2024 WORLD BANK LAND CONFERENCE

Insights on Global Recognition of Women's Community-based Tenure Rights

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POWER & POTENTIAL (2017)



A COMPARATIVE ANALYSIS OF NATIONAL LAWS AND REGULATIONS - WOMEN'S RIGHTS TO COMMUNITY FORESTS

CONTEXT

Examines if and how national laws and regulations concerning community-based forest tenure recognize the rights of Indigenous, Afrodescendant, and local community women.

SCOPE

30 LMICs across Africa, Asia, and Latin America

78% of LMIC forests worldwide

80 CBTRs

INDICATORS

Overarching Indicators

Community-Level Indicators:

Membership
Inheritance
Governance
Dispute Resolution

Community-Based Tenure Regime (CBTR): A distinct set of national laws and regulations governing all situations in which the right to own or manage land or natural resources is held by the community.



The vast majority of national laws regulating Indigenous Peoples' and local communities' forest tenure fail to adequately acknowledge and protect women's rights to property, inheritance, community membership, community-level governance, and community-level dispute resolution.

Although all 30 countries ratified CEDAW and 28 constitutional guarantee women's equal protection, only...



Of the 80 CBTRs analyzed, the proportion that have adequate gender-sensitive provisions for specific rights are only:

- 3% for women's voting rights
- 5% for leadership
- 10% for inheritance
- 18% for dispute resolution
- 29% for membership

LAND REPORTING IS LOW; REPORTING AND COMMITMENTS ON COMMUNITY LAND IS EVEN LOWER



- Only 43 countries to date have formally reported on their progress towards SDG Indicator 1.4.2 on land tenure security, and even fewer report decisive actions to strengthen inclusive land rights or the land rights of Indigenous, Afro-descendant, and/or local communities specifically (SDG Momentum Group 2023).
- Only 68 countries have reported on SDG indicator 5.a.2.
- Review of 27 NBSAPs found **only 1/3 included provisions to strengthen IPs' and LCs' rights** and land tenure, and none include recognition of community women's rights or tenure as a biodiversity conservation strategy (Forest Declaration Partnership, 2023).
- While references to Indigenous Peoples in NDCs are rising, just **28/130 second round submissions** mention them as rightsholders (IWGIA 2022).

FORTHCOMING DATA

STRENGTH AND GENDER-SENSITIVITY OF 90+ CBTRS ACROSS 35 COUNTRIES IN AFRICA, ASIA, AND LATIN AMERICA



TRENDS IN WOMEN'S TENURE RIGHTS

(FORTHCOMING ANALYSIS)

Overarching protections for all women's rights are increasing, but this does not always translate into community-specific legal protections and sometimes creates incoherence between laws

As a region, Africa has seen the most significant reforms recognizing customary tenure rights through gender-sensitive legislation

Few protections for procedural rights of women with respect to community-level governance (Leadership and Voting)

Reforms to land and forest laws in Asia have not significantly expanded community tenure rights, and have sometimes even eliminated previously-gender-sensitive provisions

National Instruments still fail to connect land, water and women's rights in line with key Global developments

STATE OF FUNDING FOR INDIGENOUS, AFRO-DESCENDANT, AND LOCAL COMMUNITY WOMEN



- Direct funding for grassroots women is a major challenge and limits their economic autonomy, empowerment, and self-determination rights. **Only 1 in 100** *gender equality dollars* goes to feminist or women-led organizations worldwide (AWID 2022).
- Indigenous Peoples are 6.2% of the global population, but receive just **0.4%** of U.S. philanthropy (<u>Alliance Magazine 2021</u>).
- Official data on funding reaching Indigenous, Afro-descendant, and local community
 women in the Global South is virtually non-existent, reflecting government neglect of
 women and girls from these ethnic groups.
- Recent research analyzing donor support for community tenure and forest management issues between 2011–2020 found that **only 32% of these funds include gender-related keywords** in project descriptions (RRI 2022).

KEY TAKEAWAY

- Reforms must be cross-sectoral, gendersensitive, and take into consideration women's unique position to lands, territories and resources.
- Countries must improve reporting practices to understand and make visible the situation of communities' and community women's tenure security.
- Direct, fit-for-purpose funding for grassroots women's organizations is critical to advancing tenure security that truly extends to all.

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PARTNERS













































Background of previous work

Falling Short – Donor Funding for IPs and LCs

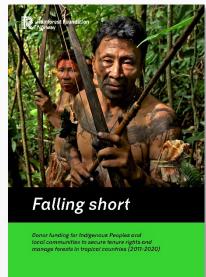
Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries. The first systematic analysis of official development assistance (ODA) funding to IP and LC tenure and forest management.

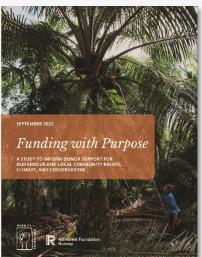
2. Funding With Purpose

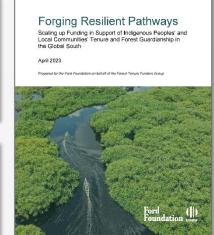
A study to inform donor support for IP and LC rights, climate, and conservation. Advanced practical, data-driven guidance to increase direct financing of 'Fit for Purpose' funding to IPs and LCs.

3. Forging Resilient Pathways

An independent evaluation of funding pathways, including 10 case studies of financing mechanisms in Africa, Asia and Latin America. The evaluation provided timely analysis to support decision-making for broadening and deepening donor support to IP and LC tenure rights and forest guardianship ahead of COP 27.







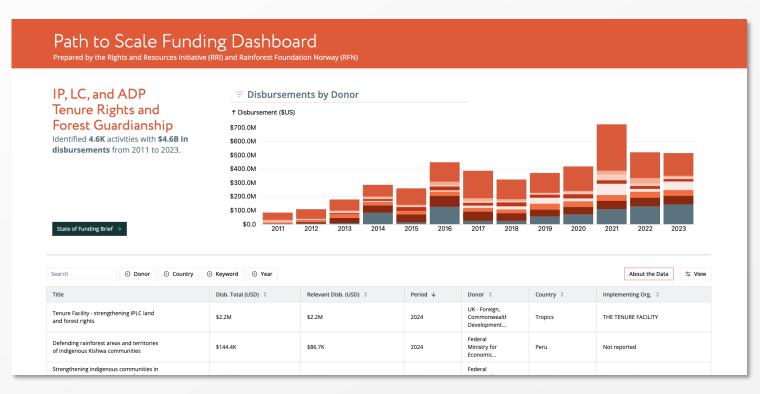




Path to Scale Funding Dashboard

- Provides open access to all publicly available funding data for IP, LC, and ADP tenure rights and forest guardianship since 2011.
- □ Co-developed with the Rights and Resources Initiative (RRI) and the Rainforest Foundation Norway (RFN)





dashboard.pathtoscale.org



Path to Scale Funding Dashboard

Scope

- □ Builds on "Falling Short", "Funding with Purpose", and "Forging Resilient Pathways"
- □ Dataset is specific to international donor funding for IP, LC, and ADP tenure, rights, conservation, climate, and development in Low- and Middle-income Countries (LMICs).

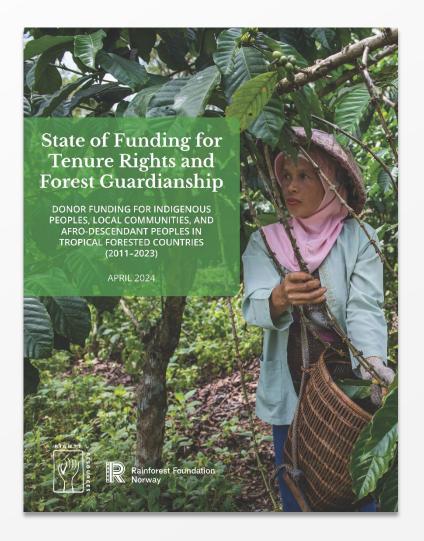
Methodology

- 1. Collect all donor-reported microdata, grant databases, and International Aid Transparency Initiative (IATI) data, and supplement poor-quality data with other targeted databases (e.g., CAFI, GEF, CIF, GCF, GEF SGP).
- 2. Restructure to the IATI format, which includes essential data points (i.e., unique ID, title or description, reporting organization, implementing organizations, geographic details, and transaction data).
- 3. Filter activities through a multistep process for quality and relevance. Activities are scored based on the presence of known terms and an evaluation by AI large language models (LLMs)
- 4. Manually inspect a subset of activities—all approved activities by the LLMs, and an additional sample that meets specific relevance criteria



Path to Scale Funding Dashboard

- Accompanied by the brief "State of Funding for Tenure Rights and Forest Guardianship."
- □ Analyzes key funding trends from 2011-2023, focusing on developments since 2020 and the IPLC Forest Tenure Pledge.
- Finds that more coordination is required amongst donors, governments, implementing organizations, and rightsholders to advance direct, locally led funding arrangements, as well as ensure that community rights and conservation efforts are mutually supportive.

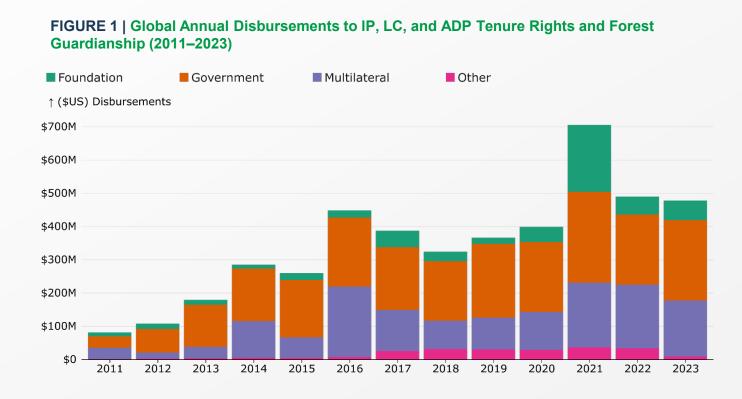




State of Funding for Tenure Rights and Forest Guardianship

Key Findings

- 1. Global Funding Trends: A promising step-up driven by the Forest Tenure Funders Group (FTFG)
 - ☐ Global climate funding for IP, LC, and ADP tenure and forest guardianship averaged US\$517 million per year between 2020 and 2023, up 36% over the preceding four years.
 - Despite an overall rise in funding, there is no evidence indicating a systematic change in funding modalities or more direct donor funding to IP, LC, and ADP organizations.



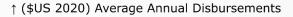


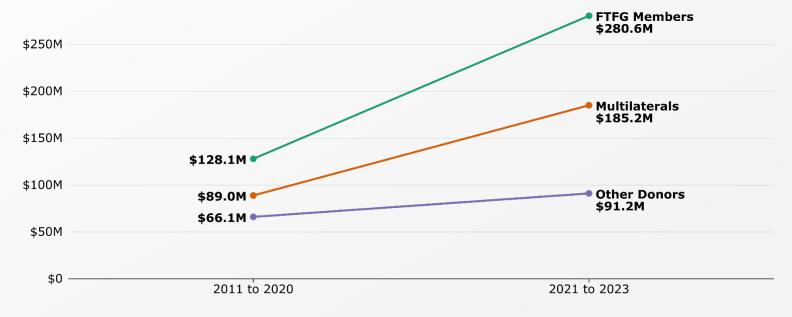


Key Findings

- 1. Global Funding Trends: A promising step-up driven by the Forest Tenure Funders Group (FTFG)
 - □ There is clear evidence that 2021 represented a step-change for funding from donors that are part of the FTFG, consistent with their first annual report. Approximately 72 percent of the increase from the prior period was driven by the FTFG.
 - ☐ The proportion of total funding from private foundations rose from 8% to 17%, although most funding for IPs, LCs, and ADPs is still driven by bilateral and multilateral sources.







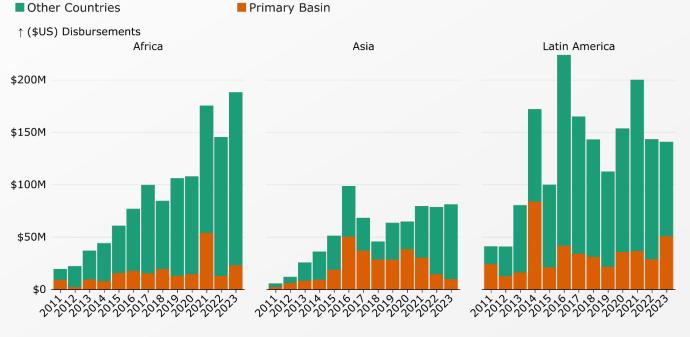


Key Findings

2. Regional Funding Trends: Increased diversity of funding, but still insufficient to meet needs

□ Funding also increased in all regions and is being dispersed across more countries. From 2016 to 2019, 38 countries received an average of at least \$1 million per year in relevant funding, but this grew to 47 countries between 2021 and 2023. In 2023, Africa likely received more funding than Latin America for the first time.

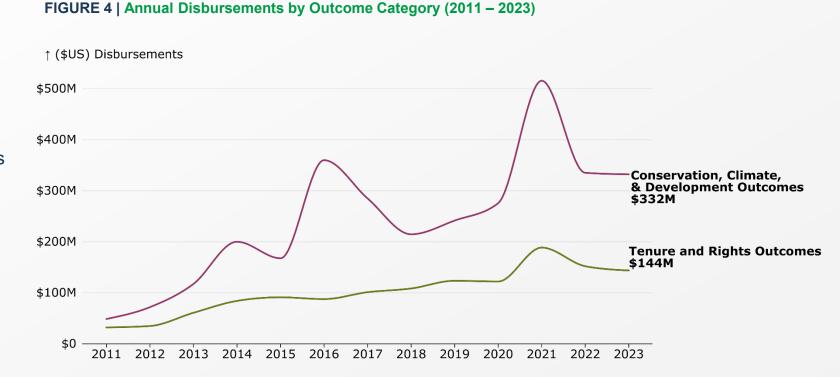






Key Findings

- 3. Thematic Funding Trends: Increase led by conservation, climate, and development focused activities
 - Based on an activity-level thematic classification to identify trends in the language donors and implementers use to describe their activities.
 - Disbursements for tenure and rights outcomes have increased in Africa and Asia, while declining in Latin America.





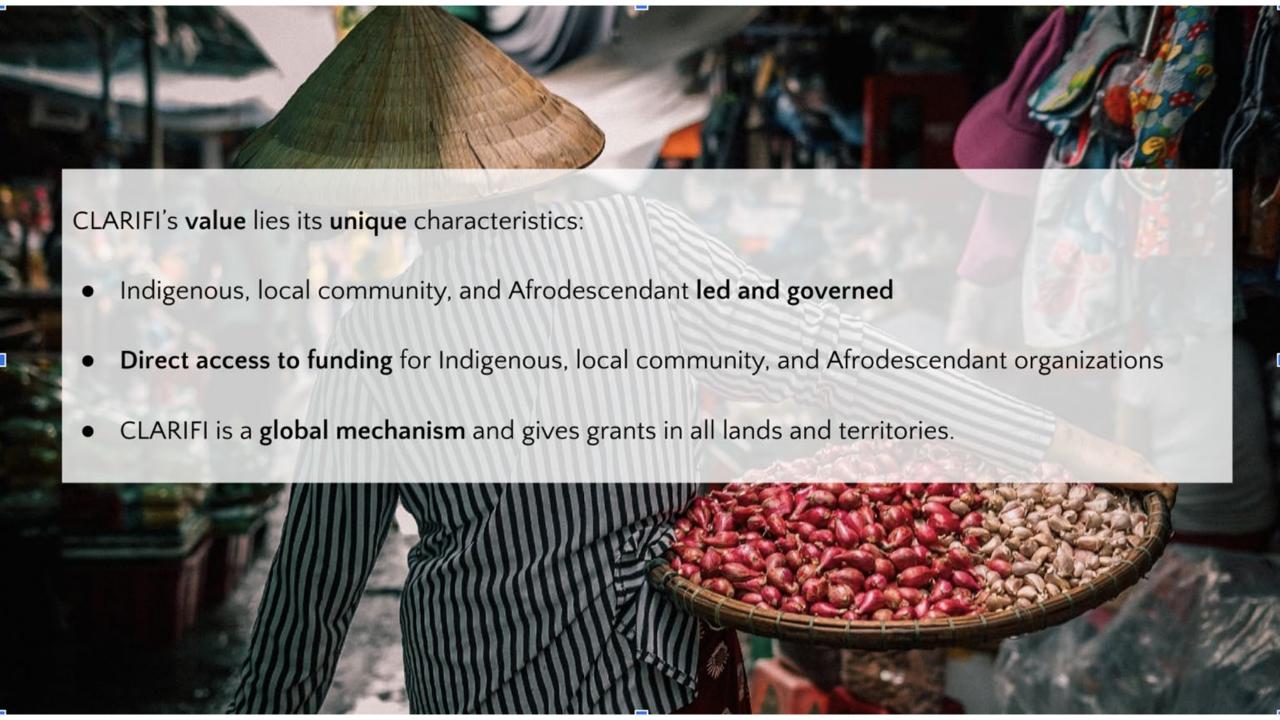
The Community Land Rights and Conservation Finance Initiative

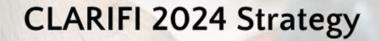
The World Bank Land Conference May 15, 2024

RIGHTS

Rights and Resources Initiative rightsandresources.org







- Implement legal structure advice: develop governance and operational models in alignment with new legal structure.
- Develop MERL framework.
- Implement fundraising and communications strategies.
- Integrate lessons from pilot grantmaking cycle into a fit-for-purpose grantmaking model.
- New granting cycle of projects, prioritizing new batch of projects



Project Type	# of Projects	Funding
Active	44	\$8,931,792.00
Completed	34	\$2,777,280.00
In Development	29	
Total	107	

Average Grant Size						
All projects	\$150,114.84					
Africa	\$133,505.67					
Asia	\$321,405.33					
Latin America	\$141,077.72					

Total Funding by Region					
Africa	\$5,607,238.00				
Asia	\$964,216.00				
Latin America	\$4,091,254.00				

Number of Collaborators						
Total	67					

	Number of Countries
Total	24

CLARIFI Priority Areas

Window	Example Projects				
Tenure Security, Advocacy and Legal Support:	•				
Conservation and Resource Management	Community conservation plans and monitoring, Community-forest management and conservation, Restoration, training for conservation staff				
Organizational Capacity	Financial and fundraising capacity building; funding for key staff and core operational costs				
Environmental/ Human Rights Defenders	Legal support, Advocacy, Safe housing, Scholarships to support extraction/ safety during moments of physical threats				
Indigenous and Loca Economies	Traditional livelihoods, Subsistence activities, Rights-based business, Business plans, Marketing studies				
Gender Justice	Strengthen Indigenous, local community a Afro-descendant women organizations at national level, support women's access to land and advocacy spaces, regional and global networks, support women-led enterprises and cultural activities.				

PROJECT HIGHLIGHTS – WOMEN'S EMPOWERMENT





In Colombia, OPIAC organized convenings of Indigenous women to solicit their input into Colombia's National Development Plan.





A CLARIFI project strengthened the coordination and political participation of women within COICA – achieving 50% women's representation for the first time at its eleventh Congress.

In the Ngo district of Rep. Congo, ACFAC leveraged land rights legislation to convince village chiefs and local landowners to sign commitments allowing women to cultivate land.





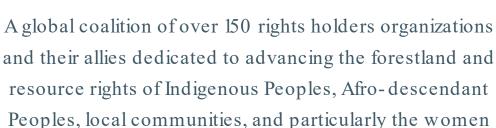
In DRC, The Association des Femmes Autochtones Pygmées increased the economic empowerment of Indigenous women through resilient and sustainable agriculture.











within them.



A partnership of the Wyss Campaign for Nature, National Geographic Society, and a growing coalition of over 100 conservation organizations around the world.

We invite you to discuss how your organization can participate in the design and launch of this initiative.

-Contacts-

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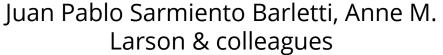
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Safeguards: buzzword or transformational practice?

- Arose in the work of development banks to avoid, mitigate, and minimize adverse impacts from investment and development activities.
- Cancun safeguards→ response to IP&LC concerns over REDD+'s impact on their rights and territories.
- Standards for VCMs & guidelines by multilateral financial institutions.
- Urgent to understand their role as the climate crises prompts interest in 'naturebased solutions'.











Safeguards: supporting equity, supporting effectiveness

- Influx of investment in tropical forests can bolster sustainable development objectives, but also poses risks to communities.
- Opportunity to expand rights **and** support country climate (e.g., NDCs) and development (e.g., SDGs) ambitions (recognition of IP & LC contribution)
- How best to recognise and address challenges on the mainstreaming of the realisation that equity supports effectiveness?
- Can safeguards leverage a transformation in financial flows to support rights?









		Mult	tilateral funding institu	tions			Independent voluntary standards						
	African Development Bank (AfDB) ¹	Asian Development Bank (ADB) ¹	Green Climate Fund (GCF)	Inter-American Development Bank (IDB) ¹	Forest Carbon Partnership Facility Carbon Fund (FCPF)	The REDD+ Environmental Excellence Standard (TREES)	Climate, Community and Biodiversity (CCB) Standards	Land Rights Standard ²	The Plan Vivo Standard	Verified Carbon Standard (VCS)	VCS Jurisdictional & Nested REDD+ (JNR)		
a) Level	Project	Project	National (subnational interim)	Project	Subnational & programmatic	Subnational & national	Project	Project	Project	Project	Subnational		
b) Groups	Vulnerable groups & IPLCs	IPLCs	IPLCs	Indigenous Peoples, Afro-descendants & traditional peoples	IPLCs & other relevant communities	IPLCs & 'equivalent'	IPLCs & communities with values / livelihoods derived from the area	IPLCs and Afro- descendants	Rural smallholders & communities	Local stakeholders & communities	IPLCs & relevant carbon rights holder		
c) Cancun safeguards	N/A	N/A	Yes	N/A	Yes	Yes	Yes	No (not explicitly)	No	No (not explicitly)	Yes		
d) Gender	Yes (mainstreamed)	Yes (gender & women)	Yes (GCF Gender Policy)	Yes (gender & women)	Yes (benefit sharing; WB standards)	No	Yes (procedural, benefits, well-being)	Yes	Yes (procedural)	Yes (procedural)	Yes (benefit-sharing)		
e) IPLCs' rights under international law	No (human rights in general)	Yes	Yes (GCF IP Policy)	Yes (includes Afro- descendants & traditional peoples)	Yes (per UNFCCC & WB standards; criteria & indicators)	Partial (no uniform standard; no indicators for rights)	Yes (per UNFCCC; addresses FPIC & rights to land & resources)	Yes (recognized under applicable law)	No	No	Partial (per UNFCCC & local law; no explicit acknowledgement or monitoring)		
f) Land & resource rights	No	Partial (no mandated recognition of rights)	Partial (no specific provisions)	Yes	Yes (recognized or not)	Partial (no uniform standard)	Yes (with indicators; recognized or not)	Yes (recognized or not)	Partial (only where recognized)	Partial (only where recognized)	Partial (only where recognized)		
g) Community carbon rights	N/A	N/A	No	N/A	Partial (carbon rights assessment; no recognition of community rights)	No	No	No	No	No	No		
h) FPIC	No (consultation rather than consent)	Partial (consultation)	Yes (incl. description of how stakeholders were identified, involved & consulted)	Yes (requirements for 'meaningful' consultation)	Partial (monitoring & reporting; limited other circumstances)	Partial (no procedural guidance)	Yes (with indicators)	Yes (protocol for consultations)	Yes (incl. design & implementation)	Partial (no procedural guidance)	Partial (no procedur guidance)		
i) Formal benefit- sharing mechanism	No	No	No (optional)	No	Yes (transparent & participatory design; guidelines)	No (distribution follows international conventions & national/subnational legal frameworks)	No (but optional)	Yes (mutually agreed & equitable arrangement)	Yes (agreed with communities; awareness of change over time)	No	Yes (equitable, transparent & legall binding)		
j) Formal grievance mechanisms	Yes (project cycle)	Yes (ADB's own mechanism)	Yes (must report how complaints were received & resolved)	Yes (project's own; IDB also has one)	Yes (guidelines & standards)	No	Yes (detailed)	Yes (entire project life)	Yes (reported)	Yes (planning, implementation; benefit-sharing)	Yes (design, implementation, evaluation)		
c) MRV of social/ rights concerns	Yes (with procedure & guidance)	Yes (due diligence & review)	Partial (disbursements not contingent on safeguards performance)	Yes (project reports, bank also monitors)	Yes (indicators; includes 'default' events)	Partial (demonstration of procedural requirements; no awareness of change over time)	Yes (indicators; independent validation/verification bodies)	Yes (failure to report annually results in de-certification; incl. statement on grievance mechanism)	Partial (socioeconomic baselines; impacts to be reported)	No (initial information on how safeguards were addressed, no monitoring)	No (initial informati on how safeguards were addressed, no monitoring)		











Safeguards: buzzword or transformational practice?

- Considerable variation in their conceptualization and articulation:
 - **Mitigative ("do no harm")** → bulwarks against the impacts of interventions.
 - Promotive ("do good") → promote mechanisms of participation, accountability, and transparency.
 - **Transformative** ("do better") → catalyse legal shifts and institutionalization of participation and accountability.
- Failure to require IP&LC involvement in initiatives' **full lifetime**.
- **Different practices in the name of FPIC**; lack clear guidelines or concrete indicators.
- Very few require the recognition of respect for land & resource rights, when rights are not formally recognized.
- Seldom require formal benefit-sharing mechanisms that are equitable, transparent & legally-binding.
- Reporting requirements lack clear indicators. consequences for non-compliance, and/or 3rd-party verification.











The Land Rights Standard

- LRS reconsiders relationships in terms of **duty bearers and rights holders** with self-determination, capacities, and mechanisms to hold the former accountable (**not subjects who require 'safeguarding'**).
- **Rights-holders own** living principles that build on existing international legal requirements and best practice standards.
- Recognizes FPIC as dynamic; consent can be given, withheld, or be reconsidered.
- Partnerships/agreements based on:
 - mutually agreed and equitable sharing of benefits;
 - respect for traditional knowledge;
 - fair compensation for current and future impacts on territories and resources
 - preservation of locally-defined livelihoods and priorities.
- Emphasizes rights and contributions of women and youth.
- Updated to include the recognition of community carbon ownership.











The idea of **transformative safeguards may be a contradiction**; the reconfiguration of power relations that transformation would require lie beyond the realm of safeguards as they are currently understood.

The **Land Rights Standard** provides a potentially transformative pathway to rethink safeguards and re-engage communities and their organizations by supporting their self-determined well-being pathways, livelihoods, and territorial management practices.









THANK YOU









Safeguards at a glance series available at cifor-icraf.org/gcs



cifor.org | worldagroforestry.org | globallandscapesforum.org | resilientlandscapes.org

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