TENURE FACILITY PILOT LEADERS' LEARNING AND STRATEGY EXCHANGE

OCTOBER 28, 2016

KNIGHT CONFERENCE CENTER AT THE NEWSEUM

Washington, D.C. USA

Facilitator's Report

by

Alicia Korten[1]

The Pilot Leaders' Learning Exchange meeting was held in Washington, DC on October 28, 2016 at the Knight Conference Center at the Newseum. Its objectives were to celebrate achievements and identify successful strategies for scaling up with government, private sector and other key partners.

Pilot Country Presentation Highlights

During the morning session, each country delegation gave a brief presentation on their pilot project partners, accomplishments, strategies, support received from the Tenure Facility and lessons learned. Below are highlights from these presentations.

Indonesia

Key Achievements. As a result of this project, nine district regulations have been adopted or drafted, which include in their text the recognition of roughly 800,000 hectares of 41 Adat communities. The project also financed participatory mapping for 38 communities, of which 22 maps are complete or almost complete. Project funds are institutionalizing participatory mapping as a tool for securing land rights throughout Indonesia, including by training 200+ people from government and civil society organizations on how to conduct participatory mapping processes. **Lessons.** A project success factor has been the flexibility of funding and project plans, which allowed AMAN to seize important political opportunities. AMAN used rigorous protocols on transparency and accountability with respect to accounting and finances, and these were important in building trust with the communities.

Peru

Key Achievements. As a result of this project, by mid-2017 five communities will have title to their land (approximately 80,000 hectares). The project supported the development of a system to defend the territorial rights of the "Peoples in Voluntary Isolation," and won the agreement of

the Ministry of Culture, which has agreed to work with this system. The initiative has improved the forest management of the 27,000-hectare Forest Monitoring Initiative (Veeduria) of FENAMAD.

Lessons. The project has secured its successes in part by focusing on working with government technical staff.

Key Achievements. The project has established a legal clinic within COONAPIP, which has strengthened COONAPIP's capacity to pursue land claims, and has helped resolve sixteen significant land dispute claims (1,240 hectares of land). Thirty-six authorities have been trained with respect to national and international law on Indigenous Peoples' rights and collective land titling.

The pilot project has helped four territories covering 70,260 hectares of land to make significant advances within the formal titling process. However, unexpectedly, the Ministry of the Environment has reversed its prior position and blocked the final stage of the titling process because the territories overlap with protected areas. The Ministry cited laws that prohibit protected lands from being titled. COONAPIP's legal clinic has mounted a serious legal challenge on Constitutional and national/international jurisprudence grounds, and has supported COONAPIP in drawing both national and international attention to the issue of overlapping land claims, increasing the chances that there will be resolution.

Lessons. Providing COONAPIP with funding to help the government comply with land administration processes, as well as hold government entities accountable to implement existing laws has accelerated titling efforts, and enhanced COONAPIP's national influence. However, contradictory laws have caused delays. In addition, changes to the political environment have narrowed the window of opportunity. Identifying the steps involved in titling has been an important step in securing results. Through participatory mapping, COONAPIP has come to recognize the important role that women play in the assertion of land rights.

Key Achievements. The pilot project supported the development of a seven-step participatory community self-identification methodology that will be scaled nationally. To date the protocol is under testing in over 70 towns, spanning nine of Liberia's fifteen counties. These communities represent approximately 45,000- 60,000 people. The work represents the first time in the history of Liberia that communities have led a formal process, sanctioned by and with the direct participation of government, to define their own community boundaries and is contributing to the establishment of more transparent and democratic practices within village structures. Twenty-seven individuals have been trained in the self-identification methodology developed as part of the project, including government officials and civil society representatives. The effort has strengthened civil society-government relationships and created a framework and opportunity for an innovative partnership between government, CSOs and communities for the implementation of the process for the recognition of customary land rights countrywide – a process that will take years. In the absence of this type of partnership, government alone would not be resourced to fully implement the (pending Congressional approval) Land Rights Act as regards recognition of customary land rights.

The head of the Government's Interim Land Task Force (now Liberian Land Authority) has expressed appreciation for the project, which is allowing the Government to position itself in advance of the near-overwhelming demand for titling of customary lands expected following the passage the Land Rights Act. In comparison to the rigidity of many bilateral and multilateral institution's projects, he has noted the extreme value of the flexibility of the TF financing, which has allowed for a Liberian-driven learning process.

Lessons. Through working together, an atmosphere of trust and respect between government and CSOs can be developed, despite initial fears and concerns about the risks involved in working together closely. The development of this relationship is what creates the potential and opportunity for scaling up. Project leaders recommended that greater attention be paid to clarifying roles, implementation and governance/decision-making structures prior to project initiation. They also noted the importance of the role TF played as 'honest broker', which

diffused potential conflict between implementation partners. Having a liaison that bridges government with civil society has been critical.

Cameroon

Key Achievements. The Cameroon pilot project has developed a standardized national protocol for participatory mapping, which will be outlined in a manual expected to be published in 2016. The project's multisector strategic advisory group (which includes government officials, civil society leaders and other important stakeholders) has been instrumental in helping build a national consensus in support of this protocol, and is helping position the methodology as a national standard. Over five hundred people helped to develop the protocol, and roughly 100 women and men have been trained and employed as local cartographers. Influenced by the project, the Parliament Network and Cameroon Traditional Chiefs Network adopted participatory mapping in their action plan. As a result of this project, the National Institute of Cartography will help manage the national mapping processes, including acting as the depository for the maps.

Lessons. The effort has been remarkably well received within the government. Two factors were critical to this success. One was the prestigious platform the Tenure Facility and the strategic advisory group gave the project. Another was having a focal point person who held a prestigious position within the government, has strong civil society relationships and can bridge government-civil society relationships.

Mali

Key Achievements... The project is helping establish local land commissions to prevent and manage land conflicts under the Peace Accord. It is supporting the validation of local legal instruments for documenting land transactions. It is supporting the elaboration of implementing regulations of several decrees. And it also supporting the consultation process of a new Land Law. In addition, the work has been instrumental in establishing over 4,000 hectares as a community forest reserve, and helping a community and mining investor reach an agreement for local sustainability, affecting roughly 3,000 hectares of land.

Lessons. The project has been instrumental in supporting government implementation, as the government lacks funds to carry out related activities. Securing commitment from local governments and training farmer organizations on how to effectively negotiate has been essential.

Strategic Discussion on Collaboration and Scaling Up

The afternoon session included a robust and candid dialogue regarding the projects' remarkable successes, the challenges encountered and lessons for moving forward. Highlights are below.

Implementation Structures

Flexibility. A key success factor of the initiative has been its flexibility, which has allowed country leaders to respond to political dynamics as they unfold and align project goals to emerging stakeholder needs. The funding mechanism and design plans were flexible enough to meet the real project needs. ("Rigid resources do not respond to changing dynamics and political opportunities.")

Trust and Transparency. Relationships are built on trust, and financial and decision-making transparency is key to building that trust. The Indonesia delegation noted that AMAN presents a financial report to community representatives every two months. One advisory board member suggested developing common standards of accountability across projects. The group discussed how it can be difficult for community-based organizations to share financial information with communities when environments are politicized. One leader noted that sharing information is easier when leaders take time to ensure communities are clear about project objectives and when projects are clearly aligned behind community aspirations.

Project Implementers. The Tenure Facility board chair noted that most international projects define government engagement as loaning money directly to the government. This initiative, in contrast, lets communities and their allies manage funds. Choosing funding recipients that either represent or have direct relationships with communities has elevated community voices, shifted

power dynamics within countries, and—by equalizing power relationships—is helping government and civil society work more effectively together. By tying money to communities, civil society engages their government from a position of strength. ("We are initiators and we are offering our tools to the government." / "Giving money to the government [as is typically done by international lending institutions] is not the key ingredient; the key ingredient is government engagement.")

Implement to Scale. It was noted that the projects worked best when factors that lead to projects scaling nationally and internationally were identified and incorporated into project design from the outset, and attention paid to scale throughout the project's implementation.

To scale effectively, one must have an effective model and be able to convince others to adopt that model. To enroll others, the model must have a documented result, a methodology that is scalable and evidence that the model will address interests of influential decision-makers. Ultimately, decision-makers must want to adopt the model. The possibility that stakeholders will adopt a model increases significantly if they have been included in project development from the outset. To ensure continuity, at the completion of the project, the TF facility should create, and support projects in developing, marketing materials that include compelling outcomes and stories. Such materials would help both international and project-specific fundraising and alliance-building efforts.

Government & Stakeholder Engagement

Stakeholder Engagement. Participants underlined the importance of including stakeholders the project hopes to influence at the outset. Strategic inclusion of key national-level actors builds commitment to scale. All three African-based programs, for example, noted that building high profile platforms for government-civil society engagement into project design has built national commitment that creates the real potential to scale project results. ("Our work becomes unstoppable"). In addition, choosing an influential focal point person trusted by both the government (former government officials) and civil society is a promising factor that could prove to be a critical contribution to ultimate success in scaling—strengthening project credibility and helping build strategic partnerships. The Cameroon delegation noted that they are

now identifying private sector companies that would like to "do the right thing" with respect to environmental impact statements and that it would have been beneficial to include these companies in their national consensus building process from the outset. Panama acknowledged that their government focus in the past has largely been one of confrontation and noted that it was time for finding more mechanisms for effective collaboration. ("with rights comes responsibilities").

Government Is Not Monolithic. A key lesson for multiple country delegations has been learning how diverse the individuals and units within their governments are and that they can find aligned partners within the government. For example, Indonesia has found that when efforts at the national level have stalled, they have been able to turn to local government to secure results. Peru noted that building relationships with those working at the technical and implementation levels of the government, who are less influenced by political environments, has been key to supporting project continuity. Peru also noted that different agencies have different interests, and the project has been able to forge relationships with government institutions aligned with project goals. In Panama, COONAPIP has found allies in some government agencies that also question the Ministry of Environment's stance that one phrase in one law prohibits their allowance of titling indigenous land that overlap with protected areas. Panama team noted that working with entities that are not supportive of "the cause" makes the results of short-term projects less predictable.

Community Engagement. It is essential to have smart and strategic identification of what is the optimal investment in engagement and capacity building that is relevant to project objectives and desired results. Communities are the critical stakeholders in projects. To garner critical support at the community level, capacity building at some scale is required. Projects must dedicate funding and articulate and fully implement mechanisms to enable appropriate community engagement within the project context.

Securing Long-Term Impact

National Capacity. Country delegations noted that they would like to strengthen their own national capacity ("We must build our own national capacity"). Delegates reflected on the need for countries to have national institutions that are able to fully fund land titling. They would like

to see more spaces for building broad-based national support for tenure rights. ("The creation of deeper platforms in the countries is important.") In addition, there must be continued focus on building the strength of community-based institutions.

Mapping as a Political and Social Process. By strengthening the voices of communities, the participatory mapping efforts in Liberia contribute to broader community engagement, which in turn can contribute to increasing transparency and better governance of land and land-based resources. Indonesia is a front-runner in including women in participatory mapping processes. The Indonesia delegation noted that women's work gathering forest resources—including medicine for their families—makes women strong advocates for forests. Including women in mapping conversations has helped them to take a stand to protect the forests within village and local level decision-making structures. Panama team also noted that youth gravitate to mapping processes as they enjoy using the accompanying technology, and their participation is helping build youth confidence.

Tenure Facility Role

Communications and Funding Strategies. Country delegations believe the Tenure Facility should play an important role in securing the advances achieved through the pilot projects. For example, the delegations requested that the Tenure Facility support them in more effectively sharing national and global success stories. Strong communications tools will help consolidate the impact of efforts to build country-level support. In addition, compelling stories will help countries and the Tenure Facility secure additional funding.

The Tenure Facility will continue to seek ways to act as a leading source of knowledge on tenure rights and related impact models. For example, they will facilitate learning exchanges within and between countries and host a learning portal to encourage inter-country exchanges. The Tenure Facility will also continue developing communications tools to share country and global stories, models, successes and insights.

The Indonesia delegation underlined the important role the Tenure Facility plays and offered to communicate this message to international players. Delegations noted that the Tenure Facility, in

addition to providing funding, has offered critical technical support, strengthened their own credibility vis-a-vi decision-makers within their countries and built new and important international relationships.

Unique Positioning. Participants expressed several ways that the Tenure Facility is unlike any other global forum or institution. Key characteristics of the Tenure Facility, which combine to make TF a unique organization, include the Tenure Facility´s way of working by:

- Focusing on local communities as the managers and protectors of natural resources;
- Assisting the implementation of existing tenure laws as opposed to advocacy
- Empowering communities, including when possible giving funding directly to community-based organizations;
- Encouraging innovative strategies for developing relationships between government and civil society, including providing forums for these sectors to forge common solutions to tenure rights;
- Developing learning mechanisms so that each pilot country's experience contributes to the evolution of the global Tenure Facility as well as determining scalable tenure rights models;
- Building trust-based relationships in which funders and grant recipients are in conversations focused on mutual respect and learning.

The Tenure Facility will continue to hone what makes it unique within the broader context of forests and tenure rights.

Learning Exchange Participants

Nora Bowler (SDI, Liberia)
Re-Al Myers (PMU, Liberia)
Hon. Dr. Othello Brandy (Interim Land Task Force, Liberian government)
Marcelo Guerra (COONAPIP, Panama)
Manuel Martinez (COONAPIP, Panama)
Jorge Ventocilla (Tenure Facility Focal Point, Panama)
Christine Halvorson (RF-US, Panama)
Célestin Dembélé (Helvetas, Mali)
Boubacar Diarra (Helvetas, Mali)
Moussa Djire (Tenure Facility Focal Point, Mali)
Silvana Baldovino (SPDA, Peru)
Martin Ronceros (DISPACR, Peruvian government)
Julio Cusurichi (FENAMAD, Peru)
Martin Scurrah (Tenure Facility Focal Point, Peru)
Minister David Abouem (Tenure Facility Focal Point, Cameroon)
Timothee Fomete (Rainbow, Cameroon)
Rukka Sombolinggi (AMAN, Indonesia)
Abdon Nababan (Tenure Facility Board)
Samuel Nguiffo (Tenure Facility Board)
Augusta Molnar (Tenure Facility Board)
Arvind Khare (Tenure Facility Board)
Myrna Cunningham (Tenure Facility Board – virtual)
Juan Manuel Torres Rojo (Tenure Facility Board)
Chris Jochncik (Tenure Facility Advisory Group)
Arlen Ribeira (Tenure Facility Advisory Group)
Gustavo Sánchez (Tenure Facility Advisory Group)
Margareta Nilsson (Tenure Facility Advisory Group, Sida – virtual)
Kevin Currey (CLUA)
Fred Nelson (Acacia)
Julian Atkinson (RRI Observer, RECOFTC)
Oda Almas (RRI Observer, FPP)
Cristi Nozawa (RRI Observer – Samdhana)
Michael Jenkins (RRI Observer - Forest Trends)
Dan Klotz (Tenure Facility consultant Burness)
James Acworth (Tenure Facility Consultant)
Jim Smyle (Tenure Facility Consultant)
Filippo Del Gatto (Tenure Facility Consultant)
Alicia Korten (Tenure Facility Consultant Facilitator, The Culture Company)
Janis Alcorn (Tenure Facility Secretariat)
Briana Okuno (Tenure Facility Secretariat)
Andre Pope (Tenure Facility Secretariat)
Bryson Ogden (RRI)
Omaira Bolaños (RRI)
Claire Biason-Lohler (RRI)
Jenna DiPaolo Colley (RRI)
Ariana Rodriguez-Gitler (RRI)
Sandra León Bolourian (RRI)
Matt Zimmerman (RRI)
Clément Doleac (RRI)
Luke Allen (RRI)
Jessica Rodriguez (RRI)