

To ensure FPIC can be respected in REDD projects, what needs to be done at the national level to:

Provide secure tenure and rights to lands, forests and carbon?

- To make REDD work there must clarification on land tenure generally.
- Communities (traditional owners) are therefore major stakeholders and this should be reflected in legislation governing land, forest and carbon.
- Laws exist but need strengthening.

# Clarity at national level

- Constitution
  - sovereign rights over resources
- Land law
  - Usufruct rights
  - Concessions – government + investigation with community. ((no right to exclude?))
  - Investigation – not FPIC? Can community say yes or no. Key issues of communication, information, impacts and sharing of benefits.
- Forestry
  - Use rights
  - Government – investigation and consultation
- Separate conversations – but REDD intersects all of this areas.

# Clarity on local and customary rights

- Who owns?
- Who can sell?
- How can you use land/resource?
- How do you establish or verify rights?

# Clarity of value of land/resource

- What is the compensation for acquiring customary land
- Different values (market value? How a community values land?)
- Power (including capacity)

# Discussion

- Difference between national law and national practice. What happens in reality? Power (Capacity)
- REDD is not just in forested area – encourage initiatives that are in non forest areas. Involvement of communities?
- For reduction of emissions, you need people on the ground to implement change in practice. Incentives and rights for deforestation
- Restriction on rights to land? (weak governance leading to sale of sale + conflict or land speculation)

- REDD can be an example of how FPIC can work
- Long term issues and immediate issues
- Can overhaul land law before REDD projects? People responsible for developing projects – should look at what ways we can look at assisting DRC in current law (aspects of law that support FPIC) – to move ahead in FPIC on REDD.
- Long term systematic registration but need to move forward and make change happen. Do we need 2 processes in place with broad long term aims.
- Benefits: Need collective decision making on benefits
- Benefits only make sense when there is clarity on rights.

# Recommendations

- Workshop on land administration and ministry to discuss how to adopt FPIC in REDD, first to then address amendments to the law.
- Statement of commitment of FPIC within REDD – this would be administrative instrument to have a clear road map for FPIC and REDD.
- Legislation in respect of REDD or similar projects
- REDD process is a national process and needs national accountability – National Register
- Land titling at the community level is needed (specific areas)
- Legislation (possibly all relevant) should provide for consultation and participatory decision making when adjudicating land rights for different uses including REDD
- Provide for clear benefit sharing mechanism– transparent
- Clear statement about necessity of FPIC in REDD process to relevant ministries