

REDD+ AND TENURE: A Review of the Latest Developments in Research, Implementation and Debate

Lisa Westholm, Robin Biddulph, Ida Hellmark and Anders Ekbohm

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More on Focali can be found on www.focali.se

Email: info@focali.se

Postal address:

Focali

Box 170

405 30 Gothenburg,

Sweden

Cover Photo: Gul Hamaad Farooqi

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ABBREVIATIONS

CDB	Convention on Biological Diversity
CBFF	Congo Basin Forest Fund
CBFM	Community Based Forest Management
DRC	Democratic Republic of Congo
FAO	Food and Agriculture Organization of the United Nations
FCFP	Forest Carbon Partnership Facility
FIP	Forest Investment Program
GEF	Global Environment Facility
GACF	Global Alliance for Community Forestry
ITTO	The International Tropical Timber Organization
JFM	Joint Forest Management
MoU	Memorandum of Understanding
MRV	measuring, reporting and verification
NPD	National Programme Documents
NGO	non-governmental organization
PES	Payment for Environmental Services
PFM	Participatory Forest Management
REDD+	Reducing Emissions from Deforestation and Forest Degradation and conservation, sustainable management of forests and enhancement of carbon stocks
R-PP	Readiness Preparation Proposals
RRI	Rights and Resources Initiative
SFM	Sustainable Forest Management
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative initiative on Reducing Emissions from Deforestation and forest Degradation
WRI	World Resources Institute

EXECUTIVE SUMMARY

Reduced emissions from deforestation and forest degradation, conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+) has been one of the most successful points of discussion in the global climate change negotiations. In parallel with the discussions, large investments have also been made in the work to prepare tropical countries for a future REDD system. These preparations include analysis of the drivers of deforestation, institutional capacity building and reform, and establishment of forest and carbon monitoring systems. Forest tenure reform is by many seen as an essential part of this work.

Unclear and/or insecure forest tenure has been identified by many as an indirect driver of deforestation and forest degradation. Consequently, reforming tenure is considered an important measure in order to control deforestation. Clarifying tenure is also seen as a way of promoting equitable REDD+ implementation. By clarifying tenure it will be harder for governments or powerful external actors to reap the benefits of REDD. Clear and secure tenure can also protect poor forest dwellers and local communities from exclusion or even eviction from forest lands and provide them with greater leverage in national REDD+ processes. This could prove essential as REDD+ raises the value of forests.

Most REDD+ initiatives such as the UN-REDD and the Forest Carbon Partnership Facility (FCPF) identify tenure reform as an important part of REDD readiness work. Also most national readiness plans and investment strategies consider tenure reform to be important. However, very few have elaborated detailed plans for how to reform tenure. Much work still remains to be done in this field. There is a need for sharing experiences and lessons learned between countries but also for in-depth national analyses to inform national tenure reform processes. Climate change is an urgent matter that will need fast action. Tenure reform on the other hand, requires careful consideration and should not be rushed. REDD+ could mean that additional resources are made available for tenure reforms, but it could also mean that there is pressure to rush the process. It is important to avoid speeding up the process at the expense of stakeholder participation.

The review shows that most researchers and others interested in REDD+ seem to agree that tenure reform is an important element of REDD+ preparations; mainly for two reasons: 1) clear and enforced forest tenure allows for greater control over forests and forest management, which is essential for combating deforestation and forest degradation; and 2) distribution of compensation for REDD+ management of forests. Irrespective of whether REDD+ is market-based or fund-based it will involve transfer of payments conditional on performance. This is a way of creating incentives for sustainable management of forests. Without clear tenure arrangement and adequate enforcement it will be difficult to define who should receive these payments.

Based on our analysis and the review of recent REDD+ literature, we propose the following recommendations and issues for consideration for further work on tenure and REDD+:

a) There is a need for field-based research that can provide context specific knowledge to inform national tenure reform processes; b) REDD+ countries are going to need extensive support in

order to design equitable tenure reforms; c) Although tenure reform is important in a REDD+ context it should not be rushed in the name of REDD. This could lead to badly informed reforms that deepen inequalities rather than prevent them; d) The major challenge in order to make Community Based Forest Management (CBFM) successes REDD-relevant is to generate further lessons about how effective CBFM can be rapidly and adequately scaled up; e) In some cases there is evidence that REDD is catalysing reforms which open possibilities for communities to be delegated responsibility for higher value productive forests than has been common in the past; this should be explored and promoted; f) It will continue to be valuable for research efforts and strategic planning and decision making on potential future REDD+ interventions to track the evolution of attempts to link existing community forestry projects to carbon markets.

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1 INTRODUCTION

The world’s forests have become an important element in the global effort to combat climate change. There is now a consensus within the UNFCCC climate change negotiations that a system for reducing deforestation and forest degradation should be put into place. This system is called REDD+ ¹ i.e. reduced emissions from deforestation and forest degradation, conservation, sustainable management of forests, and enhancement of forest carbon stocks. The REDD+ system is intended to involve performance-based compensations, financed either through a carbon market or through international funds. A system for compensation relies heavily on a clear and secure tenure system. According to Eliasch (2008) it is “[o]nly when property rights are secure, on paper and in practice, [that] longer-term investments in sustainable management become worthwhile”. In the words of Larson, Barry and Dahal tenure security can be defined as “the degree to which an individual or group believes its relationship to land or other resources is safe, rather than in jeopardy” (A. M. Larson, Barry, & Dahal, 2010).

Resource tenure consists of social relations and formal and informal institutions governing access to and use of land and natural resources. Forest tenure defines who owns forestland, who can use, manage and make decisions about forest resources, and who is entitled to transfer these rights to others and how. Four elements essential for secure legal tenure are duration, assurance, robustness and exclusivity (FAO, 2006). The tenure holder must be certain of appropriating the future payoffs from her investments, without interference from external actors. Otherwise the incentives for protecting the resource are insufficient.

Tenure rights can be conceived as a bundle of rights, ranging from access to use rights/withdrawal, management, exclusion and finally alienation (see table 1). Each bundle includes a combination of rights that are defined through statutory law or locally defined rights through customary institutions. Table 1 illustrates how these bundles of rights relate to different rights holders.

Holder of Rights	Bundles of Rights				
	Access <i>the right to enter the area</i>	Use rights/ Withdrawal <i>the right to obtain resources e.g. timber, firewood</i>	Management <i>the right to regulate internal use patterns or transform the resource</i>	Exclusion <i>the right to decide who can or cannot use the resource</i>	Alienation <i>the right to sale or lease of the land</i>
State (Public property)	X	X	X	X	X
Collective (Common property)	X	X	X	X	
Individual (Private property)	X	X	X	X	X

¹ REDD stands for reduced emissions from deforestation and forest degradation. The + includes conservation, sustainable management of forests and enhancement of forest carbon stocks. The terms REDD and REDD+ will be used as interchangeable synonyms in this text.

Table 1 Tenure rights are conceived as a bundle of rights. The table shows the relation between ‘Bundles of Rights’, and ‘Holder of Rights’. The green columns are decision making rights and of great significance for tenure reforms. Adapted from (Cronkleton, Barry, Pulhin, & Saigal, 2010).

Statutory tenure systems include state or private ownership where private can mean individual or collective. In many tropical forest countries, national legislation is poorly implemented and forestlands are used on the basis of informal customary systems (Cotula & Mayers, 2009). Significant tenure reforms have taken place worldwide during the last 20 years with a large number of countries granting tenure rights to communities living in and around forests (Agrawal, Chhatre, & Hardin, 2008; Sunderlin, Hatcher, & Liddle, 2008; White & Martin, 2002). However, the lack of balance in ownership continues to be remarkable, with governments claiming ownership of about 75% of the world’s forests (RRI & ITTO, 2009). Governments maintain control of the world’s forests either through “*exclusive control of forests, or by granting non-commercial use rights to satisfy the needs of local people for forest products*” (A. M. Larson et al., 2010). Only 9% of global forests are legally owned by communities and indigenous peoples (RRI & ITTO, 2009). The picture varies greatly however between different continents. Latin America has hosted the most extensive reforms recognising tenure rights of communities and indigenous peoples, while state ownership is predominant in Africa. Figure 1 shows forest tenure distribution in Latin America, Asia and Africa.

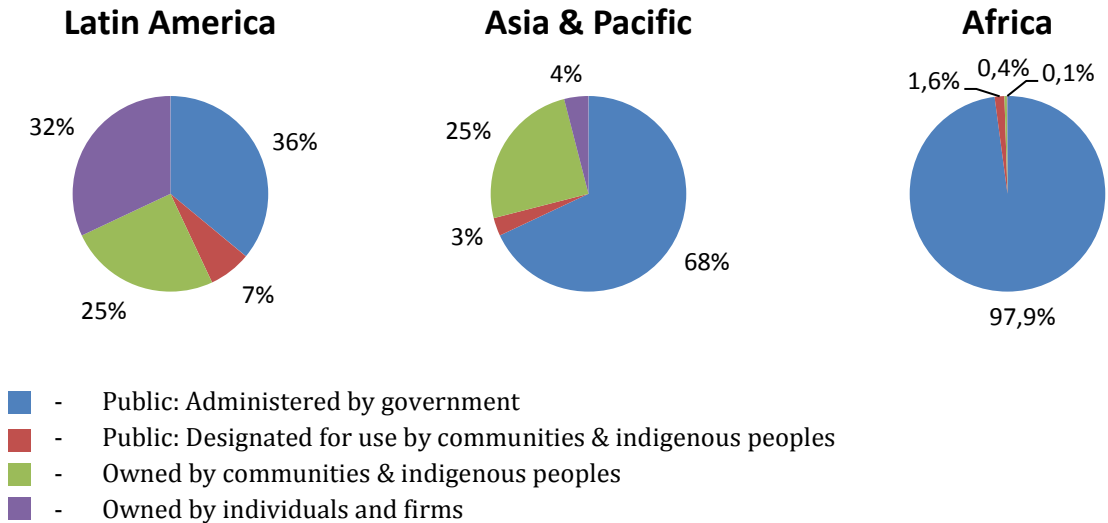


Figure 1 Forest tenure distribution in Latin America (accounting for 82% of Latin American tropical forests), Asia & Pacific (accounting for 82% of Asian/Pacific tropical forests) and Africa (accounting for 84% African tropical forests) (RRI & ITTO, 2009)

Apart from shifts in macroeconomic policy, tenure reforms have to a large extent been driven by three international trends, namely calls for recognition of indigenous peoples rights; a drive for biodiversity conservation; and decentralisation (Barry, Larson, & Pierce Colfer, 2010). In the light of these trends, tenure reform is often aimed at addressing the demands for greater community rights, improving livelihoods and promoting conservation. However, conservation efforts in particular are often driven by global demands and frequently lack understanding of local needs (Barry et al., 2010).

There are many aspects for consideration regarding ownership within the REDD+ system. As we will see in section 2 there is agreement among most experts that tenure needs to be clear and

secure if REDD+ is to function as an efficient and equitable system for compensation. However, it is worth noting that clear and secure tenure per se does not necessarily imply equally distributed tenure. In addition to clarifying land tenure, calls are also heard for defining carbon tenure. The concept of carbon rights as something distinct to land and forest rights is relatively new. Most countries have not defined carbon rights. However, if REDD+ is turned into a market-based system, this issue may become very urgent. Cotula and Mayers (2009) emphasise that *“rather than allowing unclear situations to be potentially exploited at the expense of local benefit as REDD develops, it is likely to be increasingly important for carbon rights to be defined in national regulations”*. There is a fear that if carbon rights are not defined governments will appropriate the benefits from carbon trading in a market-based REDD+ system, even if land rights belong to private property owners of local communities.

This report aims to review the latest developments regarding REDD+ and tenure. Focus lies on land tenure, although it is often closely linked to other tenure rights. Section 2 provides an overview of how REDD+ is linked to tenure issues and the main arguments used in recent REDD literature regarding tenure arrangements. Section 3 presents the role of tenure in the multilateral agreements on REDD and a number of REDD+ initiatives. Section 4 reviews how tenure is treated in the implementation of REDD+ preparatory efforts and REDD preparation plans. Section 5 discusses the potential links between CBFM and REDD+ implementation and draws on recent research in order to identify lessons-learned and best-practices for promoting success in CBFM that may also be relevant to the achievement of REDD+ aims? Finally, section 6 contains a concluding discussion and recommendations for support to REDD+ related tenure efforts.

2 TENURE AND REDD+

Land tenure reform is often put forward as one of the key components of a successful REDD+ readiness program. In some cases, secure tenure rights have resulted in improved forest management (Ricketts et al., 2010; Sayer et al., 2008). However, forest tenure reform per se does not automatically lead to improved forest conditions or conservation (Dahal, Larson, & Pacheco, 2010). Nor does it automatically lead to improved livelihoods. The links are complicated and depend on a wide range of variables. Dahal et al. (2010) found that the main variables affecting the influence of forest tenure reform on forest condition are the nature and priorities of the reform, the degree of tenure security it leads to, the approach to existing management institutions, dependence on agro-extractive industries and the capacity of community organisations.

Cotula and Mayers (2009) point out that different types of tenure offer different challenges in a REDD+ context and present a simplified typology of tenure types presented in table 2.

Tenure type	Challenges for REDD and related mechanisms
State ownership Based on national legislation	Revenue management issues; corruption and rent-seeking; limits in implementation/enforcement capacity; security of local land and forest use rights.
Private ownership Individual or collective, based on national legislation	Access to ownership rights may be constrained by costly and cumbersome procedures that exclude poorer groups; the concept may be ill-suited for a reality where various overlapping rights characterise tenure on the ground.
Customary systems Diverse and context-specific	May embody discriminatory arrangements. May be contested, eroded by social, economic and cultural change. Weak or non-existent legal recognition often undermines formal value of customary rights.
Devolution to local governments Ownership and/or management responsibilities	Promoting downward accountability and avoiding elite capture. Dealing with resistance from vested interests and struggles over authority and revenues. Institutional capacity in local government bodies may be a major challenge.
Community forestry and co-management schemes Management rights transferred from the state	Limited forest management rights do not extend to land; experiences from PES schemes suggest that land rights may emerge as a key discriminatory factor.

Table 2 Types of forest and land tenure and come challenges for REDD. Adapted from (Cotula & Mayers, 2009)

Table 2 highlights the many challenges related to tenure and tenure reform, such as corruption, weak government, conflicting interests and intrinsic power relations. Similar challenges are presented by Unruh in his article *Carbon sequestration in Africa: The land tenure problem* (2008). He identifies five features of African tenure systems that are problematic in the context of carbon sequestration. They are a) the disconnect between customary and statutory land rights; b) legal pluralism; c) tree planting as land claim; d) expansion of treed areas in small-holder land use systems and; e) abandoned land. The first two are especially relevant in a REDD+ context, while the last three are more relevant to afforestation and reforestation activities.

According to Unruh (2008) there are legal, economic, social and cultural disconnects, between statutory and informal, customary land tenure. Customary tenure rights are often not recognised and Unruh emphasises that it is not just a question of passing legislation to formalise tenure. Many attempts to do this have failed. African governments are often weak and have questionable legitimacy. Formalising tenure in order to incentivise sustainable forest management assumes

that carbon benefits will be greater than benefits of the existing arrangements. Existing tenure arrangements have developed over time and offer not only economic benefits, but also social, political and security benefits (Unruh, 2008). These will be difficult to match and maintain in a formal tenure system.

This is also related to what Unruh (2008) refers to as tenurial pluralism. In most African countries there is not one set of customary land tenure. Rather, tenure arrangements vary in both time and space. They are a result of interaction between different forms of customary tenure and changing formal laws. Migration has further added to this diversity. This means that it will not be possible for formal law to simply embrace customary tenure (ibid). According to Larson (2011) attempts to formalise tenure risks can have negative effects on the poor and are often met with resistance. The state does not always have the capacity to protect community rights. As Unruh (2008) notes, it is often a priority for small-scale land holders to remain outside the formal system. This is a way to remain anonymous and protected from a state that is often perceived as predatory. To overcome these perceptions is a difficult but possibly necessary task for a government wanting to establish a REDD+ scheme.

Despite the complicated links between tenure reform and outcome in terms of forest conservation and livelihoods, forest tenure is expected to play an important part in reforms and preparations for REDD+. Two main sets of links between tenure and REDD+ can be found in REDD+ literature and discussions. One is secure tenure as a prerequisite for *successful* REDD+ implementation and the other is secure tenure as a prerequisite for *equitable* REDD+ implementation. They are not mutually exclusive and not always clearly distinguished in discussions. Nonetheless, this conceptual distinction can be useful when analysing the discussion on REDD+ and tenure.

Both the Stern review (2007) and the Eliasch review (2008) expressed the view that secure tenure is essential for the success of REDD+. According to Wertz-Kanounnikoff and Kongphanapirak (2009) investments in, for example, improved enforcement of tenure rules and responsibilities could be a more cost-effective way of reducing deforestation than PES-type interventions in contexts of weak governance. Sunderlin et al. (2009) argue that secure tenure is important, not only for creating incentives for forest conservation and management, but also for equitable REDD+ implementation. This is a view expressed by many. The most recent Global Corruption Report by Transparency International which focuses on climate change identifies "*clarifying and securing customary and statutory rights to land, carbon and forest for communities and indigenous, forest-dependent peoples*" as a necessary governance reform in order to prevent REDD+ from negatively affecting communities and indigenous peoples (Transparency International, 2011, p. 321). As Larson (2011) points out, successful and equitable REDD+ implementation are closely linked, as failure to address equity issues could put implementation at risk.

2.1 RISKS WITH INSECURE/WEAK TENURE

The literature on REDD+ highlights a number of risks with weak or insecure tenure. In areas where tenure is insecure or unclear, deforestation may increase since clearing land can be a way of claiming possession by showing that it is being used (Cotula & Mayers, 2009; Sunderlin et al., 2009). Evidence of this can be found in many parts of the world. The largest number of risks identified however, are related to equity, power and participation. If tenure security is weak, or even absent, local people and less powerful stakeholders are more vulnerable to exclusion or

adverse effects of REDD+ implementation. They have less leverage and bargaining power and less influence over the outcome of negotiations with government (Brown, Seymour, & Peskett, 2008; Cotula & Mayers, 2009). If REDD+ interventions increase the value of forests, stakes grow higher potentially leading to more conflicts over land if tenure is not clear (Cotula & Mayers, 2009; Sunderlin et al., 2009). Governments may become more prone to taking control over forest lands in order to appropriate the benefits from REDD+, applying control-and-command measures (Sunderlin et al., 2009) or a “fines and fences approach” (Cotula & Mayers, 2009) in order to exclude local people from the forests. This may even lead to forest dwellers without legal tenure rights being dispossessed. Knox et al. (2010) point out that as long as the value of forests is low, land holders generally see no need to have the state guarantee tenure rights. This need grows with growing competition over the land.

In terms of policy design weak tenure can make it difficult to determine who should be compensated under a REDD scheme (Cotula & Mayers, 2009). This could lead to marginalisation of forest dwellers as local and national elites capture benefits which in the longer run may lead to conflict and protests (Sunderlin et al., 2009). Unequal distribution of contracts and benefits could also reduce the legitimacy of the system and fail to create incentives for sustainable forest use (Sunderlin et al., 2009). In addition, unclear tenure increases uncertainty and risk in delivering REDD commitments (Cotula & Mayers, 2009). This could have the effect of limiting policy options, leaving less room for example for PES-style compensations for REDD+ activities (Sunderlin et al., 2009; Wertz-Kanounnikoff & Kongphan-apirak, 2009). Vatn and Vedeld (2011) point out that unclear land tenure may increase inequality as poor people not only lose out on compensation payments because they have no legal tenure, but also because jobs are lost in the forest sector if forest use is restricted.

3 REDD+ FRAMEWORKS

3.1 TENURE IN THE UNFCCC REDD+ TEXT

The first formal decision on REDD was taken in Copenhagen at the fifteenth conference of the parties of the UNFCCC (COP15). It was not a full decision, but rather what was called “methodological guidance”, mainly focused on technical aspects of monitoring and verification (UNFCCC, 2009).

The agreement from the meeting of the parties of the UNFCCC in Cancún (COP16)

“[...]requests developing country Parties, when developing and implementing their national strategies and action plans, to address, inter alia, drivers of deforestation and forest degradation, land tenure issues, forest governance issues[...] ensuring the full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities” (UNFCCC, 2010, Paragraph 72).

This is the only mention of land tenure in the text, which is of a general character, avoiding details on how to implement REDD+ and prescriptions regarding appropriate policies. However, the lack of detail in the text gives more weight to the few details explicitly mentioned. It can be seen as a clear signal that land tenure issues are regarded as important in the REDD+ context. In addition, an annex to the text provides guidance and safeguards for policy approaches and positive incentives (UNFCCC, 2010). Among other things it talks about full and effective participation and respect for the rights of indigenous peoples and local communities. Securing land tenure is by many seen as essential for achieving this.

3.2 TENURE IN REDD+ DONOR GUIDELINES

Investments in REDD+ are being made by a wide range of donors through a wide range of channels: multilateral, bilateral and on project level. The most important multilateral programs are the UN-REDD, the FCPF and the FIP. They are all working to prepare countries for REDD+ and at the same time gain experiences that can feed into the UNFCCC negotiation process (Westholm, 2010). They have adopted a document on how to enhance coherence in their work and guidelines in order to avoid duplicating efforts and facilitate for those countries that participate in more than one initiative. Their focus however differs slightly.

UN-REDD

The UN-REDD recognises land tenure systems as one common underlying cause of deforestation (FAO, UNDP, & UNEP, 2008). The framework document of the UN-REDD calls for international support encouraging institutional reform related to land tenure issues (FAO et al., 2008). The UN-REDD programme strategy for 2011-2015 (UN-REDD, 2011) states that REDD+ should be integrated into the broader development agenda, including improved land tenure. Land tenure is seen as an element in measures to strengthen governance as part of the readiness process. Land tenure and the role of REDD+ within national land use strategies has been identified as one of three topics for supporting governance structures. It is regarded as one of the key areas for support.

Forest Carbon Partnership Facility (FCPF)

The FCPF defines land tenure as one of the fundamental conditions for sustainable use of forest resources (FCPF, 2008). The potential of REDD to serve as a catalyst in clarifying land tenure was also used as a selection criterion for participating countries (FCPF, 2008). The core elements of REDD readiness as defined by the FCPF are a reference scenario, a REDD strategy and a monitoring system. The REDD strategy should, among other things, analyse the potential for improving the land tenure system. Land tenure and resource use rights is also one of the issues that should be addressed in consultation with indigenous peoples (FCPF, 2009). Securing land tenure and access rights of indigenous peoples and forest dwellers could help to protect the forests as they can act as stewards and provide protection against encroachment.

FCPF is subject to the World Bank's environmental and social safeguard policies which aim to ensure that the program do no unintentional harm on people or nature. The safeguards cover eight themes, one being indigenous people. Under this theme, one of the operational principles is to "[m]ake provisions in plans, where appropriate, to support activities to establish legal recognition of customary or traditional land tenure systems used by project affected Indigenous Peoples." (World Bank, 2005). There is however no guarantee that tenure rights will actually be established by law. Also, Knox et al. (2010) point out that communities that are not defined as indigenous risk being excluded.

Forest Investment Program (FIP)

Initiating and facilitating transformational change in the forest sector in developing countries is one of the four main objectives of the Forest Investment Program (FIP, 2009). It is to be achieved through improving general forest law enforcement and governance by, inter alia, support to improved land tenure administration, cadastral mapping and land tenure reform. Among the criteria used by the FIP expert group for selection of pilot countries were "*opportunity for forest interventions that by definition will benefit the poor, indigenous and local communities*" for which forest tenure and recognition of customary tenure was one of the grounds for assessment (FIP, 2010).

According to the FIP recognising and supporting indigenous peoples tenure rights is a way of promoting their active participation in REDD and FIP processes. A special grant mechanism, the FIP Indigenous Peoples and Local Communities Dedicated Initiative, will support, among other things, strengthening of customary land tenure and resources rights.

Apart from the three initiatives mentioned above, the Congo Basin Forest Fund (CBFF), funded by Norway and the UK finances REDD+ projects in the Congo Basin. The Global Environment Facility (GEF) has also launched a funding mechanism for SFM and REDD+ projects. In addition, we will take a brief look on two bilateral agreements signed by Norway.

Congo Basin Forest Fund

The CBFF will use the doubling of community-owned and administered forests in the Congo Basin as an indicator of progress (ADB, 2008). The priority areas of the fund include sustainable forest management, especially pro-poor community forestry and livelihoods and economic development (CBFF, 2011). Tenure is not explicitly mentioned as a priority area for the CBFF. It is worth noticing that the CBFF is project based and does not work with overarching institutional reform. As we will see in the next section (section 4), however, several of the approved projects work with community forestry and advocacy on tenure issues.

GEF SFM/REDD+ Incentive Mechanism

The GEF SFM/REDD+ program was set up to serve as an incentive to steer investments in climate, biodiversity and land degradation projects towards activities related to SFM and REDD+. The GEF SFM/REDD+ program contains very little of livelihoods and community provisions. Focus lies on technical aspects, payments for ecosystem services and the three conventions on climate change, biodiversity and combating desertification (UNFCCC, CDB and UNCCD) (GEF, 2010a). The program will rely on guidance from the conventions in its work to achieve a) effective provisioning of forest ecosystem services; and b) strengthened livelihoods of people dependent on the use of forest resources.

The investment guidelines of the program do not mention land tenure (GEF, 2010a). The only mention of tenure in the program documents is as an example of possible activities in order to meet the objective of reducing pressure on forest resources and generate a sustainable flow of ecosystem services from forests: *“Conflict resolution approaches (in case of disputed forest tenure and use)”* (GEF, 2010b). The lack of tenure issues in the program documents can be explained by the technical focus of the program, as opposed to the multilateral REDD+ initiatives which aim at institutional reform.

Norwegian bilateral investments

Norway is the main donor to most of the multilateral REDD+ initiatives. In addition to this support the Norwegian International Climate and Forest Initiative also includes bilateral support to a number of countries, of which we will look more closely at Guyana and Indonesia.

The Memorandum of Understanding (MoU) between Norway and Guyana includes the framework for designing a REDD+ Governance Development Plan (Gov't of Guyana & Gov't of Norway, 2009). The MoU stated that the Governance Development Plan would include developing a national land use planning system, a multi-year plan to continue the process of titling, demarcation and extension of Amerindian lands and the recognition of indigenous peoples' role as stewards protecting forests on their traditional lands. The MoU pointed out that indigenous lands would only be included in the national land use planning to the extent that their free, prior and informed consent had been attained. The Joint Concept Note, developing the cooperation between Norway and Guyana contains no reference to tenure.

The cooperation between Indonesia and Norway is outlined in the Letter of Intent (Gov't of Norway & Gov't of Indonesia, 2010). The second phase of the cooperation, labelled transformation, is to take place between 2011 and 2013. The measures identified for preparing Indonesia for performance based payments and large scale mitigation action include:

“Identify, develop and implement appropriate Indonesia-wide policy instruments and enforcement capabilities, including[...]:

[...] Take appropriate measures to address land tenure conflicts and compensation claims.” (Gov't of Norway & Gov't of Indonesia, 2010).

REDD+ Partnership

The REDD+ Partnership is a collaboration between 70 countries, meant to serve as a platform enabling “effective, transparent and coordinated action” on REDD+ (REDD+ Partnership, 2010). Activities of the partnership focus on information sharing and coordination. In 2010 the partnership commissioned a report on financing gaps and overlaps by Markku Simula. Simula (2010) recommended that financing be scaled up for activities such as tenure clarification, that

could constrain REDD+ implementation if not addressed. The partnership work program for 2011-2012 includes readiness activities such as sharing experiences on strengthening institutional arrangements and governance structures (REDD+ Partnership, 2010).

4 TENURE IN REDD+ IMPLEMENTATION

The work of the multilateral REDD+ programmes is currently focussed on developing strategies for readiness preparations including design of institutional reform and capacity building. The strategies are not yet operational, which is why this section will look primarily on these strategies and work plans, particularly Readiness Preparation Proposals (R-PP) submitted to the FCPF and National Programme Documents (NPD) submitted to the UN-REDD.

A report commissioned by the REDD+ Partnership on financing gaps and overlaps found that about 25% of R-PPs and NDPs linked land reform and tenure to their REDD+ strategy (Simula, 2010). In a critical analysis of a number of R-PPs submitted to the FCPF Dooley et al. (2011) notice that although the World Bank has expressed the view that recognition of tenure rights is crucial to effective REDD+ implementation this view is not reflected in the R-PPs. They note a tendency to discuss carbon rights and environmental services, but without analysing rights to land and territories in depth. Knox et al. (2010) conclude that the lack of straightforward policies to ensure analysis of tenure has led to a neglect of tenure risks in R-PPs. Even where risks are mentioned, there are no real commitments to addressing them. The same tendency is noted in a review of R-PPs by the World Resources Institute (WRI) (Goers et al., 2011). Table 3 shows the results of the WRI assessment of a selection of R-PPs with reference to forest and land tenure.

	Discusses the situation regarding land and forest tenure, including for indigenous peoples	Considers the capacity of judicial and non-judicial systems to resolve conflicts and uphold the rights of citizens	Links identified governance challenges to proposed REDD+ strategy options and implementation framework
Cambodia			+
Ethiopia		-	
Peru	+	-	
Vietnam	+	-	+
Kenya	-		
Tanzania			
DRC	+	-	

+	– The R-PP or NPD has discussed the issue in some detail and/or has provided a process for further investigation of the issues.
	– The document has mentioned the issue but not discussed it in detail and has not provided concrete next steps.
-	The issue has not been identified or discussed in the R-PP or NPD.

Table 3 Analysis of how land and forest tenure are treated in selected R-PPs (Goers et al., 2011).

Goers et al. (2011) emphasise that although many R-PPs display an awareness of the problems with weak tenure and its links to REDD+ readiness they lack strategies for action to change the current situation. They request concrete steps and milestones for dealing with the tenure issues that are often described in detail in the R-PPs.

Textbox 1: Tanzania

Tanzania is a pilot country of both the UN-REDD and the FCPF. In addition, the country receives additional support through a bilateral cooperation effort with Norway.

Since the early 1990s efforts to improve forest management in Tanzania have included Participatory Forest Management (PFM) activities such as Community Based Forest Management (CBFM) and Joint Forest Management (JFM) (Blomley & Iddi, 2009). The National Forest Policy from 1998 aims to promote participatory forest management, both through recognising communities as legal forest owners and by providing legal frameworks for JFM. According to Blomley and Iddi (2009) this has rendered Tanzania one of the more advanced countries in Africa in terms of legal and policy framework for forest management. In 2009 PFM arrangements covered 4 million hectares. The evaluators of the Norwegian International Climate and Forest Initiative describe the rights and responsibilities under CBFM as “clear and unambiguous” (Salmi, Lindroos, & Karani, 2011). Villagers hold the right to use and sell forest products in return for a demonstrated ability to manage the forest according to an approved plan. The Norwegian REDD+ investments include pilot projects which will be situated in various tenure realities, both CBFM and JFM.

Despite Tanzania’s relatively advanced forest management arrangements the R-PP identifies insecure land tenure resulting from the absence of land use planning as one of the main drivers of deforestation and forest degradation (Tanzania, 2010a). The R-PP describes how the majority of Tanzanian forests are open access lands, which has led to a constant pressure on forests for conversion to other land uses. As a consequence, ownership and land tenure security arrangements are identified among the key issues to be addressed in REDD+ preparations. However, the R-PP has been criticised by both FCPF appointed review teams and the World Resources Institute for not clearly specifying how tenure issues will be addressed and existing and potential conflicts handled (Goers et al., 2011; World Bank, 2010a). A review of the R-PP by Tanzanian civil society organisations requests that the forest policy be revised so as to recognise village carbon tenure on village lands (World Bank, 2010b).

Apart from a R-PP Tanzania has also formulated a draft National Strategy for REDD+ which is available for public comment. The R-PP, and the draft National Strategy for REDD+, which are to a large extent identical, propose an in-depth study of land tenure and forest resources use rights in a REDD+ context in order to develop a secure land tenure system (Tanzania, 2010a, 2010b). The draft strategy contains more of concrete proposals than the R-PP. It sets the aim to have a national REDD+ related land tenure system in place and operational by 2012 (Tanzania, 2010b). The strategy also proposes raising awareness on tenure issues, developing clear guidelines and supporting national and local tenure reforms. However, it is still not clear what the reforms would consist of.

Apart from national activities, UN-REDD also organises regional activities and a programme for global activities. The regional activities are organised by the regional UN-REDD offices. They coordinate efforts across countries and organise workshops to share knowledge and lessons learned. The UN-REDD Global Programme is divided into seven work areas: measurement, reporting and verification (MRV) and monitoring; engagement of indigenous peoples, civil society and other stakeholders; multiple benefits; knowledge management, coordination and communication; national REDD+ governance; equitable benefit sharing systems and; sectoral transformation (UN-REDD, 2009). Activities include among other things collaboration with FAO experts on land tenure issues. In November 2010 UN-REDD was the co-organiser of an expert meeting titled “Land tenure issues and requirements for implementing climate change mitigation policies in the forestry and agriculture sectors”. The meeting aimed at raising awareness of land tenure issues in climate change mitigation and provide input to the development of the “Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources” (FAO, 2010).

Among the fifteen projects in the current CBFF project portfolio are several projects related to community forestry and land tenure. One project developed by the Rainforest Foundation will work with regional NGOs to advocate legislation ensuring secure land tenure for forest dependent people in Cameroon, the Central African Republic, Gabon, the Republic of Congo and the Democratic Republic of Congo (CBFF, 2011). Several projects will also work with communities in one or several of these countries to assist them in developing and adopting sustainable, community-based forest management approaches.

Textbox 2: Seeking policy coherence in Democratic Republic of Congo

The Democratic Republic of Congo (DRC) is a pilot country to the UN-REDD, FCPF and the FIP. DRC also hosts CBFF projects. Tenure issues are widely identified as a key issue in REDD+ preparations in DRC (Hoefsloot & Eba'a Atyi, 2011). The state owns all forest lands while local communities have rights to possession. There is no land use planning or coordination between different land use sectors (Democratic Republic of Congo, 2010). Legislation related to forests often lacks coherence with mining and agriculture legislation. The R-PP identifies unclear tenure as one of the key obstacles to REDD+ implementation and a potential cause of conflict (Democratic Republic of Congo, 2010). Harmonisation of legislation, clarification of tenure and other legal reforms are proposed in the R-PP, but without detail. However, the R-PP proposes commissioning a study on ‘transversal’ legal reform to support the implementation of REDD, including land tenure and land use planning. In their review of the R-PP the WRI call for more thorough terms of reference for the proposed study (Goers et al., 2011). New tenure laws are in the pipeline, but even if they are passed, implementation will be far from straightforward and probably lies several years away (Hoefsloot & Eba'a Atyi, 2011).

Textbox 3: Ethiopia

Ethiopia is a pilot country to the FCPF. The R-PP, submitted in March of 2011, describes user rights over forests as insufficient or unclear (Ethiopia, 2011). This has created a perception of forests as open access resources and a lack of incentives to invest in forest management. There is an on-going programme on Participatory Forest Management that will feed into the REDD+ readiness process. As for several other countries the WRI calls for further elaboration on how tenure and resource rights will be clarified (Goers et al., 2011). The same remark is made by the external reviewers of the R-PP (FCPF, 2011).

5. LESSONS FROM CBFM EXPERIENCE FOR REDD+

What does the existing literature tell us about the potential links between community-based forest management (CBFM²) and REDD+ implementation? What can we learn from recent research regarding lessons-learned and best-practices for promoting success in CBFM that is also to achieve REDD+ aims?

5.1 INTRODUCTION

There are a number of powerful arguments suggesting a significant role for Community-Based Forest Management (CBFM) in the development of REDD+ policies and programs. One argument relates to a growing body of evidence that suggests that forests under community management are prey to far lower levels of deforestation than comparable forests that are not under community management³. A complement to that argument is one that takes heed of the fact that much of the world's tropical forest is under state management, but that states lack the capacity and incentives to effectively protect and manage those forests. In other words, if communities are not recruited into forest management, they will become part of the problem rather than part of the solution as denied long-term benefits their incentives will be to look for short-term gains.

A third argument relates to the scope of REDD+ interventions. Whilst in its essence REDD has been envisaged as a system that incentivizes carbon management and carbon accounting for the good of the global climate change agenda, the actual policy engagements are broader and far more complex. From its inception, there has been a concern to ensure that opportunities are taken to generate 'co-benefits' or 'synergies' from REDD, both through ensuring that it is pro-poor (Peskett, Huberman, Bowen-Jones, Edwards, & Brown, 2008) and ensuring that biodiversity is promoted (hence the REDD+). CBFM as a concept and as a form of practice is built on a 'win-win' proposition that community management can be both good for the livelihoods of the poor and also good for the management of the forest. Building on this already established synergy and extending it to a win-win-win scenario (good for livelihoods and forests and global climate) is entirely in line with the agenda of both REDD policymakers and CBFM advocates. From a poverty reduction point of view it is particularly relevant that many of the world's poorest and most marginalized people live in or near tropical forests (Chhatre & Agrawal, 2009).

A submission by the umbrella organization the Global Alliance for Community Forestry (GACF) to the UN-FCCC (GACF, 2009) made a ten-point case for the importance of community forestry

² CBFM is here used as a general term to include all forms of community management of forest resources including varieties of social forestry, village forestry and community forestry.

³ Cronkleton et al. (2011, p. 455) provide a brief summary of recent literature supporting this position.

for REDD⁴, emphasizing not only the broader arguments in terms of improved forest management and co-benefits overall, but also arguing that specific mechanisms (community funds used in CBFM could be a model for Carbon Trust Funds), certification bodies (such as the Forest Stewardship Council) and communication networks that are part of current CBFM practice could be utilized in support of REDD+.

Given the arguments for mobilizing CBFM experience in support of REDD+, this section of the report draws lessons from the experience of CBFM in order to inform REDD+ policy-making by addressing three questions:

1. Where CBFM has been successful, what have been the critical factors?
2. What has been learned so far from the experience of linking CBFM to REDD+ implementation?
3. Why is the area under CBFM limited, and why is it expanding?

5.2 WHERE CBFM HAS BEEN SUCCESSFUL, WHAT HAVE BEEN THE CRITICAL FACTORS?

The literature on common pool resources and community-based management, with Ostrom inevitably to the fore, provides some clear guidance on the fundamental conditions required for community management to be a better option than state or private management. At their most fundamental these relate to the ability of communication between stakeholders to solve the essential prisoner's dilemma dynamic that was at the heart of Hardin's (1968) supposed "Tragedy of the Commons", and along with the ability to exclude outsiders enabled a clear distinction to be drawn between open access regimes and common property regimes – with Hardin's thesis then being more accurately labeled a "tragedy of open access" (Dietz, Ostrom, & Stern, 2003; Ostrom, 1999). Beyond these basic principles, other frequently referred to design principles for community-based management include clear boundaries, defined membership, legal recognition of local governance, local rule making authority and shared interest among members (Ostrom, 1990).

Padgee et al. (2006) carried out a meta-study which addressed the question "what makes community forestry management successful?". The study analysed thirty-one academic articles comprising a total of 69 case studies worldwide, and identified 43 independent variables affecting the success of community forestry management. The meta-study was able to draw broad conclusions indicating that "specific attributes of property rights regimes, institutional arrangements, incentives and interests of the community, and decentralization are significantly associated with CFM's success" (Pagdee et al., 2006, p. 51). However, (and this is a theme that is consistent throughout the literature), they also explained that each case is unique and that neither these broad factors, nor any individual variable can be used to predict success in all cases.

Two particular findings from Padgee et al in relation to tenure security stand somewhat in contrast to the literature in general. On the one hand, they found that clearly marked boundaries, which is often assumed in the literature to be a key variable, was the tenure related variable which had least relation to success. By contrast, "congruence between biophysical and socio-economic boundaries", which is rarely mentioned in the literature, was the variable that was most closely related to success.

⁴ Available in full at <http://unfccc.int/resource/docs/2009/smsn/ngo/110.pdf>

Similarly Padgee et al. noted that whilst community size and heterogeneity are two of the variables that have most interested researchers, they are also variables which have proven not to correlate at all well with success. Existing research is not able to say on a general, empirical level what size of community and what degree of heterogeneity in a community is most likely to lead to successful CFM (Pagdee et al., 2006, p. 49).

By contrast, Chhatre and Agrawal (2009), focusing on far fewer variables and using original data from 80 forest commons in 10 countries in Asia, Africa and Latin America were able to conclude more positively that communities with larger forest areas to manage and greater rule-making authority would generate greater carbon storage benefits and would also derive more livelihood benefits. They also drew a third conclusion (relating directly to the second rationale for incorporating CBFM into REDD+ above) with regards to forest ownership. In their research they found a tendency for overharvesting of forest products for livelihood purposes where governments retain ownership of the land. They therefore strongly recommended a large-scale transfer of ownership of forest commons from the state to local communities, arguing that only then would the communities have adequate incentives to defer present livelihood benefits and to manage forest resources sustainably (Chhatre & Agrawal, 2009, p. 17669).

On a smaller scale, Lise carried out research in three states in India and found that participation in community based forest management was far more likely to be substantial the more that (a) people were dependent on forests for their livelihoods and (b) the forests were of high value. His conclusion was that attempts to introduce CBFM should begin by focusing on places with a high forest dependence and high value forests because these will be the places with the most developed social capital, which can serve as successful examples for other communities (Lise, 2000, p. 391).

Lise's position can be compared to that of Cronkleton et al. when they conclude their review of experience in Mexico, Bolivia and Brazil by suggesting that "Efforts to support administrative governance should start at the basic level of production units where people have vested interests" (2011, p. 467). It is, of course, this tension that has to be resolved when attempting to reconcile the lessons of past CBFM successes with the prospect of future REDD+ success. CBFM is essentially something that is built locally and dependent in large degree on local institutions becoming sufficiently profitable and resilient to survive and benefit community members in specific contexts. REDD+ on the other hand is a programme driven by global factors (global climate change and the global political negotiations that it has inspired) which needs to succeed across almost all forest landscapes and in all nations with significant forest cover. It is in the attempt to try and reconcile the respect for the 'heterogeneity' of specific cases and the standard objectives of REDD+ that Cronkleton et al suggest that "templates" and "frameworks" should be proposed by REDD+ planners to support the development of governance institutions (2011, p.468).

However, the closer one comes to specific empirical cases, the more complex and nuanced the picture becomes and the more difficult it is to draw confident conclusions from research findings. One of the most substantial recent studies of CBFM looked at the impacts of village forestry in the Himalayas. Baland et al (2010) studied 399 forest areas adjoining a stratified random sample of 83 villages covering the entire mid-Himalayan region in the state of Uttarancha. With respect to firewood use their results were positive as they found that in

forests under community management there was 20% less cutting for firewood than in state forests.

However, there were two important provisos that are important from a REDD+ viewpoint. Firstly, the differences they noted only applied to cutting for firewood. For other indicators, such as canopy cover (which indicated cutting for timber rather than for firewood) there was no difference between state forests and village forests. Furthermore, when they disaggregated the data according to the age of the village forests they found that village forests that had been established for over 25 years were three times more effective than those that had been established within the past 25 years. They therefore drew the implication that from a point of view of realizing policies in relation to firewood within a short time-frame, that village forestry was not promising and that focus should be placed on provision of alternative fuel sources. Clearly, then, even successful CBFM cannot be assumed to be a 'magic bullet' that can simply be scaled up and expected to realize REDD+ goals.

Similar concerns related to the time frame for reform are raised by Cronkleton et al (2011), who compared communal management in Mexico, Bolivia and Brazil. They concluded that it is the fact that in Mexico CBFM is founded on a long-term political agrarian reform process which has meant that it is more effective and resilient than CBFM in the other two countries. The sorts of political and institutional changes that would be required to achieve the quality of tenure reforms often perceived as fundamental to REDD+ success would therefore seem to require generations rather than the years or, at best, decades that are available if deforestation and degradation are to be halted by 2050. They similarly emphasized that even in Brazil and Bolivia, where policy changes to support community management had been more recent, it had still been the activism of forest-based networks that had been the key to achieving change. Such findings regarding the efficacy and importance of bottom-up advocacy and organization may be valid and in many ways promising. On the other hand, for negotiators and REDD+ designers attempting to achieve dramatic top-down changes in global forest management within two decades, the long-term development of grassroots political movements who will wrest control over forests as the outcome of struggles with the existing authorities is not something that can readily be programmed and incentivized.

However, by contrast with those examples which suggest that the trajectories of change may be too long and difficult for current REDD+ policy windows (and indeed climate change imperatives), research also suggests that in some circumstances CBFM may have the potential to achieve results in relatively quick time. Odera (2009) reviewing CBFM successes in Africa mentions village forests in Tanzania, CBFM in Cameroon and the Gambia, where cost-effective community management and protection has led to degraded forests being restored within about five years. Likewise in the Mgori forests in Tanzania, it was reported (Iddi 2002 cited in Odera 2009) that forests were restored in less than ten years. A similarly rapid transition is reported in the Kilum-Ijum community in Cameroon (Gardner et al 2001 cited in Odera 2009).

5.3 LESSONS FROM EARLY LINKS BETWEEN CBFM AND REDD+

A number of initiatives are under way which seek to link existing CBFM arrangements to carbon markets as a way of both earning income to strengthen the sustainability of the community forestry organization in the short term, and also as a way of piloting various approaches to achieving REDD+ objectives.

Possibly the best-documented of the early initiatives is in Odar Meanchey province of north-west Cambodia where a practitioner case study commissioned by Focali (Bradley, 2009) highlighted early lessons learned. Odar Meanchey province, with 2% per annum forest loss has the highest deforestation rates in Cambodia (national average 0.5%). A tenth of the province's forest area is under established community forestry management arrangements. A number of international donors and NGOs have worked with the Cambodian Forestry Administration to link these community forests to the voluntary carbon market as a means of piloting REDD+.

Bradley (2009, pp. 26-28) drew seven particular lessons from those early experiences:

1. **Formal feasibility studies.** Importance of conducting formal feasibility studies and establishing guidelines for community consultation at an early stage.
2. **Division of benefits.** Importance of achieving clarity amongst all the actors involved at a very early stage regarding the distribution of benefits. It is suggested that certification boards set standards in this regard.
3. **High start-up costs.** If external funding is not available for both initial consultations with communities and also the substantial costs involved in getting certification, then communities may need to accept up-front financing from investors in return for a lower carbon price to the communities.
4. **Sub-national approach.** For pilots to get underway rapidly and generate lessons learned for the national level, it is necessary that the national authorities support a sub-national approach in advance of arrangements for national accounting.
5. **Government engagement.** Securing and maintaining high level government support is a crucial task. It may be ongoing as contexts change and as key figures move away from the positions they hold when the pilot is established.
6. **Potential conflicts of interests.** Implementing partners such as international NGOs may be crucial in enabling capacity to be built among communities, and in establishing relationships with international companies and donors who can link communities to carbon markets. However, if these implementing partners' costs are to be funded by the carbon financing at the same time as they are negotiating benefit sharing arrangements on behalf of the communities there will be conflict of interest issues to address.
7. **Technical Requirements.** Plot assessments, expensive satellite images and scientific computer modeling all proved necessary for certification and were technically demanding and expensive. The development of more appropriate technology, including cheaper satellite images, to address MRV issues is crucial.

A Norwegian funded project has been established in Nepal with the objective of demonstrating the feasibility of involving local communities including marginalized groups so that deforestation and forest degradation can be reduced by linking sustainable forest management practices with economic incentives (ICIMOD, ANSAB, & FECOFUN, 2010). The initial reporting from that initiative has focused on the measurement of forest carbon (ANSAB, 2010), and makes an argument that cost-effective measurement of forest carbon can be achieved by training local communities, but that issues of quality control/quality assurance and bias need to be addressed.

In Africa, early pilot reporting on a pilot project in Ghana has been focused on benefit sharing, and how benefit sharing arrangements can be established that will create the correct incentives for REDD (Aronsen, Lindhjem, & Bråten, 2010). The project in Ghana includes 5 community forestry projects. Meanwhile, a number of other REDD pilots are now under way in west Africa,

all based to a greater or lesser extent on existing community forestry initiatives and community lands, including in Nigeria, Sierra Leone, Mali and Liberia (Mason, 2010). Documented lessons learned are yet to come from these pilots, but each will provide a valuable source of relevant evidence on which to base future REDD+ policy.

Indonesia is similarly playing host to initiatives which promise to yield significant lessons in the relatively near future. Generally, Indonesia provides a case where community managed forest is under conditions of extremely insecure tenure and where community benefits could be rendered vulnerable by effective implementation of REDD. Indonesia's forest demarcation has both marked the boundaries of the 62% of Indonesian land area that is defined as forest, and within that has demarcated what is State forest and what is private forest. Here, a permissive regime which only defines forest as State forest if there are no claims to it, has been interpreted in practice in a restrictive manner such that the only forest not defined as State forest is that where land titles have been allocated. In practice, then, this means that all village forests and community forests are owned by the State, although this demarcation has in itself led to widespread conflicts which are reported to affect more than 10 million of Indonesia's 120 million hectares of forest (Heil, 2010, pp. 24-27).

Meanwhile, however, policy developments in 2007 suggested that the prospect of REDD might have initiated schemes that provide a legal framework for far stronger forms of local ownership and management. These hint at the potential of REDD to provide a way out of the difficulties of the past and to be a catalyst to greatly expand the remit of communities within forest management. Heil was pessimistic about low uptake but his piece was authored when it was somewhat early to make judgments.

The research community providing support and advice to REDD+ policy-makers and implementers has over the past three or four years had very little real time evidence to work with, as REDD initiatives have not been sufficiently far advanced to generate findings. This situation will change rapidly in the immediate future as many pilots are now starting to be established. It will be crucial that substantial research is conducted at an early stage to ensure that timely lessons are learned, and that opportunities for communication between researchers and coordination of research efforts internationally are taken.

Two particular related issues which are raised as concerns in relation to REDD have yet to be addressed convincingly by demonstration activities, notwithstanding project documents and reports claiming the contrary. *Leakage* refers to the risk that preventing deforestation in one place may simply lead to that deforestation being displaced to another location. *Nesting* refers to the way in which local initiatives (such as linking individual CBFM initiatives to voluntary carbon markets) can subsequently be made part of a yet-to-be-designed national carbon accounting system with different incentives and reporting⁵. Much more empirical research and critical analysis is required to achieve substantial progress in relation to how 'leakage' from limited area pilots can be addressed, and how 'nesting' of CBFM initiatives in national accounting systems can be achieved.

⁵ A recent article (Hayes & Persha, 2010) uses the term 'nesting' in a slightly different way which does not address the fundamental issue of pilots as exceptional cases which is being raised as a problem here.

5.4 WHAT DOES THE GEOGRAPHY OF CBFM TELL US?

What is distinctive about REDD+ is that its ambitions are all related to the achievement of reform at a large scale. As we have seen in section 2, the amount of the world's forests turned over to community ownership and management, while still small has been growing rapidly in recent years. Given the necessarily global scale ambitions of REDD, what does the limited scale of CBFM and its apparent rapid spread tell us about the relevance and importance of CBFM for REDD+ as an effective global climate strategy?

CBFM arrangements are frequently seen as an ideal foundation or departure point for effective, pro-poor REDD+ implementation based on a triple-win of livelihood benefits, forest management benefits and global climate benefits. However, strands of current literature are warning that REDD+ rather than following as a natural progression to an expanded CBFM might in some situations constitute a threat to progress that has been made in widening the reach of CBFM. One concern raised is that the logic of REDD+ requires that the state have a strong role and therefore that to the extent that REDD+ incentivizes institutional changes that it might incentivize a recentralization of forest governance and therefore a turn away from structures that have supported an increase in community based forest management (Phelps, Webb, & Agrawal, 2010).

The possibility that REDD+ might result in a roll-back of progress made in transferring to community management is made in a different way by Larson et al (2010, p. 222) who worry that "...the land grab associated with bio-fuels plantations and possibly REDD schemes is likely to impede further – and possibly reverse past – progress in promoting community rights to forests".

In Africa, Odera (2009) has looked at the growing adoption of CBFM across the continent. He found that in terms of supporting legislation and regulations CBFM had enjoyed a significant and rapid growth. At the same time, however, he noted that this enabling environment had grown rapidly and that the actual spread of CBFM practice was more limited. While CBFM has spread partly as a response to the failure of central forest management systems, the general tendency has been for communities to be delegated limited management mandates (rather than secure tenure) and to be allocated forest lands that are degraded (Odera, 2009, p. 29). To the extent that the main business of REDD is avoided deforestation, this may imply that community management has not generally been implemented in the sort of landscapes where lessons most relevant for REDD can be learned. The notion that CBFM regulations and 'enabling environments' are currently spreading much more rapidly than actual CBFM is also supported in Latin America by the findings of Cronkleton et al in Brazil and Bolivia, where they suggest that political success in wresting control of large areas has far outstripped the development of common management institutions.

In Southeast Asia the amount of land under community forestry management varies. Lao PDR (52%), the Philippines (39%) and Vietnam (24%) are all reported to have significant areas of land under community management. Meanwhile, however, Cambodia and Thailand are reported to only have 1% of their forest land under community management, and Myanmar and Indonesia even less than that (Nagiah, Yasmi, Blaser, & Patel, 2010). In Cambodia, Biddulph (2010b) has made the same observation as has been made by scholars in South Asia, Africa and Latin America, namely that the forest land delegated to community management is generally the land which has already been severely deforested or degraded. He has likewise suggested that

national governments will have a strong incentive to promote REDD+ in certain areas, whilst continuing to unofficially support deforestation in other areas. He terms this a 'geography of evasion' and suggests that this evasion will be effectively concealed by the ability to report against quantitative indicators that suggest overall progress (eg. number of community forests officially registered or number of hectares under community management) without capturing the full picture (Biddulph, 2010a).

The question of scale intimately tied up with the politics of reform. A legal framework for community management is seen a necessary first step towards reform (Barrow, Kamugisha-Ruhombe, Nhantumbo, Oyono, & Moumini, 2008). Nevertheless, there are both risks and opportunities involved in the rapid expansion of land under community management. An obvious opportunity is that much land that is currently formally described as state-owned is already under de facto community control. There may, therefore, be large-scale opportunities to formalize existing arrangements to the benefit of large numbers of forest-dwelling poor people. On the other hand, a potential risk with large scale rapid move to community management arrangements is that if the governance institutions are not in place, then constituencies opposing reform can point to a lack of progress under community management and seek to roll reform back. At the same time, this risk is mirrored by a risk with a small scale approach that moves at the pace of local governance and local political struggles, namely that the large scale transformations demanded by REDD are never achieved.

5.5 CONCLUSIONS

CBFM has a proven track record of success in a variety of settings. The policy challenge from a REDD+ point of view is to learn more about if and how these successes can be spread relatively rapidly to larger scales and to landscapes where there is substantial forest and a substantial threat of degradation. The literature still continues to refuse to yield magic bullets, but rather all that we know suggests change is context-dependent and context-specific and that the sort of rapid, large-scale ambitions embedded in REDD+ can only partially be addressed by CBFM solutions. On the other hand, CBFM as a development strategy encompasses issues of democratisation, political empowerment, decentralisation, livelihood and food security and locally appropriate forest management. An effective CBFM reform movement and effective CBFM practice are therefore worthwhile developmental goals in themselves and cannot be adequately treated if they are only understood as instruments for the pursuit of REDD+.

6 DISCUSSION AND ISSUES FOR CONSIDERATION

Most researchers and REDD+ debaters seem to agree that tenure reform is an important element of REDD+ preparations. There are two main reasons for this. One is that clear and enforced forest tenure allows for greater control over forests and the management of them. This control is essential for combatting deforestation and forest degradation. The other reason for promoting tenure in a REDD+ context is related to the distribution of compensation. Whether REDD+ is market-based or fund-based it will involve transfer of payments conditional on performance. This is a way of creating incentives for sustainable management of forests. Without clear tenure arrangement and adequate enforcement it will be difficult to define who should receive these payments. Without secure tenure, REDD may create an incentive for state actors and for powerful investors to dispossess poor people who are currently living in forest but without clearly defined tenure.

The question of who should receive payments for REDD+ activities relates both to the efficiency and equity of the scheme. Performance-based payments for REDD+ activities are meant to create incentives for protecting the forest. REDD+ may be designed as a project-based PES system or a national programme for forest protection. Either way, it is important that the benefits reach the people that are involved in the actual forest management. If this is not the case, they may lack incentives for protecting the forest resources. Making sure that benefits reach communities that live in and of the forest is also a way of making sure that they are not adversely affected by forest protection. If tenure is clear it will be much easier for communities and poor forest dwellers to claim fair compensation for their efforts. Otherwise there is a risk that the state or powerful private actors benefit on their account.

While the necessity of clarifying tenure is well-established, its achievement is far easier said than done and that there are many obstacles and complicating factors. Forest tenure arrangements in tropical countries are often the result of a combination of formal legislation, customary arrangements and practices and political economy factors. Although the prevailing tendency in tenure reform is to incorporate customary tenure rights in statutory law, this is not a straightforward business. Customary tenure arrangements are often complex structures based on local social conventions and traditions. They vary across regions within a country and also over time. Capturing these types of institution in formal laws requires great flexibility. Above all it requires in-depth knowledge of local circumstances, power relations, customary arrangements and practices. While research on general tenure reform is useful there is a need for country specific studies to inform national tenure reforms.

Furthermore, customary tenure arrangements are not fair by definition. Customary social institutions, as well as statutory law, may embody gender inequalities and unequal power relations. This should be taken into account when designing tenure reforms. The same reservation should be observed in tenure reform not related to customary tenure. The general call for tenure reform as a way to ensure equal distribution of REDD+ benefits often seems to assume that tenure reform achieve equitable results. However, this may be a dangerous assumption as it risks lulling promoters of tenure reform into false security. A tenure reform will inevitably create opportunities and risks and a degree of uncertainty. Even tenure reforms intended to benefit the poor may in fact expose them to risk and lead to them losing their access to land and land-based resources.

The multilateral REDD+ initiatives all identify tenure as an important aspect of REDD preparations. The same is true for the national REDD+ preparation plans and strategies. Nonetheless, our review of a number of national plans shows that although tenure is identified as an important indirect cause of deforestation, and an important part of the REDD+ strategy, very few countries have succeeded in formulating in detail how to deal with it. It proves to show that reforming tenure is more easily said than done. It is likely that designing tenure reform will for most countries be a cumbersome and costly process. Drawing experience from other countries will be crucial in order to avoid many of the pitfalls, but it will also be of the utmost importance to be sensitive to national circumstances and stakeholders. Reforming tenure through a truly participatory process is likely to have the most successful result in the long run but it is also likely to be very time-consuming. REDD+ can be an opportunity to leverage funding for such a process, but there is also a built in impatience in REDD+. REDD+ is above all a climate scheme and the urgency of climate change issues could lead to reforms initiated to support mitigation efforts being rushed.

The apparent expansion of community management globally represents a positive policy-orientation rather than a tidal wave of changed practice. And therefore the question of how to scale up (and whether it is possible to scale up) small scale success remains an important and unresolved one. The 'geography of evasion' dynamic (communities being given already deforested/degraded lands rather than high value ones) largely holds, and therefore also limits the extent to which we can take confidence from CBFM experience as a model for avoiding deforestation globally

One encouraging note is that prospect of REDD may be opening up some new possibilities. Changes in Indonesia suggest that REDD may have catalysed new mechanisms whereby communities may be delegated control of more high value and productive forests. However these were passed 2007 and there are still concerns that these may only be changes at policy level but not be followed up with actual on-the-ground agreements

Once established, community forestry can be highly resilient and withstand fairly unpleasant political economy contexts (eg Nepal). However, it seems that reasonably strong institutions (including tenure institutions) and social cohesion/social capital are usually named as pre-requisites for successfully establishing community forestry. This again limits the prospects of rapid expansion of CBFM as an effective policy given that many of the places where the threat of deforestation is greatest also have the poorest governance.

General lessons for successful CBFM implementation are therefore to do with building alliances, adapting to local situations, being prepared to engage long-term. This is supportive of an approach that prioritises "REDD-related" activities, but less encouraging for those who have invested in the prospect that REDD can be scaled up and implemented rapidly and effectively

Specific lessons from early experience of linking CBFM to carbon markets include (1) the very high start-up costs of getting certified are a major barrier, and can lead to communities taking out loans against future REDD earnings therefore diminishing the local benefits of REDD. (2). 'Communities' are unlikely to be able to engage with carbon markets without intermediation from NGOs or private companies, who are then (even with the best will in the world) placed in a situation of conflicting interests which must be carefully managed.

This paper was commissioned with a view to assessing implications of current understandings of tenure reform and community-based forest management for REDD+ implementation. While acknowledging the potential of REDD+ to contribute significantly to climate change mitigation, the authors also find it important to acknowledge the risks of too narrow a focus on developing incentive schemes for improved forest carbon management to the exclusion of other development goals and values. Securing poor people's forest tenure rights and empowering them to manage forests sustainably and equitably are worthwhile long-term development goals. It may be just as valuable to ask how REDD+ can contribute to these goals as it is to ask how tenure reform and CBFM can contribute to REDD+.

6.1 RECOMMENDATIONS

Based on our literature review and analysis, key recommendations to promote improved understanding of the links between tenure and REDD+, and improved planning, decision-making and implementation pertaining to REDD interventions, are the following:

- There is a need for field-based research that can provide context-specific knowledge to inform national tenure reform processes.
- REDD+ countries may need extensive support in order to design equitable tenure reforms.
- The major challenge in order to make CBFM successes REDD-relevant is to generate further lessons about how effective CBFM can be rapidly scaled up.
- In some cases there is evidence that REDD is catalysing reforms which open possibility for communities to be delegated responsibility for higher value productive forests than has been common in the past.
- It will continue to be valuable for research efforts to track the evolution of attempts to link existing community forestry projects to carbon markets.
- Although tenure reform is important in a REDD+ context it should not be rushed in the name of REDD. This could lead to badly informed reforms that deepen inequalities rather than prevent them.
- Given the uncertainties of REDD+ development it is important that research and analysis does not only make poor people's rights to secure tenure and opportunities to manage forest resources instrumental to REDD+ development, but also sees them as long-term development goals in their own right

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