

The International Land and Forest Tenure Facility

Advisory Group Meeting &
Interim Board Meeting

the
**TENURE
FACILITY**

*June 17, 2016
Oslo, Norway*

the **TENURE FACILITY**

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the **TENURE FACILITY**

Fifth Advisory Group Meeting Objectives and Agenda

June 17, 2016

*The Radisson Blu Scandinavia Hotel, Lofoten Room
Holbergs Gate 30, 0166, Oslo, Norway*

MEETING OBJECTIVES

1. Welcome and orient new members.
2. Review updated advice and guidance from RRI Board.
3. Review progress and lessons on pilots to date, and prioritize candidate projects.
4. Review and advise on the Tenure Facility finances and fundraising.
5. Advise on the timeline for the establishing legal independence and location of the Tenure Facility.

MEETING AGENDA

Chair: Arvind Khare

9:00 Welcome and introduction
Arvind Khare, Advisory Group Chair

1. Introductions, welcome of new members
2. Review of agenda
3. Approval of Minutes of March 11, 2016 Advisory Group Meeting*
4. Inform AG of updated advice and guidance from RRI Board

9:30 Overview of the Tenure Facility status and progress
Janis Alcorn, Interim Director

1. Update on status of incubation and establishment of the Facility
2. Update on progress and impacts of pilot projects
3. Update on budget and finances

- 10:30 Coffee/tea break
- 10:45 Pipeline of proposed projects
Janis Alcorn, Interim Director
1. The pipeline of potential projects
 2. Prioritization of the proposed projects*
- 12:00 Lunch
- 13:00 Transition to independent Tenure Facility
Andy White, RRI Coordinator
1. Recommend location for the Tenure Facility*
 2. Recommend the date for the legal independence of Tenure Facility*
 3. Recommend the timeline to initiate search for the CEO and key management positions in the Tenure Facility*
- 15:00 Review of recommendations to the Interim Board
Arvind Khare, Advisory Group Chair
- 15:10 Close

INTERIM BOARD MEETING

Chair: Arvind Khare

- 15:30 Welcome
- 18:00 Close

-
- 19:00 Advisory Group and Interim Board Dinner
Location will be communicated.

Minutes of the Fourth Advisory Group Meeting

March 11, 2016

Washington, D.C.

The Fourth Meeting of the Advisory Group (AG) to the International Land and Forest Tenure Facility (Tenure Facility) took place on March 11, 2016 at the Rights and Resources Initiative offices in Washington, D.C. The Interim Board subsequently held a separate meeting to review recommendations from the AG.

AG Members Present: Chris Jochnick, Landesa; Arvind Khare, Chair of the Advisory Group; Augusta Molnar, Independent Advisor (virtual); Lou Munden, TMP Systems (virtual); Abdon Nababan, AMAN, Indonesia; Samuel Nguiffo, Center for Environment and Development, Cameroon (virtual); Margareta Nilsson, SIDA; Dominique Reeb, FAO; Andy White, Coordinator, RRI.

AG Members Absent: Mark Constantine, IFC; Charles Di Leva, World Bank; Vicky Tauli-Corpuz, Tebtebba.

Resources Persons: Janis Alcorn, TF Interim Director; Briana Okuno, TF Associate; Andre Pope, TF Senior Manager for Finance and Administration; Emily Snow, RRI Africa Associate; Matt Zimmermann, RRI Senior Director of Finance.

KEY OBJECTIVES OF THE MEETING

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

OVERVIEW

1. The AG reviewed the 2016 TF work plan progress and budget and the advances made by the six pilot projects (Cameroon, Indonesia, Liberia, Mali, Panama, and Peru); discussed funding opportunities, including the invitation for presenting a proposal to NICFI; discussed the proposed TF governance structure; and reviewed preliminary policies (M&E Framework, Conflict Sensitive Project Management, Gender Equality and Social Equity Principles, Social and Environmental Standards, and the Integrated Operations Manual which includes anti-corruption and other relevant policies).

2. The AG welcomed the newly appointed Interim Board members. There was agreement to identify additional candidates for both the AG and IB, to include membership from Latin America on the IB and expand membership by individuals from IP and LC organizations on the AG.
3. The AG reviewed and approved the Minutes from the Third AG meeting, held in Bern.

KEY FINDINGS & RECOMMENDATIONS

1. The AG found the work of the Tenure Facility (TF) to be robust and critical to international engagement on Indigenous Peoples (IP) and climate change. The AG recommended continued highlighting of the value-added elements that contribute to achieving sustainable development and other IP goals.
2. The AG welcomed the NICFI invitation for an updated TF proposal, based on the proposal submitted in 2015, and CLUA's assistance preparing an independent appraisal of the TF during April. The AG provided comments and recommendations to strengthen the NICFI proposal. The updated proposal will be refined for submission to NICFI by March 17, 2016.
3. The AG reviewed the TF 2016 work plan and budget approved by the RRG board in January. The AG appreciated the high proportion of funding allocated to project implementation, highlighting that this allocation demonstrates legitimacy and reinforces the values of the institution. Further, the AG supported the importance of achieving TF's institutional readiness for independence before the end of 2016, meeting the TF Sida agreement requirement for an independent operational readiness evaluation before the end of 2016.
4. The AG noted that the six pilot projects are proceeding well. The first two projects (AMAN, Indonesia; and COONAPIP, Panama) have passed the six months milestone and are achieving results on the ground. AMAN and COONAPIP requested second year funding, responding to an option offered during initial start-up as these two indigenous organizations were the first to commit to the risk of working with and constructing the TF. The Peru (FENAMAD & SPDA) pilot project, initiated in late October, was put on pause during the FENAMAD presidential elections in January 2016 and has resumed activity with firm support from the new FENAMAD president. The African pilot projects -- Liberia (SDI), Cameroon (Rainbow, CED, FPP, RFUK), and Mali (CNOP & HELVETAS Mali) -- are in early startup phase and receiving technical support from TF consultants.
5. The AG was pleased with reports from the lively meeting of TF project leaders in London (joined by NORAD, SIDA and DFID representatives), in early February, where TF leaders reviewed the initial draft M&E and learning framework and recommended modifications; shared their own methods for learning and sharing lessons; identified their needs for learning exchanges, including a TF web portal for direct communications amongst themselves.

6. The AG supported the expansion of the Advisory Group and Interim Board to include individuals representing Indigenous Peoples' organizations and Local Communities' organizations. It was recommended that the Secretariat prepare Terms of Reference for the expanded AG in order for nominations of suitable candidates to be invited and reviewed prior to the next AG meeting in Oslo.
7. The AG welcomed that the Interim Board (IB) was established in January 2016, after RRG Board approval of proposed IB members. The AG supported the expansion of the IB to include a member from Latin America, ideally representing an Indigenous Peoples organization or Local Communities' organization. There was discussion about whether all IB candidates must speak English. Further, the AG agreed that the Interim Board's main role will be to advise on the Facility's transition to independence, during the period that TF remains under the oversight of RRG Board. The AG also discussed the future relationship between RRI and TF, emphasizing the critical role of RRG in conducting analyses essential for the TF success, and in identifying strategic opportunities for the TF. The AG advised that RRI Coordinator, Andy White, be a member of IB to maintain that strong connection.
8. The AG reviewed the *Draft Terms of Reference for the Governance Structure* presented in the AG Fourth Meeting Book and found that the document serves as a sound basis for future use and endorsement. AG suggested that, prior to submission of Governance Structure to IB for final review, clarification is required regarding: the role of donors in the governance structure, the relationship between RRG and TF, the powers of the Ombudsman, the key tasks of the IB and the transition from the Interim Board to the permanent Board. The AG agreed that the IB should transition to the permanent Board.
9. The AG recommended that TF secretariat finalize the preliminary policies (M&E Framework, Conflict Sensitive Project Management, Gender Equity and Social Equality Principles, Social and Environmental Standards, and Integrated Operations Manual) by April 15, 2016 and circulate them for review before April 30, 2015. It was recommended that the next step will be to build capacity to ensure application of the standards, and there was discussion of the value of including an annual review of application of the standards for public accountability. There was also discussion of the Theory of Change (ToC) included in the M&E framework, and the need to expand consideration of the role of private sector and the VGGTs in the ToC.
10. The AG discussed "transition scenarios" as related to future donor funding levels which depend on TF becoming fully independent. A decision was made to re-assess this question at the next meeting, after future funding will be clearer and the Secretariat has gathered more information about the location options.

NEXT MEETING

The next Advisory Group Meeting was scheduled to be held on Friday, June 17, 2016 in Oslo, Norway, after the annual Oslo REDD Exchange (June 14-15, 2016). The IB will join the RRG Board meeting on June 16, 2017, prior to meeting with the AG.

First Meeting of the Interim Board

The International Land and Forest Tenure Facility (Tenure Facility)

March 11, 2016

Meeting Resolutions

[DRAFT]

To: The Tenure Facility Interim Board

From: Briana Okuno

Date: March 14, 2016

Re: Interim Board Meeting, Washington, D.C. USA

The first meeting of the Interim Board (IB) of the International Land and Forest Tenure Facility took place March 11, 2016 in Washington, D.C. The Board meeting was held in the Rights and Resources Initiative office from 15:30 to 17:00. Present were Interim Board members Arvind Khare (Chair), Abdon Nababan, Samuel Nguiffo (virtual), Augusta Molnar (virtual). Andy White, the Coordinator of RRI and the President of RRG, was invited to join the Interim Board as an *ex-officio* member to formalize the linkage between RRI and TF. He was also present in the first meeting of the Interim Board.

The following individuals attended as observers: Margareta Nilsson from Sida (following a resolution of the Interim Board to invite donors to the meetings of the IB as observers), Janis Alcorn (Interim Director, TF), Briana Okuno and Emily Snow as resource persons.

The agenda of the Interim Board meeting is attached separately.

Resolutions:

1. IB resolved to invite and name Andy White as *ex-officio* member of the Board to formalize the linkage between RRI and the TF, and invited representatives of donors to the TF and members of the TF Secretariat as observers;
2. IB resolved to identify candidate member from Latin America, ideally representing an Indigenous Peoples organization. Candidates would meet the criteria of: 1) being highly credible among indigenous organizations, governments, and donors; 2) having demonstrated executive leadership of organizations and/or membership on executive boards or organizations; and 3) fluency in English. If these criteria are not met, another suitable candidate from a leading civil society organization dedicated to supporting IP organizations will be nominated;

3. IB resolved to approach leaders of regional networks of Indigenous Peoples and Local Community organizations to identify candidates for the Advisory Group (e.g. AIPP, COICA, AMPB, and similar groups with membership in the Sahel);
4. IB resolved to review the draft policies and standards prepared for the TF by the Secretariat before April 15, 2016, for their revision and approval before the end of April;
5. IB expressed appreciation for the progress to date on the institutionalization of the TF and resolved to proceed with due diligence to scope potential locations of the Facility;
6. IB resolved to meet again with the RRI Board on the afternoon of June 16, 2016 in Oslo, Norway, to be followed by an Advisory Group meeting and Interim Board meeting on June 17, 2016;
7. IB recognizes, with gratitude, the extraordinary efforts of Janis Alcorn to establish the Tenure Facility over the last six months.

Advisory Group Biographical Sketches

MARIO BOCCUCCI

Mario Boccucci is the head of the UN-REDD Secretariat in Geneva, Switzerland. He has over 20 years of experience with international organizations. Mario specializes in operational and policy work with a focus on sustainable management of terrestrial ecosystems, land management, governance of nature resources, and climate change mitigation and adaptation. Mario has ample international experience working with multilateral organizations, including at the World Bank, the United Nations, and the European Commission. Mario's professional fieldwork has taken him across the globe to Kenya, Belize, Morocco, Fiji, and Indonesia.

MARK CONSTANTINE

Mark Constantine brings extensive experience working with both government and multilateral development banks to the Tenure Facility Advisory Group. For 9 years Mark worked for the Financial Services Committee at the US House of Representatives, where he assisted with reviewing environmental impact assessments for projects financed by multilateral banks. Mark currently works at the International Finance Corporation, where he conducts environmental and social risk management. Mark specializes in identifying and mitigating these risks, as well as in finding opportunities for the IFC to add value to high profile investments in developing countries. Mark is the Co-Chair of the Interlaken Group, a multi-stakeholder organization of NGOs, companies, and international development institutions, that promotes the positive role of the private sector in supporting land tenure rights.

IBRAHIMA COULIBALY

Ibrahima Coulibaly is the president of the *Coordination Nationale des Organizations Paysannes* (National Coordination of Peasant Organizations, CNOP). Founded in 2002, the CNOP is non-profit organization representing 2,500,000 family farmers, peasants, indigenous people and landless individuals throughout Mali. The organization aims to enable farmers' organizations in Mali to contribute to defining a clear vision of Malian agriculture, and coherent agricultural policy centered on family farms. The organization serves two main functions, mainly to represent political interests of peasants and to defend the interests of agricultural producers.

CHARLES DI LEVA

Charles Di Leva is the Chief Counsel on Environmental and International Law at the World Bank. He leads the Bank's legal team during its ongoing review and update of the Bank's environmental and social safeguard policies, and addresses environmental and social risks across the Bank's portfolio. He has represented the Bank for over 20 years in major international treaty negotiations, particularly related to climate and biodiversity. Previously Charles worked in academia as a professor at George Washington University and at the American University College of Law.

CHRIS JOCHNICK

Chris Jochnick is a global land rights expert and social entrepreneur with decades of experience in international development, as well as a trained lawyer with extensive legal experience working on corporate governance and social responsibility issues. Chris is the CEO and President of Landesa, a non-profit organization that partners with governments and local organizations to secure legal land rights for vulnerable communities. Prior to his work with Landesa, Chris lead Oxfam America's work on business and development, focusing on shareholder engagement, value chain assessment, and collaborative advocacy initiatives such as the "Behind the Brands" campaign. He is the co-founder and former director of two pioneering non-profit organizations, the Center for Economic and Social Rights and the Ecuador-based *Centro de Derechos Economicos y Sociales*. Chris is a graduate of Harvard Law School and a former fellow of the MacArthur Foundation and Echoing Green.

LOU MUNDEN

Lou Munden is an entrepreneur with over 15 years of experience in the fields of technology and finance. Lou's passion for solving complex analytical problems is well served by both his business acumen and his aptitudes for operations and technology. He has worked as a partner in various private finance ventures, primarily using his time to design and develop algorithmic trading systems and to create structured interest rate products. Lou is the founder of both the Munden Project and TMP Systems.

MARGARETA NILSSON

Margareta Nilsson is a forester focusing on conservation and international forestry issues. She lived and worked in Central America for three years. She is a founding member of the *Fundación Cambugán in Ecuador*, a non-profit organization that works with local communities and organizations to develop forest conservation and restoration programs. Margareta currently works at the Swedish International Development Cooperation Agency in Stockholm, Sweden.

DOMINIQUE REEB

Dominique Reeb leads the Social Forestry Team at the headquarters of the Food and Agriculture Organization of United Nations in Rome, Italy. Dominique began his professional career in Germany, where he developed and tested the methodology used for the first federal forest inventory. His decorated career spans over 30 years, including 14 years in West Africa leading a community forest project for the German Society for International Cooperation. Dominique is an expert in participatory forest administration, the role of forestry in poverty alleviation, community based enterprise development and issues related to forest tenure in Africa, Central and Eastern Europe, Asia and Latin America. He holds an MSc in Forestry from the University of British Columbia, in Canada.

DEVASISH ROY

Devasish Roy is an authority on issues pertaining to land tenure, indigenous peoples' rights, and sustainable development in both his native country of Bangladesh and internationally. Since 1977 Devasish Roy has served as a traditional Circle Chief in the Chittagong Hill Tracts region of Bangladesh. As a distinguished lawyer and public figure, he has held key roles within domestic government and advised foreign diplomats on constitutional, legal, and administrative matters as they the rights of indigenous people. Devasish Roy is a current member of the United Nations Permanent Forum on Indigenous Issues, and a member and Co-Chairperson of the UN Initiative on Indigenous Peoples. His scholarship related to human rights, land tenure, and jurisprudence is highly regarded and has been published in academic journals internationally.

GUSTAVO SÁNCHEZ

Gustavo Sánchez is the President of the *Red Mexicana de Organizaciones Campesinas Forestales* (Mexican Network of Forest Farmers, MOCAF), a network of 50 local organizations committed to issues related to land tenure, the rights of farmers, and the rights of indigenous people. MOCAF aims to elevate the quality of life for rural populations, and particularly those that reside in forested regions. In order to accomplish these goals Gustavo helps to influence debate over public policy on the local and federal levels. With Gustavo's leadership, MOCAF is particularly active regarding issues related to land tenure and community forest management.

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Interim Board Biographical Sketches

ARVIND KHARE

Arvind Khare is a natural resources management specialist with more than 20 years of non-profit, corporate, and public sector experience. During his tenure as the Executive Director of the Washington-based Rights and Resources Initiative, Mr. Khare contributed to the critical examination of poverty-environment linkages, initiated a number of innovative rural development projects, and was involved in social risk assessment of development investments in India. His work has also involved the development and analysis of policies in infrastructure, forestry, tribal development, social development, and watershed sectors for the state and central governments of India. From 2005-2006, Mr. Khare chaired the External Advisory Group of the World Bank on Forest Sector Strategy Implementation.

DR. AUGUSTA MOLNAR

Augusta Molnar is a cultural anthropologist who has focused her career on forest and mountain communities, their tenure and rights, resources and livelihoods. She is retired from the World Bank since 2006, having served as a project manager for land, forest, agriculture, and indigenous peoples grants and loans in Mexico and Central America and social specialist on forestry projects in South and Southeast Asia. She is a co-founder of the Rights and Resources Initiative, retired as Sr. Director of Country and Regional Programs since 2014. She currently serves as a vice-chair on the board of The Mountain Institute and is based in Colorado.

ABDON NABABAN

Mr. Nababan is a leading authority on the rights of Indigenous Peoples in Indonesia and has been the Secretary General of Indigenous Peoples' Alliance of the Archipelago (AMAN) since 2007. Before leading AMAN, Mr. Nababan was the Coordinator of the Steering Committee at Network for the Defence of the Rights of Indigenous Peoples (JAPHAMA), a network of Indonesian non-governmental organizations that defend the rights of Indigenous Peoples. He also holds a number of other positions at NGO organizations, including Chairman of the Board of Trustees of Yayasan Setara/NTFP, Chairman of the Council of Forest Watch Indonesia (FWI), and Advisor at the Samdhana Institute. A member of the Toba Batak from North Sumatera, Indonesia, Mr. Nababan has led successful campaigns to earn greater recognition for Indigenous Peoples' rights, with a special focus on land and forest rights.

SAMUEL NGUIFFO

Samuel Nguiffo is a Cameroonian lawyer who specializes in community rights and land tenure in Cameroon and the Congo Basin. He is the Secretary General of the Center for Environment and Development in Yaoundé, which he created in 1995 with the specific aim of realizing sustainable management of Central Africa's forests. Samuel was awarded the Goldman Environmental Prize in 1999 for his work to protect the tropical rainforests of Central Africa. He currently sits on the Board of Directors at the Washington-based organization, the Rights and Resources Initiative

VICKY TAULI-CORPUZ

Vicky Tauli-Corpuz is an international development consultant and indigenous activist from the Philippines. In June 2014, she assumed responsibilities as the third UN Special Rapporteur on the Rights of Indigenous Peoples. Tauli-Corpuz also served as the Chair of the United Nations Permanent Forum on Indigenous Issues from 2005-2009. She is the founder of Tebtebba, the Indigenous People's International Centre for Policy Research and Education, and as an activist, has helped organize Indigenous Peoples in the Philippines to campaign for their land rights. In 2009, she was awarded the Gabriela Silang Award from the National Commission on Indigenous Peoples for her work at the forefront of the struggle for Indigenous Peoples' rights.

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2015 Annual Report to Sida

**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**

2015 Annual Narrative Report

April 30, 2016

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

By

**Andy White
President, Rights and Resources Group
1238 Wisconsin Ave NW, Suite 300
Washington D.C. 20007**

The International Land and Forest Tenure Facility: 2015 Annual Progress Report

EXECUTIVE SUMMARY

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 second annual progress report of the newly established Facility.

The Tenure Facility activities in 2015 were guided by the approved design document which laid out the rationale, theory, and implementation schedule. A Transition Team, comprised of RRG staff and dedicated resources, has overseen the establishment of the Facility and built a solid base for institutional independence by the end of 2016.

The Facility has been advised by its Advisory Group, which is comprised of representatives from leading bilateral and multilateral initiatives and institutions (World Bank, IFC, FAO, Sida, UN- REDD), as well as private sector, indigenous, and civil society organizations. A Tenure Facility Interim Board was formally established by the RRG Board in their annual January 2016 meeting. The Tenure Facility’s social and environmental standards, governance structure, accountability rules and policies, and monitoring and evaluation mechanisms were developed during 2015 and vetted at the first joint Interim Board and Advisory Group meeting in March 2016.

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 UN Forum on Forests in New York (May 2015), the RFN-RRI Conference in Oslo (May 2015), and the UNFCCC COP21 (December 2015) in Paris. Optional locations for domiciling the institution were assessed, and a decision was made to defer final site selection until another donor was secured.

The incubation of the Facility has involved a variety of collaborations and engagements at every stage of the 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), care has been dedicated to generating useful knowledge from engagement with these key stakeholders.

A portfolio of six pilot projects was launched in 2015. Pilots in Indonesia, Peru, Panama, Liberia, Mali, and Cameroon are testing Tenure Facility project cycle management and providing feedback for shaping the Tenure Facility at the same time as the projects themselves accelerate implementation of

reforms by governments. During 2015, the pilot project leaders actively participated in shaping the Tenure Facility so that the Facility responds to their needs. That process has generated the trust and legitimacy required for long-term success.

In early 2016, one major bilateral donor (Norway's International Climate and Forest Initiative, NICFI) invited RRG to submit a proposal for future support and collaboration.

The Tenure Facility is well-positioned to become independent during 2016. The Transition Team is building upon the 2015 success of the Inception Phase and continuing engagement with prominent national and international decision makers, experts and key representatives of Indigenous Peoples, Private Sector, local communities, governments, and civil society organizations. During 2016, the Advisory Group will be expanded to include members from regional networks of indigenous and local communities, and steps will be taken to position the Tenure Facility in relation to the World Bank, FCPF, FIP, DGM, and other international institutions. The Tenure Facility website will be built out to include a members' portal for information exchange and a storyline section with compelling stories about the challenges and successes of initiatives supported by the Tenure Facility. The initial Monitoring, Evaluation, and Learning framework will be tested and modified through its application across the six pilot projects during 2016. This activity will also contribute to refining Tenure Facility engagement, support, and capacity building for coming years. During 2016, preparations are underway to move the Secretariat to the city chosen to domicile the Secretariat after an external evaluation of readiness for transition to independence.

The status of activities, as defined in the Tenure Facility design document and Sida Grant Agreement, are summarized in Table 1 below.

Table 1. Status of Planned Activities

No.	Activity	Status
1	Demand studies conducted in four countries validated demand for the Facility	Completed
2	Update analysis of the costs and best practices of securing communal or collective land rights	Completed
3	Engage and consult with Indigenous Peoples, community groups, governments and private investors to receive input, adjust design, and reach agreement	Completed
4	Assess options for legal and financial systems and place of incorporation	Ongoing
5	Hire dedicated RRG staff	Completed
6	Establish Advisory Group with links to key stakeholder institutions	Completed
7	Refine Facility roles and services; develop standards and accountability and M&E mechanisms	Completed
8	Set up Facility Secretariat and Facility Board of Directors	Ongoing
9	Design preliminary pipeline of of tenure reform projects in priority countries	Completed
10	Launch and test pilot projects	Ongoing
11	Support implementation and scaling-up of land and forest tenure reform projects and processes and creation of enabling conditions for more fair tenure policies and legislations	Ongoing
12	Maintain and run the Facility (core expenditures)	Ongoing
13	Conduct evaluation to assess readiness for independent financial functioning	Ongoing
14	Monitor, evaluate, and assess impact	Ongoing
15	Consolidate and disseminate lessons and best practices from Facility-supported activities	Ongoing

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Introduction

This report provides an overview of the 2015 activities and strategies of the International Land and Forest Tenure Facility (hereafter the “Facility”) and the results of the collective efforts of the Transition Team tasked with incubating the Facility. The report, which summarizes the key achievements for 2015, discusses the challenges, and outlines early progress toward the planned activities for 2016, is also intended to keep donors and collaborators apprised of the Tenure Facility establishment progress. The target audience for this report includes the Swedish International Development Agency (Sida); the Tenure Facility Interim Board and Advisory Group; the RRG Board, RRI Partners and Collaborators; potential Board Members; potential Tenure Facility donors; and other potential collaborating institutions.

I. Overview of the Facility

The Facility 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. The design of the Facility was informed by critical observations that pointed to a number of unmet needs and challenges, including: (i) inadequate public and private commitment and financial support for reforms; (ii) insufficient coordination and leveraging of existing political commitments and dedicated instruments; and (iii) minimal participation of both rights holders and progressive private players in driving global-level solutions. To these ends, the Facility aims to become a nimble global structure with the twin goals of providing funding and technical assistance in support of tenure reform, and a convening space to better coordinate related commitments and foster shared strategies for advancing tenure reforms.

II. Inception Phase Achievements to Date

Building on analyses, consultations, and reviews, which indicated a large and growing demand for clarifying and securing tenure rights from Indigenous Peoples, governments, communities, international organizations, and private investors, the Facility has received increasing global attention since it was announced in September 2014 at the UN Climate Summit, the World Conference of Indigenous Peoples, and the University of Gothenburg. In 2015, the Facility gained growing international attention over the course of the year through presentations in multiple venues, including the UN Forum on Forests in New York (May 2015), the RFN-RRI Conference in Oslo (May 2015), and the UNFCCC COP21 (December 2015) in Paris. The Facility’s pilot project leaders are leading a side event at the United Nations Permanent Forum on Indigenous Issues (UNPFII) in May 2016.

Pilot projects are underway testing the Tenure Facility approach in six diverse situations (Indonesia, Panama, Peru, Mali, Cameroon and Liberia). Pilot project leaders have directly participated in shaping the Facility by sharing lessons from their experiences and by expanding demand for international support for the Tenure Facility.

The Transition Team has overseen the completion of activities during the Inception Phase of the Facility. In alignment with the implementation schedule detailed in the Design Document¹, progress has been made towards the realization of the activities, outputs, and milestones.

A. Assessments:

Activity 1: Demand studies conducted in four countries validated demand for the Facility.

Studies were conducted by Indufor² in Cameroon, Indonesia, Peru, and Colombia to assess the added value and niche of the Facility from the point of view of the local communities, Civil Society Organizations, and government organizations. Demand studies were completed in 2014.

Activity 2: Update analysis of the costs and best practices of securing land rights and best practices of securing communal or collective land rights in the differing contexts of developing countries. While emerging findings suggest an abundance of existing innovative technologies and methodologies for scaling-up relevant actions, the lack of enabling governance structures, human capital, and funding opportunities have so far limited opportunities for more effective tenure reforms. In order to fill the emerging gaps in the existing governance structures and associated land and forest tenure reform processes at the national and global levels, the study pointed to the need for a more coordinated approach between key development institutions, funding mechanisms and national-level stakeholders, including governments, local communities, indigenous groups, and the private sector. This activity was completed in 2014.

B. Consultations and Information Sharing

Activity 3: Engage and Consult with Indigenous Peoples, community groups, and governments to receive input, adjust design, and reach agreement. Active engagement in 2015 was achieved through meetings and pilot project engagement. Pilot project leaders from major indigenous and civil society organizations in Asia, Latin America, and Africa have welcomed and guided the Facility.

In addition, engagement and consultations occurred in major international and RRI events, as well as at the national level. These fall into three broad categories: (i) regular occurring meetings between RRI Partners and Board Members, (ii) in-country communications with a wide range of key stakeholders including government and RRI Partners and Collaborators, and (iii) discussions with key stakeholders such as the FAO, World Bank, REDD+, IUCN, bilateral donors (including DFID and NORAD), and private sector institutions via the Interlaken Group. The Tenure Facility Advisory Group (AG) members drawn from major institutions, have provided continuing guidance and recommendations, as well as engaged with their colleagues in international institutions to broaden the base consulted. In addition, the Transition Team

¹ The Design Document that was submitted to Sida April 23, 2014 serves as the foundation for this process.

² An independent consulting firm, based in Finland, which provides advisory and technical services to private and public sector clients in forest industry and sustainable natural resource management.

sought input from national stakeholders, Indufor, and other expert consultants; and drew on RRG's Country and Regional Program staff's knowledge and experience in the Pilot Project identification, preparation and monitoring. This approach has helped to strengthen coordination and strategic collaboration amongst leading actors and advanced the institutional establishment of the Facility as follows:

- a. **Advisory Group meetings.** Building on the First Advisory Group meeting in Gothenburg, Sweden in September 2014, the AG has met twice a year to advise and make recommendations on the Facility's legal, institutional, and organizational structures; the Facility's work plan and fundraising; and Pilot Project selection and monitoring, as well as the Facility's policies and procedures; transition scenarios; and the Facility's relationship with governments and international institutions.

The Advisory Group held its first meeting with the newly appointed Tenure Facility Interim Board (IB) in early 2016, and recommended Board approval of the governance structure and transition plan to achieve full independence by the end of 2016.

- b. **The Tenure Facility brand and website** were established in 2015. The Tenure Facility brand concept includes logo, templates, informational postcards, and standard tagline. The website was launched in November 2015 to expand access to information about the Tenure Facility (www.TheTenureFacility.org). Since its launch, the Facility's website has logged 600 visitors per month; visitors are viewing four pages on average per visit, showing an interest in learning more about the Tenure Facility. The most visited pages are: about us, why us, and what we do.

Spark Experience is currently building out the Tenure Facility website to include stories from the pilot initiatives, and a grantee portal is being added for grantees to exchange information with the Facility and amongst themselves.

- c. **Public Announcements of the Facility.** Building on the international events and news outlets used to generate global interest and further substantiate the need and demand for Facility services in 2014, during 2015 the Tenure Facility actively engaged with the press and other institutions to ensure that the Facility became widely known, including:
 - Presentation to Swedish Foreign Ministry (January 2015);
 - Presentation to DFID, London (February 2015);
 - Presentation at Megaflorestais meeting in Peru (April 2015);
 - Active presence at the RFN-RRI Conference in Oslo, May 2015, on "Scaling-up

the Recognition of IP and Community Forest Land Rights”, including a side event with Indigenous Peoples leaders and key institutional partners to accelerate learning on pilot project proposal preparation and firm up complementarities with ongoing initiatives;

- Side event at the United Nations Forum on Forests (UNFF) in New York, May 2015, which allowed engagements and conversations with UNFF participants on issues relating to forest tenure and governance as well as new initiatives underway such as the Facility;
- Presentation at the Global Landscapes Forum on the Investment Case in London, June 2015;
- Side event during the World Forestry Congress in South Africa, September 7-11, 2015 to continue engagement with major interests groups including Indigenous Peoples’ groups, local communities, and governments as well organizations from both the private and public sectors;
- Meeting with FAO in Rome on September 25, 2015 to explore synergies and possible collaboration with the group tasked with implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT);
- Inclusion in the Interlaken+2 conference, “Scaling-up Strategies to Secure Community Land Rights” in Bern, Switzerland on September 29, 2015 to explore strategic collaboration with private companies and investors;
- Presentation to the World Bank Brown Bag series in November 2015.

The Tenure Facility activities were also featured in the media, selected examples include:

- EXECUTIVE PERSPECTIVE: Shedding a light and engaging on land rights, Reuters Sustainability (UK), February 23, 2015
<http://sustainability.thomsonreuters.com/2015/02/24/executive-perspective-shedding-light-engaging-land-rights/#>
- NESTLE: Shedding a light and engaging on land rights, Farm Land Grab, February 23, 2015
<http://www.farmlandgrab.org/post/view/24577-nestle-shedding-a-light-and-engaging-on-land-rights>
- 高管视点：土地权利之奋斗和启发——雀巢集团执行副总裁兼运营总裁何塞•洛佩斯, Nestle (China), March 7, 2015
<https://www.nestle.com.cn/media/news-feed/20150307-nestl%C3%A9-highlights-importance-of-respecting-land-rights>
- Sverige skriver under initiativ för hållbart jord- och skogsbruk på klimatmötet i Paris, Regeringskansliet (Sweden), December 2015
<http://www.regeringen.se/artiklar/2015/12/sverige-skriver-under-initiativ->

for-hallbart-jord--och-skogsbruk-pa-klimatmotet-i-paris/

- Sverige signerar initiativ för hållbart jord- och skogsbruk på klimatmötet Skogsaktuellt (Sweden), December 2015
<http://www.skogsaktuellt.se/artikel/49093/sverige-signerar-initiativ-for-hallbart-jord--och-skogsbruk-pa-klimatmotet.html>
 - Le lancement du projet pilote de tenure, ORTMJournal (Mali), April 9, 2016
<http://www.maliweb.net/video/journal-tv-ortm/ortm-journal-tv-20h-09-avril-2016-1521882.html>
 - MiAmbiente coordina con indígenas titulación de tierras colectivas, La Estrella de Panamá, April 13, 2016
<http://laestrella.com.pa/panama/nacional/miambiente-coordina-indigenas-titulacion-tierras-colectivas/23933625>
- d. **Engagement with the Interlaken Group.** The Interlaken Group, established by RRI convening in 2014, successfully engages key CSOs and private sector actors including Nestlé, Unilever, Coca Cola, RaboBank, and Stora Enso to adopt more stringent guidelines on land acquisition and supply chains within company operations. The Interlaken Group has received regular updates on the Facility incubation process during 2015, and has provided critical feedback and advice to the Transition Team.
- e. **Consultation and Information Sharing Around Pilot Projects.** The development and initiation of pilot projects has provided opportunities for consultation, information sharing and engagement with stakeholders at national levels, including key Ministries, regional government agencies, bilateral and multilateral donors, and other CSOs. The Tenure Facility has developed an expert roster of international consultants who share information and engage with key international and national actors during periodic visits to pilot project countries. A local consultant serves as the Tenure Facility Focal Point person in each pilot country. The Focal Point person provides an ongoing Tenure Facility presence and builds donor and government relations with the Facility at the national levels, beyond the engagement with the specific pilot project itself.

In summary, the above consultations and engagements helped to leverage the prestige and moral authority of the international community, draw global attention to the need to secure and scale-up investments to advance land tenure, and raise the profile of the Tenure Facility as a key institution that meets this need. Collaborations with Indufor allowed for bilateral and multilateral consultations as well as support for pilot project development in target countries selected because they are positioned to make real progress on local and global problems on land tenure.

C. Design and Set Up

Activity 4: Options for legal and financial systems and place of incorporation were assessed, in a feasibility study conducted by MDY Legal, to make decisions on the possible location of the Facility. The report, reviewed by the Advisory Group in 2015, proposed the following five cities for further evaluation: London (England), Stockholm (Sweden), Geneva (Switzerland), Montreal (Canada) and Barcelona (Spain). By consensus in the AG, with subsequent validation by the Interim Board, the decision on the Tenure Facility's location has been deferred until another major donor has committed significant financial support.

Activity 5: Dedicated staff has been hired to provide the bulk of support to the Facility development. Transition Team staff includes an Interim Director, a Senior Manager for Finance and Administration, and a Tenure Facility Associate who have managed activities and services with targeted assistance from consultants and the RRI secretariat staff in order to effectively achieve desired outcomes during the Inception Phase of Facility development.

Activity 6: The Tenure Facility Advisory Group with links to key stakeholder institutions was established in 2014 and has helped the Transition Team in reaching key decisions during its biannual meetings. The Facility Advisory Group—comprised of representatives from rights-holders groups, international development organizations, private sector, civil society organizations, and RRG staff—has advised the Facility and provided recommendations to the Transition Team and RRG Board on legal and financial systems, place of incorporation, pilot project selection, policies and other key matters. Since its creation, the Advisory Group has provided key leadership and advice to ensure that the Facility is nested, relevant, and complementary to existing initiatives.

III. Status of Deliverables

The Facility achieved most of its planned targets in 2015 (Appendix 3), and the RRG Board was satisfied with progress by January 2016. The Transition Team confronted the challenges faced in the construction of a new global institution by focusing on strategic actions to build support of this new start-up from key opinion leaders and funders at the global level as an essential element of its foundation.

A. Design and Set Up

Activity 7: Refine Facility roles and services and develop standards and accountability and Monitoring & Evaluation (M&E) mechanisms. This activity created a set of options and recommendations for operationalizing the Tenure Facility with regards to roles and services, standards and accountability, and M&E mechanisms, including issues of social and environmental impact, conflict sensitivity, and anti-corruption. This activity was carried out in 2015 to develop an iterative process whereby new knowledge and lessons gleaned from ongoing Pilot Projects would be utilized to inform the design of these important policies and processes. Pilot Project development and implementation in Indonesia, Panama, Peru, Mali, Cameroon and Liberia has guided both internal and external discussions amongst the

Transition Team, Advisory Group, pilot project leaders and consultants on the appropriate mechanisms, procedures, and tools to develop and adapt. The draft M&E mechanism was prepared by Indufor and discussed with pilot project leaders and donors in London in February 2016, and is currently being tested in the pilot projects. The governance structure, accountability, social and environmental standards, and other key policies, rules and procedures were prepared with assistance from expert consultants and reviewed by the Advisory Group and Interim Board in March 2016. Documents containing these rules and policies are submitted in an appendix technical report attached to this Annual Report. Contract templates and financial management systems are now in place, as is a roster of core consultants for country level assistance.

Activity 8: Set up Facility Secretariat and Facility Board of Directors. The Transition Team continued to manage the Tenure Facility activities during 2014, following the decision to defer the establishment of the Secretariat until funding was secured from an additional major donor. An Interim Board of Directors was established with RRG Board approval in January 2016, and a governance structure (see Appendix 4) was reviewed by the Advisory Group and Interim Board in March 2016.

B. Development and Testing of Project Portfolio

Activity 9: Design preliminary pipeline of tenure reform projects in priority countries.

Pilot Project pipeline development was initiated in 2014 and completed in early 2015, to allow for continued discussions and engagements with key institutions and local proponents in select pilot countries. This afforded the necessary time for the Transition Team to focus on generating support for the Facility, pay attention to the right questions, and thoroughly think through the processes that would allow for the design of robust proposals that would not only lay the foundation for an appropriate scale-up, but would generate lessons to inform Facility incubation while at the same time advancing tenure reform in select countries.

Indufor, international consultants, and the Transition Team assisted local and Indigenous Peoples organizations to prepare their pilot project proposals in Indonesia, Panama, Peru, Mali, Cameroon and Liberia during 2015. The pipeline of candidate projects for 2016 includes the Philippines, Colombia, India, Burkina Faso, DRC, and Kenya. See Appendix 2 for further detail on the candidate projects.

Activity 10: Launch and test pilot projects. The Tenure Facility pilot portfolio was constructed to enable learning from the pilot projects to shape the Tenure Facility so that the Tenure Facility is truly able to support Indigenous Peoples and local community organizations initiatives, meet their needs for capacity building, and adapt to their situations in a flexible and nimble manner. The pilot project portfolio therefore includes the range of situations typical of anticipated future grants, as well as tests and shapes the project management cycle, the Facility's contracting processes and forms, the M&E framework, and the means for upscaling

impacts.

The pilot portfolio includes pilot countries that present the typical different conditions and opportunities for scaling up, including:

- Collective tenure rights are defined in law and procedures but implementation is stymied (Panama, Peru);
- Titling is decentralized (Peru and Indonesia);
- Collective land rights implementation is built into implementation of Peace accords supported by multiple donors and multilateral institutions (Mali);
- Collective land rights law is proposed (Cameroon, Liberia);
- REDD+, FIP, Norwegian/German LOIs, FCPF, DGMs, donor/MDB projects and other mechanisms are encouraging the formalization and implementation of collective land tenure (Indonesia, Peru, Liberia, Panama).

Projects are being piloted by a range of implementing organizations including:

- Indigenous Peoples organization (Indonesia, Panama);
- Indigenous Peoples organization collaborating with a major NGO and government agency (Peru);
- Peasants organization collaborating with a bilateral donor (Mali);
- Civil Society Organizations collaborating in partnership (Liberia, Cameroon).

Pilot project proposals were developed in different ways, including by:

- Implementing organizations themselves after initial scoping by the Tenure Facility team (Peru, Mali);
- Implementing organizations with assistance from Indufor international consultants after initial scoping by the Tenure Facility team (Panama, Cameroon, Liberia and Indonesia).

Project proposals were presented to the Advisory Group by:

- Consultants (Indonesia, Panama);
- Pilot implementing organization leaders (Peru, Mali, Cameroon, Liberia).

The pilot portfolio also tests the premise that a small Tenure Facility secretariat staff can effectively work with expert consultants to reduce costs and maximize flexibility throughout the pilot project management cycle, which follows these steps:

- Assessment of concepts and proponents qualifications against criteria;
- Country-level scoping and invitation of proposal;
- Assistance with proposal development (if required);
- Review of final proposal and partnership;
- Award of grant;
- Appointment of Tenure Facility in-country Focal Point person (consultant);
- Assistance to project by Tenure Facility expert consultants, including quarterly visits;

- Regular communication, meetings for cross-site learning, and capacity building as required
- Review of six months narrative and financial reports;
- Visit by MEL consultant after 9 months of implementation to guide reflection and gather insights on impacts and lessons learned using the M&E framework;
- Assessment of annual report and lessons learned to modify/shape the Facility going forward.

Detailed information on the six pilot projects and their progress to date is provided in Appendix 1.

The assumptions, indicators and results of Monitoring, Evaluation and Learning system (in Appendix 5) will be validated in 2016 through testing with the pilot projects.

C. Challenges

The Tenure Facility's niche has been confirmed, drawn from engagements and collaborations with local project implementers, partners, and stakeholders at both the local and international levels:

- There is a strong demand for investment in collective rights, using flexible, substantive and efficient modalities that are responsive to the needs of communities and Indigenous Peoples.
- The Facility incubation is generating excitement and validation among Indigenous Peoples' proponents and collaborators whose contributions have informed the design of an international grant-making institution that will support collective rights.
- There is a strong sense of complementarity with existing institutions (e.g., FIP, DGM, ILC, Farm and Forest Facility, UN-REDD, FAO) and initiatives at country level (e.g., REDD+ in Indonesia and Panama, particularly among the operational staff of these organizations).
- The Facility is proving to be distinctive in: (i) focusing on land and forest tenure and collective rights and, (ii) being responsive to Indigenous Peoples and community organizations. Until now, most other large-scale investments have centered on reform within the agrarian space, and have responded particularly to governments.
- The initiative is being lauded for its mission to address a key concern of different organizations within development organizations, including departments tasked with advancing human rights, economic development, agricultural development, forest conservation, and climate change.
- There is high demand for engagement by operational staff from institutions such as the World Bank who view the Facility as a mechanism that could quickly deploy funds to advance their own projects which often require onerous processes and government approval.

The following challenges will need to be addressed moving forward:

- **Developing the Facility's independent identity and legitimacy** in the international arena will be critical for ensuring its long term success. Developing relations with the

right partners at the local and international levels continues to be important to position and brand the new Facility as an independent entity that is separate but also complementary to RRI and other existing initiatives and grant-making mechanisms as well as complementary partner for national government efforts to implement tenure reforms.

- **Fundraising** is an urgent and critical priority. In order for the Tenure Facility to achieve its potential, additional funding is necessary to continue activity beyond the current Sida grant which is establishing the Facility.

D. Looking Ahead

The Transition Team is building upon the 2015 success of the Inception Phase by engaging with prominent national and international decision makers, experts and key representatives of Indigenous Peoples, Private Sector, local communities, governments, and civil society organizations to complete the incubation of the Facility as planned.

During the first quarter of 2016, an Advisory Group joint meeting with the new Interim Board, and a Project Leaders workshop provided additional guidance and advice on the next steps toward institutional independence, as well as feedback on the draft Monitoring, Evaluation and Learning framework and the capacity building needs identified by the Facility's pilot grantees. The following provides an overview of the Facility's 2016 work plan, to complete the transition to being an independent institution by the end of 2016.

Pilot projects in Peru, Mali, Cameroon and Liberia will complete implementation by the end of 2016. The pilot projects in Indonesia and Panama were, as agreed at initiation, extended into a second year and will conclude in mid 2017.

During 2016, an expert consultant is visiting all pilot projects after nine months of implementation to assess progress of the pilot and gather lessons for adjusting the Tenure Facility's project management cycle and Monitoring, Evaluation and Learning processes. The initial MEL system will be modified in response to this assessment which will be completed by December 2016. This assessment will also contribute to refining Tenure Facility engagement, support, and capacity building program for coming years.

In addition, the following activities are underway to accelerate the Facility's incubation and enable implementation of additional projects:

- Recruit Advisory Group members from regional indigenous and local community networks.
- Refine guidelines for solicitation and selection of projects.
- Undertake preparations to move Secretariat to city chosen to domicile the Secretariat.
- Raise additional support and funding.

Options for liaising with the World Bank, FIP, FAO, FCPF, and other global institutions with planned and

ongoing projects in forested countries are being prepared for evaluation at the Advisory Group and Interim Board meeting in June 2016.

An external evaluation of the Tenure Facility's system readiness for transition to independence is planned for October 2016. The schedule for meeting project Milestones can be found in Appendix 3.

The Tenure Facility website is being built out to include a members' portal for information exchange, and by July 2016, will include a storyline section with compelling stories about the challenges and successes of initiatives supported by the Tenure Facility.

The following outreach events are planned or have already been completed in 2016:

- **International Events**
 - Tenure Facility Pilot Leaders Workshop (February 2016).
 - Tenure Facility Project Leaders side event at UNPFII (May 2016).
 - Others TBD.
- **Advisory Group and Interim Board meetings**
 - Third Advisory Group meeting and First Interim Board meeting were held in Washington DC, March 11th.
 - Fourth Advisory Group Meeting and Second Interim Board meeting is scheduled for June 2016, in Oslo, Norway, to advise the Facility and make recommendations on key decisions. The meeting, held the same week as the international Oslo REDD Exchange (ORX), will also provide opportunities for the Tenure Facility Advisory Group and Interim Board members to engage with key international stakeholders.
 - Fifth Advisory Group Meeting and Third Interim Board meeting –location TBD, October 2016.

2015 Annual Report to Sida Annex: Package of Rules and Procedures for the Governance and Operations of the Facility

This appendix comprises the second progress report due to Sida “in May 2016 on the establishment, ‘Milestone 1.3’ of the Advisory Group, Secretariat and Board of the International Land and Forest Tenure Facility, and on the rules and procedures for the governance and operations of the Facility,” and “a comprehensive framework for monitoring, evaluation and impact assessment (MEIA) of the facility’s operations,” as per the Amendment Ref. Number 14/000512 to the Grant Agreement, Tenure Facility 61050118, dated 21 October 2015.

This package includes:

- I. The Tenure Facility Governance Structure
- II. The Tenure Facility Theory of Change and Results Framework
- III. The Tenure Facility Monitoring, Evaluation, and Learning Framework
- IV. The Tenure Facility Social and Environmental Standards
- V. The Tenure Facility Guidance for a Conflict Sensitive Approach to Project Design and Management
- VI. Gender Equality and Social Equity Policy
- VII. The Tenure Facility Operations Manual

This package of documents can be found at:

<https://drive.google.com/file/d/0Bz4oqWLNcvgydThTVm5Hd1dQdnc/view?usp=sharing>

the **TENURE FACILITY**

Pilot Projects

- I. Pilot Test Range
- II. Pilot Progress Table
- III. Monitoring Report from Indonesia Pilot

the **TENURE FACILITY**

Pilot Test Range

Version June 2016

Pilot Test Range

	Cameroon	Indonesia	Liberia	Mali	Panama	Peru
Collective tenure rights status	Collective land rights law is in draft form	Titling is decentralized without supporting national law; supportive Supreme Court decision in 2011 regarding <i>adat</i> rights over national forest	Collective land rights law is in draft form	Collective land rights implementation is built into implementation of Peace Accords supported by multiple donors and multilateral institutions	Titling is centralized, and land rights are defined in national law, regulations, and procedures	Titling is decentralized and land rights are defined in laws and regulations
REDD+, FIP, Norwegian & German LOIs, FCPF, DGM, donor/MDB projects encouraging formalization and implementation of collective land tenure	Yes	Yes	Yes	No?	Yes	Yes

	Cameroon	Indonesia	Liberia	Mali	Panama	Peru
Piloted by a range of implementing organizations, including:	Civil society organizations collaborating in partnership under private sector firm	Indigenous Peoples organization working with local parliament and national collaborators	Civil society organization collaborating in partnership with national government Task Force	Peasants organization under Helvetas and collaboration with multiple ministries	Indigenous Peoples organization under an NGO administrative agent	Regional Indigenous Peoples organization collaborating with a major NGO and regional government
Pilot project proposals were developed by:	Implementing organizations with assistance from Indufor after initial scoping by the Tenure Facility team	Implementing organizations with assistance from Indufor after initiative scoping by the Tenure Facility team	Implementing organizations with assistance from Indufor after initiative scoping by the Tenure Facility team	Implementing organizations themselves after initial scoping by the Tenure Facility team	Implementing organizations with assistance from Indufor after initiative scoping by the Tenure Facility team	Implementing organizations themselves after initial scoping by the Tenure Facility team
Project proposals were presented to the Tenure Facility Advisory Group by:	Pilot implementing organization leaders	Indufor consultants	Pilot implementing organization leaders	Pilot implementing organization leaders	Indufor consultants	Pilot implementing organization leaders

the **TENURE FACILITY**

Pilot Progress Table

As of May 2016

1. Indonesia – AMAN

Title of the pilot project:	Contributing to the Legal Recognition and Tenure Rights of Indigenous Peoples
Agreement signed with:	AMAN
Partner(s):	No partners; AMAN and its regional branches are sole implementing organization
Associate(s):	Other organizations will be involved in the implementation of activities. Collaboration arrangements will be established during project preparatory phase and in a flexible manner during project implementation.
Location(s) of the	Indonesia national level and eight pilot districts.
Project duration:	15 months May 2015-2016 plus additional 3 months for project administrative close. Request for support for additional 12 months received in February 2016, responding to an offer made by TF in 2015, at time of approval of pilot grant.
ILFTF financing requested: (amount)	USD 750,000 Midterm narrative report accepted December 2015; Midterm financial report accepted February 2016; second payment made 3 March, 2016.
ILFTF financing requested as a percentage of total budget of the project:	100 %
Objectives of the project:	<i>Overall objective:</i> <ul style="list-style-type: none"> Contributing to the legal recognition and protection of tenure rights of IPs. <i>Specific objective(s):</i> <ul style="list-style-type: none"> Increased readiness at the district level for legal recognition of the tenure rights of IPs Strengthened legal and administrative instruments at the national executive and legislative levels towards the recognition and protection of tenure rights
Final beneficiaries:	Indigenous communities, including women and marginalized groups within communities, in the project sites, IPOs and CSOs in the project sites (AMAN district level chapters, associated IPOs, and CSOs), District government, AMAN, CSOs, Public sector agencies relevant to forest tenure, Office of the President, National Parliament.
Expected results:	<i>Component 1:</i> <ul style="list-style-type: none"> Formalized, shared understanding on IPs' tenure rights in project district government institutions and district parliament; Improved skills in project sites in preparing legal drafts of district legislation and regulation on the recognition and protection of IPs' tenure rights; Draft of district legal and/or administrative instruments on the recognition and protection of tenure rights of IPs formulated; Process of generating sociocultural and land use data complementing existing participatory maps in 8 project sites started. <i>Component 2:</i> <ul style="list-style-type: none"> Increased executive commitment to establish the Presidential Task Force on IPs and/or the executive order to implement the Constitutional Court ruling no 35/2012; Increased understanding of the members of the National Parliament on the tenure rights of IPs; Developed commitment towards the establishment of the IPs caucus in the Parliament.

Results and challenges reported:	<p><i>Results:</i></p> <p>Progress and achievements vary from one district pilot to another. Kabupaten Lebak for example is the most progressive one where on 19 November 2015, the Lebak District Parliament in Banten Province adopted a Local Legislation on Indigenous Peoples. The Bulukumba District Parliament in South Sulawesi also adopted Local Legislation Concerning the Kajang (Ammatoa) Indigenous Peoples in November 2015. The Bulukumba's Legislation took almost three years (since 2012) to adopt and the ILTF support has enable AMAN to facilitate various meetings to ensure all strategic actors in the District agreed to push for its adoption. Except for Mentawai District, other pilot districts are progressing well in 2015 and will carry on in 2016. They are: Ende District, Bulungan District, Luwu District, Banyuwangi District, Sumbawa District, Halmahera Tengah District, and Enrekang District.</p> <p>Project leader Rukka and TF focal point consultant Chip Fay participated in TF February M&E/LL workshop in London, shared updates and communications/lessons learning plans.</p> <p><i>Challenges (from midterm report):</i></p> <p>During the first 6 months of project implementation, challenges revolved around a situation when government and House Representatives issued laws and policies that are not in line with the spirit of recognition and protection of IPs contained both in the constitution and Constitutional Court Decision 35/2012. For instance, Law No. 18 of 2013 on Prevention and Eradication of Forest Destruction, which in fact ensnares indigenous peoples. Some victims under the implementation of this Law among other are 4 members of Semende Banding Agung indigenous peoples who were sentenced to imprisonment, in addition to Agrarian and Spatial Affairs Ministerial Regulation No. 9 of 2015 on the Communal Land Rights. These regulations not only block the possibility of structural conflict settlement on rights to land and territory, but also trigger horizontal conflict on the ground. One other challenge at the national level is PPHMA bill has not been registered in the 2016 National Legislation Program. No one can ensure the hearings and consultations made by AMAN, which then generated commitment from some factions in the House Representatives and MPs, can be well maintained until PPHMA bill determined as priority of the 2016 National Legislation Program.</p> <p>At the local level, the legislation process is running rapidly. Thus, AMAN needs to act quickly to respond to various developments at the local level. While on the other hand, AMAN regional and local chapters encounter complicated local political situation. The entry of Local Regulation draft on indigenous peoples in the Local Legislation Program of pilot and non-pilot areas, partly responds the urge of indigenous peoples. In this context, the challenge is how to harness and fill the legislation processes of indigenous peoples, making it a public awareness, especially in local level bureaucracy, so that once Local Regulation related to indigenous peoples is enacted, it can be well implemented.</p> <p>Rapid legislation process leads to other challenges in the project implementation, i.e. limited time. In general, Local House Representatives shall determine Local Legislation Program in November of each year, containing a list of local regulation drafts to be discussed from January to December of the subsequent year. If not approved until December, then public pressure is important for a draft to be included into the next Local Legislation Program. Currently, the policy draft in eight pilot areas have been included in the 2015 Local Legislation Program, meaning the remaining time is only 3 months. If it is not passed in December 2015, intensive advocacy works and public pressure are required in order to make the draft included in the 2016 Local</p>
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	Legislation Program. Some of local regulation drafts in the pilot areas namely Luwu, Ende, Enrekang, and Lebak, have reached the advanced stage and anticipated to be enacted toward the end of 2015. Work in areas with less advanced stage will be continued in 2016.
Adaption to challenges: (from midterm report)	<p>Some strategic acceleration measures to be done in this project, in order to respond the existing challenges:</p> <ul style="list-style-type: none"> • AMAN needs to perform monitoring and intensive advocacy with the House Representative and Government, encouraging them to incorporate PPHMA bill into the 2016 National Legislation Program in November 2015. In line with this interest, as well as for long term interest, AMAN needs to speed up the meeting agenda of legislator originating from indigenous people to take action and drive the acceleration of laws and policy making in various government level. • It is important to maintain the study on state laws and policies to see what kind of policies should to be issued, and which policies should be amended, revised, or even revoked. Results of this study will be presented in discussions and dialogues with Government and House Representatives. • During project implementation in the field, acceleration is required both in indigenous territory mapping and social data mining, and preparation and refinement of academic papers and Local Regulation Draft. In addition to intensively empower internal resources, AMAN needs to mobilize national and local networks to carry out these activities collectively. • Given the fact that some districts and provinces other than the pilot areas are encouraging the legal recognition and protection of indigenous peoples, AMAN, through the support of this project, needs to extend the working area, not only in the pilot areas, but also in other potential districts and provinces.

2. Panama – COONAPIP

Title of the pilot project:	Pilot Project with the National Coordinating Body of Indigenous Peoples in Panama (COONAPIP)
Proponent:	The National Coordinating Body of Indigenous Peoples in Panama (COONAPIP)
Agreement signed with:	Program for Social Promotion and Development (PRODESO)
Partner(s):	Traditional authorities (Congresses & Councils) of participating indigenous territories & COONAPIP
Associate(s):	<ul style="list-style-type: none"> • Government of Panama: National Land Administration Authority (ANATI); National Environmental Authority (ANAM); National Commission for Political and Administrative Limits; National Geographical Institute "Tommy Guardia". • Rainforest Foundation US • Others to be finalized during implementation: Univ. of Panama's Law Faculty; University of Oklahoma; University of Saskatchewan; Panama College of Lawyers
Location(s) of the	Panama: Panama City and up to 12 indigenous territories.
Project duration:	15 months June 2015 - September 2016, including 3 months for administrative closing.

ILFTF financing:	USD 574,680 Midterm narrative and financial report accepted in February 2016. Second payment sent in February 2016.
% ILFTF total financing:	<ul style="list-style-type: none"> Approximately 96%, without accounting for in-kind financing from COONAPIP, Government, or communities. The 4% sought from Univ. of Panama (co-financing, develop Diploma Course in Indigenous Rights) and through a 25% cost sharing from lawyers taking project developed courses Rainforest Foundation US is supplying parallel financing, totaling \$90,082 in 2015, for activities related to titling of the Collective Territories of Bajo Lepe and Pijibasal, and additional funding in 2016.
Objectives of the project:	<p><i>Overall objectives:</i></p> <ul style="list-style-type: none"> The collective rights (land, forest and, water) of Panama's Indigenous Peoples are consolidated and protected. The design of the International Land and Forest Tenure Facility is tested and the lessons learned in pilot project cycle are systematized for the benefit of the Facility's design. <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> Existing opportunities with the Government of Panama capitalized upon to accelerate processes of land titling, registry and conflict resolution and strengthen governance of indigenous territories. Institutional capacity developed to support the full exercise and protection of indigenous territorial rights.
Final beneficiaries:	Indigenous Peoples, communities and their traditional authorities (Congresses/Councils), COONAPIP, relevant government agencies.
Expected results:	<ul style="list-style-type: none"> COONAPIP's capacity is strengthened for the provision of legal services in support of Indigenous Peoples full enjoyment, exercise and protection of their rights to land, water and forests. Traditional indigenous authorities are educated on priority issues of indigenous rights and have permanent and continuous access to legal advice and services in support of the advancement of indigenous rights and territorial governance. The Collective Territories of Bajo Lepe and Pijibasal are titled, registered and the title documents provided. Significant progress is achieved in the legal and administrative processes for the titling of the Territory of Maje Embera Drúa.

Results and challenges reported:	<p><i>Mid-term report submitted January 2016</i></p> <p><i>Results:</i></p> <ul style="list-style-type: none"> • The organizational phase of the Legal Clinic has been completed within the originally projected timeframe and COONAPIP's Junta Directiva has approved the strategy and the internal statutes and regulations for the operation of the Clinic. As of 1 February 2016 the Legal Clinic began operation as a formally constituted arm of COONAPIP. • Under the umbrella of the Legal Clinic: <ul style="list-style-type: none"> ○ A "Program for Legal Assistance to the territories of Maje Emberá Drua and Bajo Lepe/Pijibasal began early in the project. To date the greatest demand has been for direct legal assistance and some 50% of the funds programmed for those ends has been utilized with good effect. See below for details. ○ An agreement with the Universidad de Panamá was signed and a diploma course in indigenous rights (entitled "<i>Legal Administration and Organization of Territories Within the Framework of Indigenous Rights</i>") developed and validated. The announcement of the offering of the first course was made in mid-February. ○ A two day workshop for Naso leaders and community members (50 people, 30% women) in their territory on national laws governing recognition of indigenous territories. Support to the Naso is a national priority for COONAPIP. • COONAPIP's strategy for communications (<i>Incidencia Política</i>) has been completed and its implementation began in February. • The development of the modules for training of local indigenous authorities (and other local actors) has been contracted out and the following modules are being developed, based on results of stakeholder consultations: Indigenous Rights in National and International Law; Mediation and conflict management; Land Tenure; Leadership and; Contracting Processes. • Support to titling processes in: <ul style="list-style-type: none"> ○ Maje Embera Drua – Two training workshops (60 people, 30% women) on indigenous rights; completed diagnostics, prioritization processes and planning with local authorities and communities of Maje Cordillera and Unión Emberá for advancing titling processes; a communications and promotion strategy and program was agreed; successful negotiations were held with Government to deploy the required functionaries from two agencies (Land Administration and Mapping) in February 2016 to review and validate limits and identify conflicting claims and; ongoing follow up with Government by COONAPIP and local authorities to ensure processes completed. ○ Bajo Lepe/Pijibasal – In close coordination and cooperation with Rainforest US, the inspection of limits has been carried out by government with Community participation and Agreements with Colonists (Resolution of Conflicting Claims) have been reached so now the formal titling process has advanced about 75% and may move forward. All necessary documentation has been submitted to Government and it is under final revision by them. • Mid-term Review: COONAPIP's Junta Directiva evaluated the implementation experience to date in January 2016 and concluded that Project objectives, goals and desired results remain highly relevant, valid
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	<p>and feasible to achieve</p> <p><i>Challenges reported:</i></p> <ul style="list-style-type: none"> Government agencies have been slow to respond in the performance of their administrative responsibilities to advance titling processes. This has been confronted with a dual strategy. One, through the figure of the Legal Clinic, COONAPIP has mobilized indigenous lawyers to attend meeting with government agencies and their lawyers to reach concrete agreements on timing, based on the agencies own norms. And, two, widely publicizing the through formal and informal media the agreements and agreed dates for action to make it publicly difficult for the agencies to not comply. One example is the Maje Embera Drua case where the agencies responsible for review and validation of limits and identification of conflicting claims proposed to carry out their field work “sometime” in coming months as budget became available. COONAPIP’s legal team was able to extract a commitment that they do the required fieldwork in mid-February and this commitment was published in the national press. Given Government’s slow response and the potential for conflict with the colonists that have invaded into the Maje Embera Drúa lands, we now estimate that we can achieve about 75% of the formal titling processes with Government thru the Project. Originally, the goal was set as “significant advances in titling”. The 75% advance will be “significant” but we are not at all sure that actual titling could be achieved because of these factors. Internal politics of COONAPIP caused a one month delay in startup, but these were resolved through an extraordinary session of the COONAPIP Congress. Internal conflicts associated with the change in leadership in COONAPIP resulted in a temporary paralysis of activities for the field work in Bajo Lepe y Pijibasal, but those were overcome thru negotiations and the work moved forward successfully after a 5 week delay. <p><i>Additional updates from:</i></p> <ul style="list-style-type: none"> Project leaders and TF focal point consultant (Osvaldo Jordan) actively participated in TF 2-3 February M&E/LL workshop in London, shared updates and communications/lessons learning plans. TF Consultant Jim Smyle has carried out three monitoring and TA visits in 2015, and plans next visit in April/May 2016.
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3. Peru – FENEMAD & SPDA

Title of the pilot project:	ILTF Pilot Project in Madre de Dios, Perú
Agreement signed with:	Peruvian Society for Environmental Law (SPDA)
Partner(s):	Native Federation of the river Madre de Dios and Tributaries – FENAMAD SPDA
Associate(s):	Regional Government of Madre de Dios
Location(s) of the	Madre de Dios, Perú
Project duration:	14 months October 2015 - December 2016, including administrative close
ILTF financing requested: (amount)	USD 748,852 First financial report due April 2016

ILFTF financing requested as a percentage of total budget of the project	84%
Objectives of the project:	<p><i>Overall objective:</i></p> <ul style="list-style-type: none"> Contribute to the legal security of the territories of the native communities of Madre de Dios and Cusco, Peru. <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> Proper management of the natural resources and the ability to exercise collective rights are strengthened in the communities benefited by the project. Strengthening of the political advocacy activities and indigenous legislation
Final beneficiaries:	Native communities (Indigenous Peoples), indigenous peoples in voluntary isolation and initial contact, Regional Government of Madre de Dios – GOREMAD (entities involved: Regional Agricultural Department and Department for Physical and Legal remediation of rural property).
Expected results:	<ul style="list-style-type: none"> The realization of the remediation and consolidation of the titles, Physical and Legal land plans for 5 communities. The regional Forest Monitoring Initiative of FENAMAD is strengthened. A system of legal defence of territorial rights of the native communities and the Peoples in Voluntary Isolation is operative. An indigenous territorial Multiplatform web site is created and operative. Platform for the Committee for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon, Gran Chaco and Eastern Paraguay (CIPIACI) is operative. Better visibility of the actions of FENAMAD in favour of the indigenous peoples of Madre de Dios.
Results and challenges reported:	<p><i>First report due April 16, 2016.</i></p> <p>Consultant Martin Scurrah (TF Focal Point for Peru) regularly updates on progress and relevant situation in Peru. Martin made a monitoring visit to project site in January 2016, and found that project is underway, equipment purchased, and all five communities are beginning official demarcation with regional government and FENEMAD team.</p> <p>SPDA and FENEMAD designated TF Focal Point Martin to participate in TF 2-3 February M&E/LL workshop in London, where he shared their updates and communications/lessons learning plans, because new FENEMAD president just took office on 1 February. There is a project pause during February to allow new president to learn more about and take up leadership of the TF project. FENEMAD president will visit TF office in May, accompanied by SPDA project leader.</p>

4. Mali – CNOP & HELVETAS MALI

Title of the pilot	Land and Forest Tenure Support Project Benefiting Local Communities in Mali
Agreement signed with:	HELVETAS Swiss Intercooperation
Partner(s):	<i>Coordination nationale des organisations paysannes au Mali (CNOP)</i> Helvetas Mali

Associate(s):	N/A
Location(s) of the project: — <i>specify country, region(s) that will benefit from the action</i>	Republic of Mali (West Africa) Koulikoro, Sikasso, Segou and Kayes Regions
Project duration:	14 months November 1, 2015 to December 30, 2016, including administrative closing.
ILFTF financing requested (amount):	USD 657,400
ILFTF financing requested as a percentage of total budget of the project (indicative):	100%
Objectives of the project:	<p><i>Overall objective:</i></p> <ul style="list-style-type: none"> Accelerate the implementation of innovative measures contained in the new land policy for decentralized and peaceful management of natural resources. <p><i>Specific objectives:</i></p> <ul style="list-style-type: none"> Strengthen village and community land commissions' operability Demonstrate the constitution of collective rights in: i) a pilot intercommunal forest ii) a negotiated accord between a local community and a mining company with regards to its social and environmental responsibilities. Host a strategic dialogue space on the implementation of the agricultural tenure policy and law.
Final beneficiaries:	<ul style="list-style-type: none"> Grassroots communities and their organizations Family farms (including small farms) Vulnerable groups (Youth, women, migrants, herders) National authorities on land governance
Expected results:	<p>a. Dynamic related to the land commission:</p> <ul style="list-style-type: none"> Eight community COFOs are created and recognized; Nine village COFOs are created and recognized; Work tools and forms for land management organs are available; <p>b. Dynamic related to the collective rights of forestry and mining tenure:</p> <ul style="list-style-type: none"> An intercommunal forest is identified and a consensus is obtained regarding its constitution; A support agreement is signed between a private company (mining) and a communal council; <p>c. Dynamic related to national-level pilot and dialogue:</p> <ul style="list-style-type: none"> A national, multi-stakeholder coalition is hosted around the implementation of the tenure policy
Results and challenges reported:	<p><i>First report due May 30, 2016</i></p> <ul style="list-style-type: none"> Project leaders actively participated in TF 2-3 February M&E/LL workshop in London, shared updates and communications/lessons learning plans.

	<p><i>Progress update from Helvetas, 5 March 2015:</i></p> <ul style="list-style-type: none"> • The staff of Helvetas Swiss Intercooperation and CNOP agreed upon the terms and conditions of the implementation of the project and clarified administrative and financial procedures through different working group sessions. Helvetas and CNOP signed a collaborative agreement as a result of these sessions. Staff have been recruited, including a coordinator within Helvetas, a project leader within CNOP in Bamako, and five facilitators placed within the local branches of AOPP in the project's five areas of intervention. A 4x4 vehicle for coordination and five motorbikes for facilitators' transportation were purchased. • The project was effectively launched in each of the five areas of implementation. Local workshops allowed the introduction of facilitators to local authorities and within collectivities and local communities. The official project launch is planned with relevant ministries and government agencies, including the High Council of Collectivities and the National Assembly. • A workshop in Bamako convened the following representatives: leaders from Helvetas and CNOP, a team from the permanent secretariat of the High Council of Agriculture, the National Council on Issues of Transparency in Mining Governance in Mali, AOPP representatives from concerned areas, and NGOs. The workshop provided an opportunity to update everyone on the context of land, mining, and forest governance in Mali. The roles and responsibilities of the different actors responsible for the project's implementation were also clarified during the workshop. The following items were developed during the workshop: <ul style="list-style-type: none"> ▪ An action plan for facilitators to be used as an indicator in the implementation of activities ▪ Support plans for NGOs, assorted collaborative agreements, and terms of reference ▪ A draft monitoring plan to finalize with TF consultant, James Acworth, support in April • Exchanges and local workshops were organized with local and regional actors from the projects' areas of implementation, during which the project was presented and the working sites were validated and approved by relevant stakeholders. • The terms of reference for baseline studies on land and forest tenure have been developed, and the organizations to lead the studies have been identified. • An information and awareness-raising session on COFOs convened regional actors and actors from the project implementation areas to exchange information about the project's challenges, objectives, and expected results, as well as to discuss different stakeholders' expectations. • With regard to steering and political dialogue at the national level, exchanges with the permanent secretariat of the High Council of Agriculture galvanized the existing steering committee. The steering committee is expected to expand membership to project partners to create a multi-stakeholder, multi-sector platform for consultation. • The project has garnered enthusiasm at the institutional level and in the field, where local actors have many expectations for the project yet are simultaneously concerned that the implementation period is too short. The different processes that the project will initiate require more time to unfold than can necessarily be demonstrated.
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5. Cameroon – Rainbow, CED, FPP, RFUK

Title of the pilot project:	Community Mapping for Effective Land-Use Planning - Development of a Common Community Mapping Protocol in Cameroon
Agreement signed with:	Rainbow Environment Consult, Yaoundé, Cameroon
Co-Applicant, i.e. Partner(s):	Centre for Environmental Development (CED). Forest Peoples' Programme (FPP) Rainforest Foundation UK (RFUK)
Associate(s):	Other CSOs to be included during the project implementation.
Location(s) of the project:	Cameroon at national level. Testing of protocols in specific locations to be agreed separately.
Project duration:	13 months 1 December 2015 – 30 Dec 2016, including administrative closing
ILFTF financing:	USD 750 000
ILFTF financing requested as a percentage of total budget of the project:	100 %
Objectives of the project:	<p><i>Overall objective:</i></p> <ul style="list-style-type: none"> To meaningfully advance the land tenure security of local communities and indigenous peoples in Cameroon building upon existing laws. <p><i>Specific objective(s):</i></p> <ul style="list-style-type: none"> Develop a common set of protocols for identifying and mapping community land use and tenure across the country's diverse social and ecological landscapes; Secure broad support and the adoption of common mapping protocols by government agencies responsible for the application of relevant land laws and ordinances, as well as the support of the land holders themselves, and key private sector operators, civil society actors and donor agencies.
Final beneficiaries:	Indigenous communities, IPOs, CSOs, Government (MINEPAT - for easier coordination of planning activities), other public sector agencies relevant to forest tenure and mapping, Chiefs, private companies, managers of protected areas.
Expected results:	<ul style="list-style-type: none"> High-level advisory group (SAG) established and functional, to assess the state of the problem, dialogue on issues, identify potential solutions, and ultimately support and advance the adoption of the identified recommendations. Support and adoption of common mapping protocols secured. Technical review completed and results shared with SAG. Gaps analysis with the legislation. Legal argument for community mapping. Draft mapping tools/protocols developed and proposed to SAG.
Report of challenges and results:	<p><i>First report due June 1, 2016</i></p> <p><i>Updates reported to date:</i></p> <ul style="list-style-type: none"> The official launch of the Cameroon pilot project took place on January 27, 2016, with a public meeting of diverse stakeholders, including ministries, media, and NGOs in attendance. This event confirmed wide support in Cameroon for the development of a common method and set of protocols for participatory mapping to be adopted and used nationwide. A framework that includes the major phases of future work was drafted and will be presented at the first meeting of the Strategic Advisory Group in late March 2016. The launch received wide-spread media attention, with a

	<p>number of interviews and photographs appearing in the Cameroonian press and TV news coverage. The project Communications team will accompany the TF project staff at important meetings and will create a database of project advances to be presented through various media, including documentaries and interviews.</p> <ul style="list-style-type: none"> James Acworth, Tenure Facility Consultant, made his first TA and monitoring visit to the project on February 27 -29, 2016, during a kick-off workshop focusing on participatory mapping methodologies. James reports that the workshop was successful and attended by participants from key ministries, government institutions, and key NGOs.
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6. Liberia – SDI

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

	<p>recognition nation-wide, and ensure that pilot communities go through the process of self-identification</p> <ul style="list-style-type: none"> • To increase the awareness and understanding on community land rights recognition, as it relates to the process of community self-identification, and build capacities on community self-identification • To establish broad awareness and support by key agencies, CSOs and international organizations of the national protocol for community self-identification; and to generate recommendations that will further inform the development of the protocol for community self-identification, and create awareness and support of key agencies, CSOs and international partners on the protocol for community self-identification
Final beneficiaries:	<ul style="list-style-type: none"> • Communities, in pilot sites, including women, youth and other possibly marginalized groups within communities; Local and national level CSOs; Government Institutions and staff; Development partners; Private sector; Liberian society.
Expected results:	<p><i>Component 1:</i></p> <ul style="list-style-type: none"> • Documented body of evidence on the testing and application of the process of community self-identification • Active multi-stakeholder partnership in testing and applying the process of community self-identification • Process of community self-identification carried out in 12 communities facilitated by CSOs and observed and verified by Land Commission <p><i>Component 2:</i></p> <ul style="list-style-type: none"> • Awareness raising and capacity building events and activities carried out at national and local levels <p><i>Component 3:</i></p> <ul style="list-style-type: none"> • A consultative process carried out by the multi-stakeholder partnership resulting in the "Field Guide."
Report of challenges and results	<p><i>First report due June 1, 2016</i></p> <p>Project leader participated in TF 2-3 February M&E/LL workshop in London, shared updates and communications/lessons learning plans. Project team was hired in February. TF consultant Jim Smyle will do a monitoring and TA visit in April.</p> <p><i>Update from interview by Jim with Nora on 4 March, 2016:</i></p> <ul style="list-style-type: none"> • The implementation is now in its organizational phase, with establishment of the PMU the first priority. The recruitment process for PMU staff is well advanced and a short-list has been developed. Interviews will be the week of March 7th and it is expected that contracting of PMU staff will occur two weeks afterwards. • Initial meetings have been held between the implementation partners (SDI, FCI and Land Commission) and, as well, two new associates have been added (Green Advocates and PARLEY) and they participated in the meetings. Among others, the draft Memorandums of Understanding (MOU) that will guide the implementation and relations between all participants, were reviewed. This is discussed in more detail, below. Also, a clear understanding and agreements were reached on priority next steps and on the need to fast track actions given the delay in startup and other external factors (e.g., 2016 is a presidential election year). The implementing partners and the associates now all share a common vision on the project and how to proceed. • The MOUs have not yet been signed because the Land Commission (LC)

	<p>completed its mandate and it was not extended by government. Prior to the LC's closing, it was agreed with the Governance Commission (GC) that the project would now work directly with the GC. The institutional arrangements for this have been agreed. The GC will take over the role of the LC. However, some aspects of the implementation arrangements are still under discussion. What is agreed is that SDI will make available to the GC the funds that were destined in the project design to go to the LC (e.g., for purposes of oversight and validation of processes and community self-identification outcomes). The GC, in turn, will contract ex-LC technical staff to perform the functions previously assigned to the LC in the project design. To facilitate that, the GC and ex-Director of the Land Commission (Dr. Brandy) drew up an MOU and, reportedly, that has now been recently signed. However, the GC has reservations about reporting to CSOs as proposed in the project document. Presently, the discussion is that the GC would sign one MOU with the PMU (SDI) and separate MOUs with the other involved CSOs, in order to share findings to them. A meeting will take place prior to 10 March 2016 with the GC to clarify the content of the MOUs. At the moment, SDI does not foresee that the GC would have any hesitancy to accept financial reporting to SDI as a necessity. What remains to be discussed are other aspects of accountability and information sharing, within the context of the project. Should there be an impasse in these discussions, other alternatives would have to be sought, and those would need to be identified through further discussions among the implementation partners and associates. Note, that while the LC no longer has formal status, its offices remain open and functioning informally during the transition period, i.e., while awaiting the legislature to pass the law to create the new Land Administration Authority.</p> <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • The Land Rights Act (LRA) has not yet passed. While this does not undermine the potential for the project's implementation <i>per se</i> (i.e., because the Community Rights Act provides a legal framework), it does constitute a threat should the Land Rights Policy on recognition of customary land rights be weakened in the legislative process. An Executive Committee has been established, made up of key Ministers and other GoL officials, to review and adjust the draft Land Rights Act to facilitate its passage by the legislature. The Committee is operating without any public disclosure of their deliberations or proposed adjustments. In response, civil society is pressuring for release of the most current draft of the LRA and demanding that the recognition of customary land rights, as articulated in the Land Right Policy's, not be weakened. The President is publicly supporting the passage of the LRA and this is taken as a positive sign. • The signing of the MOU with the Governance Commission (GC) is one of the principal challenges at this time. The signing of the MOU with the GC will also allow moving forward on setting up the Advisory Group, which is the mechanism for broader coordination and involvement of the relevant public and private sector actors. It will be the role of the GC to take the lead on identification of the participants in the Advisory Group and to facilitate its formation thru contacting and inviting the proposed members.
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the **TENURE FACILITY**

Monitoring Report from Indonesia Pilot¹

Draft Version May 2016

¹ Draft Mission Report, *Piloting the Tenure Facility in Indonesia: Reflection and Learning with AMAN*, prepared by Filippo Del Gatto, May 2016.

The Tenure Facility

Piloting the Tenure Facility in Indonesia: Reflection and Learning with AMAN

*Draft Mission Report
(24 April – 5 May 2016)*

*Prepared by Filippo Del Gatto
and Nina Dwisasanti for The Tenure Facility*

**Jakarta, Indonesia
May 2016**

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Summary of Main Findings and Lessons

To inform the final design of the Tenure Facility, six pilot projects are being implemented in Indonesia, Panama, Peru, Liberia, Mali, and Cameroon. In Indonesia, the Indigenous Peoples Alliance of the Archipelago (AMAN) is carrying out the pilot project. The aim of this report is to document AMAN's reflections on the outcomes and lessons arising from the implementation of its pilot.

The pilot is accomplishing greater results than initially planned. Key achievements include:

- Two district regulations on Indigenous Peoples approved, which include in their text the recognition of more than 74,000 hectares of eight indigenous (*adat*) communities, and whose implementation could lead to securing tenure rights over another 115,000 hectares claimed by 19 *adat* communities.
- Seven district regulations on Indigenous Peoples drafted, which include in their draft text the recognition of more than 700,000 hectares of 33 *adat* communities, and when approved could lead to securing tenure rights over 1.9 million hectares of another 485 indigenous communities.
- Over 200 people trained, including members of local parliaments and government representatives.
- Participatory mapping activities concluded or underway in 38 communities.
- AMAN'S first experience of *engendering community mapping* ("the pilot within the pilot") ongoing.

The pilot is also contributing to important changes in AMAN's capacities, including supporting local AMAN chapters in their own organizational strengthening, enhancing its capacity to develop and maintain effective partnerships with local government entities and CSOs, and learning to integrate gender perspectives into community mapping activities.

The main factor behind the pilot's successful implementation has been the experience and readiness of AMAN local chapters at provincial and district level. The flexible structure of AMAN's pilot and the possibility to use funds for actions that other donors do not support are two other main factors behind the significant results achieved.

Key lessons for the Facility include:

- Regarding its ability to provide institutional/technical support:
 - The support provided by the in-country technical resource person (the Facility's Focal Point) is particularly useful and cost-effective. It should be prioritized in the Facility's projects, allocating more time and resources to it.
 - Other needs for institutional and technical support should be provided as much as possible through partnerships with local CSOs or research institutions.
- Regarding its key tools:
 - The project design document (long and detailed) did not help pilot design and implementation. It should be shortened and simplified.
 - The M&E approach in the project document should build upon (and strengthen) M&E practices of IP/LC organizations, without imposing a uniform model to all project implementers, yet including common elements to allow comparison.
 - The logical framework approach is helpful when it is used to analyze project intervention and support adaptive project management, without becoming a rigid roadmap of project activities. Detailed and more intricate logical frameworks do not help project implementers.

- Regarding the proposed Monitoring, Evaluation and Learning (MEL) framework:
 - Current documents that explain the MEL framework are not very clear or user-friendly. A single document, structured as a manual, could help increase understanding of tasks involved and role of project implementers.
 - The current list of proposed level indicators for the Tenure Facility is rather long and difficult to grasp. It could be helpful to disaggregate more the indicators by using other criteria, such as priority, type (quantitative vs. qualitative), or level of control by IP/LC organizations. Such an exercise could help identify other indicators and/or establish a step-by-step approach for their implementation.
 - For IP/LC organizations it is important that indicators measure what is locally important. As it has been done in many other fields (e.g., sustainable development, poverty analysis, forest management, etc.), it would be important to complement the proposed indicators with other indicators developed with communities on the basis of how they categorize and assess tenure security.

DRAFT

1.0 Introduction

The International Land and Forest Tenure Facility (“the Tenure Facility”) is a new international funding mechanism exclusively focused on securing collective rights to land and forests. It aims to become a critical catalyst for accelerating effective and scalable interventions responsive to the needs of Indigenous Peoples (IPs) and Local Communities (LCs).

To inform the design and scope of the Tenure Facility, six pilot initiatives – in Indonesia, Panama, Peru, Liberia, Mali, and Cameroon – are being implemented by IP/LC organizations and civil society groups. Their aim is to test the Facility’s institutional framework and its work approaches. In Indonesia, the Indigenous Peoples Alliance of the Archipelago (*Aliansi Masyarakat Adat Nusantara*, or AMAN) is carrying out the pilot initiative. The initiative is supporting AMAN’s ongoing work to achieve the legal recognition of indigenous tenure rights, including awareness-raising initiatives, drafting of local legal regulations, and participatory mapping. The pilot is enabling the intensification of these activities in eight districts² and at national level.

In a recent workshop with pilot leaders from the six countries – held in London in February 2016 – there was a sense that the pilots are already generating tremendously valuable information for the Tenure Facility. They are demonstrating the demand for Tenure Facility roles and services as well as the capacities of IP/LC organizations to secure local land tenure rights. They are delivering early results that are indicative of the Facility’s potential long-term impact. And they are providing important lessons for refining Tenure Facility approaches and tools.

In line with this general feeling, the aim of this report is to document AMAN’s reflections on the most significant changes and lessons arising from the implementation of its pilot initiative. Similar “reflection and learning” exercises will be carried out with all the partners involved in the other five pilot initiatives. The findings and lessons from the pilots will be used to inform the institutional design of the Facility and strengthen its capacity to scale up results in the near future.

2.0 The pilot initiative: context, stakeholder perspectives, and progress

2.1 Context and windows of opportunity

Since the fall of Suharto’s regime in 1998, Indonesia has seen multiple policy and legal breakthroughs in the struggle for the recognition of IP collective territorial rights. The most significant occurred in May 2013, with Constitutional Court Ruling No. 35/2012, which declared that the classification of customary forests (*hutan adat*) as state forests (*hutan negara*) was unconstitutional. The Constitutional Court’s decision was followed by various national regulations that gave more powers to local governments to act on the ruling and recognize indigenous territories.

In spite of 15 years of well-intentioned constitutional and legislative reforms, there has been little (if any) progress in terms of actual recognition of indigenous lands on the ground. The lack of political will has been a key reason behind this inertia. The political environment, however, changed radically with the legislative and presidential elections of 2014.

² In addition to its main work in eight districts, the pilot is also supporting key specific activities in another 12 districts or provinces.

As a result of these policy changes, in 2014 AMAN estimated that there was a unique opportunity for advancing the implementation and protection of IP rights. The pilot initiative was designed to make the most of this new political environment. Two main sets of activities were proposed:

- Strengthening and expanding AMAN's ongoing work at provincial and district level, in particular its efforts to facilitate community mapping activities, to address land-related conflicts, and to encourage the drafting of local regulations on IPs (see Box 1);
- Supporting AMAN's activities at the national level, focusing in particular on implementing the action points related to indigenous rights in Jokowi's *Nawa Cita* agenda.

What has changed in the political context since the start of the pilot in mid-2015? Some of the people consulted for this reflection and learning exercise expressed frustration with the slow pace of progress in the implementation of the *Nawa Cita* commitments. AMAN, however, underscores that President Widodo needs to deal with the complex nature of the country's politics and its many ramifications, and therefore cannot act swiftly. They remain confident in his commitment to the six points on indigenous issues laid out in his presidential agenda, including his support for the approval of a national law on IPs³ and the establishment of an independent Task Force on Indigenous Peoples.

In addition, while progress on some fronts seems stymied, new windows of opportunity have opened that AMAN is trying to use for advancing its agenda on indigenous rights (see Section 3.1 for a brief discussion of some of these new policy openings).

2.2 Stakeholder perspectives

Much of the work that AMAN is carrying out at the local level focuses on supporting local governments in fulfilling their obligations. Community mapping, for instance, helps district and provincial governments to carry out accurate spatial planning of their regions. AMAN's support in drafting local regulations is allowing local governments to make progress on the recognition of IPs within their jurisdictions, as required by many national laws and regulations. In light of this, it is no surprise that senior government officials, at both the executive and legislative levels, often show keen support for AMAN's work and willingness to collaborate.

On the other hand, during the visit in the District of Sumbawa it was also evident that mid-level bureaucrats are often more conditioned by their personal ties to local institutions (e.g., the sultanate) or firms (e.g., Newmont Mining Corporation), and therefore express more ambivalent opinions about AMAN.

A similar ambivalence can be seen at the national level. In many ministries, officials related to community initiatives or social programs are by and large supportive of AMAN and interested in collaborating, while those concerned with resource allocation or revenue streams tend to be much more critical. This situation can be seen even in ministries that one could imagine to be more hostile, as for example the Ministry of Energy and Mineral Resources.

All civil society representatives interviewed for this report expressed great appreciation for AMAN's work. While acknowledging the broad spectrum of its work and the value of its different approaches, most interviewees underscored the key importance of its community mapping activities for challenging government perspectives on rural lands, reviving indigenous identity, empowering women and youth, and safeguarding local livelihoods. Over the past 20 years, AMAN and other civil society organizations (CSOs) have helped hundreds of customary (*adat*) communities map their territories, covering in total 10

³ Bill on the Recognition and Protection of the Rights of Indigenous Peoples.

million hectares. The maps of 604 communities—with a total area of 7.4 million hectares—have already been submitted to relevant government institutions. And AMAN has set a goal of mapping an additional 30 million hectares by 2020 (Fay and Denduangrudee 2016).

The private sector often shows a double-sided perspective. As documented by the Komnas HAM inquiry and many other studies, concession holders disregard Local Community territorial claims and too often blatantly violate their basic human rights. Yet, CEOs in Jakarta often claim that they do not know about such violations and that avoiding or solving land conflicts is key to their businesses. AMAN, however, remains skeptical and thinks that in the current context and moment it is not yet possible for them to work constructively with the private sector to advance indigenous tenure rights.

2.3 Progress of the initiative: achievements, strengths, and challenges

The flexible structure of AMAN's pilot is proving very useful for taking advantage of new policy openings at national and local level. As a result, the pilot is achieving greater results than initially anticipated. For example, while the project proposal planned to work only in three districts, in practice activities are being carried out in eight districts.⁴ Tailored support for specific activities is also being provided in 12 other districts or provinces.⁵

Table 1 summarizes the main achievements in the first ten months. Key results include:

- Passing of two district regulations on Indigenous Peoples, which include in their text the recognition of more than 74,000 hectares of eight *adat* communities, and whose implementation could lead to securing tenure rights over another 115,000 hectares claimed by 19 *adat* communities (see Box 1 and Annex 3 for more details).
- Drafting of seven district regulations on Indigenous Peoples, which include in their draft text the recognition of more than 700,000 hectares of 33 *adat* communities, and when approved could lead to securing tenure rights for over 1.9 million hectares and 485 indigenous communities.
- Over 200 people trained, including members of local parliaments and government representatives.
- Participatory mapping activities concluded or underway in 38 communities.
- AMAN's first experience of *engendering community mapping* ("the pilot within the pilot") started (see Box 3).

Box 1. Local government regulations

Indonesia's constitutional and legal framework has progressive pronouncements on indigenous rights, but uncertainty concerning implementing procedures and institutional responsibilities has halted progress in their recognition. Given the difficulty to clarify such issues at national level, AMAN and other organizations are concentrating their efforts in supporting provincial or district legislative bodies in drafting local regulations on IPs.

These local regulations establish the criteria and procedures for the recognition of *adat* communities and the protections of their rights. Given their importance in identifying and making visible IPs on the ground, these regulations are essential to challenge the claim that "all Indonesian citizens are indigenous" – the argument constantly used by outsiders to appropriate the land and resources of indigenous communities.

⁴ Enrekang District, Ende District, Sumbawa District, Halmahera District, Bulungan District, Mentawai District, Lebak District, and Luwu District.

⁵ Banyuwangi District, Hulu Sungai Selatan District, Hulu Sungai Tengah District, Tapanuli Utara District, Tebo District, Indragiri Hulu District, West Borneo Province, South Sumatera Province, Musi Banyu Asin District, Sigi District, Manggarai Timur District, and Sorong District.

Local regulations approved in the past, however, often did not mention tenure rights. According to Eko Cahyono, Executive Director of the Sajogyo Institute: “There are about 200 local regulations on indigenous (*adat*) rights, but most of them only recognize indigenous existence and institutions, not their territories.” AMAN and other CSOs are trying to change this in the work they are doing to support the drafting of local regulations. Their aim is to ensure that new regulations establish clear technical rules for securing collective rights (*hak ulayat*) over indigenous land. To achieve this they are purposely linking the legal drafting process with community mapping activities on the ground (see Box 2 for an example from the District of Sumbawa).

Albeit finessed into the timeframe and budget of a project, the pilot is supporting ongoing activities that represent key priorities of AMAN’s agenda. As a result, according to most people consulted, the main factor behind the pilot’s successful implementation has been the experience and readiness of AMAN local chapters at provincial and district level. Many interviewees also noted that the Tenure Facility’s flexible approach to project management and the possibility to use funds for actions that other donors do not support are two other main factors behind the significant results achieved.

As ought to be expected in the contested arena of indigenous rights, the pilot has faced a number of significant challenges. At national level, the complexity of politics in the House of Representatives have blocked the inclusion of the draft law on IPs⁶ in the priority list for 2016. President Widodo and senior government officials have publicly reiterated their support for the bill, yet there appears to be limited hope that it will be passed anytime soon.⁷

Furthermore, AMAN has been proactively involved in denouncing the enactment of laws and policies that are not in line with IP rights enshrined in the country’s Constitution and by the Constitutional Court Ruling 35/2012. One key example is the 2013 Law on Prevention and Eradication of Forest Destruction, which criminalizes IPs and has resulted in prison sentences for local indigenous leaders.

At the local level, one of the main challenges has been the limited time to ensure the inclusion of the draft regulations on indigenous rights in the local parliaments’ legislation plans for 2016. Where this was not possible, AMAN is trying to influence the legislative agenda by increasing public pressure in favor of these regulations.

In some districts, for example Sumbawa, there are also challenges associated with the claim that the local sultanate is the legitimate representative of all (“indigenous”) people at the district level. The underlying risk in such cases is that the local regulations that AMAN is supporting could be surreptitiously used to legitimize and strengthen these out-of-date institutions. To avoid this, AMAN is closely participating in the drafting process in order to ensure that the wording of each regulation has a strong and unequivocal focus on the recognition of *adat* communities’ collective rights (*hak ulayat*) (see Box 2).

Table 1. Summary of pilot progress up to April 2016⁸

National Level	Progress
Bill on the Recognition and Protection of the Rights of	<ul style="list-style-type: none"> Establishment of a new multi-stakeholder team to focus on updating the 2011 academic paper prepared as background document for the initial

⁶ Bill on the Recognition and Protection of the Rights of Indigenous Peoples.

⁷ Also in view of the near-stagnation in legislative progress in 2015, when only two of the 37 laws listed as priorities were passed (Fay and Denduangrudee 2016).

⁸ See Annexes 2 and 3 for more information.

Indigenous Peoples	drafting of the bill
Presidential Task Force on IPs	<ul style="list-style-type: none"> Presidential decree finalized (undergoing final revision before presidential signing)
Land Bill	<ul style="list-style-type: none"> Series of focus group discussions on new Land Bill carried out by AMAN and other CSOs
Other legislative processes	<ul style="list-style-type: none"> Monitoring of legislative processes: revision of current Forestry Law, drafting of new Natural Resources Conservation Bill, revision of draft Oil and Gas Bill
Publications	<ul style="list-style-type: none"> 2 briefing papers published (on Indigenous Peoples Task Force and on Constitutional Court Ruling 35/2012)
District level	Progress
Policy briefs published	<ul style="list-style-type: none"> Policy briefs documenting the importance of local regulations for the recognition of IP rights published in 5 districts
Academic papers concluded	<ul style="list-style-type: none"> Academic papers required as background documents for local IP regulations concluded or ongoing in 9 districts
Local regulations approved	<ul style="list-style-type: none"> Local IP regulations approved in 2 districts, which include in their text the recognition of 74,000 hectares of eight <i>adat</i> communities and could lead to the recognition of another 115,000 of 19 communities
Local regulations drafted	<ul style="list-style-type: none"> Local IP regulations drafted in 7 districts, which include in their draft text the recognition of 700,000 hectares of 33 <i>adat</i> communities and could lead to the recognition of another 1.9 million hectares of 485 communities
Training on legislative processes	<ul style="list-style-type: none"> 32 people (including members of local parliaments, government representatives, and AMAN staff) trained in 5 districts
Training on ethnographic research and participatory mapping	<ul style="list-style-type: none"> 176 people trained in 9 districts
Community level	Progress
Indigenous community profiles	<ul style="list-style-type: none"> Revision of indigenous community profiles concluded in 5 districts
Participatory mapping	<ul style="list-style-type: none"> Participatory mapping in 38 communities (15 concluded, 7 nearly concluded, 16 ongoing) from 10 different districts AMAN's first experience of <i>engendering community mapping</i> started in one community
Preliminary mapping	<ul style="list-style-type: none"> 167 indigenous communities with preliminary mapping processes concluded in 7 districts

3.0 Reflections on AMAN's pilot

This section reflects on some of the major developments related to the implementation of the pilot, subdividing them in four main groups: changes in context, in capacities, in outputs and outcomes, and in assumptions.

3.1 Changes in context

The pilot was designed to help AMAN make the most of the new political environment brought about by the legislative and presidential elections in 2014, in particular the close relationship that AMAN built during the election campaign with numerous parliament members of national and local level, and the election of Joko Widodo as Indonesia's seventh president.

While progress on President Widodo's commitments to IPs has been slower than hoped, the broadly favorable political context remains, as exemplified by the number of districts in which AMAN is

supporting the drafting of IP regulations. While the project planned to work in three districts only, the drafting of such regulations has been supported in nine (see Table 1 and Annexes 2 and 3). Such expansion occurred in response to the interest and demands of local parliaments.

At the national level there have been several new policy developments. Some of them would have been unthinkable some years ago and confirm the “favorable environment” assumption at the heart of the pilot (in spite of the delays in President Widodo’s agenda). The pilot is enabling AMAN to capitalize on these new promising openings, for example:

- **Regulation 9/2015** – In May 2015, the Minister of Agrarian Affairs and Spatial Planning and the Head of the National Land Agency signed the Regulation 9/2015 on the Procedures for the Determination of Communal Rights on Customary Land and the Land of Communities in Special Regions. This regulation is potentially important for AMAN’s agenda in the case of uncooperative legislative bodies at the local level, since it gives District Heads the authority to recognize collective legal rights over indigenous territories without passing through the overly political process of passing provincial or district regulations (Fay and Denduangrudee 2016).
- **Peatland Restoration Agency** – In January 2016, President Joko Widodo established the Peatland Restoration Agency (BRG). A close ally of AMAN was appointed as its head. The establishing decree targets a modest two million hectares for restoration by 2020, which is far less than what the government has vowed to restore. While concerned about this shortcoming, AMAN is planning to seize the opportunity to advance the recognition of indigenous rights given that vast tracts of peatland areas are located within territories already mapped by indigenous communities but not officially recognized yet.
- **Komnas HAM Inquiry** – In March 2016, the country’s National Commission on Human Rights (Komnas HAM) released a series of reports that document 40 cases of land conflicts across the country and the associated human rights abuses experienced by the communities involved. The lack of recognition of Local Communities’ customary land rights is a common thread behind all the cases documented. Komnas HAM recommendations reflect some of AMAN’s key policy demands,⁹ therefore they are providing new evidence and endorsement for its activities.

3.2 Changes in capacities

As noted above, the pilot is supporting activities that AMAN was already carrying. It is allowing the expansion and acceleration of such activities in eight districts (plus assistance to specific actions in other districts and provinces). Therefore, a key change in capacity has occurred in quantitative terms: AMAN chapters at local level have more human resources, funds and logistical support to implement and improve actions that they were already doing (but a lower scale). A key benefit of this is that AMAN is able to work more closely and with a greater number of its member communities, strengthening the ties with its own bases.

There have also been many qualitative changes in capacities, such as:

- **Institutional strengthening** – The pilot is supporting AMAN’s operating costs at the local level, without loading the chapters with additional activities that do not reflect their priorities. This approach is allowing local chapters to focus time and resources on their own institutional strengthening, improving aspects like decision-making processes, internal management,

⁹ Including, for example, the approval of the national law on IP rights and the establishment of the Task Force on Indigenous Peoples.

communication, and accounting. In short, this is facilitating the building of stronger AMAN chapters, which represent the foundation from which future outcomes will emerge.

- **Partnerships with government entities** – The pilot is also strengthening the ability of AMAN chapters to develop and maintain effective partnerships with local (usually under-funded and understaffed) government entities. These are practical, hands-on collaborations in which AMAN is working side by side with governments – providing support and sharing responsibilities – to help them fulfil their obligations. AMAN’s increased capacity to collaborate in these partnerships was highlighted in many interviews during the visit in Sumbawa.
- **Partnerships with CSOs** – Likewise, the pilot is helping AMAN strengthen its ties with several CSOs, such as the Sajogyo Institute and the Indonesian Participatory Mapping Network (Jaringan Kerja Pemetaan Partisipatif, JKPP). These partnerships play a key role in providing AMAN with training and field assistance in multiple fields, including ethnographic data collection, data analysis, community mapping, report writing, and legal drafting. By consolidating these ties, the pilot has contributed to enhancing AMAN’s skills, knowledge and experience in these fields.
- **Gender equity** – The pilot is also supporting AMAN’s first experience on *engendering community mapping* (see Box 3). While its main aim is to integrate women’s views and knowledge into community mapping activities, in practice this experience is enhancing AMAN’s capacity to mainstream gender concerns in other activities as well, such as legislation drafting and policy analysis.

3.3 Changes in outputs and outcomes

The logic model (inputs, activities, outputs and outcomes) for the pilot’s first specific objective¹⁰ has not changed. The logic of the intervention remains conceptually valid and is being implemented. However, there has been a quantitative increase, in the sense that the intervention is currently being carried out in more districts than those initially planned.

In contrast, the logic model behind the second specific objective¹¹ has experienced some change. In this case, some of the expected outputs have not materialized as anticipated. This includes the inclusion of the draft bill on IPs in the priority list of laws to be enacted in 2016. As a result, AMAN is shifting part of its work towards other legislative opportunities, such as the Land Bill. This implies a change in the logic model of the intervention (i.e., current outputs and future outcomes), but not in the overall change process (i.e., impact pathway) that remains centered in strengthening legal and administrative instruments at national level for the recognition and protection of IP tenure rights.

3.4 Changes in assumptions

Some of the key assumptions at the basis of the pilot’s intervention have not held, for example: (i) there have been unexpected delays in key policy and legislative processes; (ii) political will has been unsteady; and (iii) other policy processes have indeed interfered.

As a result, during AMAN’s internal “reflection and learning” workshop there was broad consensus that not all assumptions for achieving the intended changes had been fully identified in the project design phase. It was suggested that more assumptions on political will (and how it changes in the face of political pressure and opportunities for political gain) could have been important. At the same time, it was also recognized that the achievement of results and outcomes does not depend solely on political

¹⁰ SO 1 – Increased readiness at the district level for legal recognition of the tenure rights of IPs.

¹¹ SO 2 – Strengthened legal and administrative instruments at the national executive and legislative levels towards the recognition and protection of tenure rights of IPs.

will. Other assumptions are at play that would need to be identified (e.g., bureaucratic inertia), for example by carefully considering the bureaucratic steps necessary to achieve some of the key policy results.

4.0 AMAN's feedback for the Tenure Facility

4.1 Feedback on the Tenure Facility's approaches, tools, and assumptions

AMAN has been deeply involved in the conceptualization and design of the Tenure Facility. It is therefore no surprise that AMAN shares the Tenure Facility approach and its underlying assumptions. Again and again AMAN underscored the importance for IP organizations like themselves to be able to access – in a non-bureaucratic and agile way – flexible funding and technical support to take advantage of emerging policy windows. Furthermore, the pilot experience with local regulations at the district level confirms the validity of the Facility's basic assumption – that tenure reform can be programmatically addressed through targeted IP/LC interventions.

AMAN also recognizes the value of the Tenure Facility's working approaches and tools, including: (i) its emphasis on relationships based on trust and reciprocity with project implementers; (ii) its attention to minimize project-level management obligations, including report writing; (iii) the fact that it relies on open and iterative project selection processes, without using calls for proposals; and (iv) the high-quality technical support that the Tenure Facility provides through senior individuals with extensive in-country experience and trusted relationships with IP/LC organizations.

In light of these considerations, AMAN's feedback for the Tenure Facility focuses only on a limited number of specific aspects, briefly described below:

- **Project duration** – Given its focus on policy openings and the intention to catalyze broader efforts, the Tenure Facility is planning to prioritize short-term projects, with a maximum duration of two years. While AMAN agrees with this approach, they have noted that activities like community mapping can at times take more than two years, because they involve many steps, need time to build local ownership, imply managing conflicts, etc. As a result, a strict two-year limit could be inappropriate in some cases, and risk leaving the process unfinished.
- **Project design document** – During AMAN's internal workshop, several aspects of the project design document used for the pilot were criticized. First, AMAN felt it is too complex and long. Second, the M&E section demands too many planning and reporting forms, and does not take into account the organization's M&E practices. Third, the logical framework is not a planning tool that incorporates and enables the flexibility and responsiveness that the Tenure Facility wishes to ensure in its project. Its pertinence was questioned, particularly because Tenure Facility projects are short-term and focus on making the most of rapidly changing opportunities.
- **Institutional and technical support** – AMAN leaders highlighted two key points in this regard. First, the support received by the in-country technical resource person (Tenure Facility Focal Point) is extremely valuable, so it would be important to enhance this type of assistance in future Tenure Facility projects (allocating more time and resources to it). Second, other needs for institutional and technical support should be provided as much as possible through partnerships with local CSOs or research institutions, as is already happening in the pilot with ethnographic research training provided by the Sajogyo Institute. It was also noted that many RRI partners, such as the Samdhana Institute, have the knowledge and experience to provide such partnership-based assistance.

The following section discusses AMAN's feedback on the Facility's proposed MEL (Monitoring, Evaluation and Learning) approach.

4.2 Insights on MEL approach

AMAN leaders and staff recognize that the Facility's MEL framework has been designed taking into account participatory approaches. They also acknowledge that the framework (i) emphasizes qualitative analysis in order to capture a broad range of experiences and achievements; (ii) is based on flexible tools; and (iii) proposes a stepwise approach for its implementation. Yet, they still feel that there is a significant gap between AMAN'S current M&E work¹² and the framework that is being proposed for the Tenure Facility. There are concerns about the future MEL burden for project implementers. It looks demanding and unviable from their perspective. In other words, there appears to be a tension between comprehensiveness and usability of the MEL framework.

It was also mentioned that perhaps part of the problem is a "communication" shortcoming. That is to say, the MEL approach is interesting and comprehensive, but not easy to understand – it is not explained well in a single, simple, and user-friendly document. Such user-friendly document could be structured as a manual to increase its clarity. Among other things, the document should explain clearly what will be the role and tasks of project implementers in the implementation of the MEL framework.

With regard to the MEL proposed indicators, the main comments mentioned in the workshop or during individual interviews can be summarized as follows:

Tenure Facility level indicators – The proposed Tenure Facility level indicators have been developed considering the Tenure Facility's multiple expected outcomes. While that makes sense, the result is a long list of indicators that is difficult to grasp and appears overwhelming. It could be helpful to disaggregate the list, for example by combining the outcome criterion with other criteria for typifying indicators, such as:

- **Priority** – Using this criterion could help design a step-wise approach for the indicators, identifying the priority ones that need to be measured since the beginning and others that could be introduced later as MEL capacities increase.
- **Quantitative vs. qualitative indicators** – This simple criterion helps to distinguish those indicators that can be represented by numbers (e.g., hectares recognized as community tenure, number of land conflicts halted or modified) from those that give information about the quality, extent or level of change (e.g., women's rights protected, more participatory processes).
- **Controllability** – AMAN also suggested to divide indicators between those that refer to outputs and outcomes that IP/LC organizations can control (e.g., training activities, internal institutional strengthening, etc.) and those that refer to outputs and outcomes that are beyond their direct control (e.g., policy and legislative reforms).

Each one of these criteria could be combined with the outcome criterion by developing a simple two-entry matrix, in which the outcomes represent the rows and one of the other criteria determines the columns. A well-designed matrix should be easier to understand than a long list.

Project level indicators – Besides discussing Tenure Facility level indicators, during the workshop it was also noted that useful ideas for project level indicators can be elicited from the pilot's achievements (Table 1) and AMAN's long-standing work experience at national and local level. Following this suggestion, the list of potential indicators outlined in Annex 4 was developed.

¹² Focused on a limited set of simple indicators.

Community indicators – Some of the people consulted also noted that indicators should take into account community perspectives. As it has been done in many other fields (e.g., sustainable development, poverty analysis, forest management, etc.), it would be important to develop indicators that reflect how local people categorize and assess tenure security, in order to ensure that the MEL framework incorporates indicators that measure what is locally important.

This bottom-up approach in identifying indicators is clearly crucial for project level indicators, but could be used also to improve the proposed Tenure Facility level indicators. Interviewees recognized that it is not a simple task, but they also highlighted that engaging local people in developing indicators that measure progress towards the recognition of indigenous territorial rights would provide a valuable opportunity for community empowerment and education.

5.0 Significant stories from the pilot

The following boxes tell two significant stories emerging from the work that AMAN is doing with support from the pilot and other projects/partners. Other stories are included in Annex 5.

Box 2. Legal drafting and participatory mapping in Sumbawa

Background

The District of Sumbawa is one of the districts where AMAN is supporting community mapping activities and working with the local legislature in drafting a regulation for the recognition and protection of IPs and their territories. The District of Sumbawa is located in western part of Sumbawa Island. AMAN estimates that there are about 20,000 indigenous citizens in the district, that as yet they have not been officially recognized by the local government.

The public hearing in Sumbawa

On 27 April 2016 there was a public hearing to present and receive feedback on the draft version of the new regulation. The hearing was a big success, with over 200 people attending, including many representatives from IP communities. Most of the audience gave positive responses and hoped that the regulation is enacted soon.

Future perspectives

The legislative process of the regulation still needs to get through a several more steps, including consultations with the district executive government. But the chair of the local House of Representatives, Mr. Lalu Budi Suryata, was very positive and supportive, and expressed confidence that the regulation will be approved before the end of 2016.

Box 3. Engendering participatory mapping

Background

Perempuan AMAN is the autonomous women wing of AMAN. It was established in 2012 with the aim of supporting the organization of indigenous women and advance the recognition of their rights and knowledge. Members of Perempuan AMAN are individual indigenous women from the community members of AMAN.

Engendering participatory mapping

Women often participate in community mapping efforts. But members of Perempuan AMAN have long recognized that women's perspective and knowledge are rarely (if ever) reflected in the final maps, even though women tend to have a deeper knowledge of the community territory and a greater understanding of its contribution to household livelihoods. So Perempuan AMAN is promoting a new approach called *engendering community mapping*. The aim is to integrate gender perspectives in community mapping activities, ensuring that the knowledge and management practices of women are taken into account and represented in a specific women thematic map. AMAN's first experience with this new approach started in the community of Osing (Banyuwangi District, East Java) in February 2016.

Future perspectives

This gender approach will be expanded to all community mapping activities supported by AMAN. Perempuan AMAN believes that this new approach to community mapping will enhance AMAN's capacity to mainstream gender concerns in a wide range of activities, including legislation drafting and economic development. According to Devi Anggraini, Chairwoman of Perempuan AMAN: "Our objective is to involve more women in community participatory mapping and legislation drafting at local and national level. But our main priority is economic development for women, not only for their benefit but for the benefit of the entire community. This economic development will be based on natural resource management, focusing initially on household consumption and later on market access."

6.0 Conclusions: key findings, lessons, and recommendations

The pilot is attaining more results than initially foreseen. Key achievements include:

- Two district regulations on Indigenous Peoples approved, which include in their text the recognition of more than 74,000 hectares of eight *adat* communities, and whose implementation could lead to securing tenure rights over another 115,000 hectares claimed by 19 *adat* communities.
- Seven district regulations on Indigenous Peoples drafted, which include in their draft text the recognition of more than 700,000 hectares of 33 *adat* communities, and when approved could lead to securing tenure rights over 1.9 million hectares of another 485 indigenous communities.
- Over 200 people trained, including members of local parliaments and government officials.
- Participatory mapping activities concluded or underway in 38 communities.
- First experience of *engendering community mapping* ("the pilot within the pilot") ongoing.

The main factor behind the pilot successful implementation has been the experience and readiness of AMAN local chapters at provincial and district level. The flexible structure of AMAN's pilot and the possibility to use funds for actions that other donors do not support are two other key factors that help to explain the significant results achieved.

The pilot is also contributing to important changes in AMAN's capacities, such as:

- Supporting local chapters in their own organizational strengthening, improving aspects like decision-making processes, internal management, communication, and accounting.
- Strengthening the ability of AMAN chapters to develop and maintain effective partnerships with local government entities.
- Helping AMAN strengthen its ties with CSOs, which play a key role in providing AMAN staff with training and field assistance.
- By supporting its first experience on *engendering community mapping*, the pilot is strengthening AMAN's capacity to integrate women's perspectives into mapping activities and other key areas.

The pilot experience is also confirming the validity of the Facility's underlying assumptions as well the value of its approaches and tools. Key emerging lessons and recommendations are summarized below.

6.1 Lessons

On Tenure Facility capacities to provide institutional/technical support:

- The support provided by the in-country technical resource person (Tenure Facility Focal Point) is particularly useful and cost-effective. It should be prioritized in Tenure Facility projects, allocating more time and resources to it.
- Other needs for institutional and technical support should be provided as much as possible through partnerships with local CSOs or research institutions, for example local RRI partners/collaborators when they are there and have the required expertise.

On Tenure Facility key tools:

- The project design document (long and detailed) did not help pilot design and implementation. It should be shortened and simplified.
- The M&E approach in the project document should build upon (and strengthen) M&E practices of IP/LC organizations, without imposing a uniform model to all project implementers, yet including common elements to allow comparison.
- The logical framework approach is helpful when it is used to analyze project intervention and support adaptive project management, without becoming a rigid roadmap of project activities. Detailed and more intricate logical frameworks do not help project implementers navigate the challenges they want to tackle.

On the proposed MEL framework:

- While their content appears comprehensive, current documents that explain the MEL framework are not very clear and user-friendly. The elaboration of a single document, structured as a manual, could be very important to increase understanding of tasks involved and role of project implementers.
- The current list of proposed Tenure Facility level indicators is rather long and difficult to grasp. It could be helpful to disaggregate more the indicators by using also other criteria, such as priority, type (quantitative vs. qualitative), or level of control by IP/LC organizations. Such exercise could help identify other indicators and/or establish a step-wise approach for their implementation.
- For IP/LC organizations it is important that indicators measure what is locally important. As it has been done in many other fields (e.g., sustainable development, poverty analysis, forest management, etc.), it would be important to complement the proposed indicators with other

indicators developed with communities on the basis of how they categorize and assess tenure security.

6.2 Recommendations for consideration of the Facility

Part of the lessons outlined above have also a recommendation element in them. Thus, this final subsection focuses on two broader recommendations that were highlighted by workshop participants or interviewees.

Ensure early success – The Tenure Facility is a new funding mechanism. Early success is critical to demonstrate its potential. To ensure early success, it is important that initial projects are carried out by relatively strong IP/LC organizations and focus on achievable results in a relatively favorable political environment. The opposite scenario (weak organization, overly ambitious results, and unfavorable environment) should be avoided, at least initially.

Stronger liaison with government entities – The achievements of AMAN's work at district level are associated with its direct engagement with local government executive and legislative entities, helping them fulfill their obligations by pragmatically working together. This experience confirms a well-known lesson that applies to many contexts – even when there is high-level political will and strong IP/LC organizations, it can be difficult to achieve progress in policy and legislative reforms because of uncooperative mid-level officials, limited resources, complex administrative procedures, and bureaucratic inertia. In light of this lesson, several interviewees recommended that Tenure Facility-funded project include strong liaisons (including financial and technical support when necessary) with government entities responsible for advancing IP/LC tenure rights.

Annex 1. Presidential Agenda on Indigenous Peoples (*Nawa Cita*)

The six key agendas on Indigenous Peoples are:

1. Review and adjust all laws and regulations relating to the recognition, respect, protection and promotion of the rights of Indigenous Peoples, especially with regard to rights to agrarian resources, as mandated by MPR Decree No. IX / MPR / 2001 on Agrarian Reform and Natural Resource Management in accordance with the norms of law as established by the Court 35/2012.
2. Continue the legislative process bill Recognition and Protection of the Rights of Indigenous Peoples which is now in the final stages of discussion continues to set as the Act, by incorporating changes as proposed by the contents of the Regional Representative Council, the Alliance of Indigenous Peoples of the Archipelago, and the various components of civil society.
3. Ensure legislative processes related to the management of land and natural resources in general, such as the Land Bill, and others, run in accordance with the norms of recognition of Indigenous Peoples' rights as mandated by the MK 35/2012.
4. Encourage an initiative in the form of preparation (draft) Act relating to the settlement of agrarian conflicts that arise as a result of the denial of sectoral legislation on the rights of Indigenous Peoples.
5. Establish Independent Commission specifically mandated by the President to work intensively to prepare a variety of policies and institutions that would take care of matters relating to the recognition, respect, protection, and promotion of the rights of Indigenous Peoples.
6. Ensuring the implementation of Law No. 6 in 2014 on the village advancement, especially in terms of preparing the Provincial Government and Regency / City, operationalizes the recognition of Indigenous Peoples' rights to be set into a traditional village.

Annex 2. Summary of Pilot Progress

National Level	Progress
Bill on the Recognition and Protection of the Rights of Indigenous Peoples	<ul style="list-style-type: none"> Although President Widodo has publicly reiterated his support for this new law, the National Legislative Plan for 2016 did not include the bill in the priority list for the current year However, an encouraging step forward has been the establishment of a new multi-stakeholder team for updating the 2011 academic paper prepared as background document for initial drafting of the bill
Presidential Task Force on IPs	<ul style="list-style-type: none"> The presidential decree for the establishment of this task force has been finalized (currently in the Cabinet Secretary Office for its final revision before signing by the president)
Land Bill	<ul style="list-style-type: none"> In collaboration with other CSOs, AMAN has been conducting a series of focus group discussions on a new Land Bill, which has been included in the National Legislative Plan for 2016
Other legislative processes	<ul style="list-style-type: none"> Monitoring re following legislative processes: <ul style="list-style-type: none"> Revision of current Forestry Law Drafting of new Natural Resources Conservation Bill Revision of draft Oil and Gas Bill
Publications	<ul style="list-style-type: none"> 2 briefing papers published: <ul style="list-style-type: none"> Briefing paper on Indigenous Peoples Task Force Briefing paper on Constitutional Court Ruling 35/2012
District level	Progress
Policy briefs published	<ul style="list-style-type: none"> Publication of policy briefs describing the importance of local regulations for recognition of IP rights in 5 districts: <ul style="list-style-type: none"> Manggarai Timur Sumbawa Bulungan Mentawai Enrekang
Academic papers concluded	<ul style="list-style-type: none"> Academic papers required as background documents for local regulations on IP rights concluded or in process in 9 districts: <ul style="list-style-type: none"> Enrekang Lebak Ende Mentawai Halmahera Tengah Luwu Sumbawa Bulungan Hulu Sungai Selatan
Local regulations approved (see Annex 3 for more details)	<ul style="list-style-type: none"> Local regulations for recognition of IP rights approved in 2 districts: <ul style="list-style-type: none"> Enrekang Lebak
Local regulations drafted (see Annex 3 for more details)	<ul style="list-style-type: none"> Local regulations for recognition of IP rights drafted in 7 districts: <ul style="list-style-type: none"> Ende Mentawai Halmahera Tengah Luwu Sumbawa

	<ul style="list-style-type: none"> - Bulungan - Hulu Sungai Selatan
Training on legislation processes	<ul style="list-style-type: none"> ▪ 42 people trained in the 5 districts: <ul style="list-style-type: none"> - Ende (12 members of local parliament, 2 women and 10 men) - Nusa Bunga (5 people from AMAN chapter) - Sumbawa (3 members of local parliament, 4 local government representatives, and 5 people from AMAN chapter) - Luwu (11 members of local parliament and 1 local government representative) - Halmahera Tengah (1 local government representative)
Training on ethnographic research and participatory mapping	<ul style="list-style-type: none"> ▪ 176 people trained in 9 districts: <ul style="list-style-type: none"> - Lebak (17) - Ende (18) - Enrekang (12) - Halmahera Tengah (38) - Mentawai (26) - Luwu (25) - Banyuwangi (11) - Bulungan (9) - Musi Banyu Asin (20)
Community level	Progress
Indigenous community profiles	<ul style="list-style-type: none"> ▪ Revision of indigenous community profiles concluded in 5 districts: <ul style="list-style-type: none"> - Ende - Sumbawa - Enrekang - Halmahera Tengah - Bulungan
Participatory mapping	<ul style="list-style-type: none"> ▪ Participatory mapping processes in 38 communities (finished in 15, nearly finished in 7, and ongoing in 16) of 10 districts: <ul style="list-style-type: none"> - Sumbawa (3 mapping processes finished) - Lebak District (1 finished and 3 in process) - Ende (2 nearly finished) - Enrekang (3 nearly finished) - Halmahera Tengah (2 nearly finished) - Mentawai (6 finished) - Luwu (3 finished) - Banyuwangi (2 finished and 1 in process) - Bulungan (2 in process) - Hulu Sungai Selatan (13 in process) ▪ First experience of <i>engendering community mapping</i> started in Banyuwangi District
Preliminary mapping	<ul style="list-style-type: none"> ▪ 167 indigenous communities with preliminary mapping processes concluded in 7 districts: <ul style="list-style-type: none"> - Ende (50 communities) - Lebak (7 communities) - Enrekang (8 communities) - Halmahera Tengah (18 communities) - Mentawai (60 communities) - Luwu (21 communities) - Banyuwangi (3 communities)

Annex 3. Implications of district regulations approved and drafted

District	Status of local regulation	District population of IPs that will be recognized by the regulation	Number of <i>adat</i> communities with finished maps that are mentioned (recognized) in the regulation	Area of communities with finished maps that are mentioned (recognized) in the regulation (ha)	Total number of <i>adat</i> communities that will <u>potentially</u> be recognized with implementation of the regulation	Total area of communities that will <u>potentially</u> be recognized with implementation of the regulation (ha)
Enrekang	Approved					
Lebak	Approved	± 428,167	8	± 74,420	19	± 114,261
Ende	Drafted	± 150,000	3	± 2,869	166	± 180,000
Mentawai	Drafted	± 75,000	10	± 53,914	70	± 50,690
Halmahera Tengah	Drafted	± 30,000	2	± 15,180	16	± 98,000
Luwu	Drafted	± 100,000	6	± 22,808	79	± 150,000
Sumbawa	Drafted	± 10,000	6	± 56,428	13	± 122,260
Bulungan	Drafted	± 113,486	2	± 64,344	13	± 1,179,123
Hulu Sungai Selatan (Kec. Lokasado)	Drafted	± 7,000	1	± 6,912	38	± 30,500
Banyuwangi	Drafted	± 400,000	3	± 501,834	90	± 63,159

Annex 4. Suggestions for project level indicators drawn from the pilot and AMAN's work experience

Type of intervention	Suggestions for indicators
Mapping	<ul style="list-style-type: none"> Number of community mappers (facilitators) trained Number of communities and hectares of community lands mapped Number and hectares of community maps registered in the Ancestral Domain Registration Agency (Badan Registrasi Wilayah Adat, BRWA) Number and hectares of community maps submitted to government entities after their validation by BRWA Number of communities and hectares of community lands mapped using a gender approach (<i>engendering community mapping</i>)
Conflict management	<ul style="list-style-type: none"> Number of conflicts documented and exposed Number of conflicts in which Local Communities receive legal advice
Partnerships	<ul style="list-style-type: none"> Number of partnerships in which IP/LC organizations provide technical and financial support to government institutions to help them fulfil their obligations Number of new collaborations or coalitions with other CSOs
Training and publications	<ul style="list-style-type: none"> Number of government representatives (parliament members, elected officials, employees, etc.) who acquired knowledge and/or skills through courses, seminars, or "on the job training" sponsored by the project Number of IP/LC employees/volunteers or members of other CSOs who acquired knowledge and/or skills through courses, seminars, or "on the job training" sponsored by the project Number of publications (policy briefs, ethnographic studies, etc.) developed and published by or with support of IP/LC organizations
Community empowerment	<ul style="list-style-type: none"> Number and membership of new community-based enterprises/cooperatives/startups Income generated by new community-based enterprises/cooperatives/startups
Innovative approaches	<ul style="list-style-type: none"> Number of communities that participate in innovative methods or approaches that can be scaled (e.g., <i>engendering community mapping</i>)

Annex 5. Other Significant Stories not Included in Main Body of Report

The Indigenous Community of Cek Bocek (Berco ethnic), Sumbawa District

(Resource person: Datuk Sukanda, *adat* chief)

This community is located in the District of Sumbawa. Its founders originally came from North Sumatra. In the early years of the 20th century, there were scattered rebellions against the Sumbawa Sultanate, because the sultan was highly influenced by the Dutch colonizer. In 1935, they were forced to move by the Sultan aided by the Dutch to the village of Lawin, where they have been residing up till now. From that moment, the Cek Bocek community and other Berco ethnic groups were marginalized or considered opponents to the Sultanate.

Their livelihoods depend heavily on the community's customary forest, which covers approximately 28,000 hectares. However, in 1986 a foreign multinational (Newmont Mining Corporation) was given a mining concession by the government over 16,570 hectares of Cek Bocek's territory and forest. With blessings from the sultanate, Newmont started mining exploration on the community's territory, including digging up their ancestral cemetery. The existence of this company has since been a major threat to this indigenous community in all aspects of their livelihoods and tradition.

In 2005, after learning about AMAN from various media and contacts, the community started the process of being registered as a member of AMAN, went through a long process of investigation and verification, and finally got accepted in AMAN 3rd National Congress in 2008. They got a lot of support and assistance from AMAN in their fight against the company. In 2011, AMAN helped the community approach the National Commission of Human Rights (*Komnas HAM*) to complain about violence and human rights violations of the land-grabbing case. Later on, in 2014 the Komnas HAM included the case of this community among the 40 cases to be heard in the Commission's National Inquiry on land-related conflicts in territories claimed by IPs.

Around that moment, another legal opportunity emerged from the verdict of Constitutional Court no.35/2012 (MK 35), through which Cek Bocek community joined AMAN's UKP3 in the process of participatory mapping. With the help of AMAN's network such as JKPP (Network on Participatory Mapping), BRWA (Ancestral Domain Registration Body) and Sajogyo Institute, this community managed to finish their map on customary land and submitted it to parliament members during the public hearing on 27 April 2016 in the city of Sumbawa Besar, as a complementary to the draft of the local regulation (*Ranperda*) on IP rights recognition. Through the mapping process, using several legal instruments such as the MK 35, the Forestry Law, and the Village Law to deal with the company and local government, and with agile support from AMAN and its network, it is proven that the forceful manner of the company towards Cek Bocek community is reducing.

Expecting with optimist spirit for the *Ranperda* to be enacted soon this year (2016), this community wishes for security and safety in managing their own ancestral domain, performing their custom, traditions, and rituals, managing their remaining natural resources by establishing cooperatives or community-based enterprise to trade their cash-crops such as coffee, coconut, candlenut, natural honey, turmeric and other herbs.

The Indigenous Community of Kanar, Sumbawa District

(Resource persons: Usman, *adat* chief, and Rosalia, his wife)

This community lives in their ancestral forest of about 3,000 hectares, located in the coastal area near the harbor of Pelabuhan Badas, Sumbawa District. Traditionally they used to cultivate their crops in small plots inside the forest. Their cultivation system included the cutting down some of the indigenous teak trees as the overarching canopy would hamper the sunlight for the crops. They used to have a subsistence economy with ample wildlife in the forest, and fishes and oysters in the coastal mangrove.

In 1984, the Perhutani (state-owned forest company) came in, claiming rights over approximately 2,000 hectares of their customary forest, and forcing the Kanar community to move out through violent intimidation. Given that Perhutani's interest was to plant new introduced teak varieties and other timber species in monoculture system, the biodiversity richness and the source of Kanar community's livelihoods have been declining.

Nowadays community members plant teak and mahogany mixed with rice, maize and other cash-crops like peanut, cashew-nut, candlenut, soybeans, and produced natural honey. But they cannot do this freely as the Perhutani prohibits these activities and regularly patrol the forest with special forest rangers/police, still using violent methods. For indigenous women in particular, this kind of patrol is limiting their daily activity in managing their food resources for families. Since 1990 the Kanar community had been organizing themselves to reclaim back their customary forest land but always failed, till they joint with AMAN and its struggle movement. They then learned about better organization, got information on related policies, regulations and other legal instruments, which are essential for their struggle directly at the national level.

Last year they decided to take part in the participatory mapping program by AMAN's UKP3 and got special training on this. Along the process, they put sign boards written with related regulations to identify their boundaries. One regulation, among others, is the MK 35 (the verdict of Constitutional Court no. 35/2012). As the consequence, the violence by the forest rangers from Perhutani toward Kanar community is reducing, although the Perhutani is still regularly patrol their area. Another reason for this change is maybe because of a community-forestry program by the extension office of Ministry of Environment and Forestry, the KPHP (Local Production Forest Management Unit), that is more open and welcome to community involvement in forest management.

This easier attitude allows the community to move around more freely and makes them manage to finish their map of their ancestral domain. This map has been submitted to the parliament members in 27 April 2016 during the public trial of the draft of local regulation concerning IP rights recognition as an integral part for the recognition procedure. Keeping up with optimistic and high spirit, the Kanar community is hoping that the recognition of their rights and territory will ensure them to manage their own forest in a sustainable manner, in which they have incorporated conservation of wildlife and endemic species in their ancestral forest, while harvesting non-timber product for their livelihood, free of conflicts, both horizontally with neighboring communities and vertically with Perhutani and KPHP.

**The Archipelago Indigenous Youth Front or BPAN (*Barisan Pemuda Adat Nusantara*):
The Youth Wing of AMAN**

(Resource persons: Aminuddin, Pusu community; and Surya, Cek Bocek community)

In addition to the women organizational wing, AMAN also has another autonomous organization, which is the Archipelago Indigenous Youth Front or *BPAN (Barisan Pemuda Adat Nusantara)*. It was established in 2012, incorporating indigenous youth from seven regions in Indonesia (Papua, the Moluccas, Bali-Nusa Tenggara, Sulawesi, Java, Kalimantan and Sumatra). BPAN helps to promote AMAN's activist cadres to defend, protect, and empower Indigenous Peoples. BPAN has 18 regional chapters, 16 local chapters and 50 village groups. In total it is formed by over 2,000 indigenous youth.

Aminuddin comes from the indigenous community of Pusu, in the Sumbawa District. The community has a customary forest of 23,000 hectares that provides a variety of livelihood options to local people. As a member of AMAN's local UKP3 team (the Work Unit for Participatory Mapping Acceleration), Aminuddin played a key role in the mapping of the community's territory. By doing the process of mapping, he made the inventory of his own ancestral historical sites, traditional tools and equipment, local products, musical instruments, and ended up with revitalizing his customary values. As he is redefining his root and identity, he felt compelled to preserve and even to make innovation about his culture. His motive to do this emerged from his concern on a tragedy in 1986 in Pusu, when his village was almost completely destroyed by a big fire. There were only 70 households left in deserted village. Later on, the KPH (Local Office of Forest Management Unit, under the Ministry of Forestry) came to their ancestral forest and started zoning the area without consultation with the community. This created a land conflict. However, last year when the KPH noticed the participatory mapping was going on, and that signs were written on signboards as landmarks on community's ancestral forest, KPH did not continue their zoning process. This subtle respect from KPH on the IP mapping process somehow leveraged Aminuddin's and his community's self-confidence in doing the mapping.

Surya is a youth from the indigenous community of Cek Bocek, also located in the Sumbawa District. This community has a customary forest of approximately 28,000 hectares. Since 1986 there has been an ongoing conflict with a foreign company (Newmont Mining Corporation) that claims to have mining concession rights over 16,570 hectares of Cek Bocek's territory. This conflict involved violent confrontations with this mining company. Besides the forceful measures from the local government backed-up by military apparatus, the company also broke-up IP community's solidarity by offering job opportunities and alluring young IP to join their business, creating social jealousy and internal rivalries. After graduating from school, Surya joined BPAN and established the regional chapter of BPAN, namely BARALOSA (Lombok Sumbawa IP Youth Front), combining the local chapters of Lombok and Sumbawa. In addition to assisting in participatory mapping, he was involved in the front line struggle, facing the company's security guards and monitoring their activities on his community's land. To raise awareness and solidarity among IP youth, Surya use his modern gadget equipped with social media for reaching out to his peers.

The 27 April 2016, Aminuddin and Surya participated in the public hearing on the new regulation for the recognition of IPs in the District of Sumbawa. During the hearing, Aminuddin and Surya joined other members of their communities and representatives of another three communities (Kantar, Ponto and Pekasa) in submitting to local government representatives the maps of their community territories. According to Aminuddin and Surya, that moment was an important milestone in the long-lasting struggle of these five communities to defend their territories, because they hope that the new regulation will officially recognize the territories that they have mapped, granting them collective rights (*hak ulayat*) over their lands.

Annex 6. Summary of Notes from AMAN Reflection and Learning Workshop

Rumah AMAN, Jakarta

Wednesday, 4 May 2016

10:00-17:00

Opening Remarks by Abdon Nababan

Good morning everybody, welcome Nina and Filippo.

The workshop today is part of an on-going process of our project of the Tenure Facility with the RRI. It is not our original initiative actually, but it was RRI which asked us to run this pilot with the Tenure Facility to become such a laboratory to “sow their seeds”, as RRI considered Indonesia is an arable land to grow these seeds till bring fruits for others to pick for lessons learned. The main idea is to develop a model, and then to review whether it is beneficial for AMAN and other IP organizations. So, my friends, please do not get bored when some consultants, like Caroline, Anni, and now Filippo, have been visiting us, consuming our times, asking many questions and painstaking discussions with us, because RRI do not want to lose tracks and want to learn from us. Let them use us as their “laboratory” to learn the trial and error, the good and the bad. I believe that later on, they would share this learning with the world. I think Filippo is here now to see whether those seeds had been growing well or not. If not, then what went wrong, what was missing, and how we can do about this?

Previously with Caroline and Anni when we designed this project, we were integrating three aspects: the frontline (outreach), ground works (e.g. mapping, community organizing), and support system (e.g. research, data collection). It is the support system that actually would be seen as the “laboratory” to develop the optimum model. All these aspects are aligned with our work on legislation process at the national and local levels. Now, it is the time to monitor, evaluate and take some reflection of what we had planned and implemented so far. Filippo has been around here for several days, has been visiting the field on Sumbawa, meeting with people and getting some insights. Let’s discuss the points mentioned in the agenda, so we may have better learning from this project, bring some positive changes, and recommend even better changes.

Session I. Reflection on AMAN’s Pilot Initiative

Brief Introduction by Filippo Del Gatto

Good morning and thank you very much for your time coming to this workshop. I know that all of you have many work commitments, so I really appreciate your effort to participate in this internal workshop. My role and mission is to visit the six pilot initiatives and summarize the main reflection and lessons emerging from them. I recognize that the agenda for this workshop is overloaded. It would be great if we can cover as many points as possible, but of course it is not an obligation to cover them all. (Nina helps in translating the introduction of the workshop and explaining the flow and methodology.)

The first point we would like to discuss is the impact of the pilot and the factors that help to explain its impact. If you wish, please use the material provided to inform your reflections. Please take some times to think about it and write down your ideas.

REACTIONS

Sinung:

I see two impacts. First, impact on decision makers which moves them become more concerned on IP and get involved in the discussion on *adat* territory. Second, impact on the IP communities and outsiders which strengthens collective awareness. At least, they are trying to revitalize their customary values.

Erasmus:

Comparing to what happened last year, I see the impact on the increasing encouragement and push for legislation process on IP recognition at the district level. This happened only within one year. The factor behind this is the active publication of AMAN, which focuses on creating the forum at the local (district) level. Another factor is that the legislation work had been done in more systematic way and with better organization, involving more actors both at the national and local level, and integrating all IP's component to get the recognition. The external factor may be the national law which requires this integration of all aspects of IP's livelihood for processing rights recognition (including the *adat* law, histories, the map of their territories, languages, ethnographic data, etc.).

Arman:

I see three impacts. First, when the legislation process is done in a certain district, it ignites other districts to start their own process for recognition, as they consider that the regulation (*perda*) is important. Second, through the Tenure Facility project, AMAN may respond faster to the law reform related to IP recognition, both at the national and local level, so that AMAN can assist/intervene in legal drafting process. Third, the impact of the involvement of AMAN local organizations and members in the project implementation. This movement significantly increases the capacity of AMAN local activists.

Mina:

I also see three impacts. First, the pilot successfully endorses the recognition of IP rights and territory on the site selected for this project. The local regulation process is occurring related to the *adat* forest and *adat* domain. The *adat* mapping provides legitimate proof or document for the IP community to proceed with their process in legal recognition. This brings impact on local government as well to get involved and push the legislation process. Second, the pilot brings impact on the increasing capacity of AMAN organization at the national and local level to intervene directly in the legislation process. Third, this condition creates some space between NGO and CSO (such as AMAN) to learn, exercise, and build a sort of network of donors and supporters for their struggle in the future.

Eustobio:

I agree with all my friends have said. In addition, I see a positive dynamic that lead to better understanding for the IP organizations and activists on the legislation and political process in the law making.

Rukka:

I think Eras had compiled the progress of legislation process at all level. In the past we worked in patches, for instance on legal subjects, on *adat* territories, separately. But now we have resources to consolidate these efforts into one policy, as well as to create enabling environment for the right momentum, for the political opportunity. One significant achievement is that we made the IP spokepersons to speak up for themselves in this space and opportunity along this process. One of the impacts is the media coverage as the IP is becoming visible to the public and emerging to the surface. Now the IP and related regulations have been talked and discussed in public spaces. It's not merely about getting

local regulations to be issued soon, but we also want to make sure that the IP issues have been kept discussed.

Devi:

Actually it is new for *Perempuan AMAN* (AMAN's Women Wing) to be involved in this pilot initiative. I want to see more integration of gender perspective into the participatory mapping. Indeed, I acknowledge some positive impacts when we conduct social data collection with the UKP3 on Banyuwangi case, in which *adat* women were the subject (resource persons) along the project, and there was some openness gesture for gender issues among AMAN secretariat and UKP3 friends. Yet, this was still partial and not systemic into the whole planning.

Filippo:

Thank you for all your shares. Now we move on to discuss on next guiding questions on assumptions underlying the project, and how do you see changes in the project's pathways. In addition, is this project helping to strengthen AMAN's capacities? Which ones? Let's discuss these with the same method.

Rukka, Mina, Abdon, Erasmus (mixed and supporting each other's opinions):

There were many assumptions in the document, both for local and national context. However, even though there is the same political will, we did not expect such delay and push back at the national level on the formation of the Task Force (*Satgas*) on IP and the legislation process of the IP Bill.

We did meet and talk with President Jokowi, and he agreed to work together with us. So, we finalized the draft for the Presidential Decree (to form the Task Force), submitted it to the Cabinet Secretary. But then, a reshuffle happened, different minister and officials now are dealing with this draft, implying in different policy strategy (i.e. on how to translate the "paper document" into "action"). This cabinet reshuffle is due to political consolidation among parties. We missed this kind of political change as our assumption. Indeed, this delay is our biggest challenge now.

There are many other things happening beyond our control and expectation. Among others, we missed to take advantage of the good momentum in the Presidential Executive Office change. However, what happens at the local level is more or less going on as we predicted with many variations.

Filippo:

Could we discuss a bit more the underlying assumptions? With insight, would have you written them differently? How?

Abdon:

I think we will focus more on the capacity building for AMAN local organizations. In my assumption when we designed this project, we would have enough funding for this activity since last year till the next three years. In fact, we do not have the budget for this. This is the assumption that we missed. Hence, if we have that chance again, I want to make sure that we will have more facility for the local capacity building. For the second assumption, we have spent more on legislative/parliament. Next, we want to split our commitment to our network in the executive side (the heads of villages and districts, and governors), too. We should have more funds to work further on the implementation of the regulations we are fighting for. We have a good opportunity to review this strategy and this is very important, as we may implement the good regulations at the lower level.

Rukka, Abdon, Erasmus:

From our learning, we realize that what we missed in the planning but turned out to become important is the publication. In the initial design of this project, we assumed that we would have had enough materials to be published. It appears that we need more on this, as well as to consolidate policy papers and other documents to be widely published, especially to get engaged with policy-makers. We assumed we would have had enough support for this publication from other sources, but we do not. So we did not allocate funds for this in the project design.

To fill this gap, we are adjusting our agenda as our adaptive management of the project. In fact, with capacity building component, which absorb much of our energy and resources, it is difficult to make changes in activities. Hence, we still lack of resources for campaign and media outreach. On the other hand, the work on capacity building should be done continuously, responsively and in every possible way that make it hard to be measured. It is our main day-by-day activities. About 30-40 percent of AMAN's budget is spent for capacity building at the regional and local level.

How we spend it? In our statute/constitution, capacity building is inherently a component in our operational mechanism and monitoring and evaluation system. It covers activities such as internships, trainings, exchange visits, representing AMAN abroad, etc. As a figure, last 4 years we had 82 (eighty two) local chapters. To implement this capacity building program we need some USD two million per year. Now we need even more for organization only, besides other program activities.

SESSION II. Lessons Learned

Filippo:

The idea is to discuss some lessons emerging from the pilot that in your opinion are important for AMAN's internal reflection and/or for informing the Tenure Facility on how it can be more responsive to the needs of IP organizations.

Inputs from Rukka and Abdon

- The many consultants coming to visit us is not really a problem as we understand that this is a pilot project.
- At start, we understood that this pilot project would last one year. So, we are surprised that apparently it becomes two-year program. If we knew about this from the beginning, we would have planned and designed differently for a bigger and longer project.
- So now we need to redesign this project for the second phase to better capture and respond to the latest development and needs of the IP. We need to grow, adapt and be updated with current situation, too.
- We would have assumption on the availability of government budget to replace the budget from the Tenure Facility. We did not have the discussion on this last year, and we designed this pilot for only one year program. Now Jokowi administration will have this budget perspective for 2017, and for us this is related to our funding or financial sustainability.
- The important lesson AMAN learned from the pilot is the flexibility of the Tenure Facility funds that we can use. From the start we already agreed on this, so that we may move and work freely to respond to many political opportunities emerging in various levels and places. Since this pilot is only for one year, we need to be most strategic, and we cannot do this with a rigid modality or strict rule. We need some space for flexibility without compromising accountability principles. We learn a lot from adaptive management for moving around in political realm. And this is possible because there is mutual trust between the Tenure Facility and AMAN.
- Another lesson: with sufficient funds we may shape up a better network among executive, legislative (parliament), NGO and CSO (IP communities), in which collaboration and consolidation

are built.

Filippo:

Can you talk a bit about the private sector and its potential role (if there is one) to helping secure collective tenure rights in Indonesia?

Rukka, Abdon, Mina:

- We understand the underlying reasoning of working with some private sector actors, but we believe that it's not the case for us here. The reality is not appropriate for such approach. Here in Indonesia, we are still struggling to be visible; this is still our basic movement. Hence, the mapping is essential. Based on our experience, working together with the IP community is cheaper than doing the consumer campaign. Just using the map as our instrument we can have media coverage in the international media. As for the private sector, they will ask us many questions on the map, on our claims and complaints, and request us the proof or evidence. This wasting our energy and resources! This is not a smart choice for AMAN. Thus, we support and work with other NGO (e.g. Greenpeace, Forest Watch Indonesia) with our information and let them do the consumer campaign.
- Moreover, we need to convince ourselves that we have equal power with the company to get into the negotiation. Otherwise, it is just a "killing field" for us. Hence, it is more important and fundamental to be visible, taken into account and balancing power. After we have our map, then we may negotiate.
- Even the power relation between the government and the private sector is imbalanced, not to mention between private sector and us. We have not yet recognized as a component of this society. They have all recognition, licenses and legislation from the government, and ammunition, while we're still invisible and lacking of many things. So? We need to empower ourselves first.
- The biggest challenge here is to recognize and respect the context. They understand about FPIC, but still refuse to recognize our customary territories. If we already have the IP maps and the IP Law, we might consider this.

Filippo:

Do you have any lessons or comments concerning Tenure Facility project approaches (for example, project duration, etc.)?

Abdon and Rukka:

- It's okay as long as it's flexible. Here we are working with momentum. Political momentum only happens once and last shortly. If you want to take advantage of this momentum you need to be flexible.
- But when you look at the project document (design), it's too complicated, especially on the monitoring system. There are too many forms we need to fill out. If we want to be flexible, it's hard to follow (the framework). Your logical framework seems to be for longer-term, and not referring the opportunities. This is my critic. So, the challenge is to design the logical framework based on opportunity (opportunity-based project). This should be flexible, adaptive, like "a loop", as our realities and works are not linear.

Filippo:

Can we talk a bit about institutional and technical support?

Rukka and Abdon:

- Trust and support! Also, a liaison person like Chip Fay is very useful in reminding us constantly, to

accompany us along the process and take our lessons independently and objectively from some distance.

- We still need technical training on GIS, mapping, satellite image and drone application for the IP communities, as well as on legal drafting. RRI partners often have the capacity to provide the training that we need.

SESSION III. Review of Tenure Facility proposed MEL Framework.

Rukka:

On monitoring and evaluation, let us start with setting the context, where we are now and why we're coming to this point. In our discussion with the Tenure Facility in London, I already mentioned that the Tenure Facility monitoring and evaluation framework was too complex, heavy with tools, columns, and needed to be simplified. Otherwise, we will not be able to catch up our works, as we will be more busy trying to achieve the targets in Tenure Facility timelines, and filling out these forms for monitoring. In fact, the Tenure Facility agreed and sent Anni to discuss this thoroughly with us on how we develop a much simpler tool to monitor our performance based on our framework, including the knowledge management.

In AMAN, we already have our monitoring and evaluation system inherently in our constitution. We set up our agenda, objectives, and logistical needs of the project. We have regular monitoring and evaluation meeting every 6 months with AMAN's Central Governing Body (*Pengurus Besar*); every 3 months with the Secretary General; and other smaller coordinating meetings across teams both in vertical and horizontal order. Besides, we also have consultative meeting with members of the Strategic Group to get their comments, analyses, advices and recommendation for trouble shooters on this project. They also involve in monitoring and evaluation of our progress.

We also publish our financial cash-flow every 2 months in our media and website, therefore all AMAN members and the public may see how much is our funds and where the money comes from and goes for what activity. This is our own mechanism to implement our transparency and accountability, and for our monitoring and evaluation. Hence, any additional monitoring and evaluation system should be integrated with ours and not be extra burden.

Erasmus:

On indicators and monitoring, we got some recommendations and suggestions from our friends in Strategic Group, how to adjust our agenda at the national and local level into the project document. For instance, we selected the 8 sites of district for the first stage, and later expand to other districts. However, even though we had achieve some targets in the first 8 districts, we need to maintain and watch the follow up actions here while expanding to next districts. In some cases, maybe we even already over-achieve the Tenure Facility's expected target, but this is not measured in the Tenure Facility framework document. Hence, we need to carefully define the indicators here to measure our achievement, based on local context, situation and needs.

Rukka:

When outsiders still do not want to recognize IP rights and existence, but they invite us to their meetings or conferences, actually it's already a sort of recognition, yet pseudo or unofficial.

Filippo:

Can we talk a bit about the indicators that you use (or potential indicators in your opinion) for monitoring your work with IP communities, participatory mapping, legal drafting, and so on. Do you have any suggestion for improving/changing the Facility's MEL proposed indicators?

Rukka, Mina, Abdon:

We have discussed this thoroughly with Anni and we hope you already received the report from her. We do not need to discuss this again in detail. Eras has sent you the table of achievements. There you might get some ideas on what's the best for indicators of our works.

For instance:

- On resolution of conflicts related to mapping process, we cannot put in the indicators for this activity, as it goes differently case by case, and could be sensitive to indicate the process.
- For mapping we have numbers of community and area coverage for mapped territory (up till now we have 7, 4 million hectares); impact of the use of the map on the community works. We discussed to put in the participation of women and gender perspective in the mapping process.
- We also have numbers of cadres who get training to conduct the mapping process (it is 400 cadres now); and how fast they respond to community request to make their map.
- On the policy aspect, the indicator for IP's map recognition process is to be validated and integrated into the One Map Policy.
- However, we cannot put too much or too high (ambitious) numbers for indicators, as we cannot control external factors. Better we put minimum target that we could achieve, and the indicators should be SMART enough for us to manage/control. It's good that the Tenure Facility asked us whether the indicators and assumptions are suitable for our context and condition.
- For IP community organizing, we monitor how many new members, local chapters and regional chapters within 6 month; their financial management; and their commitment to hold regular meeting every 3 and 6 months, etc.
- Internally we also have program indicators for the whole system and every director has their strategic objectives with relevant indicators, which I regularly report to the AMAN Council every 6 months.

SESSION IV. RECOMMENDATIONS

Filippo:

It would be helpful if we can discuss AMAN's recommendation for the Tenure Facility which could be useful at the global level, and also your internal recommendation and challenges for AMAN.

Recommendations by Mina, Erasmus, Rukka, Abdon:

- We already mention earlier our recommendation on special allocation for capacity building, we need more flexibility on funds spending to take advantage of political momentum and opportunity, better design for future project, the logical framework should be more flexible and simple.
- On the private sector or company engagement issue, we think that we cannot do it now in Indonesia's context and current situation.
- The company/private sector knows that there are IP communities on the site, but they do not want to recognize IP existence. As long as the government has not recognized IP's rights yet, the private sector will not do anything as well. They just follow government policies and regulations. Thus, this could be a problem if the Tenure Facility would put this private sector engagement as a target, but perhaps still okay to put it as an indicator for Tenure Facility work in other countries.
- For monitoring and evaluation, should be simpler and easier for IP organizations.
- For indicators we should differentiate which ones we can control (e.g. internal capacity building), and which ones we cannot (legal process and politic). For instance, the process of IP Bill legal

drafting is actually beyond our control. Therefore, we should put the minimum target in the project design, and carefully consider the external factors for assumptions.

- Too high indicators will only force us to work harder to meet these. If we cannot achieve, we will have bad performance in general.
- Regarding those recommendations above, the Tenure Facility should look back their project design and put it in the national and local context, hence lower down their expectation and indicators. They should study the previous RRI reports related to IP issues to help them defining more sensible assumptions and indicators.
- As for AMAN, we need to set the SMART indicators for ourselves, and for this we need to know our strength, weakness, opportunity, and threats. When we cannot know about other things (beyond our control), then we use assumptions. The challenge is how to maintain our strength and opportunity for high achievements.
- To define indicators for the legal process of regulation at the local level, we need to assess the local capacity and their response to the local politics. At least there are three steps: the drafting of academic papers; proposing this academic paper to be in legislation agenda (political papers); enactment of the draft to be the regulation (legal papers). What we can control is only the drafting of academic papers. The rest is mostly beyond our control and unpredictable.

Abdon's concluding remarks:

From this workshop, I may come up with this conclusion that the Tenure Facility's main mission is to enable the IP to respond to legal and political opportunities for their effective work. What are the lessons learned from Indonesia? First, the approach should be based on opportunity and strength. This is important to leveling up the IP self-confidence. The Tenure Facility should start from a high-rate of success, since we are talking about short-term intervention and flexible project based on trust. The flexibility is essential for IP to be able to respond to the political dynamic. Second, for this reason, we need to create simple indicators which relate the opportunity and the strength, the indicators that easy enough for IP to manage the opportunity based on their strength. Therefore, the Tenure Facility should avoid the situation where the threat is high but the IP is weak. For this situation you will need long-term intervention, at least 5-10 years program, and this is not suitable for the Tenure Facility. Lastly, for short-term projects, the Tenure Facility should have a strong communication strategy to produce inspiration to more people.

Additional information from Rukka:

Here in Indonesia we have just produced short video documentations to be shared through our website as some inspirations from Indonesia. Next month we will produce short stories from Lebak. This effort is based on what we discussed in London on the knowledge management system which connects people anywhere anytime.

Annex 7. List of People Interviewed and Workshop Participants

List of People Interviewed				
No.	Name	Position, Organization	Email address	Contact number
01	Steve Rhee	Program Officer, Ford Foundation	s.rhee@fordfoundation.org	08111336794
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03	Erwin Dwi Kristianto	HuMa, Association for Ecological and Community-Based Law Reform	erwin70@gmail.com	081327096984
04	Agung	HuMa	huma@huma.or.id	622178845871
05	Eko Cahyono	Sajogyo Institute	ekochayono.sains@gmail.com	082312016658
06	Deny Rahadian	JKPP (Jaringan Kerja Pemetaan Partisipatif), Network on Participatory Mapping	denyrahadian@gmail.com	081398745082
07	Muhammad Yusuf	JKPP	seknas@jkpp.org	085288668183
08	Kasmita Widodo	BRWA (Badan Registrasi Wilayah Adat), Ancestral Domain Registration Body	kwidodo@gmail.com	081360993020
09	Sandra Moniaga	Commissionaire of National Commission on Human Rights	sandram@cbn.net.id	0811896379
10	Myrna Safitri	Epistema Institute/Peat Rehabilitation Body	myrna_safitri@yahoo.com	0816861372
11	Noer Fauzi Rachman	Presidential Executive Office	noer.fauzi.rachman@ksp.go.id	082121708842
12	Usman	Chief of Kanar IP community		085239510632
13	Rosalia	IP woman of Kanar community		
14	Datuk Sukanda	Chief of Cek Bocek IP community		082340264712
15	Aminuddin	IP youth of Pusu community	aminuddin.din@gmail.com	082340111877
16	Surya	IP youth of Cek Bocek community		082339779183
17	Hatta Jamal	Chief of Ponan IP community		087863945679
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19	Lahmuddin Zuhri	Head of Legal Drafting Team, University Samawa	lahmuddinzuhr@yahoo.com	081933127555
20	Dianto Subiyanto	Member of Legal Drafting Team	diantosubiyanto@gmail.com	0859338911002
21	Lalu Budi Suryata	Chairman of Local House of Representatives, Sumbawa District		081909079740
22	Syamsul Fikri	Head of Commission I, Local House of Representatives, Sumbawa District		081337539807
23	Rasyidi	Secretary of Local Government of Sumbawa (Sekda)		
24	Julmansyah	Forest Management Unit, Sumbawa	julmansyahjmh@gmail.com	08123763431
25	Abdon Nababan	Secretary General of AMAN	Abdon.nababan@aman.or.id	0811111365
26	Devi Anggraini	Perempuan AMAN, Women Wing Organization of AMAN	me_mame@yahoo.com	081283879244
27	Yoga Kipli	AMAN UKP3 (Unit Kerja Percepatan Pemetaan Partisipatif), Work Unit on Participatory Mapping Acceleration		081286809952

AMAN Workshop, Rumah AMAN, 4 May 2016				
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06	Devi Anggraini	Perempuan AMAN, Women Wing Organization of AMAN	me_mame@yahoo.com	081283879244
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the **TENURE FACILITY**

Budget and Expenditures

Through First Quarter 2016

the **TENURE FACILITY**

Pipeline of Projects for Prioritization

- I. Current Selection Criteria
- II. Recommendations on Selection Criteria from Institutional Assessment
- III. Pipeline of Proposed Projects

Current Tenure Facility Project Selection Criteria

In choosing projects for funding, the Tenure Facility is guided by the Facility's goal and mission, including, but not limited to, providing funding for groups or individuals that seek to advance land and forest tenure and expand community rights.

Successful grants will:

- Target and respond to the needs of the community, providing direct benefits to vulnerable and disadvantaged groups with rapid results for improved or advanced community tenure rights.
- Utilize innovative approaches or partnerships engaging NGOs/CSOs, community associations, or local governments as implementing agencies to reach the target groups not reached by other programs.
- Are IP/LC driven initiatives and/or reflect a Participatory Design and consultation process with the targeted beneficiaries who endorse the grant activities.
- Utilize participatory Monitoring and Evaluation to help beneficiaries measure progress, strengthen accountability, and to ensure ownership and sustainability.
- Comply with the Tenure Facility's Social and Environmental, Human Rights, Gender and Conflict Sensitivity standards.
- Demonstrate support, or include, a credible strategy to earn support from the government authorities relevant to the achievement of the intended outcomes and potential scalability of the project.
- Clearly identify implementation risks, programmatic assumptions, and anticipated mitigation strategies.

Grantees should have:

- Legal status: be a legal entity registered in the local country
- Representation: have community ties, accountability to members or beneficiaries, diversity and gender sensitivity
- Governance: have sound internal management policies and practices, comprising organizational dimensions, such as clear management roles and responsibilities, clear methods of planning and organizing activities, human capital, financial and technical resources, and partnerships
- Transparency: including disclosure of sources of funding, financial accountability and governance transparency

- Fiduciary capacity: ability to manage large grants
- Meet or exceed fiduciary requirements in terms of disbursement and procurement
- Institutional capacity: appropriate scale of operations, facilities, and equipment
- Competence: demonstrated experience in project management, coordination and financial management; project executing team possesses relevant skills and experience across all areas for which activities have been proposed
- Proven track record: concrete evidence of its experience executing projects
- Good reputation with no significant arrears in financial and physical reporting, audits or cancellation of expenditure to financiers in the prior 3 years

Recommendations on Selection Criteria from Institutional Assessment¹

Excerpt, Page 18-19

- 7) **Develop clear criteria for country prioritization and identify initial priority countries.** These could include forest cover, rate of deforestation, areas controlled by IPs/LCs, assessed degree of security of land tenure, existence of capable IPOs/CSOs, potential for scaling up and working in partnership with government, private sector and civil society linked to ongoing initiatives, degree of tenure reform progress and policy support, financing gaps, etc.
- 8) **Select the next round of projects by applying clearer criteria and with the objective of developing a more strategic portfolio.** Focus more on countries with considerable potential to link both the IPs'/LCs' land tenure objectives and climate change mitigation/REDD+. Further, these countries should have potential to make use of various land reform agenda, IPs-related processes and REDD+-related initiatives including the possibility of scaling up finance for IPs/LCs and gaining government support for scaling-up effort to strengthen IPs'/LCs' tenure rights.
- 9) **Consider a phased approach to implementation and allow for time to make use of lessons learned from pilot projects in terms of government engagement, potential for scaling-up, partnerships, and private sector engagement.** The design and launch of new projects should draw on lessons from the ongoing pilots. One approach could be to move ahead with a reduced number of projects (quality before quantity) and choose countries with high relevance for the REDD+ processes, some of which are already scoped out, such as DRC, Colombia and Indonesia, for in-depth testing focused on how the TF can work more effectively with IPOs, CSOs/INGOs, governments, and the [private] sector. It would also provide results in priority countries while providing time for additional capacity building before the full-scale implementation of the TF.

¹ Indufor, *Recommendations on Criteria from the Institutional Appraisal of the International Land and Forest Tenure Facility: A Tool for Strengthening Indigenous Peoples' and Local Communities' Land Tenure and Forest Rights and Enhancing the REDD+ Agenda*, 24 May 2016.

Pipeline of Proposed Projects

As of June 2016

Burkina Faso | Local Land Certificates Supporting Women's Rights

Burkina Faso's *Law 034* on Rural Land contains promising provisions to secure local communities' collective and customary land rights. However, without effective implementation, local communities continue to be at risk of land grabs or left aside from decisions involving the management of natural resources on which they depend on. Building on the success of TENFOREST's work and in order to accelerate the decentralization of NR management, these initiatives need to be scaled-up nation-wide to effectively secure local communities' land and forest tenure rights.

Burkina Faso is the first and only country in the Sahel region to be accepted into the UN-REDD program. With Burkina being a REDD Program Partner country, as of April 2015, recognizing the central role that local populations, including women, play in the sustainable management of natural resources as well as the importance of securing local communities land and forest tenure rights, is crucial for the success of REDD+ and FIP projects. Since 2009, securing local land rights has been possible with the passage of *Law 034* on Rural Land, which officially recognizes customary tenure rights. The law provides for the acquisition of Local Land Certificates (Attestation de Possession Foncière, or APFR, in French), which formalize customary tenure rights; recognize collective rights to land use and access; and transfer land management to rural communities, including women. After 3 years, a request for a Land title can be submitted, thus granting local communities full property rights. Additionally, *Law 034* offers natural resources management tools such as Local Land Charters that are now officially recognized by local collectivities and authorities. This legal recognition of informal land rights offers protection against LSLA, equipping local communities with provisions specifying the conditions and acceptable norms for the transfer of land property rights.

Though the focus of most development partners (e.g., MCC) has been on individual land titles, TENFOREST, a platform working on tenure, has been working with women's groups since 2012 in order to secure collective tenure rights as provided by *Law 034*. In order to accelerate the decentralization of natural resources management as well as to ensure that women are able to secure their land rights, TENFOREST has been engaging with key actors involved in natural resources management, including religious and customary authorities, leaders of women's networks, landowners, local authorities, and government administrators, to increase their awareness of the tools available to local communities and women to secure their collective land rights. In 2015, a total of 10 Local Land Certificates in the

Communes of Guiaro and Po (Central-South Burkina) were submitted to the Nahouri Province authorities with the support of TENFOREST which included mapping of the land and compilation of the application materials for consideration. TENFOREST has also been actively involved in the development of gender and climate sensitive Local Land Charter at the Communal level in order to ensure the equitable and sustainable management of natural resources by local communities.

Cambodia | Land Rights Settlement Assistance

HAGL's activities on Economic Land Concessions (ELCs) in Cambodia have driven deforestation and conflict with local communities who lack tenure. HAGL is a very large Vietnamese agribusiness conglomerate. IFC was funding HAGL via an intermediary fund. HAGL was also backed by Deutsche Bank and Credit Suisse, which have since divested.

Local communities in Northwestern Cambodia opened a complaint against HAGL through the IFC's Ombudsman (CAO), and the company is now at the negotiating table. HAGL has made commitments to settling the conflict with local peoples by either paying compensation, returning unplanted land, or if communities are unwilling to accept compensation, then returning planted land. As a first step, the affected areas are being mapped. Communities intend to use these maps to formalize community titles.

This is a possible opportunity to demonstrate the added value of having the Tenure Facility as a new institution to assist with implementation of outcomes in tenure conflict cases, enabling the CAO mediation with parties and the government to result in titling as part of the communities' resolution of conflict with the company.

Colombia | Land Rights for Afro-Colombians on the Caribbean Coast

The Peace Process in Colombia includes attention to land rights. In the Colombian Caribbean region, Afro-descendant communities are demanding tenure rights over 2 million hectares (only 3000 hectares have been recognized). These communities occupy dry forest and savannahs. There are over 190 Afro-Colombian community councils formed in the Caribbean, of which 27 have formally registered their application for collective titles. The opportunity to advance the recognition of collective rights to territory is derived from the process of peace and land restitution to victims of armed conflict, where Afro-Colombian communities in the Caribbean have been one of the most affected. This has opened a window of collective reparation to communities in the Caribbean, where the concept of territorial recognition has been included in the first process of integral reparation for victims. An agreement has been reached with the Ministry of Agriculture to advance demarcation and tenure study in the first quarter of 2016, working with Javeriana University and community councils. This study will provide the necessary information to generate a Tenure Facility proposal.

Democratic Republic of the Congo (DRC) | Implementing the New Local Community Forest Concessions

In DRC, the government has opened a new path for recognizing IP/LC rights. The signature of decree N°14/018 of August 2, 2014, on the Attribution of Local Community Forest Concessions (LCFCs) signified a major accomplishment in recognition of customary ownership rights in the Democratic Republic of the Congo. Communities gained recognition of their customary ownership rights over forest concessions totaling 50,000 hectares. One of the final decrees of the 2002 Forest Code, the decree is viewed as one of the biggest successes for DRC's forest sector. Due to gaps in DRC's current land law, the decree remains the only mechanism for local communities and Indigenous Peoples to secure community forest tenure.

Ordinance n°025 on the regulations for the management and use of local community forestry concessions was signed on February 9, 2016, to the satisfaction of stakeholders from civil society, local communities, and the government. While the ordinance provides many opportunities for securing the rights of local communities and Indigenous Peoples, certain provisions may limit the effective implementation of the decree on the ground given the complexity of local contexts in DRC. Additionally, the lack of an adequate institutional framework to coordinate the implementation process at the provincial and local levels may pose a further challenge.

It is essential to take advantage of this opening to move beyond the existence of a legal framework and strategically implement the law on the ground. The RRI-supported national civil society platform on land, CACO, is developing a three-year strategy to implement pilot projects in DRC's provinces with local civil society and community-based organizations. Through these pilot projects, CACO will support communities to obtain local community forest concessions using the procedures established in the decree, ensuring that communities follow the appropriate regulations to allow for the successful implementation of the decree and for the security of local communities' customary forest rights.

India | Effective Implementation of the Forest Rights Act in Jharkhand

The proposed Tenure Facility project will aim to generate at least 5000 Community Forest Resource (CFR) claims from local communities (both tribal and other traditional forest dwellers) over 800,000 hectares of forest land and obtain rights recognition of at least 50% of the submitted claims during the project period. India is on the cusp of major transformation in forest tenure, which can lead to more than 150 million forest dependent people obtaining substantive rights and collective jurisdiction over an estimated 40 million hectares of forest land through effective implementation India's Forest Rights Act of 2006 (FRA). The state of Jharkhand, with its high tribal and forest-dwelling population, large forested areas, and unique history of land and forest administration, has some of the greatest potential for the realization of rights under the FRA. The implementation of the FRA has been prioritized both by the Prime Minister and the Honorable Chief Minister of Jharkhand. RRI estimates that approximately 1,994,387 hectares of Jharkhand's forests will come under the FRA, and thereby under the jurisdiction of local communities through democratically-elected councils – Gram Sabhas.

The total population directly affected by the Tenure Facility project will be in the range of 3-4 million people from one of the most poverty stricken areas of India. The project will support the Government of Jharkhand, civil society organizations, and the Gram Sabhas (village assemblies) to directly implement the FRA on the ground through participatory mapping, claim generation and rights recognition in 12 priority forested districts in the state.

This Tenure Facility project will be implemented through a tri-partite MOU with the Government of Jharkhand, Jharkhand Van Adhikar Manch (JVAM) and The Tenure Facility. The Tenure Facility will provide funding to JVAM for recruiting district level coordinators, engaging grassroots organizers (Van Mitras) and meeting the costs of training and capacity building of Gram Sabhas and Forest Rights Committee members. The Van Mitras will be primarily responsible for working with Gram Sabhas and local government officials to hold Gram Sabha meetings, carry out mapping of CFRs and submit claims. JVAM is a coalition of 22 civil society organizations and grassroots movements which has been working closely with the GOJ since 2015 for FRA implementation. A number of members of JVAM are eligible to receive funds from foreign sources, and currently RRI is supporting JVAM through coordinating partner Manthan Yuva Sansthan.

Kenya | Securing Indigenous Peoples' Tenure Rights

Kenya is at the crucial end game of a process that seeks to secure indigenous forests in Kenya through securing communities' customary rights to their lands. This approach is in line with Kenya's 2010 Constitution, with conservation science and with Kenya's human rights obligations. The NLC have shown willingness to become key partners, and need exposure to the realities on the ground to understand the willingness, capacity and desire of the forest dwelling communities to protect and sustain their lands. This project would support an NLC-led process that ensures a resolution pathway is developed on the ground with communities and agencies, at the County level in terms of County Government legislation and policy, and at the National level in terms of both legislation that enables this resolution, and Ministry, Agency and Donor commitment to this resolution pathway.

Pilots at Mt Elgon would be undertaken as a way of developing a template approach that can be used by communities across Kenya (and potentially elsewhere) to establish: (1) The evidence needed to make an effective claim for community tenure, and (2) the governance structures, bylaws, mapping and management plans needed to make a success of community tenure, socially and ecologically.

The Pilots would also be engaged in with the purpose of developing positive relations between each of the communities and the relevant Agencies, as they partner in protecting the fauna and flora. This is a key part of demonstrating how – in practice – communities can be central to conservation where their community tenure rights and governance systems are recognised and engaged with by Government agencies. The pilots are fundamental to building the capacity and the confidence of the communities and Government agencies in their ability to work to enable: (1) Communities to show they can conserve, care for, and where necessary regenerate their forest lands, and to enable and (2) Government conservation agencies to realise they are gaining a powerful and effective workforce that needs their

technical help but which can ensure their conservation goals are realised in a way that is impossible under the conservation regimes developed in a colonial context. This project will enable the NLC, FIPN, Katiba Institute and FPP to ensure all parties support a resolution that enables forest communities to secure their tenure and so secure their forests.

the **TENURE FACILITY**

Future Trajectory

Inception and Institutionalization Phase Gantt Chart

Version June 2016

June 2016	THE TENURE FACILITY	Inception Phase								Independent Operations					
		2014				2015				2016				2017	
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Assessments	Activity 1: Conduct national assessments to determine needs, demand for proposed Facility services, potential pilot opportunities and co-financing options	<div></div>													
	Activity 2: Update analysis of the costs and best practices of securing land rights, and experiences from prior projects and initiatives	<div></div>													
Consultations and Information Sharing	Activity 3: Engage and consult with Indigenous Peoples, community groups, governments and private investors to receive input, adjust design and reach agreement	<div></div>													
	Activity 4: Assess and propose options for legal and financial systems, place of incorporation	<div></div>													
Design and Setup	Activity 5: Establish transition team & hire dedicated RRG staff	<div>Milestone 1: Transition Team Established (June 30, 2014)</div>													
	Activity 6: Set up Advisory Group with links to key stakeholder institutions	<div>Milestone 2: Advisory Group Established (September 30, 2014)</div>													
	Activity 7: Refine Facility roles and services; develop standards and accountability and M&E mechanisms	<div>Milestone 3: Secretariat & Board Launched (December 1, 2016)</div>													
	Activity 8: Set up Facility Secretariat and Facility Board of Directors	<div></div>													
Pilots	Activity 9: Identify portfolio of pilot projects in priority countries	<div></div>													
	Activity 10: Launch and support pilot projects	<div></div>													
Operations	Activity 11: Assess and develop second round of projects	<div></div>													
	Activity 12: Support projects	<div></div>													
	Activity 13: Conduct evaluation to assess Facility readiness for independent financial functioning	<div></div>													
	Activity 14: Maintain and run Facility (core expenditures)	<div>Milestone 4: Independent Financial Structure Established (December 1, 2016)</div>													
	Activity 15: Monitor, evaluate, and assess impact	<div></div>													
	Activity 16: Consolidate and disseminate lessons and best practices from Facility projects	<div></div>													

Establishing Legal Independence and Location

- I. MDY Report: Legal and Institutional Options
- II. MDY Report: Answers to Supplemental Questions and Conclusions
- III. MDY Report: Matrix of Answers to Supplemental Questions
- IV. Additional Note on the Community of Practice and Quality of Life for International Staff in the Optional Secretariat Location Sites

MDY Report: Legal and Institutional Options

12 March 2015

The full report can be found at:

<https://drive.google.com/open?id=0Bz4oqWLNcvgyempwc3JRTTVfTWM>

**MDY Report: Answers to Supplemental Questions and
Conclusions**

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

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.

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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)

MDY Report: Matrix of Answers to Supplemental Questions

**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%	15%	30%	
	VAT	17.5-20%	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?	<p>Average rental rates (Sep 2013):</p> <table><tr><th>Region</th><th>Average rental Rates (£) p.a.</th><th>Increase (+)/Decrease (-) over prev. year</th></tr><tr><td><u>Greater London</u></td><td>42,933</td><td>(+19%)</td></tr><tr><td><u>South East</u></td><td>26,899</td><td>(-16%)</td></tr><tr><td><u>East Anglia</u></td><td>20,748</td><td>(-28%)</td></tr><tr><td><u>East Midlands</u></td><td>19,751</td><td>(-13%)</td></tr><tr><td><u>West Midlands</u></td><td>NA</td><td>~(-7%)</td></tr><tr><td><u>South West</u></td><td>NA</td><td>~(-11%)</td></tr><tr><td><u>Wales</u></td><td>16,314</td><td>NA</td></tr><tr><td><u>North West</u></td><td>15,717</td><td>(-25%)</td></tr><tr><td><u>Yorkshire & Humberside</u></td><td>26,972</td><td>(-1%)</td></tr><tr><td><u>Scotland</u></td><td>29,032</td><td>(+122%)</td></tr></table> <p>Source: http://www.rbs-businesssense.co.uk/Rightmove.html</p>	Region	Average rental Rates (£) p.a.	Increase (+)/Decrease (-) over prev. year	<u>Greater London</u>	42,933	(+19%)	<u>South East</u>	26,899	(-16%)	<u>East Anglia</u>	20,748	(-28%)	<u>East Midlands</u>	19,751	(-13%)	<u>West Midlands</u>	NA	~(-7%)	<u>South West</u>	NA	~(-11%)	<u>Wales</u>	16,314	NA	<u>North West</u>	15,717	(-25%)	<u>Yorkshire & Humberside</u>	26,972	(-1%)	<u>Scotland</u>	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?	<p>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)</p> <p>Source:https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298510/working-futures-2012-2022-main-report.pdf</p>
8. How difficult is it to recruit qualified staff?	<p>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%)</p> <p>This indicates that UK is amongst the best countries in terms of ease of finding qualified staff</p> <p>Source:http://www.manpowergroup.com/wps/wcm/connect/408f7067-ba9c-4c98-b0ec-dca74403a802/2015_Talent_Shortage_Survey-lo_res.pdf?MOD=AJPERES&ContentCache=NONE</p>

9.	<p data-bbox="204 1771 347 1980">How difficult is it to dismiss underperforming staff?</p> <p data-bbox="204 465 231 1704">Dismissal is when the company ends an employee's contract. When dismissing staff, the company must do it fairly.</p> <p data-bbox="268 1294 295 1704">Some reasons for unfair dismissal are:</p> <ul data-bbox="323 465 587 1682" style="list-style-type: none"> • 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 <p data-bbox="619 1144 646 1704">Source: https://www.gov.uk/dismiss-staff/overview</p> <p data-bbox="683 1447 710 1704"><u>Termination Settlement</u></p> <p data-bbox="742 203 847 1704">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.</p> <p data-bbox="884 255 951 1704">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</p> <p data-bbox="987 203 1054 1704">Source: http://www.pinsentmasons.com/en/employmentlawplus/knowledge/latest-developments/july-2013/settlement-agreements--pre-termination-negotiations/</p> <p data-bbox="1091 1559 1118 1704"><u>Notice Period</u></p> <p data-bbox="1150 203 1217 1704">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.</p> <p data-bbox="1254 376 1281 1704">Failure to give notice will be a breach of contract entitling the employee to make a contractual claim for breach of contract</p> <p data-bbox="1313 439 1340 1704">Source: http://www.xperthr.co.uk/employment-law-manual/notice-and-pay-in-lieu-of-notice/20427/#notice-periods</p>
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10.	What are the constraints of hiring international staff?	<p>Tier 5 (Temporary Worker - International Agreement) visa</p> <p>A person can apply for a Tier 5 (TWIA) visa if:</p> <ul style="list-style-type: none"> • 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 <p>A person can apply for a Tier 5 (Temporary Worker - International Agreement) visa if he/she has:</p> <ul style="list-style-type: none"> • a certificate of sponsorship reference number • £945 in savings • Work covered by international law <p>Source: https://www.gov.uk/tier-5-international-agreement/overview</p>
11.	What are the considerations for remuneration, recruitment and retention of staff?	<p><u>Remuneration:</u></p> <p>Average hourly labour cost UK is at €22.3.</p> <p>Source: http://ec.europa.eu/eurostat/statistics-explained/index.php/Hourly_labour_costs</p> <p><u>Retention:</u></p> <p>The UK average employee turnover rate is approx. 15% a year, although this varies drastically between industries.</p> <p>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.</p> <p>Industries with traditionally low turnover rates include legal, accountancy, education and the public sector</p> <p>Source: http://hiring.monster.co.uk/hr/hr-best-practices/workforce-management/employee-retention-strategies/what-is-the-ideal-employee-turnover-rate.aspx</p>

Question	Answer
<p>12. What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?</p>	<p>There are no waivers as such to international staff for obtaining Tier 2 visa (Working visa) in UK</p> <p>A Tier 2 visa is an employer sponsored visa for individuals who have a job offer which meets certain conditions:</p> <ul style="list-style-type: none"> • 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 <p>Source: http://www.mirror.co.uk/news/ampp3d/average-private-school-fees-now-4168150</p>

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> <p>Source: http://www.numbeo.com/cost-of-living/country_result.jsp?country=United+Kingdom</p>	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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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) [GBP]</th><th>Range</th></tr><tr><td>London</td><td>1,955.63</td><td>1,400 - 2,600</td></tr><tr><td>Birmingham</td><td>1,499.88</td><td>1,200 - 1,750</td></tr><tr><td>Leeds</td><td>1,648.25</td><td>1,200 - 2,200</td></tr><tr><td>Manchester</td><td>1,345.59</td><td>896 – 1,800</td></tr><tr><td>Liverpool</td><td>1,702.12</td><td>1,250 – 2,000</td></tr><tr><td>Leicester</td><td>1,413.67</td><td>1,050 – 2,000</td></tr><tr><td>Bristol</td><td>1,842.27</td><td>1,505 – 2,300</td></tr></table> <p>Source: http://www.numbeo.com/cost-of-living/country_result.jsp?country=United+Kingdom</p>	City	Average Monthly Disposable Salary (After Tax) [GBP]	Range	London	1,955.63	1,400 - 2,600	Birmingham	1,499.88	1,200 - 1,750	Leeds	1,648.25	1,200 - 2,200	Manchester	1,345.59	896 – 1,800	Liverpool	1,702.12	1,250 – 2,000	Leicester	1,413.67	1,050 – 2,000	Bristol	1,842.27	1,505 – 2,300																
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15.	What are health care, child care and schooling costs?	<p><u>Out-of-pocket healthcare costs</u></p> <p>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)</p> <p>Source: http://www.oecd.org/unitedkingdom/Briefing-Note-UNITED-KINGDOM-2014.pdf</p> <p><u>Childcare costs</u></p> <p>Across the UK parents will spend an average of £67,586 per child on babysitting, nursery fees or child minders, based on current prices</p> <p>Source: http://www.telegraph.co.uk/news/uknews/11360819/Average-cost-of-raising-a-child-in-UK-230000.html</p> <p><u>Schooling costs</u></p> <p>Cost of private schools in UK is £12,345 on average, while the most expensive schools cost well over £30,000</p> <p>Source: http://www.mirror.co.uk/news/ampp3d/average-private-school-fees-now-4168150</p>
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16.	Would staff be eligible to access public services if available?	<p><u>Free Healthcare</u></p> <p>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</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>Source: http://content.time.com/time/health/article/0,8599,1916570,00.html</p> <p>https://www.migreat.com/en/health-care-rights-uk-immigrants-s100</p> <p>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.</p> <p><u>Free Education</u></p> <ul style="list-style-type: none"> • 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. <p>Source: http://www.educationuk.org/global/articles/16-and-under-international-students/</p>
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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
<p>17. Does the host country regulate how those standards are implemented?</p>	<p>The rights of employees in UK are regulated by the Employment Law and Employment Relations Act 2004</p> <p>Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx</p> <p>Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx</p>
<p>18. What are employment law and employment relations requirements?</p>	<p>The main employment statutes include the:</p> <ul style="list-style-type: none"> • 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. <p>There is secondary legislation covering areas such as:</p> <ul style="list-style-type: none"> • Working time. • Part-time workers. • Fixed-term employees. • Informing and consulting employees. • Business transfers. • Maternity, paternity and adoption. <p>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</p>

Question	Answer
	<p>relation to redundancy pay, minimum notice periods and the right to claim unfair dismissal.</p> <p><u>Employment Law</u></p> <p>Key components of the employment law in the United Kingdom are:</p> <ul style="list-style-type: none"> • Employment Contracts • Wage and Hour (including Minimum Wage rate) • Holiday Entitlement • Discrimination Laws • Maternity and Paternity Leave • Terminations • Redundancies <p>Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx</p> <p><u>Employment relations</u></p> <p>Employment relations in UK are governed by the Employment Relations Act 2004. Facilities must comply with the act. It mentions details regarding:</p> <ul style="list-style-type: none"> • Rights of trade union members, workers and employees • Union recognition • Law relating to industrial action • Enforcement of minimum wage legislation <p>http://www.legislation.gov.uk/ukpga/2004/24/pdfs/ukpga_20040024_en.pdf</p>
19.	<p>How should the Facility comply</p> <p>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</p>

Question	Answer
<p>with:</p> <ul style="list-style-type: none"> a. Work-time regulations b. Employee protection laws c. Legally mandated (or culturally accepted) <ul style="list-style-type: none"> i. vacation days ii. sick days iii. maternity/paternity leave iv. overtime hours 	<p>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</p> <p>Source: http://www.crossborderemployer.com/post/2013/04/09/Employment-Law-in-the-United-Kingdom.aspx</p> <ul style="list-style-type: none"> b) Employment Law and Employment Relations Act 2004 as mentioned in Question 18 above c) Legally mandated: <ul style="list-style-type: none"> i. Vacation days: Most workers who work a 5-day and 6-day week must receive 28 days' paid annual leave per year <p>Source: https://www.gov.uk/holiday-entitlement-rights/entitlement</p> <ul style="list-style-type: none"> 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 <p>Source: https://www.gov.uk/browse/employing-people</p> <ul style="list-style-type: none"> 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. <p>Source: https://www.gov.uk/overtime-your-rights/overview</p>

20.	What are the discrimination laws, if any?	<p>It is against the law to discriminate against anyone because of:</p> <ul style="list-style-type: none"> • 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 <p>These are called 'protected characteristics'.</p> <p>Employees are protected from discrimination in these situations:</p> <ul style="list-style-type: none"> • 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 <p>Employees are legally protected from discrimination by the Equality Act 2010.</p> <p>A person is protected from discrimination if:</p> <ul style="list-style-type: none"> • 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 <p>Source: https://www.gov.uk/discrimination-your-rights</p>
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Geneva

Question	Switzerland
6. Are there precedents for lower or subsidised rental space and/or services?	<p>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</p> <p>Source : Credit Suisse Report</p>

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?	<p>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</p> <p>Gross salary +</p> <p>Social security (OASI/DI/IC) 5.15% of gross salary</p> <p>Administrative costs 0.30% of gross salary</p> <p>State-mandated unemployment insurance 1.10% of gross salary</p> <p>Occupational accident insurance 1 0%. of gross salary</p> <p>State-mandated occupational pension fund 6.5% of gross salary</p> <p>Daily sickness benefits insurance 0.62% of gross salary</p> <p>Family allowance (two children) 2% of gross salary</p> <p>Source : Switzerland trade & Investment promotion, Investor handbook</p>
8. How difficult is it to recruit qualified staff?	<p>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:</p>

Question	Answer
	<ol style="list-style-type: none"> 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 <p>Source : Manpower Talent Shortage Survey 2015</p>
9.	<p>How difficult is it to dismiss underperforming staff?</p> <p>During the probationary period, the employment relationship may be terminated at any time with a notice period of seven days.</p> <p>If the employment relationship has lasted less than one year, 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.</p> <p>In the second up to and including the ninth year of service, the employment relationship may be terminated with a notice period of two months and thereafter with a notice period of three months</p> <p>Source : Switzerland business & investment handbook</p>
10.	<p>What are the constraints of hiring international staff?</p> <p>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</p>

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)?	<p>Work permit procedures are divided in two categories:</p> <p>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)</p> <p>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</p> <p>Non EU / EFTA nationals - Stricter regulation applies to non-EU nationals</p> <p>(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</p> <p>Source : Switzerland business & investment handbook</p>
13. How do individual cities compare in terms of the cost of living?	<div> City Consumer Groceries Restaurant Local </div>

Question	Answer																																																		
	<table><tr><th></th><th>Price Plus Rent Index</th><th>Index</th><th>Price Index</th><th>Purchasing Power Index</th></tr><tr><td><u>Switzerland</u></td><td>85.32</td><td>111.36</td><td>132.83</td><td>202.18</td></tr><tr><td><u>Overall</u></td><td></td><td></td><td></td><td></td></tr><tr><td><u>Geneva</u></td><td>101.59</td><td>135.47</td><td>140.9</td><td>189.35</td></tr><tr><td><u>Basel</u></td><td>89.27</td><td>112.72</td><td>152.03</td><td>181.98</td></tr><tr><td><u>Zug</u></td><td>96.97</td><td>117.2</td><td>154.31</td><td>297.86</td></tr><tr><td><u>Zurich</u></td><td>96.87</td><td>117</td><td>147.99</td><td>206.15</td></tr><tr><td><u>Lausanne</u></td><td>87.4</td><td>116.51</td><td>139.51</td><td>186.55</td></tr><tr><td><u>Bern</u></td><td>84.89</td><td>103.59</td><td>138.14</td><td>233.62</td></tr><tr><td><u>Lugano</u></td><td>77.22</td><td>103.53</td><td>135.75</td><td>174.8</td></tr></table> <p>Source : http://www.numbeo.com</p>		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
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14. In relation to the above, what are the average wage expectations for professional and technical staff depending on location?	<p>Average Monthly Disposable Salary (After Tax)</p> <table><tr><th>City</th><th>Average Salary</th><th>Salary Range</th></tr><tr><td>Geneva</td><td>CHF 6242.48</td><td>CHF 4800 - 8500</td></tr><tr><td>Basel</td><td>CHF 5220.00</td><td>CHF 4000 - 6260</td></tr><tr><td>Zug</td><td>CHF 9250.00</td><td>CHF 6150 - 11050</td></tr><tr><td>Zurich</td><td>CHF 6595.76</td><td>CHF 4754 - 10000</td></tr></table>	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																																			
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15.	<p>What are health care, child care and schooling costs?</p> <p>Annual out-of-pocket household spending on health – CHF 2,202.93 (2012)</p> <p>Schooling Cost - 25,000 CHF per year</p> <p>Child Care - Full-time place in a city will cost CHF2,500 a month</p> <p>Source :http://www.swissinfo.ch, http://www.expatica.com & www.expatarrivals.com</p>									
16.	<p>Would staff be eligible to access public services if available?</p> <p>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</p> <p>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</p> <p>Source : www.expatica.com & living & working in Switzerland Report</p>									

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?	<p>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</p> <p>Source : https://osha.europa.eu/</p>

Question	Answer
18. What are employment law and employment relations requirements?	<p>Switzerland</p> <p>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.</p> <p>Employees can bring actions in the Swiss courts if either the:</p> <ul style="list-style-type: none"> ○ Employee ordinarily works in Switzerland. ○ Employee is domiciled in Switzerland. ○ Employer is registered in Switzerland. <p>Conflict of laws provisions limit the choice of law for employment contracts to laws of the jurisdiction where either:</p> <ul style="list-style-type: none"> ○ The work is performed.

Question	Answer
	<p>○ The employee or the employer is domiciled.</p> <p>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.</p> <p>Robert Furter, Christian Roos, Clara-Ann Gordon, and Noëmi Kunz-Schenk, <i>Pestalozzi (Lex Mundi Member Firm)</i></p> <p><i>Law stated as at 01-Nov-2014</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The statutory minimum leaves (holidays) for employees are 20 working days or 25 days for employees under the age of 20</p> <p>There are also relatively few nonworking public holidays (around 10) to be remunerated.</p>

Question		Answer
		<p>Regional variations due to local customs and traditions may happen</p> <p>Source : Labour market, labour costs & labour law factsheet</p> <p>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.</p> <p>The working time of an individual employee, including breaks and excess hours, must be within a period of 14 hours</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>c. Legally Mandated days are as follows:</p>
19	<p>How should the Facility comply with:</p> <ol style="list-style-type: none"> d. Work-time regulations e. Employee protection laws f. Legally mandated (or culturally accepted) <ol style="list-style-type: none"> v. vacation days vi. sick days vii. maternity/paternity leave viii. overtime hours 	

Question	Answer
	<p><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</p> <p><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.</p> <p><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 at 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.</p> <p>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</p> <p><u>Overtime hours</u> - Under the Labour Act, excess hours may not exceed two hours per day</p>

Question	Answer
	<p>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 %</p> <p>Source : http://www.expatfocus.com, www.s-ge.com/sites & Labour Market & Labour Laws Report</p>
20.	<p>What are the discrimination laws, if any?</p> <p>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</p> <p>Source : Switzerland - Employment & Labour Law 2015, http://www.iclg.co.uk</p>

Stockholm

Question	Sweden										
6. Are there precedents for lower or subsidised rental space and/or services?	<p>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</p> <p>Average monthly rents for three-room apartments in 2014 by region</p> <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> <p>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/</p>	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?	<p>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</p> <p>15% have completed only compulsory education (as the highest level of attainment), 46% only</p>

Question	Answer
	<p>upper secondary education, 14% only post-secondary education of less than 3 years, and 22% post-secondary education of 3 years or more.</p> <p>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.</p> <p>Source: http://www.eepservices.in/sweden/</p>
<p>8. How difficult is it to recruit qualified staff?</p>	<p>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:</p> <ol style="list-style-type: none"> 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) <p>Source: Manpower Talent Shortage Survey 2015</p>
<p>9. How difficult is it to dismiss underperforming staff?</p>	<p>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”.</p> <p>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</p>

Question	Answer
	<p>within the company.</p> <p>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.</p> <p>Redundancy comprises reasons not specific to the individual, and includes financial considerations, business restructuring or the closing of a position.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Termination settlement: In cases where the company feels the statutory process runs counter to</p>

Question	Answer														
	<p>its business needs, it may agree on a termination settlement with the employee. Such agreements often involve payment of severance money.</p> <p>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.</p> <p>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.</p> <table border="1" data-bbox="726 824 949 1232"> <thead> <tr> <th>Employment period</th><th>Notice period</th></tr> </thead> <tbody> <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> </tbody> </table> <p>The notice period for the employee is one month. Collective agreements may stipulate other notice periods.</p> <p>Source: Business Sweden, Employing Staff – Contracts and Conditions</p>	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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10.	<p>What are the constraints of hiring international staff?</p> <p>For all non-Swiss nationals, a work permit is required.</p> <p>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</p>														

Question	Answer
	<p>or funds to return home.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Source: Business Sweden, Work and residence permits and business entry visas</p>
11. What are the considerations for remuneration, recruitment and retention of staff?	<p>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.</p> <p>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</p>

Question	Answer
	<p>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</p>

Question	Answer
12. What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Question	Answer																																								
	<p>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.</p> <p>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.</p> <p>Source: Business Sweden, Tax relief for key foreign employees</p>																																								
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15.	<p>What are health care, child care and schooling costs?</p> <p>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.</p> <p>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.</p> <p>Schooling Cost - The Swedish school system offers comprehensive education for children from age 6 up to university, entirely free of charge. For children 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.</p>																					

Question	Answer
	<p>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</p> <p>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/</p>
16. Would staff be eligible to access public services if available?	<p>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.</p> <p>Source: http://work.sweden.se/living-in-sweden/healthcare-in-sweden/</p>

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?	<p>Most Swedish workplaces are part of a collective agreement between unions and employers that regulates wages and working conditions, including health and accident insurance.</p> <p>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.</p>

Question	Answer
	<p>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.</p> <p>Source: http://work.sweden.se/living-in-sweden/workers-rights-and-unions/</p>

Question	Answer
18. What are employment law and employment relations requirements?	<p>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.</p> <p>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.</p> <p>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</p> <p>Source: http://work.sweden.se/living-in-sweden/workers-rights-and-unions/ http://www.worker-participation.eu/National-Industrial-Relations/Countries/Sweden/Workplace-Representation</p>

Question	Answer
19	<p>How should the Facility comply with:</p> <ul style="list-style-type: none"> g. Work-time regulations h. Employee protection laws i. Legally mandated (or culturally accepted) <ul style="list-style-type: none"> ix. vacation days x. sick days xi. maternity/paternity leave xii. overtime hours <p>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.</p> <ul style="list-style-type: none"> 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
	<p>insurance system.</p> <p>Fathers may also take ten days' leave in conjunction with the child's birth.</p> <p>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.</p> <p>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.</p> <p>Source: Business Sweden, Running a business in Sweden – An Introduction</p>
20.	<p>What are the discrimination laws, if any?</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Source: Business Sweden, Running a business in Sweden – An Introduction</p>

Montreal

Question	Montreal
6. Are there precedents for lower or subsidised rental space and/or services?	<p>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</p> <p>Source : Office Market Overview JLL</p>

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?	<p>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.</p> <p>The average monthly salary in Montreal is 5,609 CAD</p> <p>Source: http://www.investquebec.com/international/en/why-quebec/workforce.html, http://www.salaryexplorer.com/salary-survey.php?loctype=3&loc=3370</p>
8. How difficult is it to recruit qualified staff?	<p>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:</p> <p>1. Skilled Trades</p>

Question	Answer								
	<p>2. Drivers</p> <p>3. Management / Executive (Management / Corporate)</p> <p>4. Technicians</p> <p>5. Sales Representatives</p> <p>6. Engineers</p> <p>7. Secretaries, PAs, Receptionists, Admin Asst. & Office Support Staff</p> <p>8. Laborers</p> <p>9. Accounting & Finance Staff</p> <p>10. Teachers</p> <p>Source : Manpower Talent Shortage Survey 2015</p>								
<p>9. How difficult is it to dismiss underperforming staff?</p>	<p>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</p> <table border="1"> <thead> <tr> <th data-bbox="1118 719 1182 1240">Length of uninterrupted service</th><th data-bbox="1118 192 1182 719">Time period between the notice and leaving</th></tr> </thead> <tbody> <tr> <td data-bbox="1182 719 1246 1240">3 months to less than 1 year</td><td data-bbox="1182 192 1246 719">1 week</td></tr> <tr> <td data-bbox="1246 719 1310 1240">1 year to less than 5 years</td><td data-bbox="1246 192 1310 719">2 weeks</td></tr> <tr> <td data-bbox="1310 719 1369 1240">5 years to less than 10 years</td><td data-bbox="1310 192 1369 719">4 weeks</td></tr> </tbody> </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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10. What are the constraints of hiring international staff?	<p>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 Québec 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</p> <p>Source : Doing Business In Quebec BLG Report 2013</p>		
11. What are the considerations for remuneration, recruitment and retention of staff?	<p>Average hourly wage is at CAD 24.86 in May 2015 this is 1.7% more than wahta was being paid in May 2014.</p> <p>Source : http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labr69f-eng.htm</p>		

Question		Answer																				
12.	What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	<p>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.</p> <p>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.</p> <p>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</p> <p>Applications by professionals can also be processed under either one of NAFTA or GATS, having consideration for the differences between the two Agreements</p> <p>Source : Doing Business In Quebec BLG Report 2013</p>																				
13.	How do individual cities compare in terms of the cost of living?	<table><thead><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></thead><tbody><tr><td><u>Canada</u></td><td>49.23</td><td>74.84</td><td>70.78</td><td>149.36</td></tr><tr><td><u>Overall</u></td><td></td><td></td><td></td><td></td></tr><tr><td><u>Montreal</u></td><td>47.83</td><td>78.09</td><td>67.46</td><td>147.82</td></tr></tbody></table>	City	Consumer Price Plus Rent Index	Groceries Index	Restaurant Price Index	Local Purchasing Power Index	<u>Canada</u>	49.23	74.84	70.78	149.36	<u>Overall</u>					<u>Montreal</u>	47.83	78.09	67.46	147.82
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15. What are health care, child care and schooling costs?	<p>Annual out-of-pocket household spending on health in Quebec – CAD 5,531</p> <p>Schooling Cost – CAD 20,000 per year for private schools</p> <p>Public child Care expenses in Quebec are subsidised based on the net family income. Please find the rates below:</p> <p>Income under CAD 50,000 – CAD 7.30 per day</p> <p>Income over CAD 50,000 – CAD 8 per day and goes up to CAD 20 depending on the income level</p> <p>Private child care will typically start from CAD 35 per day in Quebec</p> <p>Source : http://www.statcan.gc.ca/pub/89-652-x/89-652-x2014005-eng.htm#n14, http://www.expatarrivals.com/canada/montreal/education-and-schools-in-montreal</p>						

Question	Answer
<p>16. Would staff be eligible to access public services if available?</p>	<p>International workers in Montréal enjoy the same fringe benefits as Canadian citizens, including:</p> <ul style="list-style-type: none"> • 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 <p>Source : http://www.montrealinternational.com/en/strategic-talents/live-in-montreal/five-good-reasons-to-settle-in-greater-montreal/</p>

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?	<p>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.</p> <p>Source : Labour Standards in Quebec Report 2014</p>

Question	Answer				
18. What are employment law and employment relations requirements?	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 border="1"> <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
	<p>Equal pay for equal work.</p> <p>The employment relationship is also regulated by provincial or federal legislation relating to:</p> <p>Human rights (such as the Canada Human Rights Act, R.S.C. 1985).</p> <p>Workers' compensation (such as the Canada Labour Code, R.S.C. 1985).</p> <p>Privacy legislation (such as the Personal Information Protection and Electronic Documents</p>
<p>19</p> <p>How should the Facility comply with:</p> <ul style="list-style-type: none"> j. Work-time regulations k. Employee protection laws l. Legally mandated (or culturally accepted) <ul style="list-style-type: none"> xiii. vacation days xiv. sick days xv. maternity/paternity leave xvi. overtime hours 	<p>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.</p> <p>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.</p> <p>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</p>

Question	Answer
	<p>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.</p> <p>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.</p> <p>C. Legally Mandated days are as follows</p> <p>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</p> <p>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.</p>

Question	Answer
	<p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p>

Question	Answer
	<p>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</p> <p>Source : Doing Business In Quebec BLG Report 2013, McMillan Report Employment law in Québec, Canada</p>
20.	<p>What are the discrimination laws, if any?</p> <p>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.</p> <p>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</p> <p>Source : McMillan Report Employment law in Québec, Canada</p>

Barcelona

Question	Answer
6. Are there precedents for lower or subsidised rental space and/or services?	<p>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</p> <p>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</p> <p>Average rental Price Central Business District (EUR/sqm/month) Barcelona: Jan 2015 – 15.65; Jan 2014 – 14.5</p> <p>Average rental Price Decentralised area (EUR/sqm/month) Barcelona: Jan 2015 – 10.86; Jan 2014 – 10.50</p> <p>Source: http://www.globalpropertyguide.com/Europe/Spain/Price-History https://www.aguirrenewman.pt/biblioteca_y_actualidad/docs/estudios_de_mercado/resumen%20ejecutivo%20en.pdf</p>

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?	<p>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</p> <p>Spain has one of the highest scores in Europe for long-term employment and business process outsourcing, according to A.T. Kearney.</p> <p>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</p>

Question	Answer
	<p>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..</p> <p>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</p>
8.	<p>How difficult is it to recruit qualified staff?</p> <p>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:</p> <ol style="list-style-type: none"> 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 <p>Source: Manpower Talent Shortage Survey 2015</p>
9.	<p>How difficult is it to dismiss underperforming staff?</p> <p>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.</p> <p>In the event of termination by the employer, there are three main grounds for dismissal of an employee:</p>

Question	Answer
	<p>Collective layoff: Economic, technical, organizational or production-related grounds</p> <ul style="list-style-type: none"> • 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 <p>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</p> <ul style="list-style-type: none"> • 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 <p>Disciplinary action: Serious and culpable breach by the worker.</p> <ul style="list-style-type: none"> • 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
	<p>paying the employee the salary accrued in the meantime, with effect as of the date of the new notice</p> <p>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</p> <p>Source: Invest in Spain</p>
10.	<p>What are the constraints of hiring international staff?</p> <p>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.</p> <p>Non-EU nationals must obtain prior administrative authorization to be able to live and work in Spain.</p> <p>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.</p> <p>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</p> <p>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</p> <p>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</p>

Question	Answer
	<p>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</p> <p>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)</p> <p>Non-renewable, except in exceptional circumstances</p> <p>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.</p> <p>Holders of EU blue cards that have resided for at least eighteen months in another EU country may obtain this authorization</p> <p>Duration: Duration of one year, renewable for two-year periods, unless a long-stay residence permit is applicable</p> <p>Source: Invest in Spain</p>
11. What are the considerations for remuneration, recruitment and retention of staff?	<p>Spain average hourly labour cost is at EUR20.9 (2013), which is lower than the EU-27 average of EUR23.7 (2013)</p> <p>The official minimum wage is established by the Government each year and amounts to EUR645.30</p> <p>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.</p>

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

Question	Answer										
12. What waivers, if any, do host countries provide for recruiting international staff (i.e. visa requirements)?	<p>Tax:</p> <p>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</p> <p>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</p> <p>Non-residents are subject on their Spanish-source income and capital gains.</p> <p>Exemptions:</p> <ul style="list-style-type: none">• 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 <p>Source: http://www.integra-international.net/files/guides/spain_2013.pdf</p>										
13. How do individual cities compare in terms of the cost of living?	<table><tr><th>City</th><th>Consumer Price Plus</th><th>Groceries Index</th><th>Restaurant Price Index</th><th>Local Purchasing</th></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	City	Consumer Price Plus	Groceries Index	Restaurant Price Index	Local Purchasing					
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Question		Answer																			
		<table><tr><th></th><th>Rent Index</th><th></th><th></th><th>Power Index</th></tr><tr><td>Barcelona</td><td>42.06</td><td>46.33</td><td>66.88</td><td>121.41</td></tr></table> <p>Source: http://www.numbeo.com/cost-of-living/city_result.jsp?country=Spain&city=Barcelona</p>					Rent Index			Power Index	Barcelona	42.06	46.33	66.88	121.41						
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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> <p>Source: http://www.numbeo.com/cost-of-living/city_result.jsp?country=Spain&city=Barcelona</p>				City	Average Monthly Disposable Salary (After Tax) [EUR]	Range	Barcelona	1482.57	1,000 - 2,300										
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15.	What are health care, child care and schooling costs?	<p>Health care:</p> <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
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Question	Answer
	<p>Prescription charges in Spain:</p> <p>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</p> <p>Getting Treated in Spain:</p> <ul style="list-style-type: none"> • General doctor Visit -35 EUR • Tooth Whitening -330 EUR • Filling -49 EUR • Varicose Vein Removal -1400 EUR <p>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</p> <p>Schooling Cost:</p> <p>Education in Spain is free from “six years to sixteen years of age”. This is supported by the government of the Spain.</p> <p>College Tuition cost: Costs of attending college in Spain are very reasonable, especially compared to other European countries, as well as the U.S.</p> <p>Average Costs:</p> <ul style="list-style-type: none"> • A bachelor’s degree education can cost you anywhere between 680 and 1,280 EUR per school year when

Question	Answer
	<p>attending a public university.</p> <ul style="list-style-type: none"> • 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 <p>Source: http://www.studying-in-spain.com/costs-of-attending-college-in-spain/</p> <p>Childcare:</p> <p>The state nursery usually provides childcare for the whole day, and the cost is roughly EUR 250 a month</p> <p>Source: http://www.expatica.com/es/family-essentials/Childcare-in-Spain_101464.html</p>
16. Would staff be eligible to access public services if available?	<p>State healthcare is free of charge to anyone living and working in Spain</p> <p>Expats are entitled to free state healthcare if:</p> <ul style="list-style-type: none"> • 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 <p>Source: http://www.expatica.com/es/healthcare/Getting-healthcare-in-Spain_101467.html</p>

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?	<p>Employment contracts are generally regulated by the provisions of Legislative Royal Decree 1/1995, of March 24, approving the Workers' Statute (WS).</p> <p>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).</p> <p>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.</p> <p>Source: Invest in Spain</p>

Question	Answer
18. What are employment law and employment relations requirements?	<p>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.</p> <p>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.</p> <p>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</p>

Question	Answer
	<p>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.</p> <p>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.</p> <p>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.</p> <p>Source: Invest in Spain</p>
19	<p>How should the Facility comply with:</p> <ul style="list-style-type: none"> m. Work-time regulations n. Employee protection laws o. Legally mandated (or culturally accepted) <ul style="list-style-type: none"> xvii. vacation days xviii. sick days xix. maternity/paternity leave xx. overtime hours <p>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).</p> <p>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.</p>

Question	Answer
	<p>b. N.A.</p> <p>c.</p> <p>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.</p> <p>ii & iii. Workers are entitled to paid leave in the event of marriage, union work, fulfillment of unavoidable public or personal duties, breast-feeding, childbirth, moving home (principal residence), accident or serious illness, etc.</p> <p>iv. Overtime is time worked in excess of the maximum ordinary working hours.</p> <p>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.</p> <p>Overtime is generally voluntary.</p> <p>Source: Invest in Spain</p>
20.	<p>What are the discrimination laws, if any?</p> <p>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.</p> <p>Source: Invest in Spain</p>

Additional Note on the Community of Practice and Quality of Life for International Staff in the Optional Secretariat Location Sites¹

I. Background

In line with Activity 4 in the Design Document², the Rights and Resources Group (RRG) selected MDY Legal to provide a comprehensive legal analysis of the incorporation options for the International Land and Forest Tenure Facility (the Facility). It is envisaged that the institution will be housed within a standalone legal entity and employ a small core Secretariat when the Facility becomes fully independent in 2016.

MDY Legal's 2015 report, "Legal and Institutional Options for the Tenure Facility" proposed the following five cities for further evaluation: London (England), Stockholm (Sweden), Geneva (Switzerland), Montréal (Canada), and Barcelona (Spain). The report was reviewed by the Facility's Advisory Group in October 2015 in Bern, Switzerland. The cities of Stockholm, Montréal, and Barcelona are under final consideration.

The Tenure Facility Secretariat sent an informal survey to a few colleagues in the three cities for their assessment of: 1) community of practice, and 2) quality of life for international staff. Responses are summarized herein.

II. Community of Practice

Stockholm

Stockholm is home to a large community of NGOs engaged in development issues worldwide, including the Stockholm Environment Institute, Stockholm Resilience Centre, SIWI, GWP, Stockholm Water House, and SwedBio. Stockholm hosts one of the hubs of the Future Earth Scientific Platform (as does

¹ Based on limited, informal survey of colleagues living in these three cities, in May, 2016, in order to complement the information in the 2015 MDY report. This note with summary of the information gathered by the study has been prepared by Secretariat staff.

² The Design Document submitted to Sida in April 2014 serves as the guiding foundation for establishment of the Tenure Facility.

Montreal). Several NGOs based in Stockholm also work on Indigenous Peoples' issues worldwide, including the Swedish Society for Nature Conservation, Swedish WWF, We Effect, and Diakonia. Sweden has a long and well-documented track record on engagement for human rights and peace building. In the Stockholm/Uppsala area are found, for example, Dag Hammarsköld Foundation, SIPRI, IDEA, Folke Bernadotte Academy and Life and Peace Institute, and the Swedish Red Cross.

Montréal

Montréal hosts a number of organizations that present possibilities for Tenure Facility collaboration, including the UN Convention on Biological Diversity, the Commission on Environmental Cooperation, the Finance Alliance for Sustainable Trade, and Future Earth. The non-profit community in Montréal is closely-knit and eager to expand.

Barcelona

Barcelona hosts several research institutions with interests similar to those of the Facility. The University of Barcelona, Universitat Autònoma de Barcelona, University of Lleida, Institute of Science and Environmental Technology, and other institutions create a thriving academic scene. Barcelona is also home to AlterNativa, an NGO dedicated to providing assistance to indigenous peoples with projects in Guatemala and Peru.

III. Quality of Life for International Staff

Stockholm

Stockholm offers a high quality of life, with good health care, reasonably affordable housing on the outskirts of the city, government-mandated parental leave, and a government-mandated minimum of five weeks of paid vacation per year. The city hosts several international (French- and English-language) schools. Sweden has an expansive and high-quality healthcare system. The cost of living is high, and income taxes are generally quite high as well. Anecdotally, it seems that increased immigration to Sweden has led the government to make the visa process more restrictive. For professional visas, however, the process should remain relatively straightforward. Knowing Swedish is helpful but not necessary. Uppsala offers a less expensive cost of living within commuting distance (45 miles) from Stockholm. People from diverse cultures are welcome.

Montréal

Montréal is a multicultural city. Although English and French are the official languages, many other languages are widely spoken. The city offers a reasonable cost of living, and has good public transportation and cultural offerings. The process for obtaining work visas is relatively straightforward. Knowing French is helpful. People from diverse cultures are welcome.

Barcelona

Barcelona enjoys a good public transit system, is bike-friendly, and is generally safe. While English may not be as universal as in the other cities, it is still widely spoken. The city is multicultural and receives many international visitors each year. Because Spain is part of the Schengen zone, receiving work visas for the area can be bureaucratic, but is generally manageable for people obtaining work visas. The cost of living has recently risen slightly, but remains quite reasonable. The city boasts great healthcare and education systems, as well as a mild Mediterranean climate. Knowing Spanish or Catalan is helpful. People from diverse cultures are welcome.

the **TENURE FACILITY**

Summary: Independent Institutional Assessment by Indufor

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A. Alignment with NICFI and CLUA objectives

1. The Tenure Facility (TF) has the potential to contribute well to NICFI's overall objectives and goals in at least two dimensions: improving forest and land governance and management; create useful opportunities for engaging the private sector on issues related to deforestation and tenure security. Support for the Tenure Facility F would be in-line with the recommendations arising from the 2014 Strategic Evaluation of the Initiative.
2. The current list of Tenure Facility projects and potential future pipeline projects corresponds reasonably well with NICFI's geographic priorities.
3. Evidence from research shows that secure forest and land tenure for communities is both an effective climate mitigation solution, and a cost effective one, providing economic and social benefits at reasonable financial cost.
4. The assessment team carried out 37 interviews, reviewed a large amount of documentation, and also reviewed a previous UNOPS study on indigenous funds (see Annex of report).

B. Objective of the Tenure Facility

5. The central problem the Facility seeks to address is unclear land tenure and forest rights and a lack of instruments and tools at global and local levels to address increasing demand for clarifying and securing land tenure. Evidence shows that overall, secure IP/LC land tenure is associated with reduced deforestation. Clear tenure rights for IPs and LCs can also facilitate REDD+, by enabling the implementation of policies and measures in support of sustainable forest management.
6. The Tenure Facility aims to provide funding and technical support for forest and land tenure reform projects involving Indigenous Peoples (IPs) and local communities (LCs), working with government at multiple levels, and with private sector where relevant. Its operational focus is on developing specific approaches and practical tools applicable for land use in rural areas, particularly in and around forests, and on putting these tools into actual use.
7. It also provides global lesson learning that helps governments, indigenous peoples, community organizations, and the private sector exchange information on practical strategies and tools that strengthen community land, forest, and territorial rights at local and national level.

C. Ways the Facility works with governments

8. The projects developed during the Facility's current pilot phase have been positively endorsed by governments, which have made up-front commitments to learn from project

implementation. The Facility engages and works “top-down” with different national government bodies (varying from country project to country project) to ensure dissemination and communication of tools and approaches at different levels so that they are adapted and embedded into the broader land use planning systems and national tenure institutions. It also works “bottom-up” by the testing and application of tools at site-level in specific forest areas with local, regional, national government agencies, which are then proven to work.

9. For the implementation of its projects the Facility pulls together a range of different expertise including in (1) natural resource management; (2) mapping and spatial tools; (3) customary and *de jure* rules and procedures for resource rights recognition, land titling, access, use, monitoring and control; and (4) conflict resolution. It sources this mix of expertise from government officials (often at local government level), from local forest and land managers with a fine-grained understanding of specific land use systems (communities, indigenous peoples and farmers living in and near these areas); and local NGOs.
10. The TF could share its success stories and tools with the [MegaFlorestais](#), which brings together the Heads of forestry, agriculture and natural resource agencies of the largest forested countries in the world, and provides the opportunity for these leaders to share their experiences and challenges in a frank and open manner.

D. Ways the Facility works with the private sector

11. The private sector is increasingly compelled to act, as tenure risk and the risk of conflict with customary users of land pose significant operational and reputational risks and can result in high financial losses.
12. The Facility should engage with the private sector, as and where appropriate, but not necessarily as a standard feature of all projects. Many of the pilot projects have engaged private sector. The idea of focusing the Tenure Facility’s private sector work on national level implementation is well founded. The Facility has the potential to create a better environment for the dialogue between the private sector and local communities.
13. The Tenure Facility is developing its approach to the private sector and testing options, including active contribution to Produce-Protect-Respect Partnerships, i.e. partnerships which support production, forest protection and sustainable land use, but, most importantly, from the perspective of indigenous peoples and local communities, include “respect” in their various operations.
14. The Tenure Facility can pursue a range of options for working with the private sector, both direct and indirect. Tools and approaches developed might be shared with
 - a. businesses that drive deforestation in the way they invest, source and produce;

- b. enterprises and business associations that help IPs and LCs protect forests, both large and SMEs; and
 - c. those companies that have influence over broader policy and investment decisions for good and for bad with respect to climate.
- 15. Engaging with all of these is a heavy-lift, so some of this could be managed by partnering strategically and bilaterally with a few key companies or with others processes. For example, by partnering with the Interlaken Group, which is composed of representatives from companies, investors, international organizations and civil society groups, including Nestlé, Unilever, Coca Cola, RaboBank, and Stora Enso, the Tenure Facility could help it and the Tropical Forest Alliance business members identify practical ways that companies and their investors can support improved land governance and the land rights of rural populations.
- 16. As the Tenure Facility continues to develop project experience, it could benefit from developing a more systematic engagement with government and private sector.

E. Ways of working with indigenous peoples and local communities (IP/LCs)

- 17. Pilot projects have successfully engaged with Indigenous Peoples organizations (IPOs), local communities (LCOs) and civil society organisations (CSOs), contributing to their positive progress. The Tenure Facility addresses a clear demand from IPOs and offers other advantages compared with other initiatives supporting community forest tenure. It provides dedicated technical support in clarification and strengthening of land and property rights.
- 18. The key value propositions of the Tenure Facility for IPs include the flexibility, ability to provide more personal attention, capacity to channel funds directly to IPOs, in particular those working on land use, its ability to support mediation efforts in areas in conflict and its ability to assume greater risks relative to other institutional platforms.
- 19. With respect to governance of the Facility, the proposed two-tier participation of IP and LC representatives in both the Advisory Group and the Board of the Facility are adequate.
- 20. With regards to the expectations of a Global IP Fund, the Tenure Facility could be seen as a stepping stone to that proposal, by building IPO experience in guiding as well as managing projects and project funds, strengthening relationships among IP networks, and providing a proof of concept that investing in IP and LC initiatives (i.e. not exclusively IP) can help meet climate change mitigation objectives. **To note** the Tenure Facility works with local community as well as indigenous peoples organisations.
- 21. The Tenure Facility works to build the capacity of IPOs and CSOs through the direct support it provides and through the horizontal learning exchanges, but broad capacity building is not the immediate primary objective of the TF and it should not be.

22. IPs and LCs manage a significant part of the world's forests and associated carbon. IPs and LCs hold legal rights to at least 15 percent of the world's forests—some 500 million hectares—and use many more millions of hectares of forestlands under customary arrangements.
23. While IPs and LCs occupy and use a significant portion of the world's forests, only a small fraction of community forestland is formally recognized under national law, and in many cases, where it is recognized, law is not enforced.
24. There is strong evidence that where IPs and LCs have secure rights to manage their forests there is greater reduced deforestation than under other management regimes.

F. Niche, demand, comparative advantage and scaling up

25. The review of the evidence and current trends make overall a compelling case for an instrument like the Tenure Facility. The Tenure Facility concept is valid, logical, timely, and very relevant.
26. There is demand for the services and value-added of the Tenure Facility, more than it can currently meet. Its comparative advantage is based on its flexibility, nimbleness, and dedicated focus on IP and LC land tenure and rights. There is no other facility or program that focuses solely on IP's and LC's tropical forest-related tenure rights in areas where those rights are unconsolidated.
27. By tapping the connections with the Rights and Resources Initiative (RRI) network, the Tenure Facility has accessed relevant know-how and networks, particularly at the national level. The Facility has built upon the experience and long-standing knowledge and track-record of the Rights and Resources Group (RRG) and the broader RRI and its individual members.
28. However, the Tenure Facility should establish its own identity and strengthen it quickly. Tenure Facility legitimacy/brand/credibility issues will need continued deliberate attention, including making a clear distinction between what RRI does and what the Facility does, and communicating that Tenure Facility is primarily about implementation and not advocacy.
29. However, in spite of this clear comparative advantage, the Tenure Facility needs to be clearer about its role in the broader forest, climate and land tenure related "architecture." The most recent Tenure Facility documentation makes reference links to various REDD+ related processes. The Facility pilots work with the private sector and governments, but the way it works is not described clearly in its documentation. In addition, the Tenure Facility ambition to act as a global platform as currently defined is perhaps too broad in scope.
30. The Tenure Facility approach is to strongly build on partnerships at all levels. Formal or informal partnerships with development partners operating in the same countries in tenure related initiatives could result in useful synergies

31. Although the Tenure Facility's role in contributing to climate change is not always explicitly presented in the Facility documentation, over the past 3 years, it has worked purposively towards climate change aspects and cooperation with various other REDD+-related processes, including UN-REDD, FIP, FCPF. Individuals from all these programmes participate in one way or another in the Tenure Facility Design Group.
32. The main body of the report compares a range of international instruments with details in an annex.
33. Scaling-up is well emphasized in the proposal to NICFI and is an essential criterion for selecting projects for support.

G. Timeline and roadmap for the Facility

34. The Tenure Facility is a relatively new initiative. Like all new initiatives it is likely to face challenges in gaining credibility. However, it is quickly gaining a track record because it has implemented projects on the ground fast.
35. The proposed roadmap from design and piloting to establishment and full implementation of the Tenure Facility is technically logical and covers key steps. Nonetheless it is ambitious in terms of its overall timeline, given that, without additional funding, there will be no firm decision taken on the independent location of the Facility.
36. An extended timeline would enable the Tenure Facility to build into its operations the lessons learned from the implementation of its pilot projects, aiming at full mobilization of the Facility by early 2018, using the available time to put all systems in place, putting staff onto longer term contracts, and establishing broader partnerships at different levels. This could allow for a phased approach to the financing of the Tenure Facility.
37. The current roadmap is very detailed, and competent from a technical point of view, but does not address the challenges related to broader organizational capacity building, and the development of longer term policy relationships at the country level, in other words the longer-term vision (or visions) for the Facility.

H. Facility's pilot projects

38. The Tenure Facility operates in a nimble way. It has identified, mobilized and started to implement relevant projects quickly in its pilot phase.
39. For a summary of the projects, see page 9.
40. Most of the current project portfolio (six projects in Peru, Panama, Mali, Cameroon, Liberia, and Indonesia) and an indicative pipeline of potential future projects are well designed to meet IP and LC tenure and climate objectives – both mitigation and adaptation, but the criteria for selecting future Tenure Facility projects needs to be further elaborated.

41. The pilot projects in Peru, Liberia, Panama, Indonesia, Mali, Cameroon, have demonstrated that there is great demand for the Facility's services.
42. Each pilot project, what it is developing and how, is described in brief in the main body of the report and in an Annex. Each project is developing tools and approaches of local and national application, but which also have applicability and lessons more broadly. Hence the importance of the Facility component that promotes lesson learning globally. However, the Theory of Change of the Tenure Facility is less well developed in identifying how to learn from the work of other actors beyond the pilot projects and current partners. The Monitoring Evaluation and Learning (MEL) system should include a broader "learning component", i.e. learning from others and sharing good practices both at the national and international level. This will require adequate resources for the synthesis and sharing of lessons learned, and should make use of existing dissemination channels as much as possible.
43. Country selection/prioritization principles and project selection principles could be further elaborated. At present the Tenure Facility website presents different, looser, less strategic selection criteria than those described in the proposal to NICFI. Strategic level criteria for climate change mitigation by forests and land use could be included to help with country prioritization and ensure priority countries with potential to mitigate climate change from forests are part of the portfolio.
44. Additional project selection criteria might include, for example, forest cover; rate of deforestation; areas controlled by IPs/LCs; assessed degree of security of land tenure; existence of capable IPOs/CSOs; potential for scaling up and working in partnership with government, private sector and civil society; leverage by linking to other initiatives and domestic policies.

I. Facility governance structure

45. The governance structure is appropriate, meets general standards, and is well explained in the documentation.
46. The Interim Board (IB) positions include Chair, Secretary, and Treasurer. The CEO of the Tenure Facility Secretariat shall also serve on the Board as an ex-officio member.
47. The Advisory Group (AG) serves at the discretion of the Tenure Facility Board. The AG is made up of representatives from IPs and LCs, donors to the Facility, national and international organizations (such as the World Bank and UN), and private companies, with members serving in their personal capacities. They advise on Tenure Facility program design, act as a strategic information and knowledge-sharing resource.
48. The respective roles and relations of the Board and AG are clear and justified; however joint membership in the Board and AG must be avoided.

49. IPO participation in the governance structure is quite strong. The proposed arrangements allow the Tenure Facility to adequately incorporate and balance the interests of IP and LC into the decision-making process for the Facility.
50. The available Tenure Facility governance documents are comprehensive. The governance system is still evolving and is likely to consolidate during and into late 2017.
51. Documentation reviewed by the Assessment team included:
 - TF Governance Structure
 - TF Theory of Change and Results Framework
 - TF Monitoring, Evaluation, and Learning Framework
 - TF Gender Equality and Social Equity Policy
 - TF Guidance for a Conflict Sensitive Approach to Project Design and Management
 - TF Social and Environmental Standards
 - Ethical Guidelines

J. Financial controls, social and environmental safeguards

52. Finance is disbursed by the Facility to different proponents at national level, ranging from IPOs, NGOs or private sector service providers with relationships to government.
53. Financial management systems, procurement, financial and performance reporting, audit policies, and anti-corruption policies are all in place and documented. According to SIDA, RRI's financial management and audits have proven satisfactory and adequate to meet SIDA's requirements, and the Tenure Facility is basing its systems on this best practice.
54. The Treasurer is to work also closely with the planned Tenure Facility Investment Committee, and Donor representatives as appropriate, to ensure close monitoring of the financial flows and integrity of processes and systems. Internally, separation of responsibilities and sharing of key financial oversight and money disbursement functions for institutional checks and balances will provide protection from financial and possible misuse of monies and resources.
55. All financial statements and accounts are audited by Certified Public Accountants from external and independent auditors to ensure compliance with highest international standards. Led by the Audit and Finance Committee of the Board all audit activities will be undertaken in compliance with laws of the jurisdiction of the Facility's final incorporation (not known yet), and generally accepted accounting principles.
56. The standards are comprehensive enough while not burdensome. Tenure Facility Social and Environmental Standards include: Standard 1: Environmental Sustainability; Standard 2: Gender Equality and Social Equity; Standard 3: Human and Indigenous Peoples Rights; and Standard 4: Conflict Sensitivity. They are to be applied during Project Development; Project

Appraisal; Monitoring during implementation; Learning and Adaptation; and Access to the Grievance Mechanism.

57. Tools for implementing the standards need to be created. The standards are good, and will contribute, to improved social and environmental governance. However, their implementation requires more operational tools (to be developed later on) such as checklists, guidance notes, and simple screening tools.

Addendum: Emerging Results from Pilot Projects

- i. The TF selected six pilot projects, in **Peru, Panama, Mali, Cameroon, Liberia, and Indonesia**, to test different kinds of approaches in different conditions. While all six pilots are underway, only Panama and Indonesia have reached the interim reporting period, so it is too early to systematically assess project impacts (from a desk-based review).
- ii. Broadly speaking, some projects are focusing on the establishment of policies, regulations and procedures for the recognition and titling of communal land (Mali and Indonesia); others are developing and piloting technical protocols dealing with specific aspects of land tenure reform (Cameroon and Liberia); while others are aimed at identifying and addressing bottlenecks in existing processes (Peru and Panama)¹. Below a summary of the six pilot projects is provided (see Annex 3 for more details).
- iii. The **Indonesia** project, managed by the Indigenous Peoples' Alliance of the Archipelago (AMAN) operates in ten districts and is working to develop district-level legislation and regulations that implement the land and forest rights of indigenous peoples. The TF project is also working with communities in these districts to obtain the necessary sociocultural and land use data to complement their participatory maps, as a required component of the titling process. These efforts link to AMAN's broader approach that combines participatory mapping of their forests by indigenous communities, legal recognition of those areas through the recognition of the maps, the use of maps for resolution of conflicting tenure claims, and scaling-up through national level negotiation of maps and rights *en bloc* through protocols agreed to formally recognize the whole of AMAN's ancestral domain map registry by federal government and as part of regulations to underpin the Constitutional Court ruling. Out of the ten districts two are well advanced in the adoption of local legislation and seven are reported to be advancing well. At the national level, the project is working to build legal and administrative instruments (like a Presidential Task Force on IPs) and implement the 2012 Constitutional Court ruling that recognized customary forest rights.
- iv. In **Panama**, the TF pilot is working to title and register three collectively held Emberá and Wounaan territories (Bajo Lepe, Pijibasal, and Maje Embera Dura) with significant forest cover. This includes financial and technical support for required government delimitation studies and other field analysis; community-level consultation and conflict resolution workshops; and legal and professional services to help develop the title and registration requests and monitor compliance with legal and

¹ The design document only referred to support the implementation of land and forest tenure reform policies and legislation and the support of the creation of enabling policies and legislations or regulations to allow implementation.

administrative procedures for titling. A second component of the project is focused on strengthening COONAPIP, Panama's national IPO. This involves building its capacity for engaging with government and internal and external communications. It also involves developing training/capacity building modules for indigenous community leaders on indigenous rights, land tenure, monitoring and surveillance to protect forests and conflict mediation. Finally, the project is developing a "legal clinic" within COONAPIP. The clinic creates a network of indigenous lawyers with expertise in forest permitting and land tenure issues, whose services are available to help other collective territories that are securing their land rights. The legal clinic is an important tool that can help scale up forest protection nationally in a country where the majority of national forest cover is controlled by indigenous peoples.

- v. In **Peru**, the TF project involves working with six communities in one high forest cover state, Madre de Dios, to sort out issues with the registration of their titles, overlapping claims over lands and forests, and to ensure they have the required documentation in order, including land use plans. The IPO, FENAMAD, is working with the regional government of Madre de Dios to identify territorial boundaries to complete the delimitation process, convene community meetings, and finalize maps, soil classifications, and other technical documents. SPDA provides the technical support for this pilot. This will increase FENAMAD's technical and legal capacity to accompany its communities in the legal and administrative process of securing their titles, as well as the capacity of the government officials it is working with. It is also generating lessons for how the titling process can be improved and accelerated, and conflicting claims resolved, both regionally and nationally. Peru's pilot addresses titling of collective lands, while existing tenure projects funded by the WB and the IADB support titling of individual parcels, including in non-forest areas and only where there are no overlapping claims. Second, the project is also working to strengthen FENAMAD's forest monitoring and management system, helping communities monitor their forests and begin to develop forest-based economic activities. Third, the project involves creating an online database of indigenous peoples' lands and to ensure that this can be used by the government, with the goal of accelerating titling in other areas. Fourth, the project involves policy dialogue on how to offer additional protections for communities in voluntary isolation. Finally, the project works to strengthen FENAMAD's communications capacity at regional and national levels.
- vi. Set in the context of **Mali's** ongoing decentralization and peace-building processes, this project is working to pilot the use of community and village level local land commissions (COFOs) to identify and resolve land conflicts. It also includes policy dialogue at the national level on the relationship between the COFOs and the broader land reform process. In this sense, the project is about taking an existing instrument, the COFOs, and demonstrating what it takes for this to work in practice and foster real change on the ground. The project is also piloting innovative mechanisms for avoiding land conflict, including the development of intercommunal forest management plans and community-mining company agreements. Once tested, these approaches could be scaled up within Mali and considered as model instruments that could be helpful as part of forest protection and land tenure reform processes elsewhere.
- vii. **Liberia** is in the process of implementing customary collective forest and land rights for the first time, and a critical step in this process is community self-identification—in other words, defining the forest and land boundaries of communities in spatial and human terms as required under the

national “Community Rights Law with Respect to Forest Lands”. The TF project in Liberia is working to develop steps and procedures for community self-identification and to work with local stakeholders and the government to test this self-identification protocol in 12 forest communities. The project includes additional efforts to build support for the self-identification protocol—and for the recognition of communal land rights in general—at both the local and national level. If the project succeeds in catalyzing the formal adoption of a national approved self-identification protocol and generating sufficient support for its implementation, the pathway to scaling up is clear. Lessons from the piloting of the protocol (to be captured in an implementation guide) may also have relevance for other places.

- viii. The project in **Cameroon** is working to develop a common set of protocols for identifying and mapping community forest land in Cameroon and to build support for the use of these protocols both among communities and NGOs carrying out mapping and with relevant government agencies, other landholders, donor governments, and the private sector. The project also includes gap analysis of existing legislation related to community mapping. A shared mapping protocol would reduce unhelpful competition among various mapping efforts in Cameroon and ensure the compatibility of the mapping data being produced, reducing inefficiencies while speeding the aggregation of mapping data. Rainbow Consulting was selected by project stakeholders as the neutral party to hold the contract with the TF and build consensus among stakeholders. Given the central importance of community maps to securing forest and land rights, and the significant conflict that maps and mapping efforts can produce, the potential relevance of this project for other places is clear.
- ix. Looking at the combination of these pilots, together they are working to recognise, title or resolve overlapping land use claims in several millions of hectares of forests, using interesting tools and approaches, working at multiple levels. Many of the tools, protocols and approaches have lessons beyond the pilot itself, hence the importance of lessons learning and external communications which will be documented via the Tenure Facility’s “lessons portal”. CLUA is particularly interested in this global aspect.

the
**TENURE
FACILITY**

Proposal to NICFI

Securing Indigenous Peoples' and Local Community Land Rights and Saving Forests at Global Scale:

The International Land and Forest Tenure Facility

Project Proposal

Prepared by

The Rights and Resources Group, on behalf of the International Land and Forest Tenure Facility

For

The Norwegian International Climate and Forest Initiative

March 19, 2016



Foreword

The unrecognized and insecure land rights of Indigenous Peoples and Local Communities are a longstanding and long-known cause of the entrenched patterns of injustice, poverty, environmental degradation, cultural extinction, political marginalization, and violent conflict present across the rural world. The relationship between this historic injustice and climate change is more recent. And an understanding of the particularly important role that women play within their communities and environments – while facing additional abuse and marginalization – is even more recent.

New research shows that while Indigenous Peoples and communities have customary rights over 50% of the world's land, they have legal ownership of less than 10%. Over 2 billion rural people suffer from insecure community land rights, placing over 4000 distinct cultures and languages and 80% of the earth's terrestrial biodiversity at risk. It is well documented that indigenous and rural community women by and large do not have equal rights to their land, nor an equal voice in the governance of community territories – depriving not only themselves and their families, but also their communities, their nations, and our planet, of a fair chance for survival and dignity. It is also now widely recognized that Indigenous Peoples and Local Communities are usually far better stewards of natural forests than governments or private owners, and that securing the land rights of these peoples is a relatively low-cost strategy to reduce deforestation and encourage the restoration of degraded lands.

These shifts in awareness and understanding are important – but it is the growing demand for action, by indigenous peoples, a critical mass of governments, and leading private companies and investors, coupled with the new platform of mutually supportive networks, initiatives and tools, that provides the unprecedented opportunity to make dramatic progress on the age-old problem of insecure local land rights. This demand, enthusiasm and momentum – demonstrated by the emergence of stronger Indigenous Peoples and community organizations, the Paris Agreement in 2015, the New York Declaration on Forests, the Voluntary Guidelines on the Responsible Governance of Land, Fisheries, and Forests (VGGTs), MegaFlorestais, as well as the operationally-focused initiatives including the Interlaken Group, the Global Call for Action for Community Land Rights, and LandMark, risks being lost unless rapidly translated into operational impacts, on the ground, at scale, in the critical forested countries of the developing world.

The International Land and Forest Tenure Facility (“the Tenure Facility”) is the world's first and only international funding instrument dedicated to addressing this global land crisis and seizing the immediate opportunities presented by the forest conservation and climate change agendas. Many other initiatives and organizations play key roles and provide some measure of support, but none come close to providing the flexibility and direct support to Indigenous Peoples and local organizations that is required for the world to respond strategically at the speed and scale necessary to secure the lives of the millions of people and hectares of forest that are at immediate risk.

The Rights and Resources Group, on behalf of the International Land and Forest Tenure Facility and the Rights and Resources Initiative (RRI), is pleased to submit this proposal to the *Norwegian International Climate and Forest Initiative* (NICFI) 2016-2020 funding scheme for civil society.

This proposal is a product of more than five years of design and due diligence by RRI Coalition Partners and Collaborators spanning Indigenous Peoples, community, civil society, international, government, and private organizations, as well as two years of incubation and the execution of strategically chosen pilot projects in Asia, Africa, and Latin America. The structures and strategies described here update and refine those detailed in the Tenure Facility's 2013 Design Document and prior proposals submitted to NICFI in 2013 and 2015.

The Tenure Facility is established and performing. It is now ready to be strengthened and scaled.

Project Summary

Applicant: Rights and Resources Group (RRG) and the International Land and Forest Tenure Facility (the Tenure Facility)

Project title: Securing Indigenous Peoples' and Local Community Land Rights and Saving Forests at Global Scale: The International Land and Forest Tenure Facility

Main outcomes:

Outcome 1: International and national response to demand for tenure reform increased and additional funding leveraged to scale-up reform efforts.

Outcome 2: Land and forest reform policies and legislation implemented effectively and scaled up.

Outcome 3: Tenure-related legislation clarifies the rights of Indigenous Peoples and Local Communities to land and all of its resources and services, such as carbon.

Outcome 4: Awareness, capacity, and performance of governmental organizations, Indigenous Peoples, Local Communities, the private sector, and stakeholders in tenure security increased.

Outcome 5: Conflicts over competing land claims resolved or reduced recognizing traditional/customary rights and reducing risks.

Thematic category: The Tenure Facility project is directly relevant to all four of NICFI's main thematic categories, including: securing indigenous and other forest dependent populations rights and interests; improved transparency, governance and legality; realization of deforestation-free commodity supply chains and green growth; and the promotion of an international consensus on REDD+.

Annual budget: The funding requested from NICFI is \$50 million over 5 years, with \$36 million during the first 2.5 years, and \$14 million during second 2.5 years, including 70% for grants and 30% for shared learning, technical assistance, and lean secretariat services.

Partners: RRI Partners and Collaborators, regional and national networks of Indigenous Peoples' and Local Communities' organizations, and related strategic networks including MegaFlorestais and the Interlaken Group.

Main target group: Indigenous Peoples' organizations and Local Communities' organizations

Countries of implementation: Forest countries where national-level opportunities exist to implement projects to secure the collective land and territorial rights of Indigenous Peoples and communities. REDD+ program countries are likely to exhibit some of the highest demand for the Tenure Facility.

Activity profile: Demonstration; Technical.

Acronyms

AIDSEP	Interethnic Association for the Development of the Peruvian Rainforests, Peru
AMAN	Indigenous Peoples' Alliance of the Archipelago, Indonesia
AMPB	Mesoamerican Alliance of People and Forests
CACO	Cadre de Concertation, an RRI-facilitated DRC civil society tenure platform
CDC	CDC Group plc, the UK development finance institution
CGIAR	Consultative Group for International Agricultural Research
CLUA	Climate and Land Use Alliance
CNOP	The National Coordination of Peasants' Organizations, Mali
CONAREF	National Commission for Tenure Reform, DRC
COONAPIP	National Coordinating Body of Indigenous Peoples in Panama, Panama
CSO	Civil Society Organization
DFI	development finance institutions
DRC	Democratic Republic of the Congo
EIB	European Investment Bank
FAO	Food and Agriculture Organization of the United Nations
FCPF	The Forest Carbon Partnership Facility
FENAMAD	The Native Federation of the Madre de Dios River, Peru
FFF	The Forest and Farm Facility
FPIC	Free, Prior, and Informed Consent
GOREMAD	Regional Government of Madre de Dios
ICRAF	World Agroforestry Centre
IP	Indigenous Peoples
IPCC	Intergovernmental Panel on Climate Change
IPO	Indigenous Peoples' Organization
ITTC	International Tropical Timber Council, Japan
KM	knowledge management
LC	Local Communities
LCO	Local Communities' Organization
NGO	non-governmental organization
NICFI	Norwegian International Climate and Forest Initiative
REDD+	Reducing Emissions from Deforestation and Forest Degradation
REFACOF	The African Women's Network for Community Management of Forests, Cameroon
RRG	Rights and Resources Group
RRI	Rights and Resources Initiative
SDGs	Sustainable Development Goals
SDI	Sustainable Development Institute, Liberia
SPDA	Peruvian Society for Environmental Law, Peru
SRM	Strategic Response Mechanism
UN	United Nations
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure

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Project Document Form Part 1: Organizational Information

1. Applicant Information

1.1 Basic Information

Name of applicant: Rights and Resources Group (RRG), secretariat for the Rights and Resources Initiative (RRI) on behalf of the International Land and Forest Tenure Facility (“the Tenure Facility”).

Legal status: RRI is a non-profit organization, registered in the United States of America as a 501(c)(3) charitable organization. The Tenure Facility will be a non-profit organization registered in a to-be-determined country in 2017.

Year of legal establishment: RRI: 2006; The Tenure Facility: 2017

Contact person: Andy White, awhite@rightsandresources.org, tel.: +1 202-470-3890

Location of head office: RRI: Washington, D.C., USA; The Tenure Facility: TBD

Postal address: RRI: 1238 Wisconsin Avenue, NW, Suite 300, Washington D.C. 20007 USA; The Tenure Facility: TBD

Websites: RRI: www.rightsandresources.org; The Tenure Facility: www.thetenurefacility.org

Annual income in last three years (in NOK):

RRG (excluding the Tenure Facility)

2013	10,406,438 USD	86,289,428 NOK
2014	10,687,946 USD	88,971,806 NOK
2015	12,108,068 USD	100,793,612 NOK

The Tenure Facility (administered through RRG)

2013	369,403 USD	3,414,061 NOK
2014	394,037 USD	3,280,161 NOK
2015	4,053,220 USD	33,741,030 NOK

Income source in last three years (name of donors):

RRG (excluding the Tenure Facility): Acacia Conservation Fund, DFID, Finland MFA, Ford Foundation, Norad (INGO), Norad (NICFI), Omidyar Network, SDC, Sida

The Tenure Facility (administered through RRG): DFID, Ford Foundation, BMZ/GIZ, Norad, SDC, Sida

1.2 Relevant Experience

The Tenure Facility is the first and only international funding mechanism exclusively focused on securing collective rights to land and forests -- a critical catalyst for accelerating effective and scalable interventions responsive to the needs of Indigenous Peoples (IP) and Local Communities (LC). Since initiation in 2013, the Tenure Facility has made major progress towards its two objectives: (1) providing flexible funding and technical support directly to Indigenous Peoples and Local Communities for implementation of tenure reforms; and (2) serving as a strategic convening space for Indigenous Peoples, community organizations, key governments, and public and private sector institutions to jointly strategize and accelerate learning.

The six ongoing Tenure Facility pilot initiatives—in Indonesia, Peru, Panama, Liberia, Mali, and Cameroon—are accelerating implementation of reforms by governments through Indigenous Peoples organizations (IPOs) and civil society organizations (CSOs) collaborating to identify, map, demarcate, and title customarily-held lands and forests. In Indonesia, Panama, and Peru, the Tenure Facility is spearheading the legal recognition of tenure rights for Indigenous Peoples, while in Liberia and Cameroon the Tenure Facility is catalyzing agreement on government-sponsored tools and methodologies to resolve land-based conflicts, clarify territorial boundaries and strengthen IP/LC autonomy and capacities in the context of the ongoing national climate change initiatives. In Mali, the Tenure Facility is supporting the implementation of the tenure rights components of the 2015 National Peace Accord in collaboration with the government. All six pilot projects are supporting actions essential for effective climate change strategies and REDD+, and all six are supported by and constructively engaged with government agencies. The Tenure Facility is also supporting capacity building both by financing projects designed and implemented by IP and LC organizations themselves and through the sharing of lessons learned across projects. The Secretariat and governance structure is established and includes an Interim Board of Directors and Advisory Group. In February 2016, pilot project leaders met in London to review progress, share lessons to date, and recommend specific areas where learning exchanges would improve outcomes.

The Tenure Facility, incubated by RRI since 2013, builds on RRI's many government, organization and other Partners' experience and contributions to REDD+ and other related development work at the local, national and global levels. As a Coalition of Partners, Collaborators, Affiliated Networks, and Fellows dedicated to advancing the rights and livelihoods of forest communities throughout the developing world, RRI has consistently provided a constructive voice in the development of a effective, sustainable and equitable REDD+ architecture and implementation framework. To date, RRI has:

- **Accelerated global learning and action on the role of IP/LC in forest conservation** and the opportunities to advance a rights-based approach to REDD+ via support for strategic convening and creation and support for strategic networks. For example, RRI organized 11 global climate dialogues on forest governance and climate change, five regional workshops, and other associated conferences and/or events. RRI spearheaded the creation of the Global Call to Action for Community Land Rights which includes the Interlaken Conference series to scale-up the coordination and impact of the diverse constituencies engaged in the community land rights agenda, including human rights, poverty, conservation, Indigenous Peoples, agrarian land rights, etc. Established in collaboration with Oxfam, IUCN, and the

International Land Coalition, the multi-stakeholder working groups dedicated to the advancement of scaled-up and coordinated action, including in the areas of: participatory mapping (LandMark), private sector engagement (Interlaken Group), gender justice, conservation, and international agreements. A recent demonstration of RRI's strategic work on climate and rights was the successful delivery - with Rainforest Foundation Norway - of the May 2015 conference on Securing Community Rights, Forest Protection, and Climate Mitigation at Scale. The conference helped to build understanding of the role of indigenous and local community land rights in the context of REDD+, and identify constraints and priority opportunities to accelerate and scale-up actions by all stakeholders.

- **Strengthened government support for recognition of IP/LC land rights in key REDD+ countries** through the RRI-established MegaFlorestais informal network of the heads of forest agencies. Founded in 2005 and co-organized with all government members, MegaFlorestais has effectively advanced understanding and action on the politically sensitive issues associated with Indigenous Peoples' rights, illegal logging, climate change, gender, and REDD+ to build consensus and solutions. The group includes the heads of forestry agencies of the largest forested countries in the world, and provides the opportunity for these leaders to share their experiences and challenges in a frank and open manner. Active MegaFlorestais members include Brazil, Canada, USA, China, DR Congo, India, Indonesia, Peru, Mexico, Sweden, and Cameroon, representing about 70% of the world's forests. Annual meetings have been hosted by the governments of China, USA, Russia, Brazil, Mexico, Indonesia, Cameroon, and Peru. The next meeting will be hosted by China in April 2016, and will focus on implementation of Paris commitments, best practices in recognizing IP forest rights, and the role of forests in green growth.

MegaFlorestais has also catalyzed many direct actions and impacts, including for example, the first shared exchange between the Ministry of Forestry in Indonesia and the Brazilian Forest Service on the Amazon Fund, collaboration between RRI, the ITTO, and the Ministry of Forestry Indonesia on the Lombok conference, collaboration between the governments of Canada, USA, Mexico and others on forests and climate change modeling, collaboration between China and Peru on illegal logging and investment, and collaboration between Nestle and the US Forest Service on watershed management. The knowledge and relationships built by the RRI - MegaFlorestais leaders has also led to government support for the Tenure Facility generally, and the pilot projects specifically. MegaFlorestais seminars for the Next Generation of Forest Agency Leaders builds bridges with senior forestry and natural resource officers who are poised to become executive leaders within the next five years. By exposing these officers to premiere research and analysis on globally pressing issues, and encouraging multi-stakeholder perspectives and collaboration, MegaFlorestais aims to enable them to be more effective leaders and innovators in public forest agencies, and in promoting forest tenure and governance reforms in their own countries, and globally.

- **Mobilized actors for tenure reform and strengthened REDD+ strategies in over 15 tropical forest countries** through direct engagement with over 150 Coalition Partners and collaborating organizations, governments and private company leaders, since RRI's creation in 2005. A few notable breakthroughs include: the expansion to the national-level of forest

tenure reforms by China in 2008; national forest and land laws and policies in Liberia; the 2011 Lombok Indonesia conference, which resulted in the first national government commitment to support recognition of IP land rights and the government-CSO roadmap for forest tenure reform; and the coordinated agreements between Indigenous Peoples, NGOs, and the governments in Peru and Colombia. More recent examples include RRI's support to a NICFI workshop to bring a tenure rights perspective into the work of NICFI grantees in Colombia; as well as the recent movement of the DRC government towards legal recognition of IP/LC forest rights in response to RRI country coalition engagement.

IPO and LCOs have benefited from RRI's rapid funding window (the Strategic Response Mechanism, or SRM) to take advantage of strategic windows of opportunity to advance IP/LC forest rights at critical moments. For example, an SRM in Indonesia enabled AMAN to educate all political candidates about IP land rights issues, and as a consequence, AMAN built good working relationships with the incoming government and legislatures at national and local levels, working relationship that have been used for positive outcomes by AMAN's Tenure Facility project to achieve progress in recognizing IP rights at local and national level in Indonesia.

- **Strengthened Indigenous Peoples' organizations and Local Communities' organizations** to achieve their objectives and enhance their capacities to succeed. Since 2005 RRI has provided direct technical and financial support to hundreds of IP and LC organizations in over 20 developing countries – in response to their requests, and after careful review of RRI selection criteria. While all support has been focused on delivering specific policy or market outcomes – they've also strengthened the organizations themselves. In addition to country-level support for their initiatives, RRI has also supported IP capacity building initiatives at regional and global levels. For example, since 2006 RRI has supported numerous learning and capacity building exchanges and conferences between IP and LC organizations across the world, including the first international conference on IP and LC forest enterprises in Acre, Brazil in 2008. More recently, in 2014 RRI supported the Samdhana-organized seminar for "The Next Generation of Indigenous Peoples and Community Leaders" from Indonesia and Philippines. The purpose was to develop a more cohesive cultural narrative for addressing their challenges vis-à-vis persisting threats to their statutory and community land rights in Southeast Asia. Participants improved their understanding of the gender disparities within their own communities and shared examples of best practices and lessons learned in addressing these shortcomings. The meeting leveraged the cultural heritage of each community, while bringing group-wide attention to the importance of youth leadership for long-term planning.
- **Raised new attention and support to gender rights in REDD+ and tenure governance.** Since 2012, RRI has mainstreamed a Gender Justice program that is active across all RRI regions and programs. This has led to path-breaking analytical work on women's rights within collective tenure systems, and deep legal analyses of women's rights in forest and land laws in REDD+ countries, and in REDD+ strategies. RRI has also co-organized with Tebtebba and other IP organizations a series of workshops in Asia, Africa, and Latin America for strengthening indigenous, afro-descendent and peasant women's networks to engage with

public policy making and policy implementation related to land tenure, climate change, and sustainable economic development. As an outcome of RRI's 2015 Colombia gender workshop, the "Guidelines Proposal for Public Policy on Women's Access to Land" were adopted by the Colombian government as part of a new comprehensive public policy for rural women. In Liberia and Cameroon, regional workshops on gender and REDD+ enabled the African Women's Network of Community Forest (REFACOF) to directly participate in the development of national REDD+ strategies.

- **Begun to expand and leverage private sector action to secure community land rights.** Since 2013, RRI has convened the Interlaken Group, composed of individual leaders from strategically influential companies, investors, CSOs, government and international organizations. The Interlaken Group is co-chaired by RRI and the International Finance Corporation and meets regularly to identify practical ways that companies and their investors can support improved land governance and the land rights of rural people. Members are committed to a "race to the top" in terms of respecting IP/LC land rights and avoiding deforestation. The Interlaken Group is developing, disseminating and adopting new tools and advancing new "pre-competitive" mechanisms to accelerate learning between companies on the land and forest risks, and mitigation measures. CSO members include leaders from Oxfam, Forest Peoples Programme, Global Witness, and Landesa. Company membership currently includes: Nestlé, Unilever, Coca Cola, Stora Enso, and Olam. Active investor organizations include the IFC, Rabobank, the European Investment Bank (EIB), and CDC. DFID and USAID have also been active, as current Chairs of the Global Donor Working Group on Land.

The Interlaken Group both develops its own products and reviews and supports related initiatives that advance its mission. For example, since its first meeting the Group has actively advised the development of the Tenure Facility, towards leveraging private political capital for tenure reforms, both in countries and globally. In August 2015 the Interlaken Group (IG) released its first collaborative product, the Land and Forest Rights Guide to support senior-level and operational teams to respect community tenure rights by aligning their operations with the UN's new Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). The tool is applicable across land-based sectors, with special emphasis given to agribusiness and forestry operations. IG members are actively promoting and adopting the VGGT tool in their own organizations, developing a new tool focused on land "legacy" issues, and planning upcoming meetings on tenure risks hosted by EIB, Bonsucro and others. The major next step for the Interlaken Group to engage in catalyzing company recognition of local tenure rights in their operations in key countries, an approach that will be piloted by collaboration between the IG and the TF pilot project in Cameroon in 2016.

- **Tracked global progress on recognition of IP/LC forest and land rights** since 2005, thereby providing rigorous quantitative metric for the global community. RRI has also been a global leader in analytical work and strategic communications to strengthen the understanding of the role of securing collective tenure rights and the role and contributions of forest communities to climate change mitigation and other development priorities such as biodiversity conservation, gender dimensions of REDD+ and poverty reduction. Major recent

contributions include the 2014 joint publication with the World Resources Institute (WRI), *Securing Rights, Combating Climate Change*, which attracted high-level attention to the urgent necessity and major benefits of strengthening Indigenous Peoples' and communities' forest rights as a climate mitigation strategy. RRI also produces and actively disseminates an annual review of the status of forest tenure and governance and identifies the major opportunities for impact in the coming year. The 2015-2016 report was entitled *Closing the Gap: Strategies and Scale Needed to Secure Rights and Save Forests* and launched at the British Royal Society in February 2016.

Together, these many initiatives by RRI have supported government efforts to strengthen their respective climate change and forest policies; catalyzed improved REDD+ strategies and implementation plans; depolarized and progressed the safeguards and strategic environmental and social assessment (SESA) debates; strengthened awareness of the major drivers of deforestation; improved understanding of opportunities for community-based REDD+, including reforestation, agroforestry and forest conservation efforts; and increased coordination and efficiency among NGOs and Indigenous Peoples' organizations at national and global levels.

1.3 Prior Norad/NICFI Support

Have you applied for Norad/CFI funding before? Yes (RRI); Yes (The Tenure Facility)

Is the proposed project a continuation of a previously or currently Norad funded project? Yes

If yes, note the main changes/developments in the proposed project compared to the current one:

Norad supported the design and appraisal of the Tenure Facility between 2012 and 2013. The current project request is for independent establishment and scaling-up.

Are the applicant/ partner(s) in the proposed project involved in other applications to the NICFI funding scheme for civil society 2016-2020? Yes

If yes, please specify which application, and the applicant/partner(s) role in the project(s): On behalf of RRI, the Rights and Resources Group was awarded a grant for the project "*Promoting forest tenure and governance reforms as pre-requisites to the effective implementation of REDD+*", under the current NICFI funding scheme for civil society. Within the scope of this initiative, RRI will lead the implementation of the project, coordinate the delivery of stated results with selected partners and collaborators, and provide fiduciary oversight.

1.4 Quality Assurance Systems

1.4.1 Program Planning and Implementation

Programme planning and implementation within the Tenure Facility is governed by a complementary set of tools, guidelines, and procedures.

Planning

To increase the likelihood of success and minimize exposure to risks, the Tenure Facility relies on strong relations with many networks and institutions, and a combination of selection criteria and

project preparation and screening processes. Strategic opportunities, including emerging political windows and complementary development initiatives or private sector investments, are initially identified through trusted contacts, such as RRI Coalition Partners, Collaborators, MegaFlorestais government agencies, Interlaken Group companies and investors, other collaborating organizations such as RF-Norway, UN-REDD, World Bank, FIP, FCPF, FAO Forest and Farm Facility, etc. as well as field experts and donors at national, regional and global scales. RRI also employs annual strategic analyses to identify emerging trends, threats, and opportunities across different geo-political arenas.

The Tenure Facility does not rely on calls for proposals. In most countries, there are few organizations that have both the credibility of relevant expertise and the trust of critical constituencies, including government, development partners, affected populations and private sector operators where relevant. Combined with the necessity to engage in countries that have basic legal provisions or judicial decisions to build on, and the political means to implement reforms, RRI experience shows that the conditional requirements for success are too numerous, demanding, and dynamic to be effectively supported by traditional bidding processes. More open, strategic, and iterative selection processes are therefore required.

Emerging project ideas and anticipated proponents are assessed together through iterative vetting processes that take in the views of different stakeholders at multiple scales of engagement. Consultations with key government and civil society representatives, development partners, IPs/LCs, private sector operators, relevant RRI Partners and Collaborators, and the Tenure Facility Advisory Group are held to validate the rigour of a proposal, the capacities of the proponent(s), the backing of the proposal by a meaningful suite of governmental actors and other agencies key for ensuring impact, and the overall potential for impact. Triangulation of input from multiple sources is used iteratively to refine the underlying theory and validity of the proposal. Validation by means of consultation and triangulation from many complementary perspectives give the Tenure Facility confidence in the appropriateness of each project design, the efficacy of anticipated risk mitigation measures, and the overall likelihood of success. Selected project concepts are submitted to the Tenure Facility Advisory Group and Interim Board of Directors (to be replaced by independent Board of Directors in 2017) for review and approval.

Selection Criteria

The Tenure Facility projects are selected via a process based on RRI's proven approach—for their: **strategic importance** (Do they take advantage of current opportunities and policy openings?); **value-added contribution** (Do they complement planned or existing initiatives? Address a critical issue or strategic gap? Or respond to government priorities or challenges? Demonstrate support /interest from the government authorities relevant to the achievement of the intended outcomes and potential scalability of the project?); **synergistic appeal** (Do they make use of the comparative advantage of local partners? Do they appropriately involve government, development partners and other indirect stakeholder group?); and **scalability** (Are project tools and methods transferable? Can results be replicated? Are there national or international commitments, resources and capacities to scale results?).

Further to these general considerations, selected projects must demonstrate that they:

- Target and respond to the needs expressed by Indigenous Peoples and Local Communities to implement programs or policies to secure collective land rights, providing direct benefits to vulnerable and disadvantaged groups with rapid results;
- Utilize innovative approaches or partnerships engaging Indigenous Peoples' organizations, CSOs, community associations, and/or government agencies as implementing agencies to reach the target groups not reached by other programs;
- Comply with the Tenure Facility's Social and Environmental, Human Rights, Gender, and Conflict Sensitivity standards;
- Are IP/LC-driven initiatives and/or reflect a participatory design and consultation process with the targeted beneficiaries who endorse the grant activities;
- Demonstrate support, or include a credible strategy to earn support, from the government authorities relevant to the achievement of the intended outcomes and potential scalability of the project;
- Clearly identify implementation risks, programmatic assumptions, and anticipated mitigation strategies;
- Meet or exceed stated fiduciary requirements in terms of disbursement and procurement; and
- Utilize participatory monitoring and evaluation to help beneficiaries measure and improve progress in situ, strengthen accountability, and promote ownership over results achieved.

Finally, since the Tenure Facility intentionally prioritizes direct support to IPOs/LCOs, selected implementing organizations need to be able to individually or jointly (through appropriate partnerships) demonstrate the following set of capacities or standards:

- Legal status as a nationally registered entity;
- Representational accountability to affected communities or intended beneficiaries, with an appropriately diversified and gender sensitive work force and governance structure;
- Organizational capacities detailing sound financial and human resource management; a clear leadership structure and assigned roles and responsibilities; robust planning, monitoring and reporting procedures; and clear inter-institutional linkages or partnerships;
- Transparency relative to the disclosure of funding sources, procurement standards, fiduciary accountability, sound governance structure and clear decision-making procedures;
- Operational capacities to manage operations, facilities, and equipment;

- Proven project management expertise, with demonstrated experience and fiduciary capacity to manage large grants; qualified/experienced technical personnel; effective coordination capacity, and a proven ability to deliver results; and
- Good reputation with no significant arrears in financial and physical reporting, audits or cancellation of expenditure to financiers during the previous three years.

Implementation

Quality assurance during project implementation is secured through a complementary set of measures. Together these elements provide the necessary oversight to efficiently secure the delivery of relevant and effective project results.

Each project is bounded by a contractual/grant agreement that establishes a fiduciary lien to the resources provided, and the use of these funds to achieve stated outputs and other enabling conditions necessary for the realization of longer term results at the outcome and impact levels. The terms of agreement between the Tenure Facility and selected project proponents are detailed in the approved project proposals. Each proposal should contain detailed responses to the requirements listed in the previous section (see Planning); a detailed results-framework with measurable performance indicators; a timeline for the implementation of the project and the delivery of stated results; and a reporting schedule for the use of funds and project-related accomplishments; letters and other documents certifying the legal status of the proponent; the organisation's procurement policy and previous audit reports, as well as signed affidavits confirming the proposed use of funds. Requirements to respect cultural diversity and gender equality are part of every contract.

Monthly phone and email updates between project implementers and the Tenure Facility Secretariat are used to maintain open lines of communication, proactively address emerging issues, and build trust and reciprocity between the Tenure Facility and project implementers. In addition to keeping track of progress, regular interactions allow the Tenure Facility to monitor its own developmental assumptions, take stock of the challenges proponents face, anticipate the need for technical assistance, lessons sharing for capacity building, and refine the tools and services offered to implementers.

Each project is supported by a senior technical resource person, contracted by the Tenure Facility in consultation with project proponents. Selected technical experts need to demonstrate extensive in-country experience, detailed knowledge and expertise of areas related to land and forest rights, a firm understanding of associated political processes, trusted relationships with IPs/LCs, and familiarity with ongoing development and economic initiatives. Technical resources are tasked with overseeing the delivery of the overall project, including monitoring progress towards the realization of stated results and the provision of backstopping support as required. Reporting directly to the Tenure Facility, technical resources are required to flag any emerging issues that could impede project implementation or create risks for the beneficiaries, project proponents or partners, or the Tenure Facility itself.

Finally, the technical experts are also requested to submit briefing reports to the Tenure Facility following each field visit. These are used to monitor the pace of implementation; planned versus

actual expenditures; factors affecting performance; and emerging issues or changes in the enabling conditions.

1.4.2 Monitoring, Evaluation and Reporting

Independent monitoring, evaluation (M&E) and reporting are central to the Tenure Facility's value proposition and constitute the main building blocks of its learning and accountability framework. By pursuing the notion that tenure reform can be programmatically addressed through targeted IPO/LCO interventions, the Tenure Facility is effectively breaking new ground. With this comes the responsibility of reliably measuring the performance of selected investments, to build trust and confidence in the Facility's approaches, and support the development of a strong community of practice dedicated to the advancement of IP/LC rights and related benefits. To achieve such ends, the Tenure Facility has been included in RRI's monitoring, evaluation and reporting system during incubation and establishment, and is transitioning to using its own dedicated set of tools and monitoring procedures.

Over the years, RRI has developed robust reporting, and monitoring and evaluation protocols to ensure the highest level of performance, transparency, and accountability in all its operations. RRI conducts annual monitoring and reporting which includes an annual Independent Monitor report, internal program reporting, and financial audits. RRI undertakes formative and summative evaluations of its Framework Program at regular intervals.

Similarly, the Tenure Facility relies on an integrated approach to monitoring, evaluation, and learning (MEL) that is designed to enhance accountability, strengthen performance through project-level learning and adaptive management, and further international commitments through global and regional convenings to share lessons learned (see Appendix II). To connect project-level experiences with the Facility's performance, the Tenure Facility relies on an overarching results framework and theory of change (see Appendix I). The first outlines the programmatic results that the Facility is trying to achieve across all of its investments, including performance indicators and risk mitigation strategies that will be tracked and periodically assessed, while the second articulates the assumptions that support the inherent logic of the Facility's approach and intended results. The pace of implementation (i.e., activities and outputs), progress towards outcome-level results, and the validity/reliability of causal assumptions are iteratively measured or tested at both the country and global levels.

Collectively, monitoring and evaluation instruments and processes are designed to support learning within the Facility and across concerned constituencies. To achieve such ends, the Tenure Facility's M&E and reporting system aims to:

- Assess the effectiveness of selected projects against planned results and responsive adaptive adjustments to emerging opportunities and challenging;
- Support the decision-making needs of the Facility relative to project design and implementation, program management, strategic planning, and internal policies and procedures;

- Foster accountability and the proper use of resources;
- Document, disseminate and integrate lessons learned to improve future interventions and tenure reform processes in particular; and
- Communicate the purpose and performance of the Tenure Facility to key constituencies, including donors, board members, the MSAG, governments, private sector operators and IP/LC.

Reporting consistency and rigor are secured through a number of interactive measures, intended to minimize project-level obligations without sacrificing the depth and extent of collected data. This is an important consideration, given that many of the IP/LC supported by the Tenure Facility remain grounded in oral traditions and therefore unaccustomed to the rigors of report writing. Hence, the Tenure Facility requires biannual reports from project proponents, supplemented by quarterly briefing notes from appointed technical resource persons, and monthly updates from national focal points. Prior to the completion of each project, independent consultants are hired to facilitate and document stakeholder reflections on the most significant changes (whether planned or unplanned, positive or negative) and lessons learned. Finally, in alignment with RRI's accountability practices, the Tenure Facility also retains the services of an independent monitor to ground truth emerging evidence from a sample of projects, validate whether outputs are leading to stated outcomes, and document factors affecting performance as required (e.g., the validity of stated causal assumptions, the reliability of risk mitigation strategies or the effectiveness of stakeholder engagement processes).

Fiduciary accountability is managed through the strict accounting rules and procurement guidelines of RRI and the Tenure Facility. This includes annual audit requirements of the Tenure Facility country and global-level operations, as well as biannual reporting of results to the Board, the Tenure Facility Advisory Group, donors, and other committed partners and collaborators such as project implementers themselves. As requested by RRG and the Tenure Facility Board, or recommended by the Advisory Group, independent external evaluations of selected projects may also be undertaken to better understand the performance of selected investments, including project-level interventions and global or regional knowledge sharing fora. Formative and summative evaluations of the Tenure Facility work programme are likewise planned for every investment cycle.

1.4.3 Internal Financial Management

RRG and the Tenure Facility have been entrusted by their supporters with financial resources to work toward the mission and goals of the Initiative. To justify this trust, RRG and the Tenure Facility are committed to being cost-effective stewards of these resources, and are committed to a high level of transparency and accountability to demonstrate this stewardship. RRG has executed financial contracts with over 200 different local organizations in over 30 countries over the course of its ten year history, regularly administers over 150 contracts a year, and provides an average of over 60% of its total annual income to external collaborating organizations every year. Despite this challenging volume and complexity RRG has maintained an outstanding record of financial management.

RRG and the Tenure Facility, during its transition, maintain strict financial controls in accordance with best practices promoted by the US Internal Revenue Service (IRS), the Financial Accounting Standards Board (US), and the recommendations of a Certified Public Accountant advisor and independent auditors. All financial transactions require review and approval by more than one individual invested with budget management or accounting responsibility. RRG and the Tenure Facility use BlackBaud Financial Edge accounting software for non-profit organizations, which has strict controls programmed into the software.

Purchases of goods and services must abide by RRG's and the Tenure Facility's procurement policy, with graduated levels of comparison and approval required based on purchase price. Purchases of consulting services require a contract describing product expected and specific reimbursement rates and maximum. Expenses of employees and other individuals participating in Tenure Facility activities are reimbursed on an actual basis, and require a list of expenses and receipts or other documentation, in accordance with US IRS regulations governing Accountable Reimbursement Plans.

Financially-supported activities require an agreement describing the activities to be conducted, acceptable timeframe, budget, deliverables, and technical and financial documentation requirements. The Tenure Facility assesses the financial management capacity of organizations when determining the financial and reporting arrangements under these agreements. Recipient organizations are required to abide by applicable donor requirements and ethical practices, including transparency and accountability.

1.4.4 Corruption and Financial Risks

RRG and the Tenure Facility prohibit any activities or financial transactions that involve, or have the appearance to involve, corruption or nepotism. In addition, the employees and Board of Directors of RRG and the Tenure Facility are required to abide by RRG's/The Tenure Facility's Conflict of Interest policy, with compliance reviewed at least annually. Each organization maintains a Whistleblower Policy to ensure the protection of individuals that call attention to potential violations of relevant rules and regulations. The Tenure Facility has built a Grievance Redress Mechanism into its governance structure to ensure that conflicts and concerns are brought to the attention of the Board and are addressed in a fair and timely manner. RRG's/The Tenure Facility's accounts and financial statements are audited annually by independent external auditors, comprised of Certified Public Accountants of an established and reputable firm of auditors experienced in providing services to non-profit organizations. The selection of auditors and terms of reference are competitively selected and approved by the Audit Committee of RRG's/The Tenure Facility's Board of Directors. RRG's/The Tenure Facility's audit is undertaken in compliance with the US Financial Accounting Standards Board (FASB)'s generally accepted accounting principles. The auditors also provide a Management Letter to the Board of Directors and interested donors of any findings of material weaknesses. In accordance with US law, RRG, and the Tenure Facility during its transition, annually files an Information Return with the US Internal Revenue Service, which is available for public inspection. RRG posts its list of Board of Directors, Governance documents, Annual Work Plans, Independent Monitor Evaluations, Annual Program Statements, Annual Audited Financial Statements, and IRS 990 Information Returns on RRG's publicly accessible website (www.rightsandresources.org), and similar information will be posted on the Tenure Facility site

(www.thetenurefacility.org), as required by the regulations of the country where it is registered in 2016/7.

1.4.5 Knowledge Management

Efforts to capture and disseminate knowledge relevant to tenure reform, and share lessons learned with implementing organizations, their partners, and via dedicated regional and global convenings are central to the purpose of the Facility and its underlying theory of change. Following RRI's approach, knowledge within the Tenure Facility is viewed as a critical tool for raising global awareness and commitment to land and forest rights issues, and a way to enhance the efficacy of available methods, strategies and approaches for leveraging tenure reforms.

Knowledge management (KM) within the Tenure Facility borrows heavily from RRI's authoritative standing as a *knowledge management institution*, and its ability to draw on analytical and empirical evidence to catalyze policy and market reforms in favour of IP/LC resource rights. As such, KM is built into the Tenure Facility's monitoring, evaluation and learning framework, and designed to build momentum for change from the ground up by capitalizing the knowledge and experience of project proponents and implementation partners. More specifically, the objectives of the Tenure Facility's approach to KM are to:

- Raise international awareness and commitment to tenure reform via the development of shared communities of practice at the national, regional and global levels;
- Promote good practice, scale up innovations, and highlight ways of overcoming barriers;
- Develop relevant, strategic and impactful knowledge products on effective models, strategies and approaches to securing land and forest rights for IPs/LCs; and
- Strengthen the capacities of implementing organizations and other IPOs/LCOs, government agencies, and private sector operators on issues related to titling and communal rights.

To achieve such ends, all project implementing organizations and partners are convened midway and near the end of every financing cycle to discuss and share lessons learned from their experiences that would have implications for a variety of constituencies with differing roles and responsibilities in other countries or regions, including IPs/LCs, civil society organizations, government, donors and the private sector. Similar thoughts and reflections are requested from appointed technical resource persons, project beneficiaries, and project collaborators, such as representatives from government, development agencies, and the private sector where applicable. Midway reflection contributes to adaptive management of the initiatives. Knowledge products, synthesis reports and briefing notes are developed by the Tenure Facility Secretariat as requires and in alignment with stated KM objectives.

Taking advantage of its strong institutional ties to RRI, and its global convening authority, the Tenure Facility is able to substantially raise its knowledge-production and knowledge-sharing capacities by:

- Building robust and collaborative working relationships and engagement in events at the country and international levels, including planning meetings with donors, Partners, and others;
- Convening project stakeholders to influence national and global policy discussions and catalyze learning across constituencies and regions in dedicated fora, dialogues or events;
- Investing in strategic implementation of emerging solutions, models and strategies for more efficient and effective approaches to titling, legal implementation, or policy reforms;
- Organizing horizontal learning exchanges between projects to promote knowledge sharing for capacity transfer;
- Updating and maintaining an interactive website and engagement platforms; and
- Developing clear and focused communication products and media outreach strategies.

1.5 Inter-Institutional Linkages

1.5.1 Partnership Strategy

The Tenure Facility is designed to support the efforts of IP/LC and government institutions to resolve land and forest rights issues via direct engagement and technical/financial assistance to Indigenous Peoples and civil society organizations. To achieve such ends, the ability to develop and maintain effective partnerships with governments and sometimes private companies is critical. The Tenure Facility's approach to partnerships involves several complementary strategies.

First and foremost, the Tenure Facility is dedicated to developing the trust and confidence of representative IP/LC organizations and their allies. Within the context of the Tenure Facility's overall approach, IP/LC organizations are viewed as the lead agents for the development and implementation of effective solutions to land and forest rights issues, not only because they understand the problems and potential solutions better than most other interlocutors, but more importantly, because these are also their lands. While the Tenure Facility views IPs/LCs as leaders of their own transformation, and essential contributors to the overall design of the Facility itself, they are treated here as sub-grantees and presented in Section 1.5.3 below.

Another critical component of the Tenure Facility's partnership strategy is the Advisory Group (AG). Composed of representatives from IPs/LCs, donors to the Tenure Facility, national and international organizations (e.g., Tebtebba, IFC, Landesa, CED, the World Bank, FAO and the UN-REDD Programme) and private companies, members of the AG voluntarily serve in their own personal capacities to advise the Facility's programme design, provide strategic guidance, share useful knowledge, and help strengthen complementarities and synergies with other development initiatives. As such, the AG functions as a "critical friends" group, dedicated to enhancing the performance of the Tenure Facility in all of its dimensions. Though relations to AG members' organizations, in the context of the Facility's partnership strategies, are indirect and therefore not supported by inter-institutional linkages applicable to this section, the active involvement of AG members, with their respective affiliations, plays a crucial role in identifying strategic openings for

Tenure Facility investment and potential projects, and building trust and confidence in the planning and implementation of the Tenure Facility's programme.

The performance and future success of the Tenure Facility can best be understood in the context of its relationship to RRI and its global coalition of 13 Partners and 150+ Collaborator organizations. The Tenure Facility builds on RRI's Coalition's work to: (i) strengthen IP organizations and IP rights; (ii) constructively engage governments to advance the tenure reform; and (iii) engage leading private sector actors to become more supportive allies in the implementation of tenure reforms. By accelerating learning, leveraging, building trust and understanding—and extending this across geographies and governments—the Tenure Facility builds on the enabling conditions created by the RRI coalition in order to realize its mission.

1.5.2 Key Development Partners

This section presents an illustrative set of Partners who play an active role in furthering the complementarities, efficiencies, and impact of the Tenure Facility.

First and foremost, the Tenure Facility's key partners include the Indigenous Peoples' Organizations (IPOs) and Local Community Organizations (LCOs) whose initiatives are directly supported by the Tenure Facility. Other key partners, as illustrated by the current pilot initiatives, include the local and international NGOs, international organizations, networks, and government agencies that are working to secure tenure rights in particular places.

Among the international NGOs, Rainforest Foundation US, Rainforest Foundation Norway and Rainforest Foundation UK illustrate the role of key international NGOs in pilots underway in Panama, Peru and Cameroon. RF-US has been engaged in tenure issues for many years in Panama; the Tenure Facility project was designed in collaboration with RF-US to leverage adequate support for key components necessary for creating the changes and titles that RF-US and COONAPIP (Panama indigenous federation) had been pursuing for years. RF-Norway has long supported the Peruvian national indigenous federation AIDESEP and its affiliates, including FENAMAD, to secure a corridor of forest reserves for protecting "uncontacted" peoples (PIAVCI). The Tenure Facility Peru pilot includes a component for protecting PIAVCI in Madre de Dios, with FENAMAD in collaboration with RF-N. RF-N has provided key advice during design and implementation. RF-UK is a main partner executing the Tenure Facility pilot in Cameroon.

Key network partners include the private sector Interlaken Group, and the LandMark map network— both initiated by RRI—as well as RRI's Affiliated Networks that include IP and LC-based networks. Among international partners, the Tenure Facility counts on key information and collaboration from UNDP, UN-REDD, FCPF, World Bank, IFC, FAO, the Forest and Farm Facility (FFF), as well as bilateral donors. RRI Coalition Partners assist the Tenure Facility in strategic planning and coordination at both the country and global levels. RRI Partner roles in advancing REDD+ and the land and forest rights of Indigenous Peoples and forest communities are identified below, in alphabetical order. Some RRI Partners are directly involved in implementation of the Tenure Facility's projects in any given year. For example, RRI Partners CED and FPP are both active partners in the current Facility-supported initiative in Cameroon; and HELVETAS Mali is an active partner in the Facility-supported initiative in Mali. The majority of funding to the Tenure Facility is channelled

to local and national IPOs and LCOs, after the careful, collective assessment of strategic gaps and opportunities to increase and accelerate impacts in terms of tenure reform.

Centre for Environment and Development (CED), Cameroon

CED is the leading NGO promoting environmental justice in the Congo Basin and is an established advocate for community and Indigenous Peoples rights to land and resources. CED engages with civil society, government, rural communities, and Indigenous Peoples in Cameroon and across the Congo Basin region, providing analysis, advocacy, and capacity building on matters of illegal logging, ecosystem services, indigenous and community rights, and extractives and infrastructure. CED intervenes in regional and international climate change processes to ensure the recognition of community rights and interests. CED plays an active role in the African Community Rights Network.

Role in project implementation: *Provide guidance on the Tenure Facility project identification, civil society engagement on REDD+, awareness raising, links with FLEGT processes, operational guidance on community tenure mapping, active participation in global and regional dialogue platforms.*

Center for International Forestry Research (CIFOR), Indonesia

CIFOR advances human well-being, environmental conservation and equity by conducting research to help shape policies and practices that affect forests in developing countries. Forests and climate change is an important theme of CIFOR's work as it investigates how to improve forest management and grow global tree cover to benefit the environment and livelihoods. CIFOR research considers everything from REDD+ implementation to land-use change and wetland carbon stores, all of which contribute to goals of effective climate change mitigation and adaptation. CIFOR is a member of the CGIAR Consortium.

Role in project implementation: *Research and learning lessons on the effectiveness of tenure reforms and titling initiatives; analysis of links between communal ownership and mitigation and adaptation activities, REDD+ implementation research, and carbon forestry research.*

Forest Peoples Programme (FPP)

FPP is recognized as a leading global advocate for Indigenous Peoples rights to forest lands. FPP draws upon its expertise of human rights, legal frameworks, environmental governance and responsible finance to create political space for Indigenous Peoples to secure rights to land and resources. FPP works to link Indigenous Peoples movements at regional and international levels, as well as to forge connections between Indigenous Peoples, communities, and policy makers to increase respect for human rights standards and community control of forest lands. By intervening both at country/regional level and internationally, FPP adds value to a variety of RRI coalition members and initiatives, such as the RRI Dialogues on Forests, Governance and Climate Change as well as targeted capacity-building for Indigenous Peoples and local CSOs.

Role in project implementation: *Provide guidance on the Tenure Facility project identification, drawing on their extensive experience in mapping tenure rights, holding industry accountable to no deforestation and FPIC pledges, monitoring REDD+ strategy development to ensure respect for rights and inclusion of FPIC standards, legal support to communities.*

Forest Trends

A leading think tank on forest markets, Forest Trends analyses strategic market and policy issues and catalyzes connections between producers, communities and investors, with the aim of advancing environmental markets. Forest Trends' analysis illustrates the economic benefits to communities and national economies generated by securing community tenure. Forest Trends engages with communities on market-based environmental mechanisms, such as PES and REDD+, building capacity and understanding of the risks and opportunities.

Role in project implementation: *Provide guidance on the Tenure Facility project identification relevant to ongoing REDD+ investments and how to engage private sector actors; develop analytical contributions on the role of community REDD+ initiatives, participating in RRI dialogues and information sharing.*

HELVETAS-Swiss Intercooperation

With natural resources projects in over 30 countries, HELVETAS-Swiss Intercooperation is Switzerland's largest development organization. Its deep experience provides key intellectual inputs to advocacy for local control of natural resources, and the gender dimensions of land, natural resources, and climate change. HELVETAS-Swiss Intercooperation engages strategically with government and civil society actors to shape reform processes. HELVETAS-Swiss Intercooperation is strongly engaged in international fora such as the ITTC and Intergovernmental Panel on Climate Change. HELVETAS also has national offices in some countries.

Role in project implementation: *Provide guidance on the Tenure Facility project identification, providing analysis of community contributions to forest mitigation and adaptation, support high-level strategic planning and engagement with private sector operators that can help refine Tenure Facility project designs. Currently HELVETAS Mali is a partner in the Tenure Facility initiative in Mali.*

International Forestry Resources and Institutions (IFRI)

As an extended network of 13 collaborating research centers from around the world, IFRI is the premier intellectual resource on forest institutions and livelihoods. IFRI's cutting edge research and analysis is based on an interdisciplinary approach, examining how governance arrangements shape both social and environmental forest outcomes. Led by Professor Arun Agrawal, IFRI's rigorous research is designed to inform and shape evidence-based forest policies, and is published in leading peer-reviewed journals. IFRI analyses bolster the Tenure Facility's understanding of connections between insecure tenure, poverty, and food security, as well as on lessons from successful models of community forest enterprises.

Role in project implementation: *Provide research on the impacts of secure tenure on forest protection, the conditions that lead to improved forest governance and livelihoods, tracking impacts of tenure and governance reforms on forest carbon and poverty.*

Salvadoran Research Program on Development and Environment (PRISMA)

PRISMA is a research NGO for policy dialogue in Central America, conducting critical research and analysis, promoting interaction among diverse actors at a variety of levels to advance equitable, sustainable development. PRISMA has developed key research on the current pressures on Central American collective territories from private investment. PRISMA also provides technical and strategic support to the Mesoamerican Alliance of Peoples and Forests (AMPB) on issues related to climate change and territorial dynamics. PRISMA is an important convener and source of regional information with regard to community rights to land and resources, providing critical support and design to events such as the Mesoamerican Dialogue on Forest Governance and Climate Change.

Role in project implementation: *Support regional dialogues that can help provide guidance in terms of Tenure Facility project identification, advising on REDD+ strategy design, awareness raising with community organization and governments.*

RECOFTC – The Centre for People and Forests (RECOFTC), Thailand

Based in Southeast Asia, RECOFTC is the world's leading information and training hub for community forestry, grounded in strong rights, good governance and equitable benefit sharing. RECOFTC trains organizations in advocacy strategies, as well as engaging with policy-makers to encourage greater recognition of community rights. RECOFTC has been a strong catalyst in achieving government commitment to community forestry in Asia, through vital legislation and investing in long-term institutional development, ensuring active community participation in equitable and sustainable forest management and bolstering the capacity of community forestry networks.

Role in project implementation: *Provide guidance on the Tenure Facility project identification; assist in organizing exchange visits, training and operational guidance on tenure reform in the Asian context, and linkages to REDD+ investments.*

The Samdhana Institute, Asia

Samdhana is an Asian regional center specialized in resolving environmental conflict, promoting clear community rights, legal recourse, leadership and organization, and technical support. Samdhana plays a leading role in mobilizing civil society advocacy for tenure reform, providing critical knowledge and analysis to support policy recommendations.

Role in project implementation: *Provide guidance on the Tenure Facility project identification; provide capacity building support and strategic advice to Indigenous Peoples and community organizations in Indonesia and other Asian countries in the context of REDD+; coordinate with grassroots organizations and provide analytical support and dialogue facilitation.*

Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), Philippines

Founded by and for Indigenous Peoples, Tebtebba is leading worldwide platform for promoting Indigenous Peoples rights and building Indigenous Peoples capacity for effective political organization and advocacy. Tebtebba is actively engaged in international processes, including

climate change negotiations, and contributed to processes leading to the adoption of major international policies and instruments, such as international human rights law, UNDRIP, and UN Permanent Forum on Indigenous Issues.

Role in project implementation: *Provide guidance on Tenure Facility project identification, and analyses of implications for Indigenous Peoples; actively participate in knowledge sharing events and dialogues; further engagement in commodity roundtables.*

World Agroforestry Centre (ICRAF), Kenya

The World Agroforestry Centre is the global leader in research on agroforestry and sustainable development, conducting research to advance policies and practices that benefit rural communities and the environment alike, and is a member of CGIAR. With over three decades of direct work with smallholder farmers in Africa, Asia and Latin America, ICRAF capitalizes on its long experience researching tenure (design, implementation and impacts), and draws upon strategic alliances with research institutions and civil society.

Role in project implementation: *Provide guidance on the Tenure Facility project identification; support strategic planning, analysis of agriculture and forest interface, including opportunities for tenure reform in the context of climate-smart agro-forestry initiatives, as well as engagement in global and regional dialogues.*

1.5.3 Sub-Grantees in the Project

The Tenure Facility is designed to leverage funding and technical support to IPOs and LCOs for the purpose of scaling up implementation of land and forest tenure reform policies and legislation; and furthering the development and testing of innovative models, strategies and approaches to achieve such ends. In the context of this project, sub-grantees refer to several stakeholder categories, namely: (i) IPOs and CSOs that have been selected for the Tenure Facility's support; (ii) the technical resource persons charged with the provision of technical assistance to project proponents; and (iii) contracted collaborators or service providers tasked with the provision of specific products or services for the Tenure Facility, whether at the country level (e.g., demand studies, proposal preparation and development) or for the Tenure Facility Secretariat (e.g., developing social and environmental safeguards, monitoring performance).

As outlined in Section 1.4.1 above, selection criteria for project proponents are rigorous and are design to minimize risks while enhancing the likelihood of impact. Following RRI protocols, technical resource persons and resource providers are selected through competitive bidding processes involving detailed skill and experience requirements. Because sub-grantees are selected on the bases of emerging opportunities and new or continuing needs, the duration and extent of their involvement in the life cycle of the project stands to vary considerably. The following is a list of recent and current sub-grantees. As the needs of the Facility evolve, and existing projects end while new ones are approved, the list of contracted sub-grantees will likewise vary.

Current Project Leaders, illustrative of future grantees:

- Aliansi Masyarakat Adat Nusantara (AMAN) in collaboration with district governments– Indonesia;
- (COONAPIP) in collaboration with RF-US – Panama;
- La Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD), in collaboration with Sociedad Peruana de Derecho Ambiental (SPDA) and GOREMAD (regional government of Madre de Dios) – Peru;
- La Coordination Nationale des Organisations Paysannes du Mali (CNOP) peasants' association in collaboration with HELVETAS-Mali, and the National High Council of Agriculture– Mali;
- Joint partnership between the Centre for Environment and Development (CED), the Forest Peoples' Programme (FPP) and Rainforest Foundation of the United Kingdom (RFF-UK), coordinated by Rainbow Environment Consult Sarl with active engagement of key Ministries– Cameroon; and
- Sustainable Development Institute (SDI), in collaboration with Liberia's Governance Commission and CSO partners – Liberia.

Technical Resource Persons currently assisting the Tenure Facility:

- Jim Smyle (Panama, Liberia)
- Chip Fay (Indonesia)
- James Acworth (Cameroon, Mali)
- Martin Scurrah (Peru)
- Fillippo del Gatto (global)

Consultancies assisting the Tenure Facility:

- Indufor Oy (demand studies, project identification and selection, M&E, knowledge management)
- HELVETAS-Swiss Intercooperation (conflict sensitivity guidelines)
- MDY Legal - Marriott Davies Yapp LLP (legal and institutional options for domiciling the Tenure Facility)

Project Document Form Part 2: Project Information

2. Relevance to NICFI Outcomes

By supporting the efforts of IPs, LCOs, and governments in developing countries to clarify and secure land and forest rights, the Tenure Facility directly contributes to the realization of six major global development priorities, including: (i) poverty eradication; (ii) sustainable economic development; (iii) food security; (iv) climate change mitigation; (v) forest and biodiversity conservation; and (vi) gender justice.

In the context of this proposal, realizing rights constitutes both a necessary condition and a cost effective strategy, in and of itself, for producing verifiable reductions in greenhouse gas emissions from deforestation and forest degradation in developing countries. As the historic owners and guardians of most of the world's forests, Indigenous Peoples have for generations successfully protected their land. Tragically, however, most lack full ownership rights to their ancestral and customarily owned territories, placing them and their forests at risk from the exploding global demand for land and resources. Securing the rights of the more than 2 billion people who live in and depend upon the remaining forests and drylands of the world is critical for the conservation of natural forests and the maintenance of their carbon storage capacity.

Beyond the project's contributions to the preceding NICFI objectives and goals of Norwegian foreign development assistance, the relevance of the Tenure Facility to the outcomes highlighted in NICFI's 2016-2020 call for proposals is summarized as follows:

NICFI Outcome 1: Incentives to achieve REDD+ efforts are established through the new international climate regime/or other climate, environment and development funding streams

Tenure Facility Outcome 1: International and national response to demand for tenure reform increased and additional funding leveraged to scale-up reform efforts.

In spite of the various funding mechanisms¹ that now support REDD+ ambitions, the financial and technical resource flows needed to address tenure-related issues remain limited and slow to materialize, owing to the more complex architecture of existing instruments and their responsiveness to bilateral requests only. As the first and only multi-stakeholder institution focused on securing collective rights to land and forests, the Tenure Facility aims to fill this critical gap in the current REDD+ architecture. Implementing tenure reforms and titling poses serious challenges to governments everywhere, and support to indigenous and local community organizations to resolve this impasse has so far been limited. By providing timely, strategic, and responsive financing and technical assistance directly to local and national change agents to clarify and secure communal land and forest rights within the context of existing government policy, the Tenure Facility will provide a complimentary incentive structure for tackling one of the most challenging and undermining aspects of the global REDD+ agenda.

¹ These include the FCPF Carbon Fund (CF); the Forest Investment Program (FIP) and its Dedicated Granting Mechanism (DGM); Germany's REDD+ Early Movers Programme; Norway's International Climate and Forest Initiative (NICFI); the Green Climate Fund (GCF); and the World Bank BioCarbon Fund.

NICFI Outcome 2: Governments in targeted developing countries have implemented REDD+ related policies, measures and safeguards, such as policies for green growth, sustainable livelihoods, land use-planning the rights of Indigenous Peoples and Local Communities and women's rights.

Tenure Facility Outcome 2: Land and forest reform policies and legislation implemented effectively and scaled up.

Tenure Facility Outcome 3: Tenure-related legislation clarifies the rights of Indigenous Peoples and Local Communities to land and all of its resources and services, such as carbon.

The central role of tenure security to achieve forest conservation targets and permanently reduce greenhouse gas emissions emission from business as usual deforestation and forest degradation trends is now well established. However, addressing tenure-related concerns poses significant challenges for most governments and civil society actors. Lacking the organizational structure and capacity, as well as the tools, methods and resources needed to address these problems head-on, in addition to the enabling policy environments that can help drive the necessary legislative reforms and/or support the implementation of existing laws and regulations, progress towards the recognition of indigenous and local community land and forest rights has so far been inadequate to ensure the implementation of efficient, effective and equitable REDD+ policies, measures and safeguards.

The Tenure Facility aims to address this untenable situation by supporting implementation of projects that bridge the divide between governments and the indigenous and local community organizations who better understand the nature of these problems and their solutions. Building on the experience and expertise of RRI and its Coalition for designing effective and strategic interventions, the Tenure Facility engages governments, development partners and private sector operators through the leadership of IP/LC organizations to:

- Test and implement innovative and scalable solutions to advance the land rights of IPs/LCs;
- Promote awareness of the multiple benefits of cost-effective titling strategies and approaches to community land mapping, demarcation and registration;
- Strengthen the capacity of governments to scale up results through complementary titling investments and the implementation of enabling policy and regulatory environments;
- Enable IP/LCs, government, and development partners to extend land tenure services to other forest communities, and to threatened, disadvantaged and vulnerable groups in particular; and
- Establish multi-stakeholder platforms to govern interventions, promote buy-in, share lessons, develop policy recommendations, and develop strategies in view of future needs and actions.

NICFI Outcome 3: Private sector actors have implemented social and environmental policies and practices that reduce the pressure on forests, and are engaged in global public private partnerships.

Tenure Facility Outcome 4: Awareness, capacity, and performance of governmental organizations, Indigenous Peoples, Local Communities, the private sector, and stakeholders in tenure security increased.

Tenure Facility Outcome 5: Conflicts over competing land claims resolved or reduced recognizing traditional/customary rights and reducing risks.

Addressing land rights and reducing pressure on forests requires complimentary strategies that recognise both the supply and demand sides of chronic tenure insecurity and its debilitating effects on forests and the communities that depend upon them. As critical actors in the realization of sustainable land and forest uses, the private sector, and markets more generally, play a decisive role in government-sponsored allocations of resource rights. Unfortunately, because the rules that govern relationships between land, forests, and people are often unclear, unenforced, or undocumented, public responses to market demands often result in competing land claims that pit communities, businesses, and governments against one another, while threatening the survival of forests altogether. Yet, as RRI's work clearly demonstrates, such events need not be the norm: clarifying and strengthening collective tenure rights invariably reduces risks for investors, communities and forest alike.

In effect, investors and businesses are increasingly recognizing that widespread tenure insecurity constitutes a major obstacle for land-based investments and market development, prompting many companies to join with governments and donors in making zero deforestation pledges, such as the landmark New York Declaration on Forests. Drawing on RRI's extensive collaborations with the private sector—most notably through the Interlaken Group—and the many practical contributions to have emanated from this and other collaborations across the Coalition (e.g., Guidance Tool for the application of VGGTs), the Tenure Facility will engage the private sector and their government counterparts through community-led action arenas to:

- Develop and adopt complementary actions and shared value models to strengthen tenure rights and reduce investor risks;
- Further the development of sustainable supply chains through responsible sourcing and community-based public-private partnerships;
- Strengthen the coherence of local/national development policies and incentives to support responsible sourcing and rights-based approaches to land acquisitions; and
- Engage development finance institutions (DFIs), banks, and companies to adopt the key principles of the Voluntary Guidelines on the Responsible Governance of Tenure.

2.1 Relevance to Main Thematic Categories

Directly or indirectly, the Tenure Facility project is relevant to all four of NICFI's main thematic categories, including the realization of deforestation-free commodity supply chains and green growth; and the promotion of an international consensus on REDD+. As discussed throughout this proposal, clear and secure tenure rights are critical to reducing investor risks, achieving deforestation-free supply chains, and the pursuit of sustainable/equitable development pathways. Moreover, it builds on the recognition that secure tenure regimes are fundamental to the realization of international REDD+ ambitions. Failure to overcome this critical constraint to the wellbeing and livelihoods of IPs/LCs—who are largely responsible for the continuing existence of the forests we now wish to protect—will inevitably stifle, if not reverse, progress towards a viable and equitable REDD+ development agenda.

Theme 1: Securing Indigenous and Other Forest-dependent Populations' Rights and Interests

At its core, this project concerns the promotion of the forest tenure rights and governance capacities of Indigenous Peoples and Local Communities in order to further successful REDD+ implementation. Advocating for the respect of fundamental human rights, including the right to secure land tenure and livelihoods, and for national and international safeguard policies to be implemented under REDD+ are central to this project. By providing financial and technical support to indigenous, local community and women's organizations to directly affect change in terms of tenure reform, titling, and the mapping and demarcation of customary land rights, or pursue the collaborative implementation of existing laws and regulations and development of equitable public-private partnerships to clarify disputed land claims, the Tenure Facility directly aims to secure the rights and interests of Indigenous Peoples and other forest-dependent populations.

Theme 2: Improved Transparency, Governance and Legality

The successful implementation of REDD+ ultimately hinges on the trust that donors, funders and (eventually) markets place on the reliability, transparency and legality of verifiable emission reductions. As with any covenanting arrangement, trust is the lynchpin that binds the commitment of contracting parties. Whether the architecture of future results-based payments is derived from foreign assistance or markets, countries will need to be able to demonstrate that forests protected under REDD+ agreements were legally secured through the rigorous application of due diligence principles, such as (i) the free, prior, and informed consent (FPIC) of affected communities; (ii) ILO-convention 169; and (iii) equitable and transparent benefit sharing schemes. Achieving such standards in countries with notoriously weak governance structures and undifferentiated land and forest rights will be a major feat. By supporting government efforts in targeted countries to clarify and secure communal tenure rights; create enabling policy environments for rights-based investments and decentralized of forest resource governance; and exchanging lessons that build government capacity to transparently administer/process titling and registration of community land and forest rights, the Tenure Facility will directly help improve the transparency, governance and legality of REDD+ implementation efforts.

2.2 Relevance to National Development Objectives & REDD+ Agenda

This project will support implementation of national REDD+ agendas and development objectives in all countries where targeted support can take advantage of existing capacities and opportunities to implement tenure reforms, including in NICFI focus countries, such as DRC, Liberia, Indonesia, Peru, and Colombia.

Illustrative examples of Tenure Facility initiatives that are relevant to national development objectives and REDD+ agenda include:

- In Indonesia, the Tenure Facility is supporting civil society and government in developing robust legal frameworks for collective land rights including *adat* rights at district, provincial and national levels, in collaboration with local, provincial and national governments; and address the forest-related conflicts generated by concessions and plantations that intrude on IP/LC forests. The Tenure Facility supports Indigenous Peoples and Local Communities to assert, legalize, and maintain their rights over forests and their forest management systems, and thereby reduce the deforestation rate and contribute to REDD+ goals. The Tenure Facility will support IPOs and government efforts to assess forest-related conflicts and institutionalize conflict resolution processes. The Tenure Facility will also engage private sector at national and international levels to support Indonesia's ambitious development goals while guaranteeing protection of human rights and promoting equitable distribution of benefits and otherwise supporting implementation of the REDD+ safeguards.
- In the DRC, ongoing political, legal, and institutional reforms in the mining, land, land use planning, and forestry sectors form the basis of national development initiatives. The RRI-supported civil society platform on tenure (CACO) is engaging with the National Land Commission (CONAREF) to advocate for the recognition of customary land rights in these reforms, contributing to the creation of a legal environment conducive to REDD+. RRI gained commitments from both the CONAREF and the Ministry of Land Affairs, who will use the results of the RRI Baseline Study on Tenure in the DRC to inform the land reform road map. A Tenure Facility project in DRC could use the 2016 opening provided by the new community forest concession option and collaboration between the Ministry of Environment, which is leading the REDD+ process, and the Ministry of Land Affairs—encouraging both to overcome a critical constraint in implementing REDD+ in the country.
- In Liberia, REDD+ and national development initiatives are rebounding from the 2014 Ebola epidemic. Several processes are underway to renew progress and support REDD+, including a constitutional review with the opportunity to address land rights, the long-anticipated passage of the Land Rights Act, and the combined application of the Community Rights Law and the Land Rights Policy as frameworks for REDD+, VPA/FLEGT, and local land and forest governance. The 2014 Norway-Liberia agreement has renewed momentum in the implementation of REDD+, while providing an opportunity to reshape forest governance and opening space for civil society engagement. The Tenure Facility project is mobilizing new collaboration between the FDA, Governance Commission, Ministry of Agriculture, and civil society organizations to reach agreement on a process for self-identification of communities, as the first step in the forest and land tenure recognition process.

- In Colombia, REDD+ progress has been constrained by diverse conditions and perspectives, and lack of trust between constituencies in different regions of the country in the throes of a national peace-building process. The RRI Colombia coalition has been advocating for implementation of the existing national legal frameworks that support indigenous and Afro-descendant rights as the necessary foundation for a lasting peace and sustainable development. The new National Development Plan (NDP) 2014-2018, includes contributions and openings for existing national platforms, including the Agrarian Summit Platform (CAEP), Afro-Colombian Authority (ANAFRO) multiple indigenous organizations, and women's organizations. A Tenure Facility project could work to ensure the implementation of the NDP aligns with national climate change objectives and community rights, including women's rights, and contribute to fulfilling pre-conditions for finalizing the Forest Carbon Partnership Facility (FCPF) requirements, and strengthen the civil society support for the UN-REDD process now underway.
- In Peru, achievement of REDD+ objectives requires putting indigenous rights and collective tenure at the center of national debates. By leveraging the strong position of peasant and indigenous women's organizations, and the platform Campaign for Secure Territories, RRI has supported efforts to prevent the rising rollback of existing indigenous and peasant tenure rights that are under threat as Peru pursues ambitious development goals dependent on extractive industry and expansion of agro-industrial plantations that threaten forests and communities. The current Tenure Facility Peru pilot project leader, FENAMAD, chose to work with the highly respected national environmental NGO SPDA to demonstrate that long-delayed titling can be completed, and to identify the bottlenecks and regulatory burdens that can be removed in order for titling to proceed more rapidly with funding from FIP, IADB-PTRT 3 Titling Program, and the Peru-Germany-Norway initiative to reduce deforestation in Peru—aiming to remove barriers that currently block the speedy and effective implementation of titling, key to the agreements under these programs to recognize and title IP land rights.

3. Baseline and Case for the Project

3.1 Justification of the Project

It is now widely recognized that insecure forest and land tenure, and the limited recognition of customary land and forest rights, are severe constraints to achieving global development, climate mitigation and adaptation, and social justice goals. Yet, despite a large and growing demand from Indigenous Peoples, governments, communities, development organizations, and private investors to clarify and secure tenure rights across the developing world—especially collective territorial rights in forest areas—the response of the international community has so far been inadequate, inconsistent, uncoordinated, and underfinanced.

Worldwide, it is estimated that over 2 billion people, amongst the poorest and most marginalized, live with legally unrecognized customary land and resource rights, placing them at risk of illegal, forced or otherwise unjust expropriation and capture by more powerful political-economic interests. In many countries, the rising demand for land combined with weak governance structures are leading to: (i) increasing land use conflicts; (ii) illegal land acquisitions and transfers; (iii) the

destruction of natural forests and related biodiversity; and (iv) rising social tension, poverty and economic inequality. In addition to limiting opportunities for sustainable livelihoods through community-based resource management, insecure tenure also poses significant operational and reputational risks for local and international companies alike.

The climate and conservation communities are also learning that secure forest tenure is essential to reduce deforestation, encourage restoration, and maintain forest carbon stocks. As discussed in a recent study² by RRI, 27 out of 35 reviewed national REDD+ programs included references to the problem of insecure tenure rights as a driver of deforestation, and 31 presented specific programmatic interventions to address tenure insecurity. At the Oslo REDD+ Exchange held in October 2013, insecure tenure was voted as the leading constraint to successful REDD+, ahead of successful negotiations at the UNFCCC and an effective international carbon market.

Both Indigenous Peoples' organizations and local community organizations are key players for achieving tenure security at national and international levels, and are seeking direct funding for leveraging more efficient and effective government implementation of tenure reforms.

The Problem: Inadequate Commitment and Capacity to Clarify Local Land Rights, Gaps in Global Effort

Despite increasing demands from Indigenous Peoples' organizations for dedicated territorial funds and support from climate-related mechanisms (e.g., the UNDP-IP dialogue series with the International Indigenous Peoples' Forum on Climate Change), and the growing number of initiatives that now provide tenure-related financing and support (e.g., IFAD, FIP-DGM, FIP, the UNDP), major gaps in the international response to the emerging global tenure crisis remain, including:

- Inadequate awareness and incentives for governments and other actors to commit to, and promote land reforms and/or implement existing policies;
- Strategic response gap, linked to the absence of a dedicated, flexible and responsive funding stream and technical support mechanism for IPs/LCs and women's organizations to make use of emerging opportunities to implement viable solutions;
- Inadequate mobilization and leveraging of existing donor commitments due to the limited and dispersed pool of expertise, capacity and resources to effectively and efficiently deliver assistance;
- Inadequate participation of rights holders, development agencies, and positive private sector players to drive and scale-up national and global-level solutions.
- Weak integration, coordination and leveraging of tenure issues by the leading international forest and development initiatives, and corresponding international agreements on climate change, biodiversity, and sustainable development; and

² *What Future for Reform*, RRI 2014.

- The lack of mechanisms to link local experience to global/regional knowledge networks, or transfer global learning and best practices to the field for implementation.

Insecure community tenure is a connecting thread across many of the problems that plague tropical developing countries. From a development perspective, insecure land tenure helps fuel the cycle of poverty by preventing communities from fully benefiting from the land upon which they rely. From a government perspective, insecure land tenure can lead to social conflict, and inhibits the development of a robust consumer tax base. From a climate perspective, insecure land tenure inhibits large-scale actions to preserve tropical forests, biodiversity, and other environmental goals. For investors, insecure land tenure is a risk that can lead to untenable operating and reputational costs, and possible constraints on future investment or supply opportunities in the future. These constituencies are beginning to recognize that continuing business as usual in dealing with this crisis is not a tenable option.

The Tenure Facility seeks to address these gaps by complementing existing instruments and initiatives to: (i) provide funding and technical support for tenure implementation projects proposed by Indigenous Peoples, Local Communities, governments and civil society, and possibly others, in developing countries; and (ii) serve as an international platform through which governments, Indigenous Peoples, community organizations, and public and private sector leaders can raise and coordinate commitments and develop shared strategies to strengthen implementation of community land and territorial rights in rural, forest and dryland areas. In the end, the Facility aims to increase global and national land tenure security for Indigenous Peoples and Local Communities in order to contribute to local and national economic development, forest governance, food security, and climate and human rights goals.

3.2 Identification of Main Actors

The continuous engagement of RRI and coalition Partners and Collaborators at the local, national and international levels over the past decade points to a limited set of actors that hold the key to change within the scope of this project. In the face of growing inequality and entrenched poverty, governments are increasingly polarized in terms of strategies and approaches for resolving their challenges. Internal capacities tend to be weak and/or inadequately resourced and supported, and lacking strong governance oversight, corruption and rent seeking tend to favor the lowest common denominators, resulting in watered down social and environmental regulations to attract more international investments, despite growing social and political unrest over land grabs. While unable to lead the desired changes per se, governments necessarily need to be part of the solution, not only to understand the benefits and pay-offs of clear and secure tenure relations, but in effect create the enabling environment that will support the scale-up and integration of Facility-supported interventions.

Development agencies and financing institutions, as well as climate-related initiatives have a mixed track record in terms of their support for tenure rights. In 2014 for instance, the World Bank proposed to weaken its social and environmental safeguards in a bid to accelerate implementation of REDD+ initiatives, placing communities' rights at risk. Yet, there are clear indications that the development community, and the large bilateral and multilateral climate initiatives in particular, are increasingly taking the issue of tenure rights seriously. The need to support governments in clarifying

tenure relations for effective and equitable REDD+ implementation is now a requirement of the UN-REDD Programme, and other initiatives such as the FIP-DGM, FAO, and the UNDP offer technical and/or financial support towards such ends. However, because most of these efforts seek to operationalize action through government engagement, negotiation and approval processes can take months to resolve, making it nearly impossible for these initiative to take advantage of emerging policy windows. Because of their influential role in establishing norms, values and standards at the national and global levels, and their ability to provide sustained long-term financing to both countries and development initiatives to support scaling and implementation, endorsement and support from development and climate agencies will be critical for building trust and commitment with governments and the international community over the need to address the emerging global land crisis.

As highlighted throughout this proposal, the Indigenous Peoples, Local Communities, and women's organizations that have played a key in maintaining and protecting the vast majority of remaining tropical and sub-tropical forests in the world today necessarily need to be regarded as one of the primary driving forces of change in their respective countries. Within the scope of this project, forest communities are viewed as the main actors that hold the key to change.

Finally, another important stakeholder group and key instigator of a large proportion of existing and ongoing land use change, deforestation, and forest degradation is the private sector. Although private sector is at times blamed for placing their own self-interest ahead of those whose livelihoods are often transformed and/or destroyed by their actions, the realization that the business as usual model is no longer tenable is beginning to seriously affect how progressive companies and investors see themselves and their future. Self-interest rightly understood, as de Tocqueville once put it, is the realization that one's self-interest lies in securing everyone else's interest. The absence of tenure security for forest dependent communities ultimately creates insecurity for the operators, industries, and investors that choose to invest in those same areas. While the likelihood of corrupt operators and even law abiding businesses that chose to turn a blind eye to the consequences of their actions remain, the move by positive private sector players to pursue deforestation free and rights-based production cycles will ultimately have positive pull effect on others, including governments themselves.

The main actors therefore, at the national and local levels, who hold the key to change in this project are indigenous and local community organizations, and the private sector. To fundamentally secure and protect land and forest rights, engagement with local and national governments is essential, whereas both government and development partner support will be required to successfully scale results. Other key actors, such as national and international non-governmental organizations, vary from country to country, contingent on local contexts.

To achieve its desired ends, the project will seek to develop, maintain or enhance its engagement with the following set of critical actors:

- **Indigenous Peoples, Local Communities and women's organizations**, as well as CSOs that are actively involved in local land and forest rights issues, strategically connected to relevant networks and action arenas, and capable of mobilizing key stakeholders;

- **Local and national government institutions**, including relevant departments, ministries, public agencies, and elected or appointed representatives involved in the formulation, implementation and enforcement of policies and regulatory measures that affect tenure relations, resource rights, and the provision of related services (e.g., land mapping, demarcation, registration, titling, etc);
- **Development agencies and financing institutions** supporting investments on land, forest, environment and human-rights at the local or national level (e.g., UNDP, FAO, the World Bank, IFC, the Inter-American, Asian and African Development Banks, the Global Environmental Facility, and the International Fund for Agriculture and Development);
- **Climate-focused programs, initiatives, and funding streams** dedicated to REDD+ (e.g., the UN-REDD Programme, FCPF and the Carbon Fund, FIP and the DGM, and bilateral donor agencies) and/or other land and forest investments (e.g., Green Climate Fund, the BioCarbon Fund, and bilateral initiatives from Norway, Germany, the United Kingdom and USAID);
- **Progressive private sector companies and organizations**, whether local, national or international, and who are actively engaged in sectors related to agricultural, forestry and other land uses. This would involve private sector groups operating in, or purchasing commodities from, REDD+ countries; and
- **International, national, and local NGOs**, involved in REDD+ implementation, forest conservation and management, agriculture and other land use activities.

3.3 Required Behavioral Changes

It is becoming clearer that a major obstruction to REDD+ and improvement to the livelihoods and rights of Indigenous Peoples and Local Communities come from entrenched political processes at national and local levels, which underlie the drivers of deforestation. In most REDD+ priority countries, the resistance to forest tenure reform and to a reduction in deforestation comes from powerful actors, often linked to extractive and/or agro-industrial exploitation. These private sector interests are often matched by national governments' interest in maintaining control over, and benefiting from, forest resources. At the same time, the actors which have the strongest interest in protecting forests and landscapes from degradation, such as Indigenous Peoples and Local Communities, are politically marginalized in most countries. Progressive elements are present in many national governments, in political parties, CSOs, and even in the private sector; the key challenge is to bring these progressive elements together with Indigenous Peoples and Local Communities as well as with key international actors working to protect forests in order to address the political powers of those invested in deforestation.

In many countries, this need is being addressed by CSOs and grassroots movements/networks, often working in alliance with global actors and donors. Most of these networks work on diverse issues relating to tenure, community rights, and the protection of forests, and many are joining the RRI Coalition as Collaborators, which provides RRI and the Tenure Facility with unique opportunities to directly address and influence complex political and institutional challenges for substantive tenure

reforms in favor of Indigenous Peoples and Local Communities and the protection of forests at the national level. RRI's strength is its ability to leverage knowledge, analysis, best practices, and capacities across nations and across vertical scales. The Tenure Facility's strengths lie in its ability to provide fast and strategic leverage funding and technical assistance to CSOs and IPOs to support the implementation of existing laws and regulations, in a bid to consolidate past victories and secure rights over time.

In many countries, RRI-facilitated processes have led to the creation of national platforms of key actors and have linked to existing national platforms or coalitions. RRI works to ensure that the issue of tenure rights and REDD+ remains on their agenda and provides them linkages with similar processes going on in other countries, at both regional and global levels. For the Tenure Facility, such ground work is crucial to quickly build trust among interested key actors, as well as consensus on the way forward.

The key objective of these collective efforts by CSOs and indigenous and local community organizations is to bring about changes in government; create laws, policies and procedures; influence and often counteract interests vested in status of insecure tenure and forest destruction; and to find allies within state actors, private sector, media, judiciary, and other institutions. RRI facilitates and supports these emergent collectives of the most marginalized peoples, and ensures that they represent themselves at national, regional, and global levels. This constitutes a core strength of RRI and the Tenure Facility's approach; by facilitating interface and linkages amongst these organizations with other powerful actors at the national and international stage, RRI and TF support bringing their demands for tenure reform implementation to key decision makers.

The political changes required to address the inertia and vested interests in status quo can only occur through flexible coalitions of interests around reforms, and by multiple actors taking up diverse strategies with a common purpose. For example, the efforts to address the lack of political will or resources to implement existing legal provisions requires: (i) a fundamental understanding of the social, political and technical difficulties to overcome; (ii) a mechanism or process to invite relevant government representatives, affected private sector operators, and other development partners (as observers) into the planning, implementation and oversight functions to build confidence and trust, create buy-in and prepare longer-term support; (iii) clear communication of the process and results of the intervention; and iv) working with existing legal systems to ensure that acquired titles or registered land rights are respected in government and private sector decisions.

In addition, the private sector needs to recognize the tenure risk associated with their land-based investments and operations. They can address tenure risk by publicly committing to implementing international standards for respecting tenure rights, and following through on these commitments. To this end, the Tenure Facility will support implementation of the Guidance Tool on the VGGT's that was developed through the Interlaken Group process. The tool is designed to help prospective companies and investors to screen for tenure risk and help respect tenure rights.

In more specific terms, the behavioral changes that must occur in order to overcome the observed problems are as follows:

- **Indigenous Peoples, Local Communities and women's organizations**, and other local CSOs will need to confront pressures and advance their own models of development. While IPOs and LCs have grown tremendously in power and sophistication over the last several decades, their strength is mixed in different countries. Beyond technical issues however, IPOs/LCOs and women's organizations everywhere will need to continue building shared confidence in their capacities, resources and ability to affect change; and strengthen mutual trust and commitment to achieve a common purpose (i.e., collective actions).
- **Local and national government institutions**, and their representatives will need to recognize that everyone is better off when the basic needs and rights of society's most vulnerable and marginalized populations are respected and enforced. Shifting the perceived opportunity costs of securing land and forest rights for IPs/LCs—both in terms of process (i.e., titling and registration) and lost privileges (i.e., the government's right to sell, grant or otherwise exploit a given portion of land) will be crucial for scaling results. Similarly important will be the building the confidence of government actors to trust the capacity, integrity and leadership of IPs/LCs to address persistent tenure-related dilemmas. A more challenging consideration will be the need to strengthen institutional coherence across ministries, departments, and policy priorities, so as to limit the likelihood of inconsistent signals/incentives from one stakeholder group to another. Finally, the political will to actually recognize and enforce clarified land and forest rights will be critical to the long term viability of ceded land and forest rights, the security and well-being of IPs/LCs, and the protection/sustainable use of forest resource systems.
- **Development agencies and financing institutions, as well as climate-focused initiatives** will need to (i) collectively and individually raise the profile of tenure reform as a necessity for achieving poverty, climate, conservation and food security development goals at the local, national and global levels; (ii) help strengthen coordination and strategic collaboration across initiatives and leading actors; (iii) leverage the prestige and moral authority of the international community, and the political power of longer-term financial and technical assistance to persuade and/or incentivize leaders and governments to adopt and implement tenure reforms; (iv) support the participation, buy-in and involvement of development partners and initiatives in the conceptualization of Tenure Facility project interventions, and the subsequent review of progress made and lessons learned to build trust and confidence in the capacities of IPs/LC, and the value added of the Tenure Facility's interventions to encourage appropriation and scaling of results; and (v) leverage governmental, community and private sector interests, and help mobilizes demand and financing in support of local tenure rights to forest resources.
- **Private sector** companies and organizations, established at the local, national and international levels will need to: (i) adopt more responsible practices, supporting responsible sourcing through community-based public-private partnerships, as well as multi-stakeholder platforms to improve dialogue and resolve conflicts, developing voluntary codes of practice and standards for responsible land-based investments that demonstrate joint benefits; (ii) increase private sector corporate transparency and accountability to national and international law, and relevant industry standards—setting up incentive frameworks and

financial and reputational risks that favor/reward responsible private sector players and “punish” irresponsible companies and investors—via the use of supply-chain agreements, public disclosures, and other similar initiatives; (iii) step up the willingness to monitor their actions and respect for statutory and customary collective rights; (iv) support “naming and shaming” of non-compliant companies, both national and international, to take advantage of their dependence on capital or market opportunities; and (v) engage the financial sector to develop and adopt instruments and screens to avoid investments in “land grabbing”, and provide more incentive to invest in rights-based business models (i.e., apply the VGGT Guidance tool).

- **International, national, and local NGOs**, will need to recognize the fundamental role and necessity of clear and secure tenure rights for the realization of their respective development agendas, and encourage their government counterparts to do the same.

3.4 Theory of Change

The importance of tenure security for meeting international commitments on human rights, REDD+ and forest conservation, poverty eradication, sustainable economic development and food security, to name but a few, is now firmly established. However, major gaps in the international response remain, leaving a large, unmet and growing demand for assistance from forest communities, governments, and the private sector. While there are signs that climate and development initiatives are hearing the call for action and increasing the supply of dedicated financial and technical assistance, existing instruments are slow to deploy, primarily targeting under-capacitated governments as their principle agents of change.

As such, there is as yet no coherent and responsive international body dedicated to securing the rights of Indigenous Peoples and Local Communities, that is equally responsive to the challenges governments face, capable of engaging with the private sector, and complementary to other ongoing international initiatives. The Tenure Facility is the first and only independent multi-stakeholder institution that is exclusively focused on securing collective rights to land and forests. Designed to be strategic and synergetic—collaborating with local, national, and international stakeholders to foster community level partnerships and joint actions with governments and the private sector—the Tenure Facility aims to build ownership for reform at all levels of engagement.

From an operational standpoint, the Tenure Facility needs to be understood as a critical contribution, nested within two distinct though complementary set of tools and instruments, with the intent to maximise synergies created by RRI on the one hand, and the international community on the other.

In the first instance, the feasibility and potential of the Tenure Facility can be appreciated as emerging from RRI's suite of initiatives that collectively aim to (i) strengthen IP/LC organizations and rights; (ii) constructively engage governments to open up political space to advance the tenure reform agenda; and (iii) encourage leading private sector actors to become more supportive and engaged allies in the struggle to realize rights.

RRI's broader theory of change is that the desired outcome of more recognized and secure land and forest rights can only be achieved at scale when all three objectives are encouraged, engaged and mutually reinforced—at both the international and national levels—to accelerate learning, influence, and leverage.

As such, the Tenure Facility is nested in a broader system of instruments, intended to strengthen and accelerate action and synergies to achieve RRI's overall goal. These include: (i) the RRI Interlaken process to strengthen and enhance capacity and coordination of IPOs and their civil society supporters—at both the national and international levels; (ii) the MegaFlorestais network of forest agency leaders that aims to constructively engage governments and build their understanding and support for reforms; and (iii) the Interlaken Group to constructively engage forward leaning companies and investors to develop responsible sourcing, clean-up their supply chains and related operations, as well as demonstrate leadership by encouraging laggard companies, and leaning on recalcitrant governments. The Tenure Facility is designed to strategically and responsively invest substantial technical and financial resources to seize opportunities created by the three interlinked initiatives cited above—including the contributions of RRI and its Coalition of Partners, Collaborators, and Affiliated Networks—to demonstrate the feasibility of tenure reform implementation through deployment of innovative and scalable tools, methods and solutions.

Finally, having been designed and appraised to complement existing international instruments—to leverage potential synergies and address critical gaps across the climate and development agendas—the Facility aims to build on, and link with, the extensive networks, policy arenas, and implementation channels established by the emerging global REDD+ architecture and related development investments. By supporting the implementation of larger-scale, multi-year tenure reform projects, and creating convening spaces at the national, regional and global levels to raise awareness, coordinate commitments and develop shared strategies, the Tenure Facility is strategically positioned to catalyze collective actions through community-led interventions that capitalise on the joint interests of IPs/LCs and other civil-society actors, governments, development partners and the private sector. Fomenting political buy-in and broad-scale institutional support, through the creation of joint advisory/steering committees and the delivery of cost-effective interventions, will be essential for scaling results and achieving impact.

Rather than overwhelm and overstretch intended beneficiaries by channelling still more undifferentiated and uncoordinated resources, the Tenure Facility is designed to tactically address emerging opportunities by building bridges across constituencies, leveraging common interests across differing social, political, economic agendas to build the confidence and engagement of targeted government on the feasibility and multiple benefits of securing and clarifying communal land and forest rights. Ultimately, demonstrating IP and country-level capacity to handle dedicated funding pools will enable concerned stakeholders to test the feasibility of establishing future national or regional-level granting mechanisms.

4. Project-Specific Outcomes

This section succinctly summarizes the expected effects of the project in terms of (i) the targeted groups and entities; (ii) the change to be achieved; (iii) the key outcome indicators; and (iv) an

explanation on whether/how the outcomes are expected to be sustainable. For further details on these, please refer to the project results chain presented in Appendix I.

NICFI Outcome 1: Incentives to achieve REDD+ efforts are established through the new international climate regime/or other climate, environment and development funding streams.

Tenure Facility Outcome 1: International and national response to demand for tenure reform increased and additional funding leveraged to scale up reform efforts.

Targeted groups and entities

- Indigenous Peoples, Local Communities, and women;
- Governments in targeted REDD+ countries that demonstrate a political opening for progress in recognizing land and forest tenure rights of IP/LC;
- Local civil society organizations advocating for recognition and enforcement of land and forest tenure rights of IP/LC;
- Development partners and associated climate initiatives; and
- Private companies investing in land-based operations in tropical forest areas.

Changes to be achieved

- Dedicated financing streams from bilateral and multilateral initiatives, including climate funds are firmly established to accelerate and scale up the recognition of forest and land tenure rights as an enabling condition for REDD+ country programs;
- Governments, in targeted REDD+ countries, establish clear and ambitious goals in their respective emissions reduction programmes (ER-Ps) and intended nationally determined contributions (INDCs) to clarify and legally recognize land and forest rights across their territories;
- The Tenure Facility is firmly established and supported by continuous funding, building experience and credibility for other for the creation of other dedicated financing instruments for other public entrepreneurs at the national or regional levels; and
- Financing from private foundations and securities granted to national governments from concessionaires and resource licensees are leveraged to scale up the implementation of effective solutions to tenure-related issues.

Outcome indicators

- Outcome Indicator 1.1: Number of bilateral and multilateral financing instruments, including dedicated climate funds, that include a line item or financing stream for securing IP/LC land and forest rights;

- Outcome indicator 1.2: Number of countries that define clear and ambitious tenure-reform targets in their ER-P documents and INDCs; and
- Outcome indicator 1.3: Percentage of total tenure financing (at national and global levels) that is sourced from private providers, including foundations, national funding pools leveraged from security deposits, and other joint or sole-sourced contributions.

Sustainability of outcomes

- The Tenure Facility fills a critical gap in REDD+ funding by virtue of being an independent, global institution that works closely with key stakeholders in country, including indigenous organizations, to develop platforms to secure tenure rights as an enabling condition for REDD+;
- National, regional and global convenings are held to share lessons learned, develop joint strategies, and scale-up interventions across regions; and
- National commitments to tenure reform are affirmed in ER-PDs & INDCs, and supported by clear implementation strategies and secured funding commitments.

NICFI Outcome 2: Governments in targeted developing countries have implemented REDD+ related policies, measures and safeguards, such as policies for green growth, sustainable livelihoods, land use-planning the rights of Indigenous Peoples and Local Communities and women's rights.

Tenure Facility Outcome 2: Land and forest reform policies and legislation implemented effectively and scaled up.

Targeted groups and entities

- Indigenous Peoples, Local Communities, and women;
- Governments in targeted countries that demonstrate a political opening for progress in recognizing land and forest tenure rights of IP/LC;
- Local civil society organizations advocating for recognition and enforcement of land and forest tenure rights of IP/LC;
- Development partners and associated climate initiatives; and
- Private companies investing in land-based operations in tropical forest areas.

Changes to be achieved

- Regulatory / legislative reforms to strengthen tenure and cross-sectoral policy coherence are implemented;
- IPs/LCs and CSOs maintain a common vision over a desired future state;

- Assumptions supporting the Tenure Facility projects are realized and results are achieved as planned, including the project's stakeholder engagement strategy with key decision-making constituencies at the local and national levels;
- Projects tools and methodologies are refined, and lessons for scaling are developed;
- Policy recommendations to support the integration of results are formulated by national multi-stakeholder platforms and endorsed by responsible government agencies, ministries or departments at the local or national levels.

Outcome indicators

- Outcome Indicator 2.1: Number of targeted countries that successfully adopt and scale project-related tools, methods and policies – whether through government action or up-take and implementation by development partners, CSOs or IPOs;
- Outcome indicator 2.2: Number of targeted countries that implement policy and regulatory reforms in support of communal land and forest tenure reforms.

Sustainability of outcomes

- The Tenure Facility project interventions prove successful, producing effective, efficient and viable tools, methods or strategies in support of tenure reform;
- Collective actions by IPs/LCs and CSOs (i.e., mutually reinforcing actions, contributions and support) are sustained;
- Established multi-stakeholder platforms are sustained to maintain country / private sector appropriation of results, counsel legislators on subsequent policy and regulatory reforms, and scale results through appropriate development instruments / funding streams;
- Development partners, targeted government, and participating businesses maintain their commitment to implement emerging tools, methods or policies and support scaling efforts—whether through the Facility or other strategic arrangements.

Tenure Facility Outcome 3: Tenure-related legislation clarifies the rights of Indigenous Peoples and Local Communities to land and all of its resources and services, such as carbon.

Targeted groups and entities

- Indigenous Peoples, Local Communities, and women;
- Governments in targeted countries that demonstrate a political opening for progress in recognizing and implementing land and forest tenure rights of IP/LC; and
- Local civil society organizations seeking recognition and enforcement of land and forest tenure rights of IP/LC.

Changes to be achieved

- Governments in targeted countries enforce realized tenure reforms via established judicial processes or local enforcement mechanisms;
- Significantly expanded area in developing countries across Africa, Latin America, and Asia where forest and land tenure rights of Indigenous Peoples and forest communities are legally recognized;
- A significant increase in the tenure security of Indigenous Peoples, Local Communities, and women in developing countries across Africa, Latin America, and Asia.

Outcome indicators

- Outcome Indicator 3.1: Number of hectares of forest lands under formally recognized ownership or control of Indigenous Peoples, forest communities or women;
- Outcome indicator 3.2: Number of new tenure legislation or regulatory policy frameworks in favor of Indigenous Peoples and Local Communities adopted or implemented;
- Outcome Indicator 2.4: The number of instances of effective recourse by Indigenous Peoples or Local Communities to courts or grievance processes to uphold/enforce their rights.

Sustainability of outcomes

- The implementation of tenure security of IPs/LCs will provide necessary conditions for REDD+ ambitions and pursue sustainable economic pathways is now well established, providing a consistent policy environment to sustain resilience to climate change;
- Prevailing social, political and economic conditions are maintained over time, limiting the likelihood of shocks or disturbances that could lead to tensions or changes in government priorities or positions;
- National, regional and global convenings are sustained to maintain commitments at different scales, monitor implementation and emerging lessons, develop joint strategies, and scale-up solutions / interventions across regions.

NICFI Outcome 3: Private sector actors have implemented social and environmental policies and practices that reduce the pressure on forests, and are engaged in global public private partnerships

Tenure Facility Outcome 4: Awareness, capacity, and performance of governmental organizations, Indigenous Peoples, Local Communities, the private sector, and stakeholders in tenure security increased.

Tenure Facility Outcome 5: Conflicts over competing land claims resolved or reduced recognizing traditional/customary rights and reducing risks.

Targeted groups and entities

- Indigenous Peoples, Local Communities, and women;
- Governments in targeted REDD+ countries that demonstrate a political opening for progress in recognizing land and forest tenure rights of IP/LC;
- Local civil society organizations advocating for recognition and enforcement of land and forest tenure rights of IP/LC;
- Development partners and associated climate initiatives;
- Private companies investing in land-based operations in tropical forest areas.

Changes to be achieved

- IPs/LCs, CSOs and positive private sector players cooperatively develop and adopt complementary actions and shared value models to strengthen tenure rights and reduce investor risks;
- Influential private sector investors and companies publicly commit to international standards for respecting forest land tenure rights;
- Influential private sector companies and investors adopt the key principles of the VGGTs;
- Influential private sector companies work in partnership with governments, local civil society, and Indigenous Peoples and forest communities to resolve tenure and land governance issues in their areas of operation;
- Local/national development policies and incentives are harmonized to support effectual arbitration in the event of disputed claims, responsible sourcing, communal tenure security and rights-based approaches to land acquisitions using FPIC principles.

Outcome indicators

- Outcome indicator 4.1: Number of community-based public private partnerships realized;
- Outcome indicator 4.2: Number of project-related investors or companies that commit themselves and their supply chains to international human and tenure rights and environmental standards;
- Outcome indicator 4.3: Number of investors or companies in targeted countries that adopt investment screens and due diligence processes to reduce financial risks and land use conflicts;
- Outcome indicator 4.4: Number of multi-stakeholder arenas involving companies, governments and civil society that are dedicated to enhancing governance, regulatory

structures and standards for improved land governance, tenure, and sustainable forest management.

Sustainability of outcomes

- Private sector investors and companies making large scale land acquisitions increasingly recognize that weak land tenure and governance pose significant financial and reputational risks;
- Progressive private sector investors and companies successfully leverage their influence and exercise positive leadership over less confidence operators;
- The emerging convergence of interest among governments, private sector, and civil society is opening up space for cooperation and partnership in addressing and resolving land tenure and governance issues;
- Resolution of land tenure and governance risk will be sustained where solutions are credible, in terms of commitments and use of newly available tools and practices, and delivered through strengthened institutions, following international standards and national standards demonstrating the domestic capacity for implementation with the participation of all key stakeholders.

5. Main Outputs

Results and Monitoring Framework

The Results and Monitoring Framework is based on the Results Chain (see Appendix I, which provides further details on indicators, baseline, milestones, targets, means of verification, and responsibilities, as well as assumptions and risks).

Tenure Facility Results and Monitoring Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
IMPACT Increased security of land and forest tenure for Indigenous Peoples and Local Communities in rural, forest and dryland areas.						
Number of women, men, Indigenous Peoples, and IP/LCs that the Tenure Facility has helped to obtain secure rights to land, property, and natural resources, measured by ⁵ number of legally documented or recognized evidence of tenure, and/or number of women, men and IPLCs who perceive their rights are recognized and protected, and/or hectares of forest lands under formally recognized ownership or control Indigenous Peoples, forest communities and/or households. ⁶	0			a. Tenure documents b. Participatory mid-term and final evaluation at project level c. Tenure documents Ex-post evaluation.	a. Implementing organizations report data, the Tenure Facility compiles b. Implementing organizations with an external facilitator c. Implementing organizations report data, Facility compiles	The activities supported by the Tenure Facility address directly land titling processes, and not only enabling conditions.
Number of instances of exploitative industrial land grabs, or other conflicts over forest resources, halted or modified to benefit IP/LCs (women and men), at least partially as a result of engagement with the Tenure Facility. ⁷	0			Project reports, key informant and organization interviews. Ex-post evaluation.	Implementing organizations	The changes occur within the broad time span of the Tenure Facility interventions

⁵ Indicator formulated by a broad coalition of global and national organizations, civil society, and experts, including the United Nations Environment Program (UNEP), the Women's Major Group (WVG), the International Union for Conservation of Nature (IUCN), and the UN Sustainable Development Solutions Network, 2 September 2015. Available at: <http://www.iass-potsdam.de/sites/default/files/files/land-rights-an-essential-global-indicator-sep-2-2015-endorsed.pdf>

⁶ RRI (2012) Rights and Resources Initiative's Framework Proposal 2013-2017, April 2012. Available at http://www.rightsandresources.org/documents/files/doc_6174.pdf

⁷ RRI (2012) ("added "or other conflicts over forest resources")

Tenure Facility Results Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
<p>Positive change in the (selected) good forest governance indicators⁸, disaggregated by gender (Annex 2), for example:</p> <ul style="list-style-type: none"> - Does the law provide effective means to resolve disputes related to land tenure, ownership and use rights? - What is the extent to which government engages with, creates space for, and supports the participation of civil society, Indigenous Peoples and forest-dependent communities in forest-related planning and decision-making? - Do forest dependent communities have secure access to the resources that they depend on? 	<p>According to the results of the baseline study.</p>			<p>External baseline study, mid-term evaluation, impact evaluation with stakeholder participation.</p>	<p>External evaluation.</p>	<p>Reliable information is accessible to evaluators.</p>

Tenure Facility Results Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
OUTPUT 1 Land tenure projects implemented and lessons learned and documented						
Level of progress in establishing the final administrative and managerial rules and procedures of the Tenure Facility (iterative process).				Endorsed administrative documents, the Tenure Facility progress reports.	The Tenure Facility	
X land tenure projects implemented.	0			Approved final project reports, the Tenure Facility progress reports.	The Tenure Facility, implementing organizations.	Project proponents apply for funding.
Lessons learned and best practices documented from all projects supported by the Tenure Facility (ensuring that the voice of both women and men is heard).	0	Implementing organizations trained in documenting lessons learned within the first six months of implementation	All projects have produced user friendly knowledge products on lessons learned by the end of project implementation.	Approved knowledge products, the Tenure Facility progress reports.	Implementing organizations with support from the Tenure Facility.	Implementing organizations are willing to invest time in the activity.

Tenure Facility Results Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
OUTPUT 2 Tenure Facility Website expanded and visited by key stakeholders.						
Level of progress in developing of new sections and contents of the Tenure Facility website.	The Tenure Facility website Launched with basic information on its objectives and functions.			Materials published in The Tenure Facility website, the Tenure Facility progress reports.	The Tenure Facility	The progress in other activities allows adding new contents (for example, organization of events, discussions, forums, etc.)
Steady increase (%) in the number of platform registered users by user group (IPLC, government, private sector, INGO, etc.) and gender.	0	To be defined together with Facility (KM Strategy).	To be defined (KM Strategy).	Google analytics or similar tool.	The Tenure Facility	The contents respond to the demands of the potential users.
Information on all Tenure Facility supported projects is available in the website in a user friendly format.	0	Project fact sheet within 6 months of the start of the project, mid-term, and final knowledge product.	All projects have published the same standard products as a minimum by the end of project implementation	Materials published in The Tenure Facility website.	Implementing organizations, The Tenure Facility	The participatory process of producing Knowledge products have yielded results.
Information on all national and international Tenure Facility events and other activities published in the website in a user friendly format.	0	Within one month after the finalization of the activity.	Information on all international activities have been published on the website.	Materials published in The Tenure Facility website.	The Tenure Facility	The Tenure Facility secretariat has the resources to produce the products in a timely manner.

Tenure Facility Results Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
OUTPUT 3 Strategic national and international-level coalitions committed to and engaged in advancing national-level tenure and governance reforms						
Number of new networks and coalitions created, as a result of engagement with the Tenure Facility (providing data on gender, type of social group/organization, and nationality of the members).	0	New networks and/or coalitions created, and/or existing ones expanded, after each national or international event organized by the Tenure Facility.	To be defined	Feedback forms from participants in Tenure Facility events, Tenure Facility progress reports.	The Tenure Facility	The type of networks and coalitions and their objectives are relevant to the members.
Number of national-level CSO platforms actively engaged in advising or implementing national-level tenure, governance and market reforms, as a result of engagement with the Tenure Facility. ¹⁰	0	To be defined	To be defined	Systematization of ongoing national monitoring of national level CSO platforms' efforts to advance tenure, governance and market reforms, Tenure Facility progress reports.	The Tenure Facility, joint monitoring with RRI.	Such platforms exist in the countries and they are active.
Number of key global initiatives (e.g. FLEGT, UN-REDD, FCPF, FIP, adaptation, food security) committed and actively engaged in promoting national-level reforms in tenure, regulatory and governance arrangements, at least partially as a result of engagement with the Tenure Facility. ¹¹	0	To be defined	To be defined	Systematization of ongoing global monitoring of key strategic global initiatives' efforts to reform tenure regulatory and governance arrangements in favor of forest-dependent communities, Tenure Facility progress reports.	The Tenure Facility, joint monitoring with RRI.	The key global initiatives have an interest and resources to invest in tenure issues.

Tenure Facility Results Framework						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
OUTPUT 4 National and international actions, events, and trainings implemented						
Degree of progress in planning national and international trainings and events (ensuring equal access regardless of gender and/or social group).	0	Draft planning document presented by mm/yyyy.	Planning phase completed by mm/yyyy.	Endorsed planning document available, Tenure Facility progress reports.	The Tenure Facility	Sufficient funding has been secured to allow detailed planning of events calendar.
X national multi-stakeholder trainings and events organized per the Tenure Facility beneficiary country.	0	To be defined.	To be defined.	Event/training reports, the Tenure Facility progress reports.	The Tenure Facility	Sufficient funding has been secured to implement the events.
X international multi-stakeholder trainings and events organized.	0	To be defined.	To be defined.	Event/training reports, the Tenure Facility progress reports.	The Tenure Facility	Sufficient funding has been secured to implement the events.

¹⁰ RRI (2012)

¹¹ RRI (2012)

6. Activity Profile

Activities						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
Activities for Output 1 Land tenure projects implemented and lessons learned documented						
1.1. Formulate, test, and finalize the administrative and managerial rules and procedures for the Facility. Establish independent Facility operations.	Initial Consultation and design phase completed.	Inception phase completed by mm/yyyy.	Independent Facility in operation.	Facility's final design is endorsed, additional funding is secured, Secretariat is established, governance structures are put in place, fiduciary responsibility is transferred to Facility, and project pipeline is established.	The Tenure Facility Secretariat	
1.2. Solicit and evaluate proposals and manage the projects.					The Tenure Facility Secretariat	
1.3. Provide assistance to the projects on legal and technical aspects of tenure, M&E and KM, and documenting lessons learned.					The Tenure Facility Secretariat (External technical Assistance)	
Activities for Output 2 Tenure Facility website expanded and visited by key stakeholders						
2.1. Publicize Tenure Facility website, manage its contents and social media.					The Tenure Facility Secretariat (External technical assistance)	
2.2. Monitor visits to the website by means of online tools (such as Google Analytics).					The Tenure Facility Secretariat	
Activities for Output 3 Strategic national & international-level coalitions committed to and engaged in advancing national-level tenure and governance reforms						
3.1. Create new networks and coalitions to advance and implement national-level tenure and governance reforms.					The Tenure Facility Secretariat	

Activities						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
3.2 Engage with and monitor national-level CSO platforms and global-level initiatives that promote implementation of tenure, governance, and market reforms					The Tenure Facility Secretariat	
Activities for Output 4 International actions, events, and trainings implemented						
4.1 Formulate actions, trainings, and events plan					The Tenure Facility Secretariat (External technical Assistance)	
4.2 Implement national-level and international events					The Tenure Facility Secretariat (External technical Assistance)	
Cross-Cutting Activities						
0.1 Formulate and implement Tenure Facility Advocacy Plan in participation with key stakeholders.	0	Draft Advocacy Plan formulated by mm/yyyy.	Final Advocacy Plan formulated by mm/yyyy.	Endorsed Advocacy Plan available to stakeholders	The Tenure Facility with stakeholder participation.	Stakeholders are willing to invest time in formulating the Plan.
0.2. Implement Tenure Facility Knowledge Management Strategy.	0	According to the Strategy.	According to the Strategy.	According to the Strategy.	The Tenure Facility	Sufficient resources are allocated for the implementation.
0.3. Hire external baseline study, mid-term and final evaluations, and audits.	0	All projects carry out a baseline study if relevant. All projects go through MTR. Overall Tenure Facility baseline study by mm/yyyy and MTR by mm/yyyy.	All projects go through final evaluation at latest within one month after finalization of activities. Overall Tenure Facility impact evaluation by mm/yyyy	Approved reports.	The Tenure Facility, external evaluations	Sufficient resources are allocated for the external technical assistance.

Activities						
Indicator	Baseline	Milestones	Target	Means of verification	Responsibility	Assumptions and Risks
INPUTS						
<ul style="list-style-type: none">Financial resourcesTechnical assistanceExisting networks of the Rights and Resources Initiative (RRI)Lessons learned from the early steps of the Tenure Facility (e.g. pilot projects)Policy and operational guidance from the high-level instances that have supported the setup of the Facility (e.g. RRI Advisory Group, RRI Board, and donors)						

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7. Assumptions, Risks & Mitigation Strategies

Project Risks and Assumptions

The project's assumptions and risks can be summarized as follows:

1. **Lack of national political will and support:** Limited political support and/or willingness of governments to undertake the necessary reforms and/or institutional changes represent an important though manageable risk for the Tenure Facility. Such situations could include, for instance, the failure of lawmakers and executive branches of government to implement interventions, or recalcitrance of implementing branches of government (government technical agencies and authorities, decentralized government authorities) to recognize recommendations or outputs generated through Facility support.

Likelihood of occurrence: moderate

Risk mitigation strategies:

- Respond to demand from civil society and governments to priority countries where feasible opportunities for securing communal land and forest rights exist. The realization of REDD+ and the implementation of related requirements are likely to exhibit some of the highest demand for the Tenure Facility services;
- Operate in countries with clear judicial or legal frameworks and predispositions, as well as clear government endorsement of project purpose and process;
- Ensure comprehensive and credible consultation processes to strengthen the soundness and legitimacy of proposed reforms, as well as vet potential risks, with input from government representatives, IPs/LCs, civil society actors, RRI Coalition Partners, Collaborators, Affiliated Networks, relevant international organizations and NGOs, and other stakeholders;
- Create opportunities for dialogue and development of shared strategies among multiple stakeholders through the Tenure Facility's convening function to exert positive pressure;
- Operate at multiple scales, allowing for piloting of successful approaches that can generate positive results and help to garner political support for the desired changes in direction, processes and procedures;
- Strengthen awareness and capacity of governments to engage in tenure reform implementation, providing technical support and guidance for successful follow-up and implementation;
- High-quality and timely steering, facilitation and technical support from the Tenure Facility to the project implementers.

2. **Entrenched interests:** Some actors may see the success of the Tenure Facility as a threat to their interests. These actors could include legislators or officials of national governments, to whom the Tenure Facility may represent a threat to attracting investors, implementing agency staff that has been benefiting from complex processes and procedures, or speculative private sector operators who have been profiting from the lack of tenure clarity and rights. In addition, international stakeholders in the development and conservation communities may see the Tenure Facility as a threat to their own legitimacy.

Likelihood of occurrence: moderate

Risk mitigation strategies:

- Assess enabling conditions for successful project implementation via the triangulation of country level intelligence from IPs/LS, CSOs, RRI Partners and Collaborators, as well as engagement with key government representatives and consultations with local development partners and private sector operators;
 - Conduct a thorough scan of the enabling environment in the initial scoping phase to ascertain political willingness and support, the existence of established judicial decisions or legal frameworks to support reform processes, and the presence of government champions that can help overcome barriers or obstacles
 - Establish a multi-stakeholder platform (composed of IPs/LCs, government, the private sector, relevant international organizations and NGOs, and other stakeholders) to oversee project implementation, maintain credible consultations and dialogue with key constituencies, build trust and confidence in the design and benefits of the project, and support opportunities for internal advocacy and positive peer pressure;
 - Maintain pressure for reform via local, regional and global convenings, continuous dialogue and multi-stakeholder engagements.
3. **Power imbalances in influencing implementation of reforms:** Tenure reform implementation is a long-term and complex process, and the voices of Indigenous Peoples and Local Communities are often less powerful than that of other interest groups (such as government and private sector). Therefore, the risk is that IP/LC would not be able to sustain engagement over the long-term, or maintain strategic relevance and effectiveness in the fluid, dynamic and complex landscape of local/national political arenas.

Likelihood of occurrence: low

Risk mitigation strategies:

- Orient project activities to respond primarily to needs and demands from Indigenous Peoples and Local Communities;
 - Create multi-stakeholder oversight / steering committees at the project level that include strong participation from IPs/LCs and civil society groups, and is able to exert positive peer pressure;
 - Ensure comprehensive and credible consultation processes to build credibility from IPs/LCs, the relevant international organizations and NGOs, and other stakeholders;
 - Abide by the highest international safeguards, ensuring both transparency and accountability;
 - Ensure that the design process adequately assesses the niche for Facility roles and services;
 - High-quality and timely steering, facilitation and technical support from the Tenure Facility to the project implementers.
4. **Complexity:** Introduction of the Tenure Facility operations at the national and local levels could overly complicate the landscape of existing mechanisms, increasing the difficulty with which Indigenous and Local Communities may access information, services, or funding. Initiation of the Tenure Facility projects could potentially disrupt existing, effective mechanisms and institutions.

Likelihood of occurrence: low

Risk mitigation strategies:

- High-quality and timely steering, facilitation and technical support from the Tenure Facility to the project implementers;
 - Build links with other relevant mechanisms and institutions, both international and national, into the design of the Tenure Facility governance and project activities;
 - Apply lessons learned on how to best secure local land tenure rights;
 - Abide by the highest international safeguards, ensuring both transparency and accountability;
 - Ensure that the design process adequately assesses the niche for the Tenure Facility's roles and services.
5. **Corruption and rent seeking:** Allocating substantial funds to any organizational structure invariably attracts opportunities for corruption and the misuse of resources. Similarly, securing privileged access to government officials through convenings and multi-stakeholder advisory groups can potentially result in rent seeking behaviors by elements within the IP/LC communities or less scrupulous private sector operators. The first instance can directly impact the efficient and effective delivery of project results, as well as weaken internal trust and confidence amongst delivery

partners. Rent seeking on the other hand could undermine the legitimacy of IPs/LCs and the private sector as credible actors, affecting the relevance, rationale and theory of change of the Tenure Facility itself.

Likelihood of occurrence: low

Risk mitigation strategies:

- Use social and environmental safeguards, transparent governance structures, and anti-corruption measures;
 - Reinforce financial management and oversight at the project level through clear procurement guidelines and requirements; biannual reporting of expenditures; annual audit requirements; and continuous engagement with the Tenure Facility and appointed technical resource persons;
 - Create multi-stakeholder oversight/steering committees at the project level that include strong participation from independent observers (e.g., local development partners, NGOs, and other influential actors), and the signing of confidentiality and conflict of interest declarations;
 - Systematic monitoring and reporting requirements;
 - Continuous engagement with government stakeholders at multiple entry points, to avoid capture and strengthen oversight;
 - Ensure comprehensive and credible consultation processes in the lead-up to the project to ensure the credibility and track records of project partners;
 - Apply conflict sensitivity guidelines and protocols;
 - Abide by the highest international safeguards, ensuring both transparency and accountability.
6. **Lack or loss of social and political cohesion amongst IPs/LCs:** Like any other social-political unit, Indigenous Peoples and local community organizations may be affected by past or current conflicts; internal dissent and challenges to the existing leadership structure or vision; differing perspectives on the selected development pathway, or the end purpose of the Tenure Facility-supported projects themselves. Changes in leadership through periodic elections, previous conflicts between and within communities, and external shocks and surprises can all affect the direction, focus and collective actions of IPs/LCs.

Likelihood of occurrence: moderate

Mitigation strategies:

- Strict application of the Tenure Facility proponent selection guidelines;

- High-quality and timely steering, facilitation and technical support from the Tenure Facility to the project implementers;
 - Ensure comprehensive and credible consultation processes in the lead-up to the project to secure engagement and agreement on project purpose, results and methodological approach;
 - Strengthen project with established IP/LC governance structures, congresses, or steering committees, not with individual leaders, supported by strong community-level endorsement of project purpose and direction;
 - Apply the Tenure Facility's conflict sensitivity guidelines and protocols, and social and environmental safeguards;
 - Strengthen project-level governance structures and oversight mechanisms; maintain effective engagement with project stakeholders through continuous technical resource engagement with project leaders and community stakeholders;
 - Create multi-stakeholder oversight/steering committees at the project level to maintain the pace of implementation and the direction/focus of established objectives;
 - Systematic monitoring and reporting requirements;
 - Support selected project implementers through the targeted assistance of technical experts and lessons exchanges.
7. **Weak project management and implementation capacity:** Project implementation through IP/LC organizations and other relevant CSO structures are not risk free. Owing to a long history of neglect from governments and international development institutions, the capacity of forest community organizations and dedicated CSOs to implement large and ambitious reform projects may be limited in some instances, or insufficient in others.

Likelihood of occurrence: moderate to high

Risk mitigation strategies:

- Strict application of The Tenure Facility proponent selection guidelines;
- High-quality and timely steering, facilitation and technical support from the Tenure Facility to the project implementers;
- In-country validation project management capacities through broad-scale consultations with key stakeholders, including validation by government representatives, RRI Partners, Collaborators, and Affiliated Networks, and other locally active key informants, development partners, and NGOs;

- Conduct rapid organizational assessments using organizational assessment framework to guide inquiry and determine requirements for technical assistance;
- Support selected project proponents through technical assistance and targeted lessons exchanges ;
- Create horizontal learning opportunities with other projects to encourage learning and peer to peer exchanges.

Organizational and Financial Management Risks to the Tenure Facility

1. **Variability in donor support:** The Tenure Facility may be confronted with variability in donor commitments over time. This risk may arise as a consequence of competition between existing funds and initiatives for limited donor resources, including those focused on climate change and REDD+, as well as the Facility's independence from existing global players.

Likelihood of occurrence: moderate

Risk mitigation strategies:

- Maintain relevance and legitimacy through effective and efficient deployment of financial and technical support to IPs/LCs and local civil society groups, and engagement with targeted local and national governments;
 - Efficient financial management and administration by the Tenure Facility;
 - Maintain national and international trust and commitment to the Facility's mission via national, regional and international convenings, sharing of lessons, and effective monitoring, evaluation and reporting of project implementation and realized impacts;
 - Diversify donor support, and develop sourcing opportunities from non-traditional funders, including climate funds, private foundations and progressive private sector players;
 - Provision of incubation and technical assistance from RRI, supported by a credible path to independence;³
 - Attract people with high global profiles to the Board of Directors and hiring high caliber staff.
2. **Legitimacy:** An independent Tenure Facility may initially lack the support and legitimacy provided by being hosted at an established institution, if not enough attention is paid to building strong partnerships with relevant international organizations, and prioritizing countries where initial

³ For example, Self-identification as a community; Opt-out provision for households/individuals in the community; Delineation/demarcation of community perimeter; Negotiated land use planning; Legal identity for communities and households; Long-term support; Training of service providers (land administrations) and judiciary; Local education/para-legal support are key to success.

contacts are good and demand for the Tenure Facility's services well established. Issues of legitimacy may affect policy influence and field implementation ability.

Likelihood of occurrence: low

Risk mitigation strategies:

- Maintain relevance and legitimacy through effective and efficient deployment of financial and technical support to IPs/LCs and local civil society groups, and engagement with targeted local and national governments;
 - Maintain a multi-stakeholder governance structure, supported by an independent advisory group composed of representatives from the key international development organizations and initiatives, IPs, and the private sector;
 - Ensure comprehensive and credible consultation processes to build credibility from IPs/LCs, relevant international organizations and NGOs, and other stakeholders;
 - Secure independence from existing institutions, but ensure strong participation by multiple stakeholders in all of projects and convenings, including the involvement of civil society, government, private sector, and international organizations, and (strong participation from key RRI Partners and Collaborators);
 - Provision of incubation and technical assistance from RRI, supported by a credible path to independence;
 - Attract people with high global profiles to the Board of Directors and hiring high caliber staff.
3. **Capacity and Opportunity Cost for RRG:** RRG has been supporting the Inception Phase but does not have sufficient capacity to support Facility implementation in the longer term. If RRG oversight is required to carry far into the Implementation Phase, there is a risk that RRI's overall effectiveness may decline as a result of time devoted to the Facility. Similarly, a risk to RRG and the RRI Coalition is that the opportunity cost of time and money spent on the Facility could have been more effectively redeployed to other, more effective uses. If the Facility is unsuccessful, there is a risk that the reputation and track record of the RRI Coalition would be tarnished; while if successful, there is also a risk that the Facility could become a competing institution in the operational space of Partner and Collaborator organizations, or for limited donor funds.

Likelihood of occurrence: low

Risk mitigation strategies:

- Involvement of Partner and Collaborator organizations in the process to design the Tenure Facility's operational niche;

- Clarify the distinct roles and added value of the work of the RRI Coalition, and of the Tenure Facility, in the design process;
- Provision of incubation and technical assistance from RRI, supported by a credible path to independence;
- Secure the relevance, legitimacy and demand for the Tenure Facility through effective and efficient deployment of financial and technical support to IPs/LCs and local civil society groups, and engagement with targeted local and national governments, as well as donor institutions and influential development and climate initiatives.

8. Cross-Cutting Concerns

The Tenure Facility Standards (Appendix IV) provide additional information.

8.1 Corruption Prevention

RRI focuses on accountability and confronting corruption that could undermine REDD+. The Tenure Facility subgrantees use their own documented methods and measures to monitor corruption. RRI's own process for selecting projects for funding and allocation of resources adheres to the highest standards of accountability and transparency. Oversight by an independent board, donors and the independent monitor ensure compliance with fiduciary responsibilities and ethical practices. The Tenure Facility governance structure includes mechanisms for transparency and grievances, as well as a policy for procurement. The Tenure Facility standards will be applied at all stages of the project cycle of all grants: during development and assessment of proposals, during midterm monitoring of implementation progress, and during the final evaluation. The Tenure Facility standards will also be applied and assessed at the Tenure Facility's institutional level via the annual independent monitors evaluation and report.

8.2 Gender Equality

This project will incorporate and mainstream gender concerns into all activities, including: mainstreaming of gender into climate change initiatives; conducting gender analyses of legal and regulatory frameworks; attention to strengthen gender equity in statutory and customary tenure and governance systems; synthesizing and strategically disseminating lessons on gender equity in forest-based enterprises and benefit sharing; and continuing to support emerging networks of women forest leaders, enabling them to design and execute stronger advocacy strategies around their key issues. The Tenure Facility standards include gender and social equity principles. Standards will be used at all stages of the project cycle, during development and assessment of proposals, during midterm assessment of progress, and in the final evaluation, as well as included in the annual independent monitor's report on overall Tenure Facility implementation.

8.3 Human Rights

At its core, this project concerns the promotion of human rights, particularly the resource and property rights of Indigenous Peoples and Local Communities. Advocating for the respect of fundamental human rights, including the right to secure tenure and livelihoods, and providing operational guidance on how to secure and protect these rights is central to the RRI approach. The Tenure Facility approach will take advantage of all opportunities to advocate the fulfillment and respect of human rights. The Tenure Facility partners and collaborators are sensitive to equality issues, such as under-representation of certain groups or the challenges of overlapping claims to the resources of marginalized groups, as well as ensuring their representation and voice in discussions with policymakers. The Tenure Facility standards will be used at all stages of the project cycle, during development and assessment of proposals, during midterm assessment of progress, and in the final evaluation, as well as included in the annual independent monitor's report on overall Tenure Facility implementation.

9. Budget

9.1 Budget Summary

The funding request to NICFI is for \$50 million USD or 429 million NOK. Total project costs from 2016-2020 are expected to be approximately \$57 million USD if no additional sources of funds are secured during the grant period. Secure funding from Sida of approximately \$7.1 USD million for 2016 and 2017 will be used to complete the transition to the independent operation of the Tenure Facility and to complete/continue the current Tenure Facility projects. Norad's share of total costs during the proposed grant period would be approximately 88% of the total project funds.

Consistent with the Tenure Facility's objective to directly engage IPs and LCs in tenure reform implementation, approximately 70% of total funds will be devoted to project grants, with the remaining 30% of funds dedicated to direct technical assistance, lessons exchanges, and the operation of the Tenure Facility Secretariat. This ratio is based on the Tenure Facility's actual expenditures providing support to six pilot projects in Latin America, Africa and Asia in 2015 and 2016. As the organization scales-up, we expect to be able to devote a larger portion of funds to the projects, depending on the demands for direct Technical Assistance and other direct learning exchange needs. (See Figure 9.1.1)

Figure 9.1.1 Tenure Facility NICFI Proposal Funding Summary

Tenure Facility Nicfi Proposal Funding Summary								8.582	
			2016	2017	2018	2019	2020	USD Total (000's)	NOK Total (000's)
Avg Project Size (\$000's)		1,200							
Tenure Facility Full Projects									
10	Year 1	12,000	4,200	6,000	1,800			12,000	102,984
10	Year2	12,000		4,200	6,000	1,800		12,000	102,984
10	Year 3	12,000			4,200	6,000	1,800	12,000	102,984
Total Projects			4,200	10,200	12,000	7,800	1,800	36,000	308,952
Project % of Total Expenses			71%	73%	72%	72%	68%	72%	
TF Secretariat Direct Expenses									
12%	Technical Assistance		504	1,224	1,440	936	216	4,320	37,074
10%	Learning & Capacity Building		420	1,020	1,200	780	180	3,600	30,895
	Communications		120	160	200	160	120	760	6,522
	Monitoring & Evaluation		40	60	80	60	40	280	2,403
	Staff Travel		45	60	90	60	45	300	2,575
	Board/Advisory Group		24	45	60	45	20	194	1,665
TF Secretariat Direct Expenses			1,153	2,569	3,070	2,041	621	9,454	81,134
Total Direct Expenses			5,353	12,769	15,070	9,841	2,421	45,454	390,086
10%	Admin (TF Secretariat Operations)		535	1,277	1,507	984	242	4,545	39,009
Total Norad (NICFI) Funded Expenses			5,888	14,046	16,577	10,825	2,663	49,999	429,095
Sida Funded Tenure Facility Expenses									
	Establishment of the independent TF		289					289	2,477
	Completion of Pilot Phase		1,593					1,593	13,670
	Continuation of Select Projects		1,045	3,454				4,499	38,610
	Monitoring & Evaluation		75					75	644
Total Sida Funded TF Direct Expenses			3,002	3,454	0	0	0	6,456	55,402
10%	Admin		300	345				646	5,540
Total Sida Funded TF Expenses			3,302	3,799	0	0	0	7,101	60,942
Total TF Expenses			9,190	17,845	16,577	10,825	2,663	57,101	490,037
Other Funding									
	Sida (Secured)		3,300	3,800				7,100	60,932
	Other Funding Total		3,300	3,800	0	0	0	7,100	

Assumptions

Start up costs for the new entity will be covered by Sida Funding

Sida funding will cover the completion/continuation of current TF Pilot Projects through 2017

The first set of full projects will be launched in the 4th Quarter of 2016

Funding will be processed through RRG until the new entity has been established and evaluated to be ready for independent operation.

9.2 Detailed Budget for Year One

The total project budget for 2016, is approximately \$9.2 million USD. As mentioned above, secure funds from Sida of \$3.2 million will be used to complete the establishment of the independent Tenure Facility organization and to continue the current Tenure Facility Pilot projects. Funding from Norad will be used for the first set of full projects, direct Technical Assistance and the operations of the independent Tenure Facility Secretariat. (See Figure 9.2.1)

Figure 9.2.1 Tenure Facility 2016 Detailed Budget

2016 Tenure Facility Budget Worksheet

SIDA #	Activity				Comments
5	Recruit ILTF Staff			40,000	Recruit ILTF Director and Admin Staff
7	Refine Roles and Services			193,650	See Below
8	Set up Board and Secretariat			55,000	See Below
10	Completion of Pilot Phase			1,592,925	Based on Current Commitments. See Below
11	Support Implementation and Scale-Up			5,300,000	Full Project Management Life Cycle
12	Maintain and Run the Facility			2,111,962	See Below (RRG until ILTF Independence)
14	Monitor, Evaluate and Assess Impact			75,000	Start 4th Quarter
	Total ILTF Expenditures			9,368,537	
	Secure Funding				
	2016 SIDA			3,267,401	
	Total Secure Funding			3,267,401	
	Funding Target			6,101,136	
7	Refine Roles and Services, Stds and Accountability, M&E			193,650	Comments
	Define Roles and Services of ILTF			15,000	RRG
	Develop Standards and Accountability			15,000	RRG; Institutional Policies & Operations Manual
	Environmental and Social Impact Standards			10,000	Consultant
	Conflict Sensitivity			11,050	Helvetas
	London Meeting			10,000	
	Develop M&E mechanisms			132,600	Indufor
8	Set up Board and Secretariat			55,000	Comments
	Draft Board TORs, By Laws & Articles of Inc.			10,000	RRG
	Initial Board Meeting			20,000	Based on 2015 Advisory Group Actuals
	Legal Fees, Corporate Filings and Registrations			25,000	Depends on Location Selected
10	Completion of Pilot Projects	4,269,031	3,485,906	1,592,925	Current Commitments
	<u>Pilots</u>	Total	2015	2016	
	Panama	574,680	574,680	0	Full Amounts Expensed in 2015
	Indonesia	750,000	750,000	0	" "
	Peru	748,851	748,851	0	" "
	Mali	657,400	657,400	0	" "
	Liberia	749,600	374,800	749,600	
	Cameroon	750,000	375,000	750,000	
	Collaborative Agreements/Grants	4,230,531	3,480,731	1,499,600	
	<u>Consultants</u>				
	Chip Fay	20,000	3,000	17,000	Focal Points
	Osvaldo	14,500	2,175	12,325	Focal Points
	Scurrah	4,000		4,000	Focal Points
	Additional Focal Points			60,000	3 @ \$20K
	Total Program Consultants	38,500	5,175	93,325	
11	Support Implementation and Scale-Up			5,300,000	
	<u>Full and Medium Projects (TBD)</u>			5,000,000	
	Consultants-Technical Assistance			300,000	
12	Maintain and Run the Facility			2,111,962	
	Maintain and Run the Facility Direct Expenses			1,260,276	
	RRG Staff (Mgmt and Tech Advisory)			1,061,276	Transfer to New Entity when formed
	Advisory Group Meetings			45,000	Based on 2015 Costs
	Website Maintenance			2,500	Spark Maintenance Contract
	Communications			150,000	
	Audit Letter			1,500	
	Total Direct Expenses			8,516,851	
	Admin	10%		851,685	Based on SIDA Allocation

9.3 Justification

Based on the high and growing demand for sustained project funds to provide direct support to Indigenous Peoples Local Communities engaged in tenure reform, we have assumed that the proposed NICFI funding would be used for two year projects at an average project size of \$1.2 million USD per project. The first set of projects would be launched in the fourth quarter of 2016, with subsequent sets to be determined based on the available pipeline of projects that meet the Tenure Facility's criteria and the availability of project funding. The current plan would require funding of approximately \$36.5 million USD for the first two and one half years of the project (2016-2018) with the requirements decreasing in 2019 and 2020 as the second and third sets of projects are completed. It is assumed that the operation of the Tenure Facility Secretariat will be continued by sharing costs with other funding sources as new project funding is secured.

The Tenure Facility Secretariat is being structured to be lean but scalable with strong organizational leadership and relevant tenure reform experience, strong financial management capacity, cloud-based financial management and business support systems, strong project support and oversight functions, including planning, identification of potential projects, and learning exchanges. Program Officers will be added to the Secretariat staff to maintain appropriate support and oversight to recipients consistent with the growth in the number of active projects. To avoid commitment to fixed costs during the scale-up phase of the Tenure Facility, it has been assumed that the project country-level Focal Points and the majority of the Technical Assistance support of the projects will be provided via consultancies (see Appendix VIII: Tenure Facility Secretariat Budget). This strategy will be reassessed at regular intervals based on the availability of longer term funding commitments.

Funds will be disbursed through the Rights and Resource Group, until the completion of an evaluation of the Tenure Facility's readiness for independent operation is successfully completed after the first six months of independent operations.

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Proposal to NICFI: Appendices

Appendix I	Theory of Change and Results Framework
Appendix II	Monitoring, Evaluation, and Learning Frameworks
Appendix III	Governance Structure
Appendix IV	Social and Environmental Standards
Appendix V	Transition Plan – From Establishment to Independence
Appendix VI	Ethical Guidelines
Appendix VII	Procurement Policy, Standards, and Procedures
Appendix VIII	Pipeline of Candidate Projects for Year One (2016)
Appendix XIV	Tenure Facility Secretariat Budget

The full package of appendices can be found at:

<https://drive.google.com/open?id=0Bz4oqWLNcvgyUFdEemd5MWNNKbzA>

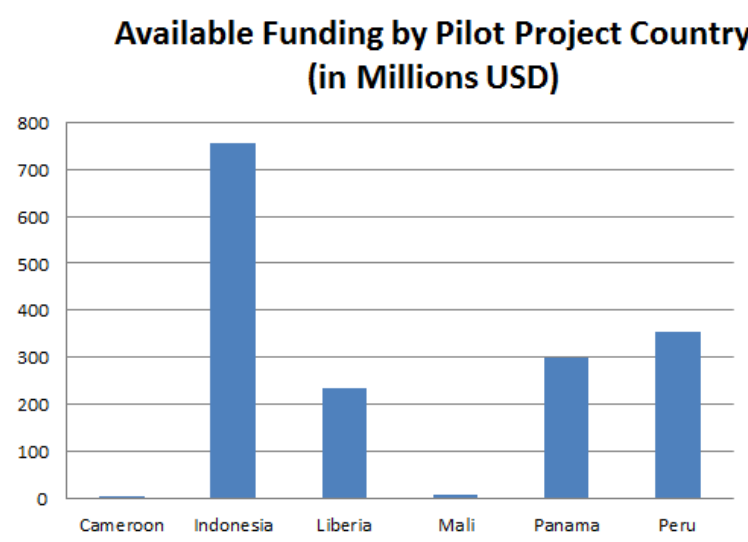
the **TENURE FACILITY**

ANNEX

Opportunities and Potential Pathways for Scaling Up

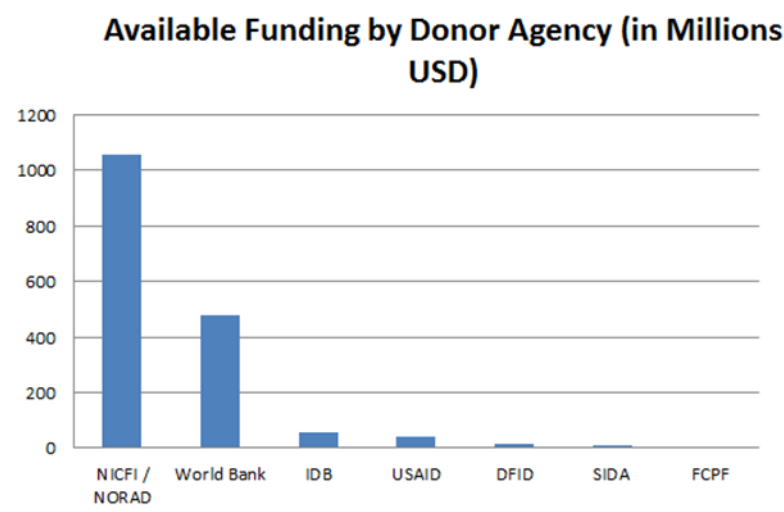
Annex: Opportunities and Potential Pathways for Scaling Up¹

Given the funding environment and the emphasis among donors on land tenure rights, the potential exists within all six countries for the Tenure Facility pilot projects to scale. Due to divergent legal frameworks for land tenure and donor emphases within the pilot projects' respective countries, however, the suggested path for scaling differs for each project. Below is a brief comparison of the funds available across the six pilot project countries for tenure-related activities:



The aggregated funding levels here represent a ceiling rather than a specific commitment. This is an especially important caveat in Indonesia, where there is a large pool of funds that could go to NGOs working in several different countries. The graph shows substantial donor interest in and funds towards four of the six pilot countries, with more difficult funding environments for scaling in Mali and Cameroon. These findings do not demonstrate a lack of donor interest in tenure issues for Mali and Cameroon, but rather that projects in these countries remain under preparation and are thus more difficult to reliably quantify.

¹ DRAFT Report prepared by Luke Allen under guidance of Nadim Khouri, June 2015



The same caveat as above applies regarding the NORAD grant of \$720 million—that funding will presumably not all go to pilot project countries. It should also be noted that some of the smaller donors here are more exclusively focused on issues of land tenure—all of the SIDA funds shown above, for example, come from a single tenure rights project in Mali, whereas much of the NORAD funding identified here is more generally dedicated to REDD+ preparation and payouts.

COUNTRY BY COUNTRY ANALYSIS OF OPPORTUNITIES FOR SCALING

Cameroon

World Bank	<ul style="list-style-type: none"> The World Bank is preparing an Agriculture Investment and Market Development Project of \$100 million; The initial appraisal document indicates that "activities of the Project are not expected to trigger major land issues."
Other Donor Agencies	<ul style="list-style-type: none"> FCPF: Since 2013, Cameroon has executed a \$3.6 million "readiness" grant that prioritizes local involvement; FIP: tentative timeline indicates preparation of a program by November, 2016.
Recommendations	Tenure Facility should continue supporting SAG, which remains the best entity at an institutional level to undertake land tenure work in Cameroon.

Indonesia

World Bank	<ul style="list-style-type: none"> The World Bank's projects in Indonesia do not entail as much emphasis on land tenure security as those of other donor agencies, perhaps because the legal framework for tenure in Indonesia remains in flux.
Other Donor Agencies	<ul style="list-style-type: none"> Forest Investment Program: has approved \$24 million in funding, with \$6.5 million in grants for indigenous peoples and local communities. The grants include a component of mapping local land rights; NORAD has partnered with the GoI since 2010. NORAD has committed to disbursing \$720 million before 2020. However, this pool of grant money is not exclusively devoted to projects in Indonesia; rather, Indonesia is one of 11 countries where NGOs can receive funding to do work through these grants. NORAD is not currently taking grant applications; GIZ: through its FORCLIME support, the German government is demonstrating collaborative land use planning; DFID: the Multi-Stakeholder Forestry Programme runs from 2014-2017 with investment of approximately \$13 million; the program focuses on timber legality and forestry management, with a component for working with local communities to clarify tenure rights, including grants to partner organizations working on these issues.
Recommendations	While several donors present relevant projects, the DFID project represents perhaps the quickest way for the Tenure Facility pilot project to scale up through partnering and potentially receiving grant funding to scale.

Liberia

World Bank	<ul style="list-style-type: none"> The World Bank disbursed a Land Administration grant of \$6.7 million, with \$1 million dedicated towards enhancement of customary land rights; The World Bank has also agreed to a \$150 million package as part of Liberia's REDD+ investment, running from 2015-2020. \$50 million of this package will be dedicated to community forestry and capacity building, with \$100 million disbursed as payment for deliverables; Aspects of this project that complement the work of the pilot project include capacity building for the Land Commission and legal
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	reform around land rights. This package is not contingent on enactment of the draft Land Rights Act.
Other Donor Agencies	<ul style="list-style-type: none"> • The Norwegian government has signed an agreement with the World Bank and the government of Liberia to disburse \$36.7 million as part of the above World Bank investment; • This agreement calls on the Government of Liberia to collaborate with established projects to research and test possibilities to clarify the legal framework for land rights in Liberia.
Recommendations	The World Bank/Norwegian government project represents an excellent opportunity for the Tenure Facility pilot project to collaborate with the GoL and external donors, simultaneously.

Mali

World Bank	<ul style="list-style-type: none"> • The World Bank's 2015 assessment of Mali underscored the importance of addressing land tenure issues for Mali's economic development; • To date, however, no World Bank projects in Mali explicitly address issues of land tenure; • With fully a quarter of the World Bank's project budget devoted to rural development and substantial investments in governance, as well as a recognition from the World Bank that land tenure issues are key, it is possible there will be potential here going forward.
Other Donor Agencies	<ul style="list-style-type: none"> • GEDEFOR II (Gestion Décentralisée des Forêts) is a project managed by the Swedish and Malian governments; it is in its second year of implementation and addresses land tenure issues. The program runs from 2014-2018 with funding of approximately \$7.5 million. • USAID runs a Climate Change Initiative in Mali that addresses adaptation to climate change at the local level. (Funding figures unavailable.)
Recommendations	The pilot project may benefit from collaboration with the Swedish and Malian governments on the GEDEFOR project, as well as continuing support for the pilot project.

Panama

World Bank	<ul style="list-style-type: none"> The World Bank has agreed to a \$300 million Shared Prosperity in Panama Policy Development Loan. The loan includes support for government projects that strengthen indigenous identity in Panama. The latest update on the loan from the World Bank calls for a third project in line with the country's National Development Plan for Indigenous People before 2017.
Other Donor Agencies	<ul style="list-style-type: none"> FCPF: future FCPF financing will take into consideration programming that strengthens indigenous peoples' rights; REDD+: participatory processes for REDD+ have reversed initial resistance of indigenous groups towards REDD+.
Recommendations	The timing and scope of the World Bank Policy Development Loan suggest that the Tenure Facility pilot project could be an excellent candidate for partnership with this World Bank project, or future World Bank work as their country diagnostic indicates a commitment to programming that addresses indigenous land tenure issues.

Peru

World Bank	<ul style="list-style-type: none"> The World Bank has contributed funding towards a FIP project, along with the IDB; Of the \$50 million of support, about 40% (~\$20 million) goes towards land titling benefiting indigenous peoples.
Other Donor Agencies	<ul style="list-style-type: none"> Norway and Germany have signed a Letter of Intent with Peru for a \$300 million grant under REDD+ Payment for Results. This effort includes the Madre de Dios region covered by the pilot project; There are links between the REDD+ initiative and projects that include land titling and settling tenure issues; IDB has contributed \$3.8 million towards readiness through FCPF.
Recommendations	Possible collaboration with World Bank project contributing towards land titling that benefits indigenous peoples.