



UN-REDD
PROGRAMME

Concept Note:

Options for Addressing Tenure under REDD+

Expert Meeting

**Rome, Italy
25 - 27 February 2013**

organized by

the Food and Agriculture Organization of the United Nations (FAO)

1. Introduction:

The overall objective of the expert meeting is to understand better REDD+ related tenure challenges. In order to address those challenges, we invite REDD+ countries to share their experience, exchange their views on tenure needs and discuss possible ways to address those needs. Key tenure and REDD+ experts will be invited to identify realistic and feasible policy options to do so. In this context, the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* should frame the discussions on how to address tenure under REDD+.

The Committee on World Food Security endorsed the *Voluntary Guidelines on the Responsible Governance of Tenure* in May 2012. This constitutes the first comprehensive consensus on the broad issues pertaining to the governance of tenure. The Voluntary Guidelines will inform and guide the tenure work under REDD+.

Under the UN-REDD Programme "*Support to National REDD+ Action - Global Programme 2011 -2015*", it was agreed that FAO would draw on its in-house capacity and experience to further advance the issue of tenure for REDD+. In addition to collaborating with UNDP and UNEP, this would be done in close cooperation with the *Forest Carbon Partnership Facility (FCPF)* of the World Bank and the broad REDD+ community.

The **Climate, Energy and Tenure Division (NRC)** of FAO's Natural Resources Department has been asked to support the implementation of the Voluntary Guidelines. Currently, technical guides on governance of tenure are being prepared and are already well advanced. The guide on forest tenure will include several tools and suggestions to improve governance of forest tenure, also for REDD+.

The **Forest Economic Policy and Products Division (FOEP)** of FAO's Forestry Department is undertaking a great number of activities on forest tenure which support the development and implementation of adequate and diversified forest tenure systems. The Forestry Department of FAO has posted a large number of country-specific and regional analyses and studies on its website. This ongoing work represents a wealth of information available to REDD+ and its work on forest tenure.

The **Development Law Service of FAO's Legal Office (LEGN)** has been engaged in the dialogue on tenure rights and rights of access to resources as well as the determination of carbon ownership and carbon rights in forest management and agricultural production. In the context of the UN-REDD Programme, the Development Law Service implements the LEG-REDD+ Project which aims to support the legal readiness of UN-REDD countries. Through this project, collaboration is also being established with other organizations active in legal support to REDD+ countries, such as GLOBE International, IDLO, INTERPOL, IUCN, the World Bank and Climate Focus..

The **Agricultural Development Economics Division (ESA)** of FAO's Economics and Social Development Department addresses tenure and tenure rights, particularly of smallholders. Smallholders are considered partners in REDD+ efforts. They are key for achieving REDD+ objectives, being beneficiaries as well as drivers of deforestation and forest degradation. Addressing climate change mitigation finance for smallholder agriculture, the division contributes effectively to matching REDD+ benefits to benefits from harvesting soil carbon sequestration through agriculture.

2. Justification:

The in-depth Country Needs Assessment by the UN-REDD Programme and the Forest Carbon Partnership Facility (FCPF) calls for tenure to be prioritized within REDD+ readiness activities. It suggests urgent actions with regard to "legal frameworks to support the implementation of REDD+ and to resolve land tenure and carbon rights issues in the REDD+ context which is needed in virtually all existing and nascent REDD+ country strategies".

During the recent UN-REDD meeting on "*Legal Preparedness for REDD+: Exploring Needs and Sources of Expert Support*" held in September 2012 in Rome, Italy, the majority of participants from governments, civil society, international institutions and the donor community regarded tenure, customary rights and carbon rights as key legal issues to be addressed by REDD+ countries.

Tenure reform and legal preparedness of REDD+ countries are the foundations for the eventual and necessary benefit sharing systems at national and local levels. The linkage between tenure systems and carbon rights is identified in all national REDD+ programmes.

A recent analytic document by the Programme on Forests (PROFOR) at the World Bank by John W. Bruce and Robin Nielsen ("*Identifying and Working with Beneficiaries When Rights Are Unclear*") looks at the options to undertake the necessary change in the legislative framework for REDD+ at national, sub-national and local levels, in particular with regard to customary law for tenure. This is just one of many papers stimulating thoughts on the options which are available to countries to address tenure for REDD+.

Existing options range from programme-based compacts or even project-specific agreements at community level to nation-wide legislative reforms on tenure. Besides the fact that approaches must be country-specific, various options to address tenure under REDD+ should be considered by REDD+ countries and discussed within the REDD+ community.

Given the wealth of information, knowledge and experiences available, FAO and the UN-REDD Programme are carrying out a broad process of consultations with stakeholders (national institutions engaged in REDD+, regional and international partners as well as the agencies under the UN-REDD Programme) to enhance the work on tenure under REDD+ drawing on the Voluntary Guidelines.

Being part of a broader dialogue with all relevant partners, this expert meeting is organized in response to the needs of REDD+ countries. It will offer an opportunity to exchange information about experiences, best practices and gaps as well as to facilitate decisions on how to approach tenure in the context of REDD+.

3. Objectives of the Expert Meeting

The objectives of the expert meeting are to:

1. exchange experience and increase understanding amongst REDD+ countries and other stakeholders on how to address tenure and use the Voluntary Guidelines in REDD+ implementation;
2. clarify tenure issues and the scope of work on tenure under REDD+¹ considering the range of country-specific contexts;
3. offer, discuss and evaluate different options on how to address tenure under REDD+ according to the respective settings in forested areas² (national parks, conservation areas, gazetted forests and concessions etc.) as well as in productive landscapes with forests as part of territorial development, agriculture and water management;
4. clarify the interface and interactions with other land-based activities, and how it affects roles, rights and responsibilities, in particular in agriculture;
5. discuss, clarify and prioritize actions for strengthening the policy, legislative and institutional frameworks related to tenure at national, sub-national or local levels for a successful implementation of REDD+.

4. Participation

In full cooperation with the UN-REDD Secretariat, UNEP and UNDP, the Forest Carbon Partnership Facility (FCPF) and other colleagues from the World Bank, approximately 50 experts from REDD+ countries (UN-REDD and FCPF), international organizations, civil society and the private sector representatives will be invited to contribute.

5. Documentation and Contributions:

A background document elaborating various options on how to address tenure under REDD+ will be provided by the end of January 2013 to all participants. Other documents that form the foundation for the expert meeting are available at www.fao.org.

¹ In Article 72, section C of the Cancun Agreements developing country Parties are requested *to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities*. See: Conference of the Parties, **Report of the Conference of the Parties on its sixteenth session**, held in Cancun from 29 November to 10 December 2010, Framework Convention on Climate Change (UNFCCC), 15.3.2011, p. 13.

² Depending on the classification of the different forest tenure settings defined by the responsible institutions.