Barcelona	EUR 1482.57	1,626.97

This shows that Geneva is the most expensive city for staff costs.

Legal and Institutional Options Report for the International Land Tenure and Forestry Facility (“The Facility”) - Answers to Supplemental Questions and Conclusions

xv. What are health care, child care and schooling costs?

We have set out below an index of health care costs in the countries.

Country	Spain	UK	Canada	Sweden	Switzerland
Health Care Exp. Index	135.58	135.74	128.41	140.32	Not available ²

This demonstrates that healthcare costs in each country are broadly comparable.

For child care costs there is no like for like comparison. We have therefore provided information on each country.

Country	Comment	USD
UK	£400 per month	625
Sweden	Parents pay 3% of gross salary but there's a cap of £113 a month. The state subsidy pays the remaining amount. A maximum of £32 for the third child and nothing for the fourth is required to be paid by the parents.	176
Geneva	Full-time place CHF 2,500 a month.	2600
Spain	State nursery EUR 250 a month.	260
Montréal	Public 7-20 CAD depending on income. Private from CAD 35 per day.	310

In each of the countries the children of resident foreign nationals have access to state schools.

xvi. Would staff be eligible to access public services if available?

Essentially where free healthcare (not available in Switzerland), education and child care (not available in the UK) are available free access is tied to residency and payment of social security contributions, and also sometimes (in the UK) to length of residency.

In the UK, Sweden and Spain public services are available to all EEA nationals.

UK - In the UK foreign national's entitlement to free NHS treatment depends on the length and purpose of residence in the UK. In the UK nationals from outside of Europe coming to live in the UK for longer than six months pay a health surcharge of £200 a year to be able to use the National Health Service (NHS). The health surcharge will be payable up-front when the individual submits their visa application on-line and for the total period of their visa. UK state schools are not available to non EEA nationals.

² In Switzerland annual out-of-pocket household spending on health – CHF 2,202.93 (2012)

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Switzerland - There is no free state health service in Switzerland. Unlike other European countries, the Swiss healthcare system is not tax based or financed by employers but is paid for by the individual through contributions into health insurance schemes. As at 2014, an adult pays around CHF 400 [USD] in health insurance premiums. Foreign nationals with a work/residence permit can access the free Swiss cantonal education system.

Montréal - International workers with a work permit in Montréal enjoy the same benefits as Canadian citizens, including free basic medical care, education, and subsidised day care services.

Spain - In Spain state healthcare is free of charge to anyone who is resident and paying social security contributions.

Sweden - In Sweden resident citizens from non-EU countries pay the full cost of health care until registered as residents.

xvii. Does the host country regulate how employment standards are implemented?

In all of the countries employment rights and safety & health in the workplace are actively regulated. We have not identified any significant difference of approach between the countries that would make any one country significantly more or less attractive.

xviii. What are employment law and employment relations requirements?

Details of these matters are set out for each country in Annex 2. We have not identified any significant difference of approach between the countries that would make any one country significantly more or less attractive.

xix. How should the Facility comply with work-time regulations, employee protection laws, legally mandated (or culturally accepted), vacation days, sick days, maternity/paternity leave, overtime hours?

Details of these matters are set out for each country in Annex 2. We have not identified any significant difference of approach between the countries that would make any one country significantly more or less attractive.

xx. What are the discrimination laws, if any?

Details of these matters are set out for each country in Annex 2. We have not identified any significant difference of approach between the countries that would make any one country significantly more or less attractive.

**Legal and Institutional Options Report for the International Land
Tenure and Forestry Facility**

(“The Facility”) – Matrix of Answers to Supplemental Questions

Introduction

The answers to questions 1-5 are set out in a single table.

The answers to questions 5-20 are set out in separate tables for each country.

Questions 1-5

Question		Answer					
		London	Geneva	Stockholm	Montreal	Barcelona	Comment
1.	What are the rental costs for office space?	1217.52	358	345	245	250	All costs in USD/sq.m/Year. Source: Cushman and Wakefield survey
2.	What are the average costs for basic utilities (water, electricity, heating, phone, Internet)?	Basic utilities: 2.75 Mobile: 0.208 Internet: 32.32	Basic utilities: 3.39 Mobile: 0.23 Internet: 57	Basic utilities: 1.3 Mobile: 0.15 Internet: 30.48	Basic utilities: 0.96 Mobile: 0.28 Internet: 37.7	Basic utilities: 1.6 Mobile: 0.14 Internet: 39.6	Basic domestic utilities: electricity, heating, water, garbage) - All costs based on USD/sq.m/Year Mobile USD cost per minute. 6 Mbps, Unlimited Data, Cable/ADSL Source: Numbeo index.
3.	What are the actual taxation rates (if applicable)?						

Question		Answer					
		London	Geneva	Stockholm	Montreal	Barcelona	Comment
	Taxes on corporate income	20%	22%	22%	15%	30%	
	VAT	17.5-20%	8%	25%	5% (Quebec)	21%	
4.	In terms of the above, would the Facility be liable in each of the countries?	Exempt if purpose charitable.	Exempt for public utility purpose.	Exempt if the foundation's purpose is to promote the public	Exempt if charity.	Exempt as non-profit entity.	The land tenure facility could seek a full tax exemption for its non profit activities. This would exempt it from taxes on income in each of the jurisdictions but not from VAT.
5.	What benefits, if any, do international organisations receive in different countries?	International organisation status would need to be established under a treaty. This would give it exemption from UK taxes and offer privileges and immunities in respect of staff salaries and potentially liability for suit .	Establishment under the Host State Act would give tax exemption and privileges and immunities.	As UK.	As UK.	As UK.	In summary international organisation status must be obtained through treaty in all of the countries. This is a long process involving the negotiation of a treaty. Only Switzerland has a special regime under the Host State Act which may offer a quicker route to obtaining privileges and immunities.

London

Question		Answer																																	
6.	Are there precedents for lower or subsidised rental space and/or services?	Average rental rates (Sep 2013): <table> <tr> <th>Region</th><th>Average rental Rates (£) p.a.</th><th>Increase (+)/Decrease (-) over prev. year</th></tr> <tr> <td>Greater London</td><td>42,933</td><td>(+19%)</td></tr> <tr> <td>South East</td><td>26,899</td><td>(-16%)</td></tr> <tr> <td>East Anglia</td><td>20,748</td><td>(-28%)</td></tr> <tr> <td>East Midlands</td><td>19,751</td><td>(-13%)</td></tr> <tr> <td>West Midlands</td><td>NA</td><td>~(-7%)</td></tr> <tr> <td>South West</td><td>NA</td><td>~(-11%)</td></tr> <tr> <td>Wales</td><td>16,314</td><td>NA</td></tr> <tr> <td>North West</td><td>15,717</td><td>(-25%)</td></tr> <tr> <td>Yorkshire & Humberside</td><td>26,972</td><td>(-1%)</td></tr> <tr> <td>Scotland</td><td>29,032</td><td>(+122%)</td></tr> </table> Source: http://www.rbs-businesssense.co.uk/Rightmove.html	Region	Average rental Rates (£) p.a.	Increase (+)/Decrease (-) over prev. year	Greater London	42,933	(+19%)	South East	26,899	(-16%)	East Anglia	20,748	(-28%)	East Midlands	19,751	(-13%)	West Midlands	NA	~(-7%)	South West	NA	~(-11%)	Wales	16,314	NA	North West	15,717	(-25%)	Yorkshire & Humberside	26,972	(-1%)	Scotland	29,032	(+122%)
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With regards to second deliverable, access to human capital and the recruitment of international staff, it would be useful to gain a more detailed appreciation of human resource considerations for each city.

Question		Answer
7.	What are the availability, skill sets and cost structure of the local workforces?	The skillset in of the UK employment professional occupations has gradually shifted from lower end jobs (process, plant & machine operatives, elementary occupations) in early 90's to more senior positions (managers, directors and senior officials) in 2012. This trend is expected to continue and the share of high end jobs is expected to increase from about one-third in 1992 to nearly half of the jobs (~48% in 2022) Source:https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298510/working-futures-2012-2022-main-report.pdf
8.	How difficult is it to recruit qualified staff?	According to Talent Shortage Survey – 2015 published by Manpower Group, UK (14%) is 2nd amongst countries that are experiencing least difficulty filling jobs in 2015, just behind Ireland (11%) This indicates that UK is amongst the best countries in terms of ease of finding qualified staff Source:http://www.manpowergroup.com/wps/wcm/connect/408f7067-ba9c-4c98-b0ec-dca74403a802/2015_Talent_Shortage_Survey-lo_res.pdf?MOD=AJPERES&ContentCache=NONE

9.	How difficult is it to dismiss underperforming staff?	Dismissal is when the company ends an employee's contract. When dismissing staff, the company must do it fairly. Some reasons for unfair dismissal are: • pregnancy, including all reasons relating to maternity • family, including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependants • acting as an employee representative • acting as a trade union representative • acting as an occupational pension scheme trustee • joining or not joining a trade union • being a part-time or fixed-term employee • discrimination Source: https://www.gov.uk/dismiss-staff/overview <u>Termination Settlement</u> The Enterprise and Regulatory Reform Act 2013 introduced provisions to rename compromise agreements as 'settlement agreements' and to protect 'pre-termination negotiations' from being used in subsequent ordinary unfair dismissal claims, subject to certain conditions and caveats. These provisions will come into force on 29 July 2013. The Government also asked Acas to produce a Statutory Code of Practice on how settlement agreements will work in practice and the finalised 'Code of Practice on Settlement Agreements' will also operate from 29 July 2013 Source: http://www.pinsentmasons.com/en/employmentlawplus/knowledge/latest-developments/july-2013/settlement-agreements--pre-termination-negotiations/ <u>Notice Period</u> If an employee is dismissed he or she is entitled to be given notice in accordance with the provisions in s.86 of the Employment Rights Act 1996 or in accordance with the notice provisions in his or her contract - whichever is the greater. Failure to give notice will be a breach of contract entitling the employee to make a contractual claim for breach of contract Source: http://www.xperthr.co.uk/employment-law-manual/notice-and-pay-in-lieu-of-notice/20427/#notice-periods
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10.	What are the constraints of hiring international staff?	Tier 5 (Temporary Worker - International Agreement) visa A person can apply for a Tier 5 (TWIA) visa if: • from outside the European Economic Area (EEA) and Switzerland • contracted to do work covered by international law while in the UK, eg working for a foreign government or as a private servant in a diplomatic household • meets the other eligibility requirements A person can apply for a Tier 5 (Temporary Worker - International Agreement) visa if he/she has: • a certificate of sponsorship reference number • £945 in savings • Work covered by international law Source: https://www.gov.uk/tier-5-international-agreement/overview
11.	What are the considerations for remuneration, recruitment and retention of staff?	<u>Remuneration:</u> Average hourly labour cost UK is at €22.3. Source: http://ec.europa.eu/eurostat/statistics-explained/index.php/Hourly_labour_costs <u>Retention:</u> The UK average employee turnover rate is approx. 15% a year, although this varies drastically between industries. The highest levels of turnover are found in private sector organisations in retailing, catering, call centres, construction and media. Turnover levels also vary from region to region with the highest rates found where unemployment is lowest. Industries with traditionally low turnover rates include legal, accountancy, education and the public sector Source: http://hiring.monster.co.uk/hr/hr-best-practices/workforce-management/employee-retention-strategies/what-is-the-ideal-employee-turnover-rate.aspx

Question		Answer
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	There are no waivers as such to international staff for obtaining Tier 2 visa (Working visa) in UK A Tier 2 visa is an employer sponsored visa for individuals who have a job offer which meets certain conditions: • General: for people coming to the United Kingdom with a job offer to fill a position that cannot be filled by a settled worker. In 2011, an annual cap on the number of Tier 2 (General) visas was introduced. It currently stands at 20,700. People who earn £150,000 a year or above are excluded from the cap. • Intra Company Transfers: for employees of multi-national companies who are being transferred by an overseas employer to a skilled job in a UK-based branch of the organisation • Sports People: for elite sportspeople and coaches whose employment will make a significant contribution to the development of their sport at the highest level • Ministers of Religion: for those people coming to fill a vacancy as a Minister of Religion, Missionary or Member of a Religious Order Source: http://www.mirror.co.uk/news/ampp3d/average-private-school-fees-now-4168150

13.	How do individual cities compare in terms of the cost of living?	<table><tr><th>City</th><th>Consumer Price Plus Rent Index</th><th>Groceries Index</th><th>Restaurant Price Index</th><th>Local Purchasing Power Index</th></tr><tr><td>London</td><td>98.79</td><td>80.82</td><td>107.66</td><td>95.62</td></tr><tr><td>Birmingham</td><td>76.94</td><td>70.87</td><td>74.27</td><td>124.05</td></tr><tr><td>Leeds</td><td>84.04</td><td>71.62</td><td>101.32</td><td>129.28</td></tr><tr><td>Manchester</td><td>82.00</td><td>72.24</td><td>94.16</td><td>104.92</td></tr><tr><td>Liverpool</td><td>74.90</td><td>65.52</td><td>80.59</td><td>149.22</td></tr><tr><td>Leicester</td><td>82.60</td><td>67.06</td><td>96.83</td><td>112.69</td></tr><tr><td>Bristol</td><td>87.42</td><td>82.61</td><td>92.44</td><td>132.33</td></tr></table> Source: http://www.numbeo.com/cost-of-living/country_result.jsp?country=United+Kingdom	City	Consumer Price Plus Rent Index	Groceries Index	Restaurant Price Index	Local Purchasing Power Index	London	98.79	80.82	107.66	95.62	Birmingham	76.94	70.87	74.27	124.05	Leeds	84.04	71.62	101.32	129.28	Manchester	82.00	72.24	94.16	104.92	Liverpool	74.90	65.52	80.59	149.22	Leicester	82.60	67.06	96.83	112.69	Bristol	87.42	82.61	92.44	132.33
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15.	What are health care, child care and schooling costs?	<u>Out-of-pocket healthcare costs</u> Annual per capita out-of-pocket household spending on health in 2012 – GBP 296.01 (Calculated as 9% of the total health expenditure per capita – GBP 2,289) Source: http://www.oecd.org/unitedkingdom/Briefing-Note-UNITED-KINGDOM-2014.pdf <u>Childcare costs</u> Across the UK parents will spend an average of £67,586 per child on babysitting, nursery fees or child minders, based on current prices Source: http://www.telegraph.co.uk/news/uknews/11360819/Average-cost-of-raising-a-child-in-UK-230000.html <u>Schooling costs</u> Cost of private schools in UK is £12,345 on average, while the most expensive schools cost well over £30,000 Source: http://www.mirror.co.uk/news/ampp3d/average-private-school-fees-now-4168150
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16.	Would staff be eligible to access public services if available?	<u>Free Healthcare</u> Health care is provided by a single payer — the British government — and is funded by the taxpayer. All appointments and treatments are free to the patient (though paid for through taxes), as are almost all prescription drugs. The maximum cost of receiving any drug prescribed by the NHS is \$12 For Immigrants, entitlement to free NHS treatment depends on the length and purpose of residence in the UK. However, some health services are however free of charge to everyone: • Accident and emergency treatment whether in hospital or at a NHS walk-in-centre; • Some treatment for certain infectious diseases; • Compulsory psychiatric treatment; and Family planning services Source: http://content.time.com/time/health/article/0,8599,1916570,00.html https://www.migreat.com/en/health-care-rights-uk-immigrants-s100 Since 6 April 2015, all nationals from outside of Europe coming to live in the UK for longer than six months will be have to pay a health surcharge of £200 a year (or £150 for students) to be able to use the National Health Service (NHS). The health surcharge will be payable up-front when the individual submits their visa application on-line and for the total period of their visa. See UKVI, Immigration health surcharge: information for migrants for further information. <u>Free Education</u> • Pupils from the European Economic Area (EEA) can attend a UK state school and have the same rights to education as British citizens. The European Economic Area comprises all member states of the European Union together with Iceland, Norway and Liechtenstein. • Pupils from outside the EEA must attend an independent, fee-paying school. They cannot attend a state school unless coming for a short exchange or educational visit. • British overseas territories citizens and British Overseas citizens are in the same position as those described in the Non-EEA Nationals paragraph above. However, please note – the majority of British overseas territories citizens also hold British citizenship. British citizens are entitled to free state school places. Source: http://www.educationuk.org/global/articles/16-and-under-international-students/
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Discussion on the whether a country is an active regulator would have been helpful. In other words, in addition to setting standards for work:

Question		Answer
17.	Does the host country regulate how those standards are implemented?	The rights of employees in UK are regulated by the Employment Law and Employment Relations Act 2004 Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx
18.	What are employment law and employment relations requirements?	The main employment statutes include the: • Trade Union and Labour Relations (Consolidation) Act 1992. • Employment Rights Act 1996. • National Minimum Wage Act 1998. • Work and Families Act 2006. • Equality Act 2010. There is secondary legislation covering areas such as: • Working time. • Part-time workers. • Fixed-term employees. • Informing and consulting employees. • Business transfers. • Maternity, paternity and adoption. Statutory provisions can apply to both foreign employees working in the UK and employees from the UK working abroad, depending on the statutory provision in question. Mandatory statutory provisions apply regardless of any choice of law in the employment contract, such as in

Question	Answer
	relation to redundancy pay, minimum notice periods and the right to claim unfair dismissal. <u>Employment Law</u> Key components of the employment law in the United Kingdom are: • Employment Contracts • Wage and Hour (including Minimum Wage rate) • Holiday Entitlement • Discrimination Laws • Maternity and Paternity Leave • Terminations • Redundancies Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx <u>Employment relations</u> Employment relations in UK are governed by the Employment Relations Act 2004. Facilities must comply with the act. It mentions details regarding: • Rights of trade union members, workers and employees • Union recognition • Law relating to industrial action • Enforcement of minimum wage legislation http://www.legislation.gov.uk/ukpga/2004/24/pdfs/ukpga_20040024_en.pdf
19.	How should the Facility comply a) The National Minimum Wage Act of 1998 sets forth the minimum pay per hour almost all workers within the UK are entitled to by law. The minimum wage rate varies per age group up to the age of twenty-one (21), but for any employee over twenty-one (21) years of age, the minimum wage rate is currently £6.19 an hour

Question	Answer
with: a. Work-time regulations b. Employee protection laws c. Legally mandated (or culturally accepted) i. vacation days ii. sick days iii. maternity/paternity leave iv. overtime hours	An employee's standard number of working hours are the hours set forth in the employee's particular employment contract. Typically, adult employees may not be required to work in excess of forty-eight (48) hours per week. Employers are not required to pay workers for overtime for hours worked in excess of that set forth in the employment contract but, the employees' average pay for the total hours worked may not fall below the national minimum wage Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx b) Employment Law and Employment Relations Act 2004 as mentioned in Question 18 above c) Legally mandated: i. Vacation days: Most workers who work a 5-day and 6-day week must receive 28 days' paid annual leave per year Source: https://www.gov.uk/holiday-entitlement-rights/entitlement ii. Sick leaves: Employees only need a fit note from a doctor after 7 days off work sick. If they are ill just before or during their holiday, they can take it as sick leave instead. One can get £88.45 per week Statutory Sick Pay (SSP) if he/she is too ill to work. It's paid by your employer for up to 28 weeks iii. Maternity/paternity leave: Eligible employees can take up to 52 weeks' maternity leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave' For Paternity leaves, employees can choose to take either 1 week or 2 consecutive weeks' leave Source: https://www.gov.uk/browse/employing-people iv. Overtime hours: Employers don't have to pay workers for overtime. However, employees' average pay for the total hours worked mustn't fall below the National Minimum Wage. Some employers give their employees time off instead of paying for overtime. This is known as 'time off in lieu'. The terms (eg when it can be taken) are agreed between employee and employer. Source: https://www.gov.uk/overtime-your-rights/overview

20.	What are the discrimination laws, if any?	It is against the law to discriminate against anyone because of: • Age • Being or becoming a transsexual person • Being married or in a civil partnership • Being pregnant or having a child • Disability • Race including colour, nationality, ethnic or national origin • Religion, belief or lack of religion/belief • Sex • Sexual orientation These are called 'protected characteristics'. Employees are protected from discrimination in these situations: • At work • In education • As a consumer • When using public services • When buying or renting property • As a member or guest of a private club or association Employees are legally protected from discrimination by the Equality Act 2010. A person is protected from discrimination if: • associated with someone who has a protected characteristic, eg a family member or friend • the person has complained about discrimination or supported someone else's claim Source: https://www.gov.uk/discrimination-your-rights
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Geneva

Question		Switzerland
6.	Are there precedents for lower or subsidised rental space and/or services?	Rents are under pressure in Switzerland. Rents have been falling in all markets since start of 2013. In Zurich they fell by 8% by mid-2014 and in Basel by 6%. There was a less mark down on Lake Geneva. The decrease was also low in Berne with a stable market in Lausanne Source : Credit Suisse Report

With regards to second deliverable, access to human capital and the recruitment of international staff, it would be useful to gain a more detailed appreciation of human resource considerations for each city.

Question		Answer
7.	What are the availability, skill sets and cost structure of the local workforces?	12.1% have compulsory education, 51.4% upper secondary level & 36.5% have Tertiary level of education. The average gross salary is ~66,000 CHF with the following cost structure Gross salary + Social security (OASI/DI/IC) 5.15% of gross salary Administrative costs 0.30% of gross salary State-mandated unemployment insurance 1.10% of gross salary Occupational accident insurance 1 0%. of gross salary State-mandated occupational pension fund 6.5% of gross salary Daily sickness benefits insurance 0.62% of gross salary Family allowance (two children) 2% of gross salary Source : Switzerland trade & Investment promotion, Investor handbook
8.	How difficult is it to recruit qualified staff?	As per Manpower survey conducted in 2015 41% of employers in Switzerland are having difficulty finding qualified workers. Top 10 jobs employers are having difficulty filling in Switzerland are the following:

Question		Answer
		1. Skilled Trades 2. Management / Executive (Management / Corporate) 3. Sales Representatives 4. Accounting & Finance Staff 5. Secretaries, PAs, Receptionists, Admin Asst. & Office Support Staff 6. Engineers 7. Legal Staff 8. Technicians 9. Supervisors 10. Project Managers Source : Manpower Talent Shortage Survey 2015
9.	How difficult is it to dismiss underperforming staff?	During the <i>probationary period</i>, the employment relationship may be terminated at any time with a notice period of seven days. If the <i>employment relationship has lasted less than one year</i>, and unless otherwise determined by agreement, standard employment contract or collective employment contract, it may be terminated at the end of the month following the date of notice. In the <i>second up to and including the ninth year of service</i>, the employment relationship may be terminated with a notice period of two months and thereafter with a notice period of three months Source : Switzerland business & investment handbook
10.	What are the constraints of hiring international staff?	For all non-Swiss nationals, a work permit is required. Swiss people have voted in early 2014 in a referendum that aims to terminate the agreements with European Union. The referendum has to be implemented within three years. The work permit is generally easily granted for EU/EFTA nationals with certain restrictions for Bulgarian and Romanian citizens

Question		Answer
		Source : Switzerland business & investment handbook
11.	What are the considerations for remuneration, recruitment and retention of staff?	Swiss average hourly labour cost is at €51.25. Average labour costs consists of salaries which account for 79.1%, social contributions for 17.6%, and training and recruitment for 3.3% Source : http://www.swissinfo.ch/eng/swiss-labour-costs-highest-in-europe/40854020

Question		Answer				
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	Work permit procedures are divided in two categories: EU 25 / EFTA nationals - The Agreement on the Free Movement of Persons (AFMP) of 21 June 1999 between Switzerland and the EU facilitates conditions for nationals of EU member states to live and work in Switzerland. Provisions regarding the mutual recognition of diplomas, the right to purchase real estate, and measures to coordinate social security systems, complement the AFMP. The same rules apply to nationals of the European Free Trade Agreement (EFTA) Since 1 May 2011, EU-25 nationals have enjoyed the same rights as Swiss citizens on the Swiss labour market. Nationals of EU-2 countries (Romania & Bulgaria), a number of transitory provisions are in force, with the aim of limiting initial access to the Swiss labour market Non EU / EFTA nationals - Stricter regulation applies to non-EU nationals (So-called “third-country nationals”). Work permits are issued to third-country nationals when the criterion of quota availability is met and provided such third-country nationals are qualified specialist Source : Switzerland business & investment handbook				
13.	How do individual cities compare in terms of the cost of living?	City	Consumer	Groceries	Restaurant	Local

Question		Answer				
			Price Plus Rent Index	Index	Price Index	Purchasing Power Index
		<u>Switzerland</u>	85.32	111.36	132.83	202.18
		<u>Overall</u>				
		<u>Geneva</u>	101.59	135.47	140.9	189.35
		<u>Basel</u>	89.27	112.72	152.03	181.98
		<u>Zug</u>	96.97	117.2	154.31	297.86
		<u>Zurich</u>	96.87	117	147.99	206.15
		<u>Lausanne</u>	87.4	116.51	139.51	186.55
		<u>Bern</u>	84.89	103.59	138.14	233.62
		<u>Lugano</u>	77.22	103.53	135.75	174.8
		Source : http://www.numbeo.com				
14.	In relation to the above, what are the average wage expectations for professional and technical staff depending on location?	Average Monthly Disposable Salary (After Tax)				
		City	Average Salary		Salary Range	
		Geneva	CHF 6242.48		CHF 4800 - 8500	
		Basel	CHF 5220.00		CHF 4000 - 6260	
		Zug	CHF 9250.00		CHF 6150 - 11050	
		Zurich	CHF 6595.76		CHF 4754 - 10000	

Question		Answer									
		<table> <tr> <td>Lausanne</td><td>CHF 5238.88</td><td>CHF 5000 - 6000</td></tr> <tr> <td>Bern</td><td>CHF 6372.73</td><td>CHF 4500 - 9000</td></tr> <tr> <td>Lugano</td><td>CHF 4379.06</td><td>CHF 3000 - 5688</td></tr> </table> Source : http://www.numbeo.com	Lausanne	CHF 5238.88	CHF 5000 - 6000	Bern	CHF 6372.73	CHF 4500 - 9000	Lugano	CHF 4379.06	CHF 3000 - 5688
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Bern	CHF 6372.73	CHF 4500 - 9000									
Lugano	CHF 4379.06	CHF 3000 - 5688									
15.	What are health care, child care and schooling costs?	Annual out-of-pocket household spending on health – CHF 2,202.93 (2012) Schooling Cost - 25,000 CHF per year Child Care - Full-time place in a city will cost CHF2,500 a month Source : http://www.swissinfo.ch, http://www.expatica.com & www.expatarrrivals.com									
16.	Would staff be eligible to access public services if available?	There is no free state health service in Switzerland. Unlike other European countries, the Swiss healthcare system is not tax based or financed by employers but is paid for by the individual through contributions into health insurance schemes. As at 2014, an adult pays around CHF 400 in health insurance premiums The Swiss education system is the responsibility of the Cantons. Public schools are funded by Cantons through tax revenue, so there are no additional fees for schooling at public schools. Foreign nationals just have to provide a copy of work/residence permit and proof of health and accident insurance for the child Source : www.expatica.com & living & working in Switzerland Report									

Discussion on the whether a country is an active regulator would have been helpful. In other words, in addition to setting standards for work:

Question		Answer
17.	Does the host country regulate how those standards are implemented?	In Switzerland there are two main laws governing safety & health at workplace. The Labour Law covers work hours, health protection, workplace building standards and the protection of personal integrity. The Accident Insurance Law covers the prevention of occupational accidents and diseases which are caused almost entirely by work. The cantonal labour inspectorates, SUVA (main accident insurance authority) and the State Secretariat of Economic Affairs (SECO) enforce the laws. A coordination commission (EKAS) oversees and finances the inspection system Source : https://osha.europa.eu/

Question		Answer
18.	What are employment law and employment relations requirements?	Switzerland Employment relationships are regulated by collective bargaining agreements (if any) and the provisions of the Swiss Code of Obligations on employment contracts and the Labour Act. Employees can bring actions in the Swiss courts if either the: ○ Employee ordinarily works in Switzerland. ○ Employee is domiciled in Switzerland. ○ Employer is registered in Switzerland. Conflict of laws provisions limit the choice of law for employment contracts to laws of the jurisdiction where either: ○ The work is performed.

Question	Answer
	○ The employee or the employer is domiciled. These laws apply to both foreign employees working in Switzerland and Swiss employees working abroad if foreign laws allow for a choice of law in the employment agreement. The choice of foreign law will not be enforceable if it is seen to violate Swiss public order. For example, if there are very binding provisions of foreign law or punitive damages available for violations of contractual duties. <u>Robert Furter</u>, <u>Christian Roos</u>, <u>Clara-Ann Gordon</u>, and <u>Noëmi Kunz-Schenk</u>, <i>Pestalozzi (Lex Mundi Member Firm)</i> <i>Law stated as at 01-Nov-2014</i> Flexibility and stability are two characteristics of Switzerland's labour market. On an international comparison Switzerland ranks 5th for labour productivity. This high level of productivity is due to many factors. Unlike most of its European neighbours Switzerland's labour law has a liberal orientation. And compared with other foreign countries there are few mandatory statutory provisions with regard to employment relationships and the way they are structured. The statutory maximum number of working hours per week is 45 for employees in industrial companies and 50 hours for other employees. 42 hours is customary, with service-sector companies working 40-hour weeks. The annual working time in Switzerland is approx. 1 900 hours, the highest in Europe; the average working week in Switzerland is 40.5 hours. The statutory minimum leaves (holidays) for employees are 20 working days or 25 days for employees under the age of 20 There are also relatively few nonworking public holidays (around 10) to be remunerated.

Question	Answer
	Regional variations due to local customs and traditions may happen Source : Labour market, labour costs & labour law factsheet
19 How should the Facility comply with: d. Work-time regulations e. Employee protection laws f. Legally mandated (or culturally accepted) v. vacation days vi. sick days vii. maternity/paternity leave viii. overtime hours	a. Working hours from 6:00 a.m. to 8:00 p.m. are considered day work; the hours from 8:00 p.m. to 11:00 p.m. constitute evening work. Day and evening work do not require approval. However, evening work may be introduced only after consultation with the employee representative committee, or if there is none, after consultation with the affected employees. This rule allows the introduction of a two-shift operation without government approval. The working time of an individual employee, including breaks and excess hours, must be within a period of 14 hours Approval from the authorities is generally required if night work is needed (apart from companies where special conditions apply).For temporary night work, a premium of 25 % must be paid. For permanent or regularly recurring night work, employees are entitled to paid leave of 10 % of the time worked during night hours. This leave must be granted within one year. b. Termination of an employment agreement must not be abusive. A party that abuses the notice of termination of the employment relationship procedure must pay an indemnity to the other party. The termination of the employment contract by either party is considered abusive if, for example, it occurs for one of the following reasons: 1. Personal characteristic of one party (e.g. race, religion, sexual orientation, age), unless they are relevant to the employment relationship or significantly impair the cooperation within the enterprise; 2. the other party makes use of a constitutional or contractual right; or 3. Where the sole purpose was to frustrate the formation of claims arising out of the employment relationship. c. Legally Mandated days are as follows:

Question	Answer
	<u>Vacation days</u> - All employees in Switzerland are entitled to at least four weeks 'paid leave per year (young people under the age of 20 are entitled to five weeks), two of which must be taken consecutively. Part-time employees are also entitled to paid leave in proportion to the percentage of standard hours they work <u>Sick days</u> - Sick leave is payable once in employment for at least 3 continuous months. During the first year of work, an employer will be expected to pay a maximum of between 1 and 3 weeks of sickness pay (depending on the canton, with most cantons within the 1 week category but Zurich and Basel in the 3 week category), but is entitled to ask for a doctor's certificate for an absence of more than 3 consecutive days. After a year, the period for which a sick employee would be paid will depend on the canton, length of service and other circumstances. In Zurich, sickness pay in the second year of work would be a maximum of 8 weeks, and in the third year a maximum of 9 weeks. In many other cantons it would be 1 month in the second year, increasing to 2 months in years 3 and 4. <u>Maternity/paternity leave</u> - Maternity leave is a legal right in Switzerland and maternity benefit is payable after at least three months in continuous employment with the same employer, provided that social insurance contributions have been made for a minimum of 9 months and that a minimum of five of these months were spent in employment. A new mother will be paid at 80% of her full wage for 14 weeks after childbirth (or CHF 196 where 80% of salary would exceed this figure). Only the canton of Geneva differs, extending this to 16 weeks. The mother is also protected against dismissal during the pregnancy and for 16 weeks after giving birth. There is currently no statutory paternity leave; new fathers may at the discretion of their company be permitted to take paid leave, although this varies from a single day to five days according to the employer. Unpaid parental leave is not normally granted <u>Overtime hours</u> - Under the Labour Act, excess hours may not exceed two hours per day

Question		Answer
		for an individual employee. In total, the excess hours may not exceed 170 hours per year for employees with a weekly maximum working time of 45 hours, or 140 hours for employees with a weekly maximum working time of 50 hours. Unless compensated by time in lieu within a reasonable time, excess hours must be paid at a premium of 25 % Source : http://www.expatsfocus.com, www.s-ge.com/sites & Labour Market & Labour Laws Report
20.	What are the discrimination laws, if any?	The law protects against any sort of direct or indirect discrimination. Discrimination is defined as treating an employee worse than others. There is no protection against the (arbitrary) better treatment of other employees. In addition, even arbitrary discrimination by the employer may be tolerated unless the discrimination results in the violation of the employee's rights of Personality, in particular because the discrimination reflects a disregard of the employee's personality. The Gender Equality Act protects employees against any kind of direct or indirect discrimination based on gender, including discrimination because of civil status, family situation and pregnancy. The protection exists for the entire employment relationship, from the negotiations on a new employment to retirement (and retirement benefits) and termination. It includes protection against unfavourable working conditions, lower salary, and sexual harassment. Increased rights to equal treatment also exist based on international agreements, in particular between Switzerland and the European Union Source : Switzerland - Employment & Labour Law 2015, http://www.iclg.co.uk

Stockholm

Question		Sweden										
6.	Are there precedents for lower or subsidised rental space and/or services?	No, Rents in Sweden have increased by an average of 1.7% in 2014, slightly less than the 2.2% growth in 2013. An average three-room apartment can be rented for SEK 6,257 (€ 674.66) per month Average monthly rents for three-room apartments in 2014 by region <table><tr><td>Greater Stockholm</td><td>6 936 ± 118</td></tr><tr><td>Greater Gothenburg</td><td>6 419 ± 104</td></tr><tr><td>Other larger municipalities</td><td>6 282 ± 87</td></tr><tr><td>Other smaller municipalities</td><td>5 754 ± 79</td></tr><tr><td>All of Sweden</td><td>6 257 ± 49</td></tr></table> Source:http://www.scb.se/en /Finding-statistics/Statistics-by-subject-area/Housing-construction-and-building/Housing-and-rent-data/Rents-for-dwellings/Aktuell-Pong/77345/Behallare-for-Press/377358/	Greater Stockholm	6 936 ± 118	Greater Gothenburg	6 419 ± 104	Other larger municipalities	6 282 ± 87	Other smaller municipalities	5 754 ± 79	All of Sweden	6 257 ± 49
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With regards to second deliverable, access to human capital and the recruitment of international staff, it would be useful to gain a more detailed appreciation of human resource considerations for each city.

Question		Answer
7.	What are the availability, skill sets and cost structure of the local workforces?	Sweden draws on an extensive pool of highly skilled labor. Swedish managers, engineers and marketing specialists are accustomed to working in global markets and different cultures. Swedish executives are rated highly for their international management skills and knowledge of global markets. A very high percentage of salaried workers speak English and, in many cases, other languages 15% have completed only compulsory education (as the highest level of attainment), 46% only

Question		Answer
		upper secondary education, 14% only post-secondary education of less than 3 years, and 22% post-secondary education of 3 years or more. Salary levels for highly skilled staff are relatively low, and costs for manufacturing labor are similarly competitive. There is no statutory minimum wage; wage issues are instead left to employers and employees and their representatives. Source: http://www.eepservices.in/sweden/
8.	How difficult is it to recruit qualified staff?	As per Manpower survey conducted in 2015, 39% of employers in Sweden are having difficulty finding qualified workers. Top 10 jobs employers are having difficulty filling in Sweden are the following: 1. Skilled Trades 2. Drivers 3. Sales Representatives 4. Doctors & other Non-Nursing Health Professionals 5. Restaurants & Hotel Staff 6. Supervisors 7. Engineers 8. Technicians 9. Production Operators / Machine Operators 10. Management / Executive (Management / Corporate) Source: Manpower Talent Shortage Survey 2015
9.	How difficult is it to dismiss underperforming staff?	Sweden has clear rules for redundancy and termination. Termination of employment must be based on “just cause”. This can be established either for reasons of redundancy or on “personal grounds”. Personal grounds are reasons relating to the individual (including repeated negligence, poor-performance and difficulty cooperating). However, the employer is required to make an active effort to resolve the problem, for instance by issuing warnings or transferring the employee

Question	Answer
	within the company. Prior to any decision to dismiss an employee on personal grounds, the employer must give the employee two weeks' written notice. If the employee belongs to a trade union, two weeks' written notice must also be given to the trade union. The employee and his or her trade union may then request a consultation. A dismissal cannot be effective until the consultation process has been concluded. Redundancy comprises reasons not specific to the individual, and includes financial considerations, business restructuring or the closing of a position. Order of priority in connection with redundancy: The rules state that any vacant position within the company should be offered to the employee who is being made redundant, subject to that individual being sufficiently qualified for the job (meaning basic skills for the position, including education and relevant experience). The employer must accept a training period. If there are no vacancies, the last-in-first-out (LIFO) principle applies. In essence, this requires the newest employees to be the first to leave in the event of redundancies. Order of priority for reemployment: An employee made redundant has priority for reemployment if he/she has been employed for a total of more than 12 months during the last three years. The right to priority for reemployment applies if the company reemploys during the notice period and within nine months after the expiry of the notice period. However, the employee must still possess sufficient qualifications for the job in question. For layoffs affecting 5–25 employees, a minimum two months' notice must also be given to the Swedish Public Employment Service. A four-month notice period applies for layoffs affecting 26–100 employees and six months for layoffs involving more than 100 employees. These periods run concurrently with the notice periods issued to the employees. Termination settlement: In cases where the company feels the statutory process runs counter to

Question		Answer														
		its business needs, it may agree on a termination settlement with the employee. Such agreements often involve payment of severance money. Summary dismissal: An employer is entitled to terminate an employee’s contract with immediate effect only if the employee seriously neglects his or her work. The employer must give the employee one week’s notice. If the employee belongs to a trade union, one week’s notice must also be given to the trade union. The employee and his or her trade union may then request a consultation. Dismissal cannot be effective until the consultation process has been concluded. Notice of termination: The length of the notice period depends primarily on employment duration. According to law, the notice period for the employer ranges from 1 to 6 months. <table><tr><th>Employment period</th><th>Notice period</th></tr><tr><td>0–2 years</td><td>1 month</td></tr><tr><td>2–4 years</td><td>2 months</td></tr><tr><td>4–6 years</td><td>3 months</td></tr><tr><td>6–8 years</td><td>4 months</td></tr><tr><td>8–10 years</td><td>5 months</td></tr><tr><td>> 10 years</td><td>6 months</td></tr></table> The notice period for the employee is one month. Collective agreements may stipulate other notice periods. Source: Business Sweden, Employing Staff – Contracts and Conditions	Employment period	Notice period	0–2 years	1 month	2–4 years	2 months	4–6 years	3 months	6–8 years	4 months	8–10 years	5 months	> 10 years	6 months
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4–6 years	3 months															
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> 10 years	6 months															
10.	What are the constraints of hiring international staff?	For all non-Swiss nationals, a work permit is required. Visas required for temporary visits of up to 90 days: Citizens of non-EU/EEA countries will require a “Schengen visa” to enter Sweden. However, visas are not required for citizens of certain countries (the US, Japan, Canada, among others). Applicants must be able to show that the visit will be temporary, that they can support themselves financially during the stay and that they have an invitation from a Swedish company or resident, medical travel insurance and tickets														

Question	Answer
	or funds to return home. Work permit procedures: Non-EU/EEA citizens becoming employed in Sweden require a work permit before entering the country. Work permits, when approved, are restricted to employer and a particular profession and is linked to the length of the contract the first two years. For employment contracts longer than two years, the employee must apply for a new work permit before the old permit has expired. In the case of new recruitments, the employment offer must show that the employer in Sweden has advertised the job in Sweden and the EU for at least 10 days. The employer in Sweden has full discretion when choosing whom to employ. Residence permit required for stays of more than 90 days: Non-EU/EEA citizens require a residence permit to stay in Sweden for more than 90 days. A person who has worked and held a residence permit in Sweden for four years may be granted permanent residence. Non-EU/EEA citizens who are long-term EU/EEA residents: Non-EU/EEA citizens who have held a residence permit in an EU/EEA country for more than five years may acquire the status of long-term resident in that country. Longterm residents in an EU country acquire certain rights which are similar to those of EU citizens. These entail greater freedom of movement to work in the EU. Family members are entitled to accompany the individual. Source: Business Sweden, Work and residence permits and business entry visas
11. What are the considerations for remuneration, recruitment and retention of staff?	Sweden average hourly labour cost is at €40.1 (2013), the highest hourly labour costs in EU. Sweden saw a 26.9 percent increase in costs since 2008, and an almost €1 jump from last year. The share of non-wage costs for EU-28 was 24.4%, while it was 26.1 % in the euro area. Sweden ranks second highest in terms of shares of non-wage costs at 31.6%, just after France (33.1%) across EU Member States

Question		Answer
		Source: http://www.thelocal.se/20140331/sweden-tops-eus-hourly-labour-costs http://ec.europa.eu/eurostat/statistics-explained/index.php/Wages_and_labour_costs

Question		Answer
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	Sweden operates a tax relief scheme to help companies attract top international expertise to their Swedish operations. Certain key foreign employees who hold vital positions in a company may qualify for an income tax reduction and their employers for a lower rate of employer contributions. Eligibility for tax relief: Foreign employees whose monthly earnings in Sweden exceed two statutory basic amounts (a statutory basic amount in 2013 is SEK 44,500) in the calendar year during which the work began. Monthly earnings include benefits, such as car allowance and/or housing. Income tax relief for key foreign staff: People qualifying for the tax break are taxed on only 75 percent of income in their first three years of employment in Sweden. The remaining 25 percent is tax-free. The tax relief applies to all salaries and benefits, such as employers' payments of housing and living expenses. It also applies to stock options and other special compensation offered by the employer. In all other respects, taxation is as for any other Swedish resident. This means that a qualifying foreign employee can apply for tax deductions for extra costs of living or for maintaining two homes, just as a Swedish taxpayer can. Exemption from work permit: Non-EU/EEA specialists employed by an international company or group and who travel to and from Sweden for periods of temporary work do not require a work permit. This exemption applies if the total stay in Sweden does not exceed 12 months.

Question		Answer																																								
		However, for stays shorter than 90 days, citizens in certain countries must have an entry visa granted prior to arrival. If the stay is longer than 90 days at a time a residence permit will be required and must have been granted prior to arrival. Visiting researchers: A visiting researcher is a person who has undergone higher education which gives access to doctoral studies and the purpose of the stay is to take part in research work. A person planning to work longer than 90 days as a visiting researcher does not require a work permit but must have a residence permit. Visiting researchers who plan to work for a period shorter than 90 days in Sweden do not need a residence permit. For work that is shorter than 90 days, citizens in certain countries must have an entry visa. Source: Business Sweden, Tax relief for key foreign employees																																								
13.	How do individual cities compare in terms of the cost of living?	<table><tr><th>City</th><th>Consumer Price Plus Rent Index</th><th>Groceries Index</th><th>Restaurant Price Index</th><th>Local Purchasing Power Index</th></tr><tr><td>Sweden Overall</td><td>46.72</td><td>65.14</td><td>78.87</td><td>146.66</td></tr><tr><td>Stockholm</td><td>56.94</td><td>66.17</td><td>93.41</td><td>137.12</td></tr><tr><td>Gothenburg</td><td>48.56</td><td>65.74</td><td>76.03</td><td>160.52</td></tr><tr><td>Malmö</td><td>44.63</td><td>63.62</td><td>72.48</td><td>157.15</td></tr><tr><td>Uppsala</td><td>49.92</td><td>65.57</td><td>93.90</td><td>139.51</td></tr><tr><td>Västerås</td><td>N.A.</td><td>70.74</td><td>79.33</td><td>N.A.</td></tr><tr><td>Örebro</td><td>48.64</td><td>71.62</td><td>86.52</td><td>125.09</td></tr></table> Source: http://www.numbeo.com	City	Consumer Price Plus Rent Index	Groceries Index	Restaurant Price Index	Local Purchasing Power Index	Sweden Overall	46.72	65.14	78.87	146.66	Stockholm	56.94	66.17	93.41	137.12	Gothenburg	48.56	65.74	76.03	160.52	Malmö	44.63	63.62	72.48	157.15	Uppsala	49.92	65.57	93.90	139.51	Västerås	N.A.	70.74	79.33	N.A.	Örebro	48.64	71.62	86.52	125.09
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Uppsala	49.92	65.57	93.90	139.51																																						
Västerås	N.A.	70.74	79.33	N.A.																																						
Örebro	48.64	71.62	86.52	125.09																																						
14.	In relation to the above, what are the average wage expectations for professional and technical staff depending on location?	Average Monthly Disposable Salary (After Tax)																																								

Question		Answer																					
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15.	What are health care, child care and schooling costs?	Healthcare Cost – The fee for a hospital stay is SEK 80 (USD 11, EUR 8) per day for the first ten days, and SEK 60 thereafter. Patient fees for primary care vary between SEK 100 and 200 depending on the county council. For specialist visits, there is an additional fee of a maximum SEK 350. After a patient has paid a total of between SEK 900 and 1,100 (depending on area of residence) in the course of a year, medical consultations within 12 months of the first consultation are free of charge. There is a similar ceiling for prescription medication, so nobody pays more than SEK 2,200 in a given 12-month period. One exception is Stockholm, where the maximum sum payable is SEK 1,800. Schooling Cost - The Swedish school system offers comprehensive education for children from age 6 up to university, entirely free of charge. For children are under the age of 6, extensive preschool/day care services are available at a heavily subsidised cost. Fees are based on household income as well as the number of children currently enrolled. The maximum monthly cost for the first child is SEK 1,260; a successively lower cost then applies per additional child.																					

Question		Answer
		Child Care – Parents pay 3% of gross salary but there's a cap of £113 a month. The state subsidy pays the remaining amount. A maximum of £32 for the third child and nothing for the fourth is required to be paid by the parents Source: http://www.theguardian.com/money/2014/may/31/costs-childcare-britain-sweden-compare https://sweden.se/society/health-care-in-sweden/ http://work.sweden.se/plan-your-move/school-and-preschool/
16.	Would staff be eligible to access public services if available?	Affordable healthcare is available to all Swedish residents through an extensive tax-subsidised system. Everyone in Sweden is entitled to emergency care. EU citizens with an EU insurance card have the right to emergency care at the same subsidised cost as Swedish residents, while citizens from non-EU countries pay for the full higher cost of any care and are strongly advised to take out comprehensive health insurance from their home countries to cover any costs before being registered as residents. Source: http://work.sweden.se/living-in-sweden/healthcare-in-sweden/

Discussion on the whether a country is an active regulator would have been helpful. In other words, in addition to setting standards for work:

Question		Answer
17.	Does the host country regulate how those standards are implemented?	Most Swedish workplaces are part of a collective agreement between unions and employers that regulates wages and working conditions, including health and accident insurance. The Work Environment Act outlines the regulations for maintaining a safe work environment, including measures to restrict workplace hazards, prevent accidents and otherwise protect the physical and mental health of employees. The employer has the main responsibility for work environment and employees are required to follow safety instructions.

Question		Answer
		Legally, the Swedish Work Environment Authority and regional Labour Inspectorates ensure that the Act's requirements are followed. However, because most Swedish workplaces are relatively open and non-hierarchical, health and safety issues are often discussed and resolved informally among workers and employers. Source: http://work.sweden.se/living-in-sweden/workers-rights-and-unions/

Question		Answer
18.	What are employment law and employment relations requirements?	Contracts are governed by statutory rules and, in most cases, a collective agreement between the employer (or the employer association to which the employer may belong) and relevant trade unions. The rules are in place to provide certainty for employers and to protect the employee. A number of labour laws exist in order to protect employment rights, and to ensure that employees are not dismissed without proper notice. In most cases, both employees and their unions must be notified in advance about any circumstances that might affect their employment. The employer must keep the union, with which he or she has a collective agreement, "continuously informed about how his activity is developing". The law also specifically opens the way to collective agreements on joint decision making on employment levels, "the management and distribution of work", and other aspects of the business Source: http://work.sweden.se/living-in-sweden/workers-rights-and-unions/ http://www.worker-participation.eu/National-Industrial-Relations/Countries/Sweden/Workplace-Representation

Question	Answer
19 How should the Facility comply with: g. Work-time regulations h. Employee protection laws i. Legally mandated (or culturally accepted) ix. vacation days x. sick days xi. maternity/paternity leave xii. overtime hours	Swedish standard employment contracts are normally valid until further notice, but may include an initial trial period – a so-called probationary period in the contract. The maximum probationary period is six months, but there is a substantial scope for fixed term contracts. Probationary employment can be terminated by either party at the expiry of the probationary period, or at any time during the probationary period, unless otherwise agreed. a. Swedes work on average a greater number of hours compared to the rest of Europe. Working hours are fixed by collective agreement, although the working week was limited by the Swedish Parliament to 40 hours. b. The Employment Protection Act (LAS) is the main legislation in Sweden and specifies the valid forms of employment. Certain categories of employee are exempt from the Employment Protection Act. This includes employees in a senior managerial position, members of the employer's or majority owner's family, employed for work in the employer's household and special employment support or in sheltered employment, c. i. Employees are entitled to a minimum five weeks' paid annual leave after their first 12 months of employment. Sweden has 13 public holidays. Most are connected to religious (Lutheran) feasts. ii. No sickness allowance is payable for the first day off work. If an employee is absent from work due to illness the employer pays 80 percent of salary for days 2–14. From day 15 and onward, the social insurance system takes over and pays a sickness allowance of 80 percent of salary, up to a maximum annual amount (SEK 333,700 in 2013). iii. Both mothers and fathers are entitled to draw parental allowance. Parents are together entitled to 480 days of leave from work per child, starting from birth. Sixty days are reserved for each parent, but outside of this the parents are free to decide how to arrange their leave. The parental allowance is 80 percent of salary, up to a fixed maximum, paid by the state social

Question	Answer
	insurance system. Fathers may also take ten days' leave in conjunction with the child's birth. Parents are also entitled to leave from work to care for sick children, up to a maximum of 120 days per child per year. This leave is paid for by the state insurance system in the same way as parental allowances. iv. Overtime is limited to 48 hours over a four-week period and 200 hours per year. This does not apply to those in managerial positions, people working from home and some other categories. Exemptions can also be arranged through union agreements, and workplaces are often flexible about working hours, particularly in smaller companies. Source: Business Sweden, Running a business in Sweden – An Introduction
20.	What are the discrimination laws, if any? The principle of equal pay for the same job, regardless of gender, has long applied in Sweden. Pay differentials between men and women are narrow compared to many other countries, though women still earn somewhat less than men on average. Extensive legislation is in place to prohibit workplace discrimination. The Discrimination Act covers, for example, equal opportunity and employment conditions for men and women; measures against ethnic discrimination in working life; measures against discrimination based on sexuality; and the prohibition of workplace discrimination against people with disability. The legislation also prohibits direct and indirect discrimination against employees and job applicants. It applies to hiring procedures, decisions on promotion or selections for training leading to promotion, changes by employers in pay or employment conditions, and redundancy and contract terminations. Source: Business Sweden, Running a business in Sweden – An Introduction

Montreal

Question		Montreal
6.	Are there precedents for lower or subsidised rental space and/or services?	Montreal's demand is expected to remain weak and vacancy will rise before demand regains traction. For years Montreal rental has been largely stagnant. Rental rates have seen downward pressure over 2014 and Q12015 as Montreal's market receives new space and options. Montreal's overall rent decreased by 4.1% in Q1FY15 Source : Office Market Overview JLL

With regards to second deliverable, access to human capital and the recruitment of international staff, it would be useful to gain a more detailed appreciation of human resource considerations for each city.

Question		Answer
7.	What are the availability, skill sets and cost structure of the local workforces?	Quebec has one of the world's most highly skilled workforces and a large cohort of postsecondary graduates. Montréal produces the largest number of new university graduates in Canada: over 40,000 every year. The average monthly salary in Montreal is 5,609 CAD Source: http://www.investquebec.com/international/en/why-quebec/workforce.html, http://www.salaryexplorer.com/salary-survey.php?loctype=3&loc=3370
8.	How difficult is it to recruit qualified staff?	As per Manpower survey conducted in 2015 32% of employers in Canada are having difficulty finding qualified workers. Top 10 jobs employers are having difficulty filling in Canada are the following: 1. Skilled Trades

Question		Answer									
		2. Drivers 3. Management / Executive (Management / Corporate) 4. Technicians 5. Sales Representatives 6. Engineers 7. Secretaries, PAs, Receptionists, Admin Asst. & Office Support Staff 8. Laborers 9. Accounting & Finance Staff 10. Teachers Source : Manpower Talent Shortage Survey 2015									
9.	How difficult is it to dismiss underperforming staff?	Unlike other Canadian provinces, the Québec legislature extended job protection measures to employees with two or more years of uninterrupted services for the same employer, similar to the “grievance right” enjoyed by unionized employees. Once an employee reaches this benchmark period, an employer cannot terminate him or her without a “good and sufficient cause”. Examples of good and sufficient cause include those related to the enterprise itself, such as a decline in business, reorganizations, implementation of a new technology, and sale of the enterprise. Other examples of good and sufficient cause may focus on the employee, and include misconduct, bad attitude, insufficient performance and incompetence. As such, in Québec and unlike the other Canadian provinces, an employer cannot simply terminate an employee with over two years service on a simple “without cause” basis. In the absence of a serious reason for dismissal, employers must generally provide employees with working notice of termination of employment or pay in lieu of notice <table><tr><th>Length of uninterrupted service</th><th>Time period between the notice and leaving</th></tr><tr><td>3 months to less than 1 year</td><td>1 week</td></tr><tr><td>1 year to less than 5 years</td><td>2 weeks</td></tr><tr><td>5 years to less than 10 years</td><td>4 weeks</td></tr></table>		Length of uninterrupted service	Time period between the notice and leaving	3 months to less than 1 year	1 week	1 year to less than 5 years	2 weeks	5 years to less than 10 years	4 weeks
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5 years to less than 10 years	4 weeks										

Question		Answer	
		10 years and over	8 weeks
		Source : Labour standards in Québec Report 2014	
10.	What are the constraints of hiring international staff?	Foreign workers who wish to work in the Province of Québec (or, for that matter, in any other Canadian province or territory) must obtain a work permit. In principle, a work permit will only be delivered if the prospective employer succeeds in first obtaining a confirmation of job offer approved by an officer of Human Resources & Skills Development Canada ("HRSDC") and a Quebec Acceptance Certificate from an officer of the Québec Ministry of Immigration and Cultural Communities ("MICC" under its French acronym). A confirmation of job offer in support of a work permit will only be issued if the HRSDC and MICC officers confirm that, in their opinion, the employment of the foreign worker will not have a negative impact on labour market conditions for Canadians. This long process usually requires that the position first be advertised in Canada or that other initiatives be taken in order to eventually satisfy the HRSDC officer that no Canadian applicants are suitable Source : Doing Business In Quebec BLG Report 2013	
11.	What are the considerations for remuneration, recruitment and retention of staff?	Average hourly wage is at CAD 24.86 in May 2015 this is 1.7% more than wahta was being paid in May 2014. Source : http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labr69f-eng.htm	

Question		Answer																				
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	Some foreign nationals may work in Québec without having to obtain a work permit. This exception extends in particular to certain sales representatives, guest speakers and employees of related companies abroad seeking entry to consult with local employees. Some other foreign nationals can be employed in Québec by obtaining a work permit without the necessity of a confirmation of job offer. As a matter of fact, a significant number of work permits being delivered do not require that the prospective employer go through the confirmation of job offer process. The exemption for intra-company transferees, commonly known as Code C-12, is available to a person of any national origin who is employed in a senior executive or managerial category by a branch, subsidiary or parent of the Canadian entity for a minimum of one (1) year, and who is temporarily transferred to Québec to hold an identical senior executive or managerial position with the Canadian entity Applications by professionals can also be processed under either one of NAFTA or GATS, having consideration for the differences between the two Agreements Source : Doing Business In Quebec BLG Report 2013																				
13.	How do individual cities compare in terms of the cost of living?	<table><tr><th>City</th><th>Consumer Price Plus Rent Index</th><th>Groceries Index</th><th>Restaurant Price Index</th><th>Local Purchasing Power Index</th></tr><tr><td>Canada</td><td>49.23</td><td>74.84</td><td>70.78</td><td>149.36</td></tr><tr><td>Overall</td><td></td><td></td><td></td><td></td></tr><tr><td>Montreal</td><td>47.83</td><td>78.09</td><td>67.46</td><td>147.82</td></tr></table>	City	Consumer Price Plus Rent Index	Groceries Index	Restaurant Price Index	Local Purchasing Power Index	Canada	49.23	74.84	70.78	149.36	Overall					Montreal	47.83	78.09	67.46	147.82
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15.	What are health care, child care and schooling costs?	Annual out-of-pocket household spending on health in Quebec – CAD 5,531 Schooling Cost – CAD 20,000 per year for private schools Public child Care expenses in Quebec are subsidised based on the net family income. Please find the rates below: Income under CAD 50,000 – CAD 7.30 per day Income over CAD 50,000 – CAD 8 per day and goes up to CAD 20 depending on the income level Private child care will typically start from CAD 35 per day in Quebec Source : http://www.statcan.gc.ca/pub/89-652-x/89-652-x2014005-eng.htm#n14, http://www.expatarivals.com/canada/montreal/education-and-schools-in-montreal						

Question		Answer
16.	Would staff be eligible to access public services if available?	International workers in Montréal enjoy the same fringe benefits as Canadian citizens, including: • Québec health insurance: Under the principle of universal health care, both Canadian citizens and permanent residents in Québec benefit from free basic medical care. • The Québec prescription drug plan, which covers 70% of the cost of basic prescription drugs for those without access to a private plan provided by the employer. • Education: High-quality public education is free from kindergarten to college for Québec residents as well as for the children of foreign workers with a work permit. Greater Montréal also has four high-calibre universities where tuition fees are among the lowest in North America. Last but not least, a number of educational institutions offer a French-language program that prepares students for a bachelor's degree. • Employment insurance, which allows temporary workers to receive unemployment benefits for the term of their work permit. • The Québec Parental Insurance Plan, which pays benefits to all eligible workers on maternity, paternity, adoption or parental leave. Under the plan, the father and mother of a newborn are entitled to combined parental leave of up to 55 weeks. • Daycare services that are among the most affordable in North America: Childcare services with reduced-contribution spaces for children aged 0 to 5. These spaces at \$7 per child per day are available at early childhood centres (Centres de la petite enfance (CPE)), subsidized daycare centres, and licensed home child care providers Source : http://www.montrealinternational.com/en/strategic-talents/live-in-montreal/five-good-reasons-to-settle-in-greater-montreal/

Discussion on the whether a country is an active regulator would have been helpful. In other words, in addition to setting standards for work:

Question		Answer
17.	Does the host country regulate how those standards are implemented?	The minimum conditions of employment of all Québec employees are set by the Act respecting labour standards. This Act thus establishes the foundations of a universal system of labour standards. It deals notably with wages, leaves and absences, the notice of termination of employment and the recourses that may be exercised if an employee files a complaint. Source : Labour Standards in Quebec Report 2014

Question		Answer				
18.	What are employment law and employment relations requirements?	In Canada, the power to make laws is divided between the federal and provincial governments. In the area of employment law, the federal government only has jurisdiction over employment laws for specific works and undertakings within the exclusive federal constitutional jurisdiction, such as shipping, railways and banks. The vast majority of employment relationships, however, do not come within the exclusive federal jurisdiction and are governed by the laws of the province in which they are located. In Québec, minimum standards of employment are defined by the Act Respecting Labour Standards (the “ALS”). Some of the minimum standards at the time of writing are set out below: • Minimum Wage: \$10.35 per hour (or \$8.90 per hour for employees who receive gratuities or tips) • Hours of Work varies depending on the category: <table><tr><td>Employees of the clothing industry</td><td>39 Hours</td></tr><tr><td>Watchmen who guard a property on behalf of an enterprise supplying a surveillance service</td><td>44 Hours</td></tr></table>	Employees of the clothing industry	39 Hours	Watchmen who guard a property on behalf of an enterprise supplying a surveillance service	44 Hours
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Question		Answer								
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			• Public Holidays: 8 paid statutory holidays (New Year’s Day, Good Friday or Easter Monday at the employer’s choice, the Monday preceding May 25th (National Patriots’ Day), June 24th (Québec National Holiday), Canada Day, Labour Day, Thanksgiving, and Christmas Day)							
	Source : McMillan Report Employment law in Québec, Canada									
		Trevor Scott , Michael Korbin , Ryan Neely and Ron Dueck , Farris, Vaughan, Wills & Murphy LLP (Lex Mundi Member Firm)								
		Law stated as at 01-Jan-2014								
		Employment relationships are principally regulated by the common law and by provincial employment and labour legislation (except for certain federally regulated industries, such as banking, that are governed by federal employment and labour legislation).								
		Provincial and federal employment standards legislation (such as the Canada Labour Code (R.S.C. 1985)) sets out the minimum standards that apply in relation to:								
		Minimum wages.								
		Hours of work.								
		Statutory holidays and annual vacation.								
		Maternity and parental leave.								
		Notice of termination of employment and severance.								

Question	Answer
	Equal pay for equal work. The employment relationship is also regulated by provincial or federal legislation relating to: Human rights (such as the Canada Human Rights Act, R.S.C. 1985). Workers' compensation (such as the Canada Labour Code, R.S.C. 1985). Privacy legislation (such as the Personal Information Protection and Electronic Documents
19 How should the Facility comply with: j. Work-time regulations k. Employee protection laws l. Legally mandated (or culturally accepted) xiii. vacation days xiv. sick days xv. maternity/paternity leave xvi. overtime hours	a. As per the regulation an employee may refuse to work if, on a given day if he is asked to work more than 4 hours beyond his normal working hours or more than 14 hours per 24-hour period, whichever period is shorter. He can also refuse to work if he is asked to work more than 12 hours per 24-hour period. This provision applies solely to employees whose daily working hours are variable or non-continuous. b. In the absence of a serious reason for dismissal, employers must generally provide employees with working notice of termination of employment or pay in lieu of notice. However, unlike other Canadian provinces, the Québec legislature extended job protection measures to employees with two or more years of uninterrupted services for the same employer, similar to the “grievance right” enjoyed by unionized employees. Once an employee reaches this benchmark period, an employer cannot terminate him or her without a “good and sufficient cause”. Examples of good and sufficient cause include those related to the enterprise itself, such as a decline in business, reorganizations, implementation of a new technology, and sale of the enterprise. Other examples of good and sufficient cause may focus on the employee, and include misconduct, bad attitude, insufficient performance and incompetence. As such, in Québec and unlike the other Canadian provinces, an employer cannot simply terminate an employee with over two years service on a simple “without cause” basis. There needs to be good and sufficient cause to terminate and, unless the threshold of serious reason is also reached, there must also be notice or pay in lieu of notice

Question	Answer
	If an employee believes that he or she was dismissed without good and sufficient reason, the Act Respecting Labour Standards (ALS) entitles him or her to file a complaint, within 45 days of his or her dismissal, to the Commission des normes du travail (the "CNT"); the complaint, if not resolved earlier, will be adjudicated by an administrative tribunal, the Commission des relations de travail (the "CRT"). Employees may use, without charge, the CNT in-house lawyers throughout this process. The CRT has broad discretion in deciding these cases. If the CRT concludes that the employee was dismissed without good and sufficient cause, it may order his or her reinstatement, order the employer to compensate him or her for the wages he or she would have earned had he or she not been dismissed, and/or render any other decision it believes to be fair and reasonable in the circumstances. The foregoing is not applicable to senior managerial personnel; that is, a person who participates actively in the strategic orientation of the company, who works closely with its direction personnel, etc. Furthermore, this recourse is not applicable when the dismissal was done for economic reasons. C. Legally Mandated days are as follows Vacation days - The Labour Standards Act provides that the employee who is hired at any given time of the year must wait until the end of the reference year to take a vacation. If, at the end of the reference year, the employee has less than one (1) year of uninterrupted service with the employer, he is entitled to an uninterrupted leave for a duration of one (1) day per month of service up to a maximum of two (2) weeks The employee, who at the end of a reference year has more than one (1) year but less than five (5) years of uninterrupted service with the employer is entitled to a minimum of two (2) consecutive weeks of vacation. In addition, the employee may apply for an additional leave <u>without pay</u> equal to the number of days required to increase his annual leave to three weeks.

Question	Answer
	The employee, who at the end of a reference year is credited with five (5) years of uninterrupted service is entitled to a vacation for a minimum duration of three (3) consecutive weeks. However, any employer who, before March 29, 1995, closed his establishment for the period of annual vacation, may divide the vacation of such an employee into two (2) periods, one being the closing period. One (1) of those periods must, however, last for a minimum of two (2) consecutive weeks Sick days - An employee who has three months of uninterrupted service may take up to 26 weeks of leave over a period of 12 months, due to sickness, an organ or tissue donation for transplant, or an accident other than an occupational injury. The employee must inform the employer of such absence, and the reasons for it, as soon as possible Maternity leave - 18 weeks of job-protected leave without pay. Since January 1st, 2006, employees are entitled to receive an allowance under the Québec Parental Insurance Plan There is currently no statutory paternity leave; new fathers may at the discretion of their company be permitted to take paid leave, although this varies from a single day to five days according to the employer. Unpaid parental leave is not normally granted Paternity leave - 5 weeks of job-protected leave without pay. Since January 1st, 2006, employees are entitled to receive an allowance under the Québec Parental Insurance Plan Overtime hours - Except for security guards, employees working in a sawmill or forestry operation and employees working in a remote area, the regular work week is 40 hours. Any work performed beyond 40 hours is considered overtime work and must be remunerated at time and a half. Overtime is not payable to all employees; for example, managers or employees who work outside the establishment and whose working hours cannot be controlled are not entitled to overtime. The employer may, at the request of

Question		Answer
		the employee or in the cases provided for by a collective agreement or a decree, replace the overtime by a paid leave equivalent to the overtime worked plus 50% (for example, if an employee has worked four hours of overtime, he may be entitled to a six-hour paid leave). The leave must be taken within the 12 months following the overtime at a date agreed upon between the employer and the employee; otherwise the overtime must be paid Source : Doing Business In Quebec BLG Report 2013, McMillan Report Employment law in Québec, Canada
20.	What are the discrimination laws, if any?	On June 27th, 1975, the Québec National Assembly adopted the Québec Charter of Human Rights and Freedoms, which came into force on June 28th, 1976. Unlike other Canadian provinces, in addition to fundamental civil and political rights, the Charter also covers social and economic rights, such as the right to free public education, to information, to financial assistance, to fair and reasonable conditions of employment and to a healthy environment. The Charter, subject to numerous exceptions and qualifications, prohibits numerous “grounds of discrimination.” The list of prohibited grounds of discrimination in Québec is considerably more extensive employment law in Québec, Canada than in other comparable legislation in North America. Fourteen prohibited grounds of discrimination, all applicable in the employment context, are listed in the Charter: race, colour, sex, pregnancy, sexual orientation, civil status, age (except as provided by law), religion, political convictions, language, ethnic or national origin, social condition, a handicap and the use of any means to palliate a handicap. Harassment in the workplace based on any of these grounds is equally prohibited. The right to “equal treatment with respect to employment” covers things such as applying for a job, being recruited, training, transfers, promotions, terms of apprenticeship, dismissal and layoffs. It also covers rates of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations Source : McMillan Report Employment law in Québec, Canada

Barcelona

Question		Answer
6.	Are there precedents for lower or subsidised rental space and/or services?	The price of renting a home in Spain fell by 5.2% in January compared with the same month of 2013, to stand at EUR 6.87 (USD 9.48) per square metre per month, according to fotocasa.es data Rental prices for office spaces in Barcelona have seen slight increases in the Business District areas and corrections in out-of-town areas since the end of 2013, although these continue to be more moderate Average rental Price Central Business District (EUR/sqm/month) Barcelona: Jan 2015 – 15.65; Jan 2014 – 14.5 Average rental Price Decentralised area (EUR/sqm/month) Barcelona: Jan 2015 – 10.86; Jan 2014 – 10.50 Source: http://www.globalpropertyguide.com/Europe/Spain/Price-History https://www.aguirrenewman.pt/biblioteca_y_actualidad/docs/estudios_de_mercado/resumen%20ejecutivo%20en.pdf

With regards to second deliverable, access to human capital and the recruitment of international staff, it would be useful to gain a more detailed appreciation of human resource considerations for each city.

Question		Answer
7.	What are the availability, skill sets and cost structure of the local workforces?	Spain occupies a great position in Europe in number of persons with tertiary education, in comparison with the biggest European economies. Spain's population with tertiary education (25-34 year-olds) is much higher than Germany and Italy Spain has one of the highest scores in Europe for long-term employment and business process outsourcing, according to A.T. Kearney. Barcelona boasts a multicultural workforce, with a significant part of the population hailing from a country other than Spain. Thus, the majority of people in Barcelona not only speak a language

Question		Answer
		other than Spanish, they also adapt perfectly to the global environment of the city. Most expats working in Barcelona are employed in the services sector. The abundance of private and public education institutions produce a very well-educated work force.. Source: http://www.investinspain.org/invest/en/why-spain/highly-qualified-workforce/index.html http://www.internations.org/barcelona-expats/guide/working-in-barcelona-15701
8.	How difficult is it to recruit qualified staff?	As per Manpower survey conducted in 2015, 14% of employers in Spain are having difficulty finding qualified workers, a notable increase of 11% from 2014. However, this is much lower as compared to other countries. Top 10 jobs employers are having difficulty filling in Spain are the following: 1. Skilled Trades 2. Technicians 3. Engineers 4. IT Personnel 5. Secretaries, PAs, Receptionists, Admin Asst. & Office Support Staff 6. Drivers 7. Nurses 8. Accounting & Finance Staff 9. Teachers 10. Legal Staff Source: Manpower Talent Shortage Survey 2015
9.	How difficult is it to dismiss underperforming staff?	An employment contract may be terminated for a number of reasons which normally do not give rise to any dispute, such as mutual agreement, expiration of the contractual term, death or retirement of the employee or of the employer, and so on. In the event of termination by the employer, there are three main grounds for dismissal of an employee:

Question	Answer
	Collective layoff: Economic, technical, organizational or production-related grounds • Collective layoffs must follow the legal procedure established under article 51 of the Workers' Statute. This procedure involves a period of negotiation with the workers' representatives of no more than 30 calendar days, or 15 days at companies with less than fifty employees, and the outcome and final decision must be notified to the labor authorities. The employer must give 7 or 15 days' prior notice of its intention to start a collective layoff procedure. • If the collective layoff affects more than 50 workers, the company must offer the workers concerned an outplacement plan through an authorized outplacement company, of at least six months' duration • The statutory severance consists of 20 days' salary per year worked, up to a maximum of 12 months' salary, or more if so agreed. • In general (except at companies subject to insolvency proceedings), when workers aged 55 or over are affected, special agreements must be signed with the social security authorities. • In some cases, if workers affected in the collective layoff are aged 50 or over, an economic contribution must be made to the Public Treasury Objective grounds: Inability of the worker to adapt to changes made to his job, Intermittent absences from work or Ineptitude of the worker coming to light or not foreseen until after being hired by the company • The employer must serve at least 15 days' advance notice in writing on the worker (or pay the corresponding salary). • Severance (20 days' salary per year worked, up to a maximum of 12 months' salary) must be made available to the worker at the same time the written notice of dismissal is served Disciplinary action: Serious and culpable breach by the worker. • The employer must serve written notice of disciplinary dismissal, stating the grounds and the effective date of dismissal • If a workers' representative or labor union delegate is dismissed, a disciplinary procedure in which all parties are heard must be followed. If the worker is a labor union member, the union delegates should be granted a hearing. These safeguards may be increased by collective agreement • If these formalities are not met, a further dismissal may be made in a period of twenty days by

Question		Answer
		paying the employee the salary accrued in the meantime, with effect as of the date of the new notice A worker dismissed on any objective or disciplinary ground may appeal the decision made by the employer before the labor courts, although a conciliation hearing must first be held between the worker and the employer to attempt to reach an agreement. This conciliation hearing is held before an administrative mediation and arbitration body Source: Invest in Spain
10.	What are the constraints of hiring international staff?	EU nationals and their family members may live and work (as employees or self-employed workers) in Spain without needing to obtain a work permit. However, in general they must obtain the relevant EU citizen registration certificate or EU citizen family member residence card. Non-EU nationals must obtain prior administrative authorization to be able to live and work in Spain. Initial residence and employed work permit: Non-EU nationals intending to work in Spain must obtain a special work visa and a work and residence permit beforehand. Duration: Granted for a period of one year and limited to a specific geographical area and occupation. After the one year period, initial permits can be renewed for a two-year period. Once renewed, a permit will allow its holder to engage in any type of work anywhere in Spain Frontier workers: Employed or self-employed work permit for workers residing in the frontier area of a neighboring State to which they return each day. Its validity is restricted to the territory of the autonomous community or city where the worker has his residence Duration: Initial duration of a minimum of three months and a maximum of one year. It may be extended at the end of the initial period, and each successive renewal may not exceed one year

Question		Answer
		Fixed- term employed work permits: Permitted types of work: Seasonal work (maximum of 9 months within a period of 12 consecutive months), Project work or services, Training and professional work experience Duration: The term of the contract or activity, subject to a one-year limit (except in the case of seasonal permits, which may not exceed 9 months within a period of 12 consecutive months) Non-renewable, except in exceptional circumstances Residence and work of highly qualified professionals in possession of an EU blue card: Granted to those who provide evidence of higher education qualifications (understood as those deriving from higher education lasting at least three years) or, exceptionally, have a minimum of five years' professional experience that could be considered comparable. Holders of EU blue cards that have resided for at least eighteen months in another EU country may obtain this authorization Duration: Duration of one year, renewable for two-year periods, unless a long-stay residence permit is applicable Source: Invest in Spain
11.	What are the considerations for remuneration, recruitment and retention of staff?	Spain average hourly labour cost is at EUR20.9 (2013), which is lower than the EU-27 average of EUR23.7 (2013) The official minimum wage is established by the Government each year and amounts to EUR645.30 per month or EUR9,034.20 per year for persons over 18 years of age (including 12 monthly and 2 extra payroll payments) for 2014. However, the minimum wages for each job category are usually regulated in collective labor agreements.

Question		Answer
		Social Security Costs: Employer contribution rate from 18.9% to 23.2% in case of permanent contract during 2 years. Source: Invest in Spain

Question		Answer				
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	Tax: Individuals who move their habitual residence to Spain with an employment contract can opt to be taxed under this tax or under Non Residents Income Tax (see Non-Residents income Tax) for the period which exercises the option and during the 5 following Tax periods. The individual is considered Spanish resident for Double Tax Treaty purposes but only pays taxes in Spain for the assets located here UE residents and non residents in Spain can opt to pay as residents in Spain without losing their non resident status if at least 75% of their income comes from Spanish labor or economics activities Non-residents are subject on their Spanish-source income and capital gains. Exemptions: • Interest obtained by non-residents from their bank deposits in Spain • Interests and capital gains from public bonds • Interest and capital gains from movable property obtained by EU residents • Capital gains from the sale of the shares quoted and transferred on a Spanish stock exchange derived by non-residents without PE if the taxpayer is a resident of a country with which Spain has an income tax treaty including an exchange of information clause Source: http://www.integra-international.net/files/guides/spain_2013.pdf				
13.	How do individual cities compare in terms of the cost of living?	City	Consumer Price Plus	Groceries Index	Restaurant Price Index	Local Purchasing

Question		Answer																				
			Rent Index			Power Index																
		Barcelona	42.06	46.33	66.88	121.41																
		Source: http://www.numbeo.com/cost-of-living/city_result.jsp?country=Spain&city=Barcelona																				
14.	In relation to the above, what are the average wage expectations for professional and technical staff depending on location?	<table><tr><th>City</th><th>Average Monthly Disposable Salary (After Tax) [EUR]</th><th>Range</th></tr><tr><td>Barcelona</td><td>1482.57</td><td>1,000 - 2,300</td></tr></table> Source: http://www.numbeo.com/cost-of-living/city_result.jsp?country=Spain&city=Barcelona					City	Average Monthly Disposable Salary (After Tax) [EUR]	Range	Barcelona	1482.57	1,000 - 2,300										
City	Average Monthly Disposable Salary (After Tax) [EUR]	Range																				
Barcelona	1482.57	1,000 - 2,300																				
15.	What are health care, child care and schooling costs?	Health care: <table><tr><th>Country</th><th>Health Care Exp. Index</th></tr><tr><td>Spain</td><td>135.58</td></tr><tr><td>United Kingdom</td><td>135.74</td></tr><tr><td>Canada</td><td>128.41</td></tr><tr><td>Sweden</td><td>140.32</td></tr><tr><td>United States</td><td>126.19</td></tr><tr><td>Japan</td><td>160.36</td></tr><tr><td>France</td><td>152.42</td></tr></table>					Country	Health Care Exp. Index	Spain	135.58	United Kingdom	135.74	Canada	128.41	Sweden	140.32	United States	126.19	Japan	160.36	France	152.42
Country	Health Care Exp. Index																					
Spain	135.58																					
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Canada	128.41																					
Sweden	140.32																					
United States	126.19																					
Japan	160.36																					
France	152.42																					

Question	Answer
	Prescription charges in Spain: Person working and living in Spain has to pay a percentage of the cost of prescription medicines, and the cost is non-refundable. The amount payable depends on the income and whether the person is of working age or a state pensioner. For example, if annual income is less than EUR 18,000, 40 percent of the cost of the medication is payable. If income is between EUR 18,000 and 100,000, 50 percent is payable, and if it's over EUR 100,000, then 60 percent is payable by the person. State pensioners pay 10 percent unless their income is over EUR 100,000, in which case 60 percent is payable Getting Treated in Spain: • General doctor Visit -35 EUR • Tooth Whitening -330 EUR • Filling -49 EUR • Varicose Vein Removal -1400 EUR Source: http://www.numbeo.com/health-care/rankings_by_country.jsp http://www.studying-in-spain.com/health-and-medical-treatment-in-spain/ http://www.expatica.com/es/healthcare/Getting-healthcare-in-Spain_101467.html Schooling Cost: Education in Spain is free from “six years to sixteen years of age”. This is supported by the government of the Spain. College Tuition cost: Costs of attending college in Spain are very reasonable, especially compared to other European countries, as well as the U.S. Average Costs: • A bachelor's degree education can cost you anywhere between 680 and 1,280 EUR per school year when

Question	Answer
	attending a public university. • The amount that it will cost you to attend the university is a fixed amount that is set in place by the Autonomous Community, though the central government can set amounts of tuition costs of schools within their area. • Fees for attending a private university to earn a bachelor's degree vary between 5,500 and 18,000 EUR per school year. • For Master's or Doctoral degrees, university fees at public institutions are also government regulated, and vary between 22 and 36 EUR per credit Source: http://www.studying-in-spain.com/costs-of-attending-college-in-spain/ Childcare: The state nursery usually provides childcare for the whole day, and the cost is roughly EUR 250 a month Source: http://www.expatica.com/es/family-essentials/Childcare-in-Spain_101464.html
16. Would staff be eligible to access public services if available?	State healthcare is free of charge to anyone living and working in Spain Expats are entitled to free state healthcare if: • Resident in Spain and work in employment or self-employment and pay social security contributions, • Resident in Spain and receiving certain state benefits • Resident in Spain and recently divorced or separated from a partner registered with social security • A child resident in Spain • A pregnant woman who is resident in Spain • Under 26 and studying in Spain • A state pensioner, or • Staying temporarily in Spain and have an EHIC card Source: http://www.expatica.com/es/healthcare/Getting-healthcare-in-Spain_101467.html

Discussion on the whether a country is an active regulator would have been helpful. In other words, in addition to setting standards for work:

Question		Answer
17.	Does the host country regulate how those standards are implemented?	Employment contracts are generally regulated by the provisions of Legislative Royal Decree 1/1995, of March 24, approving the Workers' Statute (WS). A major characteristic of Spanish labor legislation is that important employment issues can be regulated through collective bargaining, by means of collective labor agreements, that is, agreements signed between workers' representatives and employer representatives that regulate the employment conditions in the chosen sphere (areas within a company, company-wide or industry-wide). The Workers' Rights and Duties Statute contemplates the minimum rights and duties of workers and companies and sets up the minimum rights for both parties. Source: Invest in Spain

Question		Answer
18.	What are employment law and employment relations requirements?	Contracts can be made verbally or in writing, unless there are express provisions that require a written contract (for example, temporary contracts, part-time contracts and training contracts). If this formal requirement is not met, the contract is understood to be permanent and full-time, unless evidence is provided to the contrary. Companies must provide the workers' statutory representatives (if any) with a basic copy of all contracts to be made in writing (except for senior management contracts). The hiring of workers must be notified to the Public Employment Service within ten days of the contracts being made. Fixed-term contracts: Spanish legislation sets out specific grounds for the execution of fixed-term or temporary contracts. All temporary contracts must be made in writing and must specify the reason for their temporary nature in sufficient detail. Otherwise, or if the ground

Question	Answer
	for the temporary contract does not truly correspond to one of the legally-established grounds, the contract will be deemed to be made for an indefinite term, unless evidence of its temporary nature is provided. If the fixed-term employment contract is made for a term of more than one year, the party intending to terminate the contract must serve notice at least fifteen days in advance or, as the case may be, give the advance notice established in the applicable collective labor agreement. Part-time contracts: Part-time workers cannot work overtime, except to prevent or repair losses and other urgent and extraordinary damages. However, supplementary hours can be carried out. Supplementary hours may not exceed 30% of ordinary working hours. The total ordinary hours and supplementary hours may not exceed the statutory limit for part-time work. Source: Invest in Spain
19 How should the Facility comply with: m. Work-time regulations n. Employee protection laws o. Legally mandated (or culturally accepted) xvii. vacation days - xviii. sick days xix. maternity/paternity leave xx. overtime hours	a. The working day generally starts between 8.30 a.m. and 9.30 a.m. and lasts until 5.30 p.m. or 7.30 p.m. depending on the firm's lunch hour policy (1 or 2 hours). The length of the working day is agreed on in collective labor agreements or in individual employment contracts. The maximum working week is 40 hours, calculated on an annualized basis, having the opportunity to distribute in an irregular way the working day length (if there is no agreement, the company can distribute by a 10% the working day length over the year). Reduction in working hours: Workers may be entitled to a reduction in their working hours in certain cases, for example: to directly care for children under 12 or family members who cannot take care of themselves, and during the hospitalization and continuing treatment of a child in their care with cancer or any other serious illness that entails a long hospital stay and who requires direct, continuing and full-time care, until the child reaches 18 years.

Question		Answer
		b. N.A. c. i. A minimum of one and a half days off per week is mandatory, which may be accumulated by periods of up to 14 days. Official public holidays may not exceed 14 days per year. Workers are entitled to a minimum vacation period of 30 days, and cannot be paid in lieu of that period. ii & iii. Workers are entitled to paid leave in the event of marriage, union work, fulfilment of unavoidable public or personal duties, breast-feeding, childbirth, moving home (principal residence), accident or serious illness, etc. iv. Overtime is time worked in excess of the maximum ordinary working hours. Paid overtime may not exceed 80 hours per year. Overtime can be taken as time in lieu within four months of the date on which the overtime was worked. Overtime is generally voluntary. Source: Invest in Spain
20.	What are the discrimination laws, if any?	Discrimination in hiring or in the workplace on the grounds of gender, marital status, age, race, social status, religion or political ideology, membership of a labor union or otherwise, or on the basis of the different official languages in Spain is prohibited. Source: Invest in Spain

International Land and Forest Tenure Facility

Summary Description

Rights and Resources Initiative

SUMMARY

This document summarizes the development processes, operational goals, project cycles, and proposed governance structures of the Facility.

January 2015
(Updated September 2015)

Background:

Rights and Resources Initiative is leading the design, development, and establishment of an independent International Land and Forest Tenure Facility (the Facility) which aims to become 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. Operations are scheduled to begin in 2016 with an independent governance body, secretariat, and pipeline of strategic projects. The Facility development will occur in three phases: Initial Consultation and Design, Inception, and Independent Facility Operations.

To inform the design and scope of the Facility, RRI consulted and engaged with Indigenous Peoples, community groups, governments, and private investors for inputs. At the current inception phase, RRI is conducting analyses, initiating pilot projects, and reviewing options for the location and legal structure of the Tenure Facility. For the pilot projects, RRI engaged Indufor, a professional consulting company based in Finland that provides advisory services to private and public sector clients in forest industry and sustainable natural resource management. In collaboration with local proponents, Indufor will provide technical assistance to support the development of pilot projects. Lessons drawn from the pilots will inform the institutional design and governance structure of the Facility.

Facility Services:

During the operations phase, the Facility will engage in the following:

1. Provide funding and technical support for select tenure reform projects proposed by civil society, Indigenous Peoples, and governments;
2. Over time become a space for convening governments, Indigenous Peoples, community organizations, and public and private sector leaders to coordinate commitments and develop shared strategies to provide financial support for major tenure reform projects.

How will the Facility be Different?

The Facility will establish its unique niche by:

1. Focusing on securing collective and common lands;
2. Being strategic and responsive to community organizations;
3. Focusing on both land and forest tenure rights;
4. Being independent, yet complementary and linked to existing such instruments as Food and Agriculture Organization, World Bank, United Nations, and other bilateral bodies;
5. Intentionally engaging with and informed by private investors.

Timeline for the Establishment of Facility

Establishment Phase	2013				2014				2015				2016			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Initial Consultation and Design																
2. Inception																
a. Pilot Projects																
b. Final Design and Establishment																
3. Independent Facility Operations																

Key Outcomes of Each Phase

1. Initial Consultation and Design
 - a. Consensus reached on demand for Facility
 - b. Initial design principles endorsed by RRI Partners
 - c. Facility design document is finalized
2. Inception Phase
 - a. Initiate Governance, Identify Institutional Options
 - i. Assessment of the Facility's location, legal, and institutional options.
 - ii. Advisory Group roles and expectations are defined
 - iii. Monitoring and evaluation standards are developed
 - iv. Establish staff team to implement inception phases
 - v. Funding is secured to design and establish the Facility
 - b. Pilot Projects
 - i. Demand studies are completed
 - ii. Selected pilot projects are prepared
 - iii. Financial and administrative protocols established
 - iv. Pilots are implemented
 - v. Lessons learned are documented
 - c. Final Design and Establishment
 - i. Facility's final design is endorsed
 - ii. Additional funding is secured
 - iii. Secretariat is established
 - iv. Governance structures are put in place
 - v. Fiduciary responsibility is transferred to Facility
 - vi. Project pipeline is established
3. Independent Facility in Operation
 - a. Funding of strategic projects for Indigenous Peoples, local communities and other rural inhabitants.
 - b. Convening of international community, national governments, private sector, and interest groups to secure local tenure rights

Facility Project Cycle

The independent Facility will support strategic and influential opportunities to advance the tenure rights of rural communities and Indigenous Peoples. To this effect, the Facility Board of Directors, with inputs from the Advisory Group, will define annual/bi-annual strategies and establish operating parameters to guide the selection and funding of projects. Funding approaches and project types will be periodically evaluated and revised.

The Facility will solicit and evaluate project proposals from Indigenous Peoples' groups, civil society organizations, and others. Selected proposals for development into full project documents will be evaluated and approved by the Board. To ensure compliance with Facility standards, approved projects will undergo monitoring and evaluation either in the course of project implementation or at the end of the project cycle.

	Annual Facility Goals	Project Identification	Project Formulation	Appraisal & Financing	Implementation	Monitoring and Evaluation
Objectives	Establish and periodically refine strategic programmatic structure to secure rights in target countries	Identify projects that respond to strategic openings in select countries Identify local implementing organizations	Develop feasible and cost-effective projects from proposals recommended by the Facility Board	Effectively deploy funds. Establish appropriate standards and accountability mechanisms Ensure value-for-money	Implement selected projects and initiatives	Monitor Project Conduct evaluations Document lessons learned
Responsible Parties	Facility Board Advisory Group Facility Secretariat in consultation with key stakeholders	Local proponents Facility Secretariat	National proponents with support from the Facility Secretariat	Facility Trust Fund Facility Board and Investment sub-committee	Local partners and collaborators with support from Facility and consultants	Independent Monitors and Evaluators under supervision of the Board

Proposed Criteria for the Evaluation of Projects

The following criteria will guide project selection and implementation:

Projects must:

1. Be relevant to national and international policy processes
2. Be cost-effective and within bounds of Facility allocations (US\$0.2 – US\$3M)
3. Respond to strategic opportunities that cannot be met by other short-term funding sources
4. Respond to time-sensitive opportunities
5. Lay the foundation to scale-up and generate lessons to advance reform
6. Advance gender empowerment
7. Demonstrate some government endorsement in either the project preparation or implementation.

National project implementers must be:

1. Legally registered in target country
2. Credible to national stakeholders
3. Able to manage funds: Has fiduciary standards in place and is auditable
4. Have a track-record of successful project implementation
5. Able to report on project milestones and outcomes
6. Reputable with no history of financial misconduct
7. Enhance the diversity of implementing partners

Project portfolio will be diversified as follows:

1. Geographically represent all major regions
2. Varied by types. Examples: advocacy, capacity-building
3. Cross-sectional : government, civil society, private sector, local communities

Project Cycle - Pilot Phase

During the Pilot Phase, RRI (as custodian of the Facility funds) will support timely, strategic projects and diverse opportunities to advance tenure security in several countries. RRI and Indufor had earlier conducted demand studies in several countries¹ to determine the political and technical opportunities available to advance local tenure rights. Demand studies, which also determined the need to develop pilot projects in select countries, were completed in collaboration with national and local Indigenous Peoples organizations and other civil society organizations. Pilot projects will be developed by proponents in collaboration with RRI and Indufor and will be appraised, selected, funded, and implemented according to the Facility's guidelines. A variety of projects will be identified to generate lessons to inform the operationalization of the Facility.

Project Cycle-Pilot Phase	2014		2015				2016			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Assessment of National Demand										
Identification of Pilot Projects										
Formulation										
Appraisal and Financing										
Implementation										
Monitoring and Evaluation										

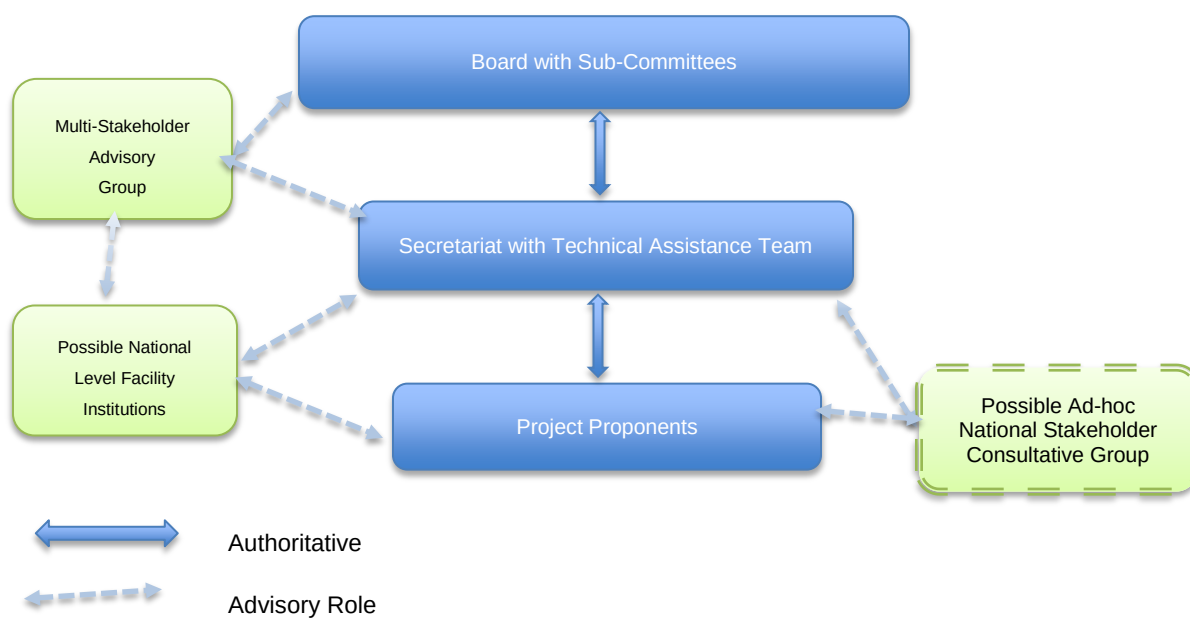
¹ Cameroon, Colombia, Indonesia and Peru

	Assessment of National Demand	Identification of Pilot Projects	Formulation	Appraisal & Financing	Implementation	Monitoring and Evaluation
Objectives	Begin pilot phase to test and assess demand for potential Facility services in several countries	Identify projects that respond to strategic openings in select countries Identify local implementing organizations/ proponents	Formulate proposals for feasible and cost-effective projects	Effectively deploy funds. Establish appropriate standards and accountability mechanisms Ensure value-for-money	Implement selected projects and initiatives	Monitor Project Conduct evaluations Document lessons learned
Responsible parties	RRG in collaboration with Indufor	Local proponents in collaboration with RRG	Local proponents with support from Indufor	Advisory Group And RRG	Local partners and collaborators with support from RRG and Indufor	RRG and Advisory Group

Project Cycle Description

Facility Governance and Operational Bodies

The Facility will be governed by a Board of Directors and operationalized by a Secretariat. A Multi-Stakeholder Advisory Group will provide guidance and assist in coordinating with other international and national initiatives. Full Terms of Reference for each body will be developed during the Incubation Phase.



Facility Board of Directors

The Board of Directors will be composed of experienced professionals from donor, Indigenous Peoples, NGO, civil society, public, and private sector organizations. In addition to appointing the Executive Director who will oversee the day-to-day operations, the Board will ensure that administration of the Facility meets international standards of excellence and its obligations to donors. Furthermore, it will review recommendations from the Advisory Group and Secretariat on issues related Facility operations and governance. In addition, it will form such sub-committees as the Investment sub-Committee tasked with recommending proposals as well as monitoring and evaluating the Facility's project funding. Board members will act in their personal capacities and will not be expected to represent any particular constituency.

Facility Secretariat

The Secretariat will constitute a small group of permanent staff and a roster of technical experts. It will support Facility operations as follows:

- Institute a mechanism to receive project proposals
- Maintain relationships with relevant local and global stakeholders
- Recommend projects to the Board and Investment sub-committee
- Oversee technical staff and commission analytical work
- Ensure high standards of fiduciary accountability
- Manage funds and assets for long-term sustainability
- Commission audits
- Have representation on the Facility Board and Investment sub-committee
- Manage Board relationships
- Convene Advisory Group meetings
- Hire reputable independent evaluators to review Facility operations and projects
- Provide media/communications support as required
- Convene governments, civil society, Indigenous Peoples' organizations, private sector, and interest groups to Facilitate international learning and best practices on securing tenure rights

Multi-stakeholder Advisory Group

The Multi-stakeholder Advisory Group will be a volunteer mechanism composed of individuals with relevant and critical expertise from community, Indigenous Peoples, national and international organizations, and private companies. The Group will advise the Facility's strategy and operations and serve as an information resource. In addition, it will help in identifying unique opportunities to avoid duplication of the efforts of other organizations.

Possible Ad-hoc National Stakeholder Consultative Group

The Ad-hoc National Stakeholder Consultative Group will be a volunteer mechanism composed of individual experts from community and Indigenous Peoples' groups. The group will serve as a vital platform for dialogue and consultation between the ILFTF and local stakeholders. It will also act as a forum for information exchange and will offer suggestions on possible collaborative opportunities.

For all questions related to the development of the International Land and Forest Tenure Facility, please contact:

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The International Land and Forest Tenure Facility
Leveraging Greater Public and Private Commitment and Finance to Secure Land Rights in the
Forest and Rural Areas of the Developing World
Executive Summary of the 2014 Annual Narrative Report

Prepared for the Swedish International Development Cooperation Agency (Sida)
Grant Agreement 61050118

The International Land and Forest Tenure Facility (hereafter the “Facility”) was officially launched in 2014 to increase the tenure security of Indigenous Peoples and local communities in rural, forest, and dryland areas, through (i) the provision of funding and technical support for reform projects sponsored by relevant stakeholder groups, governments, and civil society organizations in developing countries; and (ii) a convening platform to help raise and coordinate commitments across key constituencies, and develop shared strategies to strengthen community land and territorial rights in developing countries. This document presents the first annual progress report of the newly created Facility.

Following a broad set of studies, consultations, and reviews, the Facility concept was formally endorsed by RRI Partners and Board in January 2014, paving the way for the development of a detailed design document that laid out the rationale, theory, and implementation schedule of the Facility. Released in April 2014, the design document helped to set in motion the following accomplishments.

A Transition Team, comprised of RRG staff and dedicated resources, was created to oversee the establishment of the Facility. Demand studies conducted by Indufor in four countries helped to assess the needs, validate the demand for the proposed services, and generate pilot project concepts. An analysis of the costs of securing rights, also conducted by Indufor, imparted global knowledge on how to advance land tenure reforms using cost-effective mechanisms.

To provide guidance and advance the design of the Facility, an Advisory Group was created with representatives from leading bilateral and multilateral initiatives and institutions (World Bank, IFC, FAO, Oxfam, Sida, UN-REDD) as well as private sector, indigenous, and civil society groups (Center for Environment and Development, The Munden Project, Tebtebba-Indigenous Peoples’ International Centre for Policy Research and Education). Throughout the year, a number of critical bilateral and multilateral engagements were pursued at the international level to share information and stimulate support for the Facility, including the 2014 UN Climate Summit, the 2014 World Congress on Indigenous Peoples, and the Interlaken Group of representatives from leading companies, investors, and NGOs. Finally, in preparation for the independent set-up of the Secretariat, optional locations for domiciling the institution were identified and assessed with technical assistance from MDY Legal.

The incubation of the Facility has been a complex process involving a variety of collaborations and engagements at every stage of the design process. Given the explicit aim of developing a nimble and strategic institution, capable of serving a broad subset of constituencies, including groups that have so far been marginalized by the existing institutional mechanisms (i.e., Indigenous Peoples’ and community-based organizations), a considerable amount of time has been dedicated to generating useful knowledge and learning from ongoing experiences. As a result, some activities have been extended to take advantage of this crucial development phase, with new actions considered as required. Among other things, early engagement with prospective proponents demonstrated the need for more time to develop comprehensive pilot projects with two proposals developed in Panama and Indonesia yielding useful conclusions for the way forward.

To this end, lessons for the development of appropriate standards, accountability principles, and monitoring and evaluation mechanisms were actively captured during 2014, but their completion was deferred to 2015 to better reflect experiences and support the creation of a robust funding institution. Planned versus completed activities for 2014, as outlined in the Facility design document, are summarized in Table 1 below.

Table 1. Status of 2014 Planned Activities and Targets

Activity	Status	Comments
Form Transition Team	Completed	
Conduct Demand Studies	Completed	
Consultations and Information Sharing	Completed	
Legal and Financial Systems and Place of Incorporation	Ongoing	
Hire dedicated Staff	Completed	
Set up Advisory Group	Completed	
Refine Facility Roles; Develop Standards and M&E Mechanisms	Postponed to 2015	Lessons generated from pilot project development will inform this target
Design Preliminary Pipeline of Projects	Ongoing	Pilot proposals are being developed in Panama and Indonesia, while project concepts have been submitted from Cameroon and Mali, and proposals pursued in Peru, China and Colombia.

International Land and Forest Tenure Facility
Rights and Resources Initiative

**Protection of Customary Collective Community Land Rights in
Liberia**

Pilot Project Design Document - DRAFT 18 September 2015

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GLOSSARY

Applicant	The entity submitting the project proposal, i.e. the main implementing organisation of the project. Signs the contract with the Contracting Authority and is directly responsible for the preparation, management and implementation of the project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary.
Co-Applicant, i.e. Partner(s)	Co-Applicant(s) (i.e. Partner implementing organisation(s)) participate in designing and implementing the project, and the costs they incur are eligible in the same way as those incurred by the Applicant. Partners(s) must sign the Mandate indicated in the Section 5.
Associate(s)	Other organisations may be involved in the action. Such associates play a real role in the action but may not receive funding from the grant, with the exception of per diem or travel costs.
Contractor	The grant beneficiaries (i.e. implementing organisations) and their affiliated entities (i.e. Partner implementing organisations) are permitted to award contracts. Associates cannot be also contractors in the project. Contractors are subject to the procurement rules set out in the grant contract.
Project	Activities for which a grant may be awarded.
Final Beneficiaries	Those who will benefit from the action in the long term at the level of the society or sector at large.
Contracting Authority	The entity with who the contract is signed (RRG, ILFTF or another instance e.g. an organization outsourced in the country where the project takes place).

1. SUMMARY TABLE

Title of the action:	Protection of Customary Collective Community Land Rights in Liberia
Applicant	Sustainable Development Institute
Partners	Foundation of Community Initiatives Green Advocates Land Commission
Associates	Potentially various associates, estimated at 3-5 CSOs. Engaged through partnership with the three core partner CSOs (SDI, GA, 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.
Total duration of the action (months):	Project implementation period is 12 months with additional 3 months for the administrative closing of the project.
ILFTF financing requested (amount)	USD 749 600
ILFTF financing requested as a percentage of total budget of the project (indicative)	100%
Objectives of the project	<i>Overall objectives:</i> 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 lessons learned and experiences gained in pilot project cycle systematized for the benefit of the International Land and Forest Tenure Facility’s design <i>Specific objective(s):</i> <i>Component 1:</i> To assist in developing steps and procedures for community self-identification- the first process for implementing customary land rights recognition nation-wide To ensure that pilot communities go through the process of self-identification <i>Component 2:</i> To increase the awareness and understanding on community land rights recognition, as it relates to the process of community self-identification, and build capacities <i>Component 3:</i> To establish broad awareness and support by key agencies, CSOs and international organizations of the national protocol for community self-identification 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	<i>Component 1:</i> Documented body of evidence on the testing and application of the process of community self-identification Active multistakeholder 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 <i>Component 2:</i> Awareness raising and capacity building events and activities carried out at national and local levels <i>Component 3:</i> A consultative process carried out by the multi-stakeholder partnership to further develop steps and procedures for community self-

	identification
Main activities	<i>Component 1:</i> CSO consortium facilitating a process of community self-identification in a number of communities Land Commission periodically observing and verifying the process Gathering and reporting lessons learned from the community self-identification processes <i>Component 2:</i> Organizing training events and sessions at local and national level targeting communities, CSOs, government, private sector and other stakeholder Organizing awareness raising events and media engagement Production of training and awareness raising and media engagement materials and messages <i>Component 3:</i> Completing Field training of Land Commission staff Stocktaking of customary land tenure systems and engagements with communities Process of stakeholder consultation and technical meetings to develop steps and procedures for community self-identification

2. DESCRIPTION OF THE PROJECT

2.1 Summary of the project

Background and stakeholder views

All key stakeholders of the proposed pilot project are strongly committed to the project. The project formulation was carried out during August 5th to 21st. All key stakeholders, the civil society organizations (CSOs) and the Land Commission, made themselves available for various meetings and working sessions. The CSO–public sector partnership was from the beginning strongly aligned with a shared vision on objectives and expected results of the project.

Project description

The proposed pilot project has three components: i) Testing and application of the process of community self-identification, ii) Training and awareness raising on community self-identification protocol and iii) Revision of the community self-identification process based on lessons learned from the pilots.

Under the first component the process of self-identification will be carried out in a number of communities with the aim of testing the Land Commission's draft community self-identification protocol, informing its further development and building a strong CSO-public sector partnership allowing scale-up opportunities in the future. The self-identification processes will be facilitated by the CSO consortium and verified by the Land Commission through periodic monitoring and observation.

The second component aims to build awareness on the self-identification protocol and readiness for its application among various stakeholders. Foreseen activities include awareness raising and capacity building meetings, seminars and workshops at local and at national level and media engagement. The implementing partners will work in cooperation and develop messages for awareness raising and to organize awareness raising and capacity building events.

Under the third component recommendations and information for the further development of the community self-identification process will be gathered. Also, the Land Commission will utilize its position to raise awareness and ensure support especially by key government institutions, and also by CSOs, international partners and other stakeholders. Activities under this component include stocktaking study on lessons learned from various initiatives and studies on customary land tenure and engagement with communities in Liberia, completion of a field training exercise by the Land Commission staff, and organizing stakeholder consultation and technical meetings on the lessons learned to inform the development of the self-identification protocol. These activities are led by the Land Commission through keeping frequent contact with other implementing stakeholders and engaging them in the activities as necessary.

Project relevance

The proposed project is highly relevant to the priorities of the ILFTF. It operates through flexible model, proposes to take strategic action to advance community collective tenure rights, engages the private sector through its governance structure and invests in activities that offer scale-up opportunities.

Time frame

The implementation period of the proposed pilot project is expected to be 12 months with additional three months for the administrative closing of the project. Depending on the financing decision in October 2015, the project is expected to launch in the beginning of November 2015. To enable quick launch:

- The Project Proponent has already started to scan potentially suitable staff to be recruited to the Project Management Unit to mitigate possible delays due to recruitment;
- The project partners have held string of working sessions to prepare for the project launch and to establish Memorandum of Understanding (MoU) detailing shared vision, roles and expectations of the partnership.

2.2 Relevance of the Project to ILFTF

2.2.1 Relevance to the objectives/sectors/themes/specific priorities of the ILFTF

The ILFTF aims to provide strategic support in processes that enhance the land and forest tenure rights of indigenous peoples and local communities. The proposed pilot project in Liberia is consistent with ILFTF goals and priorities, as established below:

The ILFTF aims to invest in actions that provide scale up opportunities

Currently the processes to acknowledge and realize collective community customary tenure rights are absent in Liberia. The proposed pilot project aims to establish the first step in the process of acknowledging and realizing collective customary community tenure rights. The proposed pilot project aims to test and further develop the draft national protocol for community self-identification and build stakeholder awareness on the protocol and capacities to apply the protocol. With a mature protocol accompanied by broad stakeholder awareness, support and readiness to apply the protocol, significant scaling up opportunities are established in Liberia.

The ILFTF aims to engage private sector stakeholders

The proposed pilot project aims to actively engage the private sector stakeholders into the project through the project governance structure at the level of the Advisory Group. During project formulation two private sector stakeholders in the palm oil sector have already established their interest to take part to the Advisory Group of the project. This will facilitate dialogue, exchange and inclusion of private sector perspectives during the project implementation.

The ILFTF facilitates multiple stakeholders to form partnerships and take strategic action

The proposed pilot project has established a partnership between civil society organizations (CSOs) and the public sector through the Land Commission. The partnership will implement the project together. This partnership is essential for the success of the project in testing and developing the national protocol for community self-identification and building broad awareness and readiness among other stakeholders for applying the protocol in Liberia. The project aims also for enhancing the CSO-public sector partnership for future multistakeholder cooperation in scaling up community self-identification in Liberia and in other land and resource tenure related actions.

ILFTF opportunities for learning

In addition to supporting collective land and resource tenure rights of indigenous peoples and local communities, the pilot projects in various countries aim to guide the further development of the ILFTF. The proposed pilot project in Liberia allows important lessons for the ILFTF from the perspective of i) consortium approach by various CSOs forming a consortium to simultaneously implement project activities, and ii) CSO-public sector partnership.

2.2.2 Relevance to the Particular Needs and Constraints of the Target Country

Country Profile

Liberia is located in West Africa, surrounded by Guinea, the Ivory Coast, and Sierra Leone, along with a long coastal line –the Atlantic Ocean. The total area is about 11.1 million square kilometers, possessing almost 42% of West Africa's remaining rain forest (USAID Land Tenure and Property Rights Portal). Liberia's total population in 2008 was estimated at 3.5 million¹ of which about 33% live in one city, Monrovia and its surroundings. Seventy-two percent of the population is under the age of 35 and unemployment rate is over 85%.

Liberia is a predominantly agrarian nation; most families make their livelihoods as rural small-

¹ 2008 National Census

scale farmers. The country has abundant natural resources, including gold, diamonds, iron ore, timber and bauxite, as well as plentiful fresh water, fertile lands and large forest areas. Forests cover 45% of total land area (USAID 2010). Although the country is endowed with valuable natural resources, the country ranks 175 out of 187 countries on the United Nation's Human Development Report index. Poverty rates are higher in the rural areas, where people depend on natural resources for their livelihoods and survival. Compounding this poverty are the effects of Liberia's protracted civil wars from 1989–1996 and 1999–2003. The brutal nature of the warfare seriously weakened the social fabric of many rural communities and left Liberians traumatized.

Land Tenure: A Historical Snapshot

Liberia was founded in 1822 by freed black slaves (settlers) from Northern America, most especially the United States of America. It has since had a long and contested land tenure history. Land rights and ownership, often vaguely defined and misconstrued, have led to conflicts of interests throughout country's evolution as a nation. Several inter and intra tribal conflicts were fought between the settlers (the state) and native residents.

Interestingly, unlike other African countries, the founders of Liberia recognized the land rights of the native people they met on the land. In the early 1800s, the precursor of the state, the political establishment at the time, purchased land from the indigenous (see Wily, 2007). Most of these transactions took place at the coastlines leaving areas outside of this purchased areas undocumented or undefined.

During the 1930s to the late 1940s, the Aborigines Land Grants and Hinterland Law presented an opportunity for rural communities to transform their customary claims into a documented tenure system with the state – by allowing chiefs to formally apply for deeds in fee simple. Few communities took advantage of these opportunities.² Several explanations have been given for this; among them is the lack of information and over-centralization of the administrative process in Monrovia. Most importantly, however, the law did not preclude traditional ownership based on this registration but only sought to legitimize it (Wily, 2007).

By the late 1950s, the above system changed; with the adoption of the Aborigines Laws in 1956³ tenure system got reversed; the state became the new owner and the indigenous were returned to right users (they maintained the right to remain on the land while the state retained primary ownership or a trusteeship). Among other things, the Aborigines Laws – under the Public Land Act – also gave communities the opportunity to become legal owners of their land through a process of buying land from the state – though their rights to live on the land were protected. The state later ensured its control over undocumented land by issuing lease-hold contracts to foreign investors over areas of the country without much consultation with communities using the land. The outcome of the above tenure system led to rural frustration and anger towards the state.

Changing Landscape: Public, Private, Customary, and Concession

Over the years, land tenure arrangement in Liberia has evolved into two loosely defined systems, customary and statutory (formal). On one hand, under the statutory tenure system (historically limited to coastal belt), land is documented to a person, family or a recognized entity. Statutory lands are protected and regulated by the instruments of the state, with legal recognition. On the other hand, indigenous communities have been allowed to collectively govern land according to their customs and norms. This hierarchical delineation has advantaged documented or statutory land claims while relegating customary claims to user right. The end result has seen the state and few privileged individual/families with ties to the state claiming ownership over a large area of forested and populated land.

2 "Between 1956 and 1986, 19 chiefdoms successfully secured 2.5 million acres (1,011,736 hectares) under public land sale deeds, held collectively by community members. Since 1986, however, no chiefdom has secured title to their lands through this process. See Wily 2007.

3 It is worth noting that this change followed a larger trend of bringing the country's hinterland and coastal land under one formal 'statutory' law.

Customary Land Tenure: customary or traditional land tenure system⁴ recognizes a communal ownership to discrete parcels of land. Such a land system is informed by traditional practices and procedures of land and resource ownership, allocation, and access rights. The customary system prohibits the direct sale of land, although there is a recognized procedure of individual or family access rights to a parcel of land. The management of land and access rights to other resources affixed to it is entrusted to community leaders (defined by geography and family heads), while the right of use over common areas (i.e. for hunting, cutting wild palm, access ways and water resource is maintained for the whole community). In most cases, rights over land are trans-generational and control is exercised through members of the units, mostly by a patriarch. Within this overall pattern are some regional/cultural variations (i.e. some rural 'communities' are much less culturally homogeneous and socially integrated than they used to be).

Statutory Land Tenure: The statutory land tenure system in Liberia can be understood in the context of the state adapting modern (Western) land value system to informed national land policies that are fundamentally different from the indigenous population. Under the statutory system, legitimized by the instruments of the state, land in Liberia was defined in two ways: land that is owned privately and public land held in trust by the state or president. Such a system tends to value land-holdings in an exclusionary or regulated context in which private lands tend to be exclusively owned while public land is regulated. These new values on land were accompanied by fundamental modifications of land regimes which saw the state, settlers, and concessions taking possession or laying claims over most of the land surface of Liberia and making laws and regulations that serves the interests of these mentioned actors.

Today, the actual amount of land registered or concession lands contracted out is not very clear. On one hand, reports have indicated that about 20%⁵ of the total land space in Liberia is deeded or registered to private individuals or entities (World Bank, 2008). While the distribution of these private land claims is unknown, it seems certain that this number is highly concentrated amongst urban elites (and churches) and located in selected coastal belts like Monrovia, Buchanan, Harper, or rural cash crops estates. On the other hand, the amount of land currently claimed under customary tenure is unknown though a vast majority of the land in Liberia is managed through customary or informal arrangements, with limited documentation.

Comparatively, however, an estimated 50% of the country's land is believed to be under concessions or long lease contracts. Reports indicate that Liberia currently has one of the highest rates of land concessions in Africa, as per the proportion of national lands granted to investors. Between 2004 and 2009, the Liberian government either granted or re-negotiated land concessions totaling 1.7 million hectares – over 15% of the total national land area. To date, the Liberian government continued to grant large-scale land concessions to palm oil, mining, and logging companies, often with little or no community consultation. Three agro-plantation businesses (Sime Darby-Malaysia, Equatorial Palm Oil Company-United Kingdom, Golden Agri-Veroleum-Indonesia) recently signed concession contracts with the government worth over six hundred thousand hectares of land.⁶

Legal and Policy Framework

Liberia has experienced many land tenure regimes and reforms over the years, beginning with the purchase of land by the settlers to a constitutional provision protecting the rights of Liberians to enjoy private and collective property rights. Other efforts include the 1949 Hinterlands Act, the 1956 Aborigines Law, the 1972 Public Lands Law, and 1974 Registered Land Law. These attempts had both structural and institutional challenges, and were mostly imagined through a centralized and top-down state structure.

In recent times, several attempts have been made to disentangle the heavy-handedness of the state, including the adoption of the National Forest Reform law and the Community Rights

⁴ Customary or traditional tenure system refers to land claimed and regulated by indigenous people before and after colonization/external enforcement, and generally recognized by the local people.

⁵ A personal interview with a program manager at the Land Commission. It was also reported that the Land Commission is currently in the process of taking inventory of the different types and sizes of land ownership in the country. What is important to note is that there is no formal or sanctioned figure on land contracts and distribution in Liberia.

⁶ Silas Kpanan'AYoungSiakor, *Uncertain Futures: The Impacts of Sime Darby on Communities in Liberia* (August 2012) at 17

of 2009. Despite these attempts, and due to the unresolved tenure rights of rural communities and competing institutional arrangements, land tenure in Liberia remains poorly defined. For example, while all un-deeded lands, are owned in trust by the state, the Community Rights Act (2009) recognizes customary land claims on its own merit-of -tenure system (Section 3.3). Yet, with contradicting clauses and amendments open for multiple interpretations, some of which limit community land claims, customary tenure has been weakened or subordinated by various government agencies i.e. the FDA awarding concession contracts on forest lands and Ministry of Land, Mines, and Energy allocating mining licenses and claims on the same land.

The most recent attempt at reform — the Land Rights Policy (LRP, 2013) which provides that *“Customary Land, whether or not the community has self-identified, established a legal entity, or been issued a deed, is defined as land owned by a community and used or managed in accordance with customary practices and norms...”* and the accompanied legislation, the draft Land Rights Act (LRA, 2014) — shows promises to addressing some of the competing clauses and overlapping functions of different government agencies regulating land and land based resources. In particular, the LRA includes multiple provisions that establish very strong rights for people over their customary lands and natural resources. The LRA is currently being debated in the national legislature for possible passage into law.

Key Legal Developments Related to Land ⁷

- **Founding.** The first Americo-Liberian settlers of the country purchased land from tribes in “fee simple,” equivalent to the today’s understanding of private ownership.
- **1949 Hinterlands Act.** Recognized customary ownership of land. Legalized an arrangement allowing chiefs to formalize tribal land claims through fee-simple purchase.
- **1956 Aborigines Law.** Gave ownership of tribal land back to the state recognized customary land rights as only usufruct rights.
- **Mid-1970s revision of the Liberian Code of Law.** Created confusion as to whether the 1949 Hinterlands Act or 1956 Aborigines Law remained in effect.
- **1972 Public Lands Law.** Details procedures for the purchase or lease of public lands to foreigners and for the claim of land reverted to government ownership in the form. This latter process involves the transfer of ownership from state land to private land through private purchase.
- **1974 Registered Land Law.** Formalizes the land registration system and requires landholders to register landholdings.
- **1986 Constitution.** Established citizenship requirement, limited to persons of Negro descent, for land ownership.
- **National Forest Reform Law:** National Forestry Reform Law of 2006 (NFRL) that promotes transparency in the same sector.
- **2009 Community Rights Act.** Stepping stone in giving partial control and jurisdiction over certain land back to communities, but it did not fully clarify the status of customary rights.
- **2009 Land Rights Policy:** The LRP established that *“Customary Land, whether or not the community has self-identified, established a legal entity, or been issued a deed, is defined as land owned by a community and used or managed in accordance with customary practices and norms...”*
- **2014 Draft Land Rights Act:** Establishes strong rights for people over their customary lands and natural resources.

Key land-related government institutions and agencies are established and their strengths in land governance and weaknesses in context of land reform analysed in Annex 1.

Opportunity to Catalyse Tenure Reform

The 2009 *Community Rights Law*, Liberia’s *Land Rights Policy* (2013) and the draft *Land Rights Act* (2014) provide critical protection for customary land rights. This protection includes an important step of communities’ rights to self-identify their territory and membership, to legally claim their customary lands, and to manage local natural resources. However,

⁷ Katelyn, Baldwin, K, Michael Geertson, and Ali Kaba, 2014. Liberia at a Crossroads: The Political Economy of Key Policy and Institutional Reforms in the Land Sector

community self-identification remains a sensitive and complex process. In support of the land reform initiative currently on-going in country, the project seeks to test 'community self-identification' processes to further develop the Land Commission draft protocol for community self-identification. The testing is carried out through a partnership of CSOs and the Land Commission.

The proposed project is timely because of the afore-mentioned recent and on-going significant advances in the policy and legal frameworks. There is currently momentum to advance community collective rights recognition where community self-identification is the first crucial step. The project also strengthens the CSO-public sector partnership which is crucial in allowing quick scale-up of the community self-identification processes and related land tenure change in Liberia.

Other Initiatives and Synergies

This pilot initiative aims to align with major donor support programs that are directly or indirectly relevant to forest tenure. The alignments means avoiding overlaps and utilizing of opportunities for synergies, when possible.

There are various on-going and planned land sector interventions in Liberia. These interventions are presented in Box 2.1

Box 2.1 Other Interventions Relevant to the Proposed Pilot Project

On-going

USAID People, Rules and Organizations Supporting the Protection of Ecosystem Resources (PROSPER): PROSPER is a five year project started in 2012 with funding of USD 2.5 million. PROSPER aims to improve community-based forest management to reduce threats to biodiversity and to enhance community-based livelihoods from sustainable forest-based and agriculture-based enterprises. PROSPER works in eight communities. Key institutional stakeholder is the Forest Development Authority.

USAID Forest Incomes for Environmental Sustainability (FIFES): FIFES is a forest sector programme estimated to start in 2015 with funding of USD 23 million.

USAID Land Governance Support Activity (LGSA)

The LGSA will support reform of land and land administration under the expected-to-be-forthcoming Land Rights Act. The project is currently starting (September 2015) and will be implemented over 5 years with financing of USD 15 million. The aim of the project is to support the Government of Liberia in implementing its land policy. One component of the project is directly relevant to the proposed pilot as it involves providing technical and process assistance to the Land Commission and interested ethnic communities to complete the requirements for legal recognition of community land. The field level activities are foreseen to start latter half of 2016. This is aimed to be synergistic and complementary to the planned World Bank financed land administration project described below.

Planned

World Bank financed Land administration project

The financing of the project consists of USD 5 million International Development Association financing and USD 3 million financing from USAID Multi-donor Trust Fund. The project aims to build the foundations for the effective provision of land administration and management services, including those for customary land rights. These include support to establishment of a potential new organization, the Liberian Land Authority. The project has three components:

- Support to policy and legal reforms and institutional building (financing USD 2.8 million)
- Enhancement of basic land administration services (financing USD 2.9 million)
- Enhancement of customary land rights (financing USD 1 million)

The Land Commission or the Liberia Land Authority will steer the project.

World Bank Forest sector project

The project is foreseen to begin in 2016 with funding of USD 50 million. The project is part of the Liberia Forest Program supported by the partnership established between the Government of Liberia and the Government of Norway. The project aims to support improved management of and increased benefit-sharing in targeted forest landscapes. The project areas will be defined during project preparation. The key institution is the Forest Development Agency in coordination with the Ministry of Agriculture, the Environment Protection Agency, the Land Commission and the Ministry of Lands, Mines and Energy.

There are direct opportunities for synergies with the IDA financed land administration project and the LGSA. The proposed pilot is the first of these interventions to start field level application of the community self-identification processes. The other projects are foreseen to engage with communities to carry community self-identification and further steps for community collective land rights recognition. As discussed with the Land Commission and the implementing stakeholders of LGSA, the proposed pilot project can gather lessons from community self-identification processes and directly feed into the planning and preparation of the field activities of the two large projects.

Close communication with these land sector projects is necessary, in order to optimize the opportunities for synergies present. An excellent opportunity to realize the synergies would be to invite the development financiers and project implementers to the Advisory Group of the proposed pilot project. This would enable a platform to exchange information on the progress

of the proposed pilot project, the experiences and lessons gathered and allow consideration of these in the planning of the other land sector support projects.

In absence of clear land tenure some private sector concessionaires have engaged with communities to clarify community areas and other overlapping land claims in areas of concessionaire interest. For example the palm oil concessionaires Golden Veroleum and Sime Darby are carrying out this type of activities to satisfy RSPO requirements on the land they operate on. In addition, The EU is supporting Liberia in context of the Voluntary Partnership Agreement. The actions to support timber legality are relevant in context or community land tenure.

2.2.3 Beneficiaries

The proposed pilot project will work with a variety of benefiting stakeholders at town, chiefdom, district, county and national level. In the Component 1 in the process of community self-identification, community members, including women, youth and marginalized groups are engaged. The community stakeholders benefit in terms of community empowerment through the community self-identification process. The process aims to result with i) increased awareness and capacities on community land and resource tenure rights, ii) strengthened capacities of communities to undertake the process of community self-identification, and iii) increased community organization, enhanced role of women, youth and marginalized groups.

In the Components 2 and 3 various local and national level stakeholders are engaged through awareness raising and capacity building meetings, seminars and workshops. These stakeholders can include, among others, CSOs, government institutions, private sector stakeholders and development partners. The project contributions towards various stakeholders is established in Table 2.1 **Error! Reference source not found.**

Table 2.1 Pilot Project Beneficiaries and Project Contribution

Beneficiaries	Pilot initiative contribution
<i>Communities, including women, youth and other possibly marginalized groups within communities, in the project sites</i>	Empowerment through the community self-identification process: i) Increased awareness and capacities on community land and resource tenure rights; ii) Strengthened capacities of communities to undertake the process of community self-identification; iii) Increased community organization, enhanced role of women, youth and marginalized groups.
<i>Local and national level CSOs</i>	Increased capacities in: i) Supporting realization of community land and resource tenure rights; ii) Applying the national "Framework for Implementing Customary/Community Land Rights Recognition Nation-Wide" in context of community self-identification.
<i>Government Institutions and staff</i>	Increased capacities in understanding tenure issues and carrying out related work.
<i>Development partners</i>	Increased information i) to allow preparation of support to land reform, and ii) especially in context of successful implementation of the community self-identification as a first step for the recognition of collective land ownership rights of communities.
<i>Private sector</i>	Possibility to engage in the process of development of the self-identification protocol through the project Advisory Group. Through the community self-identification protocol, possibility for improved investment and operational environment with increased clarity on land tenure and community boundaries.
<i>Liberian society</i>	Increased tenure security and possibility towards a future without land related conflicts

2.2.4 Elements of Value-Added of the Proposed Project

Timeliness of the action

The Community Rights Law of 2009 recognizes customary ownership of forests and allows these lands to be legally classified as community forests. The Land Rights Policy of 2013 recognizes community customary land rights and proposes to place these rights on par with private land rights. To operationalize the Policy, a draft Land Rights Act has been prepared and presented to the legislature in late 2014 which is currently being discussed in the Senate

Committee Room. In the context of these developments on land reform, the proposed project is very timely in allowing development of the first operational step of the customary land rights recognition; the community self-identification process. In addition of timeliness of the action, the proposed pilot project has other value adding elements listed below.

Multistakeholder partnerships

The proposed project brings together variety of stakeholders at the project implementation and governance levels. This allows opportunities for joined learning and sharing and forming a basis for further multistakeholder collaboration in the future.

The proposed project will bring together a consortium of CSOs. With a number of CSOs engaged in the implementation of the community self-identification process, there will be i) readiness for quick scale up as various organizations have participated to the testing of the national protocol for community self-identification, ii) wide coverage of different geographies and local cultural contexts that allows establishing a critical mass of evidence on a nationally appropriate process and iii) further strengthening of collaborative approaches on land tenure reform.

The proposed project will bring the CSO consortium to work in collaboration with the Land Commission. This collaboration is crucial to allow testing and developing the national protocol for community self-identification so that it i) is tested in a number of geographies and cultural contexts and ii) it can become officially approved. Enhancing the CSO-public sector partnership for future multistakeholder cooperation is also important to allow for the scaling up of community self-identification in Liberia.

Further, at the project governance level the proposed project includes variety of other stakeholders besides the CSO consortium and the Land Commission: private sector stakeholders, domestic funding channeling organizations, international development financiers and public sector institutions. Increased awareness of all stakeholders on the protocol of community self-identification will facilitate its official approval and adoption by all stakeholders.

Critical mass of evidence and demand

Testing the community self-identification protocol in a number of communities will allow establishing a critical mass of evidence to further develop the protocol for community self-identification. Testing of the community self-identification protocol in various geographies and cultural contexts will facilitate the official approval of the process.

The proposed project aims to facilitate of the self-identification protocol in a number of communities. This way the proposed project will establish a larger mass of communities with readiness and demand for official recognition and adjudication of community collective tenure rights. The readiness will establish further pressure for advances in the tenure reform.

2.3 Description of the Project

2.3.1 Project Objectives, Results and Activities

Project Components

The proposed pilot project is organized in three components:

1. *Testing and application of the process of community self-identification*
2. *Training and awareness raising on community self-identification protocol*
3. *Revision of the community self-identification process based on lessons learned from the pilots*

In the first component the process of self-identification is carried out in a number of communities with the aim of testing the Land Commission's draft community self-identification protocol, informing its further development and building a strong CSO-public sector partnership allowing scale up opportunities in the future. The self-identification processes are facilitated by the CSO consortium and verified by the Land Commission.

The second component aims to build awareness on the self-identification protocol and readiness for its application among wider group of stakeholders. Foreseen activities include awareness raising and capacity building meetings, seminars and workshops at local and at national level and media engagement. The implementing partners work in cooperation and develop messages for awareness raising and to organize awareness raising and capacity building events.

Under the third component information, experiences and recommendations for the further development of the community self-identification protocol are gathered. Also, the Land Commission utilizes its position to raise awareness and ensure support especially by key government institutions, and also by CSOs, international partners and other stakeholders. Activities include stocktaking study on lessons learned from various initiatives and studies on customary land tenure and engagement with communities in Liberia, field training exercise by the Land Commission staff, processes of stakeholder consultation and technical meetings to further develop the self-identification protocol. These activities are led by the Land Commission keeping frequent contact with other implementing stakeholders and engaging them in the activities as necessary.

An overview of the pilot project, based on the logical framework, is shown diagrammatically in Figure 2.1. This shows how the main project activities are expected to produce the results which will contribute to the achievement of the identified specific and overall objectives. The full logical framework matrix, including the indicators, is provided in section 2.3.6.

Figure 2.1 Key Elements of the ILFTF Pilot Initiative Logical Framework



Overall Objectives

The Overall Objectives the proposed project aims to contribute towards are:

- *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 lessons learned and experiences gained in pilot project cycle systematized for the benefit of the Facility's design.*

Specific Objectives, Expected Results and Activities

First Component

The Specific Objectives of Component are to i) assist in developing steps and procedures for community self-identification - the first process for implementing customary land rights recognition nation-wide and ii) ensure that the pilot communities go through the process of self-identification.

The expected results under Component are:

- Documented body of evidence on the testing and application of the process of community self-identification;
- Active multistakeholder 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.

The Activities under the Component are:

- Organization of meetings between the CSO consortium and the Land Commission to arrive methodological convergence on the protocol on community self- identification;
- Project site selection in consultative process (CSOs and LC);
- Training by the LC to the implementing CSOs on the self-identification protocol;
- Land Commission periodic monitoring and verification throughout the facilitation of the community self-identification process;
- Desk review and initial community consultations;
- Meetings to introduce the project/process;
- Applying a process of community self- identification;
- Gathering and reporting lessons learned from the process to feed into further development of the community self-identification protocol.

The component generates value added in testing the draft self-identification protocol and allowing generation of critical mass of evidence on the self-identification protocol. These, complemented with the action under other components, contribute to the enabling conditions for official approval and national level adoption of the self-identification protocol. Further value adding elements are the partnerships in the implementation. With a number of CSOs engaged in the implementation of the community self-identification process, there will be readiness for quick scale up of community self-identification processes in Liberia. The working model of CSO consortium working together with the Land Commission builds CSO-public sector partnership for future multistakeholder cooperation.

Second Component

The Specific Objectives of Component are to increase the awareness and understanding on community land rights recognition, as it relates to the process of community self-identification, and build capacities.

The expected results under Component is awareness raising and capacity building events and activities carried out at national and local levels

The activities under the component are:

- Organizing training events and sessions at local level (communities, CSOs, government, private sector);
- Organizing training events and sessions at national level (communities, CSOs, government, private sector);
- Organizing awareness raising events and media engagement;

- Production of training and awareness raising materials and messages.

An officially approved national protocol for community self-identification with readiness for scale up requires a mass of stakeholders being aware, supporting and ready to apply the community self-identification protocol. Capacity building event targeted to other CSOs will build quick scale-up opportunities as a larger amount of CSOs become familiar with the community self-identification protocol. The value added the component generates is in i) engaging various stakeholders to awareness raising and capacity building events and ii) media engagement for public information on the community self-identification protocol.

Third Component

The specific objectives of the component are to:

- Establish broad awareness and support by key agencies, CSOs and international organizations of the national protocol for community self-identification;
- 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.

Expected results under Component 3 is that a consultative process is carried out by the multi-stakeholder partnership to further develop steps and procedures for community self-identification.

The activities under the component are:

- Completion of Land Commission staff field training in Gbarlin Clan, Lofa County for internal capacity building and feeding into the further development of the draft community self-identification protocol;
- Process of stakeholder consultation and technical meetings to develop steps and procedures for community self-identification;
- Stocktaking of lessons learned from various initiatives and studies on customary land tenure and engagement with communities in Liberia;
- Workshops/seminars/one-on-one meetings for awareness raising among key public sector agencies, private sector, development partners and CSOs on the community self-identification protocol.

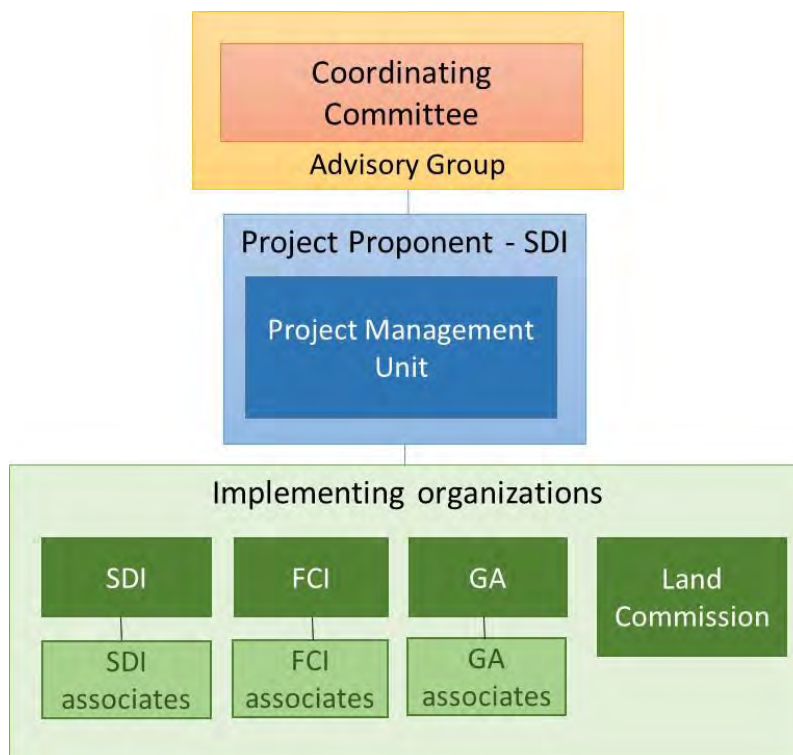
The value added the component generates allowing the Land Commission, in consultation and cooperation with the other implementing organizations, to generate and gather lessons, experiences and other necessary information on community self-identification processes in Liberia. These will allow further development of the self-identification protocol. In addition the Land Commission will utilize its status as a significant government institution and engage other stakeholders to the process to build awareness, support and enabling conditions for official approval of the community self-identification protocol.

2.3.2 Operating Modalities

Project Structure

The proposed pilot project will have following key structures i) Coordinating Committee and Advisory Group, ii) Project Management Unit and iii) Implementing partners, see Figure 2.2.

Figure 2.2 Project Structure



Coordinating Committee

The practical coordination and decision making on the project is carried out by the Coordinating Committee (CC) which consists of the project partners: the Land Commission and the CSO consortium. The coordination is carried out through in monthly coordination meetings.

The CC:

- Ensure frequent communications and coordination between project partners
- Allow sharing of experiences and joint problem solving
- Make joint decisions regarding the project

Advisory Group

The Advisory Group allows participation of multiple stakeholders to advice, coordinate and disseminate information and to increase awareness and support for the community self-identification protocol.

The Advisory Group (AG) has strategic importance both at the levels of project implementation and attaining the project objectives. It enables closely engaging various key stakeholders to the proposed project. The close engagement allows awareness, buy-in and support for the national protocol for community self-identification.

The foreseen stakeholders participating to the AG benefit the project with their vast experience related to land and resource tenure, partnership and consortium projects, and land sector investments. The AG has advisory role and views of various stakeholders is expected to provide much value for the project and also opportunities for coordination, finding synergies and building future cooperation opportunities.

The AG:

- Observes progress and gives guidance and advice on project implementation;
- Facilitates bottleneck solving;
- Coordinates between various stakeholders and relevant projects to maximize flow of information and synergies;
- Facilitates conflict resolution between project partners if necessary.

The members potentially invited to the AG constitute following types of organizations:

- Public sector institutions with mandate on land sector: Land Commission (Chair), Governance Commission, Ministry of Internal Affairs, Ministry of Agriculture, Ministry of Land and Mines, and Forest Development Authority;
- Fund channelling organizations with experience from CSO consortium projects: e.g. Trust Africa, OSIWA, Search For Common Ground;
- Private sector companies from agro plantations, mining and logging sectors;
- International development partner organizations with tenure relevant interventions (e.g. USAID, WB, SIDA, GIZ).

Based on discussions with various stakeholders during the project formulation mission, various stakeholders from the private sector, fund channelling organizations and international development partners expressed interest to participate to the AG of the proposed project.

Project Management Unit

The key tasks of the PMU are to manage and coordinate the project and to function as a secretariat for the Coordinating Committee and Advisory Group. The PMU will:

- Ensure flow of information between all implementing stakeholders;
- Keep frequent contact with all implementing stakeholders to allow quick trouble shooting and solving bottlenecks and challenges in project implementation;
- Facilitate to optimize collaboration among the implementing partners;
- Ensure robust monitoring and reporting of the proposed pilot project;
- Gather all progress reports, other reports and outputs produced by the project;
- Ensure recording and saving of meeting minutes of all project meetings;
- Assist the project proponent in communicating with the ILFTF.

The PMU is hosted by the project proponent: SDI. The PMU is a separate entity inside the SDI so that the project implementation and coordination functions are separated. The project proponent will establish MoUs with each implementing partner to detail the shared vision, roles, rights and responsibilities of the implementing partners and the project proponent. In addition, the Land Commission will establish MoU with the implementing CSOs to detail the shared vision, roles, rights and responsibilities in the public-CSO partnership.

Implementing Partners

The project is implemented by a consortium of three core CSOs: FCI, GA, SDI and the Land Commission. Number of implementing organizations enables an important element of value added of the project allowing a number of organizations engaged in the community self-identification process. To further build a critical mass of organizations each of the CSO consortium members aim to work with one or two additional CSOs as associates. These affiliate organizations will be identified in the beginning of the project. The working modality between the core CSO and the affiliate CSO is flexible and can be based on collaboration, sharing of tasks or subcontracting tasks to associate CSO. The Core CSOs have responsibility for proper financial management of their respective budgets and will ensure proper financial management of associates.

Human Resources

The PMU will consist of three hired staff:

- Project Coordinator;
- Project Assistant;
- Project Financer Officer.

The project implementation will be carried out by the implementing partners. The project budget covers technical assistance costs of the implementing CSOs. For the Land Commission, as public sector organization with access to budgetary funding, incremental operating costs are covered to cover the costs related to activities carried out in the proposed project.

Project Sites

The project will facilitate a process of community self-identification in a number of communities. The CSO consortium with potential associates will carry out the facilitation process which is supervised, observed and verified by the Land Commission. The foreseen number of communities to engage in the facilitated process of community self-identification is 12. The CSO consortium will select the sites in consultation with the Land Commission at the beginning of the project.

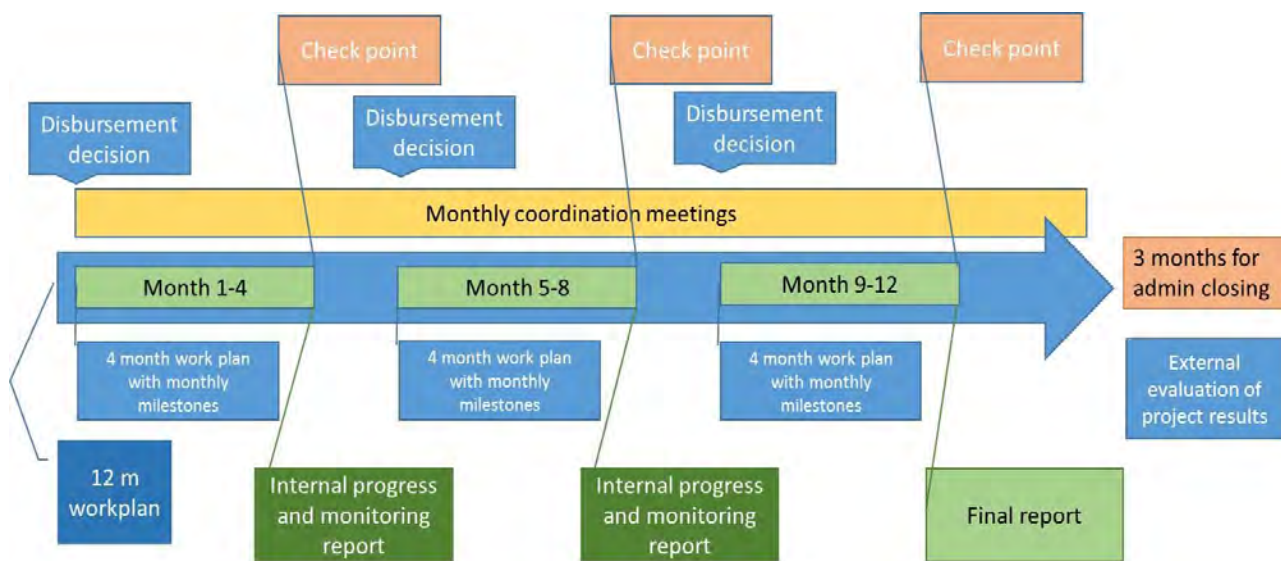
2.3.3 Monitoring, Reporting and Evaluation

Project Planning and Monitoring

The project will establish a 12-month workplan in the beginning of the project, see **Error! Reference source not found.** The 12-month workplan is attached to the MoU between the CSOs and the Land Commission and the MoUs between the project proponent and project partners. The 12-month workplan will include description of major deliverables that the implementation is foreseen to deliver by end of months four, eight and twelve. These deliverables are checkpoints for the project to enable monitoring and tracking project progress.

Project implementers will establish a detailed four-month workplan in the beginning of each four-month period; at the beginning of first, fifth, and ninth month. The detailed workplan with foreseen budget to implement the four-month workplan will be submitted to the Project Management Unit (PMU) and discussed in a coordination meeting by implementing partners. The PMU will check the consistency of the workplan with the overall 12-month workplan and any significant diversions will be discussed in the coordination meeting of all implementing stakeholders. The detailed workplans by each implementing partner will include monthly milestones linked to the delivery of project results to enable monitoring project progress.

Figure 2.3 Project Administrative Schedule



Coordination

At the end of each month, a project coordination meeting, led by Project Coordinator of the PMU, will be organized:

- to check whether planned monthly milestones have been reached;
- in the respective meetings at the end of months four, eight and twelve, to check whether the deliverables as per check points have been reached;
- whether there is a need to adjust planning and implementation;
- whether there are bottlenecks or challenges in the project implementation and to solve these among the implementing partners;
- to share experiences, success stories, methodological notes and gather lessons learned.

The Advisory Group is foreseen to meet four times during the project implementation period; in the beginning of the project and at the end of months four, eight and twelve. In addition the CC can be called to meet if needs arise.

Reporting

Key monitoring reports produced by the proposed are:

- Progress reports at months four and eight by each implementing partner;
- Final report at month 12 by each implementing partner and a compiled final report by the PMU;
- Minutes of monthly project coordination meetings, gathered and shared by the PMU;
- Minutes of Advisory Group meetings, gathered and shared by the PMU.

Project progress reports will recap the work carried out and progress made during the four-month implementation period. The progress report will include at least:

- Progress as per monthly milestones and meeting the check point established at the end of the four-month period;
- Estimation whether the project will deliver on its expected result and immediate objectives;
- Notes whether major or minor changes are required e.g. in terms of needs to change the project Log Frame and project 12-month work plan;
- Challenges in project implementation and strategies established or planned to solve these;

- Analysis whether key risks have realized and if there are any changes regarding the key foreseen risks;
- Disbursement as per workplan budget that was established in the beginning of the four-month period.

The Project Coordinator will establish a simple but robust reporting format at the beginning of the project. To ensure robust M&E and related reporting, the project has budgeted for internal M&E training workshops at central and local levels to ensure awareness and readiness to carry out the reporting.

Project Disbursement

The PMU will disburse project funds for each implementing partner three times during the 12-month project implementation period. Disbursements are based on i) four month workplans and foreseen budgets established by each implementing stakeholder and ii) progress in project implementation as per monthly milestones and check point at the end of months four, eight and twelve.

1st tranche

At the beginning of the project, based on the first four month workplan and related foreseen budget by each implementing stakeholder, the PMU will release the first tranche for the work to be carried out during months 1-4.

2nd tranche

At the beginning of month five. The implementing stakeholders will through progress report establish on meeting monthly milestones and against the check point at the end of month four. The progress of implementation of each implementing partner is discussed in a coordination meeting at the end of month four. Based on robust progress against the checkpoint

3rd tranche

At the beginning of month nine.

Evaluation and Lessons Learned

Capturing lessons learned is crucial to maximize the inputs from the pilot project to the development of the ILFTF operational modalities. The project will record lessons learned from the ILFTF perspective through progress reporting and final reports established. The PMU will compile a final ILFTF lessons learned report and submit it to the ILFTF at the end of project implementation period, at the end of month 12.

Final project evaluation Project will be evaluated by a competent external evaluator. The evaluation will be carried out and completed within two months after completing the 12-month project. The evaluation report will also review lessons learned from the ILFTF perspective to complement the project reporting.

Auditing

All CSO consortium partners have previous financing from the Rights and Resources Initiative (RRI) and experience on the required financial management and auditing procedures. The auditing will follow the RRI practice with institutional audit report established at the end of fiscal year and delivered to the PMU by each implementing CSO. The PMU will gather the audit reports and submit them to the ILFTF. The ILFTF reserves the right to request a special audit. Budget for the special audit has been reserve in the project budget.

2.3.4 Duration and Indicative Action Plan for Implementing the Project

The duration of the project implementation is 12 months. Activity schedule is established in **Error! Reference source not found..** In addition, the project has a preparatory phase of up to 2 months and 3 month closing phase:

Preparation phase

Following the project approval the project preparation by the proponent takes likely up to 2 months. During this phase:

- MoUs between the implementing partners are established;
- Preparatory meetings of implementing partners convened;
- PMU staff identified, interviewed and recruited;
- Potential Advisory Group members listed and preliminarily contacted;
- Separate bank accounts for the project funds opened by all implementing partners.

After completion of the preparation phase the pilot initiative contract would be signed and the project would become effective. At this point the PMU staff contracts would also become effective. To allow quick start of the project preparation related to all of these activities have already been started so that, if a positive financing decision is received by mid-October 2015, the project could launch by the end of November 2015.

Implementation phase

The project implementation phase is 12 months, see foreseen project schedule in Table 2.2.

Closing phase

A maximum of three months would be allowed for administrative closing. During this phase, all contracts would be closed out and paid, receipts collected, institutional audit reports collected and project books and accounts closed out. In case the ILFTF would decide to mobilize special audit it would take place during the 3-month closing period.

Table 2.2 Project Schedule

	month												
Activity													Implementing body
Organization of meetings between the CSO consortium and the Land Commission to arrive methodological convergence on the protocol on community self-identification													Project partners (CSO consortium and the Land Commission)
Project site selection in consultative process (CSOs and LC)													Project partners
Training by the LC to the implementing CSOs on the self-identification protocol													Land Commission
Land Commission monitoring and verification throughout the facilitation of the community self-identification process													Land Commission
Desk review and initial community consultations													Implementing CSOs
Meetings to introduce the project/process													Implementing CSOs
Applying a process of community self- identification													Implementing CSOs
Gathering and reporting lessons learned from the process to feed into the development of the Field Guide for the framework for community self-identification													Project partners: implementing CSs in partnership with the Land Commission
Organizing training events and sessions at local level (communities, CSOs, government, private sector)													Project partners
Organizing training events and sessions at national level (communities, CSOs, government, private sector)													Project partners
Organizing awareness raising events and media engagement													Project partners

	month												
Activity													Implementing body
Production of training and awareness raising materials and messages													Project partners
Completion of field training in Gbarlin Clan, Lofa County for capacity building and feeding into the development of field guide for the Framework for implementation of community land rights nation-wide													Land Commission
Completion of draft field guide of the framework for implementation of community land rights nation-wide													Land Commission in consultation with the implementing CSOs
Stakeholder consultations and technical meetings to further develop the self-identification protocol for the recognition of community land rights													Land Commission in consultation with the implementing CSOs

2.3.5 Sustainability of the Action and Risk Assessment

Sustainability of the Action

The elements contributing to the pilot initiative's sustainability are following:

The proposed pilot project has various in-built elements ensuring the sustainability of the action after its completion. The key elements ensuring the sustainability of the action are established below.

Further development of the community self-identification protocol

The proposed project will support advancing the community self-identification process that currently has opportunity and momentum to significantly advance the collective land and forest resource tenure rights of Liberian communities. The action has base in the Community Rights Law (2006) and Land Rights Policy (2013) and in the draft Land Rights Act (submitted to the legislator in 2014). An officially approved protocol for community self-identification can have long lasting and crucial impacts enabling the scaling up of community collective land and forest resource rights recognition processes in Liberia.

Capacity building

The proposed project will build awareness and capacities of various stakeholders on community self-identification process. These will allow support and buy-in for the community self-identification protocol to facilitate its official approval and adoption as nationally applied protocol. Further, the capacities of the implementing partners and the otherwise engaged stakeholders (through training events) build for readiness for scale-up of application of the community self-identification protocol.

Ownership and partnership approach

The proposed project is based on strong shared vision by CSO-public sector partnership which also allows for strong ownership of the proposed project by all partners. The partnerships established and/or strengthened in this pilot project allow for future cooperation and collaboration in context of the community self-identification processes and in otherwise advancing the tenure reform agenda in Liberia.

Bottom up approach

The proposed project approach in facilitating the community self-identification processes is based on identifying and building on existing community structures. This approach avoids creation of conflicting structures and allows strengthening the existing ones for building stronger community governance. This approach allows to optimize sustainability of the action at the community level. Strengthened community governance and self-identification also enables longer term impacts on community empowerment.

Risk Assessment

The key risks within the project horizon are identified at levels of internal and external risks and established in Table 2.3.

Table 2.3 Risk Analysis

Risk	Mitigation Strategy
<i>Internal</i>	
Unclearities regarding progress of implementing organizations due to e.g. number of implementers	An internal monitoring and reporting systems set up to track and mitigate implementing challenges. Active communication i) constantly with the Project Coordinator and ii) at least monthly with other implementers through monthly coordination meetings, to share and resolve any potential bottlenecks emerging during project implementation. Internal progress reporting against monthly milestones major goal posts at end of each 4-month period. Unclearities related to project progress brought to Coordinating Committee for resolving.
Challenges in implementing any of the project steps, including community self-identification	Sharing, learning and trouble-shooting set up within the implementing consortium (LC and CSOs)
Change in the commitment of any of the implementing partners	MoU established between implementing CSO consortium and Land Commission. MoU includes broad visions, roles and expectation of the partners (CSOs and LC). MoUs established between each implementing organization and proponent. MoUs to include an exit strategy to guide on exit procedures in case any partner withdraws from the project during its implementation period.
Ensuring community voice and representativeness	Each CSO facilitating community self-identification processes will establish a grievance mechanism. The use of the mechanism will be reported as part of project progress reporting. In addition the Land Commission will observe any potential community grievances as part of its engagement process at community level.
<i>External</i>	
Change of status of the Land Commission to Land Authority	The MoU with the Land Commission to include strategy and steps forward in anticipation of such a transition
Changes in the political environment (i.e. elections) delaying parts of the project activities	The project is protected by the Land Rights Policy, adopted by the Cabinet in 2013 and the Community Rights Law (2009)
Changes in the legal regime, no passage of the Land Rights Act	The program activities are flexible to adjust to challenges by identifying secondary objectives. The project is protected by the Land Rights Policy, adopted by the Cabinet in 2013 and the Community Rights Law (2009).
Political interferences from outside of the project community	Awareness and training activities developed to enhance the informational and decision making capacity of project communities. MoU with the land Commission provides Government support for the project. The project is protected by the Land Rights Policy, adopted by the Cabinet in 2013 and the Community Rights Law (2009).

2.3.6 Logical Framework

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
Overall Objectives	O1 Collective community land and natural resource tenure rights in Liberia are recognized, secured and formalized	O1 Indicator: A number of communities have self-identified through a documented, recognized process acknowledged by the Land Commission	O1 Verification: Community profile established by the facilitating CSOs	O1 Assumptions: Political will for rights recognition established through passing of Land Rights Act
	O2 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	O2 Indicator: A network of civil society organizations and government agencies ready to further support community self-identification and land tenure rights realization, including training and information sharing workshops Active sharing of information between land sector projects	O2 Verification: MoUs including workplan of the partners for this project, MoUs including workplan of the partners for other projects Project meeting agendas Members of the Advisory Group	O2 Assumptions: Willingness of all key stakeholders to commit to customary tenure rights recognition and cooperation Land Rights Act passed
	O3 Recommendations from the pilots generated into the further development of the “Framework for Implementing Customary/Community Land Rights Recognition Nation-Wide”	O3 Indicator: A further developed “Framework for Implementing Customary/Community Land Rights Recognition Nation-Wide” is established with project contributions	O3 Verification: A further developed version of “Framework for Implementing Customary/Community Land Rights Recognition Nation-Wide” is available at the Land Commission	O3 Assumptions: Political will to establish the Framework
				O4 Assumptions:

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	O4 The design of the International Land and Forest Tenure Facility is tested and the lessons learned and experiences gained in pilot project cycle are systematized for the benefit of the Facility's design	O4 Indicator: Lessons learned recorded during the implementation in the reporting system and gathered to a lessons learned document in the end of the project	O4 Verification: Project reports during the implementation period (month 4 and 8) lessons learned report at the end of the project (month 12) independent evaluation report	Project stakeholders commit jointly to gather and report lessons learned from Facility perspective
Specific Objectives	<i>Component 1</i> SO1 To assist in developing steps and procedures for community self-identification- the first process for implementing customary land rights recognition nation-wide SO2 To ensure that pilot communities go through the	SO1 Indicator: Official draft of the community self-identification protocol further developed	SO1 Verification: Land Commission data repository: further developed draft protocol available in soft and hard copy	SO1 Assumptions: Partners committed to develop a common procedure for community self-identification CSOs have the capacity to work with selected communities to facilitate the community self-identification processes, communities are willing to go through the self-identification process, the Land Commission is willing to work with the CSOs in targeted communities to recognize the community self-identification processes

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	process of self-identification <i>Component 2</i> SO3 To increase the awareness and understanding on community land rights recognition, as it relates to the process of community self-identification, and build capacities <i>Component 3</i> SO4 To establish broad awareness and support by key policy making agencies for the national protocol for community self-identification SO5 To generate and gather recommendations	SO2 Indicator: Number of communities self-identified with documented and recognized process acknowledged by the Land Commission SO3 Indicator: Number of participants to awareness raising and training events SO4 Indicators: Number of information sharing meetings, workshops and other events on the national protocol for community self-identification Broad and active attendance of some of the key policy making stakeholders to the project Advisory Groups	SO2 Verification: Project documentation of the processes of community self-identification by CSO-Land Commission agree on this documentation SO3 Verification: Project reports SO4 Verification: Project reports including meeting attendance lists and meeting aide memoires Project documentation: composition of the Advisory Group and advisory group meeting attendance lists	SO2 Assumptions: Communities willing to participate and to be facilitated by CSOs and observed by the Land Commission on the community self-identification process SO3 Assumptions: Willingness and availability of stakeholders to participate to awareness raising and capacity building events on community self-identification processes and tenure reform SO4 Assumptions: Willingness of key policy makers to attend meetings, workshops and other events and to the Advisory Group

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	that will further inform the development of the protocol for community self-identification	SO5 Indicator: Inputs received from the implementing CSOs and other stakeholders to inform the further development of the self-identification protocol	SO5 Verification: Project reports including meeting notes of LC-CSO meetings and CSO reports on application of community self-identification process	SO5 Assumptions: CSOs document and share lessons and experiences from the community self-identification processes The LC actively engages the CSOs to share experiences and lessons
Expected Results	R1 Documented body of evidence on the testing and application of the process of community self-identification	R1 Indicator: Documented process, steps, experiences and lessons learned from implementation of facilitation of community self-identification process	R1 Verification: Land Commission document repository Project document repository	R1 Assumptions: Community self-identification process facilitated and carried out in a number of communities
	R2 Active multistakeholder partnership in testing and applying the process of community self-identification	R2 Indicator: Frequent communication through monthly coordination meetings, technical meetings, seminars and workshops between the implementing partners: the CSO consortium and the Land Commission	R2 Verification: Project reports: Project monthly meeting notes meeting notes of technical meetings, seminars and workshops	R2 Assumptions: Willingness of all implementing partners to coordinate efforts, to share information and establish and carry out frequent communication
	R3 Process of community self-identification carried out in 12 communities facilitated by CSOs and observed and verified by Land Commission	R3 Indicator: 12 communities have Community profile established by the facilitating CSOs: Community profile including the community name, names of neighbours, MoU from agreed boundaries, rules, and sketched map signed by the community leaders (maps, profile, agreed boundary points and sketch	R3 Verification: Project reports including workplans, community based meeting notes, agenda, presentations, training materials, photos, attendance list	R3 Assumptions: No unforeseen delays in the community self-identification process

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	R4 Awareness raising and capacity building events and activities carried out at national and local levels	maps, community rules, and governing structure) R4 Indicator: Number of awareness raising and training events held at i) national level and ii) county/district level and iii) in each project community around community self-identification Number of media engagement events or cases	R4 Verification: Project reports and documents including training and workshop curriculum, materials, media materials, media agenda, presentations, photos, attendance lists, media engagement materials	
	R5 A consultative process carried out by the multi-stakeholder partnership to further develop steps and procedures for community self-identification	R5 Indicators: Number of meetings and worksessions/workshops convened by the multistakeholder partnership All institutions that participated to the testing and development named in the community self-identification protocol document/field guide	R5 Verification: Project reports including meeting attendance lists and meeting aide memoires Self-identification protocol document or related field guide	R5 assumption: Partners have shared vision

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
Activities	<i>Component 1</i> A1 Organization of meetings between the CSO consortium and the Land Commission to arrive methodological convergence on the protocol on community self-identification A2 Project site selection in consultative process (CSOs and LC) A3 Training by the LC to the implementing CSOs on the self-identification protocol A4 Land Commission periodic monitoring and verification throughout the facilitation of the community self-identification process A5 Desk review and initial community consultations A6 Meetings to introduce the project/process	A1 Means: Communications (phone and email), transportation, staff time, venues, food, stationery A2 Means: staff time, communications, transport A3 Means: staff time, transport, meeting venue, food, stationery A4 Means: staff time, transport, communications, accommodation, DSA A5 Means: Staff time, communications, transportation, accommodation, DSA, stationery A6 Means: Staff time, communications, transportation, accommodation, DSA, stationery	A1 Sources of information: Project reports: Validation workshop organized Methodological notes established A2 Sources of information: Project reports with profiles of sites selected including justification for the selection of each site A3 Sources of information: Project reports: training curriculum, attendance list and attendance photos A4 Sources of information: Project reports: Number of community visits during project implementation Monitoring reports established A5 Sources of information: project reports: Desk review report on each community established Number of community visits and field days in each community A6 Sources of information: Project reports: Number of community visits and field days in each community (field reports)	<i>Pre-conditions for initiation of project activities:</i> MoUs established between the CSO consortium and the Land Commission and between the project Proponents and each project partner. MoUs includes definition of shared visions and roles and responsibilities of all project partners. Internal arrangements for decision making, oversight and conflict resolution identified and agreed. Project Management Unit set up: Short-list of eligible candidates for project coordinator, project assistant and project financial officer developed and best candidates hired. Project monitoring and reporting formats and system developed by the Project Management Unit. Separate bank accounts opened.

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	A7 Applying a process of community self-identification A8 Gathering and reporting lessons learned from the process to feed into the further development of the community self-identification protocol <i>Component 2</i> A9 Organizing training events and sessions at local level (communities, CSOs, government, private sector) A10 Organizing training events and sessions at national level (communities, CSOs, government, private sector)	A7 Means: Staff time, communications, transportation, accommodation, DSA, stationery, meeting and workshop venue and food/refreshments A8 Means: staff time, communications, stationery A9 Means: Staff time, communications, training materials, transport, venues, food and refreshments, stationery A10 Means: Staff time, communications, training materials, transport, venues, food and refreshments, stationery	A7 Sources of information: Project reports: Community profile established by the facilitating CSOs: Community profile including the community name, names of neighbours, MoU from agreed boundaries, rules, and sketched map signed by the community leaders (maps, profile, agreed boundary points and sketch maps, community rules, and governing structure) A8 Sources of information: Project reports (progress reports and final report, project documents produced): Lessons learned recorded and reported during the implementation and gathered to a lessons learned document in the end of the project A9 Sources of information: Project reports and documents: Number of events Number of participants by gender, age, role Training materials A10 Sources of information: Project reports and documents: Number of events Number of participants by gender, age, role Training materials	

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	A11 Organizing awareness raising events and media engagement A12 Production of training and awareness raising materials and messages <i>Component 3</i> A13 Completion of field training in Gbarlin Clan, Lofa County for internal capacity building and feeding the development of field guide for the Framework A14 Process of stakeholder consultation and technical meetings to develop steps and procedures for community self-identification A15 Stocktaking of customary land tenure systems and engagement with communities to inform the development of national framework A16 Workshops/seminars/one-on-one meetings for	A11 Means: Staff time, communications, transport, venues, food and refreshments, stationery A12 Means: Staff time, communications, stationery A13 Means: staff time, transport, DSA, venues, food/refreshments, stationery A14 Means: Staff time, communications, transport, venues, food and refreshments, stationery A15 Means: external service provider, staff time, communications A16 Means: staff time, communications,	A11 Sources of information: Project reports and documents: Number of events Number of participants by gender Number and type of media presence A12 Sources of information: Project reports and documents: List and sample of materials produced by type A13 Sources of information: project reports: Meeting notes, MoUs, sketch maps, community profile, name of neighbors A14 Sources of information: Project reports: Number of consultations and meetings, meeting notes A15 Sources of information: Project reports and documents: Service provider ToR and contract Final stocktaking report delivered A16 Sources of information: Project reports including meeting	

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
	awareness raising among key policy making agencies on the community self-identification protocol	transport, venues, food and refreshments, stationery	attendance lists and meeting aide memoires Number of information sharing workshops/seminars/one-to-one meetings on the national protocol for community self-identification	

2.3.7 Proposed Budget

Budget breakdown	USD	%
Implementation	403 500	54
total overhead, supplies and equipment	52 500	7
Project management	17 000	2
total staff cost	247 800	33
monitoring	7 800	1
services	6 000	1
buffer	15 000	2
Total	749 600	100

COMPONENT1	UNIT DESCRIPTION	ORGANIZATION/ COMMUNITY	NUMBER OF UNITS	UNIT COST (USD)	TOTAL (USD)
car	car	3	1	17000	51000
fuel	month	3	12	500	18000
per diem	person field day	3	720	35	75600
training in the process	event	3	5	1000	15000
meeting costs local level mass: attendee transport, venue, food	event	12	6	600	43200
meeting costs local level small: attendee transport, venue, food	event	12	6	300	21600
community mapping team remuneration	person months	12	20	50	12000
Mapping gear for communities	gear	12	5	25	1500
LC monitoring, observation, participation					10000

COMPONENT2		ORGANIZATION/ COMMUNITY	UNIT	UNIT COST (USD)	TOTAL (USD)
training/seminar national level: attendee transport, accomodation, venue, food	event	3	1	2000	6000
training event local level: attendee transport, accomodation, venue, food	event	3	1	2500	7500
media engagement - radio show airtime	event	1	2	300	600
media engagement journalist visit to project site	event	3	1	500	1500

COMPONENT3		ORGANIZATION/ COMMUNITY	UNIT	UNIT COST (USD)	TOTAL (USD)
Completion of orientation training in Gbarlin Clan, Lofa County					25000
Stock Taking study					45000
Completion of Framework Guide					35000
Development of awareness messages					20000
Training of NGOs/CSOs					15000

Overhead and office costs implementing CSOs and PMU				
ITEM	UNIT	NUMBER OF UNITS	UNIT COST (USD)	TOTAL (USD)
overhead (rent, utilities, security)	month	36	600	21600
communication (phones, internet)	month	36	150	5400
supplies (paper, ink, pens, printing, copying)	month	36	250	9000
equipment (laptop, camera, voice recorder etc)	month	3	3100	9300
overhead proponent	month	12	600	7200
Internal TA from senior staff	month	12	300	3600
Project management - PMU				
supplies (paper, ink, pens, printing, copying)	month	12	250	3000
transport (10 days, car per day 50 usd)	month	12	500	6000
communication (phone, internet)	month	12	150	1800
equipment (3 computer, 1 printer, furniture)	lump sum	1	2400	2400
monthly meetings of implementing organizations	month	12	150	1800
Coordinating Committee meetings	meeting	4	500	2000

TA/staff costs of implementing CSOs and the Project Management Unit				
ITEM	UNIT	NUMBER OF UNITS	UNIT COST	TOTAL
FCI				
Project coordinator	person month	12	1000	12000
Project assistant	person month	12	1000	12000
Field Officer	person month	12	800	9600
Financial assistant	person month	12	500	6000
community animator (2 people)	person month	24	200	4800
Mapping specialist	person month	12	750	9000
Internal TA from senior staff	person month	12	300	3600
GA				

Project coordinator	person month	12	1000	12000
Project assistant	person month	12	1000	12000
Field Officer	person month	12	800	9600
Financial assistant	person month	12	500	6000
community animator (2 people)	person month	24	200	4800
Mapper specialist	person month	12	750	9000
Internal TA from senior staff	person month	12	300	3600
SDI				
Project coordinator	person month	12	1000	12000
Project assistant	person month	12	1000	12000
Field Officer	person month	12	800	9600
Financial assistant	person month	12	500	6000
community animator (2 people)	person month	24	200	4800
Mapping specialist	person month	12	750	9000
Internal TA from senior staff	person month	12	300	3600
Project Management Unit				
project manager - recruited	person month	12	2600	31200
assistant - recruited	person month	12	1500	18000
accountant - recruited	person month	12	2000	24000

Monitoring and reporting				
ITEM	UNIT	NUMBER OF UNITS	UNIT COST (USD)	TOTAL (USD)
M&E training and meetings national level (impl orgs)	event	3	500	1500
M&E training and meetings at implementation unit level (each impl org internally at nat and local level)	event	9	700	6300

	UNIT	NUMBER OF UNITS	UNIT COST (USD)	TOTAL (USD)
Services				
final external evaluation contract	unit	1	6000	6000
Reserve/buffer				
Buffer 2%	unit	1	15000	15000

Annex 1

Key Land-Related Government Institutions and Agencies

Institution	Key Actors, Mandate(As of February 2014)	Strengths/progress toward accountable governance in land (policies/processes)	Capacity gaps/obstacles to land reform
LAND POLICY			
Land Commission	- Chairman, Dr. Cecil O. Brandy - Mandate is to propose, advocate, and coordinate reforms of land policy, laws and programs in Liberia. - Has no adjudicatory or implementation role	- Proposed moratorium on public land sales to Executive - Passed Land Rights Policy May 2013 - Currently drafting land rights legislation - Other ongoing policy and legal reform initiatives: Act to create a National Land Authority, policies for land administration land disputes, land use and management	- Mandate expires in 2015 - Dependent on donor support for operations and technical capacity - Navigating the balance between historically strong, vested interests in land issues and increasing land tenure security for all - Poor flow of information with other land-based stakeholders - Divided national political alliances and interests hinder land reform
Governance Commission	- Chairman, Dr. Amos Sawyer - Serve as an autonomous body whose purpose is to help government draft national policies and laws - The Governance Commission is Liberia's premier governance reform institution that researches and consults Liberians on governance issues, recommending policy and institutional reforms to improve public service delivery and living standards	- Seen as a powerful agency in the post-war reform process - Drafted Act to create Land Commission - Draft Act to create Law Reform Commission - Drafted Act to create Constitutional Reform Commission - Currently drafting Local Government Act	- Lacks robust in-house capacity to provide guidance on Acts drafted by Land Commission - Public perceives information dissemination and interaction between GC, LC, MLME, and MOA as weak - Not directly reviewing national policies
Law Reform Commission	- Chairman, Cllr. Jallah Barbu - LRC is an autonomous commission mandated with the systematic development and reform of legislation, including codification and unification to identify and flag conflicting laws for future amendment	- In strategic position to ensure adaption and clarification of existing land-related policies in legislation - Collects relevant statutes and legal materials, and summarizes, reviews and analyzes all Supreme Court decisions related to land	Poor human and logistically capacity to track and effectively inform draft acts
LAND ADMINISTRATION and MANAGEMENT			
Ministry of Lands, Mines, and Energy	- Minister Patrick Sendolo - Mandate is to administer all activities related to land, mineral, water and energy resources exploration, coordination, and development in the Republic of Liberia - Key Departments: Department of Land, Surveys, and Cartography, with responsibility for surveying public and government land and mapping	- Houses important land data and national mining cadaster - Power to issue concession licenses to mining agents and provides oversight to other mineral-based operating structures - Supervises, regulates, and monitors mineral concessions such as diamond, gold, and iron ore - Drafted Mineral Development Agreement and Mineral Policy	- Focus is energy and minerals, not land - Conflict of interest between land rights and mining rights - Lacks appropriate land data tracking tools - Very weak to nonexistent mapping and spatial data capacity - Surveyors lack technical expertise and perceived as unprofessional by majority of Liberians - Poor capacity, logistical, and information flow between the ministry and other stakeholders, including the MOA, FDA, and LC

Institution	Key Actors, Mandate(As of February 2014)	Strengths/progress toward accountable governance in land (policies/processes)	Capacity gaps/obstacles to land reform
Forest Development Authority	- Managing Director Harrison Karnwea - Mandate is to sustainably manage and conserve all forest resource for the benefit of present and future generations	- FDA operates Liberia forest lands (a large portion of the country's land surface) under 3Cs – Conservation, Commercial and Community activities - Notable policies and laws: the Community Right Laws of 2009 (CRL) which defines communities' rights in the forestry sectors and the predecessor National Forestry Reform Law of 2006 (NFRL) that promotes transparency in the same sector, - Signed on to Voluntary Partnership Agreement (VPA) which provides the regulatory framework to ensure that trade in timber industry, between Liberia and EU, is legal.	- Lacks capacity, information, and proper equipment to regulate the sector - Poor balance of priority between conservation, commercial, and community rights - Limited capacity to manage forest lands - Perception of corruption and mismanagement: PUP controversy as an example - Lacks knowledge on community rights and forest regulations
Ministry of Agriculture	- Minister Florence Chenoweth - Responsible for the development of the agriculture sector, including developing agriculture policies, and negotiating agro-plantation concession agreements on behalf of the government.	- Regulates the agriculture sectors: supervising and monitoring of rubber, rice, and oil palm concessions - Focuses on agro-plantation is a major instrument of land use and management, and contribute to the national economy - Close relationship to the executive and perceived as influential ministry in the land sector - MOA has statutory power over FDA	- Prioritize concession agriculture over traditional or commercial agriculture - Poor institutional, human, and logistical capacity to manage the sector - Dependency on externally driven and concession-based land use and management policies
Ministry of Public Works	- Minister Dr. Antoinette Weeks - Bureau of Planning and Programming has mandate for national zoning and land use planning	Enforces zoning plan for Monrovia, including roads and other infrastructures	Lack capacity and resources to engage in national land use planning initiatives
Environmental Protection Agency	- Managing Director Anyaa Vohiri - Mandate is to implement the national environmental policy and sustainable management law for the protection of natural resources in Liberia	- Progressive land-related policies and legislation include EPA Act, EPA National Policy, EPA Management Law, and EPA Procedural Guidelines based operations - Power to stop land use operations due to environmental compliance issues	- Weak mandate and low budgetary support to carry out mandate - Poor staff capacity to monitor concession operations and other land-use activities throughout Liberia for environmental compliance
LISGIS (Land Information Management)	- Director-General/Asst. Census Coordinator, Dr. Edward Liberty - LISGIS is an autonomous agency responsible for	- Gathering geo-data on existing administrative boundaries - Conducting national surveys to get statistical information	- Lacking capacity to collect accurate information - Lacks modern tools and human capacity to capture land based data

Institution	Key Actors, Mandate(As of February 2014)	Strengths/progress toward accountable governance in land (policies/processes)	Capacity gaps/obstacles to land reform
	• compilation, analysis, publication and dissemination of all data from individuals, establishments and Geo-spatial Information in the country		• Using outdated geo-referencing tools and secondary data to produce maps
Center for National Documents and Records Agency	• Director General Philomena Bloh-Sayeh • Mandate is to preserve the country's historical records, including land deeds	• Relatively well managed • Successful Customer Service Center in Monrovia for land deed registration • Setting up decentralized "out offices" in counties for land deed registration, currently Buchanan is in operation • Staff training and capacity building for finance, personnel, HR, logistics ongoing • Payment to register deeds now in CNDRA vs. MOF. • Competitive hiring, a budding meritocracy	• Donor-dependent • Must accept and enter into the deeds registry all deeds validated by the Probate Court, even if fraud is suspected.
Ministry of Justice	• Responsible for prosecuting cases related to land and enforcing the laws of the countries through support from the Liberian National Police	• A statutory member of the Inter-Ministerial Concessions Committee • Advises the government on land-based contracts	• Ability to respond to land disputes is limited to weak court capacity – including prosecutorial and case management capacity
Probate Court	• Responsible for endorsing Administrative Deeds, Executor Deeds, Quit Claim Deeds, and Warrant Deeds	• Power to legitimize land deeds • Probate Court held in high regard among citizens of Liberia due to its legitimizing function	• Lacks capacity to verify if the content and validity of the land transaction document presented which creates problem of endorsing forged deeds, affecting CNDRA as they are legally bound to accept and register the document if approved by Probate Court • Many question value add of Probate Court's role in the land transaction process
Ministry of Foreign Affairs	• Minister Augustine Kpehe Ngafuan • Before CNDRA was created, MOFA was responsible for housing national archives including land records	• Power over storage of historical records and land deeds	• No capacity or will to transfer information to CNDRA
Ministry of Finance and Ministry of Planning & Economic Affairs	• Minister Amara Konneh heads Ministry of Finance and Ministry of Planning and Economic Affairs, but merger is underway • MOF's mandate relevant to land is to determine land valuation and taxation and collect revenue • The Bureau of Revenue collects fees associated with land registration and transfer and property	• Planning created National Agenda for Transformation and National Vision 2030 • Finance is setting budgetary and revenue policies, submitting budget for government agencies and ministries, and processing government payroll – very powerful ministry • Collecting revenues and taxes related to concession agreements and other	• Limited capacity to budget and disburse revenue (social development funds and county development funds)

Institution	Key Actors, Mandate(As of February 2014)	Strengths/progress toward accountable governance in land (policies/processes)	Capacity gaps/obstacles to land reform
	taxes • MOPEA's mandate is to develop national policies	properties (land) • A key member of the Inter-Ministerial Concessions Committee	
Ministry of Internal Affairs	• Minister Morris Dukuly • Mandate is to manage the affairs of local government authorities, including decentralized land administration, management, and dispute resolution • Supervises chiefs	• Currently drafting Local Government Act • Clan and Chiefdom administrative boundary harmonization • Supervision of chiefs, which gives MIA closest relationship with customary land tenure issues and control over land and resources use rights • A member of the Inter-Ministerial Concessions Committee	• Limited resources and capacity to regulate and balance between customary and statutory norms • Poor information and awareness within the agency
Local government officials and chiefdoms	• Play a unique role connecting statutory and customary norms • Paramount, clan, and sectional chiefs are on state payroll • Work under the supervision of the Ministry of Internal Affairs, but with direct influence at the local levels	• Power to directly govern local communities, including land and resource use and management • Based in the locations where they govern (ex: Clan chief lives in the clan) • Customary decisions informed by community elders	• Supposed to be elected, but the majority of them are appointed by the President with recommendations from county representatives and prominent citizens • Limited capacity and information on understanding the link between customary land rights and land reform initiatives happening in Monrovia • Dependent on central government for funding and direction • Limited logistical resources to travel throughout their areas of governance
THREE BRANCHES OF GOVERNMENT			
Legislature	• President Pro-Temp Gbehonzongar Findley (Independent) • Speaker of the House Alex Tyler (United Party) • Function is to make laws that address the concerns of Liberia, with oversight over budgetary allotments, and ratifications of acts and concession agreements	• National Forest Reform Law in 2006. Passed Community Rights Law in 2009 • Act to create the Land Commission	• Notoriously slow on passing legislation (ex: sitting on Criminal Conveyance Bill) • Perceived by Liberians as a self-interested institution • Capacity issues • Office staff perceived as weak technical advisors due to patronage and not merit • Take 3 months agriculture break per year • During election years, reelection takes precedence over passing legislation
Office of the President/Executive	• President Ellen Johnson Sirleaf • The Executive Office is very powerful, responsible for appointing many government officials, and perceived as driving reform in the country	• Support from the President perceived as essential for passing any reform • State of the union calls 2013 and 2014 for land rights policy, land rights legislation, and creation of new land governance agency • Executive orders on PUP, Public Land Sale	• Perceives as lacking the clarity and consistency between policy/laws and practice • Seen as lacking the political will to make painful changes in the land sector

Institution	Key Actors, Mandate(As of February 2014)	Strengths/progress toward accountable governance in land (policies/processes)	Capacity gaps/obstacles to land reform
		Moratorium, established the land commission, veto power, and approves policies and submit bills to the legislature Appointing power of cabinet ministers, local government officials, and other public offices	
Judiciary (Supreme Court, Circuit Courts and Magistrate Courts)	- The Supreme Court is headed by the Chief Justice, Francis Korpor - Highest body of the country's Judicial Branch - Responsible for resolving land disputes in the formal legal system, whereas traditional authorities resolve land disputes in the customary legal system	- Made a land mark ruling on a land case involving "illegal" occupation. - Has not ruled on any major land case yet but has the potential to define ownership rights	- Actors are all appointed by the President - Poor precedent in addressing complicated tenure system - Poor capacity, resources, and time to research land cases. - Capacity to reach at the local level is poor and or not existing in many parts of the country
Other Relevant Entities			
National Bureau of Concessions	- Director general Siata Bishop - Responsible for management and oversight of ongoing concessions	Monitoring and evaluation of concession activities	- New entity, still getting off the ground and has capacity constraints - Weak mandate to monitor concession agreements
National Investment Commission	- Chairman Michael Wotorson - Mandate is to promote investment opportunity for Liberia	- Provide professional and formal links between investors and investment opportunities (concession) in Liberia - Chairs the Inter-Ministerial Concessions Committee	- Poor capacity, and resources - Focus on foreign direct investment
APLSUL (independent, non-government association)	President is Josephus Burgess, who is also the Director of DLSC and MLME	- Creation of APLSUL association itself, including a charter with standards and guidelines for the surveying profession. - Small group of more seasoned surveyors who understand where the profession needs to go to be up to standards. Trained pre-war by USG/UN, but trained in pre-digital technologies.	- Younger surveyors do not understand the basics. Out of the 75 licensed, only half are seasoned surveyors, as in they can write a functional report to accompany survey. This is not surprising, given that SLRB has not licensed any new surveyors in past 10-15 yrs. - In attempting to build capacity, those more seasoned benefit more because younger don't have the base to benefit from the measures. - Very low internal digital surveying capacity that is not appropriate for modern times - Surveyors currently hold the legal right to prepare land transaction documents, which opens the door to forgery opportunities and is not common practice in other common-law jurisdictions

Pilot Proposal TF FENAMAD & SPDA
“Legal Security for the Indigenous Territories of Madre de Dios and Cusco in Peru”
International Land and Forest Tenure Facility
Rights and Resources Initiative

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Glossary

Applicant, i.e. main implementing organisation	The entity submitting the project proposal, i.e. the main implementing organisation of the project. Signs the contract with the Contracting Authority and is directly responsible for the preparation, management and implementation of the project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary.
Co-Applicant, i.e. Partner(s)	Co-Applicant(s) (i.e. Partner implementing organisation(s)) participate in designing and implementing the project, and the costs they incur are eligible in the same way as those incurred by the Applicant. Partners(s) must sign the Mandate indicated in the Section 5.
Associate(s)	Other organisations may be involved in the action. Such associates play a real role in the action but may not receive funding from the grant, with the exception of per diem or travel costs.
Contractor	The grant beneficiaries (i.e. implementing organisations) and their affiliated entities (i.e. Partner implementing organisations) are permitted to award contracts. Associates cannot be also contractors in the project. Contractors are subject to the procurement rules set out in the grant contract.
Project	Activities for which a grant may be awarded
Final Beneficiaries	Those who will benefit from the action in the long term at the level of the society or sector at large.
Contracting Authority	The entity with who the contract is signed (RRG, ILFTF or another instance e.g. an organization outsourced in the country where the project takes place).

1 Summary table

Title of the action:	ILFTF Pilot Project in Madre de Dios, Perú
Applicant	Peruvian Society for Environmental Law – SPDA
Partner(s)	Native Federation of the river Madre de Dios and tributaries – FENAMAD
Associate(s)	-
Location(s) of the project: — <i>specify country, region(s) that will benefit from the action</i>	Madre de Dios, Perú
Total duration of the action (<i>months</i>):	12 months
ILFTF financing requested (amount)	US\$748,851.25
ILFTF financing requested as a percentage of total budget of the project (indicative)	84%
Objectives of the Project	Overall objective: Contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco, Peru. Specific objective(s): 1. Proper management of the natural resources and the ability to exercise collective rights are strengthened in the communities benefited by the project. 2. Strengthening of the political advocacy activities and indigenous legislation promoted by FENAMAD.
Final beneficiaries	Native communities, indigenous peoples in voluntary isolation and initial contact (PIAVCI), Regional Government of Madre de Dios – GOREMAD (entities involved: Regional Agricultural Department and Department for Physical and Legal remediation of rural property).
Estimated results	R1.1 – The realization of the remediation and consolidation of the Physical and Legal land plans for 5 communities. R1.2 – The regional Forest Monitoring Initiative of FENAMAD is strengthened. R1.3 – A system of legal defence of territorial rights of the native communities and the PIAVCI is operative. R1.4 –An indigenous territorial Multiplatform web site is created and operative. R2.2 – Platform for the Committee for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPIACI) is operative. R2.3 – Better visibility of the actions of FENAMAD in favour of the indigenous peoples of Madre de Dios.
Main activities	Design and implementation of strategies for the consolidation of 5 native communities, training of public functionaries and indigenous youth, continuation of the regional indigenous forestry monitoring initiative, creating and implementing an advocacy plan, participatory elaboration of proposals for regulating procedures for the consolidation of communities and the defence of PIAVCI, Communications plan and systemization.

2 Description of the Project

2.1 Summary of the Project

The Native Federation of the Madre de Dios River and Tributaries, FENAMAD, is a regional indigenous organisation in Madre de Dios which represents 33 communities (two of which are located in Cusco), grouping together seven indigenous peoples. It was created by men and women from the indigenous communities in the region to channel their proposals and demands towards the State and civil society, supporting the defense of collective rights and contributing to the welfare of their peoples. It also seeks to ensure respect for the life and land of indigenous peoples in isolation.

One of the main priorities of FENAMAD is to promote the legal security of indigenous territories and they have been working since December 2013 collaboratively with the Peruvian Society for Environmental Law (SPDA), contributing to the consolidation of the territories of the indigenous communities in Madre de Dios. Thus, with funding from USAID through the Support Unit of the Initiative for Conservation in the Andean Amazon¹, so far the land rights of the Infierno, Puerto Arturo and Santa Teresita native communities have been achieved. Currently, work plans are being implemented to achieve the consolidation of the land rights of the native communities El Pilar, San José de Karene and Boca Inambari. Despite these significant achievements, the remediation and consolidation work remaining to be done is still great. Currently, there is unresolved work in most of the native communities of Madre de Dios and, unfortunately, there are no concrete plans or financial commitments from the Peruvian government to meet that need.

In line with this, FENAMAD and SPDA have identified the Rights and Resources Initiative and the TF as an alternative which pursues the same ultimate goal: to ensure land tenure for key players such as the indigenous peoples of Madre de Dios. This alternative gives FENAMAD the possibility of having funds available to enable engagement with the State to ensure the land tenure of indigenous communities, strengthening FENAMAD as a regional indigenous organization and, at the same time, providing needed tools for the protection of collective rights, the proper management of forest resources and the improvement of national legislation.

The overall objective of this proposal is to "contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco." This proposal arises from previous experience of collaborative work between SPDA and FENAMAD, which in the short-term has generated impressive results. FENAMAD has proven to be an organization that works seriously, in an orderly manner and in continuous coordination with their bases. It also guarantees prior commitments from the communities to ensure their active participation and involvement throughout the process of the consolidation of their territories.

The expected results aim to ensure the communal territory of five native communities (Boca Pariamanu, Shintuya, Puerto Luz, Shiringayoc and Tipishca) strengthening the capacities of FENAMAD and the Regional Government of Madre de Dios (GOREMAD)², strengthening

¹ The ICAA Support Unit (Unidad de Apoyo ICAA) channels the implementation of three of the four Expected Results (improvements in governability of natural resources, understanding of environmental problems and their possible solutions, economic incentives for conservation), as well as other shared themes (environmental policy, gender, indigenous peoples) from the initiative for the Conservation of the Andean Amazon. It is responsible for supporting and promoting the articulation between all of the associates in Colombia, Ecuador and Peru. It also functions as a Secretariat, providing assistance in the administration of the Program and support services through the areas of knowledge management, communications, monitoring and evaluation.

² According to what is established in Law 27867, Law for Regional Government, (Article 51, clause n), regional governments are responsible for promoting, managing and administering processes for legal physical territorial remediation of rural property, with the participation of stakeholders, while safeguarding the imprescriptible, inembargable and inalienable character of lands of the lands of peasant and native communities. Subsequently, the Secretary of Decentralization Resolution 017-2009-PCM-SD, accredits, among others, the Madre de Dios Regional Government.

the regional forestry monitoring initiative³, promoting discussion and generating improvements in the standards for the consolidation of indigenous territories and issues related to indigenous peoples in voluntary isolation or initial contact. Through territorial security, it hopes to create the conditions for reduced levels of conflict and deforestation in the Madre de Dios region.

This proposal was elaborated by SPDA with the active participation of FENAMAD, the organisation which is co-implementer of the proposal. In order to achieve the expected results, the activities proposed are to be developed during one calendar year, according to the details which are shown in the schedule of activities.

2.2 Relevance of the Project

2.2.1 Relevance to the objectives/sectors/themes/specific priorities of the ILFTF

The expected results of this Project are related to the objectives of the International Fund for Land and Forest Tenure to the extent that this allows for the implementation of a strategy of public-private partnership to ensure formal tenure in indigenous communities under the leadership of the regional indigenous organization of Madre de Dios: FENAMAD.

The proposal focuses on activating processes to enable the physical and legal remediation of indigenous territories and to promote changes in public policies focused on norms allowing for shorter, less bureaucratic and less costly procedures to ensure the integrity of indigenous territories. These proposals will be developed jointly with FENAMAD, with the participation of the appropriate State agencies and with legal support from SPDA. Finally, the proposal comes from Peru, one of the countries possibly prioritized by the ILFTF.

Also, the creation of spaces for dialogue convened by FENAMAD is planned with the active participation of regional indigenous representatives, representatives of the national indigenous organization, AIDESEP, civil society representatives and government officials. These spaces will serve to identify needs and opportunities for the modification of standards, the development of proposals and advocacy before the state for their approval in the medium and long term.

In the same vein, the revival of the International Indigenous Committee for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPACI) will be promoted in order to update its work agenda and outline a route map for the next steps in the defense and protection of PIAVCI. The latter is a special element of the proposal, directing attention to the issue and the need to protect of the rights of PIAVCI under the leadership of the regional indigenous organization. This is especially important in the current critical situation due to the external pressures on their territories and where the Peruvian government plans to initiate a process that the Ministry of Culture has called "controlled contact".

As an added value element, it is hoped that the launch of this pilot project will serve not only the current needs for the legal and physical remediation of the territories of the native communities of Madre de Dios, but will also permit the assessment of the feasibility and potential for improvement of the established strategies, providing a methodological basis for the land titling programs to be carried out in the country in the coming years by the State and other actors.

The capabilities of FENAMAD and the Madre de Dios Regional Government which have been developed, thanks to funding for the consolidation of the native communities between

³ Veeduria Forestal or Forest Monitoring Initiative is a programme currently promoted in Peru and operative in Madre de Dios. For more information see <http://peru.panda.org/?233612/lasveeduriasforestalesindigenasseabrenpasoenmadrededios>

2013 and 2015⁴, along with this proposal will act as a model for joint articulation and collaborative work between Indigenous Organizations and the Government, serving as a baseline for ILTF. At the same time, this initiative aims to be replicable in other regions of Peru and other countries.

2.2.2 Relevance to the particular needs and constraints of the target country, region(s) and/or relevant sectors

Indigenous peoples have a special bond with their territories because it is in these territories that they encounter the resources to meet their needs. For them, the territory is understood as a whole unit, which belongs to a group of people. The land is not seen as dividable property and the community is a group which is linked to its territory. The community-territory is understood as an indivisible binomial; it is a collective relationship, not individual. The territory is the space that belonged to their ancestors and will belong to their descendants. This is based on an ancestral, traditional occupation, in which they encounter their history, live their present lives and are able to develop their future.

According to estimates by the Secretariat of the Convention on Biological Diversity, 80% of the biodiversity of the terrestrial area of the planet is concentrated in indigenous territories⁵.

According to MINAM, 57% of Peru's territory is covered by forests, holding second place in terms of the overall extension of forests in Latin America and being fourth in extension of tropical forests worldwide. Much of that area is in indigenous territories. Thus, promoting the defense of these territories should be a state policy within the framework of the goals and commitments to be assumed to fight climate change.

However, the granting of rights to indigenous peoples, and the respect and protection of their territories, has not been prioritized by the Peruvian State and neither is it reflected in national policy priorities. The State has made various attempts at land titling but, nevertheless, most of the actions for demarcation and titling are focused on individual property rights and not on collective or communal property rights. Undoubtedly, the acceptance of the integral consolidation of the territories of indigenous communities and the inclusion of their needs in public policies as an obligation of the Peruvian State is still pending.

Currently, it is the indigenous organizations with their regional and national member organizations along with their allies in civil society who have made a series of efforts to ensure that obtaining legal title for indigenous territories is one of the priorities of the state. For example, the "Campaña Territorios Seguros" (Campaign for Secure Territories) highlights the contribution of indigenous communities to the country and the importance of the security of their territories for social peace and harmony on the basis of the respect for collective rights. There are more than 15 organizations in this group who are concerned with "the development of a legal framework for communal property that meets the standards of international law, as well as a set of public policies that make it effective to enable participating communities to defend their territories". SPDA is part of this group.

In the Madre de Dios region, there are seven indigenous peoples: Harakmbut, Yine, Amahuaca, Shipibo-Conibo, Ese eja, Matsiguenga y Quichuaruna, who reside in 33 native communities. According to the document "Baseline Study of socio-environmental conflicts in specific landscapes of the Peruvian Amazon⁶," in Madre de Dios there are reports of 627

⁴ Shared funds between FENAMAD & SPDA, from the Support Unit ICAA-USAID.

⁵ Taken from Kothari et al, 2012; Sobrevilla, 2008.

⁶ Study undertaken by Enrique Basurto in 2013 and financed by the Support Unit, ICAA, with funds from USAID.

cases of overlap, conflict or granting different rights over the territories of indigenous communities. Because of the lack of clear rights over their territories these communities are at a complete disadvantage when they attempt to defend themselves against the multiple threats which they now face. According to information provided by FENAMAD, over 50% of the native communities of Madre de Dios still have pending the legal and physical remediation of some aspect of their territorial titles, a situation which limits their legal security. Some have land titles emitted without the necessary georeferencing of the territory; others have a georeferenced title, but are not as yet inscribed in the public records; whilst others have incomplete or defective titles.

Currently, the Peruvian State has not shown sufficient willingness to address this issue. While there are some national initiatives in place to resolve issues of tenure, there are no clear plans for a program that prioritizes the remediation of the land titles of the native communities of Madre de Dios in the short term.

Some of the current financial initiatives for the consolidation and protection of indigenous territories are as follows:

- i. CAF MINAM Program. The Program for Public Investment to strengthen the Environmental and Social Management of the indirect impacts of the Southern Interoceanic Highway – II Stage (PGAS CVIS 2) or MINAM+CAF Program⁷. The scope of the program covers 35 districts in 8 provinces in the departments of Cusco, Puno and Madre de Dios, twelve (12) districts in the province of Quispicanchis, Cusco (Section 2) and eleven (11) districts in the provinces of Manu, Tahuamanu Tambopata and the Madre de Dios Region (Section 3), excluding the Fitzcarrald district in the province of Manu. The program is planned for the second half of this year. However, according to the information at hand, funds have not been considered for the legal and physical remediation of the native communities of Madre de Dios.
- ii. Cadastral, Registering and Titling Project for rural lands in Peru (PTRT-3)⁸. This project is funded by the Interamerican Development Bank (BID) with the Peruvian government as a counterpart for a total of US\$80 million. In this third stage it was decided to address the territorial consolidation of native communities. However, it is estimated that this will cover only about 30% of the current demand and with that, according to the available information, Madre de Dios is not one of the priority regions.
- iii. Program for Forest Conservation. The National Program for the Conservation of Forests supported by the Environment Ministry (MINAM)⁹ which emerged as a proposal by the Peruvian government presented at the 14th Conference of the Parties to the UN Framework Convention on Climate Change (COP14) in Poznan, Poland. The goal is to reduce deforestation as an important contribution by Peru to the mitigation of global climate change. The program strategies are aimed at ensuring forest conservation and one of the key players are the native communities. However,

⁷ Programa CAF (Andean Development Corporation) MINAM (Ministry for the Environment). El Programa de Inversión Pública para el Fortalecimiento de la Gestión Ambiental y Social de los Impactos Indirectos del Corredor Vial Interoceánica Sur – II Etapa (PGAS CVIS 2) o Programa MINAM+CAF.

⁸ Proyecto catastro, titulación y registro de tierras rurales en el Perú (PTRT-3)

⁹ Programa de Conservación de Bosques. El Programa Nacional de Conservación de Bosques del Ministerio del Ambiente (MINAM)

currently there are no known concrete proposals for the communities of Madre de Dios.

- iv. Funds from the Norwegian Government for the future National Strategy for Forests and Climate Change¹⁰: In September 2014 the Governments of Norway and Germany signed an agreement with the Government of Peru in which they pledged to provide funding for REDD+, which includes funds for the titling of native communities throughout the Peruvian Amazon. In total, this could reach the sum of US\$300 million divided into two phases.
- a. The first phase involves preparation. Norway and Germany will grant US\$10 million to Peru to implement measures such as MRV (measurement, reporting and verification of anthropogenic sources of emissions and absorption through reserves in the forestry sector) for the deforestation of the Amazon, putting together a funding mechanism to achieve political support for a future National Strategy for Forests and Climate Change, to develop forestry tools for the new Forestry and Wildlife Law, and to establish a system of safeguards. This phase is currently being implemented.
 - b. The second phase of the agreement is for the amount of US\$40 million and is called "transformation". In this phase, Peru agrees: to restrict the authorization of changes to land use, to evaluate the impact of deforestation in the Amazon, to halve the forest areas without forest titles, to have 2 million hectares under a payment mechanism for conservation results in native communities and to "regulate the tenure of 5 million hectares of the lands of native communities."

The latter includes the recognition, demarcation, titling, extension and registration and should be made "in close cooperation with indigenous organizations at all levels". This is possibly an alternative that would meet the current demand; however, it is only due to start in 2017.

- v. Specific Dedicated Mechanism (MDE)¹¹ is a project that the World Bank will develop jointly with the indigenous peoples of Peru. It is an initiative of the World Bank Forest Investment Program and will finance land titling, community forest management and strengthening regional governance, focusing on the following Amazon geographic areas: Loreto, San Martín, Atalaya, Madre de Dios, Amazonas, Cusco, Selva Central, and Ucayali, among others. This project will finance sub-projects in the different regions and is scheduled for implementation in the medium term.

Given this scenario, it is essential to pressure the State to defend and respect the collective rights of indigenous peoples, starting with secure tenure for their ancestral lands, involving them in the preparation of proposals for regulatory reform and reviving national and international spaces for dialogue in order to take action on indigenous issues and those that affect PIAVCI.

This pilot study aims to generate a knowledge base and work experience on the consolidation of indigenous territories, adding to the technical and legal capabilities that will enable improved performance of state officials in the medium and long term. The collaborative work experience of FENAMAD, SPDA and the Regional Government (Indigenous Organization + State + NGO) has generated a methodological model easily

¹⁰ Fondos del Gobierno de Noruega para la futura Estrategia Nacional de Bosques y Cambio Climático

¹¹ Mecanismo Dedicado Específico (MDE)

replicable in other regions employing public funds and international funding and one that can be activated in the medium and long term.

The present proposal will address important issues on FENAMAD's agenda, where the processes of legal and physical territorial remediation of five native communities' land titles is prioritised. Moreover, it will provide increased visibility to FENAMAD as the Madre de Dios regional indigenous organization, engage and enhance the capabilities of the State to defend and respect collective rights and reactivate opportunities and spaces for dialogue in order to generate and channel proposals for better regulation and more appropriate public policies for indigenous peoples.

The proposal seeks to address a priority issue on the current indigenous agenda in Madre de Dios: securing land tenure and conserving forests traditionally used and conserved by indigenous peoples. This issue is especially important to resolve as part of the search for respect for the collective territorial rights of indigenous peoples. Also, solving the problem of tenure is a continuous demand made by the national indigenous organizations, which they see as linked to strategies on climate change and payment for ecosystem services in indigenous territories. This has been identified by the Interethnic Development Association of the Peruvian Rainforest (AIDSEP) and the Coordinator of Indigenous Organizations of the Amazon Basin (COICA)¹² as a priority for its proposal for Amazonian Indigenous REDD+ by way of generating the "enabling conditions" for REDD+.

The scenario in Peru is that, in the absence of a formal system to identify the current situation of indigenous communities, the State has a perfect excuse not to implement better standards to ensure their rights. In this sense, an updated cadastral base for the indigenous peoples of Madre de Dios, made available on the Web by FENAMAD, would enhance the abilities of the State by providing useful information for decision-making regarding territory while at the same time it would document the need for State action.

Finally, as a complementary part, a communications strategy has been considered for distributing simple publications that show the results and positive impacts generated through public-private partnerships (GOREMAD / FENAMAD / SPDA) and to document the successes and lessons learned from the pilot study, time needed and approximate costs for consolidation processes, among others.

2.2.3 Beneficiaries

This proposal contemplates an important range of beneficiaries, which will be detailed in the following section:

In Madre de Dios:

- Native communities of the Madre de Dios and Cusco regions (affiliated to FENAMAD)
- Indigenous peoples in voluntary isolation and initial contact (PIAVCI)
- Regional Government, particularly the Department for Physical and Legal Territorial Remediation for Rural Property, Regional Agricultural Department and the Forestry and Wildlife Department.
- Regional Forestry Monitoring Initiative.
- Government officials from the Environmental Prosecutor's office.

¹² COICA is a private not-for-profit organisation. It is legally registered in Ecuador. Its members are as follows: Asociación Interétnica de Desarrollo de la Selva Peruana, AIDSEP; Asociación de Pueblos Amerindios de Guyana, APA; Confederación de los Pueblos Indígenas de Bolivia, CIDOB; Coordinadora de las Organizaciones Indígenas de la Amazonía Brasileña, COIAB; Confederación de las Nacionalidades Indígenas de la Amazonía Ecuatoriana, CONFENIAE; Federación de Organizaciones Amerindias de Guyana Francesa, FOAG; Organización Regional de los Pueblos Indígenas de Amazonas, ORPIA; Organización de los Pueblos Indígenas de Surinam, OIS; and Organización de los Pueblos Indígenas de la Amazonía Colombiana, OPIAC.

In Perú (national):

- National Land Registry, through the National Integrated Cadastre and Building System.
- AIDSEP, indirectly, through increased visibility and empowerment of the regional indigenous organisation FENAMAD.

Within the timeframe of the proposal, FENAMAD has prioritised completing the physical and legal consolidation of the territories of 5 communities: Boca Pariamanu, Puerto Luz, Tipishka, Shintuya and Shiringayoc.

Community	Ethnic	District	Province	N° families	Population	Formal Recognition	Hectares
Boca Pariamanu	Arahuacas	Tambopata	Tambopata	22	85	R.D. 061-84-AG-RA-XXIV-MD	4,518.19
Puerto Luz	Harakmbut	Huaypetuhe	Manu	113	450	R.D. 0056-80-DR.AA	56,063.36
Shintuya	Harakmbut	Manu	Manu	51	220	R.D. 141-AE-ORAMS VII-74	5,890.00
Shiringayoc	Matsiguenka	Inambari	Tambopata	19	76	R.D. 060-84-AG-XXIV-MD	11,268.53
Tipishka	Yine o Piro	Tambopata Las Piedras	Tambopata	20	60	R.D. 089-2010-GRMDD-GRDE/DRA	3,951.09

Source: FENAMAD

The launch of the first specific objective of the proposal will directly benefit five native communities made up of 225 families with an approximate population of 890 persons and approximately 80,000.00 hectares of Peruvian Amazon forest.

The criteria considered for the prioritization of these native communities are as follows:

1. Location and accessibility. As this is a pilot study it was necessary to focus on communities which are more accessible and close to Puerto Maldonado. This criterion aims to guarantee the attainment of results within the given timeframe and takes into account the funds available for the Project.
2. Current status of the territorial demarcation process (process status). Cases where the level of advancement permits the attainment of results during the timeframe of the project have been prioritised.
3. Identification of conflicts and possibilities for resolution. The solution to the problem needs to be able to be implemented with the available resources and within the project deadlines.
4. The native community agrees to provide the necessary support to reach the legal and physical consolidation of their territory, with a commitment to providing any information or documentation that is needed in the process, participating in planning meetings with GOREMAD and FENAMAD, actively participating in an organized manner during all field work, as well as participating in the validation of the information generated in the office.
5. There are no other institutions or actors working in the native community, in order to avoid duplication of efforts and with the aim of employing resources where they will be most effective.

6. In the case of territorial amplification, cases where native communities do not hold remediated titles should be prioritised.

In Appendix No. 1, there are data sheets pertaining to the current land tenure situation of the five communities which have been prioritized.

For the second objective the key actors and beneficiaries are the native communities of the region. The authorities will have the opportunity to improve their knowledge on issues affecting indigenous peoples, PIAVCI and FENAMAD, as the indigenous regional organization of Madre de Dios. Finally, if the proposed regulations to be developed are approved, in terms of beneficiaries, it would be all of the native communities who would benefit from changes in the legal framework for territorial consolidation allowing for the better defense of their territories.

2.2.4 Particular added-value elements

This proposal will empower FENAMAD, the Madre de Dios regional indigenous organization, through a collaborative partnership with the SPDA, a national NGO specializing in environmental law with a long history in the generation of legislative and public policy proposals and with the participation of the State at all three levels, but especially at the regional level. It is interesting to mention that through this initiative FENAMAD will be able to contribute to GOREMAD by providing them with adequate instruments to meet their responsibilities in terms of the consolidation of native communities' land titles.

An important issue to highlight is that this proposal contemplates strengthening the legal area of FENAMAD to create a system of legal defense to efficiently meet the petitions which FENAMAD receives for the defense of indigenous territories. The proposed legal defense system consists of the effective articulation of the legal area of FENAMAD with SPDA, which will provide them with free legal advice in Madre de Dios¹³. Access to environmental justice will be provided directly from the regional indigenous organization and in close co-ordination with its membership.

Another innovative element provided in the proposal is the creation of a platform for a native lands register. This, once updated with information that probably only FENAMAD handles, will be available to all those authorities at a regional and national level that have jurisdiction over land use, such as the Ministry of Agriculture and Irrigation, the Ministry for the Environment, the Ministry of Energy and Mines, the National Forest and Wildlife Service, among others. In addition, the articulation of this platform to the national land registry system will be promoted, which could generate an important precedent in the process of granting land use rights and respect for indigenous peoples.

At the same time, FENAMAD will proactively contribute to improvements in the legal framework concerning indigenous peoples in Peru, promoting the active participation of indigenous representatives, authorities and the SPDA, seen as a strategic partner for the design of the legal formulas. An innovative component of the project is the consideration of a better regulatory framework that includes PIAVCI, which, when added to the actions towards the remediation of native communities' territories, will generate a more comprehensive proposal for the defence of indigenous territories.

¹³ SPDA's Free Legal Clinic aims to contribute to the promotion of environmental justice in Madre de Dios by strengthening the ability to fully exercise fundamental rights linked fundamentally to the environment. Since 2010 the Legal Clinic has been dedicated to the defense of forest users normally prevented from developing their forest economic activities sustainably. The Free Legal Clinic's activities include legal advice, citizen empowerment and legal actions in emblematic cases, aiming to strengthen environmental citizenship in Madre de Dios. http://www.spda.org.pe/wpfb-file/cuaderno_6-pdf/

A communications strategy has been considered, which, among other specific objectives, will seek to systematize and disseminate the work methodology with a view to catching the attention of the State and provoking a reaction. With a particular focus on synergies, participatory/collaborative processes and the real involvement of communities and their representative organizations, within the space of two years this working model has generated impressive results with the efficient use of resources so as to contribute to improved processes promoted by the State in synergy with regional indigenous organizations.

The communications strategy should also provide for the dissemination of the policy proposals which are to be developed, as well as providing insights into the reality that motivates this need. Additionally, contact with indigenous organizations at the national and international levels is contemplated to promote concrete actions which are better articulated and more effective.

This pilot project was developed with the full involvement of FENAMAD and there has been complete transparency with regards to the information relating to funds, personnel, equipment and the other components of the budget.

Finally, it is important to note that the contents of the present proposal and the intervention strategy proposed have been developed with due consideration and full respect for the priorities and ways of working of FENAMAD. Similar respect will be paid to the native communities that participate in the implementation of the program.

2.3 Description of the Project

2.3.1 Overall Objective

The general objective which this proposal seeks to achieve is to "contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco." This is a primary goal which has been pursued by FENAMAD and its member organizations over time, as they seek to clarify and give legal certainty to their ancestral territories.

Presently, this objective gains added importance considering that the best preserved forests in the world are located within indigenous territories, opening up a window of opportunity in the context of the envisaged global action on climate change (for example, proposals such as RIA (Amazonian Indigenous REDD +) and other REDD payment schemes for ecosystem services).

2.3.2 Specific Objective(s)

The proposed project has two specific objectives, which are detailed below.

Specific objective 1: The proper management of natural resources and the ability to exercise collective rights are strengthened in the targeted communities.

Specific objective 2: Strengthening of advocacy and indigenous legislation as driven by FENAMAD.

2.3.3 Expected results and proposed activities

In the following section, details regarding the expected results intended to achieve the specific objectives and a brief description of the activities considered for each specific outcome are presented.

SPECIFIC OBJECTIVE 1

R1.1: Physical-legal territorial remediation of five communities completed

This result aims to solve the problems of land ownership in five native communities that have been prioritized by FENAMAD, using the criteria listed in section 2.2.3. To achieve this, the strengthening of FENAMAD and the Madre de Dios Regional Government is expected to ensure that legal-physical territorial remediation processes can be completed within the space of 12 months.

A1.1.1 - Develop differentiated strategies and work plans to achieve the physical and legal consolidation of the five priority communities. (R1)

FENAMAD has extensive knowledge of the security status or level of formalization of the native communities and, on that basis, will design different strategies to obtain their legal and physical remediation. The work plans designed for the TF funded project are aimed at achieving the legal-physical consolidation of the communities with their active participation under the leadership of FENAMAD and with the technical and legal support of the SPDA.

A1.1.2 - Strengthen the technical teams in FENAMAD and the Madre de Dios Regional Government. (R1)

As mentioned above, SPDA and FENAMAD currently work collaboratively towards achieving the legal and physical territorial remediation of six native communities. A key means to achieve results and impact has been to strengthen, in parallel, the capabilities of FENAMAD and GOREMAD to ensure that the legal-physical consolidation processes are undertaken efficiently. Consequently, work will be undertaken in close coordination with the Regional Department of Legal Physical Territorial Remediation and the Department of Agriculture within the Madre de Dios Regional Government. The professional team of the Regional Department for Legal-Physical Territorial Remediation will be strengthened by hiring professionals to work in the native communities sector. In the case of FENAMAD, their human resources will be strengthened by providing technical and legal professionals who will lead the field work and the office work in close coordination with representatives from each community and officials from GOREMAD. At the same time, the necessary equipment will be obtained for the georeferencing work in the field and for data processing in the office, ensuring that at least three field teams can advance simultaneously.

A1.1.3 - Implement work plans in order to promote and support the legal physical remediation process, including convoking community meetings, identifying boundaries and completing the delimitation process, classifying soils, obtaining approval for maps, among other actions. (R1)

This activity involves carrying out different work plans for each community, including the following steps: coordination of meetings convened by FENAMAD in each community with the participation of the officials responsible from GOREMAD, undertaking the work needed for georeferencing, delimitation and establishment of markers in the field and, finally, all the necessary office work to complete the land title reports. When the land title reports are complete, co-ordinations and follow-up with the relevant authorities will be undertaken to ensure that the certification process is registered officially.

R1.2: The Regional Forest Monitoring Initiative in FENAMAD is strengthened.

For some time now FENAMAD has implemented a Regional Forest Monitoring Initiative responsible for ensuring the legal use of the forest resources located in the territories of native communities. This Forest Monitoring Initiative only has funding until August, which is why this proposal will allow for the continuation of the work already started.

A1.2.1 Train indigenous youth and community forestry monitors in community forest management for the proper use of forest resources in their communities (R1).

As part of this activity, we have considered the strengthening of monitoring through the training of indigenous young people who can then take part in the monitoring in their communities. Also, the development of communications materials to raise awareness and develop a greater understanding of the role of forest monitoring is planned.

A1.2.2 Through training and the regional forest monitoring to support the formalization of access to forest resources for communities that have forestry permits (R1).

This activity aims to strengthen the work of regional forest monitoring in terms of formal access to forest resources. Technical assistance will be provided along with formats designed for collecting data in the field, simply and efficiently, in order to meet the requirements of the forestry regulations.

A1.2.3 Preparation of documents for the monitoring of forest management activities, forms, templates, explanatory booklets, etc.

As part of strengthening FENAMAD's regional forest monitoring we propose to develop documents and forms that facilitate the monitoring of forest management activities in native communities. This will allow for better record keeping and monitoring of forestry activity in the communities, while ensuring compliance with the established forestry management requirements, such as for management and operational plans. The work will be in close coordination with the Regional Indigenous Forest Monitoring Initiative of FENAMAD.

R1.3: A system for the legal defence of the territorial rights of native communities and PIAVCI is operative

This result aims to improve the capabilities of the legal area of FENAMAD so that, in coordination with the Legal Consultancy that SPDA has in Madre de Dios, it will be possible to ensure better attention to the conflicts in the communities, fight illegal activities and defend the collective rights of native communities and indigenous peoples in voluntary isolation or initial contact.

A1.3.1 Develop and implement a system of legal defense of the territorial rights of the native communities and PIAVCI

FENAMAD currently has two legal professionals involved in activities related to the territorial remediation of the native communities. However, there is a need to address problems and complaints oriented towards the defense of collective rights and, to that end, it is necessary to increase the size of FENAMAD's legal team of and provide it with basic tools to meet the demands coming from its membership.

assess the extent to which the proposal put forward by the Ministry of Culture is appropriate and feasible.

2. Proposals for improving the rules governing the procedures required for the legal physical territorial remediation of native communities. Recently, the Ministry of Agriculture approved the "Guidelines for the implementation and approval of studies of soil surveys for land classification based on its use capacity, for the purposes of legal and physical remediation and formalization of the territories of the native communities." (See Appendix 3.) This is the first step in improving the regulatory framework. However, it is still necessary to ensure that the State, on both the national and regional administrative levels, takes responsibility and facilitates the process for outstanding remediation. Making a comparison with what happened during the establishment of the regulations for Forests in Permanent Production, preliminary studies were financed by the state, so that, in the medium term, the same might be achieved for the remediation of native communities, this being one of the bottlenecks that has limited progress in the titling of native communities' lands.

The experience of FENAMAD, AIDSESEP and SPDA, with important contributions from other organizations and professionals during the working meetings, will enable the design of socially and legally feasible policy proposals.

A2.1.1 Develop a proposal for a mechanism to incorporate the indigenous territorial land cadaster to the integrated national land information system. (R2)

Currently, there is a national land registry system that is managed by the Public Records Office. However, there is a need to integrate information related to lands occupied by indigenous peoples and the territories of PIAVCI into this national cadaster. Once the platform for indigenous land registry is completed, a legal technical proposal will be designed that will integrate this information into the national register, enabling the authorities to make better decisions about land use and the granting of new rights with due respect for the existence of indigenous peoples, both those organized in communities and those who are in voluntary isolation or initial contact.

A2.1.2 Formulate a Plan for political advocacy for FENAMAD with the participation of key actors (which includes activities 2.1.3 and 2.1.4, amongst others) and initiate the implementation of this plan.

Throughout the implementation of this proposal, it will be necessary to identify, in a strategic manner, the principal actions for advocacy actions which will permit the correct channelling and eventual approval of these legislative proposals (A2.1.1 and A2.1.3). For this, FENAMAD's Political Advocacy Plan will be designed and initiated, with the participation of organisations and other collectives at the regional, national and international levels.

Since 2011 in Madre de Dios there exists a Special Regional Commission for Indigenous Peoples in Isolation and Initial Contact, promoted by FENAMAD in coordination with GOREMAD. This is a space for public-private dialogue which, with its strengths and limitations, can serve as a permanent regional platform for advocacy and the monitoring of the proposed regulations. On a national level, an "Alliance of civil society organisations and AIDSESEP" has been formed in order to, amongst other things, "promote the formulation and execution of policies, strategies and concrete actions for the protection of PIAVCI, which

actively articulate indigenous organisations and civil society to influence the decisions taken by the State” (See Appendix No. 4).

Finally, at the international level there exists, among others: i) the International Indigenous Committee for the Protection of Peoples in Isolation and in Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPIACI), comprising indigenous organizations from Colombia, Ecuador, Peru, Bolivia, Paraguay and Brazil and ii) the coordination and inter-institutional cooperation formed between the Pro Indian Commission of Acre (CPI- Brazil) and FENAMAD. The Pro-Indian Commission of Acre is a "non-governmental organization with a strong presence which is well recognized amongst Brazilian indigenous organizations. It provides support to indigenous peoples in the state of Acre in some of their struggles for the recognition of their collective territorial rights¹⁴". Currently, this bi-national initiative receives international funding (Rainforest Foundation Norway). For this reason, we have considered complementary funding in order to allow the work which has already started to be continued.

A2.1.3 Promote opportunities for dialogue between indigenous organizations, members of civil society and the state in order to generate proposals for policy improvements. (R2)

In close coordination with FENAMAD, SPDA aims to promote the participation of key professionals in the consideration and approval of the proposed regulations described above. The essential actors in this process are indigenous peoples, represented by their local and regional leaders and the respective sectorial authorities (Ministry of Agriculture and Irrigation, Ministry of Culture, regional units). One of the main challenges will be to obtain feedback and support the collaborative work spaces for the defense of PIAVCI regionally, nationally and internationally.

A2.1.4 Participate in the World Congress of the IUCN (R2)

It is necessary to identify and follow up on public opportunities to circulate, on a massive scale, the legal proposals which are to be developed. It is planned to facilitate the participation of representatives of FENAMAD at events at a national and international level such, as the World Conservation Congress 2016 organized by the International Union for the Conservation of Nature (IUCN). At the national level, it is aimed to give visibility to the proposals through discussion, debate and work focused on the defense of indigenous peoples and their needed legal security. Finally, it is planned that the updated information regarding indigenous peoples be made available to other groups and social networks who identify with indigenous issues.

Another possibility considered for the national level is the dissemination of proposals amongst Presidential candidates and in the Peruvian Congress in order to promote the possibility for future approval. This is a practice that allows for influencing the priorities of the presidential candidates and, with proper coordination with the indigenous movement, can promote the inclusion of the priorities and needs of indigenous peoples in government agendas.

R2.2: CIPIACI Platform is operative

¹⁴ Source: <https://ensinosuperiorindigena.wordpress.com/atores/instituicoes/cpiac/>

A1.3.2 Design and implement a training program for regional government authorities, FENAMAD and community leaders, and forest monitors for timely action to be taken against environmental offenses that occur in communities.

Design and implement a training program for the respective authorities in the regional and local governments, leaders in FENAMAD and the communities, and the forest monitors so that appropriate action is taken against environmental offenses that occur in communities. (R1)

Since the State is a key player in promoting respect for and defending the rights of indigenous peoples, a training program which covers indigenous issues in Madre de Dios has been envisaged for the relevant authorities.

R1.4: Indigenous territorial web multiplatform created and operative

An important part of strengthening FENAMAD as a regional organization consists in making their actions in defense of indigenous people more visible. The design and implementation of a communications strategy is planned in order to more effectively reach FENAMAD's membership with better planned messages.

A1.4.1 In order to support the Indigenous cadastral in Madre de Dios a territorial web multiplatform with cartographic information regarding communal territories and PIAVCI will be created and will be updated by FENAMAD. (R1)

This activity allows for the updating of the indigenous land register, which will include both native communities and PIAVCI, in order to generate a backup of the information which is held by FENAMAD on the web. This is the only complete register which exists in Madre de Dios. This will also allow FENAMAD to keep a land register online of PIAVCI, information that has not been officially generated so far, neither for the country nor for the region.

SPECIFIC OBJECTIVE 2

R2.1: Legislative/regulatory proposals and public policies (related to indigenous peoples and collective rights) diffused amongst key actors in national and international arenas

There is a need to generate or activate international, national and regional forums to promote policy proposals aimed at improving the legal and physical territorial consolidation processes for indigenous communities in the country and in defense of the rights and territories of PIAVCI, As well as to identify and activate private and public spaces in order to channel these proposals.

These proposals will focus on improving the Peruvian legal framework for indigenous peoples, giving priority to the following topics:

1. Contributions to the improvement of the "Action Protocol for evidence, sightings or contact with indigenous peoples in isolation and dealing with Indigenous peoples in initial contact" approved by the Ministry of Culture in July this year. (See Appendix 2). FENAMAD has publicly stated that they were not invited to participate in the design of the protocol and we believe that the experience of FENAMAD in Madre de Dios and reports of documented sightings of PIAVCI are an important source of knowledge to

Since 2010 FENAMAD has been responsible for the overall coordination of the International Indigenous Committee for the Protection of Peoples in Isolation and in Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPIACI) ¹⁵. CIPIACI's mission is "to protect the livelihood and well-being of indigenous peoples in isolation and initial contact in the Amazon, Gran Chaco, the Eastern Region of Paraguay, and elsewhere; sensitize indigenous and non-indigenous populations neighboring on uncontacted indigenous peoples with respect to their rights; monitor and take action against the policies and actions implemented by governments, businesses and civil society actors that may affect these peoples; and establish partnerships with local, national and international organizations of civil society for their protection". It should be noted that the Committee has failed to continue the activities that led to its creation due to a lack of funds, and has been virtually inactive since about 2013. However, it is necessary to promote its reactivation and generate a clear road map to ensure the effectiveness of its working agenda. Complementary to this, joining forces with the "Inter-institutional work agreement signed between the Pro-Indian Commission, CPI-Acre and FENAMAD" (See Appendix No. 5) with the objective of collecting evidence and documenting the existence of PIAVCI in the area of Madre de Dios and Acre will allow for better information to be generated to justify and influence the need for improvements to the legal framework regarding PIAVCI in Peru.

A2.2.1 Develop a work plan for priority actions concerning PIAVCI. (R2)

As an initial step, following the work agenda previously identified for the Committee, it will be possible to think of concrete strategic actions in the short- and medium term and, on the basis of the updated work agenda, to develop a road map for short term actions. Parting from the previous agenda, FENAMAD can propose topics of interest to all its members, with particular reference to the international context related to indigenous peoples, forests and climate change.

A2.2.2 Convene a meeting of CIPIACI to resume prioritized actions (R2)

Once the agenda and road map for short term actions have been prepared for the Committee, FENAMAD will convene a meeting of CIPIACI in order to renew the interest of its members and submit the proposed road map for their consideration. Validation and acceptance of the work plan will provide a common agenda for CIPIACI which can then be promoted. This task will be undertaken by FENAMAD, since it holds the position of general coordinator. The event will be organized in Lima, Peru, to facilitate the arrival of the representatives from the countries which make up CIPIACI.

FENAMAD will distribute this initiative amongst other potential donors interested in contributing to the realization of the meeting and providing continuity to the operation of CIPIACI.

A2.2.3 Re-establish relations with the United Nations and generate missions and a Special Rapporteur's visit to areas where there are PIAVCI. (R2)

It is essential to encourage the United Nations to resume interest in the agenda of CIPIACI

¹⁵ CIPIACI was created on the 21st of November 2006, in the city of Santa Cruz de la Sierra, during the Regional Seminar organised by the United Nations High Commissioner for Human Rights, the Ministry of Lands of Bolivia, the Confederation of Indigenous Peoples of Bolivia, CIDOB, and the International Work Group for Indigenous Affairs, IWGIA, to address the problems of indigenous peoples in voluntary isolation and initial contact, and develop proposals of public policies for their protection. Source: <http://web.archive.org/web/20081122134843/http://www.cipiaci.org/conoci1.htm>

and ideally generate missions and a visit by the Special Rapporteur to areas where there are PIAVCI. In that vein, FENAMAD, supported by SPDA and AIDSEP, will seek to resume contact with the designated professionals in the United Nations. It is a priority to secure the interest of the United Nations, as with their help and that of other allies, the agenda of CIPIACI can remain in force.

R2.3 Better visibility for the actions of FENAMAD in favor of Madre de Dios indigenous peoples.

A2.3.1 Design and implement a communications strategy to systematize and enhance the capabilities of FENAMAD to make their work in defense of indigenous territories in Madre de Dios and Cusco visible.

Currently, FENAMAD is an organization legitimized by its membership. However, it is necessary to strengthen the permanent communication that allows the FENAMAD leadership to be updated so as to make better decisions and prioritize actions for the benefit of the indigenous peoples they represent. A strategy for systemization seeks to capitalize on the experience of FENAMAD as an organization that has achieved remediation processes in the communities.

Along the same lines, communications products will be generated to provide feedback information regarding FENAMAD to the communities. Actions focused on disseminating information about the gains that are achieved through the pilot project in Peru will be included, in order to allow for replication of the experience in other regions.

2.3.4 Strategy towards Greater/sustained Impact

The work strategy proposed by FENAMAD and SPDA has been developed with reference to the knowledge and experience of each institution, as well as drawing from the lessons learned from the pilot work funded in the past and presently by the ICAA Support Unit.

It is proposed that FENAMAD be the implementing partner for the activities, hand in hand with SPDA, which acts as the applicant for the proposal. Some of the proposed outcomes aim to give legal continuity to the work towards attaining the physical and legal remediation of native communities initiated by FENAMAD and SPDA in 2013.

Of the seven expected results contained in the proposal, FENAMAD will directly implement the following:

- R1.1 Physical and legal remediation and consolidation of five communities completed
- R1.2 Strengthening of the Regional Forest Monitoring Initiative
- R1.4 Indigenous territorial web Multiplatform created and operative

Amongst other things, the participation of indigenous youth and capacity building will allow FENAMAD to maintain a base of people able to continue the work of the organisation.

Similarly, we expect to be able to enhance the capabilities of the relevant actors in GOREMAD as a way to contribute to strengthening permanent regional institutions, something which is key for the defence of land rights and natural resources, thereby laying the foundations for a long-term process that should be able to continue, with or without the presence of supporting organisations, such as the NGOs working in Madre de Dios.

This proposal recognizes FENAMAD as a key player, acting as one of the cogs in the process where it is essential to secure the effective participation of the State (represented mainly by the Madre de Dios Regional Government) and enhance the capacities of the

communities and ensure their permanent participation in the different processes to be addressed.

By involving the State it is hoped to achieve the effective remediation of the five communities that have been identified during the timeframe of one year. On the other hand, it is indispensable to have authorities who are informed and sensitised and are willing to review and consider proposals for improvements to the legislation related to indigenous peoples and their ability to exercise their collective rights.

The native communities will actively participate in the process of the physical and legal remediation of their territories, contributing to the work in the field and in the office, as well as in the spaces created for dialogue, training and working groups for the development of policy proposals, the aim being to ensure the real representation of their collective interests.

In the proposed structure of the project, the SPDA plays the role of administrative support and guidance in the implementation, with permanent involvement in the planning, implementation and monitoring of the proposed activities.

It is important to note that the work experience gained through the two years preceding this pilot project proposal have served to strengthen the capacity of SPDA in terms of joint work with the regional indigenous organization, FENAMAD. Work with FENAMAD in identifying strategies and building differentiated work plans has allowed us to learn more about the problems, bottlenecks and opportunities that come with tripartite working arrangements, between government, an indigenous organization and an NGO, for the titling of communal lands.

In the following section, details about the distribution of tasks and roles necessary for the implementation of the proposal will be developed:

Specific objectives and expected results	Entity responsible for implementation	Principal tasks	Distribution of roles	Project personnel in charge	Time dedicated to the project
Specific Objective 1					
1.1 Remediation	FENAMAD	Design work plans in the communities Execute work plans in the communities	FENAMAD	1 lawyer	Full time
				1 legal assistant	Full time
				2 specialists in land titling	Full time
				1 land titling assistant	Full time
		Execution of work plans in 5 communities	SPDA	Project co-ordinator	Full time
			Regional Government	1 lawyer	Full time
				1 remediation technician	Full time
			SPDA	1 remediation technician	Full time
1.2 Forest Monitoring	FENAMAD	Training of indigenous youth and forest monitors	FENAMAD	Project Co-ordinator	Full time
				1 Forest monitoring specialist	Full time
				Regional forest monitor	Part time

Specific objectives and expected results	Entity responsible for implementation	Principal tasks	Distribution of roles	Project personnel in charge	Time dedicated to the project
			SPDA	1 Specialist in forestry and SIG	Part time
1.3 Legal defence system	SPDA	Legal assessment functioning in FENAMAD	FENAMAD	1 legal assistant	
		Legal support for FENAMAD	SPDA	1 lawyer 1 legal assistant	Part time Full time
1.4 Web multiplatform	FENAMAD	Database of CCNN and PIACI for the multiplatform	FENAMAD	1 specialist in land titling and SIG	Full time
Specific Objective 2					
2.1 Legislative/regulatory proposals and advocacy	SPDA	Design of an advocacy plan	FENAMAD	1 communicator	Full time
			SPDA	Programme Director SPDA Conservation Programme	Part time
		Legislative proposals	SPDA	Programme Director SPDA Conservation Programme	Part time
			FENAMAD	Technical and legal advisors and FENAMAD leadership	Part time
2.2 PIAVCI	SPDA	Convening members of CIPIACI	FENAMAD	Technical and legal advisors and FENAMAD leadership	
		Preparation of the proposed map/work plan		Technical and legal advisors and FENAMAD leadership	
			SPDA	Regional Co-ordinator SPDA	Part time
				Project coordinator	Full time
2.3 Visibility of FENAMAD	SPDA	Communications strategy	FENAMAD	Technical and legal advisors and FENAMAD leadership	Part time
				1 communicator	Full time
			SPDA	Project co-ordinator	Full time
	SPDA	Systemization plan	SPDA	Project co-ordinator	Full time
				Regional coordinator MDD	Part time
				Follow-up assistant MDD	Part time
		FENAMAD	1 communicator	Full time	
Administration, follow-up and reporting					
Administrative Tasks	SPDA	Contracting professionals	SPDA	Regional coordinator MDD	Part time

Specific objectives and expected results	Entity responsible for implementation	Principal tasks	Distribution of roles	Project personnel in charge	Time dedicated to the project
		Acquiring equipment		1 administrative assistant MDD and 1 administrative assistant Lima	Part time
		Periodically acquiring materials and supplies			
Follow up and monitoring		Timely review of performance and work plans		Project coordinator	Full time
				Follow up Assistant MDD	Part time
Reports		Development of midterm and final reports		Project coordinator	Full time
				Regional Coordinator SPDA	Part time
				Follow up assistant MDD	Part time

In Appendix No. 6 are details of the professional personnel from FENAMAD and SPDA who will implement the activities contemplated in the proposal.

In terms of the equipment and software, the proposal expects to acquire the following:

- Portable equipment and specialised software
- High precision geographical equipment, differential GPS
- Specialised printer and digitiser, plotter
- Communications equipment, photographic/video camera, and sound equipment
- Equipment and specialised software, cadaster multiplatform

The systemization and communications plan is of vital importance to make the intermediate and final achievements of the proposal visible with a view to possibilities for dissemination, thus securing the sustainability of the pilot project and the Tenure Facility.

In terms of communications, one of the most important objectives involves strengthening the links between FENAMAD and its grassroots membership, drawing on relevant and timely information about the activities which the regional indigenous organisation undertakes.

On the other hand, and of no less importance, are the communications actions oriented towards providing information regarding the intermediate and final success of the Tenure Facility pilot study, highlighting the lessons learned and good practices developed from the experience of work between FENAMAD and SPDA since September 2013.

By publicizing this experience it is possible that FENAMAD could gain direct financial assistance to continue with their work. In whichever of the possible scenarios, SPDA will always be available to provide legal advice, to design work strategies, to look for funding and to help support the development of proposals and projects for funding.

It is essential to look for ways in which the Peruvian state can take on board the legislative proposals, thus acting as a catalyst for the organisations who participate in the work groups to renew their commitment to prepare and disseminate legislative proposals in favour of the respect for and defence of the rights of indigenous peoples.

It is especially important to anticipate a smaller proposal for funding in order to maintain the activity of the work groups for the period immediately after the pilot project is terminated, given that the timeframe for implementation is of only one calendar year. Once again, this is evidence for the need to create alliances with collectives and regional, national and

international work groups and for the use of social networks. In this way, during periods without financial assistance, the priority themes can remain active.

2.3.5 Duration and indicative action plan for implementing the Project

Duration of the proposal: 12 months

Activities	Timetable (months)												Responsible
	1	2	3	4	5	6	7	8	9	10	11	12	
SO 1 Proper management of the natural resources and the ability to exercise collective rights are strengthened in the communities benefited.													
A1.1.1 Develop differentiated strategies and work plans to achieve the physical and legal consolidation of the five priority communities													FENAMAD
A1.1.2 Strengthen the technical teams in FENAMAD and the Madre de Dios Regional Government													SPDA
A1.1.3 Implement work plans in order to promote and support the legal physical remediation process, including convoking the community meeting, the completion of boundaries identification and delimitation, soil classification, map approval, among other actions													FENAMAD
A1.2.1 Train indigenous youth and community forestry monitors in community forest management for the proper use of forest resources in their communities													FENAMAD
A1.2.2 Through training and regional forest monitoring, support the formalization of access to forest resources for communities that have forestry permits,													SPDA
A1.2.3 Preparation of documents for monitoring of forest management activities, forms, templates, explanatory booklets, etc													
A1.3.1 Develop and implement a system of legal defense of the territorial rights of the native communities and PIAVCI													
A1.3.2 Design and implement a training program for regional government authorities, FENAMAD and community leaders, and forest monitors for timely action to be taken against environmental offenses that occur in communities													SPDA

Activities	Timetable (months)												Responsible
	1	2	3	4	5	6	7	8	9	10	11	12	
A1.4.1 In order to support the Indigenous cadaster in Madre de Dios a territorial web multiplatform with cartographic information regarding communal territories and PIAVCI will be created and will be updated by FENAMAD													FENAMAD
SO 2 Strengthening of political advocacy activities and indigenous legislation promoted by FENAMAD.													
A2.1.1 Develop a proposal for a mechanism to incorporate the indigenous territorial land cadaster to the integrated national land information system													FENAMAD
A2.1.2 Formulate a Plan for political advocacy for FENAMAD with the participation of key actors (which includes activities 2.1.3 and 2.1.4, amongst others) and initiate the implementation of this plan													SPDA
A2.1.3 Promote opportunities for dialogue between indigenous organizations, members of civil society and the state in order to generate proposals for policy improvements													SPDA
A2.1.4 Participate in the World Congress of the IUCN													SPDA
A2.2.1 Develop a work plan for priority actions surrounding PIAVCI													FENAMAD
A2.2.2 Convene a meeting of CIPIACI to resume prioritized actions													FENAMAD
A2.2.3 Re-establish relations with the United Nations and generate missions and a Special Rapporteur's visit to areas where there are PIAVCI													SPDA
A2.3.1 Design and implement a communications strategy to systematize and enhance the capabilities of FENAMAD to make visible their work in defense of indigenous territories in Madre de Dios and Cusco													SPDA
Contracts and Procurements; Tracking and monitoring deadlines and goals													SPDA

***It is necessary to assign more time to certain activities, given that the rainy season runs from December to March.

2.3.6 Sustainability of the Action

The undertaking of this proposal will generate better legal security for the complete territories of five native communities, providing secure tenure for more than 225 families and approximately 890 inhabitants who will be directly benefitted.

Greater capabilities (capacity building) generated in FENAMAD, as the regional indigenous organisation, will filter through to directly benefit the 33 native communities that they represent. In other words, the pilot project will contribute to the sustainability of FENAMAD as a representative organisation and to the sustainability of the communities and families that they represent and by extension their ways of life.

In addition, the Cooperation Agreement signed between FENAMAD and the Regional Department of Agriculture will ensure that the joint commitments made for the remediation of indigenous territories are maintained in the short and medium term.

On the other hand, this proposal will contribute to improvements in the legislation regarding indigenous peoples and the respect for their rights. Once implemented, the pilot project will contribute to the cultural sustainability of these communities and ethnicities and to the natural resources on which they depend for their way of life.

The proposal anticipates, as a priority, the need to develop alternative legislation in order to facilitate the physical legal territorial remediation of native communities while, at the same time, contributing to the protection and defence of PIAVCI and ensuring their survival as a people. This is a priority for FENAMAD.

With respect to conservation and the use of natural resources, the capabilities of the Regional Forest Monitoring Initiative will be enhanced. Technical assistance will be offered to at least five native communities to ensure the formalization and efficient management of their forest resources.

The proposal includes an Advocacy Plan for FENAMAD which would have, as one of its objectives, the participatory development of legislative proposals which will then be submitted to the relevant authorities for their approval. This plan includes the sensitization of those responsible for public policy making and will seek their commitment to adopt these proposals. FENAMAD will participate in the work groups to receive feedback and make contributions to the regulatory proposals, as well as presenting these in events at the national and international levels.

This pilot study provides evidence of a working alliance lead by FENAMAD and with two years of working experience which has had high impact results in the short term. The successes and lessons learned from this experience served in the design of the present proposal, demonstrating it to be a valuable experience which can be replicated in other regional indigenous organisations, with the support or sponsorship of AIDSEP and with support from funders. In this way it will contribute to the continuity of these spaces in Madre de Dios and in other areas important for the titling and defence of indigenous lands and territories.

The activation and reactivation of spaces for dialogue and work platforms with CIPIACI (amongst other mechanisms) will allow for the maintenance of the initiative and permit follow-up to the legislative proposals. Strengthening these spaces is key, which is why, during the development of the road map/work plan, there is a real need to secure that the spaces for dialogue regarding the protection and defence of PIAVCI remain as priorities on the political agenda of the State. As far as possible, funding possibilities should be identified to secure the continuity of the CIPIACI platform. Notwithstanding the above, it is considered that more

than one work platform will permit positive impacts which will not be limited to the implementation period.

As already mentioned, the principal platforms under consideration are the following:

1. International Indigenous Committee for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPIACI).
2. Special Regional Commission for Indigenous Peoples in Isolation and Initial Contact (civil society organisations, FENAMAD, representatives from GOREMAD)
3. Inter-institutional work agreement signed between FENAMAD and the Pro-Indian Commission of Acre-Brazil.

It is anticipated that, by the end of the activities, FENAMAD will be a more solid organisation, strengthened and empowered through the strategies and methodology, and furnished with improved capabilities to continue the work initiated in alliance with other indigenous and non-indigenous organisations.

2.3.7 Analysis of risks and opportunities

As part of the general context, Madre de Dios is one of the regions of Peru with the highest annual population increase, not because of births but rather due to migration from other regions of the country. This translates into serious conflicts because of the search for access to and use of the natural resources and ecosystems important to the indigenous peoples of Madre de Dios and Cusco. This confirms the need to undertake urgent concrete actions to obtain legal security for the indigenous territories in the region, thereby securing respect for their collective rights.

During the design of this proposal, the following risks have been identified:

High Risk

- Political instability of the Regional Government could generate little interest in dealing with the processes of legal and physical territorial remediation of the communities, in accordance with their established functions.

Contingency measure: it would be possible to turn to advocacy campaigns with allies with the aim of generating a favourable public opinion on this issue and cultivating political pressure in order for the demands of FENAMAD to be attended to. At the regional level, there are NGOs that are FENAMAD's allies and on the national and international levels it would be possible, through the involvement of the corresponding indigenous organisations, AIDSEP and COICA, to undertake political advocacy.

- Adverse regional political context and a lack of political will to prioritise the defence of PIAVCI.

Contingency measures: In the worst case scenario, promote pronouncements and public accusations in coordination with national and international allies against GOREMAD for not fulfilling its obligations.

- A change in the FENAMAD leadership could translate into a deceleration in the advancement of activities.

Contingency measure: Talks have been held with FENAMAD about the possibility of signing an Agreement for inter-institutional cooperation with SPDA. However, it is important to evaluate the situation with great care given that the collaborative work which has been undertaken so far between FENAMAD and SPDA is based on verbal agreements which have been respected.

Medium Risk

- Present legislation regarding the physical legal territorial remediation of the communities is not modified or updated to simplify the formalities or reduce the costs.

Contingency measure: Document the successes of FENAMAD. Despite the adverse circumstances, allow the voice of FENAMAD to be heard in regional and national communications networks. Approach the national press with issues from the indigenous agenda.

- There is no interest on the part of the relevant authorities to participate in work meetings and/or meetings for the presentation and validation of legislative proposals.

Contingency measure: Disseminate the legislative proposals via the communications networks with national coverage. Emit public pronouncements from FENAMAD and the national indigenous organisation.

Low Risk

- FENAMAD and its membership do not continue to work proactively for improvements in the legal framework regarding indigenous peoples.

Contingency measure: Document, as far as possible, the agreements reached between FENAMAD and its different strategic allies. Manage alliances with different offices and departments in GOREMAD.

- A change in the national Government of Peru could limit the advancement of the legislative proposals in favour of indigenous peoples.

Contingency measure: Strengthen synergies between FENAMAD, SPDA and other private institutions and indigenous organisations, aiming to present the priority issues from the indigenous agenda to the new government: legal security of indigenous territories, respect for collective rights, respect for and protection of PIAVCI.

Analysing the **opportunities** in the regional, national and international contexts, they are:

- The electoral campaign could be an opportunity to put forward legal proposals and/or include themes of indigenous interest in the future government's agenda. Seek the support of candidates in political parties that are allied with the indigenous sector and also amongst people who identify with indigenous issues to, together, generate currents of opinion in order to "position the indigenous component" in future government policies.
- The end date for completion of the pilot project coincides with the second phase of the agreement with the Government of Norway, so that titling processes left pending for completion could access such funding. The positive impacts expected from this

pilot study will serve as an important source of experiences and lessons learned, which will contribute to better implementation of future initiatives of the State or through international cooperation.

- For Madre de Dios in particular, the progress achieved through this pilot study will serve as a basis for handling pending cases. The conflict resolution strategies with the active participation of and shared labour with native communities will serve as a model for future remediation measures and will allow more efficient and effective processes.
- Respect for indigenous peoples and the legal security we seek for their territory forms part of the global struggle against climate change in terms of securing tenure and forest conservation. This can actually be an opportunity because international organizations are prioritizing in their funding the promotion of the legal security of indigenous territories.
- This proposal has been shared with the Rainforest Foundation Norway and found some common ground that can serve to continue the work that started with the pilot, mainly on issues related to protection of PIAVCI.

2.3.8 Reports and monitoring

Considering that this proposal is a pilot study it is very important to provide for actions related to monitoring to ensure the timely implementation of the activities to achieve the expected results and proposed goals. Reporting and monitoring will identify potential risks or delays in implementation and enable steps to be taken towards complementary actions and the implementation of contingency measures.

Preparation of reports

Taking into consideration that the implementation of the pilot study is for a period of 12 months, two progress reports will be generated. The first intermediate progress report is proposed for the fifth month so that, if it becomes necessary, some of the work strategies can be reoriented before reaching the mid-term deadline (6 months). The second report is planned for the tenth month in order to assess the project achievements close to the end date of the Project.

After undertaking the activities, the final activity report will be prepared, in which the achievements and impacts from the pilot study can be highlighted, as well as the problems and limitations. In the final report, a comprehensive analysis will be undertaken in order to assess the effectiveness of the project in achieving the specific objectives and the overall objective of the proposal. The successes of the proposal will be highlighted, as well, emphasizing the lessons learned during its implementation.

Follow-up and Monitoring

Since 2013, SPDA has a Project Management Unit (PMU), which is involved in projects from the initial design through to accompanying the implementation of the activities. In that unit technological tools are used, among other measures, to allow for access to key project documents and efficient follow up of the physical progress of the project as well as budget monitoring within project deadlines. In case of differences between the results to date and

what has been planned for, the PMU team of professionals will actively seek to identify alternative solutions.

To facilitate efficient monitoring, a plan for tracking and monitoring has been prepared, in which the activities are detailed according to each specific objective and the indicators and performance targets for each activity.

Plan for follow up and monitoring of the project																
SO and Results	Activities	Indicator	Quantity	Timetable (months)												
				1	2	3	4	5	6	7	8	9	10	11	12	
SO 1 Proper management of the natural resources and the ability to exercise collective rights are strengthened in the communities benefited.																
R1.1 Physical-legal territorial remediation of 5 communities completed	A1.1.1 Develop differentiated strategies and work plans to achieve the physical and legal consolidation of the five priority communities	Baseline document	1	1												
		Document Work Plan	5	2	3											
	A1.1.2 Strengthen the technical teams in FENAMAD and the Madre de Dios Regional Government	Training reports	2				1						1			
		Supporting Professionals' Contracts	13		6	3	4									
	A1.1.3 Implement work plans in order to promote and support the legal physical remediation process, including convoking the community meeting, the identification and delimitation of boundaries, soil classification, map approval, among other actions.	Reports on advances	2						1						1	
R1.2 The Regional Forest Monitoring Initiative FENAMAD is strengthened.	A1.2.1 Train indigenous youth and community forestry monitors in community forest management for the proper use of forest resources in their communities	Training reports	3					1				1		1		
	A1.2.2 Through training and regional forest monitoring support the formalization of access to forest resources for the communities who have forestry permits,	Training reports	2						1							1
	A1.2.3 Preparation of documents for monitoring of forest management activities, forms, templates, explanatory booklets, etc.	Training Products	3			1		2								

[illegible]

	A2.2.3 Re-establish relations with the United Nations and generate missions and a Special Rapporteur's visit to areas where there are PIAVCI	Document Declaration from the UN	1															1	
		Report from the UN mission	1																1
R2.3 Better visibility for the actions of FENAMAD in favor of Madre de Dios indigenous peoples.	A2.3.1 Design and implement a communications strategy to systematize and enhance the capabilities of FENAMAD to make their work in defense of indigenous territories in Madre de Dios and Cusco visible.	Document Systemization and communications strategy	1			1													
		Document Lessons learned	1									1							
Administration	Contracts and procurements; Tracking and monitoring deadlines and goals	Reports	2								1								1

2.3.9 Logical framework for the pilot project

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
Overall Objective	Contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco, Peru.	Indicator 1: Faster, more efficient and participatory remediation processes are achieved for 5 native communities in Madre de Dios, thanks to the participatory work between the State, FENAMAD and SPDA. Indicator 2: The methodology and lessons learned from FENAMAD are shared amongst key players in order to benefit the titling programs to be undertaken in this country in the coming years. Indicator 3: Collaborative development of legislative proposals in order to simplify processes for territorial remediation of communities and secure the protection of indigenous territories.	Indicator 1: 5 property titles updated Indicator 2: Communications plan Indicator 3: Legislative proposals documents	
Specific Objectives	SO 1: Proper management of natural resources and the ability to exercise collective rights are strengthened in the communities benefited.	Indicator 1: Indigenous territorial remediation conflicts are resolved with official recognition from Regional Government Indicator 2: Two cases of the defence of indigenous rights are identified with legal strategies designed and initiated. Indicator 3: Improved knowledge of the legal use of natural resources in native communities.	Indicator 1: Land titling reports of the communities/boundary agreements and minutes Indicator 2: Legal brief of 2 cases. Indicator 3: Training documents. Photographic archive.	- Regional Government participates and manages the processes for the physical and legal territorial remediation of the communities according to its functions. - The current legislative regulations regarding the physical and legal territorial remediation of communities is modified or updated in order to simplify procedures or reduce costs. - A change in the National Government (July 2016) may delay some processes.
	SO 2: Strengthening of the political advocacy actions and indigenous legislation promoted by FENAMAD	Indicator 1: Feedback from the decision makers and other relevant actors regarding the legislative proposals. Indicator 2: An increase in the number of actions undertaken or public demonstrations by FENAMAD in	Indicator 1: Document or email with comments and suggestions regarding the legislative proposals. Indicator 2: Public	- FENAMAD and its member organizations are organised and working in a purposeful way to improve the legal framework

		defence of their collective rights linked to territory and the participation of indigenous peoples.	presentations, pronouncements.	relating to indigenous peoples. - Readiness of relevant authorities to participate in work meetings and/or meetings for the presentation and validation of the legislative proposals. - The electoral campaign could be an opportunity to put forward legislative proposals and/or include indigenous issues in the Government agenda
Expected Results	R1.1 – Physical-legal territorial remediation of 5 communities completed	Indicator 1: Property titles for the priority communities are inscribed in the Public Register: 5 Indicator 2: Strategies and differentiated work plans for the communities are developed by FENAMAD in coordination with the Department for Legal and Physical Territorial Remediation in Regional Government: 5 Indicator 3: Hired professionals working in FENAMAD and Regional Government are involved in the process of remediation of land titles. Indicator 4: Professionals trained in technical and legal processes relating to the territorial remediation of the native communities	Indicator 1: 5 titles for the communities are issued by the Department of Agriculture. Indicator 2: 5 work plans are developed. Indicator 3: Signed contracts of the professionals hired Indicator 4: Table of contents for training and post-training assessments.	- The season of intense rains is normally for a period of 3 months. - There is interest in the public sector to improve training/knowledge about the processes for legal and physical territorial remediation of native communities. - Themes prioritised for the training sessions are of interest to the different actors (FENAMAD, Regional government authorities)
	R1.2 – The Regional Forest Monitoring Initiative in FENAMAD is strengthened.	Indicator 1: 2 persons from FENAMAD (regional forest monitor and technical assistant for monitoring) are trained. Indicator 2: 10 indigenous youth and forest monitors with specific training in the following areas: collective rights of native communities, formal access to natural resources, environmental crimes and relevant authorities. Indicator 3: 2 tables (spreadsheets) to register the use of timber and non-timber resources to facilitate the systemization of data from the field.	Indicators 1 and 2 (for training): Table of contents from training, and post-training assessments Indicator 3: Printed copy and digital copy of the spreadsheets used to register the use of forestry resources in native communities.	- Readiness on the part of the indigenous youth to improve their capabilities in the themes of interest. - There is a willingness on the part of the native communities to improve their capabilities in terms of the adequate use of forest resources in the context of what the law allows.
	R1.3 – A system for the legal defence of the territorial rights	Indicator 1: Functioning of the system for legal defence articulated between FENAMAD and SPDA.	Indicator 1: Contracts of the professionals hired. Work	- The relevant authorities (judicial administrators) fulfil their roles in

	of native communities and PIAVCI is operative	Indicator 2: Legal defence of at least 2 emblematic cases relating to communal territorial rights and participation of indigenous peoples.	plan articulated between the legal team in FENAMAD and the free legal consultancy of SPDA is developed. Indicator 2: Physical and digital copy of 2 legal briefs of cases.	the processes according to the deadlines established by law. - There exists interest on the part of the authorities to improve their capabilities/knowledge about the rights of indigenous peoples.
	R1.4 Indigenous territorial web-multiplatform created and operative	Indicator 1: Cartographic base is updated with the Madre de Dios indigenous territories georeferenced. Indicator 2: Multiplatform recognised by the regional authorities who manage the cadaster. Indicator 3: At least 5 entries weekly by the end of the Project.	Indicator 1: Updated digital base. Indicator 2: Register from meetings and presentations. Indicator 3: Reports from Google Analytics	- There exists interest on the part of the authorities to know of and use information about indigenous peoples from the updated cadaster.
	R2.1 – Legislative/regulatory proposals and public policies (related to indigenous peoples and collective rights) diffused amongst key actors in national and international arenas	Indicator 1: Proposal for integrating FENAMAD's cadaster of indigenous territorial lands to the national integrated cadastral system submitted to the Public Registry Office. Indicator 2: 02 work groups for the development and dissemination of proposals for improvements to the current legal framework for indigenous peoples. Indicator 3: Feedback received from key actors regarding at least one legislative proposal to improve the current legal framework for indigenous peoples.	Indicator 1: Proposed protocol or guidelines. Indicator 2: Agenda and registration of agreements from work meetings. Indicator 3: Copy of the document from the presentation of the legislative proposal to the relevant entities (MINAGRI).	- There is willingness on the part of authorities to participate in work meetings and/or meetings for the presentation and validation of legislative proposals.
	R2.2 – CIPIACI Platform is operative	Indicator 1: Database of PIAVCI is updated for better decision making with respect to the granting of land rights. Indicator 2: One general meeting of CIPIACI undertaken and activities for the Committee defined and prioritised. Indicator 3: One expression of interest on the part of the UN to send a mission or organise a visit by the Special Rapporteur for Indigenous Peoples to assess the situation of the PIAVCI. Indicator 4: 1 road map developed and validated by the Committee.	Indicator 1: Digitalized database Indicator 2: Copy of emails and documents of invitation to the CIPIACI General meeting. Copy of the agenda and agreements of the meeting. Indicator 3: Documents or emails demonstrating the interest of the UN in the situation of the PIAVCI. Indicator 4: Digital copy of	- Members of the CIPIACI committee maintain an interest in the issues prioritised for the platform and actively participate in the construction of a new work agenda/route map.

			the road map developed and validated by the Committee.	
	R2.3 – Better visibility for the actions of FENAMAD in favor of Madre de Dios. indigenous peoples	Indicator 1: At least 300 people reached by the communications activities. Indicator 2: Systemization products are disseminated amongst FENAMAD's bases, regional authorities and communications networks locally, nationally and internationally. Indicator 3: Representatives of the communities who make up FENAMAD are informed about the actions undertaken by the regional organisation.	Indicator 1: Printed communications products along with digital versions (audio visual). Indicator 2: Lessons learned document Indicator 3: Register of participation at the annual meeting convened by FENAMAD.	
Activities	A1.1.1 - Develop differentiated strategies and work plans to achieve the physical and legal consolidation of the five priority communities	Staff, consultants, equipment, operating expenses (transport, subsistence allowances)	5 Differentiated work plans in printable formats	
	A1.1.2 – Strengthen the technical teams in FENAMAD and the Regional Government of Madre de Dios	Staff, consultants, equipments, operating expenses	Contracts and profesional reports and consultants contracted Training registers Post training assessments	
	A1.1.3 - Implement work plans in order to promote and support the legal physical remediation process, including convoking the community meeting, the identification and delimitation of boundaries, soil classification, map approval, among other actions.	Staff, consultants, equipment, operational expenses (transport, subsistence allowances, workshops and meetings), services associated with the creation of the web multiplatform, software.	Reports of advances	
	A1.2.1 Train indigenous youth and community forestry monitors in community forest management for the proper use of forest resources in their communities	Staff, consultants, equipment, operational expenses (transport, subsistence allowances, workshops and meetings)	Training registers Post training assessments	
	A1.2.2 Through training and regional forest monitoring support the formalization of	Staff, consultants, equipment, operational expenses (transport, subsistence allowances, workshops and meetings)	Training registers Post training assessments	

	access to forest resources for communities that have forestry permits,			
	A1.2.3 Preparation of documents for monitoring of forest management activities, forms, templates, explanatory booklets, etc.	Operational expenses (transport, subsistence allowances, workshops and meetings, materials)	Spreadsheets in printable formats Regional Forest Monitoring reports	
	A1.3.1 Develop and implement a system of legal defense of the territorial rights of native communities and PIAVCI.	Consultants, equipment, operational expenses (transport, subsistence allowances, materials),	Copy of the complaints presented Track records of the emblematic defence cases taken up	
	A1.3.2 Design and implement a training program for regional government authorities, FENAMAD and community leaders, and forest monitors for timely action to be taken against environmental offenses that occur in communities.	Staff, consultants, operational expenses (national trips, subsistence allowances, workshops and meetings, materials), software.	Training register Post-training assessments	
	A1.4.1 In order to support the Indigenous cadaster in Madre de Dios a territorial web multiplatform with cartographic information regarding communal territories and PIAVCI will be created and will be updated by FENAMAD	Staff, consultants, equipment, operational expenses (transport,), services associated with the creation of the multiplatform web, software. Operational expenses (transport, subsistence allowances), services associated with the creation of the multiplatform web, software.	Multiplatform is functioning online	
	A2.1.1 Develop a proposal for a mechanism to incorporate the indigenous territorial land cadaster into the integrated national land information system	Operational expenses (national trips, subsistence allowances, workshops and meetings, materials)	Proposal developed and presented to the national cadaster and property entity	
	A2.1.2 Formulate a Plan for political advocacy for FENAMAD with the participation of key actors (which includes activities 2.1.3	Staff, consultants, operational expenses (national trips, subsistence allowances, workshops and meetings, materials)	Plan developed and socialized, activities initiated.	

	and 2.1.4, amongst others) and initiate the implementation of this plan			
	A2.1.3 Promote opportunities for dialogue between indigenous organizations, members of civil society and the state in order to generate proposals for policy improvements	Staff, consultants, operational expenses (national trips, subsistence allowances, workshops and meetings, materials)	Agenda and agreements from the meetings Legislative proposals	
	A2.1.4 Participate in the World Congress of the IUCN	Staff, consultants, operational expenses (national and international trips, subsistence allowances, workshops and meetings, materials)	Digitalised version of the presentations and other tools which will be used for the presentation of the proposals.	
	A2.2.1 Develop a work plan for priority actions concerning PIAVCI	Staff, consultants, operational expenses (national trips, subsistence allowances, workshops and meetings, materials)	Road map/work plan developed in printable format.	
	A2.2.2 Convene a meeting of CIPIACI to resume prioritized actions	Staff, consultants, operational expenses (national and international trips, subsistence allowances, workshops and meetings, materials)	Road map/work plan validated and in printable format Register from the event and agreements	
	A2.2.3 Re-establish relations with the United Nations and generate missions and a Special Rapporteur's visit to areas where there are PIAVCI	Staff, consultants, operational expenses (national and international trips, subsistence allowances, workshops and meetings, materials)	Document or expression of interest from the UN Report of the UN mission	
	A2.3.1 Design and implement a communications strategy to systematize and enhance the capabilities of FENAMAD to make their work in defense of indigenous territories in Madre de Dios and Cusco visible	Staff, consultants, operational expenses (national trips, subsistence allowances, workshops and meetings, materials), software, costs of services for the design and printing of communications products.	Strategy for systemization of communications document Lessons learned document Communications products	

2.3.10 Proposed Budget from the ILFTF and Other Expected Sources

Work Sheet 1: Summary Budget for the Project. Duration: 12 Months

This is the summary of the budget for implementing the proposal presented by FENAMAD & SPDA. The details about counterpart funds that FENAMAD & SPDA currently receive and whose replacement is needed to continue the work of physical-legal territorial remediation which began in December 2013 with funding from the Activity Proposal Form No. 22 "Conflict Resolution in Native communities in Madre de Dios" are included in Annex No. 7, which is valid until March 2015. Importantly, it values the contributions of native communities where work is undertaken, considering their labor contributions, participation in the work, georeferencing, boundary marking and food preparation for field crews.

2.3.10.1 Budget Summary

Expenses*:	Funds Requested USD \$	Expenses Funded by Others USD \$
Salaries (include employee benefits) SPDA**	77,960.00	12,000.00
Salaries (include employee benefits)	272,355.00	40,000.00
Volunteers		
Consultants	69,700.00	10,000.00
Meetings expenses capacity building, dissemination	16,800.00	10,000.00
Travel & Lodging	53,767.00	-
Field Expenses	8,453.00	20,000.00
Materials & Supplies	5,320.00	3,000.00
Coordination expenses	30,720.00	5,000.00
Communications supplies	1,000.00	-
Design fees & printed materials	23,000.00	-
Audiovisuals (hosting, design, etc.)	600.00	-
Equipment, Software & Supplies	91,500.00	21,248.00
The counterpart contributions of the native communities	-	12,240.00
Total Direct Expenses	651,175.00	133,488.00
Indirect Overhead		
	15%	97,676.25
Total Expenses	748,851.25	133,488.00

*It is important to point out that owing to the number of communities to be titled, plus the complementary activities of the pilot project, the number of professionals currently contracted to work as volunteers on FENAMAD will be increased. The time spent in the field will be reduced because the proposal includes the purchase of a boat and outboard motor so that the number of teams able to work in parallel will increase to three.

** Appendix No. 6 includes the details of the professionals, staff and consultants who will participate in the implementation of this pilot project.

***This amount includes equipment acquired with USAID funds under the Project "Conflict Resolution in Madre de Dios Native Communities"¹⁶, as well as expected expenses chargeable to the same project.

¹⁶ See Appendix N° 7 which presents information about the native communities with which the Project is currently working in land titling with funding from the Support Unit of ICAA/USAID.

2.3.10.2 Budget by Activity

SO/Results/Activities	Y1	Comments
SO 1: Proper management of natural resources and the ability to exercise collective rights are strengthened in the communities benefited.	242,573	
R1.1: Physical-legal territorial remediation of 5 communities completed	203,140	
A1.1.1 Develop differentiated strategies and work plans to achieve the physical and legal consolidation of the five priority communities	240	
Materials & Supplies	120	
Coordination expenses	120	
A1.1.2 Strengthen the technical teams in FENAMAD and the Regional Government of Madre de Dios	43,800	
Meeting expenses, capacity building, dissemination	2,800	Training in the use of GPS
Travel & Lodging	1,500	
Meetings expenses capacity building, dissemination	6,000	Training on legal issues
Travel & Lodging	23,100	
Field Expenses	1,000	Field training
Materials & Supplies	1,200	
Coordination expenses	1,200	Logistical expenses
Communications supplies	1,000	
Equipment, Software & Supplies	2,000	Equipment FENAMAD/Regional Governmentl
Consulting	4,000	Training in physical-legal territorial remediation of NNCC
A1.1.3 Implement work plans in order to promote and support the legal physical remediation process, including convoking the community meeting, the identification and marking of boundaries, soil classification, map approval, among other actions.	159,100	
Coordination expenses	20,400	Direct cost FENAMAD (field logistics)
Equipment, Software & Supplies	40,000	Special printer for maps FENAMAD
Equipment, Software & Supplies	34,000	2 differential GPS (field work)
Equipment, Software & Supplies	7,000	60HP outboard engine (field work)
Equipment, Software & Supplies	5,000	Motorcycle (field work)
Equipment, Software & Supplies	3,500	Boat (field work)
Consulting	20,000	Soil studies CN Tipishca 100%
Consulting	9,200	Soil studies CN Boca Inambari 50%
Consulting	20,000	Soil studies CN Shiringayoc 100%
R1.2: The Regional Forest Monitoring Initiative in FENAMAD is strengthened	22,633.00	

A1.2.1 Train indigenous youth and community forestry monitors in community forest management for the proper use of forest resources in their communities	16,133	
Field Expenses	833	Training on legal issues
Materials & Supplies	4,000	Field and logistic expenses
Coordination expenses	1,300	Legal fees and logistic expenses
Coordination expenses	6,000	Direct cost FENAMAD (field logistics Forest monitoring)
Consulting	4,000	Training in forest management
A1.2.2 Through training and regional forest monitoring support the formalization of access to forest resources for communities that have forestry permits	3,500	
Meeting expenses capacity building, dissemination	2,000	Training Forest monitoring in native communities
Consulting	1,500	Training Forest monitoring in native communities
A1.2.3 Preparation of documents for monitoring of forest management activities, forms, templates, explanatory booklets, etc.	3,000	
Design fees & printed materials	3,000	Design and printing of 500 booklets, registration format
R1.3: A system for the legal defense of the territorial rights of native communities and PIAVCI is operative	10,200	
A1.3.1 Develop and implement a system of legal defense of the territorial rights of native communities and PIAVCI.	7,200	
Field Expenses	6,000	Field evidence for legal defense
Coordination expenses	1,200	Legal fees and logistic expenses
A1.3.2 Design and implement a training program for regional government authorities, FENAMAD and community leaders, and forest monitors for timely action to be taken against environmental offenses that occur in communities.	3,000	
Meetings expenses capacity building, dissemination	2,500	Training
Coordination expenses	500	Logistic expenses
R1.4: Indigenous territorial web multiplatform created and operative	6,600	
A1.4.1 In order to support the Madre de Dios Indigenous cadaster a territorial web multiplatform with cartographic information regarding communal territories and PIAVCI will be created and will be updated by FENAMAD	6,600	
Audiovisuals (hosting, design, etc.)	600	Domain and Hosting (payment for two years)
Consulting	6,000	Web design and maintenance 2 years
SO 2: Strengthening of political advocacy actions and indigenous legislation promoted by FENAMAD	58,287	
R2.1: Legislative/regulatory proposals and public policies (related to indigenous peoples and collective rights) disseminated amongst key actors in national and international arenas	22,800	
A2.1.1 Develop a proposal for a mechanism to incorporate the indigenous territorial land cadaster to the integrated national land information system	1,300	

Meeting expenses capacity building, dissemination	300	
Travel & Lodging	1,000	
A2.1.2 Formulate a plan for political advocacy for FENAMAD with the participation of key actors (which includes activities 2.1.3 and 2.1.4, amongst others) and initiate the implementation of this plan	10,500	
Travel & Lodging	500	
Design fees & printed materials	8,000	Plan for political advocacy (print, audiovisual)
Consulting	2,000	Plan for political advocacy
A2.1.3 Promote opportunities for dialogue between indigenous organizations, members of civil society and the state in order to generate proposals for policy improvements	6,000	
Meeting expenses capacity building, dissemination	600	
Travel & Lodging	5,400	
A2.1.4 Participate in the World Congress of the IUCN	5,000	
Travel & Lodging	5,000	
R2.2: CIPIACI Platform is operative	19,487	
A2.2.1 Develop a work plan for priority actions concerning PIAVCI	2,820	
Meetings expenses capacity building, dissemination	300	
Travel & Lodging	2,400	
Field Expenses	120	
A2.2.2 Convene a meeting of CIPIACI to resume prioritized actions	15,167	
Meeting expenses, capacity building, dissemination	2,000	
Travel & Lodging	12,667	
Field Expenses	500	
A2.2.3 Re-establish relations with the United Nations and generate missions and a Special Rapporteur's visit to areas where there are PIAVCI	1,500	
Meeting expenses, capacity building, dissemination	300	
Travel & Lodging	1,200	
R2.3: Better visibility for the actions of FENAMAD in favor of Madre de Dios indigenous peoples.	16,000	
A2.3.1 Design and implement a communications strategy to systematize and enhance the capabilities of FENAMAD to make their work in defense of indigenous territories in Madre de Dios and Cusco visible.	16,000	
Travel & Lodging	1,000	
Design fees & printed materials	12,000	Communications strategy
Consulting	3,000	Communications strategy

3. The Applicant

Name of organisation	Sociedad Peruana de Derecho Ambiental - SPDA ¹⁷
Name and Title of Legal Representative	Pedro Solano Morales
Contact Person for this Project (name, title, email)	Silvana Baldovino Directora del Programa de Conservación sbaldovino@spda.org.pe
Legal Status	☒ Yes ☐ No
Official Address	Avenida Prolongación Arenales N° 437, San Isidro, Lima
Country	PERÚ
Organization's Website	www.spda.org.pe
Telephone Number: Country code + city code + number	(511) 612 4700
Fax Number: Country code + city code + number	(511) 442-4365
Is your organisation linked with another entity? Example confederation / federation / alliance?	☐ Yes, parent entity: ☒ No, independent

4. The Partner(s)

¹⁷ The official documents for SPDA were sent electronically on August 5 2015.

This section must be completed for each Partner. You must make as many copies of this table as necessary to create entries for each additional Partner.

	Partner
Name of Organisation	Federación Nativa del Río Madre de Dios y Afluentes - FENAMAD ¹⁸
Name and Title of Legal Representative	Klaus Quicque Bolívar President
Partner's contact details for Project (name, title, email)	Klaus Quicque Bolívar President Email: kquique20@gmail.com kquique20@hotmail.com
Official address	Avenida 26 de diciembre N° 276, Puerto Maldonado, Madre de Dios, Perú.
Country	PERÚ
Organization's Website	www.fenamad.org.pe
Telephone number: Country code + city code + number	51-82-572499 51-982601776
Is your organisation linked with another entity E.g. confederation / federation / alliance?	☒ Yes, parent entity: AIDSEP y COICA ☐ No, independent
History of cooperation with the Applicant	History of joint work in the ACN No. 22 funded by ICAA Support Unit between December 2013 and today. More details in Appendix 7.

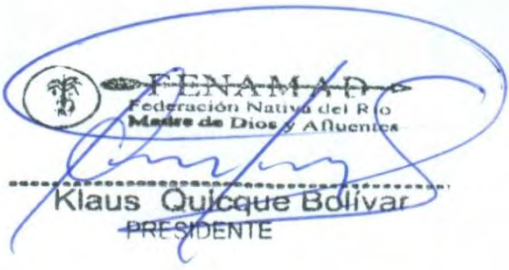
Important: This table must be accompanied by a signed and dated Mandate from each Partner, in accordance with the template provided below.

Mandate (for Partner(s))

¹⁸ The official documents for FENAMAD were sent electronically on August 5 2015.

The Partner(s) authorise the Applicant (SPDA) to submit on their behalf the present project document to the Contracting Authority, as well as, to be represented by the Applicant in all matters concerning this project.

I have read and approved the contents of the proposal submitted to the Contracting Authority. I undertake to comply with the principles of good partnership practice.

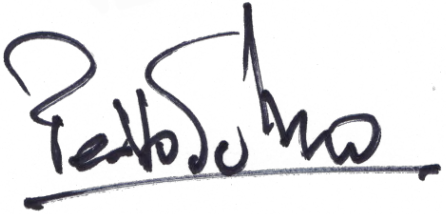
Name:	Klaus Quique Bolívar
Organisation:	Federación Nativa del Río Madre de Dios y Afluentes - FENAMAD
Position:	President
Signature:	 The signature is a blue ink scribble over the official stamp. The stamp includes the FENAMAD logo (a circular emblem with a tree and a person), the text 'FENAMAD', 'Federación Nativa del Río Madre de Dios y Afluentes', and the printed name 'Klaus Quique Bolívar' with 'PRESIDENTE' below it.
Date and place:	Puerto Maldonado, 17 September 2015

5. Declaration by the Applicant

The Applicant, represented by the undersigned, being the authorised signatory of the Applicant, in the context of the present funding mechanism, representing any Partners(s) in the proposed Action, hereby declares that:

- the Applicant has the sources of financing specified in the Budget of the Action;
- the Applicant has sufficient financial capacity to carry out the proposed Action or work program;
- the Applicant certifies the legal statues of the Applicant, of the Partner(s);
- the Applicant, the Partner(s) and the Associate(s) have the professional competences and qualifications required to successfully complete the proposed Action;
- the Applicant undertakes to comply with the obligations foreseen in the Partner's statement and with the principles of good partnership practice;
- the Applicant is directly responsible for the preparation, management and implementation of the Project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary;
- the Applicant and each Partner (if any) is in a position to deliver immediately, upon request, any necessary supporting documents required by the Contracting Authority.

Signed on behalf of the Applicant

Name	Pedro Solano Morales
Signature	
Position	Executive Director
Date	17 September 2015

Ficha descriptiva de comunidades priorizadas

Nombre:	BOCA PARIAMANU
N° de familias:	28
Grupo etnolingüístico:	HARAHUACAS
Ubicación:	TAMBOPATA – TAMBOPATA – MADRE DE DIOS
Territorio (Has) /titulada/ Sesión en uso/otras:	4,574.64 HAS TITULADA
Acceso Fluvial-terrestre/Tiempo estimado:	Vía terrestre hasta el embarcadero La Pastora luego por vía fluvial por río madre de dios hasta llegar a la intersección con el río Las Piedras continuando por el mismo aguas arriba, aproximadamente 4 horas surcando
Principales actividades:	AGRICULTURA, CAZA, RECOLECCION (Castaña, aguaje, ungurabi y otros) Y PESCA
Dirigentes/contactos/Teléfonos:	Presidente: JUAN INUMA
Descripción de la problemática:	La comunidad cuenta con título de propiedad otorgado en 1986, que fueron levantados con topografía clásica esto implicaría inexactitud en los límites, área y demás datos técnicos dejando problemas limítrofes; además el hecho que no se cuente con una información digital grafica ha ocasionado el otorgamiento concesiones de castaña circundantes al territorio de la comunidad, sin considerar los límites territoriales de la comunidad, por consiguiente existe superposición de áreas con concesiones de castaña.
Justificación de la intervención:	Permitirá realizar actividades de reconocimiento y apertura de linderos, monumentación de hitos y georreferenciación de límites comunales dando como resultado una base digital actualizada, el cual permitirá tener datos exactos geoespaciales teniendo una exactitud sub-métrica en área, perímetro, centroide y otros datos técnicos; para luego emitir los instrumentos rectificatorios a través de la DRA y su posterior inscripción y/o modificación de datos en la oficina registral de Madre de Dios, dando seguridad jurídica al territorio comunal.

Ficha descriptiva de comunidades priorizadas

Nombre:	SHINTUYAZ	
N° de familias:	165	
Grupo etnolingüístico:	HARAKMBUT	
Ubicación:	MANU –MANU – MADRE DE DIOS	
Territorio (Has) /titulada/ Sesión en uso/otras:	5,670.00 HAS TITULADA	
Acceso Fluvial-terrestre/Tiempo estimado:	Vía terrestre hasta el departamento de Cusco (11 horas), luego por vía terrestre hasta llegar a la localidad de Salvación (8 horas) continuando por vía terrestre a la Comunidad de Shintuya (2 horas)	
Principales actividades:	AGRICULTURA, CAZA, PESCA, MANEJO FORESTAL Y TURISMO VIVENCIAL.	
Dirigentes/contactos/Teléfonos:	Presidente: CEL.	
Descripción de la problemática:	La comunidad cuenta con título de propiedad otorgado en 1979, que fueron levantados con topografía clásica esto implicaría inexactitud en los límites, área y demás datos técnicos dejando problemas limítrofes; además el hecho que no se cuente con una información existe la invasión por parte de colonos a los territorios de la comunidad por no contar con señalización y demarcación de su territorio a sí mismo el incremento de tala ilegal en la zona que ocasiona problemas a la comunidad. Sin la determinación de límites de la comunidad conlleva a un problema con la presencia de solicitudes de concesión de turismo ya que la zona cuenta con potencial turístico.	
Justificación de la intervención:	Permitirá realizar actividades de reconocimiento y apertura de linderos, monumentación de hitos y georreferenciación de límites comunales dando como resultado una base digital actualizada, el cual permitirá tener datos exactos geoespaciales teniendo una exactitud sub-métrica en área, perímetro, centroide y otros datos técnicos; para luego emitir los instrumentos rectificatorios a través de la DRA y su posterior inscripción y/o modificación de datos en la oficina registral de Madre de Dios, dando seguridad jurídica al territorio comunal. Determinado los límites exactos del territorio comunal.	

Grupo etnolingüístico:	HARAKMBUT
Ubicación:	HUAPETUE–MANU – MADRE DE DIOS
Territorio (Has) /titulada/ Sesión en uso/otras:	56,873.00 HAS TITULADA
Acceso Fluvial-terrestre/Tiempo estimado:	Vía terrestre al embarcadero Puerto Carlos (2.5 horas) cruzando el río Inambari, para continuar por vía terrestre hasta llegar a poblado de Delta 1 (1 hora) continuando por vía terrestre (motocicleta) por trocha hasta llegar a la Comunidad Nativa Puerto luz (1 hora)
Principales actividades:	AGRICULTURA, CAZA, PESCA, MANEJO FORESTAL.
Dirigentes/contactos/Teléfonos:	Presidente: JHONY CEL.
Descripción de la problemática:	La comunidad cuenta con título de propiedad otorgado en 1986, que fueron levantados con topografía clásica esto implicaría inexactitud en los límites, área y demás datos técnicos dejando problemas limítrofes; además el hecho que no se cuente con una información digital grafica ha ocasionado el otorgamiento concesiones mineras circundantes al territorio, sumado a esto el incremento de la migración de posesionarios realzando trabajos agrícolas en territorio comunal, depredación del territorio por causas de la minería excesiva, por no contar con límites claros e identificados del territorio de la comunidad.
Justificación de la intervención:	Permitirá realizar actividades de reconocimiento y apertura de linderos, monumentación de hitos y georreferenciación de límites comunales dando como resultado una base digital actualizada, el cual permitirá tener datos exactos geoespaciales teniendo una exactitud sub-métrica en área, perímetro, centroide y otros datos técnicos; para luego emitir los instrumentos rectificatorios a través de la DRA y su posterior inscripción y/o modificación de datos en la oficina registral de Madre de Dios, dando seguridad jurídica al territorio comunal. Determinado los límites exactos del territorio comunal.

Ficha descriptiva de comunidades priorizadas

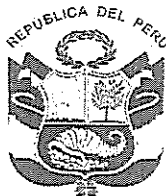
Ficha descriptiva de comunidades priorizadas

Nombre:	SHIRINGAYOC
N° de familias:	25
Grupo etnolingüístico:	MATSHIGUENKA
Ubicación:	INAMBARI –TABOPATA – MADRE DE DIOS
Territorio (Has) /titulada/ Sesión en uso/otras:	12,045.00 HAS TITULADA
Acceso Fluvial-terrestre/Tiempo estimado:	Vía terrestre hasta llegar a la localidad de Laberinto (1 hora), continuando por vía fluvial por el río Madre de Dios surcando aguas arriba a 2.5 horas aproximadamente hasta llegar a la Comunidad Nativa.
Principales actividades:	AGRICULTURA, CAZA, PESCA, MANEJO FORESTAL, MINERÍA ARTESANAL.
Dirigentes/contactos/Teléfonos:	Presidente: CEL.
Descripción de la problemática:	La comunidad cuenta con título de propiedad otorgado en 1998, que fueron levantados con topografía clásica esto implicaría inexactitud en los límites, área y demás datos técnicos dejando problemas limítrofes; además el hecho que no se cuente con una información georreferenciada existe la problemática de la delimitación territorial con la superposición de otros derechos en proceso de otorgamiento, solicitudes de concesión de castaña, reforestación y maderables, los cuales vulneran los derechos territoriales de la comunidad nativa, a esto se suma la creación de zonas de conservación regional que podría conllevar a un conflicto territorial.
Justificación de la intervención:	Permitirá realizar actividades de reconocimiento y apertura de linderos, monumentación de hitos y georreferenciación de límites comunales dando como resultado una base digital actualizada, el cual permitirá tener datos exactos geoespaciales teniendo una exactitud sub-métrica en área, perímetro, centroide y otros datos técnicos; para luego emitir los instrumentos rectificatorios a través de la DRA y su posterior inscripción y/o modificación de datos en la oficina registral de Madre de Dios, dando seguridad jurídica al territorio comunal. Determinado los límites exactos del territorio comunal.

Ficha descriptiva de comunidades priorizadas

Nombre:	TIPISHKA
N° de familias:	24
Grupo etnolingüístico:	YINE
Ubicación:	LAS PIEDRAS –TABOPATA – MADRE DE DIOS

Territorio (Has) /titulada/ Sesión en uso/otras:	3,951.00 HAS NO TITULADA
Acceso Fluvial-terrestre/Tiempo estimado:	Vía terrestre hasta llegar al sector denominado Sabaluyoc (2 horas), continuando por vía fluvial por río Las Piedras (2 horas) hasta llegar a la comunidad nativa.
Principales actividades:	AGRICULTURA, CAZA, PESCA, RECOLECCION.
Dirigentes/contactos/Teléfonos:	Presidente: ENRIQUE FERNANDEZ CEL.
Descripción de la problemática:	Esta comunidad no cuenta con título de propiedad, está reconocida por el estado el libro de comunidades nativas el año 2010, se tiene presentado el expediente de titulación a la Dirección de Saneamiento Físico Legal entidad del estado encargado de realizar el proceso de saneamiento, a su vez existe el riesgo de superposicion con otros derechos solicitados de concesiones de Ecoturismo y de conservación. La comunidad está asentada desde el año 1998, el cual le daría derecho posesorio del territorio, frente a los otros derechos solicitados en el mismo espacio.
Justificación de la intervención:	Permitirá realizar actividades de reconocimiento y apertura de linderos, monumentación de hitos y georreferenciación de límites comunales dando como resultado una base digital actualizada, el cual permitirá tener datos exactos geoespaciales teniendo una exactitud sub-métrica en área, perímetro, centroide y otros datos técnicos; para luego emitir el título de propiedad a través de la DRA y su posterior inscripción en la oficina registral de Madre de Dios, dando seguridad jurídica al territorio comunal. Determinado los límites exactos del territorio comunal.



Resolución Ministerial

N° 240-2015-MC

Lima, 23 JUL 2015

VISTOS, el Memorando N° 247-2015-VMI-MC del Viceministerio de Interculturalidad y el Informe N° 569-2015-OGAJ-SG/MC de la Oficina General de Asesoría Jurídica; y,

CONSIDERANDO:

Que, mediante Ley N° 29565 se creó el Ministerio de Cultura, como organismo del Poder Ejecutivo con personería jurídica de derecho público y con autonomía administrativa y económica, constituyendo pliego presupuestal del Estado que tiene áreas programáticas de acción sobre las cuales ejerce competencias, funciones y atribuciones para el logro de sus objetivos y metas, siendo una de tales áreas programáticas de acción, la pluralidad étnica y cultural de la Nación;

Que, la Ley N° 28736, Ley para la Protección de Pueblos Indígenas u Originarios en Situación de Aislamiento y en Situación de Contacto Inicial, establece el Régimen Especial Transeccional de protección de los pueblos indígenas en la amazonia peruana que se encuentran en situación de aislamiento o en situación de contacto inicial, garantizando en particular sus derechos a la vida y la salud;

Que, el artículo 5 del Reglamento de la Ley N° 28736, aprobado por Decreto Supremo N° 008-2007-MIMDES, establece que corresponde al ente rector del Régimen Especial Transeccional evaluar, planificar y supervisar las medidas y acciones destinadas a la protección de los pueblos indígenas que se encuentran en situación de aislamiento o en situación de contacto inicial;

Que, el literal d) del artículo 7 del Reglamento de la Ley, asigna como una de las funciones del ente rector del Régimen Especial Transeccional, establecer los protocolos de actuación ante situaciones de contacto no deseado;

Que, conforme a lo dispuesto en el literal i) del artículo 3 y en el artículo 36 del Reglamento de la Ley, los protocolos de actuación son documentos que contienen reglas, procedimientos e información que deben ser acatados por cualquier agente externo a la reserva indígena, ante situaciones de avistamiento o contacto con un pueblo indígena en situación de aislamiento y en situación de contacto inicial, por lo que este instrumento es de alcance general;

Que, en observancia de lo prescrito por la Primera Disposición Final de la Ley N° 29253, la cual precisa que toda referencia normativa efectuada al MIMDES, deberá entenderse al Instituto Nacional de Desarrollo de Pueblos Andinos, Amazónicos y Afroperuano - INDEPA; así como por la Ley N° 29565, que dispuso la adscripción del Instituto Nacional de Desarrollo de Pueblos Andinos, Amazónicos y Afroperuano - INDEPA al Ministerio de Cultura, corresponde a éste último aprobar los protocolos de actuación, los cuales deberán ser acatados por cualquier agente



externo, ante el avistamiento o contacto con un pueblo indígena en situación de aislamiento o en situación de contacto inicial;

Que, mediante Informe N° 118-2015-DGPI-VMI-MC, la Dirección General de Derechos de los Pueblos Indígenas eleva al Viceministerio de Interculturalidad una propuesta de "Protocolo de Actuación ante el Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento y para el Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial";

Que, a través de Memorando N° 247-2015-VMI-MC, el Viceministerio de Interculturalidad remite la propuesta de "Protocolo de Actuación ante el Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento y para el Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial";

Que, mediante Informe N° 569-2015-OGAJ-SG/MC, la Oficina General de Asesoría Jurídica señala que la propuesta de "Protocolo de Actuación ante el Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento y para el Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial" ha sido elaborada en observancia del ordenamiento jurídico vigente;

Con el visado de la Viceministra de Interculturalidad, de la Directora General de la Dirección General de Derechos de los Pueblos Indígenas, de la encargada de las funciones de la Dirección de Pueblos en Aislamiento y Contacto Inicial, y de la Directora General de la Oficina General de Asesoría Jurídica; y,

De conformidad con la Ley N° 28736, Ley para la Protección de Pueblos Indígenas u Originarios en Situación de Aislamiento y en Situación de Contacto Inicial; el Decreto Supremo N° 008-2007-MIMDES que aprobó el Reglamento de la Ley N° 28736; y, la Ley N° 29565, Ley de creación del Ministerio de Cultura;

SE RESUELVE:

Artículo 1°.- Aprobar el "Protocolo de Actuación ante el Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento y para el Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial", el cual en documento anexo forma parte integrante de la presente Resolución Ministerial.

Artículo 2°.- Disponer la publicación del "Protocolo de Actuación ante el Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento y para el Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial", aprobado mediante la presente Resolución Ministerial, en el portal institucional del Ministerio de Cultura (www.cultura.gob.pe).

Regístrese, comuníquese y publíquese.


DIANA ALVAREZ-CALDERÓN
Ministra de Cultura

PROTOCOLO DE ACTUACIÓN ANTE EL HALLAZGO, AVISTAMIENTO O CONTACTO CON PUEBLOS INDÍGENAS EN AISLAMIENTO Y PARA EL RELACIONAMIENTO CON PUEBLOS INDÍGENAS EN SITUACIÓN DE CONTACTO INICIAL

I. OBJETO

El presente protocolo tiene por objeto establecer las conductas y procedimientos a implementarse frente a situaciones de hallazgo, avistamiento o contacto con los pueblos indígenas en aislamiento o ante el relacionamiento con un pueblo indígena en situación de contacto inicial.

II. FINALIDAD

Evitar o reducir los riesgos sobrevinientes a una situación de hallazgo, avistamiento o contacto con un pueblo indígena en situación de aislamiento o ante una situación de relacionamiento con un pueblo indígena en situación de contacto inicial, y de ser el caso, atender las emergencias sobrevinientes a éstas.

BASE LEGAL

- Constitución Política del Perú
- Convenio N° 169 de la Organización Internacional del Trabajo (OIT) sobre Pueblos Indígenas y Tribales en países independientes.
- Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas.
- Ley N° 26834, Ley de Áreas Naturales Protegidas.
- Ley N° 28736, Ley para la Protección de los Pueblos Indígenas u Originarios en Situación de Aislamiento o en Situación de Contacto Inicial.
- Ley N° 29565, Ley de Creación del Ministerio de Cultura.
- Decreto Supremo N° 038-2001-AG, que aprueba el Reglamento de la Ley N° 26834.
- Decreto Supremo N° 008-2007-MIMDES, que aprueba el Reglamento de la Ley N° 28736.
- Decreto Supremo N° 006-2013-MC, que aprueba el Reglamento de Organización y Funciones del Ministerio de Cultura.
- Decreto Supremo N° 001-2014-MC, mediante la cual "Declaran el reconocimiento de los Pueblos Indígenas u Originarios en Situación de Aislamiento y Contacto Inicial ubicados en distintas reservas territoriales."
- Resolución Ministerial N° 797-2007-MINSA, que aprueba la "Guía Técnica: Relacionamiento para casos de interacción con indígenas en aislamiento o contacto reciente".
- Resolución Ministerial N° 798-2007-MINSA, que aprueba la "Guía Técnica: Atención de Salud a Indígenas en Contacto Reciente y en Contacto Inicial en riesgo de alta mortalidad".

- Resolución Ministerial N° 799-2007-MINSA, que aprueba la "Norma Técnica de Salud: Prevención, contingencia ante el Contacto y Mitigación de Riesgos para la Salud en escenarios con presencia de Indígenas en Aislamiento y en Contacto Reciente".
- Resolución Viceministerial N° 004-2013-VMI-MC, que crea el Registro de Pueblos Indígenas en Situación de Aislamiento y en Situación de Contacto Inicial y el Registro de Reservas Indígenas.
- Resolución Viceministerial N° 008-2013-VMI-MC, que aprueba la Directiva N° 001-2013-VMI-MC "Normas, Pautas y Procedimientos para el Registro de los Pueblos Indígenas en Situación de Contacto Inicial y el Registro de Reservas Indígenas"
- Resolución Viceministerial N° 012-2014-VMI-MC, que aprueban la Directiva N° 004-2014-VMI-MC "Normas pautas y procedimientos que regulan los Autorizaciones excepcionales de ingreso a las Reservas Indígenas".



IV. ALCANCE



El presente Protocolo recae en todo/a agente externo/a que efectúe algún hallazgo, avistamiento o contacto con pueblos indígenas en situación de aislamiento y/o desarrolle algún tipo de relacionamiento con pueblos indígenas en situación de contacto inicial, tanto al interior de las reservas territoriales o indígenas como en zonas colindantes o aledañas y cualquier otro lugar con presencia de estos pueblos.

Así mismo, será de aplicación al personal de las entidades públicas y privadas que en el ejercicio de sus funciones o actividades y en cumplimiento al marco legal de protección a PIACI efectúen hallazgos, avistamientos, contacto o relacionamiento con los pueblos antes mencionados⁷.



V. DISPOSICIONES GENERALES

5.1. Principios Fundamentales

Las conductas y la implementación de procedimientos frente a las contingencias con PIACI se sustentan en los principios desarrollados a continuación.

Principio Pro Homine.- Implica la aplicación de aquella norma que sea más favorable al ser humano y que garantice de la manera más efectiva posible los derechos humanos y los derechos fundamentales reconocidos en la Constitución Política del Perú.

Principio de No Contacto.- Quienes en el desarrollo de sus actividades públicas o privadas se encuentren en zonas próximas a las Reservas Territoriales y/o Indígenas o en zonas con presencia de pueblos indígenas en situación de aislamiento, deberán evitar el contacto, debido a su situación de particular vulnerabilidad al no haber desarrollado una respuesta inmunológica adecuada ante el contacto con poblaciones externas.

Principio de Prevención.- Cualquiera que desarrolle actividades en las zonas próximas a las Reservas Territoriales y/o Indígenas, dentro de ellas o en zonas con presencia de

⁷ Para el caso del personal del Sector Salud que en el ejercicio de funciones deba intervenir ante hallazgos, avistamientos, contacto con pueblos indígenas en aislamiento o ante el relacionamiento con los pueblos indígenas en situación de contacto inicial, aplicará su Norma y Guías Técnicas específicas, siendo el presente Protocolo de aplicación complementaria.

pueblos indígenas en situación de aislamiento o situación de contacto inicial, deberá implementar acciones tendientes a evitar y/o mitigar cualquier impacto o afectación que pudiera llegar a producirse a la vida o salud de dichos pueblos.

Principio de Autodeterminación.- Consiste en el respeto y garantía a la decisión de los PIACI de mantenerse en aislamiento o en situación de contacto inicial. El respeto a la decisión de mantenerse en aislamiento conlleva a la toma de medidas efectivas para evitar que personas ajenas o las acciones de éstas, puedan afectar o influir, ya sea accidental o intencionalmente a los PIA.

Principio de Vulnerabilidad.- La actuación o desarrollo de cualquier actividad se efectúa considerando que los derechos de los PIACI se encuentran expuestos a una situación de vulnerabilidad frente a cualquier contacto. Las conductas y procedimientos que se implementen frente a las contingencias deberán considerar en todo momento dicha situación de vulnerabilidad.

Principio de Acción Sin Daño.- Principio aplicable en materia de salud a los pueblos indígenas en situación de contacto inicial; conlleva tanto la garantía del derecho a la vida como el establecimiento de medidas que permitan obtener el mayor nivel posible de salud.

En ese sentido, los programas del Estado para la protección de la salud de los PICI a cargo del Sector Salud, en el marco de su normativa y del ejercicio de su rectoría, deberán contemplar un enfoque intercultural y evitar la transmisión de enfermedades a las personas pertenecientes a dichos pueblos y garantizar el acceso y uso tanto de sus medicinas tradicionales como del sistema biomédico.

VI. DISPOSICIONES ESPECÍFICAS

A continuación se contemplan escenarios particulares que se vienen presentando en distintas zonas con presencia de PIACI, los cuales ameritan el desarrollo de procedimientos que garanticen la protección de la vida y la salud tanto de estos pueblos como de los/as agentes externos/as que participen en las contingencias que pudieran suscitarse.

6.1. Actuación frente al Hallazgo, Avistamiento o Contacto con Pueblos Indígenas en Aislamiento

6.1.1. En Caso de Hallazgo de Evidencias sobre Presencia de PIA

- El principal objetivo es evitar que este se transforme en un avistamiento o contacto, tanto pacífico como violento.
- La estrategia principal es proceder a retirarse del lugar del hallazgo de manera ordenada y calmada en tanto sea posible.

a) En caso de producirse un hallazgo de PIA deberá implementarse el siguiente procedimiento:

1. Detener la marcha y realizar un rápido registro visual en todas direcciones, con atención a algún movimiento o sonido en el bosque.

2. Prevenir a las demás personas presentes del hallazgo, de preferencia con gestos o en voz baja.
3. Dejar de efectuar las tareas que en el momento del hallazgo se llevaban a cabo.
4. Mantener la distancia del hallazgo. No manipular ni llevarse el objeto o material encontrado.
5. Si el hallazgo encontrado se tratase o involucrase la existencia de restos humanos o un cadáver se deberá tener especial cuidado y prevención de evitar el contacto (moverlo o cubrirlo).
6. Retirarse de la zona en la dirección por donde se llegó de manera calmada y en silencio, sin demoras, prestando atención a movimientos o sonidos en el bosque.
7. No permanecer, volver o rastrear la zona de la contingencia para encontrar a los PIA o mayores hallazgos.
8. Comunicarse en forma inmediata a la autoridad más cercana (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) al lugar de la contingencia, quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.



b) Solo para trabajadores capacitados del Ministerio de Cultura.

1. Si el hallazgo no consiste en señales de peligro (flechas, lanzas o arcos rotos, agrupadas al borde del río, atravesadas en una senda o trocha obstruyendo su tránsito, clavadas en un árbol o atravesando un animal o colocadas de forma camuflada) y/o señales de presencia reciente de PIACI en el área (hoguera con ceniza humeante, pisadas recientes, tambos con hojas frescas, etc.), se procederá hacer un registro detallado del mismo, según los formatos de Monitoreo de PIACI formulados por la DACI del Ministerio de Cultura.
2. En caso el hallazgo se tratase o involucrase la existencia de restos humanos o un cadáver deberá tenerse especial cuidado y prevención de evitar el contacto (no moverlo o cubrirlo). Asimismo, deberá señalizarse o tomar registro fotográfico del área próxima al hallazgo para que sirva de referencia para su posterior investigación. Inmediatamente después se activará el procedimiento de Alerta Temprana contemplado en el numeral 6.1.4 del presente Protocolo, comunicando al Sector Salud quien atenderá la contingencia de acuerdo a su Norma Técnica y Guías de Salud aplicables.

6.1.2. En caso de avistamientos de PIA

- En caso de producirse un avistamiento de PIA, el objetivo principal es evitar que se transforme en un contacto, ya sea pacífico o violento.
- La estrategia principal en caso de avistamiento es proceder a retirarse del lugar del avistamiento de manera ordenada y calmada en tanto sea posible.

a) En caso de producirse un avistamiento deberá seguirse el siguiente procedimiento:

1. No promover contacto con PIA, no acercarse, llamarlos, seguirlos ni atraerlos.
2. Evitar gestos que puedan ser interpretados como señal de temor, desesperación o agresión, como gritos o actitudes de confrontación.

3. Dejar de efectuar las tareas que en el momento del avistamiento se llevaban a cabo.
4. Queda terminantemente prohibido permanecer, volver o rastrear la zona de la contingencia para encontrar a los PIA o realizar mayores avistamientos y/o hallazgos.
5. Si el avistamiento es respecto de miembros PIA con señales de enfermedad como son vómitos, vientre abultado, piel con lesiones o erupciones, palidez o coloración amarilla, cabello decolorado o dificultad clara en el caminar; se deberá comunicar inmediatamente al personal del establecimiento de salud más cercano, quien actuará de acuerdo a los protocolos consignados en la Norma y Guías Técnicas de Salud para PIACI del Ministerio de Salud.
6. Si el avistamiento es sucedido por un intento de establecer diálogo o contacto físico por parte de los PIA, se comunicará en forma inmediata a la autoridad más próxima a la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.



b) En caso de producirse un avistamiento de PIA en la ribera de un río desde una embarcación deberá implementarse lo siguiente:

1. En ningún caso se detendrá la marcha de la embarcación, ni acercarse a la ribera donde se encuentren los PIA. Así mismo, no deberá hacerles señas, gestos y mucho menos lanzarles objetos.
2. Si se avistan PIA mientras se surca una quebrada menor es recomendable dar media vuelta y retornar al lugar de partida, debido a que se corre alto riesgo de encontrar más PIA quebrada arriba.
3. Si se avistan PIA en la ribera de un río principal⁸ se puede continuar en tanto se pueda llegar a un lugar seguro (campamento o comunidad) y se evalúen las condiciones de seguridad.
4. Tratar de navegar en lo posible pegado a la ribera opuesta donde se encuentren los PIA.

c) En caso de producirse un avistamiento de PIA en las inmediaciones de una comunidad o un campamento deberá implementarse lo siguiente:

1. Poner en alerta a los/as comuneros/as o personal presente sin hacer demasiado ruido.
2. Retirarse en silencio y con calma para buscar refugio en un lugar seguro procurando mantenerse juntos al interior del campamento, local comunal, escuela, posta de salud u otro lugar similar.
3. Los/as niños/as deben mantenerse siempre bajo la supervisión de personas adultas, incluso en los días posteriores de un avistamiento cerca de una comunidad.
4. Bajo ninguna circunstancia se deberá ir en busca del PIA o atraerlos.
5. Comunicarse en forma inmediata a la autoridad más próxima a la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local,

⁸ Un río principal es un río caudaloso, de alto drenaje y navegable.

regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.

d) En caso de producirse un avistamiento al interior del bosque, lejos de una comunidad o campamento deberá seguirse el siguiente procedimiento:

1. Prevenir a las demás personas presentes del encuentro, de preferencia con gestos o en voz baja. Es preferible que todos se mantengan juntos.
2. Es probable que los PIA se internen bosque adentro. En ese caso, deberá retirarse en silencio y de forma calmada por el camino donde se llegó a esa zona, hasta llegar a un lugar seguro (campamento, comunidad, etc.), prestando atención a movimientos o sonidos en el bosque.
3. Si los PIA denotan señales de rechazo o peligro como lanzar flechas o cualquier otro objeto, gritar, golpear a los árboles, efectuar gestos con brazos en alto, puños cerrados, o inician la persecución en dirección de quien los avista, deberá procederse al retiro inmediato hasta llegar a un lugar seguro (campamento, comunidad u otro lugar similar).
4. Comunicarse en forma inmediata a la autoridad más próxima de la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.

6.1.3. Procedimiento en caso de contacto con PIA

De producirse una situación de contacto, los objetivos principales son:

- Que no traiga consecuencias negativas como enfermedades para los PIA.
- Que se desarrolle sin ningún tipo de violencia.
- Que se desarrolle en el menor tiempo posible.

a) Las acciones desarrolladas a continuación son exclusivamente para los casos en que los PIA busquen el contacto.

1. Durante un contacto deberá considerarse siempre la especial situación de vulnerabilidad de la salud de los PIA, dado su mayor nivel de exposición a enfermedades ajenas a su medio y su reducida capacidad de respuesta inmunológica.
2. Deberán dejarse las tareas que en el momento del contacto se llevaban a cabo para prestar total atención a este hecho.
3. Mantener una actitud pasiva, con movimientos pausados y silenciosos. No mostrar gestos o actitudes de temor, malestar o enojo.
4. No efectuar señales luminosas como las provocadas por el uso de flash.
5. Evitar mostrar o usar cualquier tipo de armas.
6. No entregarles medicina, ropa usada o alimentos foráneos. El suministro de medicinas, en caso sea necesario, estará a cargo del personal del Sector Salud.
7. Mantener fuera de la situación de contacto y a distancia a la población que presenta síntomas de enfermedades infectocontagiosas, físicamente vulnerable, de preferencia a los/as menores ajenos/as a los PIA.



8. Limitar el tiempo del contacto a lo estrictamente necesario.
 9. Los PIA no deben interactuar con más personas de las necesarias y salvo en casos de atención a emergencias de salud, se deberá guardar con ellos una distancia mínima de 5 metros.
 10. Comunicarse en forma inmediata a la autoridad más próxima a la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.
- b) Si el contacto se produce en el bosque, lejos de algún campamento o comunidad, podría presentarse una reacción violenta por parte de los PIA, al sentirse invadidos en su territorio.



En estos casos se deberá implementar lo siguiente:

1. El objetivo es terminar el contacto y efectuar la retirada lo más pronto posible.
 2. Es preferible que los/as agentes externos/as se mantengan unidos en todo momento.
 3. Se deberá mantener una actitud pasiva, evitando siempre que se transforme en una situación violenta.
 4. Si alguien habla la lengua de los PIA deberá comunicar (una persona a la vez) sobre las intenciones propias: "Somos gente buena", "No queremos hacerles daño" "Nos vamos a retirar". La comunicación deberá tener por objetivo terminar el contacto. Si nadie puede comunicarse en la lengua de los PIA se deberán transmitir estos mensajes por medio de señas y/o gestos.
 5. Comunicar a otros/as agentes externos/as cercanos que deben retirarse, de preferencia con gestos y/o en voz baja, sin entrar en pánico.
 5. Empezar la retirada en forma calmada y en silencio.
 6. Si en cualquier momento los PIA dan muestras de agresión y/o rechazo, como es lanzar flechas o cualquier otro objeto, gritar, golpear a los árboles, efectuar gestos con brazos en alto, puños cerrados, se deberá proceder al retiro inmediato hasta llegar a un lugar seguro.
 7. Comunicarse en forma inmediata a la autoridad más próxima a la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.
- c) Sólo para los casos en que se ha desarrollado una situación extrema de contacto con PIA en una comunidad o campamento habitado por personas ajenas a su pueblo, que probablemente responda a requerimientos específicos como alimentos y/o herramientas o atención en salud.



Los procedimientos desarrollados a continuación son de naturaleza excepcional y responden a situaciones específicas que se vienen presentando en determinados ámbitos geográficos previamente evaluados por el Ministerio de Cultura. Estos procedimientos no deben ser considerados como habituales ante la incursión o presencia de PIA en comunidades o campamentos:

1. Prevenir a toda la población del hecho, la cual deberá mantenerse unida o en grupos grandes, de preferencia resguardados en lugares seguros (posta médica, salón comunal, domicilio, entre otros). Los/as niños/as deben mantenerse siempre bajo la supervisión de personas adultas, incluso en los días posteriores de un contacto cerca de una comunidad.
2. Comunicarse en forma inmediata a la autoridad más próxima a la contingencia (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) quien deberá informar por cualquier medio de comunicación disponible al Ministerio de Cultura. El procedimiento a seguir se detalla en el numeral 6.1.4 Alerta Temprana.
3. Una persona que entienda la lengua en que se comunican los PIA deberá ser el/la principal interlocutor/a. Deberá mantenerse la calma y prestar atención a las reacciones de los PIA. La comunicación debe darse con una persona a la vez, informando a los PIA sobre las intenciones propias: "Somos gente buena. No queremos hacerles daño." Asimismo, deberá consultarse información clave para manejar la situación "¿Qué quieren? ¿Qué necesitan? ¿Están enfermos? ¿Cuántos son? ¿De dónde vienen?".
4. Si los PIA portan armas (arco y flecha, lanzas, piedras u otros elementos similares) se les deberá indicar que las pongan en el suelo para poder comunicarse, enfatizando el hecho que uno/a mismo/a está también desarmado.
5. En caso que nadie puede comunicarse en la lengua de los PIA, deberá tratarse de transmitir estos mensajes por medio de señas y/o gestos.
6. En caso se presenten PIA con necesidad de atención en salud, deberán ser atendidos por personal calificado, en cumplimiento de los protocolos consignados en la Norma y Guías Técnicas de Salud para PIACI del Ministerio de Salud. De no encontrarse personal de salud en ese momento será puesto en aviso a la brevedad.
7. Si bien es preferible no compartir objetos con los PIA, en algunas situaciones excepcionales podría entregarse alimentos de la chacra para el consumo directo como son frutas locales. Así mismo, podría entregarse objetos básicos como ollas, machete y/o sogá.
8. No deberá compartirse alimentos o bebidas de un mismo recipiente, no entregar comida enlatada o envasada. Evitar la entrega de ropa, debido a que puede generar enfermedades a los PIA.
9. De considerarse necesario, el intercambio o entrega de bienes no deberá realizarse directamente en las manos de los PIA. Se debe dejar los objetos en un punto guardando una distancia mínima de 5 metros para que puedan ser recogidos. Si los PIA se encuentran en la otra ribera de la quebrada, se pueden utilizar embarcaciones pequeñas (canoas) sólo para trasladar dichos bienes.
10. En cualquier caso, se deben aceptar los objetos que los PIA puedan ofrecer y no evitar que tomen algún objeto propio.
11. Si los PIA no se retiran luego de este intercambio se esperaran indicaciones del Ministerio de Cultura.
12. Si en cualquier momento el contacto se torna violento por parte de los PIA es preferible mantener a toda la población resguardada en un lugar seguro (escuela, salón comunal, posta, etc.) o evacuar la comunidad temporalmente hacia otro lugar.



6.1.4. Alerta Temprana

a) Acciones de Reporte

Avisar de manera inmediata al/la representante del Estado, autoridad, líder u organización indígena (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) más próxima a la contingencia, quien deberá informar al Ministerio de Cultura al teléfono (01) 6189393 Anexo 2546 y/o al correo electrónico alertatemprana@cultura.gob.pe. De tratarse de contactos en los que se advierten señales de peligro, enfermedad o involucrase la presencia de restos humanos o cadáveres, se dará aviso inmediato al establecimiento de salud más cercano.



b) Acciones de Respuesta

Una vez que la DACI toma conocimiento de la contingencia deberá:

1. Comunicarse con los responsables o autoridades a cargo de las actividades o líderes de las comunidades u organizaciones más cercanas al lugar de ocurrencia de la contingencia, a fin de realizar las coordinaciones necesarias para la implementación de las medidas de protección que se requieran.
2. Ponerse en contacto y coordinar acciones conjuntas con los órganos competentes del Ministerio de Salud, el Ministerio del Interior, entre otros, con el objeto de implementar las acciones o medidas destinadas a salvaguardar los derechos de los PIA, sobre todo los vinculados a la vida, salud e integridad así como de la población cercana al lugar de la contingencia.
3. Destacar al lugar de la contingencia al personal del Ministerio de Cultura o del equipo de trabajo que fuera necesario para la atención de la emergencia.
4. El Ministerio de Cultura recogerá la información sobre la contingencia en el Registro de Evidencias PIACI.



6.2. Actuación para la Protección de los Derechos de los Pueblos Indígenas en Situación de Contacto Inicial en el Relacionamiento con Terceros

6.2.1. Supuestos de relacionamiento

El relacionamiento con los PICI se produce atendiendo a las siguientes finalidades:

- a) Protección y/o atención de los derechos de los PICI.
- b) Atención a la manifiesta voluntad de relacionamiento de los PICI.

6.2.2. Medida fundamental para la Protección de los Pueblos Indígenas en Situación de Contacto Inicial

El relacionamiento por parte de las entidades del Estado con el objeto de atender las necesidades de los PICI y proteger sus derechos deberá efectuarse previa coordinación con el Ministerio de Cultura, atendiendo a las directrices impartidas por éste.

6.3. Relacionamiento con PICI en el marco de las actividades promovidas por el Estado con el objeto de atender sus necesidades y proteger sus derechos.

Estos procedimientos están referidos para el caso de ingresos excepcionales a las reservas territoriales y/o indígenas.

a) Consideraciones Generales.

1. En temas de salud.

1.1. Para los casos de agentes externos que ingresen a las reservas territoriales y/o indígenas:

- Aplicarse las vacunas de difteria/tétanos, influenza del año en curso, fiebre amarilla, hepatitis B y sarampión, en concordancia con la Norma Técnica y Guías Técnicas de Salud del Ministerio de Salud.
- Presentar Declaración Jurada de contar con buenas condiciones de salud. El Ministerio de Salud podrá otorgar la certificación correspondiente, conforme a la normativa aplicable.

1.2. Para los casos de atenciones en salud a los PICI:

Para cualquier atención en salud, vacunas o muestras de análisis, se requiere el consentimiento de los PICI y la aplicación de lo dispuesto en las Guías Técnicas de Salud del Ministerio de Salud.

2. Sobre las donaciones:

- Toda donación dirigida a PICI deberá ser previamente coordinada, evaluada y autorizada por el Ministerio de Cultura.
- Para el caso de las medicinas, deberán ser coordinadas con el Sector Salud.

3. Establecer medidas y procedimientos para salvaguardar en forma segura y adecuada los bienes que involucran riesgo a la salud, integridad o vida de las personas como son medicamentos, armas, municiones, combustible, evitando su utilización o traslado por los PICI.

b) Acciones de Coordinación

En el marco del régimen especial transectorial para protección a PIACI, las entidades del Estado establecerán los siguientes niveles de coordinación:

- Las entidades del Estado que en el marco del ejercicio de sus funciones requieran el relacionamiento con uno o más miembros de los PICI deberán realizarlo previa coordinación con el Ministerio de Cultura. Para tal efecto, deberán informar a dicho Ministerio el objetivo del ingreso, las actividades a desarrollar y el personal encargado del relacionamiento.
- El Ministerio de Cultura evaluará la información remitida y autorizará el ingreso excepcional mediante una Resolución Ministerial.



6.4. Relacionamiento con Pueblos Indígenas en Situación de Contacto Inicial por parte de terceros

- a) Terceros que en el marco de sus actividades se encuentren frente a una situación de relacionamiento en la que los PICI manifiesten su deseo de entablar comunicación, requerimiento de alimentos, herramientas y/o medicinas.

En esta situación se deberán implementar las siguientes acciones:

1. Cualquier contacto deberá ser el propiciado a iniciativa del PICI.
2. Dejar las tareas que al momento de iniciar la interacción se estaban realizando, debiendo desarrollar el relacionamiento en forma exclusiva.
3. Mantener el diálogo con una actitud calmada y pasiva.
4. Limitar el tiempo de relacionamiento al estrictamente necesario.
4. Durante el relacionamiento se deberá tener especial consideración a la situación de vulnerabilidad en salud de los PICI, debiendo mantener fuera del relacionamiento a la población que presenta síntomas de enfermedades infectocontagiosas.
5. Si el PICI solicita alimentos, se entregará alimentos de la chacra y otros que la autoridad competente determine en cada caso específico, de acuerdo a los niveles de relacionamiento y contacto del grupo.
6. Si el PICI solicita herramientas, brindar aquellas que se tengan a la mano.
7. Una vez que los PICI decidan alejarse del lugar de la contingencia los agentes ajenos a éstos también deberán retirarse.
8. En caso que los PICI se acerquen con personas enfermas o solicitando atención en salud, deberán ser atendidos por personal calificado, en cumplimiento de los protocolos consignados en la Norma y Guías Técnicas de Salud del Ministerio de Salud. De no encontrarse personal de salud en ese momento será puesto en aviso a la brevedad.

6.5. Acciones de Reporte

Una vez finalizado el relacionamiento con PICI se deberá avisar de manera inmediata al/la representante del Estado, autoridad, líder u organización indígena (personal del Ministerio de Cultura, gobernador/a, personal policial, alcalde/sa municipal, establecimiento de salud o cualquier otra autoridad de alcance local, regional o nacional) más próxima, acerca de la contingencia, quien deberá informar al Ministerio de Cultura al teléfono (01) 6189393 Anexo 2546 y/o al correo electrónico alertatemprana@cultura.gob.pe. De tratarse de contactos en los que se advierten señales de peligro o enfermedad se dará aviso inmediato al establecimiento de salud más cercano.

6.6. Acciones de respuesta

Una vez que el Ministerio de Cultura toma conocimiento de la contingencia deberá:

1. Comunicarse con los responsables o autoridades a cargo de las actividades o líderes de las comunidades u organizaciones más cercanas al lugar de ocurrencia de la contingencia, a fin de realizar las coordinaciones necesarias para la implementación de las medidas de protección que se requieran.



2. Ponerse en contacto y coordinar acciones conjuntas con los órganos competentes del Ministerio de Salud, el Ministerio del Interior, entre otros, con el objeto de implementar las acciones o medidas destinadas a salvaguardar los derechos de los PICI, sobre todo los vinculados a la vida, salud e integridad así como de la población cercana al lugar de la contingencia.
3. Destacar al lugar de la contingencia al personal del Ministerio de Cultura o del equipo de trabajo conformado que fuera necesario para la atención de la emergencia.
4. Recoger la información sobre la contingencia en el Registro de Evidencias PIACI.



VII. DISPOSICIONES FINALES

7.1. Forman parte integrante de la presente Directiva los anexos 1 y 2.

7.2. Créase el Registro de Evidencias PIACI a cargo de la Dirección de Pueblos Indígenas en Situación de Aislamiento y Contacto Inicial del Ministerio en el que se registra las contingencias con los PIACI que han sido reportadas o de las que se ha tomado conocimiento. En dicho registro deberá adjuntarse los formatos correspondientes a las fichas de reporte de contingencias PIACI, relacionamiento PICI, información o contingencias en salud de PICI reportadas o que se ha tomado conocimiento, así como las actividades de las entidades del Estado en las que se ha efectuado el relacionamiento con los PICI.



ANEXO 1

DEFINICIONES

Para efectos de la aplicación del presente dispositivo se observarán las siguientes definiciones:

- **Agente Externo.-** Es toda persona natural o jurídica, de procedencia nacional o internacional, ajena a las poblaciones indígenas, así como todos los funcionarios y/o servidores públicos de los sectores del Gobierno Nacional, Gobierno Regionales y Locales.
- **Aislamiento.-** Situación de un pueblo indígena o parte de él que no ha desarrollado relaciones sociales sostenidas con los demás integrantes de la sociedad nacional o que habiéndolo hecho opta por volver al aislamiento.

El término aislamiento no implica que miembros de un determinado pueblo nunca hayan sostenido episodios de contacto con personas foráneas o que no mantengan relaciones esporádicas de contacto.

Aislamiento con Contacto Esporádico.- Situación en la que se encuentra un pueblo indígena que aun permaneciendo en situación de aislamiento establece contactos ocasionales con personas ajenas al pueblo indígena al que pertenece. Estas interrelaciones esporádicas pueden ser recientes o mantenerse en el tiempo, lo cual no significa necesariamente la intención de desarrollar una vinculación mayor con otros agentes de la sociedad nacional.

- **Alerta temprana.-** Mecanismo a través del cual se informa a la Dirección de Pueblos Indígenas en Situación de Aislamiento y Contacto Inicial del Ministerio de Cultura sobre una contingencia PIACI que pudiera generar una emergencia. De ser necesario se comunicará a las entidades, organizaciones o comunidades que realicen actividades o se asienten en el lugar más cercano a donde se produjo la contingencia.
- **Avistamiento.-** Visualización prolongada o fugaz de PIACI por parte de personas ajenas a estos pueblos, que no implica una situación de contacto.
- **Contacto.-** Situación de interrelación física, verbal, gestual o través de intercambio de objetos, entre PIACI y personas ajenas a su grupo.
- **Contacto inicial.-** Situación en la que un pueblo indígena o sus miembros ha iniciado un proceso de interrelación con los demás integrantes de la sociedad nacional.

El contacto inicial a su vez puede ser:

- a) **Contacto Reciente.-** Situación en la que se encuentra un pueblo indígena que se mantuvo en situación de aislamiento, al iniciar contactos con los demás integrantes de la sociedad nacional.



b) **Contacto Inicial con Vinculación Intermedia.-** Situación en la que se constituye un pueblo indígena en contacto inicial que voluntariamente mantiene relacionamiento intermitente con personas ajenas a sus comunidades.

c) **Contacto Inicial con Vinculación Mayor.-** Situación en la que se constituye un pueblo indígena en contacto inicial que mantiene voluntariamente un relacionamiento sostenido con personas ajenas a su pueblo. Se caracterizan por mantener relaciones sociales con otras poblaciones.

- **Contingencia PIACI.-** Para efectos del presente Protocolo, contingencia es una situación imprevista que deviene en un hallazgo, avistamiento o contacto no deseado con un PIA, o una situación de relacionamiento frente a un PICI.

- **Emergencia.-** Situación de riesgo, afectación o daño sobreviniente a un hallazgo, avistamiento o contacto con un PIA. En el caso de los PICI cuando una situación de relacionamiento ha producido afectación o daño a la vida, salud o integridad física de dichos pueblos así como de las personas involucradas en la contingencia, que requiere de atención inmediata y movilización de recursos.

- **Evidencia.-** Hecho que constituye una demostración de la presencia de PIACI en un determinado ámbito. Pueden ser contactos, avistamientos, hallazgo de objetos materiales (viviendas, asentamientos o restos de ellos, canoas, flechas, arcos entre otros), señales materiales (huellas, rastros de caminos, animales muertos, entre otros) o percepción de señales inmateriales como imitación de sonidos de animales.

- **Hallazgo.-** Consiste en el encuentro de bienes (restos de asentamientos, restos de animales de caza, canoas, flechas arcos, entre otros), señales materiales (huellas, rastros de caminos, animales muertos, entre otros) o señales inmateriales como imitación de sonidos de animales, que constituyan indicios de la presencia de PIACI.

- **Plan de Contingencia PIACI.** Instrumento de gestión específico que, atendiendo al caso concreto, define los objetivos y procedimientos para prevenir, mitigar y/o controlar el impacto producido por una contingencia con los PIACI que pudieran poner en riesgo o afectar la vida, salud, bienestar y autodeterminación de dichos pueblos.

Para el desarrollo de toda actividad de exploración, explotación o aprovechamiento de recursos al interior o en zonas próximas a Reservas Territoriales, Indígenas o aquellas donde se presuma o donde se halla reportado la proximidad, presencia o desplazamiento de población indígena en situación de aislamiento, se deberá contar con el Plan de contingencia PIACI con la debida opinión técnica favorable o aprobación si fuere el caso.

- **Protocolo de actuación.-** Instrumento de gestión aprobado por el Ministerio de Cultura que contiene las conductas y procedimientos que deberán desarrollarse durante y después de producido un hallazgo, avistamiento o contacto PIACI y en el caso de los PICI un relacionamiento con estos, a fin de mitigar los impactos y atender las emergencias que podrían sobrevenir a las situaciones o contingencias mencionadas.





Los protocolos de actuación son de aplicación obligatoria para el caso de desarrollo de actividades de exploración, explotación o aprovechamiento de recursos.



Registro de Evidencias PIACI.- Herramienta a través de la cual se recoge y sistematiza la información sobre las contingencias PIACI. Es parte constituyente de este registro la información remitida a través de los formatos respectivos.



Relacionamiento.- Situación en la que un PICI manifiesta su deseo de entablar comunicación con personas ajenas a éste. Como producto de esta comunicación, los PICI podrían solicitar alimentos, herramientas, atención en salud u otros servicios.



ANEXO 2 REFERENCIAS

Para efectos del presente dispositivo se tendrán en cuenta las siguientes referencias:

- **DACI:** Dirección de Pueblos Indígenas en Situación de Aislamiento y Contacto Inicial.
- **Ministerio:** Ministerio de Cultura. se sugiere retirar por que en la Directiva también se mencionan otros ministerios como el de Salud
- **PIA:** Pueblo Indígena en Situación de Aislamiento.
- **PICI:** Pueblo Indígena en Situación de Contacto Inicial.
- **PIACI:** Pueblo Indígena en Situación de Aislamiento o en Situación de Contacto Inicial.





Resolución Ministerial Nº 0355-2015-MINAGRI.

Lima, ...06... de...JULIO...de 20...15...

VISTO:

El Memorándum N° 235-2015-MINAGRI-DVDIAR-DGAAA y el Informe N° 029-2015-MINAGRI-DVDIAR-DGAAA-DERN, de la Dirección General de Asuntos Ambientales Agrarios, proponiendo aprobar los Lineamientos para la aplicación del Reglamento de Clasificación de Tierras por Capacidad de Uso Mayor, con fines de saneamiento físico legal y formalización del territorio de las Comunidades Nativas; y,

CONSIDERANDO:

Que, el numeral 22.2 de su artículo 22, de la Ley N° 29158, Ley Orgánica del Poder Ejecutivo, establece que los Ministerios diseñan, establecen, ejecutan y supervisan las políticas nacionales y sectoriales, asumiendo rectoría respecto de ellas; asimismo, conforme al literal a) del numeral 23.1 del artículo 23 de la misma Ley, una de las funciones generales de los Ministerios, es formular, planear, dirigir, coordinar, ejecutar, supervisar y evaluar la política nacional y sectorial bajo su competencia, aplicable a todos los niveles de gobierno;

Que, el numeral 6.1.11 del artículo 6 del Decreto Legislativo N° 997, Decreto Legislativo que aprueba la Ley de Organización y funciones del Ministerio de Agricultura, modificado por la Ley N° 30048 a Ministerio de Agricultura y Riego, establece que una de las funciones específicas de éste es *"Dictar normas y lineamientos técnicos en materia de saneamiento físico legal y formalización de la propiedad agraria, comprendiendo las tierras de las comunidades campesinas y comunidades nativas"*;

Que, de acuerdo con el inciso n) del artículo 51 de la Ley N° 27867, Ley Orgánica de Gobiernos Regionales, corresponde a los Gobiernos Regionales la función en materia agraria de promover, gestionar y administrar el proceso de saneamiento físico legal de la propiedad agraria, incluyendo las tierras de las Comunidades Campesinas y Nativas;

Que, de conformidad con el artículo 11 del Decreto Ley N° 22175, Ley de Comunidades Nativas y de Desarrollo Agrario de las Regiones de Selva y Ceja de Selva, la parte del territorio de las Comunidades Nativas que corresponda a tierras con aptitud forestal, les será cedida en uso y su utilización se registrará por la legislación sobre la materia;

Que, en virtud de lo señalado, y a fin de proceder a la titulación de las Comunidades Nativas, se requiere determinar la capacidad de uso mayor de las tierras que integran su territorio, para lo cual es necesario contar con la Clasificación de Tierras por su Capacidad de Uso Mayor sustentado en un Estudio de Levantamiento de Suelos, que determine si las tierras tienen aptitud para el cultivo o para pastos, sobre los cuales se otorgará título de propiedad o tienen aptitud forestal, correspondiendo en este caso la cesión en uso;

Que, tanto la Clasificación de Tierras por su Capacidad de Uso Mayor, en adelante la CTCUM, como la Ejecución de Levantamiento de Suelos, se encuentran debidamente regulados en sus correspondientes Reglamentos aprobados por los Decretos Supremos N° 017-2009-AG y 013-2010-AG, respectivamente, siendo la Dirección General de Asuntos Ambientales Agrarios del Ministerio de Agricultura y Riego la autoridad competente que tiene a su cargo la CTCUM, y además aprueba la que ejecuten otros organismos de los sectores públicos o privados, conforme lo dispone el artículo 2 de la Resolución Ministerial N° 0847-2009-AG de fecha 02 de diciembre de 2009;

Que, con la finalidad de viabilizar y agilizar el saneamiento físico legal para la titulación de territorios, en beneficio de las Comunidades Nativas que deben ejecutar los Gobierno Regionales, es necesario aprobar los lineamientos correspondientes para precisar el procedimiento para la ejecución y aprobación de los estudios de levantamiento de suelos con fines de la CTCUM, para los ámbitos de las Regiones de Selva y Ceja de Selva, a través de los lineamientos respectivos, en ejercicio de la función rectora en la materia del Ministerio de Agricultura y Riego;

Con el visto bueno de la Dirección General de Asuntos Ambientales Agrarios, de la Dirección General de Negocios Agrarios, de la Dirección General de Políticas Agrarias, de la Oficina General de Planeamiento y Presupuesto y de la Oficina General de Asesoría Jurídica; y

De conformidad con el Decreto Legislativo N° 997, Decreto Legislativo que aprueba la Ley de Organización y Funciones del Ministerio de Agricultura, modificado por Ley N° 340048 a Ministerio de Agricultura y Riego; y, su Reglamento de Organización y Funciones aprobado por Decreto Supremo N° 008-2014-MINAGRI;

SE RESUELVE:

Artículo 1.- Aprobación de Lineamientos

Aprobar los **"LINEAMIENTOS PARA LA EJECUCIÓN Y APROBACIÓN DE ESTUDIOS DE LEVANTAMIENTO DE SUELOS PARA LA CLASIFICACIÓN DE TIERRAS POR SU CAPACIDAD DE USO MAYOR, CON FINES DE SANEAMIENTO FÍSICO LEGAL Y FORMALIZACIÓN DEL TERRITORIO DE LAS COMUNIDADES NATIVAS"**, que se establecen sobre la base del interés público para la titulación del territorio de las Comunidades Nativas, el cual tiene como limitación la aptitud forestal de la tierra, supuesto en el cual solo se entrega en cesión en uso.

- 1.1 De conformidad con los literales 2 y 3 del artículo 14 del Convenio 169 de la Organización Internacional del Trabajo¹, los gobiernos deberán tomar

¹ El Convenio fue aprobado mediante Resolución Legislativa N° 26253

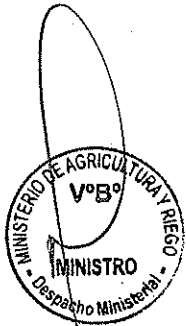


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las medidas que sean necesarias para determinar las tierras que los pueblos (Comunidades Nativas) interesados ocupan tradicionalmente y garantizar la protección efectiva de sus derechos de propiedad y posesión, y deben instituir procedimientos adecuados en el marco del sistema jurídico nacional para solucionar las reivindicaciones de tierras formuladas por los pueblos interesados.

- 1.2 El artículo 10 de la Ley de Comunidades Nativas y Desarrollo Agrario de las Regiones de Selva y Ceja de Selva, dada por el Decreto Ley N° 22175, establece que es interés del Estado garantizar la integridad de la propiedad territorial de las Comunidades Nativas y otorgarles títulos de propiedad.
- 1.3 El interés por facilitar la titulación de las Comunidades Nativas, es concordante con lo plasmado en los Lineamientos de Política Agraria, aprobados por la Resolución Ministerial N° 0709-2014-MINAGRI, según el cual debe incrementarse la seguridad jurídica de las tierras de las Comunidades Nativas.
- 1.4 Asimismo, según lo establecido en el artículo 11 de la mencionada Ley de Comunidades Nativas y Desarrollo Agrario de las Regiones de Selva y Ceja de Selva, la parte del territorio de las Comunidades Nativas que corresponda a tierras con aptitud forestal, les será cedida en uso y su utilización, se registrará por la legislación sobre la materia.
- 1.5 Lo señalado, es concordante con el artículo 37 de la Ley N° 29763, Ley Forestal y de Fauna Silvestre, que prohíbe el otorgamiento de títulos de propiedad, certificados o constancias de posesión en tierras de dominio público con capacidad de uso mayor forestal o de protección, no impidiendo ello el otorgamiento de derechos reales, mediante contrato de cesión en uso u otros, en forma excepcional.
- 1.6 Por lo que el otorgamiento de los títulos de propiedad, certificados o constancias de posesión de tierras de las Comunidades Nativas únicamente será para aquellas tierras cuya capacidad de uso mayor sea aptas para Cultivo en Limpio, Cultivos Permanentes y Pastos.
- 1.7 La CTCUM se determina sobre la base de la interpretación práctica de los resultados del Levantamiento de Suelos respectivo, y la aplicación de lo establecido tanto en el Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor, como en el Reglamento para la Ejecución de Levantamiento de Suelos.



Artículo 2.- Alcance

- 2.1 Los presentes Lineamientos son de observancia obligatoria para los Gobiernos Regionales en aplicación de la función n) del artículo 51 de la Ley N° 27867, Ley Orgánica de Gobiernos Regionales, sobre saneamiento físico legal y titulación del territorio de las Comunidades Nativas en las regiones de Selva y Ceja de Selva.
- 2.2 Además, estos Lineamientos están dirigidos a regular el procedimiento específico de la CTCUM con fines de saneamiento físico legal y formalización de Comunidades Nativas, puesto que es de interés del Estado el proceso de titulación de las tierras que estas poseen, de conformidad con el Convenio 169, y la Ley de Comunidades Nativas y Desarrollo Agrario de las regiones de Selva y Ceja de Selva, dada por el Decreto Ley N° 22175.
- 2.3 Los presentes Lineamientos se enfocan en las regiones de Ceja de Selva y Selva, dado que en éstas se encuentran las áreas más extensas de tierras con aptitud forestal. Además, los territorios de las Comunidades Nativas poseen superficies grandes mayores a 10 000,00 hectáreas, que se distribuyen mayormente en zonas de laderas de montaña y colinas altas, en las zonas de Ceja de Selva y Selva Alta, y mayormente en zonas de colinas bajas, en las zonas de Selva Baja, pudiendo utilizarse un estudio de levantamiento de suelos a nivel de "Reconocimiento" a escala 1:100 000 para determinar la CTCUM.

Artículo 3.- Lineamientos para la clasificación de tierras por su capacidad de uso mayor con fines de saneamiento físico legal y formalización del territorio de las Comunidades Nativas

De los órganos competentes

- 3.1 Los Estudios de Levantamiento de Suelos con fines de la CTCUM para el saneamiento físico legal y formalización de las Comunidades Nativas, serán presentados por los Gobiernos Regionales a la Dirección General de Asuntos Ambientales Agrarios del MINAGRI, para su revisión y aprobación.
- 3.2 Dichos estudios deberán sujetarse a las normas establecidas en el Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor, aprobado por Decreto Supremo N° 017-2009-AG y el Reglamento para



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la Ejecución de Levantamiento de Suelos aprobado por Decreto Supremo N° 013-2010-AG.

Del Procedimiento de la CTCUM para la formalización

- 3.3 La Dirección General de Asuntos Ambientales Agrarios del MINAGRI es responsable de la ejecución, supervisión, promoción y difusión de la Clasificación de las Tierras por su Capacidad de Uso Mayor; en tal sentido, el órgano formalizador del Gobierno Regional podrá solicitar a dicha Dirección General la información de la CTCUM que pudieran estar contenidos en los Estudios de Inventario y Evaluación de los Recursos Naturales elaborados por la ex ONERN y ex INRENA, para ello remitirá la base gráfica digital correspondiente al área geográfica en solicitud. De contar con esa información, la Dirección General de Asuntos Ambientales Agrarios proporcionará la CTCUM en base a los mencionados estudios disponibles en sus archivos técnicos. La información disponible de la CTCUM deberá ser remitida al Gobierno Regional solicitante en un plazo no mayor a treinta (30) días hábiles.
- 3.4 En el caso, que la Dirección General de Asuntos Ambientales Agrarios no cuente con la información de la CTCUM, el Gobierno Regional procederá a efectuar el Levantamiento de Suelos con fines de CTCUM, el cual deberá ser realizado de conformidad a lo dispuesto en el Reglamento para la Ejecución de Levantamiento de Suelos aprobado por Decreto Supremo N° 013-2010-AG y el Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor, aprobado por Decreto Supremo N° 017-2009-AG. Finalizado el Estudio, deberá ser remitido a la Dirección General de Asuntos Ambientales Agrarios para su revisión y aprobación.
- 3.5 Los resultados de la evaluación del Estudio deberá ser remitida al Gobierno Regional solicitante en un plazo no mayor a treinta (30) días hábiles.
- 3.6 La aprobación del Estudio estará sujeta al cumplimiento de los presentes Lineamientos, así como también de las especificaciones técnicas, métodos y procedimientos señalados en el Reglamento para la Ejecución de Levantamiento de Suelos, aprobado por Decreto Supremo N° 013-2010-AG.
- 3.7 Los Gobiernos Regionales podrán solicitar supervisión y asesoría técnica durante la ejecución del Estudio de Levantamiento de Suelos, a la Dirección General de Asuntos Ambientales Agrarios, a fin de



homogenizar criterios técnicos entre el especialista responsable de la ejecución del estudio y el especialista del área encargada en esta materia de la Dirección General de Asuntos Ambientales Agrarios.

De la Escala de Trabajo de estudio de Levantamiento de Suelos con fines de la CTCUM

- 3.8 El Estudio será efectuado a nivel de reconocimiento a escala de trabajo 1:100 000, donde las imágenes de satélite podrán ser ampliadas a escala 1:50 000 con fines de interpretación de mayor detalle.

Del Especialista Responsable del Estudios de Levantamiento de Suelos con fines de la CTCUM

- 3.9 Los estudios de Levantamiento de Suelos que sirva para la CTCUM, que presenten los Gobiernos Regionales, deberá ser realizado por un profesional con el perfil mencionado en el artículo 6 del Reglamento para la Ejecución de Levantamiento de Suelos, el mismo que deberá estar inscrito en el Registro Nacional de Especialistas en Levantamiento de Suelos, a cargo de la Dirección General de Asuntos Ambientales Agrarios del MINAGRI.
- 3.10 El profesional especialista en Levantamiento de Suelos, para ejecutar los trabajos de campo, se basará en la metodología establecida en el Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor, aprobado por Decreto Supremo N° 017-2009-AG y el Reglamento para la Ejecución de Levantamiento de Suelos aprobado por Decreto Supremo N° 013-2010-AG.

De la Metodología para la Ejecución del Estudios de Levantamiento de Suelos con fines de la CTCUM

- 3.11 El profesional especialista en Levantamiento de Suelos, realizará el levantamiento de suelos de conformidad a lo establecido en el artículo 20 del Reglamento para la Ejecución de Levantamiento de Suelos, aprobado por Decreto Supremo N° 013-2010-AG, correspondiente al nivel de estudio de suelos de "Reconocimiento" o de "Cuarto Orden".
- 3.12 El Método de Ejecución del Levantamiento de Suelos con fines de la CTCUM implica la realización de los trabajos de campo y gabinete como se detalla:



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El levantamiento de suelos deberá seguir estrictamente los criterios técnicos establecidos en el Reglamento para la Ejecución de Levantamiento de Suelos, para el nivel de estudio de "Reconocimiento" como se señala en el Capítulo IV: *De los Niveles de Ejecución de los Estudios* (Artículo 20), así como también la clasificación natural o taxonómica según el *Sistema del Soil Taxonomy* (Key of Soil Taxonomy-2014, USDA); y además, deberán tomar en cuenta los lineamientos del Manual de Levantamiento de Suelos USDA 1993 (Soil Survey Manual USDA-1993).

La presentación y redacción del estudio deberá seguir el contenido indicado en el Capítulo V: *De la Presentación del Informe* (Artículo 22).

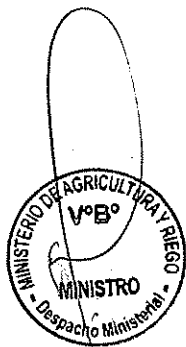
La interpretación práctica del estudio de suelos, que conlleva a la determinación de su potencial natural de uso, se debe determinar siguiendo el *Sistema de Clasificación de Tierras* por su CUM establecido en el Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor, aprobado por Decreto Supremo N° 017-2009-AG.

En forma general, las diferentes actividades que contempla la ejecución del Estudio de Levantamiento de Suelos con fines de la CTCUM, deben estar enmarcados en cuatro (04) secuencias o etapas de trabajo:

- Etapa Preliminar de Gabinete,
- Etapa de Campo,
- Etapa de Laboratorio,
- Etapa Final de Gabinete.

a) Etapa Preliminar de Gabinete

- ✓ Recopilación de la información de Cartografía Base de acuerdo al nivel del estudio "Reconocimiento", a escala 1:100 000, siendo las Cartas Nacionales Digitales "Hipsométrica e Hidrográfica" del IGN-MINEDU, a escala 1:100 000, las adecuadas.
- ✓ Recopilación, análisis, clasificación y selección de la información cartográfica temática existente en estudios o mapas publicados del ámbito de la zona de estudio.
- ✓ Procesamiento, georeferenciación digital de las imágenes de satélite con resolución espacial adecuada, con uso del Mapa de Cartografía Base preparado a escala 1:100 000.



- ✓ Elaboración del Mapa Fisiográfico y Pendientes, sobre la base de la interpretación analógica de las imágenes de satélite procesadas y georeferenciadas a escala 1:100 000 y ampliadas a escala 1:50 000 para facilitar su interpretación a mayor detalle. Los diferentes rasgos y formas fisiográficas del terreno deberán ser identificados mediante el método del análisis fisiográfico; las que serán delimitadas y cartografiadas conjuntamente con sus respectivos rangos de pendiente y simbología, para lo cual previamente se debe elaborar una Leyenda Fisiográfica conteniendo información Litológica-Geológica, donde las diferentes Unidades Fisiográficas deben ser identificadas a nivel de: Gran Paisaje, Paisaje, Sub Paisaje y Elementos de Paisaje, con sus fases por pendiente, las que deben ser representadas espacialmente en el Mapa Fisiográfico y Pendientes preliminar, a escala 1:100 000.

- ✓ La selección de las áreas o zonas de muestreo, debe ser determinado del 20% del área total del estudio, donde se debe distribuir las calicatas a razón de 01 calicata cada 1000 hectáreas en zonas de Selva Baja y, 02 calicata cada 500 hectáreas en zonas de Ceja de Selva y Selva Alta.

- ✓ Impresión del Mapa Fisiográfico y Pendientes preliminar a escala 1:100 000 o más grande, como Mapa Base de Trabajo de Suelos en campo y gabinete final, sobre el cual se debe realizar la planificación y ejecución del trabajo de campo, mediante la distribución de las Calicatas, de acuerdo con la accesibilidad a la zona de estudio, heterogeneidad fisiográfica y geológica-litológica y, tiempo asignado para el trabajo de campo.

b) Etapa de Campo

- ✓ Con la finalidad de afinar o ratificar el Plan de Trabajo inicial de campo, se debe realizar un reconocimiento preliminar rápido del área de estudio, con el objetivo de familiarizarse con los patrones edáficos dominantes y examinar los cortes naturales, verificación de la accesibilidad existente y, determinación de algunas limitaciones no previstas inicialmente que pudiesen dificultar el trabajo de campo.
- ✓ Chequeo o corrección de las unidades fisiográficas y pendientes del terreno, determinados en el Mapa Fisiográfico y Pendientes preliminar con uso del eclímetro.
- ✓ Luego se debe proceder al reconocimiento y mapeo sistemático de los suelos del área de estudio, para ello de acuerdo a lo planificado según la variabilidad de las unidades fisiográficas, se debe distribuir y excavar un





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hoyo o calicata (de aprox. 1.80m de largo x 1.00m de ancho y 1.50m de profundidad) en la parte más representativa de las unidades fisiográficas seleccionadas para ser muestreadas mediante la apertura de calicatas; y registrada su ubicación geográfica mediante un GPS.

- ✓ Descripción en las Tarjetas de Perfiles de Suelos de las características físicas y morfológicas de los horizontes identificados en el perfil del suelo y las características externas del relieve y paisaje que rodea a cada calicata.
- ✓ Toma de muestras de suelo de cada uno de los horizontes identificados del perfil, los cuales deben ser adecuadamente identificados para su embalaje, transporte y envío al laboratorio para los análisis de caracterización.
- ✓ Toma de vistas fotográficas tanto del perfil del suelo como del paisaje que lo rodea y demás información complementaria útil, para la elaboración del Mapa Definitivo de Suelos en la etapa final de gabinete.

c) Etapa de Laboratorio

- ✓ Preparar la relación de muestras de suelos para su envío al laboratorio. Las muestras de suelos serán analizadas con un análisis de caracterización como lo indica el Anexo del Reglamento de Levantamiento de Suelos: *Métodos de Análisis de Suelos en el Laboratorio*.
- ✓ Los análisis de caracterización de las muestras de suelos, según el literal k) y l) del artículo 20 del Reglamento de Levantamiento de Suelos, deben ser efectuados en laboratorios de confiabilidad técnico-científica que garantice la calidad de los resultados.
- ✓ El estudio de Levantamiento de Suelos deberá adjuntar el reporte del laboratorio, el cual muestra el método utilizado en cada una de las determinaciones de caracterización de los suelos analizados.

d) Etapa Final de Gabinete

En esta etapa se debe realizar:

- ✓ Edición final de la información toponímica de la red hidrográfica del Mapa de Cartografía Base del área de estudio, con información toponímica contenida en las Cartas Nacionales y las obtenidas en campo.



- ✓ Edición y afinamiento de información hidrográfica pertinente del Mapa de Cartografía Base definitivo, con información hidrográfica contenida en los mapas, la imagen satelital y la recogida en campo.
- ✓ Corrección del Mapa Fisiográfico y Pendientes preliminar, de acuerdo a la verificación de campo, mediante la reinterpretación analógica de las imágenes de satélite utilizadas. Se deberá realizar reajustes y afinamiento de la delimitación de unidades, así como de la estimación de la pendiente del terreno.
- ✓ Edición final del Mapa Fisiográfico y Pendientes definitivo, a escala 1:100 000, editado para su publicación a escala adecuada en formato A1 o A0 según la extensión del área de estudio, conteniendo su Leyenda Fisiográfica y cuadro de pendientes.
- ✓ Procesamiento de la información de campo, gabinete y laboratorio (datos de análisis físico-mecánicos y químicos), de las muestras de suelos obtenidas en campo.
- ✓ Clasificación taxonómica o natural de suelos, definición de las unidades cartográficas: Consociaciones y Asociaciones y definición de las fases.
- ✓ Elaboración del Mapa de Suelos, mediante la ubicación de calicatas sobre las imágenes de satélite superpuestas con el Mapa Fisiográfico y Pendientes definitivo, de acuerdo a sus coordenadas de ubicación espacial y los suelos identificados, para realizar el mapeo y extrapolación de las unidades de suelos identificadas y obtener como producto el Mapa de Suelos definitivo a escala 1:100 000.
- ✓ Elaboración del Mapa de la CTCUM a nivel de Subclases de Capacidad de Uso Mayor, mediante la interpretación práctica de las características edáficas del Mapa de Suelos definitivo, con aplicación del Reglamento de Clasificación de Tierras por su Capacidad de Uso Mayor y uso de la información ecológica de zonas de vida del área de estudio; mediante el reemplazo de las Unidades Cartográficas del Mapa de Suelos, por las Unidades de Subclases de Capacidad de Uso Mayor determinadas.
- ✓ Impresión preliminar, revisión y control de calidad de los mapas Fisiográfico, Suelos y Capacidad de Uso Mayor de la zona de estudio, elaboración de cuadros y leyendas, para su edición e impresión final en formato A1 o A0 a escala adecuada.



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- ✓ Redacción de la Memoria Explicativa del levantamiento de Suelos con fines de la CTCUM, elaboración de cuadros, e inclusión de vistas fotográficas con sus respectivas leyendas.
- ✓ Revisión y control de calidad de la Memoria Explicativa, para su edición, impresión y presentación final.
- ✓ Edición e impresión final del Documento del Estudio (texto y mapas), para su presentación final a las autoridades regionales pertinentes.
- ✓ Organizar el Estudio de Levantamiento de Suelos y la CTCUM para su remisión a la Dirección General de Asuntos Ambientales Agrarios del MINAGRI, en físico y formato digital, con el visto bueno del profesional especialista en suelos, en todos los documentos que conforman el mencionado estudio, de acuerdo con lo establecido en el Artículo 22 del Reglamento para la Ejecución del Levantamiento de Suelos.

Del resultado de la CTCUM

- 3.13 En el Reglamento de Clasificación de Tierras, se contemplan el Sistema de Clasificación de Tierras según su Capacidad de Uso Mayor, que está conformado por tres (03) categorías de uso: **Grupo (A= Cultivo en Limpio, C= Cultivo Permanente, P= Pastos, F= Producción Forestal, X= Protección)**; Clase (Alta=1, Media= 2 y Baja= 3) y Subclases (determinada por las limitaciones de uso) de Capacidad de Uso Mayor; por tanto, para los fines de titulación de los territorios de las Comunidades Nativas, la Clasificación de Tierras del Estudio de Levantamiento de Suelos será sólo utilizando la Primera Categoría que viene a ser el Grupo de Capacidad de Uso Mayor.

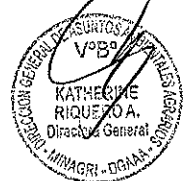
De la Inspección Técnica

- 3.14 De acuerdo con lo dispuesto en el artículo 25 del Reglamento para la Ejecución de Levantamiento de Suelos, de considerarlo pertinente y necesario, la Dirección General de Asuntos Ambientales Agrarios del MINAGRI, realizará la inspección ocular de campo, como parte del proceso de revisión del Estudio. La inspección estará a cargo de sus profesionales especialistas de dicha Dirección General.
- 3.15 El Órgano competente del Gobierno Regional brindará las facilidades de logística para el desplazamiento a campo durante la inspección técnica.



De las observaciones y aprobación

- 3.16 Si como resultado de la evaluación, se formularan observaciones, las mismas se notificarán al Titular, otorgándole un plazo hasta de sesenta (60) días calendario para que cumpla con absolverlas. Transcurrido dicho plazo, sin mediar subsanación, se desaprobará el estudio o levantamiento.
- 3.17 De acuerdo a lo dispuesto en el artículo 26 del Reglamento para la Ejecución de Levantamiento de Suelos, con la opinión técnica favorable de los especialistas de la Dirección General de Asuntos Ambientales Agrarios, el Director General de la Dirección General de Asuntos Ambientales Agrarios expedirá la Resolución aprobando el Estudio de Levantamiento de Suelos, otorgando el certificado de la CTCUM y adjuntando el mapa respectivo de la CTCUM del territorio materia de la solicitud.



Artículo 4.- Publicación

Disponer la publicación de la presente Resolución Ministerial, en el Diario Oficial El Peruano, así como en el Portal Institucional del Ministerio de Agricultura y Riego (www.minagri.gob.pe).

Regístrese, comuníquese y publíquese



Juan Manuel Benites Ramos
Ministro de Agricultura y Riego

Acta de alianza de organizaciones civiles y AIDESEP

Por la propuesta de reconocimiento y protección integral del "Corredor territorial de Pueblos indígenas en Aislamiento y Contacto Inicial Pano, Arawak y otros.

Hoy reunidos en la Auditorio Principal de la sede Nacional de AIDESEP, en av. San Eugenio N.º 981, distrito de la Victoria - Santa Catalina de la provincia de Lima, a las 11:00 horas del jueves dieciocho de Junio del año dos mil quince, las diversas organizaciones civiles participantes y la Asociación Interétnica de Desarrollo de la Selva (AIDESEP) se reunieron **para conocer a detalle y apoyar la propuesta de los pueblos indígenas por el reconocimiento y protección integral del "Corredor territorial de Pueblos indígenas en Aislamiento y Contacto Inicial Pano, Arawak y otros.**

Esta propuesta fue impulsada por AIDESEP y respaldada por sus organizaciones regionales como Organización Regional de Pueblos indígenas del oriente, ORPIO; Organización Regional AIDESEP-UCAYALI, ORAU; Federación Nativa del río Madres de Dios y Afluentes, FENAMAD; Coordinadora Regional de Pueblos indígenas AIDESEP-Atalaya, CORPIAA y el Consejo Matsigenka del Río Urubamba, COMARU.

En presencia de Bernabé Impi, Secretario Nacional de AIDESEP, Beatriz Huertas, especialista en Corredor Territorial; Segundo Chuquipiondo, comunicador AIDESEP; Renzo Piana, ACCA; Alipse Valera, WWF; Heidi Rubio T, WWF; Diego Saavedra, DAR; Juan Carlos Ruiz, IDL; Sandy El Berr, IDL; Enrique Herrera, PUCP; Carlos Soria, PUCP; Tomás F. Miranda, UNISCJSA; Cinthia Mongylardi (Consultora Legal); Klaus Rummenh ller, Claudia Galvez - Durand, Ver nica Alzamora, Angela Arriola, Tomas Miranda quienes consideran la importancia de esta propuesta y plantean una construcci n de estrategias para fortalecerla, por lo tanto reafirman su apoyo desde las organizaciones que representan en medida de lo siguiente:

1. **Comprometerse con impulsar el respeto de los derechos y protecci n de la integridad f sica, sociocultural y territorial de los pueblos ind genas en aislamiento y contacto inicial que habitan el Corredor territorial Pano, Arawak y otros,** entre los departamentos de Ucayali, Madre de Dios, Cusco y el Estado de Acre.
2. **Promover la formulaci n y ejecuci n de pol ticas, estrategias y acciones concretas de protecci n que se articulen participativamente** desde las organizaciones civiles en coordinaci n con las organizaciones ind genas para hacer incidencia en la toma de decisiones del Estado.
3. **Participar en la difusi n e incidencia para visibilizar esta propuesta que busca la protecci n de los pueblos ind genas en aislamiento y contacto inicial.**
4. **Los participantes expresan su compromiso para mantener este espacio de di logo, reflexi n y propuesta sobre pol ticas y acciones a favor de los PIACI, en particular del Corredor Territorial.**

Por lo cual, los participantes suscriben esta documento en total acuerdo.

Lima, 18 de Junio del 2015

Diego Saavedra
DAR

Beatriz Huertas

Heidi Rubio T
WWF

Renzo Piana

Angela Arriola

CONVENIO DE COOPERACIÓN TÉCNICA INTERINSTITUCIONAL ENTRE LA COMISSAO PRO INDIO DO ACRE - CPI/ACRE Y LA FEDERACIÓN NATIVA DEL RIO MADRE DE DIOS Y AFLUENTES – FENAMAD.

La **COMISSAO PRO-INDIO DO ACRE- CPI / AC**, organización civil sin fines de lucro, reconocido CNPJ bajo el N ° 04.118.246/0001-13, persona jurídica de derecho privado, que se encuentra ubicado en la autopista km 7 por la carretera Transacrea, Estado Federal de Acre, Brasil; representada en este acto por su coordinadora, señora ejecutiva **MARÍA LUIZA OCHOA**.

La **FEDERACIÓN NATIVA DEL RIO MADRE DE DIOS Y AFLUENTE - FENAMAD**, organización civil sin fines de lucro con persona jurídica de derecho privado, ubicado en el Jr. 26 de Diciembre N ° 276 de la ciudad de Puerto Maldonado, Madre de Dios - Perú, representada en este acto por su Presidente el Sr. **KLAUS QUÍCQUE BOLIVAR**.

Se celebra este convenio en los términos y condiciones siguientes:

PRIMERA: OBJETIVO GENERAL

Suscribir el convenio de cooperación técnica interinstitucional para intercambiar, compatibilizar y crear un banco de datos a través del sistema de información geográfica, para apoyar las actividades previstas en el plan de trabajo, así como en el mapeo de los territorios y las amenazas a los Pueblos Indígenas en Aislamiento en un área Binacional Fronteriza Perú-Brasil.

SEGUNDA: OBJETIVO ESPECÍFICO

Establecer directrices para una alianza estratégica para la colaboración mutua entre CPI- AC, Brasil y FENAMAD, Perú, en el mantenimiento de una base de datos geográficos que convergen con la preparación de asignaciones unificadas y análisis de dinámicas transfronterizas en el tema que se centra en Pueblos Indígenas en Aislamiento de Acre y Madre de Dios.

TERCERA: PLAZO

Este convenio tendrá vigencia de dos (02) años a partir de la fecha de su firma. El presente acuerdo podrá ser prorrogado y cualquier cambio en el texto se hará de común acuerdo entre las partes mediante adenda.

CUARTA: OBLIGACIONES DE LAS PARTES

Corresponde a los participantes:

- a) Construir la ficha técnica de datos y grabar entrevistas para la evidencia de la presencia de los Pueblos Indígenas en Aislamiento de Acre y Perú.
- b) Garantizar la coherencia entre las bases de datos cartográficos institucionales para integrar la información sobre las dinámicas transfronterizas dentro de la cartografía de los territorios y las amenazas a los Pueblos Indígenas en Aislamiento de Acre y Perú.
- c) Mantener los datos geográficos básicos comunes actualizados.
- d) Establecer el plan de trabajo común para actualizar esta base de datos compartida.
- e) Elaborar propuestas conjuntas para la cooperación técnica internacional en la defensa de la vida de los pueblos en aislamiento en Acre y Perú.
- f) Promover el intercambio de experiencias en la gestión del territorio y del medio ambiente con representantes indígenas de Perú y Brasil.

QUINTA: DIRECTRICES GENERALES

- a) Deben ser incluidos en los documentos relativos a los productos procedentes de las obras elaboradas, las entidades de crédito citadas, así como otras instituciones asociadas. Por lo tanto, en materiales impresos deberán contener el crédito de los organismos participantes, el logotipo de las instituciones involucradas.
- b) Los datos de este instrumento pertenecen al **Cedente** (quien proporciona la información) y están protegidos por las leyes de protección de derechos de autor de Brasil, Perú y por los tratados internacionales. Por lo tanto, el **Licenciado** (quien recibe la información) los tratará como cualquier otra obra protegida por derechos de autor y deben mencionar la autoría de cualquier producto derivado.
- c) Se prohíbe al LICENCIADO el préstamo, arrendamiento, traslado copia temporal o permanente, parcial o total de los datos, sin el consentimiento previo por escrito de CONCEDENTE. Es posible que haya acuerdos de ambas partes para transferir a terceros a utilizar para la protección de los pueblos indígenas aislados.
- d) Cualquier base de datos geográfica que sea cambiado y/o mejorado, se remitirá a la entidad concedente, para actualizar su base de datos de origen. Cada seis meses, las partes celebraran una copia de seguridad de la transferencia de información.
- e) Se adjunta a este Convenio un Plan de Acción Binacional que operacionalmente va a consolidar las actividades relacionadas con el objeto del presente convenio de cooperación técnica.

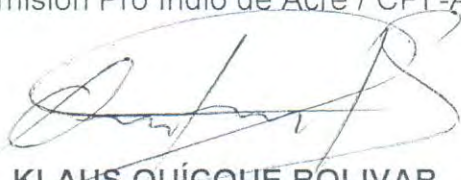
SEXTA - RECURSOS FINANCIEROS

Las instituciones que forman parte de este Convenio se comprometen a buscar apoyo financiero en forma conjunta y utilizar mientras tanto sus propios recursos existentes para llevar a cabo las actividades de acuerdo con el plan de trabajo.

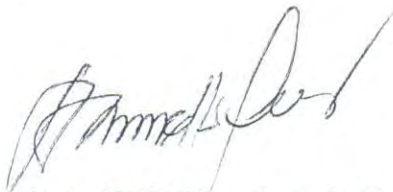
En señal de conformidad, las partes firman el presente convenio en 02 (dos) copias originales de igual contenido en presencia de testigos que también firman.

Puerto Maldonado, 9 de junio 2014


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MARIA LUIZA OCHOA
Comisión Pro Indio de Acre / CPI -AC


KLAUS QUÍCQUE BOLIVAR
Federación Nativa del río Madre de Dios y afluentes y / FENAMAD

TESTIGOS:


Representante de **SEMA** (Secretaria de Medio Ambiente del Estado Federal de Acre-Brasil)


Representante de **GOREMAD** (Gobierno Regional de Madre de Dios)



Grupo técnico de trabalho para o monitoramento georreferenciado de isolados na região Acre / Madre de Dios

PLAN DE ACCIÓN BINACIONAL
atualizado durante o III Encontro do grupo técnico nos dia 19 a 20 de maio de 2014

Ação	Instituição	Data
Nivelamento de tabelas de coleta de dados	CPI / FENAMAD / FUNAI	Dezembro 2013
Conseguir o aval das instituições que compõe o GTT para o compartilhamento de dados	CPI / FENAMAD	Janeiro 2014
Compartilhamento e discussões preliminares de metodologias de dados geográficos sobre isolados – Instituições CPI/FUNAI/ETNOZONEAMENTO-SEMA	CPI / FUNAI / SEMA	Janeiro – Junho 2014
Compartilhamento e discussões preliminares de metodologias de dados geográficos sobre isolados – Instituições do Peru	FENAMAD / SERNANP - Parque Nacional Alto Purús / VMI (Reservas Territoriales Mashco Piro y Murunahua)	Janeiro – Junho 2014
Revisão do Convenio de Cooperação	FENAMAD / CPI-AC	20 de maio de 2014
Assinatura do Convenio em Puerto Maldonado – Madre de Dios	FENAMAD / CPI-AC	10 de Junho de 2014
Nivelar como as informações serão coletadas em campo – Ficha Técnica de Informação – Nivelamento da estrutura dos dados e definição de categorias.	FENAMAD / CPI-AC / FUNAI	20 de maio de 2014
Consolidação e atualização de um mapa base da região de fronteira Acre-Madre de Dios.	CPI / FENAMAD	05 de Junho de 2014
Intercambio de sementes entre povos indígenas do Peru e Brasil	CPI/FENAMAD	Junho (Malu vai verificar a data)
Intercambio de agentes de proteção com Frente de Proteção Etnoambiental Envira/FUNAI	FUNAI/FENAMAD	Setembro (Verificar com Guilherme)
Consolidação e atualização de mapas temáticos (evidencias de isolados, rotas de mobilidade binacional, ameaças, carretera Inápari – Puerto Esperanza e entorno).	CPI / FENAMAD	Outubro de 2014
Versão preliminar dos mapas temáticos gerados	CPI / FENAMAD	Novembro 2014
Divulgação na COP 20	FENAMAD / CPI-AC	Dezembro de 2014
Avaliação e nova agenda de trabalho	FENAMAD / CPI-AC	2015

Conteúdos de Mapas Temáticos relacionados a povos indígenas em isolamento e comunidades que sofrem influência das dinâmicas fronteiriças

- 1- Mapa Base: Comunidades Nativas, Terras Indígenas, povos e famílias linguísticas, Unidades de Conservação, população indígena, Extensão de Territórios indígenas e de Unidades de Conservação.
- 2- Mapa Concessões Petrolíferas e de gás: Extensão dos Blocos petrolíferos, situação de cada bloco, nome das empresas concessionadas, sobreposição.
- 3- Mapa Concessões Florestais: Extensão das áreas concedidas, situação das concessões, nome das empresas concessionadas, sobreposição.
- 4- Mapa de Infraestrutura viária: Projeto de estrada Puerto Esperanza/Iñapari. Consulta de informações/estudos existentes sobre os impactos às áreas naturais protegidas e territórios de povos indígenas isolados.

Lista de interés: Grupo de Email – gt_isolados_ACMD@gmail.com

maluacre@yahoo.com.br (Skype maluacre); billyshelby11@gmail.com, billy@cpiacre.org.br (Skype billy.fequis); frank@cpiacre.org.br; kquique20@hotmail.com (Skype kquique20); ekuikia-73-40@hotmail.com (Skype ekuikia2010); amedspm11@gmail.com, amedspm9@hotmail.com (Skype amedspm11); luispayaba82@yahoo.es; arakmbut@hotmail.com; Guilherme - FUNAI gdsiviero@hotmail.com; Pâmella FUNAI – pamella.silva@funai.gov.br (Skype pamellamaria), flavia.dinah@ac.gov.br, roberto.tavares@ac.gov.br; Meirelles, Terri e Marcelo Piedrafita.

Equipo profesional contemplado para implementación del TF FENAMAD & SPDA

Staff SPDA	Cargo	Formación	Sede	Distribución de honorarios
Eddy Peña	Especialista en conservación y Comunidades Nativas	Agrónomo	Madre de Dios	50% TF FENAMAD SPDA 50% Contrapartida SPDA
Jose Vargas	Especialista en conservación y Sistemas de información geográfica	Forestal	Madre de Dios	50% TF FENAMAD SPDA 50% Contrapartida SPDA
Fernando Alier	Especialista legal, encargado del Consultorio Jurídico Gratuito de SPDA	Derecho	Madre de Dios	50% TF FENAMAD SPDA 50% Contrapartida SPDA
Asistente legal TBD	Especialista legal de soporte al Consultorio Jurídico Gratuito de SPDA	Derecho	Madre de Dios	100% TF FENAMAD SPDA
Norita Aguirre	Asistente administrativo	Contabilidad	Madre de Dios	30% TF FENAMAD SPDA 70% Contrapartida SPDA
Luisa Rios	Coordinadora Regional SPDA MDD	Forestal	Madre de Dios	100% Contrapartida SPDA
Andrea Calmet	Abogada Programa de Conservación SPDA	Derecho	Lima	20% TF FENAMAD SPDA 80% Contrapartida SPDA
UGP SPDA	Especialista en monitoreo, soporte a la Unidad de Gestión de Proyectos SPDA	Gestión y monitoreo de proyectos	Lima	15% TF FENAMAD SPDA 85% Contrapartida SPDA
Administracion Lima SPDA	Soporte a la Gerencia de Administración de SPDA	Contabilidad	Lima	15% TF FENAMAD SPDA 85% Contrapartida SPDA
Silvana Baldovino	Directora Programa de Conservación SPDA	Derecho	Lima	100% Contrapartida SPDA
Lina Palomino	Abogada FENAMAD	Derecho, titulado y colegiado	Madre de Dios	100% TF FENAMAD SPDA
Manuel Estarque	Asesor Legal FENAMAD	Derecho	Madre de Dios	100% TF FENAMAD SPDA
Asistente legal TBD	Asesor Legal FENAMAD	Derecho	Madre de Dios	100% TF FENAMAD SPDA

Iván Corilloclla	Cooperante especialista campo titulación FENAMAD	Técnico	Madre de Dios	100% TF FENAMAD SPDA
Luis Payaba	Cooperante especialista titulación FENAMAD	Técnico	Madre de Dios	100% TF FENAMAD SPDA
Especialista saneamiento TBD	Especialista en saneamiento CCNN y SIG FENAMAD	Técnico	Madre de Dios	100% TF FENAMAD SPDA
Asistente saneamiento TBD	Cooperante especialista titulación FENAMAD	Técnico	Madre de Dios	100% TF FENAMAD SPDA
Comunicador TBD	Comunicador FENAMAD	Comunicaciones	Madre de Dios	100% TF FENAMAD SPDA
Cooperante técnico Veeduría Forestal	Cooperante de la veeduría forestal	Forestal/Ambiental	Madre de Dios	100% TF FENAMAD SPDA
Asistente administrativo TBD	Asistente administrativo proyecto FENAMAD	Contabilidad/administración	Madre de Dios	100% TF FENAMAD SPDA
Xiomara Yábar	Asesor legal GOREMAD	Derecho	Madre de Dios	100% TF FENAMAD SPDA
Pepe Torres	Asesor social GOREMAD	Antropología	Madre de Dios	100% TF FENAMAD SPDA
Cooperante técnico TBD	Especialista técnico GOREMAD	Técnico	Madre de Dios	100% TF FENAMAD SPDA

ACTIVITY IMPLEMENTATION NOTICE - AIN N° 22
CÓDIGO DE ACTIVIDAD ISU-IR2-005

Diciembre 10, 2013
Revisada Diciembre 12, 2013

Título de la Actividad:	Diseño e implementación de estrategia de resolución de disputas territoriales de comunidades nativas en Madre de Dios.
Contexto / Antecedentes	Para contribuir en la mejora de la institucionalidad y regulación de los mecanismos de adjudicación de tierras en la Amazonía Andina, la UA en Perú ha elaborado una línea base que identifica las disputas territoriales de comunidades nativas en el departamento de Madre de Dios (AIN N°002). Con este estudio, se diseñará e implementará la estrategia para la resolución de disputas territoriales derivadas de la superposición de derechos o falta de saneamiento físico legal de comunidades nativas de Madre de Dios. De acuerdo a los resultados de la referida línea base en Madre de Dios se reportan 627 casos de superposiciones sobre comunidades nativas. Sin embargo, no existen procedimientos formales iniciados por las comunidades para solucionar dichas disputas, debido principalmente a que para oponerse al otorgamiento de otros derechos se requiere primero del saneamiento físico legal de las comunidades, la definición de sus linderos e inscripción en registros. En este contexto, la UA en coordinación con la Federación Nativa del río Madre de Dios y Afluentes (FENAMAD), identificará las disputas específicas que serán resueltas utilizando como principal estrategia el saneamiento físico legal de las comunidades y definición de sus límites, como instrumento para brindar seguridad jurídica. Esta actividad contribuye a la Línea de Acción 1 del Plan de Acción para la Gobernanza de los Recursos Naturales. Asimismo, contribuye a la cadena de resultados de <i>Tenencia de tierras</i>, particularmente al resultado, <i>Facilitación de procesos de resolución de conflictos</i>. Se considera disputa territorial la situación de inseguridad jurídica territorial de una comunidad nativa generada por la superposición de derechos o por la falta de saneamiento físico legal. La superposición de derechos podrá ser total o parcial, y podrá originarse en títulos de propiedad, posesión o uso sobre el mismo predio, o sobre los recursos naturales que se encuentran en éste. Se considera una disputa resuelta cuando las partes en conflicto (en la cual por lo menos participa una comunidad nativa) acuerdan los límites de los territorios en disputa; se georreferencian dichos territorios y los expedientes para la resolución de las disputas identificadas son presentados a la autoridad competente para su reconocimiento oficial.

Comentarios USAID	Resolución de Conflictos en Comunidades Nativas de Madre de Dios Esta definición de disputa resuelta consta en el PMP presentado a USAID en octubre 2013. El expediente que se presentará ante la autoridad competente contendrá el acuerdo entre las partes en disputa. Se espera que el reconocimiento oficial de dicho acuerdo no se demore mucho ya que adicionalmente la autoridad competente participará en el proceso para llegar a este acuerdo y se contará con cooperantes que trabajarán con la autoridad competente. Sin embargo, la UA no puede tener un indicador que no dependa directamente de su propia acción. Se ha tomado en cuenta este aspecto. La UA lo utilizará durante la implementación de estas actividades, y luego se donará a la Dirección Regional Agraria de Madre de Dios, siguiendo los procedimientos establecidos para dicho fin. La DRA de Madre de Dios no tiene GPS, de modo que no puede resolver disputas tomando las coordenadas de los terrenos en disputa. Terminadas las actividades, estos equipos también dependiendo del estado en el que se encuentren el equipo, será donado a la Dirección Agraria y FENAMAD. No se realizarán construcciones. La señalización de límites se realizará mediante carteles. Se han realizado las correcciones pertinentes en este AIN.
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INICIATIVA PARA LA CONSERVACION EN LA AMAZONIA ANDINA

Unidad de Apoyo

Título de la Actividad	Diseño e implementación de estrategia de resolución de disputas territoriales de comunidades nativas en Madre de Dios.
Lugar y Fecha:	Diciembre 2013 a diciembre 2014 (ampliado a marzo 2015)
Objetivos y metodología:	Objetivos: - Diseñar una estrategia de resolución de disputas territoriales derivadas de la superposición de derechos y/o falta de saneamiento físico legal de comunidades indígenas en Madre de Dios. - Identificar casos emblemáticos para buscar su solución, en base a la información del Estudio de línea de base de disputas territoriales de comunidades nativas de Madre de Dios. - Implementar la estrategia de resolución de disputas territoriales ya diseñada. - Proponer recomendaciones para la solución de disputas. Se identificarán casos de disputas territoriales generadas por la falta de seguridad jurídica de los territorios de comunidades nativas en Madre de Dios que no cuentan con procedimientos de demarcación territorial culminados o debidamente saneados, que generan controversias por superposición de derechos. La implementación de las propuestas de solución de disputas identificadas, incluyen alternativas legales o técnicas que pueden abarcar desde el linderamiento de las comunidades seleccionadas, demarcación territorial y trabajo en campo para la actualización de sus planos o levantamiento de los mismos con coordenadas UTM. Estas acciones pueden también incluir la colocación de hitos, aperturas de trochas. Para ello, será necesario contar con la participación de la autoridad competente y la comunidad nativa. Esta actividad se trabajará de manera coordinada con el Gobierno Regional a través de la Dirección Regional de Saneamiento. Para ello, se contratarán consultores (bajo la figura de cooperantes de la SPDA) quienes trabajarán para el Gobierno Regional, en el marco de este proyecto, brindando acompañamiento legal y técnico para la resolución de las disputas. Asimismo, se trabajará con la Federación Nativa de Madre de Dios (FENAMAD) para identificar de manera conjunta las comunidades que serán priorizadas y para presentar a la autoridad las propuestas de solución que puedan ser utilizadas en otras comunidades de la región. Resultados: - Entre 20 y 40 % de las disputas identificadas, resueltas. Productos: - Estrategia de resolución de disputas diseñada, que incluye procedimientos, actores clave y tiempos esperados. - Informe de resultados de implementación de las estrategias de resolución de disputas territoriales en comunidades seleccionadas. - Lecciones aprendidas y propuesta para mejorar el sistema de resolución de disputas por superposición de derechos y/o por la falta de saneamiento físico legal de comunidades indígenas, presentada. Metodología: El diseño y la implementación de la estrategia de resolución de disputas territoriales se desarrollará a través de una metodología participativa de trabajo con la Dirección Regional de Saneamiento del Gobierno de Madre de Dios y la Federación Nativa de

AIN N° 22 - ISU-IR2-005

Diseño e implementación de estrategia de resolución de disputas territoriales de comunidades nativas en Madre de Dios

INICIATIVA PARA LA CONSERVACION EN LA AMAZONIA ANDINA

Unidad de Apoyo

	Madre de Dios (FENAMAD) para identificar las disputas a solucionar y analizar las alternativas y estrategias planteadas para la solución a las disputas. Para ello, se realizarán talleres y reuniones de trabajo con los actores clave y entrevistas en profundidad.
IR relacionados	IR2
Participantes	Equipo de Gobernanza y Políticas de la UA Representantes del Gobierno Regional de Madre de Dios
Agenda y Presupuesto	Ver anexo 1 (Agenda) Ver anexo 2 (Presupuesto)
Requerimiento de personal:	Equipo de Gobernanza y Políticas de la UA.
Materiales necesarios:	1 GPS Referencial, suministros para salidas de campo y material para señalización y demarcación de comunidades nativas.
Requerimiento de reportes:	Valeria Biffi
Country Clearance Requests	No aplica
Nro.de Viaje (Tabla 6)	
Empleados Públicos	Funcionarios de la Dirección Regional de Saneamiento del Gobierno Regional de Madre de Dios

ANEXO 1 AGENDA

Actividad	dic	ene	feb	mar	abr	may	jun	jul	ago	set
Reuniones iniciales FENAMAD	x	x								
Reuniones iniciales GOREMAD		x								
Identificación disputas a resolver		x	x							
Contratación cooperantes			x							
Trabajo de campo y resolución de disputas				x	x	x	x	x	x	x
Presentación de expedientes a DRA								x	x	x
Presentación de informe de resolución de disputas									x	x
Presentación de recomendaciones para resolución de disputas										x

AIN N° 22 - ISU-IR2-005

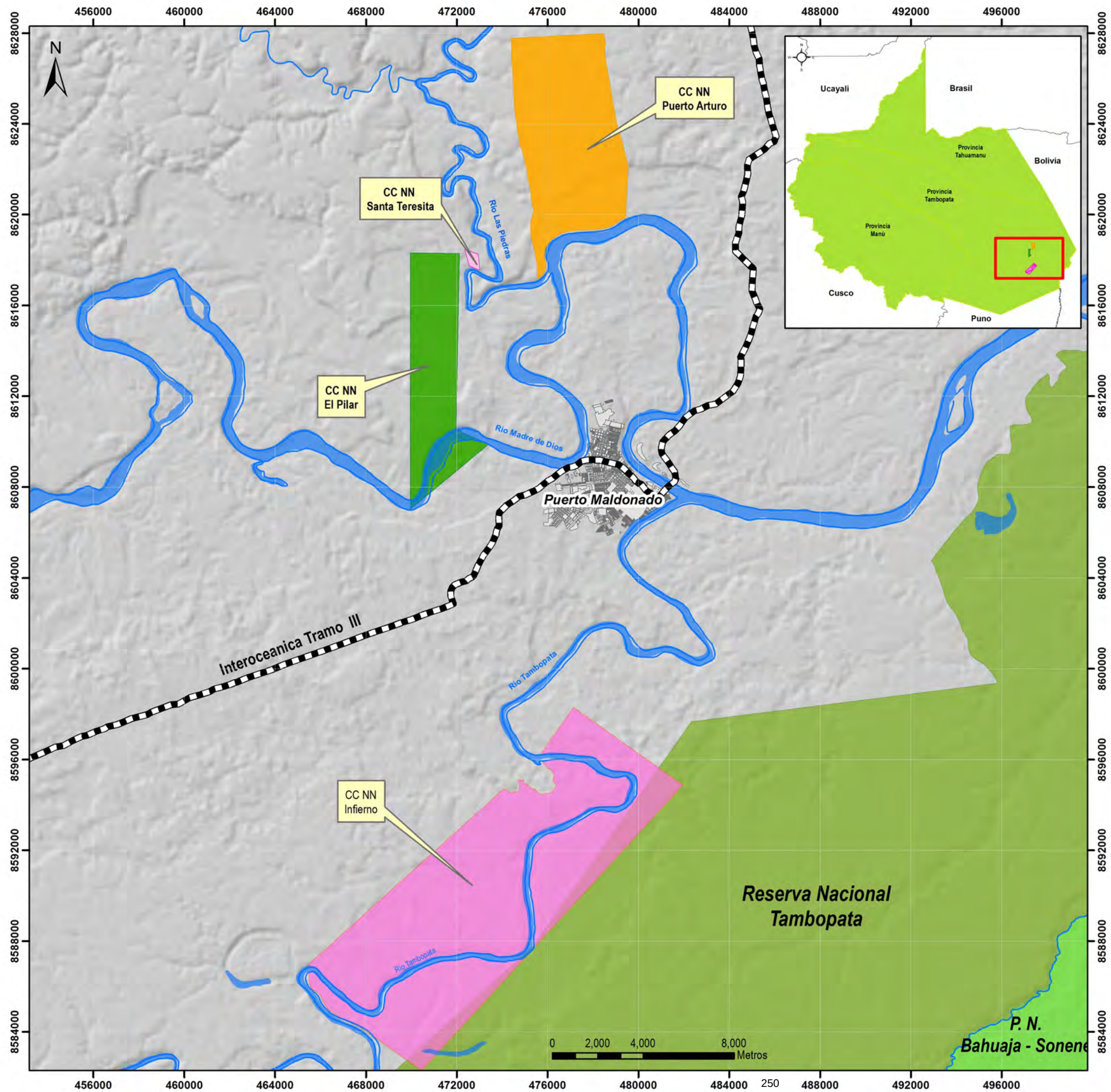
Diseño e implementación de estrategia de resolución de disputas territoriales de comunidades nativas en Madre de Dios

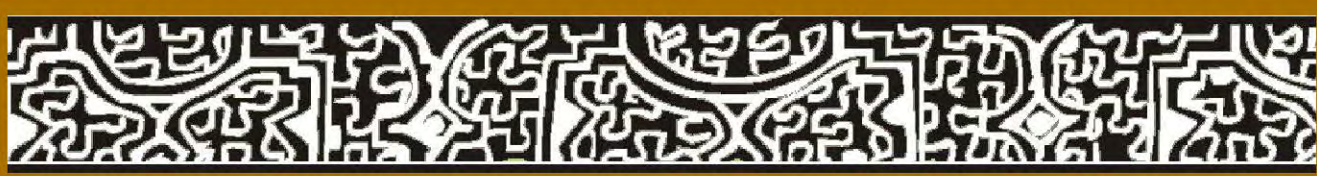
INICIATIVA PARA LA CONSERVACION EN LA AMAZONIA ANDINA
Unidad de Apoyo

ANEXO 2

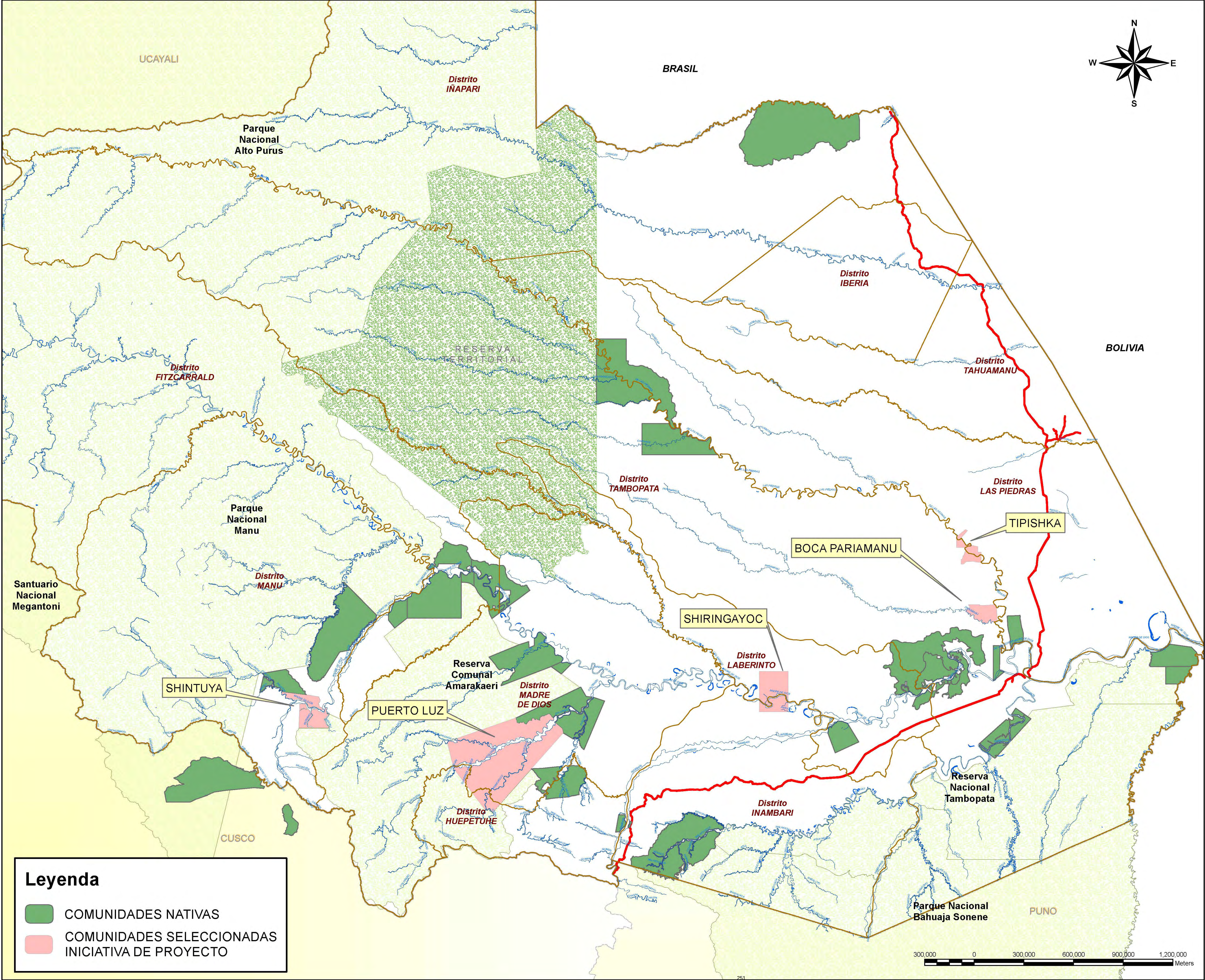
PRESUPUESTO EXPRESADO EN DÓLARES AMERICANOS

Rubro	Costo Unitario	Unidades / mes	Costo Total US\$
Consultores			
Cooperante abogado FENAMAD	2040	10	20400
Cooperante especialista titulación GOREMAD	2520	10	25200
Cooperante especialista campo titulación GOREMAD	1800	10	18000
Otros gastos directos			
GPS Diferencial	20000	1	20000
Equipo de computo	2000	1	2000
Salidas de campo (transporte, alimentación, porteador, etc.)	4500	3	13500
Gastos de señalización y demarcación (cemento, carretillas, etc.)	600	3	1800
Útiles de oficina	120	10	1200
Reuniones y talleres		tbd	2000
TOTAL			104,100





MAPA DE COMUNIDADES NATIVAS MADRE DE DIOS - PERU



Leyenda

- COMUNIDADES NATIVAS
- COMUNIDADES SELECCIONADAS INICIATIVA DE PROYECTO





FENAMAD
Federacion Nativa del Río
Madre de Dios y Afluentes

**MAPA DE COMUNIDADES NATIVAS
MADRE DE DIOS - PERU
"INICIATIVA DE PROYECTO PILOTO"**

Grillado Universal Transverse Mercator (UTM)
Datum WGS84 - Zona 19 Sur - Escala 1/500,000

FUENTE: FENAMAD, IGN, SERNANP, PMRFFS, INEI, PERUPETROAGOSTO DEL 2015

**« Community Mapping for Effective Land-Use Planning »
DEVELOPMENT OF A COMMON COMMUNITY MAPPING PROTOCOL IN
CAMEROON**

**Rainbow Environment Consult
DRAFT 17 September 2015 Proposal to
International Land and Forest Tenure Facility
Rights and Resources Initiative**

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(17 September 2015)

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ABBREVIATIONS

AA	Administrative assistant
CBO	Community-based organization
CED	Centre for Environment and Development
CNCTC	National Council of Traditional Chiefs
CSO	Civil Society Organization
EE	External expert
F	Facilitator
FM	Financial manager
FPP	Forest Peoples Programme
ILFTF	International Land and Forest Tenure Facility
INC	National Institute of Cartography
MINADER	Ministry Agriculture and Rural Development
MINATD	Ministry of Territorial Administration and Decentralization
MINFOF	Ministry of Forests and Wildlife
MINDCAF	Ministry of State Property, Surveys, and Land Affairs
MINEPDED	Ministry of Environment, Nature Protection and Sustainable Development
MINEPAT	Ministry of Economy, Planning and Regional Development
MINMIDT	Ministry of Mines, Industry and Technological Development
ML	Method Leader
MC	Method Carrier
PNDP	National Participatory Development Program
REPAR	Central African Network of Parliamentarians
RFUK	Rainforest Foundation United Kingdom
RRI	Rights and Resources Initiative
SAG	Strategic Advisory Group
TC	Technical coordinator
TCU	Technical Coordination Unit

GLOSSARY

Proponent (i.e. Executing Organization)	It is the main executing organization that is directly responsible for project implementation and all technical aspects – content, quality, outcomes – of the project as well as project preparation, implementation, coordination, management, monitoring, and reporting; it is not acting as an intermediary. The costs they incur are eligible in the same way as those incurred by the Applicant. It may implement the project with one or more Partner(s) and/or Associate(s). If they are not the Applicant, they will sign a Memorandum of Understanding with the Applicant, under which they will guarantee the faithful implementation of the terms of the contract.
Applicant, i.e. Partner(s)	The entity formally submitting the project proposal, which may or may not be the main Executing Organization of the project. Signs the contract with the Contracting Authority, has fiduciary responsibility for the faithful implementation of the contract and financial management, auditing and reporting and, procurement. If it is not the Executing Organization, it will set out, sign and enforce with the Executing Organization a Memorandum of Understanding, in which is defined the roles and responsibilities of each and the terms and conditions of under which the faithful implementation of the contract will be ensured.
Co-Applicant, i.e. Partner(s)	Co-Applicant(s) (i.e. Partner implementing organization(s)) participate in designing and implementing the project, and the costs they incur are eligible in the same way as those incurred by the Applicant. Partners(s) must sign the Mandate indicated in the Section 5.
Associate(s)	Other organizations may be involved in the action. Such associates play a real role in the action but may not receive funding from the grant, with the exception of per diem or travel costs.
Contractor	The grant beneficiaries (i.e. implementing organizations) and their affiliated entities (i.e. Partner implementing organizations) are permitted to award contracts. Associates cannot be also contractors in the project. Contractors are subject to the procurement rules set out in the grant contract.
Project	Activities for which a grant may be awarded.
Final Beneficiaries	Those who will benefit from the action in the long term at the level of the society or sector at large.
Contracting Authority	The entity with who the contract is signed (RRG, ILTF or another instance e.g. an organization outsourced in the country where the project takes place).

SUMMARY TABLE

Title of the action:	Community Mapping for Effective Land-Use Planning - Development of a Common Community Mapping Protocol in Cameroon (ILFTF Pilot Project)
Proponent, Applicant	Rainbow Environment Consult
Co-Applicant, i.e. Partner(s)	<i>Tentatively CED, FODER, others to be added during project document finalization and during the project implementation.</i>
Associate(s)	<i>Tentatively FPP and RFUK, who will provide technical advice as necessary and agreed.</i>
Location(s) of the project:	Cameroon at national level. Testing of protocols in specific locations to be agreed separately.
Total duration of the action (months):	15 months (12-month operational phase plus three months for administrative closing)
ILFTF financing requested	USD 750 000
ILFTF financing requested as a percentage of total budget of the project	100 %
Objectives of the project	Overall objective: To meaningfully advance the land tenure security of local communities and indigenous peoples in Cameroon as recognized in existing laws. Specific objective(s): The purpose of the project would be to 1) develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes; and 2) to 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.
Estimated results	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. Project management in place and cooperation between CSOs and SAG is good, assisted by the Facilitation.
Main activities	Establish SAG and agree on working modalities and to secure support to 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. Conduct a rigorous technical review of the most widely used community mapping methodologies in Cameroon to identify the different purposes, users, similarities, differences, scales, etc. Analysis of existing legislation's requirements on community mapping Development and dissemination of draft mapping protocols. Project management and facilitation.

1. DESCRIPTION OF THE PROJECT

1.1 Project design

The Rights and Resources Initiative (RRI) has established a process to design an independent International Land and Forest Tenure Facility (ILFTF) that aims to support community land and forest tenure. As a part of this process, in early 2014, country assessments analyzing potential value added for establishing the ILFTF were carried out in several countries, including Cameroon. The participatory country assessment analysis carried out in Cameroon revealed key thematic and funding gaps in the land and forest tenure reforms engaged several years ago. These thematic gaps were identified in context of legislative framework, advocacy and awareness, transparency and inclusiveness, gender and capacities, participatory mapping and in technological innovation related to securing tenure rights (Indufor and RRI, 2014). The funding gaps identified were limited financing available directed specifically to tenure rights and in limited availability of flexible and fast funding modalities. Following this early activity, Cameroonian actors active in land tenure and natural resource management arenas requested further consultation in order to select priority ideas for designing a pilot project.

The project preparation of the project was then occurred through three steps. First, a RRI information mission organized in March 2015. Second, Alain Frechette (Director, International Land and Forest Tenure Facility) and Andy White (Coordinator, Rights and Resources Initiative) conducted a scoping mission between July 13 and 17, 2015. The purpose of this mission was to: (i) assess the concepts proposed by Cameroonian partners and collaborators for an ILFTF pilot project; (ii) learn from Cameroonian colleagues the strategic opportunities and priorities by which the ILFTF could optimally contribute to advancing rural land tenure reforms in Cameroon in the short-term; and (iii) if a pilot project appeared desirable and feasible at this time, assist Cameroonian partners develop a project concept, and the institutional arrangements for implementing such a pilot project. During this mission, meetings were organized with key relevant institutions and resource persons including the Ministry of Economy, Planning and Regional Development (MINEPAT), National council for Traditional leaders (CNCTC), Ministry of Territorial Administration and Decentralization (MINATD), Ministry of Forests and Wildlife (MINFOF), Ministry of State Property, Surveys, and Land Affairs (MINDCAF), National Institute of Cartography (INC), United Councils and Cities of Cameroon (CVUC), Rainbow Environment Consult, Centre for Environment and Development (CED), World bank Group, KFW, World Agroforestry Centre (ICRAF), RRI Facilitator and Independent consultants.

From the discussions with various groups (Cameroonian government officials, organizations, and international donor institutions), a strong consensus was found on the strategic value of developing a common approach for identifying community and indigenous peoples land use and land tenure that would earn the support of land holders and government actors. The sense of urgency in undertaking such a process was emphasized given the impending laws, investments, and spreading risks of conflict in the rural areas. The mission found that the lack of an agreed approach to address land tenure uncertainties has become widely understood to be a major constraint to national development plans and investments. It was also clear that in order to earn credibility and support from the diverse set of actors, such a process would require leadership by respected Cameroonian statesmen and independent technical experts.

Third, a core working group was established including Indufor (Anni Blåsten and Guy Patrice Dkamela) and Rainbow Environment Consult (Timothée Fomete) to provide technical support to the formulation and development of the pilot project in Cameroon. This working group consulted relevant stakeholders through meetings and a project concept validation workshop from August 26 to September 18, 2015, to discuss and agree on the project scope, objectives, activities, expected results, organizational structure, partners and their roles, and provisional implementation plan.



Project concept validation workshop, Yaoundé, 15th September 2015 (Photo A. Blåsten)

In the initial discussions with the core working group, the following requirements for the implementing partners, i.e. Consortium of CSOs, were set:

- Potential implementing partner should agree to participate in the design of the project;
- CSO should have some experience in participatory mapping, i.e. they have realized some maps, which addressed various thematic/sectorial issues and which covers various geographical areas;
- They should have designed mapping methodologies;
- They should have qualified staff on participatory mapping: cartographer, and other related qualifications (sociologist/anthropologist, etc.)
- They should present evidences of good reputation in financial reporting and audits.

The following information was requested from potential CSO partner candidates in order to identify those that qualify.

I. General information on the organization

Name:

Date of creation:

Legal document:

Location:

Website and links to participatory mapping resources:

Current partners/collaborators: donors, national NGOs, grassroots CBOs, government agencies, the private sector

Member of which networks:

II. Governance and fund management

Financial management policy and procedures

Bank account numbers

Accountant: Name, status (if permanent, social security information; if consultant, contract)

Current year budget and forecast

Financial reports of the organization for the last 2 years

Audit report for selected mapping projects

III. Documentation of each experience in participatory mapping

Name of the project/initiative/activity

Donor/partners/technical support
National partners involved
Period/dates
Location: community, area, region
Mapping processes and procedures (bullet points)
Outputs: reports, publications, maps (provide us with these products)
Staff involved and their qualification

A quick assessment of the forms and information from discussions revealed that a large number of Cameroonian CSOs have carried out or, at least, have been involved in participatory mapping activities. These include the organizations in the table below:

Table 1 Potential implementing partners in the project

Organization	Location	Relevant activities and experience
Centre for Environment and Development (CED)	Yaoundé, Capital City	More than 10 years of experience in participatory mapping Has developed mapping methods
Forêts et Développement Rural (FODER)	Yaoundé, Capital City	Is coordinating the project 'Participatory mapping and forest governance' since 2014. Mapping following RFUK methodology.
Ajemalibu Self Help (AJESH)	Kumba, South West Region, 348km from Yaoundé	Has implemented participatory mapping exercises following RFUK methodologies
Cameroon Ecology (CAMECO)	Edea, Littoral Region, 170km from Yaoundé	Has conducted a review of participatory maps within the framework of RRI Coalition
Centre pour l'Education, la Formation et l'Appui aux Initiatives de Développement au Cameroun (CEFAID)	Yokadouma, East Region, 588km from Yaoundé	Has carried out many participatory mapping exercises with FPP
Appui a l'autopromotion et l'insertion des femmes et des jeunes désœuvrés (APIFED)	Djoum, South Region, 281km from Yaoundé	Has carried out some mapping exercises with RFUK methodology
Coopérative Agroforestière de la Trinationale (CAFT)	Ngoila, East Region, 448km from Yaoundé	
Association OKANI	Bertoua, East Region, 340 km from Yaoundé.	Has carried out number of Indigenous people mapping projects with Waterloo Foundation and FPP
Appui pour la protection de l'environnement et le développement (APED)	Kribi, South Region, 280km from Yaoundé.	Is involved in the project 'Participatory mapping and forest governance', with FODER and RFUK
PAPEL Cameroun	Messamena, East Region,	
CADER	Akom II, South Region	

However, most of these organizations carried out their mapping under the technical/methodological leadership of a northern NGO such as Forest Peoples Programme (FPP) and Rainforest Foundation UK (RFUK). The Centre for Environment and Development (CED) appeared to be the only national NGO that has developed a participatory mapping methodology. This implied the best approach to partnership in the project would be to form groups of participants based on their added-value and the discussion led to the adoption of two groups within the Consortium of CSOs: 1) One group of three 'Method Leaders' and, 2) a pool of 'Method Carriers' who will be definitely selected once the common

mapping protocols are developed and the criteria for testing sites adopted. Since RFUK and FPP are not eligible for grants under the project, it was decided that both would be invited as associates. *Negotiations on the details with project partners and associates are still on-going during the writing of this document.*

1.2 Summary of the Project

Project objectives

The project purpose is twofold:

First, to develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes;

Second, to 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.

Three key bodies will form the structure of the project. The Strategic Advisory Group (SAG), in its capacity as political body, will provide advice to improve the project implementation and enhance its impact. The SAG will include government agencies, CSO representatives, a parliament representative, a traditional leader's representative and a group of observers consisting partner organizations and donors. The Consortium of CSOs will form a technical body of the project, which will be composed of two key groups; that of the "Method Leaders" (ML), whose responsibility is to develop the harmonized methodologies; and the group of "Method Carriers" (MC), who will provide inputs in the harmonization process and test the common tools developed. A technical coordination unit (TCU) will provide facilitation within the SAG and the daily management of the technical activities carried out within the CSOs.

The project will consult and inform a number of other stakeholders who are presented along with other beneficiaries in Table 2. Some of the key NGOs were met and their interest and inclusion in the project was discussed – MoUs supporting the project concept and expressing their engagement are presented in Annex 1.

Table 2 Stakeholder analysis

Stakeholder	Interest and role	Participation in the planning process
Indigenous Peoples, and their organizations, local communities	Bring maps to the level required by the present legislation. CSOs to be involved in consultations and testing of proposed protocol. Key role both in SAG and in project implementation partners (Consortium of CSOs).	Initiative, active participation in consultations, concept development with RRI and Indufor, and drafting.
Environmental and other NGOs	Long-term interest in uniform mapping protocols. Participation in the SAG.	Participation in the Project Concept Validation Workshop, commenting.
Private Sector, Companies	Training on mapping, uniform protocol for preparing required maps. Government approval of mapping protocols used. Key role in the SAG.	Participation in the Project Concept Validation Workshop, commenting.
Government Agencies, including local level.	Increased confidence in maps produced by other stakeholders; uniform. Key role in the SAG, continuous liaising with technical process by mapping experts.	Participation in the Project Concept Validation Workshop, commenting.
Research institutions	Streamlining of mapping protocols, possibility to use different maps in research; compatibility of maps. Participation in the SAG.	Participation in the Project Concept Validation Workshop, commenting.
Parliamentarians	Indigenous peoples' representation, goodwill. Participation in the SAG.	Participation in the Project Concept Validation Workshop, commenting.

International NGOs, Regional organizations	Development of a mapping protocol that can be “stamped” by the organization and applied in other countries as well. Government approval of mapping protocols used. <i>Some (FPP, RFUK) will have a key role as Method Leaders as project associates.</i>	<i>Negotiations on-going Approval of and commitment to the proposed cooperation arrangement, signature of MoU.</i>
Donors	Coordinating efforts and sharing information with the proposed project. Participation in the SAG.	Participation in the Project Concept Validation Workshop, commenting.

Proposed activities

The outputs of the project are based on two parallel processes; a political and a technical process, supported by a Technical Coordination Unit with a political Facilitator. A Strategic Advisory Group (SAG) will be established to support the adoption of common mapping protocols. Technical reviews on existing methodologies and legislation will be carried out as a basis for the mapping protocol development work. Very close coordination will be ensured between the political and technical processes to ensure the achievement of the objectives during the 12-month project duration. Details on the planned activities are described in Chapter 1.4.4.

Planned timeframe

Duration of the pilot initiative is 12 months. Pre-implementation phase of approximately one month, and a closing phase of maximum three months will be permitted in addition. Pilot initiative will be implemented by Rainbow Environment Consult, together with the proposed partners and associates, and supported by a Strategic Advisory Group (SAG).

1.3 Relevance of the Project

1.3.1 Relevance to the Objectives/Sectors/Themes/Specific Priorities of the ILTF

The pilot project is relevant and consistent with ILTF in at least three ways. First, its high strategic value, as harmonized participatory mapping procedures accepted by government agencies and other stakeholders provide a ground for explicit recognition and support in the ongoing policy and legislative reforms on land tenure and forestry. In this regard, the project is particularly relevant to the ILTF overall objective which is to meaningfully advance the land tenure security of local communities and indigenous peoples as recognized in existing laws. Second, common mapping protocols have the potential to enable agreement among various actors on community rights on land, a constant contested issue. Mapping protocols as tools accepted and used by a spectrum of social, economic, and political actors groups would provide more clarity on community land rights to these actors and potentially create more support among the various groups and give more opportunities for leveraging greater investments in support of community land and forest rights. Third, the current reforms on land tenure and forest law, and the development in the land use planning policy indicate a momentum for addressing community rights. Completing the pilot project in the short time frame would help seize this momentum and, if effectively used, would put in place the basis for institutionalizing the practice of participatory mapping in the policy, legislative, or court rulings.

In addition to the ILTF services to Cameroon through the Pilot Project, the implementation and completion process of the project would help establish the newly created facility. Lessons learned from the pilot project will feed and provide further guidance to the facility on its design, operational modalities and priorities.

1.3.2 Relevance to the particular needs and constraints of the target country, region(s) and/or relevant sectors

Cameroon presents an attractive country for a pilot project because of the variety of existing laws and policies that already recognize the land uses and rights of communities, such as in the land, forest and mining codes. In addition, the country’s extensive social and ecological diversity and the resulting

complexity of human-environment relationships present an opportunity for developing lessons that would be useful for sharing across Central and West Africa.

The context of Cameroon shows progress in the recognition of rights of indigenous and local communities in public and national forests. As demonstrated in Table 2, over last ten years an increasing share of forests has been designated for indigenous peoples and local communities with user rights¹. This concerns particularly the community forests in which communities are given the management and usage rights, although the ownership of the land remains with the state.

Table 2 Forest land tenure trends in Cameroon

Tenure type	Category	Tenure share (%)		
		2002	2008	2013
Public ownership	Government Administered	100.00	94.63	94.07
	Designated for indigenous peoples & local communities	0.00	5.37	5.93
Private ownership ²	Indigenous peoples & local communities	0.00	0.00	0.00
	Individuals & firms	0.00	0.00	0.00

Source: RRI 2014

Moreover, in recent years, the government of Cameroon has demonstrated its interest and openness to clarify and strengthen local land rights by considering the proposals of the Network of Parliamentarians (REPAR), the National Council of Traditional Chiefs (CNCTC), and the RRI coalition members in Cameroon to land reform policies and revisions to the draft land and forest laws.³ Combined with planned investments by the international development community in land reform processes, and the large number of proposed mining, agriculture and infrastructure projects in the country, Cameroon make an attractive case for pilot testing.

Analysis of opportunities and challenges in the policy, legal and institutional frameworks related to tenure, carried out during the scoping missions (Indufor and RRI, 2014), further justifies the pilot project, namely with the argument that clear and common understandings regarding land tenure and land use regulation is one of the most important policy challenges facing the government in order for it to achieve its goal of becoming an inclusive and sustainable emerging economy by 2035. Tables 3 (policy), 4 (legal), and 5 (institutional) present these opportunities and challenges in detail.

¹ Government Administered' forests are legally claimed as exclusively belonging to the state (RRI 2014).

² Forests are considered to be "owned" by indigenous people and local communities, or individuals and firms when they have full legal rights to secure their claims to forests for an unlimited duration. They have the legal right to exclude outsiders from using their resources, and they are entitled to due process and compensation in the face of potential extinguishment by the state of some or all of their rights (RRI 2014).

³ See REPAR (2015) Contribution des parlementaires Membres du REPAR-Cameroun à la Révision de la Politique Foncière du Cameroun; RRI (2015) Document de position de la Coalition RRI-Cameroun.

Table 3 Summary of analysis of opportunities and challenges in the policy framework related to tenure

Policy	Opportunities	Challenges
Vision 2035, Growth and Employment Strategic Plan, Rural Sector Development Strategy	Valuation of land, economic growth and improvement of local communities' livelihoods	Respect and support to rights of indigenous peoples and local communities threatened.
Sectoral policies: forestry, agriculture, environmental, gender	Greater inter-sectoral cooperation, inclusion of local communities, women and indigenous peoples in the decision-making.	Rights of indigenous peoples and local communities not fully respected.
VPA/FLEGT, REDD+	Possible good practices required for REDD+ and FLEGT and their contribution to policies in favor of marginalized populations. Opportunities for REDD+ process may inspire other natural resource extracting industries, such as agro-processing, mining and forestry.	The "conservation" component of any REDD+ project may significantly limit the capacity of communities to enjoy their customary rights. Will the context allow seizing the opportunities?
Lack of policies - Mining policy - Hydrocarbons policy - Indigenous peoples	Opportunities to create "good" policies that take into account indigenous peoples and local communities rights.	Will the context allow seizing the opportunities? No policies developed → status quo.

Table 4 Analysis of opportunities and challenges in key legislation related to tenure

Legislation	Opportunities	Challenges
2011 law on the land use planning and sustainable development of lands	National, regional and council land-use plans to make informed political decisions.	Law is still not applied as implementing decrees are still expected
1974 Land Law	Depends on the reforms included in the on-going revision. One of the innovative concepts inserted in the draft under discussion is that of the "Espace vital" that should be reserved for each community.	However the process to demarcate such "Espace vital", the surface area and the level of security of rights are concerns. So far, this revision has not been carried out in a broad participatory manner. Communities and NGOs seem not to be aware of the development. Outcome of the law?
1994 Forestry Law	Reforms may include greater participation rights of communities and responses to requirements set by REDD+ and APV/FLEGT processes. Greater recognition of communities' rights to trade timber.	Will the communities' rights be included in the revised law? Outcome of the law?
The Pastoral Code - draft	One of the aims of the proposed agro pastoral code is to address the constant and escalating conflicts between farmer communities and grazers.	The lack of effective and sustainable conflict resolution mechanisms has made farmer/grazer conflict a permanent feature in agriculture and livestock landscape.
Family law – draft	Improved women's rights related to land issues (inheritance, divorce, widowhood)	Outcome of the law?

Table 5 Analysis of opportunities and challenges in key institutional framework related to tenure

Institution	Opportunities	Challenges
Land and forest tenure concerns several ministries' mandates	Cooperation and arbitration mechanisms exist.	Weak cooperation and coordination between ministries.
Clarity in land use planning by MINEPAT would strengthen tenure rights	Application of the new law (2011) and a better vision/implementation of national land use planning would reduce overlaps	Funds, coordination and application of the law? Conflicts of interest with MINDCAF?
Civil society, including communities, leaders, NGOs, to be organized	Greater participation in the planning and better negotiating capacity of communities	The efficiency and effectiveness of platforms, mechanisms of participation.
Community Forests	CFs have been offered the possibility to access and market timber.	Misuse of possibility by individuals.

The legitimacy of community and indigenous peoples land tenure and uses, and the legal protections due to local people, including women, have been reinforced more recently by the Government of Cameroon's (GoC) commitment to the UN's Voluntary Guidelines for the Governance of Tenure (VGGTs) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Recognition of customary tenure rights, and the duty to ensure Free, Prior and Informed Consent (FPIC) is also widely established as international best practice by responsible companies and investors, including some operating in Cameroon. As shown in the tables above, the draft land, forest, and mining laws, as well as the pastoral code, all include stronger protections and clearer duties by the state regarding these local land uses and rights.

Unfortunately, promises in the draft documents under reform do not guarantee that the innovative provisions will figure and be improved in the laws to be adopted by the Parliament. So far, the enforcement of the relevant laws and policies regarding community, indigenous and women's land tenure, by the government, companies, and conservation organizations, has been constrained by a lack of agreed operational methodologies for identifying community and indigenous peoples land and resource tenure. A number of Ministries have some authority over land use and land tenure issues, but a key missing issue is a common, mutually agreed public approach/tools to the identification and recognition of community, indigenous peoples and women's land uses and resource rights. A number of NGOs and companies have attempted to address this void by developing different methodologies to map community and Indigenous Peoples' land use. Some Ministries have begun to accept or endorse these approaches and adjusted their allocation of industrial concessions accordingly.

The government has made significant progress on decentralizing state functions to the provincial and communal levels, but there has been limited effort to date to clarify the land tenure and governance authorities of villages, communities, and indigenous peoples.

The recent increase in conflicts between industrial plantation companies and communities; the impending wave of new infrastructure, agriculture and mining investments across the country; and the anticipated adoption of the new land, forest, mining, and pastoral legislation as early as November 2015 – all present an urgent need for a common operational approach that is supported by traditional communities, indigenous peoples, women and government. There are growing demands for community maps among the various actors groups (chiefs, companies, managers of protected areas, CSOs, state actors) that the actual capacity among the CSOs cannot totally meet. The proposed pipeline of projects from the international development community to support land use planning, rural development, and REDD+ likewise present new opportunities to scale-up tested and proven methodologies.

Similarly, planned investments in mining and infrastructure, including the railroad across the southern part of the Country, provide unique opportunities to advance the clarification of land tenure, community

rights and compensation rules, if best practice international standards were adopted by the government and the investors. Given the emerging consensus and awareness of the options, achieving this outcome would be entirely possible if concerted government, investor, and CSO, action were undertaken.

There seems to be a consensus among the Cameroonian government officials, organizations, and international donor institutions, in the strategic value of developing a common approach for identifying community and indigenous peoples land use and land tenure that would earn the support of land holders and government actors. There is also a widespread sense of urgency in undertaking such a process given the impending laws, investments, and spreading risks of conflict in the rural areas, and the lack of an agreed approach to address land tenure uncertainties has become widely understood to be a major constraint to national development plans and investments.

It was also clear that in order to earn credibility and support from the diverse set of actors, such a process would require leadership by respected Cameroonian statesmen and independent technical experts. Also, the availability of Cameroonian organization with mapping skills would be an asset for the project. Such capacity does exist, though still to be enhanced in order to meet the needs. The proposed project provides the opportunity to start addressing the problem with conflicting methodologies which is undermining the legitimacy of participatory mapping as the best approach to identify and recognizing community rights to lands and resources.

Problems to be addressed

The project will help address three categories of problems. First, the lack of accepted common approach and procedures for protecting community rights in the frame of investment projects, which can be simple and effective. This weakness has undermined the legitimacy of the various initiatives that aimed at protecting community rights to land. Second, there is very little legal recognition of community property on land and resources. The project will provide legitimate tools/approaches that could justify the inclusion of relevant provisions in the draft documents under discussion and help enforce the provisions on communities' lands and resources identification and demarcation, in the current legislation. Third problem to be addressed, are the conflicts and lack of coordination that prevail between various sectors. In the absence of clear and coherent guidelines on how mining, forest, agricultural, infrastructure sectors should handle communities rights in their interventions, each sector has so far been using its own practices leading to conflicts and contradictions on the same issue. A common tool/approach of community mapping is a basis for inter-sectorial coordination and coherence in handling community rights to land and resources.

Other relevant on-going and planned projects

The government project on the geodesic network of Cameroon. MINDCAF is currently implementing this project which aims at demarcating the whole national territory at three levels:

1. A reference geodesic network made of 25 landmarks.
2. A basic network made of one landmark at the level of each council (commune).
3. A densified network that would demarcate each village or community.

The cost of this project is estimated at USD 19 million but only a very small share has been secured so far.

The National Institute of Cartography (INC) has initiated a process to put in place a unique system of reference for mapping in Cameroon. This initiative will come out with coherent/harmonized mapping coordinates to be used by any mapping project in Cameroon.

The following initiatives are also relevant to the pilot project:

- Cameroon Ecology/RRI coalition has initiated a desk study aiming at compiling and analyzing the participatory maps in Cameroun.
- Support to the development of a Common Mapping Platform in Cameroon, a project funded by the European Forest Institute, and carried out by LTS International, together with Rainbow Environment Consult, Ecometrica and RFUK. This pilot project is focusing on the South West Region area and the results should be available for this project.
- The RFUK Congo Basin mapping comparative study of existing participatory (community) mapping practices in the Congo Basin, with a possibility to continue in 2016 with national focus. The project aims at contributing to the establishment of agreed principles and

methodologies for ensuring that data on community use, occupation and ownership of forest is collected according to the highest standard.

1.3.3 Beneficiaries, their needs and constraints, and state how the action will address these needs

Five groups appear among the key beneficiaries of the project. These include local communities who are one of the direct beneficiaries, as the legitimate tools for mapping their lands and resource is asset to help redress their customary rights that have been overlooked since the colonial era. Customary chiefs would dispose tools to engage negotiation with the state and investors on their rights to land and potential compensation. The second group is the indigenous people's organizations, who are struggling for the recognition of specific rights to land and resources for nomadic and hunter-gatherers communities. In the context of inter-ethnic conflict on land between the grazers (e.g. Mbororo) and agriculturist communities, and between the marginalized hunter-gather Pygmy groups and the Bantu farmers, authoritative and consensual land mapping protocols would facilitate decision-making in the demarcation of the territories claimed and help protect the least powerful groups. Also, the diversity criteria (issues/themes, sectors, geographical and ecological areas, etc.) to be covered in the development and testing of mapping protocols provide the opportunities to address specific issues relevant to the marginalized groups mentioned above, including women.

The third group, the CSOs, in their capacity as intermediary organizations that support community development, will benefit from the training provided by the project and would comfort their position as facilitator among the communities. The project has the potential, not only to increase the number of "method carriers" in the CSOs consortium, but also to incentivize the "method carriers" towards a better ownership of mapping methodologies.

The fourth group includes government agencies; MINEPAT who is currently leading the development of national, regional and sectorial land-use plans is facing some coordination and coherency challenges. Common mapping tools are assets for easier coordination of various public sector agencies relevant to communities' forest tenure and land claims. It would enable a better awareness of the state actors of the need of community maps and reduce the knowledge gap among them on this issue.

The fifth group is that of the private sector and investors who are quite often in conflict with communities in forest, agricultural and mining concessions. The common protocol(s) will have the potential to help minimize the conflicts and secure their investments, as one of the key challenges for the private sector so far is how to engage with communities that are claiming rights on land.

1.3.4 Particular added-value elements

A key added-value of the project is related to its potential effect on the legislation, in two ways. When successful, the proposed project would provide the current the existing legislation with provisions to address the gaps related to procedures for identifying communities' land and resource uses. It would also provide arguments for improving and completing relevant provisions in the ongoing reforms and policy development work.

Consensus on mapping approaches would constitute an innovation in Cameroon which would imply the move from what some observers called 'the war of maps' to a new era where the common best practices might provide a ground for better definition of community or village and potentially pave the way of its recognition as a legal entity. The consensus on common mapping approaches would also provide the ground for stronger advocacy for community rights on lands, especially in view of the anticipated sensitivity of the common approaches to socio-anthropological issues pertaining to minority groups, gender and Indigenous Peoples.

The project also provides the opportunity to consolidate and extend the proposed Associates' long term experience in Cameroon and in the sub-region. There are also remarkable possibilities for scaling up, given the number of institutions already involved in community mapping in Cameroon, and the potential influence of such a common methodology on the Congo Basin countries as well as countries in the Sahel, sharing the same social and ecological characteristics with Cameroon.

The project will also promote responsible private investment by reducing risks related to land conflicts. Common approaches to mapping community land and resources is likely to promote and consolidate the partnership between the private sector and the state, as handling communities' claims have been

one of the contentious issues between the state and private sector. It is expected that reduced conflicts with communities will reinsure the private sector and increase private investment which the state is promoting within its Vision 2035.

1.4 Description of the Project

1.4.1 Overall Objective

The overall objective of the project is to meaningfully advance the land tenure security of local communities and indigenous peoples in Cameroon as recognized in existing laws.

1.4.2 Specific Objective(s)

Two specific objectives can be drawn directly from the **Purpose of the project**, which is to develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes; and to 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.

Specific objectives are therefore:

SO1 - 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, and

SO2 - Develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes.

1.4.3 Expected Results

The results of the project are drawn from the Aide-memoire of July 2015 and the logical framework under Sub-chapter 1.4.9. The main results are closely interlinked, and any one of them is less beneficial to the final beneficiaries alone, than with the achievement of the others. The mapping methodology to be developed (Result 5) will not benefit the local communities and indigenous peoples and their organizations, unless the protocol(s) are also adopted by the relevant ministries and the government agencies into their procedures. To ensure the awareness-raising, acceptance, and finally, adoption of the protocol(s) developed, the establishment of the SAG and its successful operations are critical (Results 1 and 2). As the SAG will be meeting only every three months, we will allow for ad hoc working groups to keep the process alive and to solve any problems that may arise before they block the development process. One aspect of active liaison between the SAG members (e.g. INC) and the ML, is also to ensure the ownership by the government of the protocol(s) developed.

The main benefits of the results of a successful project are:

- Following a successful national protocol for community mapping, the community maps produced in the future will follow the same procedures, and be approved by the government.
- The private sector will benefit from clear, tested and well documented mapping procedure for their projects, and they don't have to develop their own methods.
- The CSOs involved in community mapping will benefit from uniform mapping protocol(s) and the related training will be available for any other future mapping projects. CSOs carrying out the testing of the proposed protocol(s) will also benefit directly, as they will be trained in the protocol(s) to be tested and provided with mapping equipment (GPS, computers, printers, field work equipment).
- The government's awareness on the importance of community maps will have increased and legal requirements related to land use development projects will be met.
- International organizations will also benefit from the Government's "approval stamp" on the used protocol, the trust that has been created together with the ownership of the protocol. They will also benefit in their future projects from the accumulated training carried out for local NGOs under the common protocol.

Result 1 – 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.

Output 1.1: Role of relevant ministries clarified and their engagement to the process achieved.

Output 1.2: Other SAG members invited and participating.

Result 2 – Support and adoption of common mapping protocols secured.

Output 2.1: SAG informed on the Technical Review results and giving advice for the continuation of the work.

Output 2.2: Lessons from the testing received, reviewed and supported by the SAG.

Output 2.3: Proposed final protocols approved by the SAG.

Output 2.4: Options identified for adoption and integration of the protocol(s)

Output 2.5: Best option(s) brought forward for ultimate adoption and integration of the protocol(s) by the relevant ministries into their administrative procedures and agencies.

The technical part of the project (Results 3, 4 and 5) will be mainly carried out by the Method Leaders, who have the required capacity on development of mapping protocols. They will be working closely with the Method Carriers and consulting other CSOs during the work. During the process, TCU will support the technical teams as required, and act as a liaison office between the development work and the SAG. External national experts will be used for specific technical tasks, such as the technical review (see Activity 3).

Result 3 – Technical review completed and results shared with SAG.

Output 3.1: Information gathered on widely used community mapping methodologies in Cameroon.

Output 3.2: Stakeholders informed of existing maps and tools.

Result 4 – Gaps analysis with the legislation. Legal argument for community mapping.

Output 4.1: Gaps analysis carried out.

Result 5 – Draft mapping tools/protocols developed, finalized, and proposed to SAG.

Output 5.1: Gaps assessed by Method Leaders together with the Technical Working Group

Output 5.2: Draft mapping protocol(s) developed.

Output 5.3: Draft mapping protocol(s) tested by CSOs.

Output 5.4: Agreement/consensus on the contents of the final protocol(s) based on the results of the testing.

Output 5.5: Protocol(s) finalized and disseminated.

Obtaining Result 5 requires the biggest inputs during the project, and it will be supported by the technical review (R3) and the legal analysis (R4). There is a lot of technical work to be carried out, but also work related to different geographic regions, different cultures and themes – therefore close collaboration with national CSOs who are not directly engaged with mapping, is also crucial. To achieve the approval and adoption of the proposed protocol, continued liaison with the SAG and specific *ad hoc* working groups will be ensured.

Result 6 – Project management in place and cooperation between CSOs and SAG is good, assisted by the Facilitation.

Output 6.1: Facilitation of SAG in place.

Output 6.2: Technical Coordination Unit established and functional.

Output 6.3: Knowledge management and communication plans.

Output 6.4: Project monitoring, reporting and evaluation as planned

Output 6.5: Project office established.

Output 6.7: Feedback and lessons learned to the further development of the ILFTF.

1.4.4 Activities

There are six different activities in the proposed project. They vary in size, but none is less important than the other. The number of an activity does not reflect a chronological order, as there is a lot of inter-dependency and interaction, especially between Activities 2 and 5.

Activity 1 – Establish SAG and agree on working modalities.

The Facilitator has the main responsibility for this activity, and he will be supported by the TCU. Detailed tasks include the following:

- Task 1.1. Meet with the leadership of the relevant ministries to seek their advice on the process and discuss their respective roles and engagement.
- Task 1.2. Invite Government and other representatives to participate in the Strategic Advisory Group (SAG) and establish the SAG.
- Task 1.3. Convene and organize meetings of the SAG
- Task 1.4. Establish smaller ad hoc working groups as necessary.

The Facilitator, supported by TCU, will work closely with the members of the SAG, even between the formal SAG meetings. We suggest that the SAG should be chaired by MINEPAT. In addition to the formal SAG, which will host representatives from a large number of organizations, smaller *ad hoc* working groups will be established, as necessary. These would include a technical working group, and maybe a political working group, to work more closely with the Method Leaders to address the details and possible issues during the development of the common mapping protocol.

Activity 2 – Secure support and 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.

This activity is to be carried out throughout the project, mainly by the SAG with inputs from the technical work through the TCU. The final steps in the implementation of the complete project are Tasks 2.6 and 2.7.

- Task 2.1. Study the Technical Review and the Legal Assessment reports and give advice to TCU for the gaps analysis and protocol methodology work.
- Task 2.2. Analyze the results of the testing of the proposed mapping protocol(s) and collect evidence for SAG to get their feedback.
- Task 2.3. Approve the final protocol(s).
- Task 2.4. Identify options for adoption and integration of the protocol(s) by the relevant ministries into their administrative procedures and agencies.
- Task 2.5. Assess the different options for adoption and integration of the protocol(s) and select the most feasible option.
- Task 2.6. Endorsement of adoption of the protocol(s) in selected pilot ministries and among other strategic groups such as other relevant CSOs and the private sector.
- Task 2.7. Disseminate the final protocol(s) for adoption to the private sector companies and relevant CSOs.

As the SAG will formally have only four meetings, ad hoc working groups will work more closely with the technical team during the process, to immediately overcome any technical or other obstacles that might slow down the planned testing or approval processes. One of the SAG meetings will be organized outside Yaoundé so that actual fieldwork can be demonstrated to the SAG members.

Activity 3 – Conduct a rigorous technical review of the most widely used community mapping methodologies in Cameroon to identify the different purposes, users, similarities, differences, scales, etc.

A rigorous technical review of the most widely used community mapping methodologies in Cameroon to identify the different purposes, users, similarities, differences, scales, etc. will be carried out as a desk study. Results of this study will be used to inform stakeholder discussions regarding the nature

and extent of existing tools. The technical review will be carried out by an external national expert, contracted directly by the TCU. Tasks under this activity include the following:

- Task 3.1. Preparation of the terms of reference. Identify and contract an external expert to carry out the review. (TCU)
- Task 3.2. Carry out the desk review (Expert)
- Task 3.3. Reporting, quality control to be carried out by TCU.
- Task 3.4. Sharing results of the review with the SAG.

Methods to be covered in the initial review of community maps and methods include e.g. the following:

- Rainforest Foundation UK (RFUK): the Mapping For Rights Methodology (report to be published in October 2015)
- World Resources Institute (WRI): Interactive Forest Atlas of Cameroon, version 3.0 (2012)

It is estimated that the review will be done in one month of work, during the two first months of the project implementation. This is one of the most urgent activities, as results will support the Legal Analysis under Activity 4 – both will serve as basis of work for the development of methodology and informing the SAG on the status and urgent need to develop a community mapping protocol.

An important part of the work will be to coordinate closely with the RFUK regional initiative on *Community Mapping Standards in the Congo Basin*, and other mapping inventories related to Cameroon.

Activity 4 – Analysis of existing legislation’s requirements on community mapping

Very important and one of the very first activities – to bring legal argument for the need of improved community mapping in Cameroon to the SAG and especially the Government decision-makers. This activity will be carried out by CED, one of the Method Leaders.

- Task 4.1. Legal analysis of natural resources legislation in Cameroon.
- Task 4.2. Produce summary report for SAG.
- Task 4.3. Describe mapping goals according to existing legislation.

Activity 5 – Development and dissemination of draft mapping protocols

The main activity, the development of the draft mapping protocol(s), will be carried out by the Method Leaders and supported by the TCU and the SAG and ad hoc working groups throughout the process. They will also consult closely with MCs and other CSOs, to ensure that the protocol(s) developed will be applicable nationally, in all situations and areas of the country.

- Task 5.1. Assessment of the gaps between the different methodologies,
- Task 5.2. Development of the common mapping protocol.
- Task 5.3. Testing the draft mapping protocol(s)
- Task 5.4. Analyze the testing results and share them with the SAG.
- Task 5.5. Consensus-building.
- Task 5.6. Finalize the protocol(s) taking into account testing results and feedback from different stakeholders. Disseminate the final protocol(s) to the SAG.

In addition to the analysis of legal gaps, the assessment will cover the gaps between existing methodologies and the complex challenges associated with Cameroon’s diverse cultures, customs, social-ecological relations, and biophysical environments. An external facilitator will be engaged in the beginning of the process to ensure the impartiality and the objectivity of the assessment.

The development of common protocol(s) means that the community maps are drawn in a certain, uniform and harmonized minimum common level, so that they are useful and meaningful, so that they can be trusted and have the required credibility, and so that they can be incorporated in the Government’s mapping systems. The mapping process has to be based on a truly participatory method, and conflict resolution mechanisms should be included in the process guidelines.

The main bulk of the development work will be carried out by the Method Leaders, supported by the TCU and in close collaboration with the ad hoc technical working group of the SAG, when necessary, and with close consultations with the most relevant Method Carriers, and other CSOs. The two international Method Leaders, FPP and RFUK, will be invited to participate in this work as much as they can, as it is of utmost importance, that the protocol(s) to be developed, can be approved by these. Both FPP and RFUK have long-term international experience in community mapping, and their experience should also be bought to the benefit of this project and Cameroon in general.

Both FPP and RFUK have been invited to join the project as Associates and Method Leaders, and their participation remains to be confirmed as of writing of this document.

Testing sub-tasks include:

- Design of the testing to cover all aspects (geography, biology, cultural, sectoral, etc.) to ensure that the proposed protocol will be feasible at a national level.
- Selection of Method Carriers to carry out the testing (according to the criteria for partner selection drawn during project preparation);
- Establishment of the formal partnership with them, training, and actual mapping.
- Data collection for production of maps and for knowledge management purposes.

The testing part will be a major exercise due to the vast area and diversity of the country. We estimate that a total of 8 testing teams will be needed, each working in average for one month, of which about two weeks in the field. The teams will be selected among the local Method Leaders and/or Method Carriers. The TCU will contract tester organizations for testing according to the new protocol(s), prepare report templates for their lessons-learned reporting, and organize training of testers with CED. The equipment for field work will be purchased for each team (GPS, tents for camping, food, car rental, etc.). Two powerful computers together with printers to produce large maps will be procured. The idea is that most of the testers will bring their data to two organizations, who produce the actual maps. All equipment procured will remain with the testers after the project.

The testing teams will also be required to report on their testing process: lessons learned and pros and cons of the proposed protocol.

The testing results will be shared with the SAG members. Upon feedback from the SAG, discussions will be initiated to arrive to an agreement between the Method Leaders and selected Method Carriers on the final protocol(s). A workshop will be organized to discuss the agreement and to present the finalized protocol to the stakeholders.

Activity 6 – Project management and facilitation

The project management, technical coordination and facilitation activity comprises project management and coordination; financial management, procurement and auditing; monitoring and evaluation of (i) physical and financial progress and reporting, (ii) project impact evaluation, process documentation, and (iii) the learning systematization of the project actors, while also contributing to the further development of the ILFTF processes and procedures. The tasks under the project management include:

- Task 6.1. Organization of the SAG meetings (by the Facilitator, supported by the TCU).
- Task 6.2. Facilitation of the on-going interaction between technical work, other CSOs and the SAG.
- Task 6.3. Prepare and implement knowledge management and communication plans.
- Task 6.4. Organization and implementation of agreed monitoring, reporting and evaluation, including final audit of the project.
- Task 6.5. Establishment of the TCU office (contracting office staff, space, bank account and equipment).

The on-going technical coordination and facilitation of work between the parties includes the following sub-tasks:

- Prepare short and long-term work plans.
- Organize a CSO committee to inform on work.
- Participate in RRI Coalition meetings.
- Travels to regional/international meetings on community mapping.
- Organize discussion papers from CSOs on different themes.

The TC will prepare a detailed **knowledge management** plan together with CED. This will include collecting systematically all the maps, data, etc. to be stored at CED, as they are the only national ML in this project and already carry a lot of this material in Cameroon. TCU and CED will inform the MLs, MCs, all tester organizations, and other relevant parties about the procedures, and follow-up on the rigorous implementation of the plan.

Communicating the project activities and sharing the results is very important, both nationally and internationally. The **communications** plan will be drafted by the TC and approved by the SAG and Partners. The plan will include press releases, radio interviews, a video film on final protocol, and a website. TC will participate in RRI Coalition meetings for information exchange. The international exposure will be ensured by the Associates and by the TC while participating in international and/or regional meetings. Internal communications within project mainly through SAG and CSO committee, and the video film on the final protocol will serve as future training material.

In addition, to ensure that all relevant information will be provided to the SAG and the MLs and other stakeholders, production of specific **discussion papers** will be asked from CSOs, research institutes or external consultants on different themes; women, legislation, mapping in areas with different geographic, cultural traditions, industrial sectors, etc.

As this is a pilot project, an important aspect of the reporting responsibility is lessons-learned reporting to the Facility. Reporting is described in detail under Chapter 1.4.8.

During the planned three-month administrative closing period, all contracts would be completed and paid, receipts collected and project books and accounts closed. A separate final audit of the project funds will be carried out. Copies of the final accounting and the financial audit report would be provided to the ILFTF together with the final report of the project.

1.4.5 Strategy towards greater/sustained impact – our approach

Creating a common community mapping protocol that is approved by all stakeholders will contribute indirectly to a better recognition of local communities and Indigenous Peoples' rights; with a simpler method, improved efficiency will bring cost savings to all actors by avoiding multiple efforts in design and training. Availability of more maps will improve the awareness of usage rights in the different processes and reduce the number of conflicts.

During project preparation, the project implementation team made of the Facilitator and Technical Coordination Unit has already engaged with key stakeholders within government and CSOs. The project implementation approach is based on a strong combination of technical activities that will feed a political awareness and a decision-making process. During the development of methodologies, concurrent consultations will be carried out, supported by the Facilitator to insure collaboration and buying from actors. The limited time frame for the project requires constant advancement in the implementation.

In the beginning of the project, while putting in place SAG, the focus will be on conducting the legal reviews and analysis that sets the ground for a national need for mapping; this legal review will complement a technical review of mapping methodologies and experiences, and serve as an argument for the need of common community mapping protocol(s).

MINEPAT has already expressed strong support to the project as it falls within the priorities of the Government and ongoing land use planning projects. The guiding text for Land Use Planning in Cameroon is the Law No. 2011/008 of 6th May 2011 providing orientation for the management and sustainable use of land. However, there is not yet a national land use planning strategy for Cameroon that guides interpretation of this law. MINEPAT has launched a series of national programs on which the proposed ILFTF project will contribute.

These include the preparation of:

- A National Schema for the management and sustainable development of Land;
- A National Zoning Plan for Land
- A set of Regional Schemas for the management and sustainable development of land in the South-West and North Regions supported by KfW, South and East Regions supported by the World Bank;
- Local Land Management and Sustainable Development Plans, which cover one or more Council areas that further define the Regional Schemas for one or more Council areas.

MINEPAT has also indicated that it will prepare a National Land Use Planning Strategy with GIZ support. The intention is that the Strategy would clarify the land use planning processes, steps, responsibilities, partnerships, tools, etc.

The implementation of a National REDD+ Strategy by the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED, REDD+ Coordination Unit) with support from the World Bank's Forest Carbon Partnership Facility has indicated a strong component on Land tenure and the role of traditional authorities.

The National Participatory Development Program (PNDP) envisages conducting some land use planning at council level. They have expressed strong support and willingness to collaborate and use the methodologies that will be developed with the proposed Facility project.

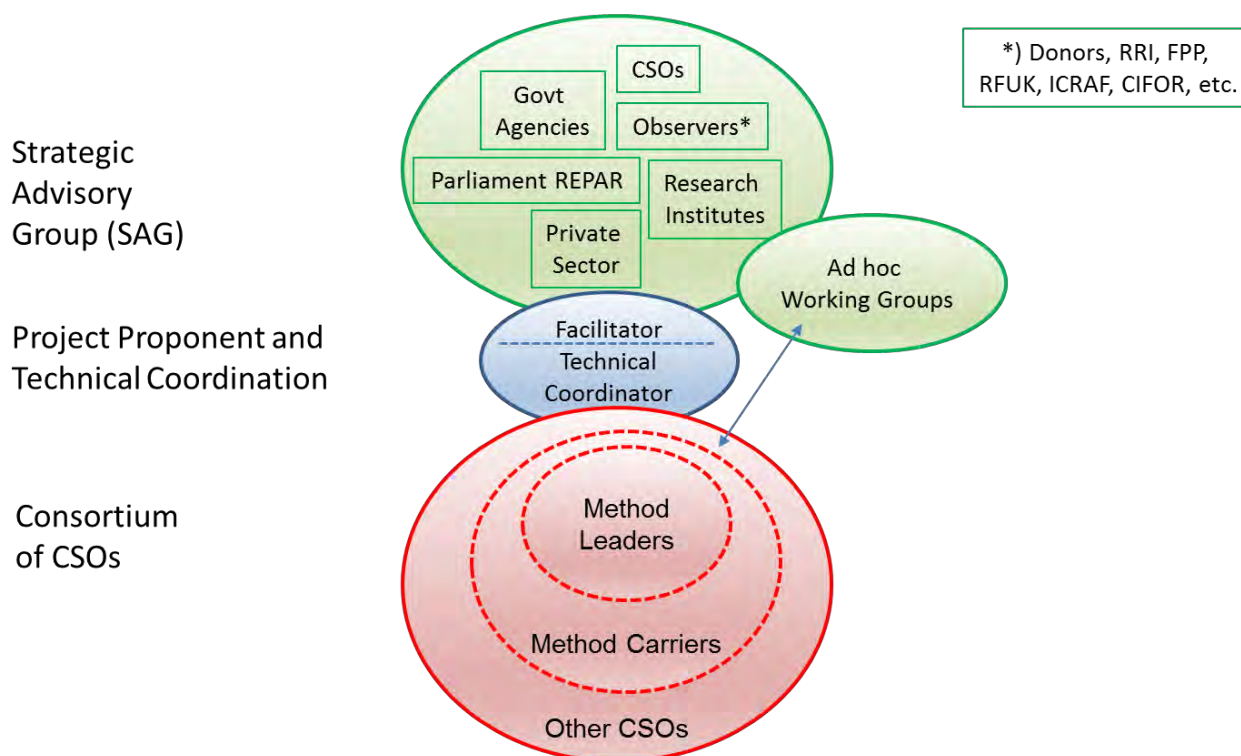
In addition to planning processes, there are a number of reforms of the legal framework for land, forest and environmental management in progress or proposed. The following three laws are critical to regulating harmonious rural development. Government of Cameroon has expressed a wish to draft / revise them simultaneously to ensure that they are harmonized on key issues:

- Land tenure reform process initiated by the Ministry of State Property, Surveys, and Land Affairs (MINDCAF) with support from the French cooperation.
- Revision of the Forest Law, that proposes stronger legal recognition and registration of customary rights of local communities (Articles 2, 6, 8, 9, 10, 35(2), 65), and envisages the potential of communities to register ownership of forests and agroforests (Articles 32, 49, 52);
- Revision of the Mining Code.

Organization

The proposed structure and approach for project implementation consists of a Strategic Advisory Group, a consortium of CSOs and a Technical Coordination Unit, as indicated in Figure 1.

Figure 1 Project organization



The Strategic Advisory Group (SAG) will advise the project and ensure direction and momentum to the national dialogue and process. It would be composed of high-level representatives of leading Ministries and agencies (MINEPAT, MINFOF, MINDCAF, MINADER, MINMIDT, MINATD, INC), REPAR, CNCTC, and CSOs with extensive community mapping experience, researchers and relevant private sector representatives. The Group would include as observers relevant international organizations present in Cameroon, including donors with demonstrated interest in supporting community mapping (e.g. KfW, the EU, World Bank, DfID, AFD), and international organizations (e.g. ICRAF, CIFOR, FPP, RFUK and GIZ).

The Advisory Group would provide space for dialogue amongst actors on the issue of community rights and provide strategic guidance to the technical coordination unit and working group on the purpose, needs and key challenges to be addressed in the development and adoption of the community mapping protocols. The SAG will have an advisory role, and it will provide strong – independent third-party, if necessary – facilitation in case of any disagreements. The SAG meetings have been scheduled for every three months, four in total. Three meetings are to be held in Yaoundé and one outside the capital. SAG will receive the project progress reports and all technical reports for their information and advice, and it will approve the initial 12-month work plan. The TCU will act as secretariat for the SAG.

Consortium of CSOs – Implementation Partners

A consortium of pre-identified CSOs would participate in the technical review of mapping methodologies, develop the common protocols, and lead the testing of the proposed protocols in various regions of Cameroon, with the support of the coordination unit; and the Associates.

Two CSOs have been identified so far as Implementation Partners or Co-Applicants; CED and FODER. More partners will be invited to join the project once the planning of the testing is more advanced. Criteria for the selection of the partners has been developed during the project preparation and is explained in Chapter 1.1.

Associates

FPP and RFUK are international NGOs who have been working in mapping projects in Cameroon with several local NGOs. The two organizations have developed the methods used in a large part of the mapping projects carried out by NGOs in Cameroon. Therefore, they have been invited to join the project as Associates.

Method Leaders

The proposed Method Leaders are CED, RFUK and FPP. These organization have been selected based on their experiences both in Cameroon and in the Congo Basin countries. The technical capacities available in these organizations will be mobilized to the development work and to improve on the quality of the deliverables. The participation of the International NGOs is also a catalyst for wider recognition and the credibility of the results both nationally and regionally.

Method Carriers

Method Carriers are national CSOs, who have extensive experience in implementing community mapping projects in Cameroon, and who are planned to provide inputs in the harmonization process and test the common tools developed.

The Proponent

The proponent will act as the Technical Coordination Unit for this project and will take responsibility, among others, of signing of the grant contract, financial management, coordination of project planning and implementation, reporting, systematization of learning and, project closing (financial and final reports), and convening the Strategic Advisory Group. The Proponent of the proposed project, Rainbow Environment Consult, will set a team for technical and financial management of the project (project manager, assistant, financial officer). The tasks of the Proponent/TCU include the following:

- Overall coordination
- Facilitating communication between partners
- Project management: ensuring that meeting notes are collected, shared and kept, collecting progress and monitoring reports
- Acting as contact hub for trouble-shooting
- Financial management: disbursement and financial administration
- Submitting auditing and project technical and financial reports to the Facility
- Compiling report on lessons learned and experiences from implementing organizations
- Monitoring of progress
- Preparing MoUs between implementing organizations and the proponent.

To create visibility of the project, a **communications** strategy will be developed. It will include the production of brochures and videos, the organization of and attendance to different related events, designing a website for the project with frequent updates, and the active use of both print and electronic (including social) media to reach out to a wider audience.

The project implementation team comprise the **Facilitator**, the **Technical Coordinator**, who will ensure timely coordination, supervise grant making to CSO and support the facilitation process. He will be in charge of preparing work plans and documentations for the SAG, *ad-hoc* technical working groups and liaison with all partners at the national and regional levels. In addition, an **Administrative Assistant** will be employed full-time to provide secretariat and administrative support in the preparation and conduct of activities, and a **Financial Officer**, a senior accountant from Rainbow will be employed on a par-time basis to insure appropriate accounting and financial reporting to ILFTF.

The TCU will have a dedicated office space and meeting room to be organized by Rainbow Environment Consult. Basic office equipment will be provided (computers, printers, photocopiers, telephone, and internet services). In addition, specialized equipment for mapping including computer, printers and software will be provided for the use of all CSOs, hosted at CED and/or FODER for centralized service and to be stored and shared according to the **knowledge management** plan to be prepared.

1.4.6 Duration and indicative action plan for implementing the Project

The proposed project duration is 12 months, with an additional allowed period of max three months for project closing. A pre-implementation phase of about one month has been indicated in the proposed work plan, during which the Proponent will organize the project office and identify and contract key project personnel, including external expert for the technical review. The Facilitator will initiate discussions with the key members of the SAG.

The activities in the proposed work plan match those described in detail in the Description of the Project. There are two parallel processes – technical and political processes (Figure 2) – are to be coordinated by the TCU, who is also the main implementing body and the Applicant.

The tentative work plan indicating the phases, activities and tasks, responsibilities and outputs, is shown in Table 6.

Figure 2 On-going liaison between the two parallel processes

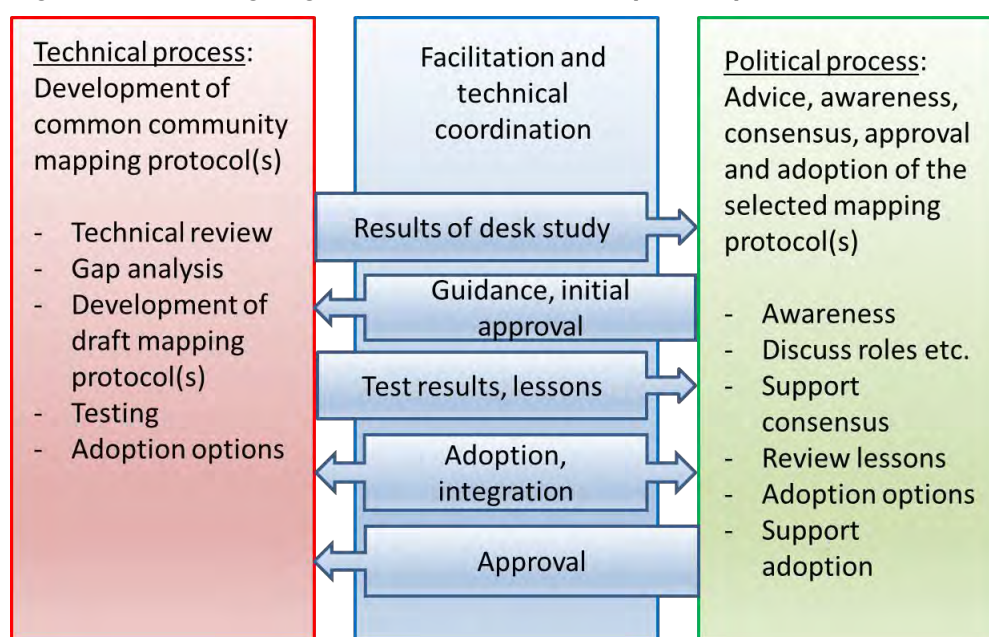


Table 6 Work Plan

No	Activity/Task	Responsible	Pre-im- plementation Phase	Implementation Phase (months)												Closing Phase			Output/Result
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
A0	Pre-implementation Phase																		
	Contract with ILFTF	TC																	Contract signed.
6.5	Establishment of office	TC																	Project office established and operational.
6.5	Opening bank account	TC																	
6.5	Contracting TCU staff	TC																	
A1	Establishment of SAG																		
1.1	Meet with relevant ministries to seek their advice on the process and discuss their respective roles and engagement.	F																	Role of relevant ministries clarified, engagement achieved.
1.2	Invite Govt and other organisations to SAG	F, AA																	Other SAG members invited and participating.
1.3	Establish SAG - convene meetings, name chair	F																	SAG informed and advising
	Agree on working modalities and mandate	F																	Working modalities and mandate clarified and agreed.
1.4	Establish smaller ad hoc working groups as necessary	TC, F																	Ad hoc working groups working closely with the ML
A2	Secure support and adoption of common mapping protocols by erlevant government agencies and other stakeholders																		
	Overall support to technical work.	SAG																	Support provided as required.
2.1	Study Technical Review Report and Legal Analysis results and give advice to TCU.	SAG																	SAG informed and advising.
2.2	Analyse testing results and collect evidence for SAG.	TCU, ML																	Testing results reviewed and further action supported.
2.3	Approve final protocol(s).	SAG																	Proposed final protocol(s) approved by SAG.
2.4	Identify options for adoption and integration.	SAG																	Options identified.
2.5	Assess the options and select the most feasible option.	SAG																	Best option selected and brought forward for adoption.
2.6	Endorse adoption in pilot Ministries.																		
2.7	Disseminate final protocol to private companies and CSOs.	SAG																	
A3	Conduct a rigorous technical review of the most widely used community mapping methodologies in Cameroon																		
3.1	Identify and contract an external expert to carry out the review. Provide support for implementation.	TC																	Technical Review Report completed and shared with SAG.
3.2	Carry out review, and coordinate closely with RFUK and other mapping initiatives related to Cameroon.	EE																	
3.3	Reporting.	EE																	
3.4	Share results of the Technical Review with SAG.	TCU, F																	
A4	Analysis of existing legislation requirement on community mapping																		
4.1	Carry out legal analysis of natural resources legislation in Cameroon.	CED																	Legal argument for community mapping: gaps with legislation analysed and brought to the information of SAG.
4.2	Produce summary report for SAG.	CED, TCU, F																	
4.3	Describe mapping goals according to existing legislation.	CED																	

No	Activity/Task	Responsible	Pre-implement- Phase	Implementation Phase (months)												Closing Phase			Output/Result
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
A5	Development and dissemination of draft mapping protocols.																		
5.1	Assessment of the gaps between the different methodologies.	ML, EE, TC																	Gaps assessed.
5.2	Development of the common mapping protocol(s).	ML, Associates																	Draft mapping protocol(s) developed.
5.3	Testing the draft mapping protocol(s)	ML, TCU, MC, Other CSOs																	Draft mapping protocol(s) tested by CSOs. Maps and testing reports.
5.4	Analyse the testing results and share them with the SAG.	ML, TCU																	Agreement/consensus on the contents of the final protocol(s) based on the results of the testing.
5.5	Consensus-building between MLs and selected MCs on final protocol(s)	TC, ML, MC																	
5.6	Finalise the protocol(s) taking into account testing results and feedback from different stakeholders.	ML																	Protocol(s) finalised and disseminated through SAG (Tasks 2.6 and 2.7)
	Disseminate the final protocol(s) to the SAG.	TC																	
A6	Project coordination and management																		
	Technical Coordination and Management																		
6.1	Organisation of the SAG meetings (by the Facilitator and supported by the TCU).	F, TC																	Facilitation of SAG in place
6.2	Facilitation of the on-going interaction between technical work, other CSOs and the SAG.	TC																	Technical Coordination Unit established and functional, providing additional technical inputs to the process as required.
6.2.1	Prepare short and long-term work plans.	TC																	
6.2.2	Organise CSO committee to inform on work.	TC																	
6.2.3	Participation in RRI Coalition meetings.	TC																	
6.2.4	Travels to regional/intl meetings on community mapping.	TC																	
6.2.5	Discussion papers from CSOs on different themes.	TC																	Knowledge management and communications plans implemented.
6.3	Prepare and implement knowledge management and communication plans.	TC, CED																	
6.4	Organisation and implementation of agreed monitoring, reporting and evaluation. (see below)	TC																	
	Financial management, procurement and auditing																		
	Management of project finances and financial system	FM																	Project finances managed, closed and audited.
	Management of project contracts and contracting	TC, FM																	
	Management of project procurement	TC																	
	Training and monitoring partners' on financial management	FM																	
	Closing project contracts, balancing and closing project accounts, audit.	TC, FM																	
	Monitoring and evaluation																		
	Internal evaluation of activities, process documentation and knowledge management. External final evaluation.	TC, EE																	Final evaluation report.
	Progress reports to SAG and ILFTF (monthly updates and quarterly reports).	TC																	Progress reports submitted.
	Lessons-learned reporting to ILFTF	TC																	Lessons-learned reports submitted to ILFTF.
	Financial reports to SAG and ILFTF (quarterly).	FM																	Four financial reports submitted.
	Carry out, present and discuss internal mid-term and final review of project in SAG meeting and forward minutes to ILFTF.	TC, F, SAG																	Internal mid-term and final reviews carried out and reported.

1.4.7 Sustainability of the action

The ILTF project though with a limited duration of 12 months will set a good precedent for future work in community mapping in Cameroon. The participatory methodology development process will enable most of the established CSOs to improve their capacity; they will be well equipped to carry out further projects and continue their activities with a common methodology.

Linkages with national objectives as explained before insure that the methodologies adopted here will be implemented with future support from national or international organizations.

The legal responsibility for mapping in Cameroon lays in the hands of the State. Getting the adequate ministries in the SAG will help harmonize the understanding and expectations from different sectors. Agreement on the scope of community mapping methodologies obtained at this level is likely to have a very wide impact as these will be used subsequently not only by CSOs and communities but also by public and private entities. More so as the community approach in mapping has not been previously adopted by MINDCAF.

The project implementation with CSOs who are actively engaged in working with communities is the first stage of sustainability of the actions, as their work is not only project based. Continued financing of follow-up activities in community mapping is likely to be provided from the current sources and the financing is actually likely to increase with the adoption by the government of the proposed approach and recommendation for its utilization by some pilot sectors.

Institutional sustainability: structures that would allow the results of the proposed project to continue to be in place after the end of the implementation, include the National Institute of Cartography (INC), following their participation to the SAG and the legal recognition of their role. Among the participating CSOs, the capacity building activities during the project increase the number of people familiar with the methodology, agreements and local 'ownership' of action outcomes.

Policy level sustainability will be insured as an outcome of the SAG meetings during the project with contributions from a multi-sectoral group and creation of the ad-hoc working groups.

The project will generate short and long term benefits to the communities without hampering the physical environment.

Table 7 Identified risks and their mitigation strategy

Risk	Mitigation strategy
No consensus within the CSOs on common methodologies and protocols.	Detailed MoU and operational procedures will be agreed upon and the services of the project Facilitator and if necessary, those of an external, independent facilitator, will be used when needed. Ad hoc working groups will be established to help harmonize approaches and find consensus.
Challenges in the testing of the methodologies; including duration.	Early and careful selection of testing sites based on existing projects and early agreement on criteria; A feed-back mechanism in place to inform project implementation.
Change in commitment of one of the implementing partners.	MoUs established between each implementing organization and the Proponent.
Exit of an implementing organization during the project period.	Rules for disengagement will be developed and recorded in the MoUs.

A good functioning of the SAG and implementation by CSO consortium will build both on i) the multi-stakeholder collaboration and ii) the CSO collaboration that facilitates further and stronger cooperation beyond the pilot project horizon. Bottom up approach based on existing CSOs for testing and lessons learning will allow strengthening their links and contribution to a stronger community governance.

Institutional development will take place through i) technical knowledge sharing between the partners and ii) increasing capacity and awareness of implementers and other stakeholders.

1.4.8 Monitoring and evaluation of the project

Planning

A 12-month work plan will be prepared by the TC in the beginning of the project, together with the MLs. This will be presented in the first SAG meeting for their approval. More detailed rolling four-month work plans will be prepared during the implementation of the project.

Meetings

The SAG will meet four times over the project span: at the end of each three-month implementation period (months 3, 6, 9 and 12), supported by the Facilitator and chaired by the agreed representative of the government (we are suggesting MINEPAT representative).

Ad hoc working groups (e.g. technical working group) will meet with the MLs as necessary.

Bi-monthly coordination meetings by implementing partners, and together with CSOs and/or RRI Coalition members will be organized to review progress, share, and plan actions. These meetings will be chaired by the TC.

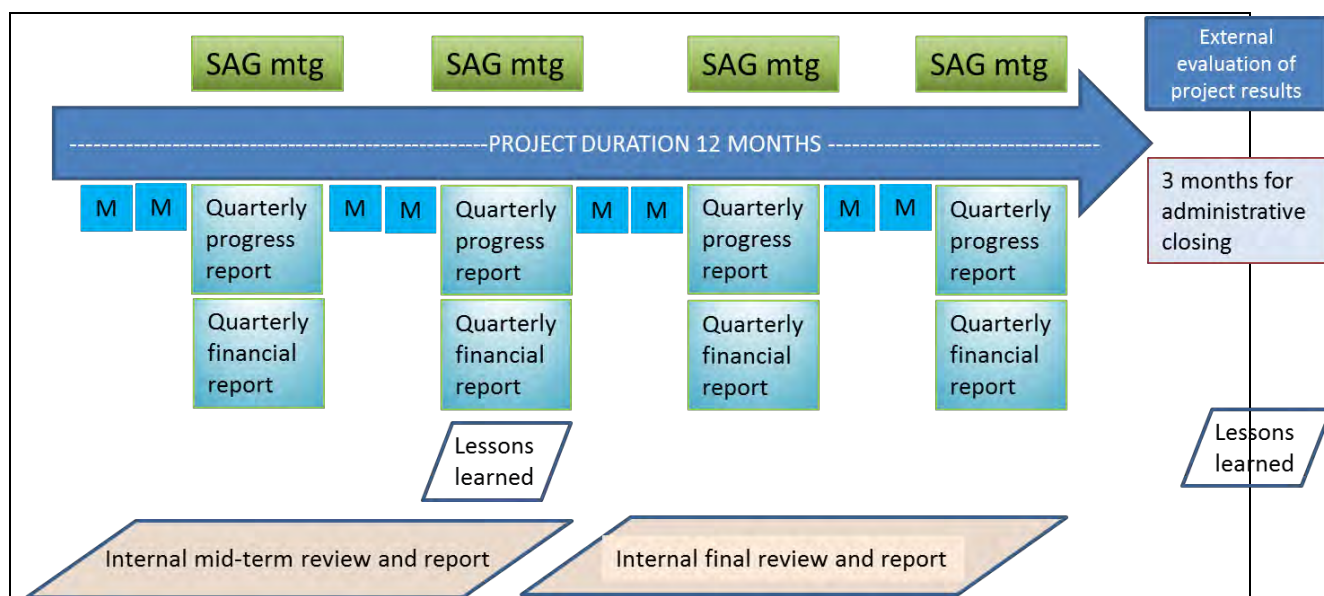
Monitoring progress and evaluation

Internal on-going evaluation of activities against work plans, will be carried out by the TC, including process documentation and knowledge management. External final evaluation will be carried out by an external Cameroonian party, contracted by the Facility (funds have been budgeted). The final evaluation is to be completed within project administrative closing period, during months 13-15 from the project start.

Technical and financial reporting

The TC will provide monthly progress reports to SAG and ILFTF. In addition, quarterly technical and financial reports will be submitted by the proponent. Disbursements of funds to partners will be based on completed reporting, including lessons-learned reports, e.g. in relation to quarterly reports.

Figure 3 Monitoring and evaluation



Lesson-learning for the Facility

TCU will prepare two lessons learned reports for ILFTF. Lessons regarding financial management and reporting system will be recorded during project implementation and included to the lessons learned reports for ILFTF.

Each participating organization will record their lessons from Facility perspective, including those carrying out the testing of the proposed protocol(s). The TC will develop a simple template for

progress reporting. TCU will draw the lessons together for one report, to be submitted twice during the project; first after six months of project implementation and then with final report after the closing of the project.

1.4.9 Logical Framework

LOGICAL FRAMEWORK FOR THE PROJECT				
	Intervention logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
Overall objective	O1 – To meaningfully advance the land tenure security of local communities and indigenous peoples in Cameroon as recognized in existing laws.	Advanced land tenure security of local communities and indigenous peoples. Land tenure security of local communities and indigenous peoples managed as recognized in existing laws.	Legal documents Advancement: perception of IP representatives by interviews Data on land use conflicts and court cases	There is real political commitment at all levels to this issue. Achieving the overall objective requires a general consensus by the key stakeholders (Method Leaders and Method Carriers) on the proposed protocol(s).
Specific objectives	SO1 - 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.	SO1. Consensus in the Strategic Advisory Group on the proposed common mapping protocol. SO1. Adoption of the proposed common mapping protocol by relevant government agencies and ordinances. SO1. Adoption of the proposed common mapping protocol by international NGOS working in the region.	Issued government instructions and protocols. Data on government staff working on common mapping protocols. Interviews of NGOs to verify adoption.	See above.
	SO2 - Develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes.	SO2. A set of protocols.		Inadequate political support is a risk as well delays in government decision-making.

Expected results (outputs for each results are listed in the work plan and described in Chapter 1.4 Description of the Project)	R1 – 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.	1.1 Number of SAG meetings held: 4 (R1) 1.2 Share of invited members actually participating in SAG meetings: 50% of each group (government, CSOs, private sector; R1)	Minutes of the SAG meetings (Indicators 1.1, 1.2, 2.1, 3.2, and 5.2) Other supporting documents; declarations, ministerial communications, reports, articles in press, social media (Indicator 2.2)	Adequate political support at all levels.
	R2 – Support and adoption of common mapping protocols secured.	2.1 Minutes of the SAG meeting showing support for the adoption of common mapping protocols (R2) 2.2 Other supporting documents: declarations, ministerial communications, reports, articles in press, social media (R2)	Technical Review report (Indicator 3.1) Legal analysis document (Indicator 4.1) Set of finalized common protocol documents (Indicators 5.1 and 5.3) Project reports and knowledge management and communications plan (Indicators 6.1 and 6.2)	
	R3 – Technical review completed and results shared with SAG.	3.1 Technical Review report (R3) 3.2 Minutes of the SAG meeting on Technical Review (R3)		
	R4 – Gaps analysis with the legislation. Legal argument for community mapping.	4.1 Legal analysis document (R4)		
	R5 – Draft mapping tools/protocols developed, finalized, and proposed to SAG.	5.1 Set of protocol documents (R5) 5.2 SAG minutes (R5) 5.3 Agreement /consensus on the proposed mapping protocol among Method Leaders and with Method Carriers (R5)		
	R6 – Project management in place and cooperation between CSOs and SAG is good, assisted by the Facilitation.	6.1 Project reports, including financial reporting, as planned(R6) 6.2 Knowledge management and communications plan.		

	Intervention logic	Means required	Sources of information	Assumptions
Activities (tasks under each activity are listed in the work plan and described in Chapter 1.4 Description of the Project)	A1 – Establish SAG and agree on working modalities (R1)	A1: Facilitator to carry out on-going part-time support and intense support before and during the four SAG meetings. Workshop space, lunch and travel costs for long-distance participants for three workshop in Yaoundé and one elsewhere. Ad hoc working groups: transport costs for long-distance participants for ad hoc meetings, meeting place. Technical Coordination Unit: Technical Coordinator: five days, secretarial services: one month in total.	See above.	See above.
	A2 – Secure support and 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. (R2)	A2: Three months of TC and F work, supported by one month of administrative assistant. Ad hoc working groups: transport costs for long-distance participants for ad hoc meetings, meeting place. Background papers, studies by external experts.		
	A3 – Conduct a rigorous technical review of the most widely used community mapping methodologies in Cameroon to identify the different purposes, users, similarities, differences, scales, etc. (R3)	A3: External consultancy of one month of work, during two months. TC preparation of TOR, contracting, arrangements and quality control of report. Establishment of CED project office: office supplies: computer, printer, photocopying, office rent for 13 months.		
	A4 – Analysis of existing legislation's requirements on	A4: CED report, 1 month of work Senior supported by TCU and mid-level staff.		

community mapping (R4)			
A5 – Development, finalization, and dissemination of draft mapping protocols (R5)	A5: External, independent facilitator to work with the Method Leaders for 1 month during Gap Assessment. CED Cartographer full-time for six months, including training of CSOs for testing of proposed protocol(s), CED anthropologist for one month. FORED office supplies: computer, printer, photocopying, office rent for 13 months. Travel costs for Associate Method Leaders for five one-week missions from London to Yaoundé. Travel costs for two RRI Advisory Group members to project. Contracts with selected Method Carriers (CSOs) for testing of the protocol – <i>to be confirmed</i>. Equipment for testing.		
A6 – Project management, technical coordination, and facilitation (R6)	A6: Technical Coordinator three months. Facilitator four months. Financial manager part-time in total of four months. Administrative assistant 13 months. Office rental for 13 months, equipment: computer, printer, photocopying machine. Website, video, discussion papers by CSOs. Participation in 2-3 regional/ international meetings.		

1.4.10 Proposed budget from the ILTF

The total proposed budget for the project is **USD 750,000**. It covers all activities during the 12 months. Of the total budget, 14% is reserved for the SAG operations, 67% for the technical reviews and development work, including the testing of the proposed protocol(s), and finally, 19% for project management. 100% of the funding is applied of the ILTF and there are no other expected sources of funding. The table below summarizes budget and the budgets per activity can be seen below.

Table 8 Distribution of budget allocations

Activity group	USD	% of total
SAG	103,500	14%
Studies, development and testing	505,800	67%
Project management	140,700	19%

Tentative allocation of specific tasks, therefore also budget lines, by partners will be done for the final application, and during the project, once the needs for the testing are clarified. The proposed budget, however, contains estimates of all the elements required for the project implementation.

Table 9 Summary budget for the project duration

TOTAL BUDGET	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	14.00	168,000
Salaries, fees: mid-level	5,000	19.50	97,500
Salaries, fees: assistant level	3,000	12.00	36,000
External national experts	10,000	5.00	50,000
CSO work allocation	5,000	16.00	80,000
Transportation, lodging, and food for meetings	2,000	8.00	16,000
Workshop, documentation, and materials	2,000	8.00	16,000
International travel	3,400	15.00	51,000
Equipment for testing, lumpsum	162,000	1.00	162,000
Office Expenses (rental, equipment)	22,000	3.00	66,000
Project Audit	7,500	1.00	7,500
Project Total			750,000

Table 10 Summary budget by activity

Activity 1 Establishment of SAG	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	2.00	24,000
Salaries, fees: mid-level	5,000	2.50	12,500
Salaries, fees: assistant level	3,000	1.00	3,000
External national experts	10,000	0.00	-
CSO work allocation	5,000	0.00	-
Transportation, lodging, and food for meetings	2,000	4.00	8,000
Workshop, documentation, and materials	2,000	4.00	8,000
International travel	3,400	0.00	-
Equipment, lumpsum	162,000	0.00	-
Office Expenses (rental, equipment)	22,000	0.00	-
Project Audit	7,500	0.00	-
Activity 1 Total			55,500

Activity 2 Secure support and adoption of common mapping protocols	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	1.50	18,000
Salaries, fees: mid-level	5,000	0.00	-
Salaries, fees: assistant level	3,000	2.00	6,000
External national experts	10,000	2.00	20,000
CSO work allocation	5,000	0.00	-
Transportation, lodging, and food for meetings	2,000	1.00	2,000
Workshop, documentation, and materials	2,000	1.00	2,000
International travel	3,400	0.00	-
Equipment, lumpsum	162,000	0.00	-
Office Expenses (rental, equipment)	22,000	0.00	-
Project Audit	7,500	0.00	-
Activity 2 Total			48,000

Activity 3 Technical review of the most widely used community mapping methodologies in Cameroon	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	1.00	12,000
Salaries, fees: mid-level	5,000	1.00	5,000
Salaries, fees: assistant level	3,000	1.00	3,000
External national experts	10,000	1.00	10,000
CSO work allocation	5,000	0.00	-
Transportation, lodging, and food for meetings	2,000	0.00	-
Workshop, documentation, and materials	2,000	0.00	-
International travel	3,400	0.00	-
Equipment, lumpsum	162,000	0.00	-
Office Expenses (rental, equipment)	22,000	1.00	22,000
Project Audit	7,500	0.00	-
Activity 3 Total			52,000

Activity 4 Analysis of existing legislation's requirements on community mapping	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	2.00	24,000
Salaries, fees: mid-level	5,000	1.00	5,000
Salaries, fees: assistant level	3,000	1.00	3,000
External national experts	10,000	0.00	-
CSO work allocation	5,000	0.00	-
Transportation, lodging, and food for meetings	2,000	0.00	-
Workshop, documentation, and materials	2,000	0.00	-
International travel	3,400	0.00	-
Equipment, lumpsum	162,000	0.00	-
Office Expenses (rental, equipment)	22,000	0.00	-
Project Audit	7,500	0.00	-
Activity 4 Total			32,000

Activity 5 Development, finalisation and dissemination of draft mapping protocols	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	4.00	48,000
Salaries, fees: mid-level	5,000	9.00	45,000
Salaries, fees: assistant level	3,000	4.00	12,000
External national experts	10,000	1.00	10,000
CSO work allocation	5,000	14.00	70,000
Transportation, lodging, and food for meetings	2,000	3.00	6,000
Workshop, documentation, and materials	2,000	3.00	6,000
International travel	3,400	12.00	40,800
Equipment, lumpsum	162,000	1.00	162,000
Office Expenses (rental, equipment)	22,000	1.00	22,000
Project Audit	7,500	0.00	-
Activity 5 Total			421,800

Activity 6 Project management, technical c	Cost/month or unit, USD	No of months/units	Total, USD
Salaries, fees: senior level	12,000	3.50	42,000
Salaries, fees: mid-level	5,000	6.00	30,000
Salaries, fees: assistant level	3,000	3.00	9,000
External national experts	10,000	1.00	10,000
CSO work allocation	5,000	2.00	10,000
Transportation, lodging, and food for meetings	2,000	0.00	-
Workshop, documentation, and materials	2,000	0.00	-
International travel	3,400	3.00	10,200
Equipment, lumpsum	162,000	0.00	-
Office Expenses (rental, equipment)	22,000	1.00	22,000
Project Audit	7,500	1.00	7,500
Activity 6 Total			140,700

2. THE APPLICANT

Name of organization	Rainbow Environment Consultant
Name and Title of Legal Representative	Timothée Fomete
Contact Person for this Project (name, title, email)	Timothée Fomete,
Legal Status	☐ Yes ☐ No
Official Address	
Country	Cameroon
Organization's Website	
Telephone Number: Country code + city code + number	
Fax Number: Country code + city code + number	
Is your organization linked with another entity? Example confederation / federation / alliance?	☐ Yes, parent entity: ☐ No, independent

Supplementary materials to be included for the Applicant:

1. Copy of registration, certification of non-profit status.
2. List of board of directors
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement.

3. THE PARTNER(S)

This section must be completed for each Partner. You must make as many copies of this table as necessary to create entries for each additional Partner.

	Partner no.1
Name of Organization	
Name and Title of Legal Representative	
Partner's contact details for Project (name, title, email)	
Official address	
Country	
Organization's Website	
Telephone number: Country code + city code + number	
Fax number: Country code + city code + number	
Is your organization linked with another entity E.g. confederation / federation / alliance?	☐ Yes, parent entity: ☐ No, independent
History of cooperation with the Applicant	

Supplementary materials to be included for the Partner–

1. Copy of registration, certification of non-profit status.
2. List of board of directors
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement.

	Partner no.2
Name of Organization	
Name and Title of Legal Representative	
Partner's contact details for Project (name, title, email)	
Official address	
Country	
Organization's Website	
Telephone number: Country code + city code + number	
Fax number: Country code + city code + number	
Is your organization linked with another entity E.g. confederation / federation / alliance?	☐ Yes, parent entity: ☐ No, independent
History of cooperation with the Applicant	

Supplementary materials to be included for the Partner–

1. Copy of registration, certification of non-profit status.
2. List of board of directors
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement.

Mandate (for Partner(s))

The Partner(s) authorize the Applicant (*include name of the organization*) to submit on their behalf the present project document to the Contracting Authority, as well as, to be represented by the Applicant in all matters concerning this project.

I have read and approved the contents of the proposal submitted to the Contracting Authority.
I undertake to comply with the principles of good partnership practice.

Name:	
Organization:	
Position:	
Signature:	
Date and place:	

4. ASSOCIATES OF THE APPLICANT FOR THIS PROJECT

This section must be completed for each associated organization, including government agencies. You must make as many copies of this table as necessary to create entries for more associates.

	Associate 1
Full legal name	
Country	
Address	
Contact person (name, title)	
Telephone number: country code + city code + number	
Fax number: country code + city code + number	
E-mail address	
Experience of similar actions, in relation to role in the implementation of the proposed Action	
History of cooperation with the Applicant	
Role and involvement in preparing the proposed Action	
Role and involvement in implementing the proposed Action	

Supplementary materials to be included for the Associate

1. Copy of registration, certification of non-profit status or other status.
2. List of board of directors / institutional leadership.
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement if applicable

	Associate 2
Full legal name	
Country	
Address	
Contact person (name, title)	
Telephone number: country code + city code + number	
Fax number: country code + city code + number	
E-mail address	
Experience of similar actions, in relation to role in the implementation of the proposed Action	
History of cooperation with the Applicant	
Role and involvement in preparing the proposed Action	
Role and involvement in implementing the proposed Action	

Supplementary materials to be included for the Associate

1. Copy of registration, certification of non-profit status or other status.
2. List of board of directors / institutional leadership.
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement if applicable

5. DECLARATION BY THE APPLICANT

The Applicant, represented by the undersigned, being the authorized signatory of the Applicant, in the context of the present funding mechanism, representing any Partners(s) in the proposed Action, hereby declares that:

- the Applicant has the sources of financing specified in the Budget of the Action;
- the Applicant has sufficient financial capacity to carry out the proposed Action or work program;
- the Applicant certifies the legal statues of the Applicant, of the Partner(s);
- the Applicant, the Partner(s) and the Associate(s) have the professional competences and qualifications required to successfully complete the proposed Action;
- the Applicant undertakes to comply with the obligations foreseen in the Partner's statement and with the principles of good partnership practice;
- the Applicant is directly responsible for the preparation, management and implementation of the Project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary;
- the Applicant and each Partner (if any) is in a position to deliver immediately, upon request, any necessary supporting documents required by the Contracting Authority.

Signed on behalf of the Applicant

Name	
Signature	
Position	
Date	

Annex 1

MoUs

To be provided.

Document de projet

Phase pilote : 01.11.15 au 31.12.16



Projet d'appui à la tenure foncière et forestière au bénéfice des communautés locales au Mali

Présenté par : HELVETAS Swiss Intercooperation

En partenariat avec la Coordination Nationale des Organisations Paysannes du Mali
(CNOP)

Septembre 2015
Draft 23

Pilot Project Design Document
International Land and Forest Tenure Facility
Rights and Resources Initiative

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Glossaire

Applicant, i.e. main implementing organisation	The entity submitting the project proposal, i.e. the main implementing organisation of the project. Signs the contract with the Contracting Authority and is directly responsible for the preparation, management and implementation of the project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary.
Co-Applicant, i.e. Partner(s)	Co-Applicant(s) (i.e. Partner implementing organisation(s)) participate in designing and implementing the project, and the costs they incur are eligible in the same way as those incurred by the Applicant. Partners(s) must sign the Mandate indicated in the Section 5.
Associate(s)	Other organisations may be involved in the action. Such associates play a real role in the action but may not receive funding from the grant, with the exception of per diem or travel costs.
Contractor	The grant beneficiaries (i.e. implementing organisations) and their affiliated entities (i.e. Partner implementing organisations) are permitted to award contracts. Associates cannot be also contractors in the project. Contractors are subject to the procurement rules set out in the grant contract.
Project	Activities for which a grant may be awarded
Final Beneficiaries	Those who will benefit from the action in the long term at the level of the society or sector at large.
Contracting Authority	The entity with who the contract is signed (RRG, ILFTF or another instance e.g. an organization outsourced in the country where the project takes place).
Régime foncier Agricole	Le régime foncier Agricole est un ensemble de dispositions établies par la loi ou la coutume pour régir les rapports qu'entretiennent des individus ou des groupes d'individus relativement aux terres Agricoles. Au sens de la loi d'orientation agricole (LOA) chaque fois qu'on écrira Agricole avec « A majuscule », cela implique les activités i) agronomiques ; ii) pastorales ; iii) halieutiques (pêche) ; et iv) sylvicoles (foresterie)

Tableau récapitulatif

Title of the action:	Projet d'appui à la tenure foncière et forestière au bénéfice des communautés locales au Mali
Applicant	HELVETAS Swiss Intercooperation
Partner(s)	Coordination nationale des organisations paysannes au Mali CNOP
Associate(s)	
Location(s) of the project:	République du Mali (Afrique de l'Ouest) Régions de Koulikoro, Sikasso, Ségou et Kayes
Total duration of the action (months):	12 mois + 2 mois de clôture
ILFTF financing requested	\$647'400 USD
ILFTF financing requested as a percentage of budget	100%
Objectives of the project	Overall objective: ▪ Accélérer la mise en œuvre des dispositions innovantes de la nouvelle politique foncière pour la gestion décentralisée et pacifique des ressources naturelles Specific objective(s): ▪ Renforcer les capacités de fonctionnement des commissions foncières villageoises et communales ▪ Démontrer la constitution de droits collectifs sur i) un domaine forestier intercommunal pilote et ii) un accord négocié entre une communauté locale et une société minière sur ses responsabilités sociales et environnementales ▪ Animer un espace de dialogue stratégique sur la mise en œuvre de la politique et la loi foncière agricole
Final beneficiaries	Communautés de base et leurs organisations Exploitations agricoles familiales (y compris de petite taille) Groupes vulnérables (Jeunes, femmes, migrants, pasteurs...) Autorités nationales de la gouvernance foncière
Estimated results	a. Dynamique de commissions foncières ▪ Huit (8) COFO communales sont créés et reconnus ; ▪ Neuf (9) COFO villageoises sont créés et reconnus ; ▪ Les outils et formulaires de travail pour les organes de gestion du foncier sont disponibles ; b. Dynamique des droits collectifs de tenure forestière et minière ▪ Un espace forestier intercommunal est identifié et un consensus obtenu sur son classement ; ▪ Une convention d'appui est signée entre un opérateur privé (minier) et un conseil communal ; c. Dynamique de pilotage et dialogue au niveau national ▪ Une coalition nationale multi acteurs est animée autour de la mise en œuvre de la politique foncière
Main activities	▪ a0. Étude de la situation de référence (baseline thématique)

	▪ a1.Mise en place des organes de gestion locale du foncier ▪ a2.Formation et renforcement des capacités des membres de ces organes ainsi que des services techniques ▪ a3.Conception et validation d'outils de travail sur le foncier et les transactions foncières ▪ b1.Réalisation d'études de faisabilité et élaboration d'un plan d'aménagement forestier ▪ b2.Élaboration d'un dossier de négociation et un accord d'engagement des parties ▪ c1.Animation de cadres de concertations (région et national) ▪ c2.Production de documents de capitalisation ▪ c3.Évènements médiatiques
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Description du Projet

1.1 Résumé

À la fin des années 1990, le Mali s'est engagé dans un processus de décentralisation en créant des collectivités territoriales dotées de la personnalité juridique, de l'autonomie financière et s'administrant librement et exerçant des compétences que l'État leur a transférées. Après plus de vingt ans, le constat est que la gouvernance des ressources naturelles (dont la terre) est entre les mains de l'État central. Avec une juxtaposition des droits légaux et coutumiers (légitime), où les communautés fondent leurs droits fonciers sur la coutume, il y a fréquemment des conflits violents desquels les communautés sortent perdantes dans la majorité des cas.

Une loi d'orientation agricole LOA a été votée depuis 2006. Elle donne les fondements de la gestion foncière au Mali. Cette loi contient un volet foncier qui se penche sur les questions de sécurisation foncière des exploitations agricoles. À la suite de cette loi, une politique agricole a été approuvée en 2013 et contient de nouvelles dispositions très innovantes en matière de gestion du foncier au niveau local, y compris pour les petites exploitations agricoles et pastorales.

Avec la signature de l'accord de paix le 15 mai dernier, le Mali entame un pas décisif vers la réconciliation nationale et l'urgente nécessité de trouver des solutions probantes aux enjeux fonciers qui menacent la sécurité et le bien-être des communautés.

HELVETAS Swiss Intercooperation a développé un concept de projet pilote qui vise à soutenir et mettre en œuvre les instruments innovants¹ de la politique foncière agricole du Mali et ce, au bénéfice des communautés locales. Cette ONG active dans le développement rural depuis plus de trente ans dans la sous région, travaille en étroite collaboration avec la société civile malienne. Le projet sera mis en œuvre en partenariat privilégié avec la Coordination nationale des organisations paysannes du Mali (CNOP) qui a joué un rôle décisif dans l'animation du processus de la loi d'orientation agricole et les textes qui en ont découlé. Depuis la mission d'identification, le projet pilote est formulé dans un esprit de large coopération avec tous les acteurs concernés par les questions foncières : gouvernement et services techniques rattachés, partenaires techniques et financiers, société civile. C'est ainsi que le Haut Conseil des Collectivités et la Commission développement rural et environnement de l'Assemblée nationale sont fortement motivés pour soutenir le projet pilote. Il en est de même du Département du développement rural.

Le projet vise avant tout à *accélérer la mise en œuvre des dispositions innovantes de la loi foncière agricole*. La politique et la loi foncière agricole contiennent des occasions favorables pour innover en matière de tenure foncière et forestière. Cependant, pour être convaincant, il faut mettre ces derniers en pratique sur le terrain et obtenir des résultats permettant de passer à grande échelle. Afin d'appuyer les acteurs et les organes maliens responsables de la mise en œuvre de ces textes innovants en matière de méthodologies, d'analyses et de savoir-faire, le projet s'articulera autour de trois axes principaux : (i) Renforcer les capacités de fonctionnement des commissions foncières villageoises et communales ; (ii) Elaborer un dossier de constitution d'un domaine forestier intercommunal ; (iii) Négocier des engagements entre une communauté locale et un investisseur minier pour la responsabilité sociale et environnementale ; (iv) Animer une plateforme de suivi et d'échange national entre les diverses instances responsables de la mise en œuvre de la loi foncière agricole, les acteurs de la société civile malienne, ainsi que les principaux bailleurs de fonds, et représentants des secteurs privés et agricoles. .

Au total, 17 commissions foncières villageoises et communales seront mises en place et renforcées. En plus d'établir des mécanismes de résolution de conflits fonciers permanents dans chacune des localités visées, le projet anticipe de créer au moins une forêt intercommunale gérée par les intervenants locaux; un accord de partenariat gagnant-gagnant entre une société minière et la population locale; ainsi qu'un cadre de concertation national mobilisant l'ensemble des intervenants impliqués dans la gestion du domaine foncier rural. Directement ou indirectement, le projet touchera ainsi dès sa phase pilote de 12+2mois, une population de 20'000 personnes. Des outils méthodologiques et de communications seront conçus et diffusés pour une meilleure maîtrise de la gouvernance foncière.

Le budget prévu pour le projet est de 647'400 USD et sera cogéré entre le mandataire, les organisations paysannes et les structures d'appui, sous la supervision et le conseil des services techniques. Les partenaires techniques et autres coopérations, incluant le Fonds international pour la tenure foncière et forestière, apporteront leur soutien et contribueront à la qualité des produits et leur validation.

¹ Reconnaissance des droits individuels et collectifs des communautés, commissions foncières, supports des transactions foncières, possession, constitution du domaine foncier, sécurisation foncière etc.

1.2 Pertinence du Projet

1.2.1 Pertinence vis-à-vis les objectifs, secteurs, et thèmes prioritaires du Fonds

Le Fonds international pour la tenure foncière et forestière (FITFF) est un dispositif spécialisé qui est en cours de constitution. Sa mise en place émerge de l'Initiative droits et ressources (RRI). Pour sa phase lancement, le Fonds va conduire 4 à 6 projets afin de raffiner ses modalités de fonctionnement, cerner les champs d'action privilégiés, et démontrer son efficacité.

Le Fonds mettra l'accent sur les besoins des peuples autochtones et les communautés locales, en se focalisant sur la sécurité des **droits de propriété coutumiers et communautaires dans les zones rurales, forestières et arides**.

Les principaux objectifs du Fonds se résument aux points suivants: 1. Élargir le champ de droits de propriété sécurisés et augmenter le nombre de personnes qui y jouissent ; 2. Assister les communautés locales et les organisations féminines à réclamer et renforcer leurs droits fonciers ; 3. Réduire les impacts négatifs des investissements inappropriés à grande échelle ; 4. Promouvoir des modèles d'entreprise et d'investissements en phase avec les des droits fonciers locaux ; 5. Promouvoir l'adoption de processus et méthodes participatifs efficaces dans la mise en œuvre de réformes foncières basés sur les meilleures pratiques, et renforcer les mécanismes d'apprentissage ; 6. Faire valoir l'importance des questions de tenure foncière et forestière aux niveaux mondial, régional et national, et renforcer les engagements politiques et financiers.

Pour être choisis, les projets pilotes doivent démontrer une grande valeur stratégique par rapport aux processus et enjeux politiques et législatifs en cours et les projets de développement anticipés. Il doit être une occasion de servir de levier pour des actions futures plus robustes et à grande échelle.

Le projet pilote du Mali va contribuer principalement aux objectifs 1 et 2 du fonds, mais aussi aux objectifs 3, 5 et 6 qui concernant le secteur minier, forestier et le dialogue multi-acteurs à tous les niveaux.

Ainsi, l'objectif N°1 du projet malien, en créant et en accompagnant le bon fonctionnement des commissions foncières (COFO), va permettre aux communautés locales d'intégrer les principes de la gouvernance foncière : participation locale, innovation, légitimité, utilisation du savoir et des règles traditionnelles, conciliation pour trouver des solutions à la base, prévention de conflits, etc. La reconnaissance des droits traditionnels et/ou coutumiers et leurs mises en application équitable constituent l'une des assises fondamentales de la nouvelle loi foncière agricole au Mali.

Quant à l'objectif N°2 du projet pilote, il offre une possibilité exceptionnelle et inédite de produire des connaissances dans deux secteurs d'activités cruciales pour le Mali. Dans un premier temps, le projet vise à créer une forêt intercommunale entre trois communes distinctes, permettant ainsi d'approfondir les conditions nécessaires à la constitution du domaine forestier des collectivités². Et deuxièmement, le projet entend démontrer la capacité des COFOs à résoudre des situations de dilemmes de première importance dans les milieux ruraux du pays. En ce sens, le projet contribuera à négocier un accord gagnant – gagnant entre une société minière (exploitation aurifère) et les communautés environnantes autour de la responsabilité sociale du secteur privé. Ces deux recherche-action vont aider le gouvernement et les collectivités à voir plus clairement les enjeux du transfert de compétences en matière de décentralisation des ressources naturelles. Cette décentralisation a été reconnue comme un mode durable de prévention et de gestion des conflits au Mali.

Enfin, l'objectif N°3 du projet pilote aura pour effets d'établir un dialogue soutenu entre les principaux acteurs responsable de la mise en œuvre de la foncière agricole à différentes échelles d'interventions, contribuant ainsi à une meilleure prise en charge des enjeux fonciers et forestiers, de même que le développement de synergies et complémentarités entre intervenants. C'est une des valeurs ajoutées du pilote, en permettant ces échanges pédagogiques multidimensionnels et multi-acteurs au niveau régional et national sur les questions foncières.

Le projet pilote est donc définitivement ancré aux objectifs spécifiques du Fonds international pour la tenure foncière et forestière dont il couvre les principaux enjeux. Se déroulant dans un contexte politique complexe, mais relativement stable, le caractère essentiel du projet se résume par les nombreuses contributions que ce dernier apportera sur le plan de : la réconciliation nationale ; la réforme des secteurs fonciers et forestiers au Mali à la faveur de nouvelles politiques et de nouvelles lois ; la coordination des interventions dans le secteur agricole en matière foncière et forestière. Il va sans dire que l'actuelle proposition de projet pilote

² Plusieurs lois ont reconnu le domaine forestier et minier des collectivités dans le cadre du transfert de compétences mais aucun cas concret n'a été développé pour montrer comment procéder (code des collectivités, loi forestière, loi d'orientation agricole etc.)

arrive à un moment charnière dans le développement social, politique et économique du Mali, et que sa réalisation se conjuguerait parfaitement aux objectifs du Fonds pour la tenure. .

1.2.2 Pertinence aux besoins et contraintes du pays ou de la région ciblée et/ou les secteurs pertinents.

La Loi d'Orientation Agricole (LOA) promulguée le 05 septembre 2006, est l'expression de l'engagement politique du gouvernement de faire du Mali une véritable puissance agricole dans la sous région ouest-africaine, à travers la mise en valeur de ses potentialités productives agro-sylvo-pastorales. Elle institue aussi un « Foncier agricole » qui s'appuie sur une politique foncière spécifique et une loi sur le foncier agricole.

Parmi les conditions à réunir pour la réalisation des objectifs de la politique de développement agricole, le foncier occupe une place décisive. La terre constitue en effet le principal facteur de production en matière agricole : pour augmenter leur production et leur productivité, les producteurs ont besoin dans leur majorité d'accéder à la sécurité foncière. Les détenteurs des droits fonciers doivent se sentir protégés, afin de jouir paisiblement de leurs droits et de participer à la circulation des droits fonciers en milieu rural. Enfin l'ensemble de la société a besoin que soient minimisés les conflits liés à l'utilisation des terres et à l'exploitation des ressources naturelles. C'est en raison de l'importance du rôle de la sécurisation foncière dans le développement agricole que la LOA consacre un chapitre entier au foncier agricole.

En matière de législation foncière, tout le système domanial et foncier repose sur l'ordonnance n°0027/ P-RM du 22 mars 2000, portant sur le code domanial et foncier, qui sera ensuite modifiée par la loi n°02-008 du 12 février 2002. Ce dispositif reprend largement les principes généraux bien établis et un certain nombre d'innovations mises en place par la loi n° 86-91/AN-RM du 1er août 1986, laquelle avait fait beaucoup de changements au niveau de certains textes confus hérités de l'administration coloniale.

Il faut y ajouter les dispositions de la loi n°96-050 du 16 octobre 1996, portant principes de constitution et de gestion du domaine des collectivités territoriales, qui devrait consacrer la responsabilité des collectivités dans une gestion décentralisée des ressources naturelles.

Les principaux enjeux du foncier agricole (incluant l'agriculture, l'élevage, la pêche, et la foresterie) sont :

- ✓ La sécurisation des exploitations et des exploitants agricoles ;
- ✓ La promotion des investissements publics et privés ; et
- ✓ L'accès équitable aux ressources foncières et la gestion durable des dites ressources.

Devant l'ampleur de la crise agricole qui sévit en ce moment et les problèmes incommensurables de l'accaparement des terres, l'insécurité foncière, et la multiplication des conflits fonciers, l'urgence d'agir ne laisse plus de doute. Au cours des dernières années, le gouvernement du Mali a démontré à maintes reprises sa volonté de clarifier et de renforcer les droits des communautés sur les terres et les ressources, déjà par le biais de la loi d'orientation agricole de 2006, et plus récemment avec la politique foncière agricole. Il s'agit de sécuriser les droits fonciers des communautés locales tout en mettant un frein à l'accaparement des terres et les nombreux conflits qui en découlent. L'opportunité est offerte de contribuer à l'établissement de commissions foncières locales et communales pour régler les différends entre villages et communes et ainsi assurer une gestion durable et équitable du terroir. Tous ces éléments font du Mali un pôle stratégique pour la réalisation d'un projet pilote qui va répondre à des préoccupations d'actualité :

- ⇒ Comment sécuriser le foncier agricole et être capable d'utiliser de nouveaux outils de gouvernance du foncier : possession, jouissance, propriété, transmission, transaction, médiation, cadastre, etc. ;
- ⇒ Comment augmenter la part des espaces de ressources naturelles localement gérés par les communautés et les collectivités : constitution d'un domaine forestier intercommunale et négociation des droits communautaires dans un contexte d'exploitation minière ;
- ⇒ En somme, comment mettre en œuvre concrètement les dispositions de la politique foncière agricole tout en protégeant les droits des acteurs les plus vulnérables.

En mettant l'agriculture (agriculture, élevage, pêche, sylviculture) au centre de son économie, les décideurs politiques veulent toucher plus de 80 % de la population qui est rurale. Le foncier est multi-usages et multi-fonctionnel. Par conséquent, la coordination et les synergies entre les différents intervenants seront indispensable à la réussite du projet pilote. Les coopérations française (AFD), suédoise (ASDI), suisse (DDC), néerlandaise et américaine ont tous signalé leur vif intérêt à participer aux discussions qui vont suivre et/ou contribuer à des activités connexes. Il s'agit d'une occasion unique pour faire converger les efforts et les connaissances de tout un chacun, franchissent ainsi un pas important vers des actions collectives pour une meilleure reconnaissance de ces droits fondamentaux tant au niveau national que rural..

1.2.3 Bénéficiaires, leurs besoins et contraintes, et les effets escomptés du projet

L'insécurité foncière des exploitants et des communautés en milieu rural constitue un enjeu critique pour la stabilité sociale, politique et économique du Mali. Cependant, la juxtaposition des droits modernes et coutumiers n'a jusqu'ici pas permis de clarifier les instruments concrets d'une gestion foncière juste, équitable et locale :

- Les ruraux ne tirent pas le meilleur profit des dispositions des textes qui régulent leur vie sociale et économique ; *ils sont les perdants des législations et des politiques sur le terrain.*
- Les organes et instances locales qui devraient être en mesure de gérer les conflits et exercer une certaine autorité morale et sociale opèrent pour la plupart dans des conditions sous-optimales ; *elles ne sont pas aptes à accompagner les citoyens et jouer un rôle constructif et efficace.*
- Les services qui devraient accompagner et renforcer les organes locaux ne sont pas en mesure de réaliser de telles fonctions ; *ils n'offrent donc pas les services appropriés aux besoins des différents usagers du foncier*
- Les nombreux conflits et tensions liés à l'accès et au contrôle des ressources naturelles minent les économies des ménages les plus pauvres et les plus vulnérables ; *limitant ainsi les ambitions économiques dans l'ensemble de la ruralité malienne.*

L'insécurité foncière est donc un frein au développement agricole, y compris pour le secteur privé.

Au final, de nombreux conflits et tensions éclatent entre les usagers des ressources au niveau local. La gestion de ces tensions devrait avoir des solutions de proximité qui sont justes, équitables et dont les coûts de transaction ne ruinerait pas aux économies des familles déjà vulnérables et pauvres.

Concernant les droits coutumiers, ces derniers font toujours partie du domaine public (c'est-à-dire propriété de l'État. Cependant, le législateur pose le principe selon lequel « les droits coutumiers exercés collectivement ou individuellement sur les terres non immatriculées sont confirmés » et il propose, sous réserve de certaines conditions, un mécanisme spécial de considération desdits droits.

Le projet pilote devrait permettre de répondre à certains nombre de problématiques importantes en contribuant à la clarification des enjeux suivant:

- ✓ La gestion équilibrée des ressources naturelles entre les corps de métier de la profession agricole permettant un développement durable du secteur rural.
- ✓ La sécurisation des droits fonciers individuels et collectifs à travers des outils alternatifs appropriés ;
- ✓ La sécurisation des transactions foncières ;
- ✓ La prise en compte du genre dans la gestion foncière ;
- ✓ La gestion décentralisée du foncier à travers la promotion des institutions appropriées ;
- ✓ La gestion du contentieux foncier.

Il offre une opportunité unique, de travailler autour des commissions foncières qui sont - entre autres - les premières instances de prévention et de gestion de conflits, permettant ainsi aux collectivités de développer les moyens nécessaires pour sécuriser leur accès au domaine forestier ou foncier voire minier. etc. Son dispositif de mise en œuvre mobilisera les organisations paysannes faitières qui sont les représentants légitimes des exploitants agricoles et pastoraux au Mali. Ceci donne un ancrage et une légitimité au projet sur le terrain.

1.2.4 Valeurs ajoutées

Le foncier a toujours été un sujet difficile à traiter. La conciliation entre les idées des experts, des législateurs et les détenteurs du pouvoir coutumier a toujours été une énigme qui limite l'application des innovations et des réformes dans le secteur foncier rural. Ainsi, le projet vise avant tout à accélérer la mise en œuvre des dispositions innovantes de la loi foncière agricole.

La politique et la loi foncière agricole contiennent des occasions favorables pour innover en matière de tenure foncière et forestière. Cependant, pour apporter un changement significatif dans la gouvernance foncière et forestière, il faut mettre ces innovations en pratique sur le terrain et obtenir des résultats permettant de passer à grande échelle.

Valeur ajoutée du projet au niveau thématique et de la production de connaissances

Le projet intervient dans un domaine très complexe et pas encore bien maîtrisé au niveau opérationnel : le foncier agricole, le transfert de compétences en matière forestière, et la gouvernance minière. La valeur

ajoutée du projet à ce niveau est de donner *un sens concret* aux politiques et lois qui régissent ces secteurs d'une part, et produire des outils et des méthodes de travail pour les acteurs concernés d'autre part :

- ⇒ Outils et méthodes de reconnaissance des droits coutumiers en matière foncière ;
- ⇒ Outils de gestion du foncier agricole rural au niveau local ;
- ⇒ Démonstration du bien-fondé des réformes prévues dans la politique agricole et de leurs effets sur l'agriculture malienne ;
- ⇒ Efficacité de la gestion forestière en mode décentralisé.

Valeur ajoutée du projet par rapport aux autres interventions

Beaucoup d'intervenants ont accompagné la conception des politiques et des lois dans le secteur agricole. Très peu de structures sont allées plus loin dans l'accompagnement de la mise en œuvre de ces politiques, laissant le gouvernement et les autorités seules. Certains « attendent de voir » avant de se positionner ou de se lancer dans des programmes robustes.

Le projet pilote à une valeur ajoutée par rapport aux points suivants :

- ⇒ Briser la glace en osant s'attaquer à un sujet jugé sensible, comme le foncier, dans les programmes des partenaires techniques et financiers = *encourager d'autres partenaires à se lancer*
- ⇒ Contribuer à certaines parties du plan d'action national élaboré pour mettre en œuvre la politique agricole = *sinon ce plan d'action resterait sans suite concrète*
- ⇒ Aucune intervention n'a encore eu lieu sur le terrain concernant les commissions foncières au niveau village. L'action du projet pilote va permettre de tester cette échelle d'intervention à la base, qui est une des propositions du monde paysan dans la nouvelle loi foncière.
- ⇒ Le programme Gouvernance Locale Démocratique GLD, financé par la Suède / ASDI vient de démarrer ainsi que la nouvelle phase du programme GEDEFOR. Le GLD II travaillera aussi sur les commissions foncières – entre autres sujets – mais les premiers résultats ne sortiront pas avant deux ans (mi-parcours). La rapidité d'intervention du projet pilote (premiers résultats dans 10 mois), sa zone d'intervention à proximité des communes de concentration de GLD (sans se confondre avec ces communes prioritaires GLD), sa complémentarité avec le programme GEDEFOR qui travaille sur le transfert de gestion du domaine forestier étatique (constitution d'un domaine intercommunal et approfondissement des droits des communautés dans le pilote) sont les aspects à mettre en valeur pour la tenure.

Le projet pilote, de par son caractère innovant et de recherche-action, va valoriser les apprentissages des uns et des autres, apporter un savoir-faire sur les problématiques citées plus haut, développer des réponses concrètes avec des outils à la portée des acteurs locaux. Il permettra d'équiper les communautés locales avec les moyens de tirer profit de la gestion décentralisée des ressources naturelles, notamment par une résolution locale des différends liés au foncier, explorer la mise en œuvre des nouvelles attributions/responsabilités qui incombent aux COFO, tirer des leçons et bonnes pratiques pour passer à la mise à l'échelle au Mali.

1.3 Description du projet

1.3.1 Objectif principal

L'objectif principal du projet pilote est de

- **O1.** « Accélérer la mise en œuvre des dispositions innovantes de la nouvelle politique foncière pour la gestion décentralisée et pacifique des ressources naturelles».

Cette politique foncière contient plusieurs innovations dont la mise en œuvre pourrait apporter un changement significatif dans la gouvernance foncière. Parmi ces innovations, on peut noter i) une volonté de sécuriser les exploitations agricoles familiales en milieu rural, ii) des instruments concrets pour reconnaître les droits des communautés et clarifier les outils de preuve en ce qui concerne les différents modes d'occupation et de propriété des terres, iii) la mise en place de structures locales pour prévenir et gérer les conflits fonciers ou de gestion des ressources naturelles. Le projet pilote sera une première occasion de tester et d'utiliser concrètement ces outils et modalités de gestion du foncier, permettant autres acteurs et intervenants de mieux comprendre le fonctionnement concret des COFOs.

1.3.2 Objectifs spécifiques

Trois objectifs spécifiques sont formulés dans le projet pilote pour aboutir à l'objectif général. Ces derniers permettront de couvrir les différentes composantes de la tenure foncière, forestière et minière autour desquelles l'apprentissage sera organisé : i) des cas pratiques de gestion du foncier à travers les commissions foncières villageoises et communales ; ii) la constitution d'un domaine forestier intercommunal et la négociation gagnante-gagnante entre une communauté et une société minière ; iii) l'organisation du dialogue et de la concertation multi-acteurs aux niveaux régional et national afin de stimuler les synergies et la gestion du savoir. Ainsi, le projet vise à : .

- **OS1.** Renforcer les capacités de fonctionnement des commissions foncières villageoises et communales
- **OS2.** Démontrer la constitution de droits collectifs sur i) un domaine forestier intercommunal pilote et ii) un accord négocié entre une communauté locale et une société minière sur ses responsabilités sociales et environnementales
- **OS3.** Animer un espace de dialogue stratégique sur la mise en œuvre de la politique et la loi foncière agricole.

Ces trois objectifs sont complémentaires, et les 2 premiers alimentent le troisième.

1.3.3 Résultats attendus

a. *Rappel des enjeux de chaque objectif spécifique*

Les résultats attendus du projet pilote sont structurés en fonction des différents objectifs spécifiques. Ils détaillent les axes de travail et les cibles à atteindre par objectif.

1. Renforcement du fonctionnement des commissions foncières locales (villageoises) et communales.

Sur la base d'une diversité sociogéographique, les commissions foncières (existantes et/ou nouvelles) seront ciblées et soutenues avec des formations, des outils, des analyses, et des mises en situation pratiques devant les missions attribuées par la loi. Une appréciation directe (avec les acteurs impliqués sur le terrain) et stratégique (avec des partenaires et institutions de niveau supérieur) au bout d'une année permettra de tirer des enseignements et de définir les modalités d'un passage à grande échelle de cet instrument de gestion foncière au niveau local. Les missions prioritaires des COFO que le projet pilote devrait soutenir sont :

- La conciliation, l'intermédiation, et/ou le conseil para juridique (identification des meilleurs instruments et outils pratiques);
- L'établissement des conventions locales de gestion de la tenure foncière et forestière sur la base d'une analyse fine des us et coutumes ;
- La reconnaissance des droits des communautés et l'identification des procédures d'application (constatation des droits ; spatialisation et visualisation ; documentation ; consensus local).

2. Études de cas sur des droits collectifs particuliers : mines d'or et forêts des collectivités

Il s'agit de développer un mécanisme de négociation pour améliorer la gouvernance minière et forestière au bénéfice des communautés locales,

Établissement d'une convention (ou accord) qui engage l'investisseur privé à promouvoir les droits des communautés voisines et leur développement local (ex.: la commune de Yallankoro / Yanfolila)

Cette action permet d'expérimenter un processus participatif et transparent qui doit aboutir à un accord gagnant-gagnant entre le secteur privé et les communautés locales. L'approche utilisée encouragera les autres investisseurs à faire pareil, tout en réduisant la méfiance que la population a envers les sociétés d'exploitation minière. Le Mali est un pays à forte croissance minière (l'or étant la première source de recettes d'exportation) mais une vive tension existe toujours entre les investisseurs privés et les communautés, sans compter toutes les difficultés liées à l'exploitation artisanale des mines d'or.

Élaboration d'une procédure pour la constitution d'une forêt intercommunale (ex. : Communes de Menamba, de Boura, et de Yorosso)

Cette démarche inclusive contribuera au processus de transfert de compétences vis-à-vis les ressources naturelles. Alors que toutes les forêts continuent d'être la propriété de l'État central, la décentralisation prévoit un domaine forestier propre aux collectivités. En travaillant de concert avec les autorités responsable de la décentralisation, le projet pilote compte réaliser un projet de démonstration pour faire évoluer la part des forêts gérées par les communautés. Cette alternative peut être consolidée par une évolution de la fiscalité forestière au profit des communautés (actuellement 80% des recettes du secteur forestier reviennent à l'État et les 3 niveaux de collectivités de partagent les 20% restant). La forêt ciblée dans le projet pilote est un espace écologiquement intéressant le long d'une chaîne montagneuse avec un bon potentiel sylvicole, faunique et touristique.

3. Plaidoyer et animation du dialogue national autour des questions foncières

Ce dernier axe offrira une arène de discussion pour éclairer les parties prenantes et accélérer la réforme foncière au Mali. Il s'agit d'un cadre de concertation multi-acteurs et d'orientation stratégique autour du projet pilote. Il comprend les acteurs clés de la société civile rurale (organisations paysannes faitières et consulaires avec la CNOP au leadership) ; les élus nationaux (haut conseil des collectivités et assemblée nationale) ; les départements clés et leurs services spécialisés (développement rural, domaines, environnement, administration territoriale) ; de même que les structures et les partenaires techniques et financiers engagés. Cette plateforme d'orientation stratégique aura pour but de socialiser les réflexions et préparer les futures phases d'engagements pour traiter les enjeux de la tenure foncière et forestière.

b. Résultats attendus par objectif

Objectif 1 : Renforcer les capacités de fonctionnement des commissions foncières villageoises et communales

- 17 COFO (9 villageoises et 8 communales) disposent des outils techniques de gestion foncière :
 - Règlement intérieur de fonctionnement
 - Supports pour la conciliation de conflits
 - Croquis du terroir et de son occupation
- 17 plans d'action sont rédigés et validés en conseil communal ;
- 17 situations conflictuelles sont gérées (un cas concret par COFO).

R1 – Les commissions foncières villageoises modèles ont été mises en place et formées

R2 – Les commissions foncières communales modèles ont été mises en place et formées

R3 – Les commissions foncières villageoises et communales ont maîtrisé le processus de la sécurisation foncière

Objectif 2 : Démontrer la constitution de droits collectifs sur i) un domaine forestier intercommunal pilote et ii) un accord négocié entre une communauté locale et une société minière sur ses responsabilités sociales et environnementales

- Une convention d'appui est signée entre un opérateur privé (minier) et un conseil communal ; Une action concrète de développement communautaire est engagée ;
- Un espace forestier intercommunal est identifié et un consensus obtenu ;
- Une procédure de classement du massif forestier intercommunal est démarrée.

R4 – Le domaine forestier intercommunal est identifié et sa procédure de classement entamée

R5 – Un accord gagnant-gagnant est négocié entre une communauté et un investisseur minier

Objectif 3 : Animer un espace de dialogue stratégique sur la mise en œuvre de la politique et la loi foncière agricole

- Un engagement des parties prenantes est obtenu ;

R6 – Un cadre de concertation est animé au niveau national et les enjeux de la mise en œuvre de la loi foncière sont débattus

- Trois (3) rencontres du cadre de concertation ont eu lieu et des thèmes concrets débattus ;
- Le format technique des registres de travail des COFO est élaboré et validé ;
- Un décret sur les COFO (révision du décret actuel et/ou élaboration d'un nouveau décret pour les COFO villageoises ; éventuellement un décret sur la procédure de constatation des droits coutumiers) est adopté.

1.3.4 Activités

Les activités principales du projet s'articulent comme suit.

0. Activités préparatoires et préliminaires au démarrage

- Cahiers de charges, profils de postes et Recrutements du personnel
- Établissement des conventions et protocoles de collaboration
- Achat des premiers équipements et logistique
- Lancement du projet (atelier national suivi de conférence de presse)
- Formation introductive du personnel (équipes)
- Vérification sur le terrain et Sélection définitive des sites de travail
- Études des situations de référence des différents sites en matière de tenure foncière et forestière

1. Activités d'installation et de renforcement des commissions foncières COFO

- Ateliers et missions d'information et de sensibilisation des acteurs sur le terrain
- Préparation des groupes cibles à la désignation éclairée des membres des COFO
- Élaboration des actes administratifs et des outils statutaires des COFO
- Formation de base des COFO et recyclage des anciens
- Plans d'action des Cofo
- Suivi accompagnement de la mise en œuvre du plan d'action
- Études en enquêtes sur les cas de conflits et séances d'intermédiation
- Cartographie de l'occupation des espaces et des droits
- Production de documents sur les résultats
- Échanges et ateliers locaux et régionaux
- Visites d'échanges de bonnes pratiques

2. Activités d'appui à la création d'un domaine forestier intercommunal

- Mission d'information et de sensibilisation dans le cercle de Yorosso
- Désignation des équipes villageoises et communales (relais)
- Étude de faisabilité du projet de forêt intercommunale et cartographie
- Plan d'aménagement et de gestion du massif forestier
- Constitution et dépôt du dossier de classement
- Renforcement de la coopération entre les 3 communes (création d'intercommunalité)
- Suivi du dossier et préparation à la gestion du massif
- Ateliers et émissions de communication sur le projet de forêt intercommunale
- Visites de terrain
- Production de documents sur les résultats

3. Activités de négociation entre la société minière et les communautés

- Mission de prise de contact avec les parties prenantes
- Collecte d'information sur l'entreprise minière, sa politique et ses engagements

- Étude sur les impacts/effets du projet minier sur la zone et la population (récupérer EIES/PGES) et 'éclairage' sur les aspects juridiques
- Cartographie de l'occupation de l'espace
- Appui aux communautés pour l'élaboration d'un document sur leurs intérêts et validation auprès des 2 conseils communaux
- Désignation des relais et formation à la négociation
- Visites conjointes multi acteurs et organisation d'ateliers d'échanges
- Réunions de négociation
- Préparation d'un accord et sa signature
- Suivi de la mise en œuvre de l'accord
- Ateliers bilans et de redevabilité
- Médiatisation
- Production de documents et rapports

4. Activités de pilotage et gestion du savoir

- Mise en place du cadre de concertation et ses modalités de fonctionnement
- Relance du comité de pilotage (si comité de pilotage de la LOA existe et est suffisant)
- Négociation avec le secrétariat permanent de la LOA et conditions de la modération
- Mobilisation des autorités et des partenaires
- Missions de suivi et de contrôle qualité
- Préparation des documents pour le cadre de concertation et/ou le comité de pilotage
- Contribution à la formulation de textes réglementaires pour le fonctionnement des Cofo
- Ateliers trimestriels de partage et échanges
- Ateliers semestriels de gestion de savoirs
- Évènements médiatiques et de communication
- Validation des résultats et des produits (ateliers et commissions techniques)
- Missions d'appui du fonds international pour la tenure foncière et forestière
- Rapportage
- Évaluation.

D'autres activités détaillées ou spéciales (études spécialisées, production de notes thématiques ou d'articles etc.) pourraient apparaître pendant l'exécution du projet. Une ligne « Autres activités » sera mise dans le budget pour y faire face et respecter le caractère innovant du projet.

1.3.5 Stratégie pour le maintien des résultats

Généralités

La mise en œuvre efficace du projet pilote nécessite une stratégie adaptée au contexte du pays. Compte tenu de la complexité des sujets et composantes à traiter, la stratégie générale sera déclinée à plusieurs options selon les composantes. En outre, la gestion foncière, malgré les nombreuses initiatives et recherches, reste une matière très peu pratiquée au Sahel. Aucun projet de développement ambitieux n'a été mis en œuvre concrètement dans le pays. Nous ne disposons donc pas de référentiel robuste à part quelques travaux de recherche et d'universitaires dans ce domaine. En ce qui concerne la tenure forestière et les aspects de la gestion participative minière, les nombreuses tentatives n'ont pas produit de résultats significatifs, en l'absence d'une vraie volonté vers le transfert de compétences que prône la décentralisation. Aucun domaine forestier et/ou minier n'a véritablement été constitué au niveau et sous la responsabilité des collectivités locales. Ce projet pilote est lui-même porteur de connaissances, de méthodologies et de stratégies dans le domaine de la tenure foncière et forestière. Sa mise en œuvre viendra compléter les autres initiatives passées ou en cours.

Méthodologie pour la sélection définitive des sites de travail du projet pilote

Au regard de la durée trop courte du projet pilote, une sélection très pragmatique des sites de travail s'impose. Il s'agit de se baser sur les considérations suivantes :

- Des sites dont nous connaissons le milieu socioculturel ;
- Des sites sur lesquels il y a déjà des initiatives ou une prédisposition à aborder les problématiques de la tenure foncière et/ou forestière ;
- Des sites à partir desquels il est plus probable d'obtenir des résultats rapides ;
- Des sites qui ne font pas l'objet d'une tension tellement violente qu'aucun consensus n'est envisageable à court terme ;
- Des sites qui couvrent plusieurs problématiques et contextes différents (tenure foncière, tenure forestière, tenure minière).

Sur la base de ces considérations, et des échanges préliminaires entre HELVETAS Swiss Intercooperation, la Coordination nationale des organisations paysannes, une première identification de sites potentiels a été proposée. La CNOP, en collaboration avec l'AOPP et l'APCAM vont examiner en détail cette liste, prendre les informations additionnelles et arrêter une sélection valable pour les organisations paysannes. Cette sélection sera confortée avec des échanges sur les sites prioritaires d'intervention des autres projets en cours pour éviter la juxtaposition. À l'issue de ce processus inclusif, la liste définitive des sites d'intervention du projet pilote sera arrêtée. Pour l'instant, les sites préalablement choisis sont les suivants :

Région de Koulikoro :

- Cercle de Kati
 - o Trois (3) COFO communales (Diago, Dio-Gare, Yelekebougou)
 - o Trois (3) COFO villageoises (Fanafiè-koro dans la commune de Kambila, Clanabougou dans la commune de Dombila, et Neguela dans la commune de Bossofala)

Région de Sikasso :

- Cercle de Sikasso
 - o Deux (2) COFO communales (Niena, Nongon souala)
 - o Trois (3) COFO villageoises (Lobougoula, Korobarrage...)
- Cercle de Yanfolila, (Yallankoro Soloba et Djallon foula)
 - o Deux (2) COFO Communales
 - o Un site Minier dans ces 2 communes
- Cercle de Yorosso
 - o Une forêt intercommunale

Région de Ségou :

- Cercle de Tominian
 - o Une COFO communale : Sanekuy
 - o Trois (3) COFO villageoises : Bangassi, Batienso, Kokakouan

Cette sélection est aussi faite pour être complémentaire avec les activités du GLD (en évitant les communes de concentration de ce programme tout en restant dans la proximité géographique) et du GEDEFOR.

Méthodologie pour l'établissement de la situation foncière de référence

Une fois que la liste des sites est approuvée, il est nécessaire de réaliser une étude pour établir la situation de référence. Cette situation de référence va compléter l'analyse des données disponibles pour chacun des sites. Elle permettra surtout d'avoir une idée claire de la tenure foncière et forestière dans le site, comment les ressources (foncière, forestières et minières) sont gouvernées, quelle est l'historique et l'évolution de la gestion de ces ressources, quelles sont les problématiques particulières selon les différents acteurs concernés, etc. Des termes de référence précis seront élaborés par l'équipe du projet pilote, et réalisée sur le terrain avec l'appui d'experts afin que les résultats soient de qualité et qu'ils soient utilisables dans le mécanisme de suivi du projet.

Stratégie pour la mise en place et le renforcement des commissions foncières villageoises et communales

L'approche de création des COFO détermine le niveau d'appropriation et de fonctionnement de ces instances. Par le passé, beaucoup d'intervenants ont précipité de prise des actes administratifs par les Préfets et Sous préfet sans une bonne préparation en amont. Le projet pilote va se concentrer sur la préparation de chaque catégorie d'acteurs avant la désignation des représentants :

- Missions d'information et de sensibilisation en assemblées villageoises ;
- Mise à disposition et explication des textes ;
- Séances de travail spécifique par corps de métier et/ou branche de participant : agriculteurs entre eux y compris les migrants agricoles ; éleveurs entre eux y compris les transhumants ; pêcheurs et exploitants forestiers ; groupements de femmes et de jeunes ; familles installées dans les hameaux de culture ; chambres locales d'agriculture ; services techniques locaux ; élus locaux. Une fois que les enjeux et les missions attendues des membres des COFO sont bien compris, chaque groupe désigne son ou ses représentants selon des critères consensuels ;
- Communication des listes de représentants à l'autorité qui doit rédiger l'acte de création (nouvelles COFO) ou de révision (pour les anciennes COFO) ;
- Prise de l'acte de création par l'administration locale ;
- Communication ou notification de la décision à chaque membre et dans chaque village (avec affichage des listes et des contacts dans le vestibule de la résidence de chaque chef de village et de chaque Mairie).

Stratégie pour la recherche-action sur le domaine forestier intercommunal

La gouvernance forestière au Mali est marquée par une quasi exclusivité du pouvoir central sur le domaine forestier. Malgré la reconnaissance d'une existence virtuelle d'un domaine forestier des collectivités, rien n'a été concrètement entrepris pour permettre aux collectivités de constituer leur propre domaine forestier. Pour tenter de débloquer cette situation ambiguë, les services forestiers se sont orientés vers le concept du « transfert de gestion » de certaines forêts. Les expériences concrètes de ce transfert de gestion restent aussi mitigées d'autant plus que les textes n'ont pas évolué dans ce sens (la fiscalité forestière et sa répartition doivent évoluer si on reconnaît que les collectivités ont une responsabilité égale ou supérieure à celle de l'État central dans la gouvernance décentralisée des forêts). Un programme de gestion décentralisée des forêts GEDEFOR (financé par ASDI qui est aussi un bailleur du projet pilote) tente de faire progresser les choses. Les avancées au niveau des outils techniques sont appréciables, mais les changements de fonds restent à produire (transfert, responsabilité, attribution des revenus issus de la gestion forestière, textes sur la gestion des forêts du domaine des collectivités, organisation du contrôle etc.).

C'est compte tenu de cette analyse que nous proposons une recherche action qui va se baser sur les piliers suivants :

- Repérage d'une zone forestière suffisamment grande et peu convoitée par les champs agricoles, les mines et les hameaux (petits habitats d'agriculteurs qui quittent l'agglomération du village pour vivre en pleine brousse) = pré localisation ;
- Identification sommaire de la zone et échanges préliminaires sur les tenants et les aboutissants (qui contrôle quoi et où ; qu'est ce qui est fait comme usages et où) afin de cerner les intérêts (convergers ou divergers) = accord de principe entre les 3 conseils communaux ;
- Étude de faisabilité du projet de constitution du domaine. Cette étude, qui n'est pas encore le plan d'aménagement, va couvrir plusieurs aspects : faisabilité technique et écologique ; faisabilité financière et économique ; faisabilité sociale et culturelle ; balisage du processus administratif et juridique ; évaluation préliminaire des ressources naturelles ;
- Constitution d'un dossier de classement/transfert : demande, enquêtes et consultations publiques, plans d'aménagement et de gestion, cahier de charges etc. ;
- Défense/promotion du dossier et suivi ;
- Préparation à la gestion (phase post-classement).

Stratégie du partenariat gagnant-gagnant entre les communautés et l'investisseur minier

Le Mali est l'une des grandes destinations des investisseurs dans le domaine minier. Le code minier y est favorable et le sous-sol est riche (surtout en Or). On y trouve des compagnies de toutes nationalités : Ghana, Afrique du Sud, Canada, Australie, etc. De nombreux contrats sont signés pour la recherche, le forage et l'exploitation des minerais. Ces grandes concessions et permis sont négociés avec l'État, mais très peu de négociation et de communication sont menées auprès des communautés locales. Ces dernières ne connaissent pas l'étendue des concessions (superficie et limites) ni les conditions contractuelles et les engagements pris par les signataires. Si bien que sur le terrain on assiste à beaucoup de frustrations de part et d'autre. Les compagnies minières se plaignent des occupations illicites de leurs sites par les orpailleurs ou par les agriculteurs/éleveurs tandis que les communautés se plaignent à leur tour de la faiblesse des investissements dans le développement local (ils ne voient pas l'Or briller pour eux). Un dialogue de sourd s'installe alors entre la société minière et la population locale. Entre ces deux acteurs (société et population), il y a d'autres qui semblent tirer profit (l'État et certains élus notamment) ou qui ne font pas suffisamment d'effort de transparence.

Le projet pilote va utiliser la stratégie suivante pour arriver à un consensus gagnant-gagnant entre une société minière et la population des villages et communes voisines.

- Recherche et documentation sur un cas d'exploitation industrielle de minerais (Or) ;
- Préparation des communes et de la population afin qu'elle documentent leurs intérêts, attentes, problématiques et enjeux de développement local, sollicitations et doléances coordonnées etc., ainsi que la détermination d'un circuit de représentation et de discussion structurée ;
- Tenues d'assemblées et d'ateliers locaux pour expliquer et communiquer de façon transparente sur : les engagements de la société dans sa relation avec l'État central ; les engagements de la société dans sa relation avec les élus et la population locale ; la responsabilité sociale de l'entreprise ; les engagements pris par l'État central en relation avec le code minier y compris ceux qui ne sont pas négociables etc. ;
- Présentation, discussions et négociation sur la base du cahier de doléances entre la représentation structurée de la communauté et les représentants de la société minière dans un cadre apaisé et responsable. La société minière aussi a des attentes vis-à-vis de la population et des responsables locaux qui doivent être entendus ;
- Accord et engagements des parties. Cet accord est assorti d'un plan d'action avec des responsabilités et un calendrier consensuels. Un comité de suivi de son application est aussi mis en place et accompagné ;
- Les restitutions et audits publics sont effectués pour que tous les citoyens soient informés et suivent le processus et ses résultats.

La stratégie utilisée consiste à « convaincre » par la force des arguments et la bonne fois des uns et des autres. Ce dialogue sera animé par un modérateur et sous la supervision de l'autorité locale. Les engagements pris feront l'objet d'un suivi et, le cas échéant, d'une forte interpellation en cas de non respect. Le Haut conseil des collectivités suivra avec une attention particulière ce dossier, à travers sa commission de travail et son groupe de plaidoyer.

Genre et équité sociale GES

La gestion foncière et forestière est un domaine qui porte en lui tous les ingrédients de l'exclusion sociale. En général, le foncier est difficile d'accès et de contrôle pour :

- Les jeunes ;
- Les femmes ;
- Les allochtones et migrants agricoles ;
- Les pasteurs et nomades.

Ces couches vulnérables sont sous-représentées dans les organes de gestion du foncier et de la forêt alors qu'elles sont des usagers importants des ressources naturelles.

Dans la stratégie d'intervention du projet pilote, l'approche pour la création des COFO tiendra compte de l'inclusion de ces acteurs dans la composition des instances de décision. Une animation spécifique à chaque groupe sera faite pour les préparer en amont de la création administrative des COFO. Il en sera de même

dans la mobilisation pour la gestion de la forêt intercommunale. Les études de faisabilité ainsi que l'élaboration du plan d'aménagement se feront en spécifiant les intérêts des couches vulnérables.

Description du dispositif opérationnel du projet

Le dispositif du projet pilote est articulé autour de trois piliers :

HELVETAS Swiss Intercooperation qui est le mandataire du projet et qui répond devant le Fonds international pour la tenure foncière et forestière d'une part (gestion et résultats), et auprès des autorités maliennes d'autre part (communication et pilotage). Le mandataire apporte également une expertise technique auprès des ONG et du personnel de mise en œuvre. Au niveau du pilotage, il renforce et se base principalement sur le Secrétariat permanent en charge des questions foncières au Mali, mais en étroite collaboration avec les autres parties prenantes (partenaires techniques et financiers concernés, autres départements et services techniques sur la tenure foncière et forestière, voire minière). Le **chef de projet** (100%) sera recruté et logé à HELVETAS Swiss Intercooperation où il bénéficiera des expertises à temps partiel pour la coordination, la gestion, l'accompagnement stratégique et la capitalisation.

La Coordination nationale des organisations paysannes (CNOP) aura une convention d'appui avec le mandataire pour être responsable du portage du projet. Ce portage donne de la légitimité au projet pilote car les cibles privilégiées sont les exploitations agricoles familiales et les communautés à la base. La CNOP nommera un **point focal (1) du projet** qui y sera consacré à quasi temps plein. Le point focal assure le relai avec le mandataire et les équipes de facilitateurs (5) sur le terrain. Les **facilitateurs** (1 par site, c-à-d par cercle) seront recrutés par la CNOP avec l'appui du mandataire. Ils seront rattachés sur le terrain au niveau de la représentation la plus appropriée des organisations paysannes (les bureaux des AOPP³ locales), en collaboration avec les chambres locales d'agriculture. Notons que la CNOP et l'AOPP coopèrent déjà avec HELVETAS Swiss Intercooperation dans plusieurs programmes de développement rural⁴, et qu'elles disposent des compétences nécessaires pour gérer des fonds importants. Le contrôle de gestion sera assuré par le mandataire.

Les organisations contractantes de services sont des ONG locales et des bureaux d'études qui seront mobilisées selon les différents dossiers à traiter. Ces organisations contractantes viennent en support aux facilitateurs pour renforcer les compétences et pour réaliser des études spécialisées, nécessaires à la capitalisation du projet pilote. Les membres de la coalition RRI (Initiative droits et ressources) seront engagés dans ce sens, selon leur connaissance de la zone et leur expertise. Une ONG sera ainsi responsabilisée pour chacune des 4 régions d'intervention anticipée: le RLD à Sikasso, LeTonus à Koulikoro, Sahel Eco à Ségou.

³ Association des organisations paysannes professionnelles est une faîtière membre de la CNOP, et dont la représentation est visible et forte dans toutes les régions du Mali

⁴ Par exemple le programme d'appui aux organisations paysannes faîtières financé par la Coopération suisse pour plus de 3 millions CHF

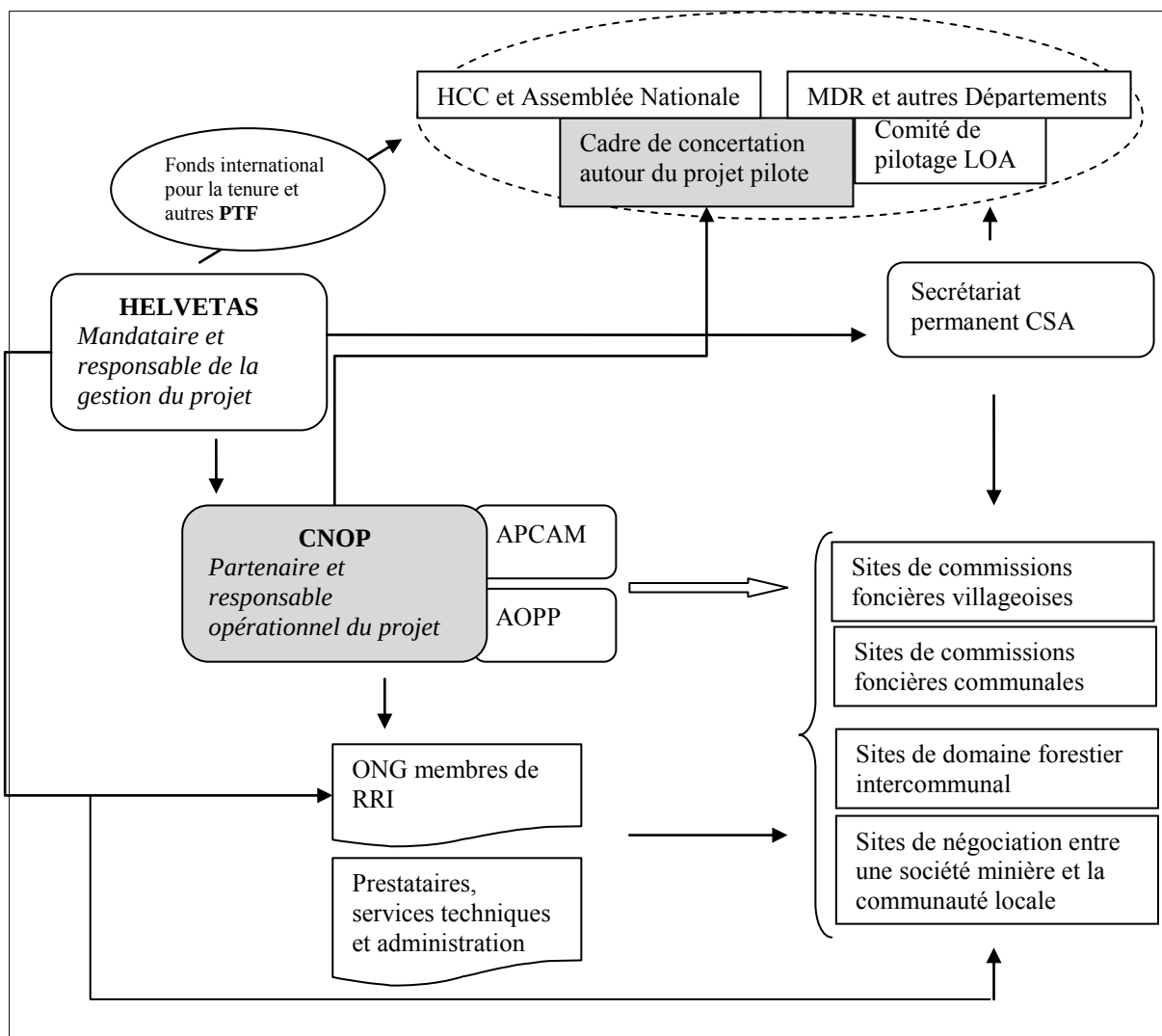


Figure 1: Schéma des partenariats

Commentaire : Le schéma ci-dessus est illustratif des principales parties prenantes. Il est simplifié et certaines connexions ont été volontairement omises pour rendre lisible le paysage des acteurs. Toutes les flèches sont à double sens dans la réalité, mais nous avons privilégié les sens prioritaires. Pour le portage, nous avons mis en avant le leadership de la CNOP pour ne pas complexifier l'administration et la gestion financière du projet, mais la CNOP mobilisera toutes les forces vives du monde paysan qui sont dans les AOPP et la chambre d'agriculture. Le secrétariat permanent du conseil supérieur de l'agriculture a été mis en exergue pour éviter que le projet ne soit perçu comme ayant marginalisé le dispositif national étatique autour des questions foncières. C'est le principal service technique à la disposition des différents départements intéressés par ce secteur et c'est lui qui anime le pilotage du volet foncier des réformes agricoles en cours.

Stratégie de suivi et de pilotage

Le suivi et l'évaluation sont indispensables pour tirer le meilleur projet de la phase pilote. Une situation de référence sera établie sur tous les sites, dès le démarrage du projet. A partir de cette situation de référence en matière de gouvernance foncière et forestière et du cadre logique, un cadre de mesure des résultats sera établi. Le chef de projet et le point focal de la CNOP en seront les premiers responsables. La qualité de mise en œuvre sera une mission de la direction de programme de HELVETAS Swiss Intercooperation. L'appréciation/validation de cette qualité se fera au niveau du cadre multi acteurs avec les services techniques maliens et les partenaires au développement.

Le projet rendra compte de son évolution au comité de pilotage de la mise en œuvre du volet foncier de la loi d'orientation agricole, élargi à d'autres acteurs au besoin.

Chaque facilitateur de terrain aura son plan d'action et son plan de suivi. Il rapportera mensuellement et trimestriellement. Un rapport intermédiaire global sera établi au premier semestre et débattu en comité de

pilotage. A la fin de l'année (et donc du projet pilote), un rapport et des documents thématiques seront produits, débattus et validés.

Dans le cadre du suivi des performances du projet et ses illustrations géographiques, l'outil AkvoFlow sera utilisé. Il permet, à partir d'un progiciel et de données saisies dans des téléphones intelligents programmés, de faire des enquêtes et d'avoir un soutien automatique dans le traitement et l'illustration graphique des données.

Tout au long du projet de l'année, les résultats de terrain serviront à renforcer les argumentaires du plaidoyer pour la mise à l'échelle des innovations initiées par la politique et la loi foncières agricoles lors des réunions du comité de pilotage.

Synergies et complémentarité avec d'autres intervenants

Le projet pilote ne devra pas évoluer en vase clos. Les partenaires et projets qui interviennent actuellement dans le domaine de la tenure foncière et forestière ne sont pas très nombreux. Il est donc possible de développer des synergies sur le terrain et de partager les savoirs au niveau national ainsi que les échecs ou préoccupations.

La CNOP mène un plaidoyer pour le vote de Loi Foncière Agricole sous contrat HELVETAS Swiss Intercooperation avec l'appui de RRI cette année. Le pilote sera une suite logique de cette activité.

Egalement HELVETAS Swiss Intercooperation est le lead d'une activité qui porte sur l'évaluation de la loi forestière en vigueur au Mali avec l'appui financier de RRI. Les conclusions de cette évaluation permettront d'alimenter le projet pilote sur les aspects de gestion des ressources forestières.

Avec la coopération suédoise (ASDI), il s'agit d'établir un plan de synergie et d'échanges autour des programmes suivants : Gouvernance démocratique locale GLD⁵ ; Gestion décentralisée des forêts GEDEFOR⁶. Nous connaissons très bien cette coopération qui partage les mêmes valeurs.

Avec la coopération suisse, nous avons des relations historiques dans le développement rural et économique ainsi que l'éducation. Un des programmes phares de cette coopération en lien avec le thème du projet pilote est le programme d'appui aux organisations paysannes faitières dont HELVETAS est mandataire. Avant ce programme, HELVETAS a géré un autre financement suisse sur « l'aménagement et la valorisation pacifique du foncier ». C'est ce dernier programme qui a travaillé dans l'application de la loi d'orientation agricole.

Avec la coopération française (AFD), il s'agit de coordonner nos complémentarités en soutien au plan d'action de mise en œuvre de la politique foncière agricole. Le projet pilote pourrait être un avant goût d'une intervention plus robuste de l'AFD dans ce domaine du foncier au Mali. Nous sommes tous conscients de la faible capacité de mise en œuvre des très bons textes et politiques dont dispose le Mali.

Avec la coopération néerlandaise, il est possible de développer des liens plus étroits et d'échanger des informations sur nos programmes respectifs. Un échange sur les outils de travail (notamment avec la société civile) et le réseau d'experts est aussi envisageable.

Le système des nations unies et les grandes organisations multilatérales seront aussi un potentiel de collaboration. Par exemple la FAO qui travaille déjà sur les directives volontaires en matière de gouvernance foncière pourrait apporter un éclairage utile du projet. De même, la Banque mondiale qui promeut l'investissement privé et la modernisation agricole pourrait échanger sur les meilleures pratiques et développer des passerelles qui touchent les exploitations agricoles familiales.

Dans les départements gouvernementaux et leurs services rattachés, de nombreuses initiatives existent. Un travail de connaissance mutuelle est nécessaire afin de mettre en valeur les complémentarités. La question foncière nécessite une marge mobilisation inter sectorielle. Le contexte de la décentralisation doit aussi être mieux appréhendé afin d'améliorer les réformes dans le monde rural et la responsabilisation des acteurs à la base.

⁵ Avoir par exemple une masse critique de COFO à analyser pour en mesurer les enjeux et proposer des modalités d'un meilleur fonctionnement ; échanger sur différentes méthodes d'établir les situations de référence en matière foncière ; s'unir pour les sujets de plaidoyer au niveau gouvernemental et des PTF...

⁶ Echange d'outils de gestion des forêts au niveau communautaire ; plaidoyer pour le transfert effectif de compétences ; analyse de cas de constitution d'un domaine forestier inter collectivités...

Stratégie de visibilité et de communication

Compte tenu du caractère pilote de ce projet, la communication sera essentielle. En même temps, il faut cibler cette communication pour éviter de décevoir les attentes des différents acteurs. Ce ciblage concernera :

- Les aspects innovants que le projet essaye de développer ;
- Les avancées obtenues dans le cadre de l'exécution du projet ;
- Les blocages et contraintes que le projet ne peut pas relever ;
- Les préoccupations exprimées par les différents acteurs, leur vécu, leur fierté ;
- Les succès et histoires inspirantes à partager ;
- Les aspects pertinents pour l'avenir.

Ces interrogations seront traitées avec la collaboration des professionnels de la communication. La visibilité prendra en compte aussi les valeurs et principes du fonds international pour la tenure foncière et forestière. Des émissions et débats utilisant la presse écrite et audiovisuelle seront réalisés. Tous les ateliers importants feront l'objet d'une couverture médiatique. Les outils convaincants seront également traduits et illustrés en tenant compte des langues locales.

Le FITFF indiquera ses propres principes de visibilité pour qu'ils soient observés dans le déroulement du projet et la forme de la documentation produite.

Stratégie de gestion du savoir et de capitalisation

Le projet pilote sera un espace de production de connaissances, de méthodologies et de supports opérationnels à la tenure foncière et forestière. Là où des outils existent déjà et sont performants, il suffira de les prendre, de les adapter au contexte et de les utiliser. Là où des méthodologies et des savoirs font défaut, il s'agira de mettre en place de nouveaux instruments et de tester leur efficacité. Toutes ces productions feront l'objet de validation au sein du comité de pilotage stratégique. La préparation technique fera l'objet de séances de travail en commissions restreintes multi acteurs (avec les techniciens des agences de coopération, ceux des services étatiques et quelques personnes ressources). Des universitaires pourraient être mobilisés pour des aspects spécifiques de la tenure comme par exemple le GERSDA (Groupe d'Etude et de Recherche en Sociologie et Droit Appliqué) ou encore le CAFPA (Cabinet d'Appui et de Formation sur le foncier et les Politiques Agricoles en Afrique). Le Centre d'Etudes et de Réflexion au Mali CERM sera mobilisé pour la réflexion stratégique et la préparation du plaidoyer. Ce centre dispose d'une expertise hautement qualifiée sur les enjeux du développement ainsi qu'un carnet d'adresse des décideurs.

L'apprentissage autour des différentes composantes et problématiques du projet permettra de consolider les bases techniques et méthodologiques d'accompagnement à la mise en œuvre des politiques foncières et forestières au Mali. Ces connaissances constitueront un référentiel pour la future phase et les autres intervenants dans la sous région.

Ressources humaines nécessaires (dispositif opérationnel), leurs profils et équipement/moyens

- Une équipe de support à temps partiel au niveau de la direction de programmes de HELVETAS Swiss Intercooperation. Profils environnement et gestion des ressources naturelles, gestion de programmes, administration finances, coordination et partenariats.
- Un support financier et un appui stratégique de la présidence de la CNOP. Profil plaidoyer et dialogue politique, finances, mobilisation sociale. Temps partiel
- Un chef de projet basé à la direction de HELVETAS Swiss Intercooperation. Il sera le responsable principal dans l'exécution technique du projet, les rapports consolidés et la supervision sur le terrain. Son profil sera juriste, sociologue expert en gestion des ressources naturelles. Il devra maîtriser les enjeux et méthodes de travail dans le domaine de la tenure foncière et forestière. En outre il doit bien connaître la société civile malienne. Bon communicateur avec 'un relationnel' dynamique, ce cadre devra être capable de prendre des initiatives et de fonctionner de façon autonome.
- Un point focal responsable du projet au niveau de la CNOP. Ce cadre devra aussi assurer la gestion déléguée des opérations sur le terrain, en collaboration avec l'AOPP. Il devra préparer la mobilisation des ONG et prestataires d'accompagnement des équipes de terrain. Il gère le personnel technique qui sera sur les sites. Il devra être en harmonie de travail avec le chef de projet avec lequel il formera un duo de

base qui est le pilier de la mise en œuvre efficace du projet. Son profil est expert du développement local maîtrisant les questions sociales et foncières. Il devra être capable de produire des rapports analytiques et des notes thématiques.

- Cinq facilitateurs auprès des sites d'intervention. Ils seront les animateurs de proximité du projet. Ces facilitateurs seront mis en place dans les AOPP locales (Kati, Yanfolila, Sikasso, Yorosso, Tominian). Ils recevront des supports techniques avec la coordination du projet mais aussi les ONG locales membres de la coalition RRI qui seront mobilisées pour chaque site ou région (LeTonus à Kati ; le RLD à Sikasso ; Sahel Eco à Tominian)
- Les deux sites de Yorosso (forêt inter communale) et de Yanfolila (site minier) seront supervisés directement par la direction de HELVETAS et le chef de projet, en soutien méthodologique aux facilitateurs qui seront postés dans ces 2 sites.

Opérateur technique et mandataire principal

L'opérateur technique chargé de la gestion du projet est HELVETAS Swiss Intercooperation. Au Mali, cette ONG internationale met en œuvre une quinzaine de projets et programmes, dont la finalité est de contribuer au développement social et économique du pays, en appuyant les collectivités rurales à développer leurs ressources naturelles de façon optimum, en renforçant les capacités des jeunes ruraux à accéder à des emplois rémunérés et en contribuant à asseoir un développement social sans conflits et respectueux des différentes cultures qui coexistent. HELVETAS Swiss Intercooperation au Mali vise à améliorer les conditions-cadres du développement, au niveau local, régional et national en renforçant les capacités des différents acteurs et en proposant des mécanismes durables et appropriés de gestion, de coordination, de suivi et d'optimisation dans la gestion des ressources humaines, naturelles et financières.

Au niveau mondial, HELVETAS Swiss Intercooperation se concentre sur la réduction de la vulnérabilité des plus démunis, à travers les cinq domaines de travail suivants : Eau et infrastructure ; Éducation/Formation professionnelle ; Économie rurale ; Environnement et Climat ; Démocratie et Paix.

Le programme Mali touche à l'ensemble de ces domaines, avec l'économie rurale comme pilier central. Le portefeuille international est en moyenne de 120 mio CHF. Le budget moyen géré par la direction de programme au Mali est d'environ 8 mio CHF. Le programme se concentre géographiquement sur Kayes, Sikasso, Ségou, Mopti, Tombouctou (Koulikoro dans une moindre mesure).

Mandataire principal pour le projet proposé, HELVETAS Swiss Intercooperation assurera la gestion et l'affectation des fonds reçus aux différents partenaires, de même que le suivi et la mise en œuvre du projet. Le mandataire rendra compte de la gestion technique (rapports opérationnels) et financière (rapports financiers) du projet au FITFF. Il engagera une équipe légère dédiée au projet (gestion et coordination, supervision stratégique, appui et assistance techniques).

Les porteurs du projet

La **coordination nationale des organisations paysannes (CNOP)** et l'**association des organisations paysannes professionnelles (AOPP)**. Sous le leadership de la CNOP, ces organisations ont une légitimité non seulement au niveau de la représentation du monde rural (professions agricoles), mais aussi au niveau des décideurs nationaux gouvernementaux (conseil supérieur de l'agriculture).

La CNOP aura un rôle de porteur du plaidoyer sur le foncier et la défense de l'agriculture familiale. A ce titre, elle aura une convention avec le mandataire pour assurer ses missions et le dispositif opérationnel de mise en œuvre du projet. Elle travaillera en étroite collaboration avec l'AOPP. Un assistant technique sera recruté et un point focal stratégique sera désigné.

L'AOPP, au regard de son implantation géographique dans toutes les régions du Mali, aura un rôle d'appui opérationnel important. Elle aidera à la sélection des sites pour le projet pilote, l'information et la mobilisation des acteurs à la base, l'animation au sein du dispositif opérationnel dans chaque commune d'intervention. Les ONG locales travailleront avec les AOPP régionales sur le terrain.

La CNOP et l'AOPP auront l'APCAM (l'Assemblée permanente des chambres d'agriculture) comme alliée.

Le portage politique mobilisera le **Haut Conseil des Collectivités (HCC)**. À travers ses différentes commissions (sur les textes, sur le développement rural et l'environnement) et son groupe de plaidoyer, cette institution de la République représentera le volet des élus et la décentralisation dans l'orientation stratégique du projet. Sa validation politique des instruments du projet est essentielle ainsi que son pouvoir d'influence sur les réformes vis-à-vis du Gouvernement. Le travail du HCC se fera en intelligence avec l'Assemblée nationale, notamment la commission développement rural et environnement. Cette institution aura un regard particulier sur les textes et leur impact sur la population.

Les partenaires de mise en œuvre du projet

Le **secrétariat permanent du conseil supérieur de l'agriculture** SP/CSA aura un partenariat stratégique (technique) avec HELVETAS Swiss Intercooperation. Cette structure représente la crème des techniciens du gouvernement en charge des questions foncières. Le projet pilote vient en soutien aux ambitions qu'incarne cette structure à travers la politique foncière et son plan d'action de mise en œuvre. Les activités du projet pilote sont une contribution du fonds international de tenure foncière et forestière à la **mise en œuvre du plan d'action** élaboré par le SP/CSA, notamment dans ses orientations stratégiques 1 ; 2 et 4.

Certaines structures de la coalition malienne de l'Initiative des droits et ressources (RRI) ont une bonne connaissance du terrain ainsi qu'une expertise en matière d'exécution de projets de développement. Leur mobilisation est nécessaire en soutien à la CNOP/AOPP, pour accélérer la mise en œuvre rapide et efficace du projet. Le projet doit démarrer simultanément sur tous les sites et sur tous les axes d'intervention. La durée très courte du pilote (12 mois) exige une gestion parcimonieuse du temps pour obtenir des résultats concrets.

ONG LeTonus : région de Koulikoro. Cette ONG est déjà active avec RRI et l'administration locale dans des dossiers de conventions locales, analyses foncières, mobilisation sociale et communautaire. Elle a déjà un dispositif technique en place et des projets qu'elle exécute dans la région.

Réseau réussir la décentralisation au Mali. Le secrétariat du réseau est actuellement assuré par l'ONG AFAD. Ils sont actifs dans le plaidoyer pour les transferts de compétences. Ils exécutent déjà des projets sur la gouvernance locale et redevabilité. Ce réseau pourrait gérer des opérations (activités) dans la région de Sikasso.

ONG Sahel Éco. Elle est spécialisée dans la gestion des ressources naturelles, la restauration des espaces dégradés, le renforcement de capacités des producteurs pour les moyens d'existence durables, etc. Elle pourrait être mobilisée pour les régions de Ségou (phase pilote) et de Mopti (plus tard).

Autres prestataires et consultants spécialisés

Au cas par cas, pour réaliser des études particulières.

Les partenaires et alliés stratégiques

Sous l'égide du Haut Conseil des Collectivités, la plateforme d'orientation stratégique et de dialogue comprendra la participation des ministères interpellés par cette initiative, de même que la CNOP et l'AOPP. Parmi les agences publiques ayant confirmé leur volonté de participer à cette sphère stratégique de coordination, notons :

- Ministère du développement rural & Secrétariat permanent du conseil supérieur de l'agriculture
- Ministère des domaines de l'État et des affaires foncières
- Ministère de l'environnement, de l'assainissement et du développement durable
- Les partenaires techniques et financiers : Agence Française de Développement ; Agence Suédoise de Développement International ; Coopération suisse (programme d'appui aux faïtières) ; Banque mondiale, etc.
- FAO et autres programmes majeurs

- Project duration duration: 14 months.

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1.3.7 Durabilité des actions

Le projet pilote aura des effets significatifs sur l'ensemble des acteurs concernés par la gestion foncière et forestière. Au niveau des bénéficiaires finaux directs sur le terrain, 20'000 personnes seront touchées (17 commissions foncières avec en moyenne au moins 1'000 personnes impactées par site ; 3 communes pour la gestion d'une forêt intercommunale qui va aussi toucher au moins 2'000 personnes ; 1 commune et plusieurs villages concernés par un la négociation autour d'un site minier d'Or). Au niveau national, une vingtaine de structures d'appui seront mobilisées dans le cadre de concertation et de pilotage. Les activités médiatiques et les supports techniques validés seront diffusés à large échelle pour une population assez nombreuse. De nombreux textes seront renforcés à travers ce projet pilote : politique agricole ; politique foncière ; loi foncière agricole ; leurs textes d'application. Tous ces produits seront analysés et les conditions nécessaires à leur reproduction discutés avec toutes les parties prenantes.

Compte tenu du contexte sécuritaire au Mali, une analyse basée sur le CSPM (conflict sensitive project management) sera effectuée et insérée dans le mode opératoire du projet. HELVETAS Swiss Intercooperation a une grande expertise dans ce domaine (guide de formateurs et outils pour les praticiens).

Les différentes composantes de la durabilité sont assurées dans le projet, mais la durée courte du pilote (moins de 12 mois en pratique) ne permettra pas de les assumer totalement :

Durabilité institutionnelle, politique et sociale : elle est assurée à travers i) le portage opérationnel du projet par des organisations paysannes reconnues et crédibles, ii) l'engagement très fort des décideurs politiques au niveau national ainsi que l'accompagnement des partenaires techniques et financiers, iii) la motivation et les attentes énormes des bénéficiaires finaux notamment les exploitations agricoles familiales et pastorales.

Durabilité environnementale : les activités sur le terrain vont dans le sens d'une gestion durable des ressources naturelles : i) gestion forestière sous le leadership des communautés à la base, ii) atténuation des risques environnementaux et sociaux dans le site minier (exploitation d'Or), iii) occupation de l'espace rural multifonctionnel et cartographie des droits fonciers etc.

Durabilité financière : elle ne sera pas assurée dès la durée du projet pilote mais nous estimons que les résultats pertinents vont permettre à plusieurs acteurs de financer les actions dans le futur. Les collectivités à la base vont mobiliser leur propre investissement pour fonctionner, le pouvoir central va investir dans de programmes robustes pour mettre en œuvre les innovations, les partenaires techniques et financier vont accompagner les acteurs nationaux pour qu'en moins de 10 ans la durabilité financière soit au rendez-vous.

Analyse des risques

La situation sécuritaire et sociopolitique du Mali est très perturbée depuis quatre ans. Le pays a traversé une grave crise qui a ébranlé les institutions de la république et sapé la confiance du citoyen à l'autorité de l'État. Les forces rebelles et d'autres groupes armés terroristes ont rendu les régions du Nord peu praticables. Un accord de paix a été signé mais sa mise en œuvre tarde à se mettre en place. Certains groupes continuent de saboter le processus de paix que la communauté internationale accompagne. Mais il faut reconnaître que cette communauté internationale n'est pas innocente face à la crise malienne. Les intérêts géopolitiques et économiques des puissances occidentales sont à la base de l'aggravation de la crise malienne qui a malheureusement été interprétée uniquement sous l'angle de la mauvaise gouvernance et la fragilité de l'État. Les forces onusiennes et françaises sont encore sur place au Mali pour sécuriser le pays et protéger le processus de paix. La reconstruction est en cours. La population est fatiguée de cette situation et ne demande qu'à vivre de façon pacifique et à se développer. Des élections municipales locales et régionales sont programmées pour Octobre 2015 sur toute l'étendue du territoire national, ce qui est un signe de normalisation de la situation politique et sécuritaire.

Dans ce contexte, la justice et sa distribution équitable est un pilier central du retour de la confiance. Cette justice malienne est décriée mais des efforts importants sont en cours pour l'améliorer, la rendre disponible pour le citoyen ordinaire et bannir l'impunité, y compris dans le domaine de la corruption. Le foncier et les ressources naturelles sont des sujets qui sont exposés au besoin de justice. En montrant le chemin à suivre pour une bonne gouvernance foncière, forestière et minière le projet pilote fait une contribution significative au développement du Mali.

Au niveau économique, pendant la crise le Mali n'a pas connu de croissance. Certains services sociaux de base n'ont pu être fournis par le pouvoir central et les autorités locales. Le secteur privé s'était déstructuré et les affaires étaient au plus bas. Maintenant, la croissance est repartie jusqu'à 7,2% en 2014. Les investisseurs sont de retour. Des efforts importants sont en cours pour soutenir le secteur agricole et pastoral qui touchent le thème de ce projet pilote. Une volonté politique est affichée pour assainir le domaine du foncier (urbain et rural). Le projet pilote arrive au bon moment pour poser les bases d'une agriculture qui protège les droits fonciers des couches vulnérables.

Risque	Impact sur le projet	Risque	Mesures d'atténuation
Recrudescence de l'insécurité	Blocage de la mobilité du personnel et des partenaires sur le terrain	Elevé	Choix raisonné des sites d'intervention pour éviter les zones rouges Analyse « CSPM ⁷ » dans le projet et respect des « SOP ⁸ » sécuritaires Formation du personnel aux mesures de sécurité
Le nouveau projet de loi foncière agricole n'est pas voté à l'assemblée nationale	Les innovations que la loi contient ne seront pas validées par les services techniques	Moyen	Trouver un arrangement de principe pour mettre en œuvre les Cofv villageoises comme « recherche-action » (test préliminaire)
Fort taux de renouvellement des élus locaux à la suite des futures élections	Transition incertaine entre les anciens élus et les nouveaux Retard dans le démarrage du projet	Elevé	Utiliser les anciens élus comme personnes ressources Organiser un plan d'introduction des nouveaux élus aux questions foncières Travail approfondi avec le personnel technique permanent des collectivités (secrétaires généraux)
Instabilité au sein du gouvernement avec changements de Ministres et des hauts cadres	La continuité du service public est brisée Les interlocuteurs ralentissent le projet	Elevé	Débattre de cette situation en comité de pilotage si elle arrive Identifier et renforcer la maîtrise du projet pilote par des « points focaux »
Faiblesse de l'expertise (masse critique) sur le foncier rural dans le pays e au sein des organisations faïtières	Limitation du choix dans la sélection des prestataires Perte d'innovation dans les produits du projet	Elevé	Renforcer les compétences des faïtières Mobiliser des experts externes reconnus, y compris dans le milieu universitaire Développer des outils et les diffuser
Sous représentation des couches vulnérables dans la gestion foncière et forestière	Les femmes, les jeunes, les migrants agricoles, les pasteurs sont insuffisamment engagés dans les activités	Elevé	Adopter une approche inclusive dans la mise en œuvre du projet sur le terrain, pendant les ateliers, dans les organes de gestion et de décision etc. Intégrer les aspects de genre dans la stratégie de communication et dans le dispositif de suivi du projet

Les pré-conditions principales ou hypothèses à considérer dans le cadre de ce projet pilote sont :

- Le projet de loi foncière agricole est adopté par l'assemblée nationale dès sa prochaine session en Octobre, ou au plus tard le premier trimestre 2016. On suppose que la version votée contiendra encore les innovations qui existent dans la version provisoire !
- La légitimité de la CNOP comme porteur du projet n'est pas contestée. Cette organisation faïtière arrive à fédérer autour d'elle toutes les forces vives rurales ainsi qu'à profiter du dispositif opérationnel de l'AOPP à la base qui est présente dans toutes les régions du Mali.
- Les nouveaux élus qui vont sortir des prochaines élections locales et régionales sont tout aussi motivés que les élus actuels sur les questions foncières et forestières. Ils profitent du projet pour démontrer qu'ils sont élus pour le développement local et donnent preuve de la confiance des électeurs. Ils ne remettent en cause l'engagement de leurs prédécesseurs.

⁷ Conflict sensitivity project management

⁸ Standard operating procedures

- Les autres intervenants et partenaires techniques et financiers concernés par la gouvernance foncière, forestière et minière s'engagent et apportent des conseils pour que le projet pilote soit une réussite.

Cadre logique

LOGICAL FRAMEWORK FOR THE PILOT PROJECT				
	Project Logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions
Overall Objective	O1. Accélérer la mise en œuvre des dispositions innovantes de la nouvelle politique foncière pour la gestion décentralisée et pacifique des ressources naturelles	# Innovations testées avec succès # Textes de constatation des droits des communautés adoptée	Rapport annuel Rapport d'évaluation	La volonté politique au niveau national et gouvernemental est réaffirmée pour une bonne gouvernance foncière
Specific Objectives	SO1. Renforcer les capacités de fonctionnement des commissions foncières villageoises et communales SO2. Démontrer la constitution de droits collectifs sur i) un domaine forestier intercommunal pilote et ii) un accord négocié entre une communauté locale et une société minière sur ses responsabilités sociales et environnementales SO3. Animer un espace de dialogue stratégique sur la mise en œuvre de la politique et de la loi foncière agricole	SO1.1 80% des COFO appuyées tiennent régulièrement leurs réunions statutaires (respect du règlement intérieur) SO1. 2 : 80% des membres des COFO maîtrisent leurs missions et responsabilités (maîtrise des fonctions) SO2.1 : Droit collectif intercommunal reconnu pour la gestion de la forêt en mode décentralisé (# superficie forestière transférée à l'intercommunalité) SO2.2 : Convention de partenariat gagnant-gagnant signée (entre une société minière et une collectivité) SO3.1 : Un cadre de concertation fonctionnel et dynamique (présence effective des membres) SO3. 2 # Décisions et sujets débattus/prises (utilité)	Rapports techniques par composante du projet Rapport semestriels Rapport annuel Rapports d'études Règlement intérieur du cadre de concertation PV des commissions foncières et des décisions prises	Les parties prenantes et intervenants du secteur foncier rural mettent leurs idées en commun Les blocages dans la mise en œuvre de l'Accord de paix et de réconciliation n'entravent pas le fonctionnement des institutions
Expected Results	R1 – Les commissions foncières villageoises modèles ont été mises en place et formées R2 – Les commissions foncières communales modèles ont été mises en place et formées R3 – Les commissions foncières villageoises et communales ont maîtrisé le processus de la sécurisation foncière	1.1 Existence de 09 Cofos villageoises-test dans 4 régions du Mali (R1) 2.1 Existence de 08 Cofos communales-modèles dans 4 régions du Mali (R2) 3.1 Nbre # de services rendus et d'actions réalisées avec succès par les Cofos villageoise et communales	Armoire d'archivage au niveau des collectivités Note technique et de présentation de chaque Cofu Plans d'actions des Cofu Rapports des sites Rapports de visites	Les élections communales et régionales conforte l'intérêt des élus sur la résolution des questions foncières au niveau local La justice soutien le travail de reconnaissance des droits locaux L'expertise nécessaire à la

	R4 – Le domaine forestier intercommunal est identifié et sa procédure de classement entamée R5 – Un accord gagnant-gagnant est négocié entre une communauté et un investisseur minier R6 – Un cadre de concertation est animé au niveau national et les enjeux de la mise en œuvre de la loi foncière sont débattus	4.1. Un# dossier de transfert forestier intercommunal déposé au niveau de l'administration 5.1. Un# document des attentes des communautés pour la négociation disponible 5.2. Une# convention formelle est signée entre les parties 6.1. Tenue régulière des réunions de concertation (trimestre, semestre, annuel) 6.2 Nbre# documents médiatiques et de supports méthodologiques disponibles	Documents de suivi	qualité du travail est disponible à temps et en quantité adéquate Les changements de Ministres et de Cadres techniques n'affectent pas le pilotage stratégique du projet
Activités	A1.1 - Installation des Cofos villageoises A1.2 - Renforcement des capacités des Cofos villageoises; <i>A2.1 – Installation des Cofos communales</i> <i>A2.2 – Renforcement des capacités des Cofos communales;</i> A3.1 Accompagnement des Cofos villageoises et communales A3.2 Etudes et enquêtes sur les cas de conflits et séances d'intermédiation A3.3 Echanges et ateliers locaux et régionaux <i>A4.1.Mission d'information et de sensibilisation</i> <i>A4.2. Etude de faisabilité du projet de forêt intercommunale et cartographie</i> <i>A4.3 Plan d'aménagement et de gestion du massif forestier</i>	Une équipe de mandataire avec un coordinateur et des temps partiels d'experts internes Une équipe opérationnelle sur le terrain et sous la gestion de la CNOP/AOPP Une logistique de terrain avec un véhicule (les distances entre les 4 régions sont énormes) et 5 motos pour les facilitateurs/animateurs par sites de cercle	Rapports de suivi Rapports trimestriels des équipes par sites de cercle Préparation : 28'000 \$ Cofos : 151'000\$ Domaine forestier intercommunal : 56'400\$ Négociation sur site minier : 49'600\$ Pilotage et concertation : 52'500\$	Les compétences opérationnelles de la CNOP sont renforcées Les animateurs et personnels des AOPP locales sont récupérées dans le projet pilote Les chambres locales d'agriculture s'associent aux organisations paysannes pour la mise en œuvre du projet dans les sites Les services techniques déconcentrés et l'administration locale soutiennent le projet

	<i>A4.4. Constitution et dépôt du dossier de classement</i> <i>A4.5. Suivi du dossier et préparation à la gestion du massif</i> A5.1. Mission préparatoires A5.2. Etudes d'impacts et cartographies sur l'occupation de l'espace A5.3. Préparation des parties prenantes A5.4. Préparation de l'accord et signature A5.5. suivi de la mise en œuvre de l'accord <i>A6.1. Lancement du projet</i> <i>A6.2. Mobilisation des autorités et des partenaires</i> <i>A6.3. Contribution à la formulation de textes réglementaires pour le fonctionnement des Cofo</i> <i>A6.4 Ateliers trimestriels de partage d'échanges et gestion de savoirs</i> <i>A6.5 Evènements médiatiques et de communication</i>			
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1.3.8 Budget proposé

Budget du projet pilote de tenure foncière et forestière au Mali			
Fonds international pour la tenure foncière et forestière			
HELVETAS Swiss Intercooperation			
Coordination Nationale des Organisations Paysannes CNOP			
14 mois 01.11.15 au 31.12.16			
Désignation		Montant en USD	
0. Activités préparatoires et préliminaires au démarrage		28 000	
1. Activités d'installation et de renforcement des commissions foncières COFO	OS 1	151 000	
2. Activités d'appui à la création d'un domaine forestier intercommunal	OS 2a	56 400	
3. Activités de négociation entre la société minière et les communautés	OS 2b	49 600	
4. Activités de pilotage et gestion du savoir	OS 3	52 500	
Services du Mandataire HELVETAS	Coord. générale. Dont 87'600 \$ en conception et assurance qualité	161 800	
Services du partenaire principal CNOP	Terrain, opérationnel. dont 81'100\$ sur terrain et 25'000\$ d'équipements durables	148 100	
TOTAL		647 400	USD

N.B. Voir budget détaillé en annexe (Excel)

The Applicant

Name of organisation	HELVETAS Swiss Intercooperation
Name and Title of Legal Representative	Annette Kolff, Co-Head International Programmes and Member of the Management Board
Contact Person for this Project (name, title, email)	Sylvaine Rieg, Country Director Mali, sylvaine.rieg@helvetas.org +223 20 24 09 63
Legal Status	Non profit making, non-governmental organisation ; Association ☒ Yes ☐ No
Official Address	Weinbergstrasse 22a, P.O. Box 3130, CH-8021 Zurich
Country	Switzerland
Organization's Website	www.helvetas.org
Telephone Number: Country code + city code + number	+41 (0)44 368 65 00 +223 75 15 68 80 (au Mali)
Fax Number: Country code + city code + number	+41 (0)44 368 65 80
Is your organisation linked with another entity? Example confederation / federation / alliance?	☒ Yes , parent entity: Alliance2015 http://www.alliance2015.org/ ☐ No, independent

Supplementary materials to be included for the Applicant:

1. Copy of registration, certification of non-profit status.
2. List of board of directors
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement.

The Partner(s)

	Partner no.1
Name of Organisation	Coordination nationale des organisations paysannes du Mali CNOP Mali
Name and Title of Legal Representative	Ibrahima Coulibaly, Président
Partner's contact details for Project (name, title, email)	CNOP Mali E-mail : cnopmali@yahoo.fr Youssof Traoré: youssoftraor@yahoo.fr
Official address	Kalaban coura Ext. Sud, Rue 325, Porte 69, BP : E-2169 Bamako
Country	Mali
Organization's Website	www.cnopmali.org
Telephone number: Country code + city code + number	+ (223) 20 28 68 00 Mob. + 223 66 76 11 26 / +223 66 95 91 31
Fax number: Country code + city code + number	
Is your organisation linked with another entity E.g. confederation / federation / alliance?	☒ Yes, parent entity: (oui avec ROPPA réseau des organisations paysannes professionnelles africaines) ☐ No, independent (mais la CNOP prend ses décisions en indépendance institutionnelle)
History of cooperation with the Applicant	La CNOP est un partenaire de longue date avec HELVETAS Swiss Intercooperation depuis Intercooperation et Helvetas. Les leaders de la CNOP, de l'AOPP et de toutes les organisations faïtières paysannes en général au Mali connaissent bien les responsables et les cadres de HELVETAS à travers plusieurs programmes et initiatives : processus législatifs autour de la charte pastorale et de la Loi d'orientation agricole ; programme de renforcement des organisations faïtières dont HELVETAS est mandataire sous financement de la coopération suisse ; programme d'aménagement et de valorisation pacifique du foncier agricole etc.

Supplementary materials to be included for the Partner–

1. Copy of registration, certification of non-profit status.
2. List of board of directors
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement.

Important: This table must be accompanied by a signed and dated Mandate from each Partner, in accordance with the template provided below.

Mandate (for Partner(s))

The Partner(s) authorise the Applicant (*include name of the organisation*) to submit on their behalf the present project document to the Contracting Authority, as well as, to be represented by the Applicant in all matters concerning this project.

I have read and approved the contents of the proposal submitted to the Contracting Authority. I undertake to comply with the principles of good partnership practice.

Name:	Ibrahima Coulibaly
Organisation:	Coordination Nationale des Organisations Paysannes CNOP
Position:	Président
Signature:	
Date and place:	16.09.2015

Associates of the Applicant for this Project

This section must be completed for each associated organisation, including government agencies. You must make as many copies of this table as necessary to create entries for more associates.

	Associate 1
Full legal name	
Country	
Address	
Contact person (name, title)	
Telephone number: country code + city code + number	
Fax number: country code + city code + number	
E-mail address	
Experience of similar actions, in relation to role in the implementation of the proposed Action	
History of cooperation with the Applicant	
Role and involvement in preparing the proposed Action	
Role and involvement in implementing the proposed Action	

Supplementary materials to be included for the Associate

1. Copy of registration, certification of non-profit status or other status.
2. List of board of directors / institutional leadership.
3. Most recent annual report or summary of overall accomplishments.
4. Last available audited financial statement if applicable

Declaration by the Applicant

HELVETAS Swiss Intercooperation, represented by the undersigned, being the authorised signatory of the Applicant, in the context of the present funding mechanism, representing any Partners(s) in the proposed Action, hereby declares that:

- the Applicant has the sources of financing specified in the Budget of the Action;
- the Applicant has sufficient financial capacity to carry out the proposed Action or work program;
- the Applicant certifies the legal statues of the Applicant, of the Partner(s);
- the Applicant, the Partner(s) and the Associate(s) have the professional competences and qualifications required to successfully complete the proposed Action;
- the Applicant undertakes to comply with the obligations foreseen in the Partner's statement and with the principles of good partnership practice;
- the Applicant is directly responsible for the preparation, management and implementation of the Project with the Partner(s) and Associate(s), if any, and is not acting as an intermediary;
- the Applicant and each Partner (if any) is in a position to deliver immediately, upon request, any necessary supporting documents required by the Contracting Authority.

Signed on behalf of the Applicant

Name	Sylvaine RIEG
Signature	
Position	Country Director, Mali
Date	16.09.2015

Annexes

Couverture géographique du projet de tenure foncière & du programme GLD

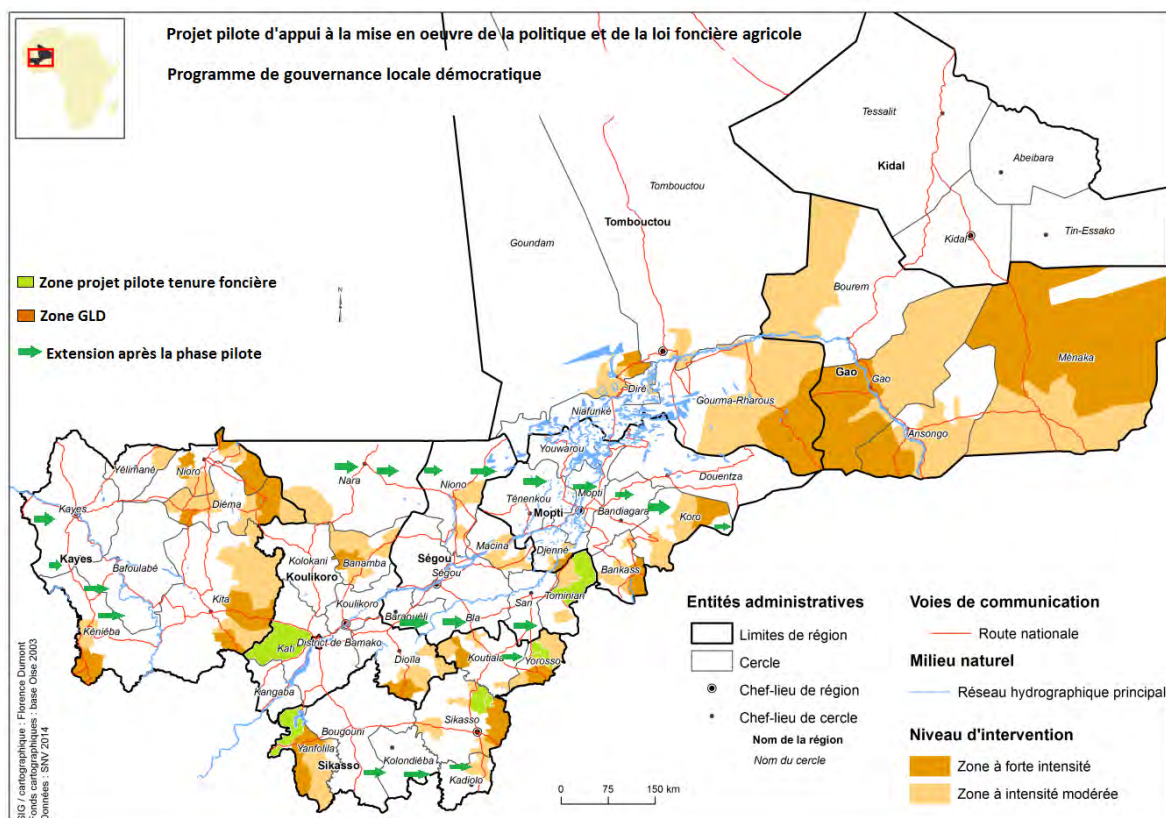


Figure 2: sites d'intervention du projet (en vert)

Annexes

Liste des personnes/entités rencontrées

Nom	Titre	Structures	Email
Soumana Timbo	<i>Directeur National Adjoint</i>	Direction Nationale des Eaux et Forêts (DNEF) – Ministère de l'Environnement et de l'Assainissement	timbosat@yahoo.fr
M. Biramou Sissoko	<i>Directeur National</i>	Direction Nationale des Eaux et Forêts – Ministère de l'Environnement et de l'Assainissement	biramou.sissoko1@gmail.com
Honorable Mamadou Diakité	<i>1^{er} Vice-Président</i>	Haut Conseil des Collectivités du Mali (HCC)	diakite_mc@yahoo.fr
Thierno Seydou Diarra	<i>-Rapporteur Commission Développement Rural et Environnement -Président Groupe National de Travail Gestion Durable des Forêts Certification Forestière</i>	Haut Conseil des Collectivités du Mali (HCC)	thierno_seydou@yahoo.fr
M. Mamby Fofana	<i>Charge de Programme Ressources Naturelles et Changements Climatiques</i>	Ambassade de Suède (ASDI)	mamby.fofona@gov.se
M. Desire Ballo	<i>Charge de Programme/Droits Humains</i>	Ambassade de Suède (ASDI)	desire.ballo@gov.se
Mohamed Lamine Diakité	<i>Chargé de Projets</i>	Agence Française de Développement (AFD)	diakiteml@afd.fr
Boubacar Sidiki Walbani	<i>Chargé des Opérations Principal</i>	Banque Mondiale	bwalbani@worldbankgroup.org
Dr. Daouda Diarra	<i>Directeur Exécutif</i>	Secrétariat Permanent du Conseil Supérieur de l'Agriculture (SP-LOA) Cabinet d'Appui et de formation sur le Foncier et les Politiques agricoles en Afrique (Cafpa)	daoudadiarradr@yahoo.fr
Moussa Mara	<i>Président du parti YELEMA Ancien premier ministre</i>	Centre d'étude et de réflexion au Mali (CERM)	moussamara@moussamara.com
Abdrmane Bouare	<i>Conseiller technique</i>	Coordination Nationale des Organisations Paysannes (CNOP)	a_bouare@yahoo.fr
Ousmane Barké Diallo	<i>Secrétaire General adjoint AOPP Nationale</i>	Association des Organisations Professionnelles Paysannes (AOPP)	ousmanebanke@yahoo.fr
Honorable Salia Togola	<i>Président</i>	Commission du Développement Rural et de l'Environnement – Assemblée Nationale du Mali	togolasalia@yahoo.fr

Annexes

Daniel Siméon Kelema	<i>Secrétaire General</i>	Ministère du Développement rural	danielkelema@yahoo.fr
Sylvaine Rieg	<i>Directrice de Programme Mali</i>	Helvetas Swiss Intercooperation	sylvaine.rieg@helvetas.org
Ahmadou Doumbia	<i>Directeur Exécutif</i>	Le TONUS	aaaafakoly@yahoo.fr
Collaborateurs RRI au Mali			
Ahmed Sekou Diallo	<i>Coordinateur National</i>	Réussir La Décentralisation (RLD)	Sahmediallo@gmail.com
Mme Ouattara Mariam	<i>Secrétaire Permanente</i>		cek@afribonemali.net
Bintou Nimaga	<i>Présidente</i>	Sahel Eco	b_nimaga@yahoo.fr
Bianivo Mounkoro	<i>Coordinateur de projet</i>		bianivo.sahleco@afribonemali.net
Ahmadou Doumbia	<i>Directeur Exécutif</i>	TONUS	aaaafakoly@yahoo.fr letonus@letonusmali.org
Traoré Nana Sissako	<i>Présidente</i>	GPDCF	nsissako@yahoo.fr
Mme Sidibé Diaba Camara			ladiabe@yahoo.fr
Cheik Pléah	<i>Consultant</i>	ASF 21	cheikpleah@yahoo.fr
Nouhoum Keïta	<i>Membre</i>		noukeita@yahoo.fr

Annexes

État des lieux des commissions foncières (COFOs)

1. Contexte de la gouvernance foncière

L'état des lieux de la problématique de gestion du foncier au Mali, le foncier rural en particulier, laisse apparaître de nombreux conflits. Au Mali et depuis toujours, les droits fonciers sont reconnus comme une source de statut social, de richesse et de pouvoir. La terre a une grande importance culturelle, religieuse et juridique et elle assure la production Agricole, le logement et des activités économiques. C'est pourquoi elle fait l'objet de beaucoup de convoitises.

Mais, de plus en plus, l'intensité et la violence de ces conflits s'accroissent, avec l'incapacité des Etats à assurer aux citoyens une jouissance paisible ou un cadre institutionnel adéquat de gestion. Par ailleurs, le cadre juridique qui a supplanté le système traditionnel est peu efficace, incompréhensible et lourd. En introduisant la notion de gagnants et de perdants dans le règlement des conflits, il ne favorise pas la cohésion sociale, contrairement au modèle traditionnel qui s'appuie sur la réciprocité, l'interdépendance des intérêts, la subsidiarité dans l'accès aux ressources naturelles et la transparence dans la gestion des conflits. Bref, des valeurs traditionnelles de gagnant-gagnant, susceptibles de maintenir un climat social de paix.

De l'autre côté, certaines instances traditionnelles de règlement des conflits avaient perdu leur légitimité à cause de leur affaiblissement par le pouvoir judiciaire ou de la suspicion créée entre les communautés en conflit qui ne pouvaient plus faire confiance à un système unilatéral et partisan. Ceci a eu comme conséquence la transformation des conflits liés à des besoins pratiques en conflits de valeurs humaines, avec la récurrence de certains d'entre eux. La cohésion sociale est ainsi devenue un enjeu primordial de développement local, dont la réussite dépendra de l'appropriation des principes de bonne gouvernance dans le cadre de la gestion des conflits.

Il fallait dès lors réfléchir à un autre mécanisme de prévention et de gestion des conflits, de gestion du foncier, un système plus souple et plus inclusif qui réconcilie tradition et modernité. Les Commissions foncières à travers la LOA deviennent le socle sur lequel doivent se bâtir les arrangements sociaux à l'image des modes alternatifs. Qui de plus bénéficient de la caution institutionnelle et légale combinant la modernité à la tradition à travers sa composition. En plus les COFO donnent une réponse aux questions de durabilité car l'efficacité de la plus part des mécanismes alternatifs étaient liées à la vie des projets qui les supportaient.

C'est pourquoi aussi que la sécurisation des exploitations familiales Agricoles revêt un caractère primordial pour améliorer les moyens d'existence dans les zones rurales. Et c'est dans ce sens que les producteurs Agricoles, à travers leurs organisations se sont mobilisés (et continuent de se mobiliser) autour du foncier bien avant la LOA. Les résultats de cette mobilisation ont été traduits dans un chapitre entier de la LOA (Chapitre II du Titre IV) dont l'objectif est de créer un cadre cohérent de gestion équitable du foncier Agricole. Compte tenu de l'exacerbation des conflits fonciers Agricoles et du fait que l'unanimité se fait contre les solutions judiciaires, considérées comme partiales, résultant des pressions les plus fortes plutôt que de la légalité et de l'équité la Loi prévoit l'institution d'une commission foncière dans chaque commune (Art. 79) chargée de la gestion locale du foncier : un cadre de dialogue au niveau local

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pour prévenir et traiter les conflits relatifs à la gestion des ressources naturelles, particulièrement foncières. Ce cadre regroupe l'administration publique (Préfet, Sous-préfet), services techniques déconcentrés de l'État (agriculture, élevage, forêt, eau etc.), les élus (communaux et de cercle), et surtout les autorités traditionnelles (chefs de villages et de terres,) et la société civile (les organisations paysannes professionnelles d'hommes, de femmes et de jeunes). Une innovation saluée par tous les acteurs (OP, chef traditionnels et coutumiers, jeunes et femmes).

En novembre 2014, l'AOPP a réalisé un diagnostic des COFO (à travers des échantillons à Sikasso et Mopti). Ce diagnostic montre que les COFO souffrent dans leur fonctionnement.

La loi d'orientation agricole (LOA) a été élaborée et adoptée en 2006. La politique de développement agricole (PDA) a été adoptée en 2013. La politique foncière agricole (PFA) a été validée en 2013. La Loi foncière agricole (LFA) est dans le processus législatif et devrait être votée au dernier trimestre 2015. De nombreux textes réglementaires (pour la mise en œuvre des politiques et lois) ont été élaborés, notamment en matière de reconnaissance des exploitations agricoles familiales et leur enregistrement, la mise en place des commissions foncières communales et locales (COFO), etc.

Les missions assignées aux commissions foncières se détaillent de la manière suivante :

- Elles doivent procéder à la conciliation des parties à un litige foncier agricole, préalablement à la saisie des juridictions compétentes ;
- Contribuer à l'inventaire des US et coutumes en matière foncière ;
- Participer à l'institution du cadastre au niveau de la collectivité concernée ;
- Participer à l'élaboration et à la mise en œuvre de la politique de gestion foncière de la collectivité concernée ;
- Donner un avis sur toutes les questions foncières dont elles sont saisies

Quant à la loi foncière agricole, elle est sans doute une formidable opportunité pour améliorer la tenure foncière et forestière, notamment dans un pays qui sort d'une crise sociopolitique et sécuritaire majeure. Le soutien de la communauté internationale et les capacités d'action des acteurs maliens sont essentiels.

Ses enjeux s'articulent autour des points ci-après :

- La gestion équilibrée des ressources naturelles entre les corps de métier de la profession agricole permettant un développement durable du secteur rural.
- La sécurisation des droits fonciers individuels et collectifs à travers des outils alternatifs appropriés ;
- La sécurisation des transactions foncières ;
- La prise en compte du genre dans la gestion foncière ;

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- La gestion décentralisée du foncier à travers la promotion des institutions appropriées ;
- La gestion du contentieux foncier ;
- La régulation du marché foncier à l'échelle locale, nationale, et internationale

2. Les commissions foncières COFO

I. De la composition des FOCOs

Composition des **Commissions Foncières Communales**

Président: Le Sous-préfet ou son représentant

Membres:

Le maire de la commune ;Trois (3) conseillers communaux désignés par le conseil communal ; Le chef du service communal du génie rural ; Le chef du service communal de l'agriculture ; Le chef d service vétérinaire communal ; Les chefs de village et ou de fraction ; Le président de la délégation communale de la chambre régionale d'agriculture ou son représentant ; Un représentant par sous-secteur d'activité agricole : Agriculture, Elevage, Pêche, Foresteries désignés par le représentant de la délégation communale de la chambre régionale d'agriculture ; Un représentant par sous-secteur d'activité agricole :Agriculture, Elevage, Pêche, Foresterie désignés par la coordination communale des organisations paysannes ;Un représentant des associations féminines de la commune Un représentant des associations de jeunes.

La liste nominative des membres désignés des commissions foncières communales est fixée par décision des sous-préfets.

Au moment de prendre l'acte de création de la commission par l'autorité compétente il faut passer en revue les structures institutionnelles et socio professionnelles susceptibles d'apporter une valeur ajoutée au fonctionnement de la dite commission. C'est le cas de la faible représentativité des femmes et des jeunes ou bien même des allochtones dans la composition des COFO.

Constat des organisations paysannes (OP) :

- La sous représentativité des OP ;
- La sous représentativité des jeunes et l'absence des femmes ;

Attributions des FOCOs

Les missions assignées aux commissions foncières se détaillent de la manière suivante :

- Elles doivent procéder à la conciliation des parties à un litige foncier agricole, préalablement à la saisie des juridictions compétentes ;
- Contribuer à l'inventaire des US et coutumes en matière foncière ;

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- Participer à l'institution du cadastre au niveau de la collectivité concernée ;
- Participer à l'élaboration et à la mise en œuvre de la politique de gestion foncière de la collectivité concernée ;
- Donner un avis sur toutes les questions foncières dont elles sont saisies

Analyse des leaders des OP :

Dans son fonctionnement actuel, les seules attributions des COFOs sont la conciliation des litiges et l'inventaire des us et coutumes. Hors, elles sont censées intervenir sur beaucoup d'autres questions telles :

- la gestion de l'exploitation des autres ressources naturelles ;
- le plaidoyer par rapport à la gestion des mines ;
- la cogestion du foncier minier et domanial ;
- les transactions foncières (donation, emprunt, vente, aménagement, lotissement) etc.

Modalités de fonctionnement

Si la création des COFO villageoises et communales ne souffre d'aucun doute, il n'en demeure pas moins que les modalités de fonctionnement concret de ces institutions locales sont encore floues et aussi peu de ces institutions sont dotées de capacités techniques de gestion de conflits fonciers. Aussi, le fonctionnement actuel des COFOs se caractérise par :

- Le manque de moyens financier et matériel ;
- La prise en charge des frais induits des investigations par les parties en litige ; ce qui favorise plutôt les plus mentis ;
- La non homologation des PV (lorsque ceux-ci sont établis) par le juge dans les communes ;
- la faible maîtrise des textes fonciers et des techniques de conciliation par les membres des COFOs ;
- le manque de visibilité et de connaissance des COFOs par les paysans comme instance de décision et de gestion du foncier ;
- l'affaiblissement du pouvoir des autorités traditionnelles ;
- le déficit d'information de la population sur les COFOs, leur composition, mission et attributions ;
- l'indisponibilité de certains membres clefs tels les chefs de village.

Mandat, renouvellement des membres des COFOs

La durée du mandat des COFOs n'est pas déterminée et pas précise pour les acteurs. Cependant, ils ont des propositions de durée et de modalité de renouvellement.

Malgré les difficultés suscitées, certaines COFOs ont réalisées des acquis qu'il convient de citer et consolider. Ces acquis s'articulent principalement autour :

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- Du taux acceptable de litiges gérés avec succès (communes de Loulouni et Danderesso à Sikasso) ;
- De la mise en défens temporaire après la conciliation du litige ;
- De l'existence un document d'inventaire des us et coutumes dans certains villages
- De la gestion de litiges transfrontaliers (à la frontière Mali, Burkina) etc.

Ces acquis ont été possibles grâce à des facteurs endogènes et des accompagnements externes :

Parmi les facteurs endogènes on peut citer :

- l'esprit coopératif et clairvoyant des protagonistes ;
- le respect des membres des sous-commissions de conciliation ;
- l'appartenance des protagonistes au même village.

Comme facteurs externes, on notera les différentes formations rendues possibles grâce aux OP et leurs partenaires techniques et financiers, notamment :

- l'AOPP qui a dispensé une formation sur les techniques de conciliation et de médiation des litiges avec la participation d'agents de l'administration judiciaire ;
- HELVETAS Swiss Intercoopération à travers son programme AVAL qui a facilité la tenue d'un atelier de formation à Yanfolila afin de renforcer les capacités des commissions foncières communales sur le fonctionnement et à l'élaboration de procès-verbal de conciliation de conflits.
- Le programme GLD soutenu par la Suède et mis en œuvre par un consortium de 4 ONG internationales, dispose aussi d'un volet foncier. Les faïtières ont peu de connaissances sur les résultats de ce programme.

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Expériences CNOP/AOPP

Les réflexions sur les enjeux liés au foncier (et autres ressources naturelles) par les OP ont commencé bien avant la LOA. Elles ont d'ailleurs servi à alimenter les arguments pour la dotation du pays en une loi d'orientation agricole.

L'engagement des OP sur le foncier a été constant de 2003 à nos jours. Leurs contributions à l'élaboration de textes/lois a été

Les expériences des OP en matière de foncier ont commencé en 2003 avec l'AOPP. Créée en 2004, ce n'est qu'en 2005 que la CNOP s'est véritablement investie dans le foncier, partant des constats liés à :

- l'absence de politique foncière conséquente ;
- l'inadéquation du cadre législatif ;
- l'insécurité foncière rurale ;
- la marginalisation de certains groupes sociaux ;
- la multiplication des conflits.

C'est pourquoi, la CNOP a, depuis 2005, inscrit dans son agenda trois grands axes stratégiques concernant le foncier :

- Assurer une sécurité foncière aux exploitants agricoles
- Assurer un accès équitable au foncier pour les différents groupes sociaux
- Assurer une gestion décentralisée et durable du foncier

Ici, nous noteront quelques activités qui illustrent l'expérience des OP (CNOP/AOPP) dans la gestion du foncier (et des autres ressources naturelles) au niveau local. Outre ces activités phares, la CNOP et ses membres se sont inspiré des expériences d'autres pays aussi bien d'Afrique (de l'Ouest) que d'ailleurs qui ont mieux réussi dans la gestion locale des ressources naturelles, notamment la terre.

AOPP		CNOP	
2003	Ce diagnostic avait pour objectifs de dégager des pistes d'orientation des OP sur les enjeux du foncier, notamment :	2005	Cet atelier a permis à la CNOP de définir les axes stratégiques de plaidoyer autour du foncier, à savoir :
Diagnostic participatif de la situation foncière au Mali et plaidoyer pour son évolution,	▪ la problématique des droits coutumiers dans la gestion du foncier ; ▪ les contraintes liées au droit positif ▪ les spécificités régionales/locales du foncier ▪ les enjeux de l'intégration et l'indispensable stratégie des compromis à cet effet, le diagnostic c'est largement penché sur : ▪ l'historique de la situation foncière au Mali avant l'indépendance ▪ la question foncière de 1961 à 2003 : l'évolution des	Atelier de définition du cadre de réflexion de la CNOP dans le cadre de la Loi d'Orientation Agricole	▪ Assurer une sécurité foncière aux exploitants agricoles ▪ Assurer un accès équitable au foncier pour les différents groupes sociaux Assurer une gestion décentralisée et durable du foncier

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AOPP		CNOP	
	textes ▪ l'identification des contraintes environnementales par région/localités		
2004 Propositions Paysannes pour une gestion pacifique et durable des ressources foncières au Mali	L'étude avait pour objectif de faire des propositions concrètes pour : ▪ sortir le foncier rural de l'informel en donnant un statut à l'exploitation familiale et proposer des mécanismes de formalisation des actes fonciers ▪ définir des mécanismes et modalités de gestion des ressources foncières au niveau local (décentralisation, concertations et réglementations locales) définir un cadre d'élaboration concertée d'une politique foncière.	2005 Atelier thématique sur le foncier rural	S'inscrivant dans le cadre de l'élaboration de la Loi d'Orientation Agricole, cet atelier visait à ▪ faire l'état des lieux de la question foncière au Mali ; ▪ dégager les options stratégiques devant servir de base pour la formulation de dispositions juridiques relatives au régime foncier dans le cadre de la LOA. Des propositions concrètes d'articles de la LOA ont été faites. Parmi elles (citation) :
2014 Diagnostic des COFO dans la région de Sikasso, novembre	Ce diagnostic avait pour objectifs de : ▪ appréciation des attributions, la composition et les modalités de fonctionnement des commissions foncières tel que prévu par le décret ; ▪ Identification des succès enregistrés au niveau des commissions foncières ; ▪ Identification des difficultés, des lacunes et goulots d'étranglement qui entravent la mise en place et l'efficacité des commissions foncières ; Faire des propositions d'amélioration du système		▪ La sécurité foncière des exploitants agricoles sera notamment assurée par la mise en œuvre du cadastre par les communes dans un délai de dix ans à compter de la promulgation de la présente loi. ▪ Il sera également institué dans chaque commune rurale un plan d'aménagement foncier dont l'objectif est de préciser les espaces affectés aux diverses activités rurales ainsi que les droits qui s'y exercent dans un délai de deux ans à compter de la promulgation de la présente loi.
			▪ En vue de promouvoir la capitalisation et l'accroissement de la production agricole, des mesures de simplification de procédures et d'allègement de coûts seront prises pour faciliter l'obtention des titres fonciers, des titres de concession rurale et des baux à longue durée aux exploitants agricoles. ▪ Des dispositions seront également prévues pour faciliter l'obtention de titres fonciers par des investisseurs étrangers en particulier ceux de ressortissants de pays en communauté avec le Mali. Toutefois, dans ce cas l'obtention de titres fonciers sera subordonnée à l'exécution à terme d'un contrat de bail. ▪ Un accès équitable au foncier sera assuré aux groupes

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AOPP		CNOP	
			vulnérables. Il sera notamment institué un système de quota en faveur des femmes et des jeunes en matière d'attribution de parcelles au niveau des zones aménagées sur fonds publics. ▪ Une gestion décentralisée et durable du foncier sera assurée à travers l'élaboration d'une loi-cadre sur le foncier rural définissant les principes généraux et laissant le soin aux collectivités territoriales de définir des règlements locaux prenant en compte leur contexte local. ▪ Une meilleure gestion des conflits sera assurée à travers une prise en compte des instances et des mécanismes locaux de règlement des conflits fonciers. La procédure judiciaire en matière de conflit foncier doit être obligatoirement précédée d'une tentative de conciliation par les autorités traditionnelles ou locales. Le résultat de cette tentative est consigné dans un procès-verbal. ▪ Il est institué au niveau de chaque commune une Commission Foncière disposant de compétences consultatives et d'un pouvoir de décision. ▪ Au titre des compétences consultatives, l'avis de la Commission Foncière est notamment requis pour toutes les questions relatives aux attributions de terres. ▪ Au titre de son pouvoir de décision, la Commission Foncière a compétence pour procéder à la reconnaissance et à l'établissement du contenu des droits fonciers ainsi qu'à la transformation en droit de propriété des droits de concession rurale. La Commission Foncière est dotée d'un pouvoir général de contrôle sur la mise en valeur des terres de la commune. ▪ La composition et les modalités de fonctionnement de la Commission Foncière seront définies par décret pris en conseil des ministres.

Budget

Budget du Projet pilote sur la tenure foncière et forestière					
Partie: Activités					
14 mois					
	Désignation/Activités	Description	Quantités	Prix	Montant
					USD
	0. Activités préparatoires et préliminaires au démarrage				28,000
0.1	Cahiers de charges, profils de postes et Recrutements du personnel	<i>postes à temps plein</i>			-
0.2	Etablissement des conventions et protocoles de collaboration	<i>réunions et communication</i>			-
0.3	Achat des premiers équipements et logistique	<i>commande</i>			-
0.4	Lancement du projet (atelier national suivi de conférence de presse)	<i>atelier national 40px2jrs</i>	1	7,000	7,000
0.5	Formation introductive du personnel (équipes)	<i>atelier introductif 30p</i>	1	6,000	6,000
0.6	Vérification sur le terrain et Sélection définitive des sites de travail	<i>missions terrain</i>	5	1,000	5,000
0.7	Etudes des situations de référence des différents sites en matière de tenure foncière et forestière	<i>tdr, consultants, équipe</i>	5	2,000	10,000
	1. Activités d'installation et de renforcement des commissions foncières COFO				151,000
1.1	Ateliers et missions d'information et de sensibilisation des acteurs sur le terrain	<i>ONG d'accompagnement</i>	5	2,500	12,500
1.2	Préparation des groupes cibles à la désignation éclairée des membres des COFO	<i>ONG d'accompagnement; Services techniques; personnes ressources et Mini ateliers</i>	5	2,500	12,500
1.3	Elaboration des actes administratifs et des outils statutaires des COFO	<i>tutelle et services techniques locaux</i>	4	1,500	6,000
1.4	Formation de base des COFO et recyclage des anciens	<i>avec SP/LOA et consultants</i>	17	1,000	17,000
1.5	Plans d'action des Cofo	<i>consultants et ONG d'appui</i>	17	1,000	17,000
1.6	Suivi accompagnement de la mise en œuvre du plan d'action	<i>ONG d'accompagnement et Cofo</i>	17	1,000	17,000
1.7	Etudes et enquêtes sur les cas de conflits et séances d'intermédiation	<i>Cofos, experts</i>	17	1,000	17,000
1.8	Cartographie de l'occupation des espaces et des droits	<i>experts</i>	5	3,000	15,000
1.9	Production de documents sur les résultats	<i>equipes et autres experts + ONG</i>	5	2,000	10,000

Budget

1.10	Echanges et ateliers locaux et régionaux	<i>pilotage local et régional + suivi STD</i>	5	3,000	15,000
1.11	Visites d'échanges de bonnes pratiques	<i>acteurs et intervenants</i>	6	2,000	12,000
	2. Activités d'appui à la création d'un domaine forestier intercommunal				56,400
2.1	Mission d'information et de sensibilisation dans le cercle de Yorosso	<i>contacts et préparation</i>	2	1,000	2,000
2.2	Désignation des équipes villageoises et communales (relais)	<i>proximité et animation</i>	3	300	900
2.3	Etude de faisabilité du projet de forêt intercommunale et cartographie	<i>étude, consultants et STD</i>	1	10,000	10,000
2.4	Plan d'aménagement et de gestion du massif forestier	<i>consultants et validation STD</i>	1	10,000	10,000
2.5	Constitution et dépôt du dossier de classement	<i>ONG d'appui</i>	1	8,000	8,000
2.6	Renforcement de la coopération entre les 3 communes (création d'intercommunalité)	<i>création inter CT / GDCT</i>	1	5,000	5,000
2.7	Suivi du dossier et préparation à la gestion du massif	<i>ONG d'appui</i>	1	3,000	3,000
2.8	Ateliers et émissions de communication sur le projet de forêt intercommunale	<i>pilotage local et régional</i>	4	1,000	4,000
2.9	Visites de terrain	<i>expériences et synergies</i>	3	2,000	6,000
2.10	Production de documents sur les résultats	<i>capitalisation</i>	3	2,500	7,500
	3. Activités de négociation entre la société minière et les communautés				49,600
3.1	Mission de prise de contact avec les parties prenantes	<i>contacts et préparation</i>	1	2,000	2,000
3.2	Collecte d'information sur la société, sa politique et ses engagements	<i>étude et bibliographie</i>	1	2,000	2,000
3.3	Etude sur les impacts/effets du projet minier sur la zone et la population (récupérer EIES/PGES) et 'éclairage' sur les aspects juridiques	<i>Etude ONG</i>	1	5,000	5,000
3.4	Cartographie de l'occupation de l'espace	<i>cartes experts et validation CT</i>	1	4,000	4,000
3.5	Appui aux communautés pour l'élaboration d'un document sur leurs intérêts et validation auprès les 2 conseils communaux	<i>document de négociation</i>	1	5,000	5,000
3.6	Désignation des relais et formation à la négociation	<i>réunions et communication</i>	2	300	600
3.7	Visites conjointes multi acteurs	<i>expériences et synergies</i>	1	2,500	2,500
3.8	Organisation d'ateliers d'échanges	<i>ateliers</i>	2	2,000	4,000
3.9	Réunions de négociation	<i>réunions et sances de travail</i>	3	1,000	3,000
3.10	Préparation d'un accord et sa signature	<i>conception ONG</i>	1	5,000	5,000
3.11	Suivi de la mise en œuvre de l'accord	<i>suivi, équipe, ONG et HCC</i>	3	1,500	4,500
3.12	Ateliers bilans et de redevabilité	<i>ateliers et pilotage</i>	2	2,000	4,000

Budget

3.13	Médiatisation	<i>presse et communication</i>	1	3,000	3,000
3.14	Production de documents et rapports	<i>capitalisation/édition</i>	1	5,000	5,000
	4. Activités de pilotage et gestion du savoir				52,500
4.1	Mise en place du cadre de concertation et ses modalités de fonctionnement	<i>SP/LOA et partenaires nationaux + internationaux</i>	1	1,000	1,000
4.2	Relance du comité de pilotage LOA-foncier	<i>SP/LOA et MDR</i>	1	500	500
4.3	Négociation avec le secrétariat permanent de la LOA et conditions de la modération	<i>convention d'appui</i>	1	10,000	10,000
4.4	Mobilisation des autorités et des partenaires	<i>contacts et communication</i>	1	1,000	1,000
4.5	Missions de suivi et de contrôle qualité	<i>déplacements</i>	2	2,000	4,000
4.6	Préparation des documents pour le cadre de concertation et/ou le comité de pilotage	<i>equipe experts et coordination</i>	1	3,000	3,000
4.7	Ateliers trimestriels de partage et échanges	<i>réunions à combiner avec suivant</i>	4	2,000	8,000
4.8	Ateliers semestriels de gestion de savoirs	<i>inséré dans précédant</i>	0	2,500	-
4.9	Evènements médiatiques et de communication	<i>presse et communication</i>	2	2,000	4,000
4.10	Validation des résultats et des produits (ateliers et commissions techniques)	<i>travail commissions</i>	2	2,500	5,000
4.11	Missions d'appui du fonds international pour la tenure foncière et forestière	<i>au Mali et sur des sites (frais locaux)</i>	1	3,000	3,000
4.12	Rapportage	<i>equipes+ONG et mandataire</i>	1	3,000	3,000
4.13	Evaluation et Audit	<i>experts</i>	1	5,000	5,000
	Planification de la future phase du programme (2 ateliers, une commission de rédaction, validation)	<i>commission et atelier</i>	1	5,000	5,000
	TOTAL ACTIVITES				337,500
	Total services et personnel				309,900
	Total projet				647,400

Budget

Partie: Services et personnel						
14 mois						
Désignation	Références/explications	Quantité / Durée	Unité	Prix unitaire	Montant	
				\$-USD	\$-USD	
Services du Mandataire HELVETAS					161,800	
Direction de programme à Bamako	<i>Mandataire au Mali</i>					
Coordinateur de projet (à recruter)	<i>1 poste supérieur à 100%</i>	14	mois	4,000	56,000	87,600
Supervision technique et qualité (CD)	<i>temps partiels experts DP</i>	34	jours	400	13,600	
Backstopping stratégique et communication (SR)	<i>temps partiel DP</i>	10	jours	1,000	10,000	
Support administratif et comptabilité	<i>temps partiel comptable et SCI</i>	28	jours	200	5,600	
Fonctionnement					0	
Déplacements et missions (facturation véhicule HELVETAS)	<i>à Bamako et sur le terrain</i>	18	mission	700	12,600	
Equipements (2 ordinateurs équipés, 8 smartphones)	<i>smartphones pour suivi AkvoFlow</i>	1	set	5,000	5,000	
Siège en Suisse	<i>Siège du Mandataire</i>				0	
Coordination régionale Afrique de l'Ouest	<i>assistance stratégique</i>	6	jours	1,000	6,000	
Services de conseils gouvernance et paix	<i>assistance technique internationale</i>	8	jours	1,000	8,000	
Consolidation de la gestion, procédures et finances	<i>consolidation et gouvernance</i>	10	jours	300	3,000	
Frais de gestion / administration	<i>Marges, risques, fin de contrats</i>					

Budget

					42,000	
Services du partenaire principal CNOP					148,100	
Direction de la CNOP et partenariats	<i>coordination, pilotage, plaidoyer</i>	28	jours	150	4,200	
Equipement						25,000
Achat véhicule 4x4 Pick-Up pour superviseur (point focal)	<i>mobilité de la supervision</i>	1	véhicule	20,000	20,000	
Achat de 5 motos (chinoises) pour facilitateurs de sites	<i>dans chaque cercle</i>	5	moto	1,000	5,000	
Personnel du projet inséré dans les organisations paysannes	<i>equipe opérationnelle</i>				-	81,100
Point focal superviseur	<i>temps plein 100%</i>	14	mois	1,500	21,000	
Assistance administrative et financière (comptable et logistique)	<i>temps partiel 50%</i>	14	mois	500	7,000	
Chauffeur	<i>01 temps plein sur le projet</i>	14	mois	400	5,600	
Facilitateurs (animateurs sur sites)	<i>5 cadres temps plein sur le projet</i>	60	mois	500	30,000	
Fonctionnement					-	
Frais de bureau à Bamako et appui aux AOPP locales, DLCA	<i>contribution partielle</i>	14	mois	500	7,000	
Frais de déplacement véhicule, direction, missions	<i>logistique, missions, hébergement, repas équipe coord.</i>	32	missions	400	12,800	
Frais de fonctionnement des facilitateurs / motos	<i>logistique, missions, hébergement, repas équipe sites</i>	70	mois	250	17,500	
Frais de gestion / administration	<i>administration, risques, séparation</i>				18,000	

Budget

TOTAL SERVICES & PERSONNEL					309,900	
						<i>246,300</i>
TOTAL Activités					337,500	
Total projet					647,400	